



Council Offices, Almada Street
Hamilton, ML3 0AA

Tuesday, 25 September 2018

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, 01 May 2018

Time: 10:00

Venue: Committee Room 1, Council Offices, Almada Street, Hamilton, ML3 0AA

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

Members are reminded to bring their fully charged tablets to the meeting

Yours sincerely

Lindsay Freeland
Chief Executive

Members

Alistair Fulton (Chair), Isobel Dorman (Depute Chair), John Ross (ex officio), Alex Allison, John Bradley, Walter Brogan, Archie Buchanan, Stephanie Callaghan, Margaret Cowie, Maureen Devlin, Mary Donnelly, Fiona Dryburgh, Mark Horsham, Ann Le Blond, Martin Lennon, Richard Lockhart, Julia Marrs, Kenny McCreary, Richard Nelson, Carol Nugent, Graham Scott, David Shearer, Collette Stevenson, Bert Thomson, Jim Wardhaugh, Sheena Wardhaugh

Substitutes

John Anderson, Jackie Burns, Janine Calikes, Gerry Convery, Margaret Cooper, Peter Craig, Allan Falconer, Catherine McClymont, Colin McGavigan, Mark McGeever, Davie McLachlan, Lynne Nailon, Jared Wark, Josh Wilson

BUSINESS

1 Declaration of Interests

2 Minutes of Previous Meeting

5 - 12

Minutes of the meeting of the Planning Committee held on 13 March 2018 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision		
3	Application Hearing CL/16/0170 - Phased Extraction of Sand and Gravel by Quarrying Methods and Erection of Associated Plant Site and Access Road at Overburns Farm, Lamington, Biggar Report dated 13 April 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	13 - 86
4	Application CL/17/0474 - Erection of 25 Houses and Formation of Associated Access, SUDs, Landscaping and Playpark West of Byretown Grove, Kirkfieldbank Report dated 12 April 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	87 - 104
5	Application EK/17/0266 - Erection of Class 1 Foodstore with Associated Car Parking, Vehicular Access and Landscaping at the Site of the Former Atholl House, Avondale Avenue, East Kilbride Report dated 20 April 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	105 - 134
6	Application HM/17/0388 - Residential Development Comprising 14 Houses (Mix of 2 Bed Cottage Flats and 2 and 3 Bed Semi Detached Houses) at Morven Avenue, Blantyre Report dated 11 April 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	135 - 146
7	Application P/18/0009 - Erection of 4 Agricultural Buildings Together with the Erection of 2 Managers' Houses at Park Farm, Biggar Road, Carnwath Report dated 13 April 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	147 - 158
8	Application EK/18/0041 - Section 42 Application to Vary Condition 2(a) of Planning Consent EK/14/0348 to Extend the Time Period Within Which Application(s) for Approval of Further Matters Must be Made at Eastern End of Olympia and Princes Malls and Whole of Olympia Arcade, East Kilbride Shopping Centre Report dated 4 April 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	159 - 172
9	Application CL/17/0343 - Erection of 19 Detached Houses and Associated Access Road, Landscaping and Drainage Works at Site at Lanark Road, Kirkmuirhill, Lanark Report dated 12 April 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	173 - 184
10	Application HM/18/0014 - Residential Development (100 Units) and Associated Roads, Footpaths, Open Space, SUDs and Landscaping (Approval of Matters Specified in Conditions 2, 5, 6, 8, 9, 10, 11, 14, 15, 16, 18, 19 and 20 of Planning Permission in Principle HM/10/0052) at Brackenhill Farm, Meikle Earnock Road, Hamilton Report dated 20 April 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	185 - 200

- 11 Application P/18/0226 - Erection of 7 Detached Houses (Amendment to Planning Consent CL/16/0277 Involving Changes to Site Boundaries, House Types and an Additional House) at Clydegrove, Holm Road, Crossford** 201 - 212
Report dated 10 April 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 12 Appeal Against Non-determination of Planning Application for the Erection of a 61 Bedroom Care Home with Associated Car Parking and Landscaping at 1 Hamilton Road, Bothwell** 213 - 232
Report dated 19 April 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 13 Appeal Against Non-determination of Application for Conservation Area Consent for the Demolition of Former Office Building, House and Outbuildings at 1 Hamilton Road, Bothwell** 233 - 248
Report dated 19 April 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)

Urgent Business

14 Urgent Business

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

For further information, please contact:-

Clerk Name: Pauline MacRae

Clerk Telephone: 01698 454108

Clerk Email: pauline.macrae@southlanarkshire.gov.uk

PLANNING COMMITTEE

2

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 13 March 2018

Chair:

Councillor Alistair Fulton

Councillors Present:

Alex Allison, John Bradley, Walter Brogan, Archie Buchanan, Stephanie Callaghan, Margaret Cowie, Maureen Devlin, Mary Donnelly, Isobel Dorman (Depute), Fiona Dryburgh, Mark Horsham, Martin Lennon, Richard Lockhart, Catherine McClymont (*substitute for Councillor Thomson*), Kenny McCreary, Mark McGeever (*substitute for Councillor Le Blond*), Julia Marrs, Lynne Nailon (*substitute for Councillor Nelson*), Carol Nugent, Graham Scott, David Shearer, Collette Stevenson, Jim Wardhaugh, Sheena Wardhaugh

Councillors' Apologies:

Ann Le Blond, Richard Nelson, John Ross, Bert Thomson

Attending:

Community and Enterprise Resources

G Cameron, Headquarters Manager, Planning and Building Standards Services; L Campbell, Area Manager, Planning and Building Standards Services (Hamilton); P Elliott, Head of Planning and Economic Development; T Finn, Area Manager, Planning and Building Standards Services (Clydesdale); F Jack, Team Leader, Development Management Team, Roads and Transportation Services; T Meikle, Area Manager, Planning and Building Standards Services (Cambuslang/Rutherglen and East Kilbride)

Finance and Corporate Resources

P MacRae, Administration Officer; G McCann, Head of Administration and Legal Services; K McLeod, Administration Assistant; A Thompson, Media Officer

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 13 February 2018 were submitted for approval as a correct record.

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

3 Application EK/18/0001 - Erection of 28 Flats Over 2 Blocks with Associated Landscaping, Roads and Infrastructure at Peel Road, Thorntonhall, East Kilbride

A report dated 5 March 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/18/0001 by CALA Management Limited and J Henderson for the erection of 28 flats over 2 blocks with associated landscaping, roads and infrastructure at Peel Road, Thorntonhall, East Kilbride.

Points raised in a further letter of objection from P Brooks were referred to at the meeting and addressed by officers.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Planning Obligation. If approved, the application would be subject to a Section 75 Planning Obligation and/or other agreement and the approved procedure would apply.

The Committee decided:

- (1) that planning application EK/18/0001 by CALA Management Limited and J Henderson for the erection of 28 flats over 2 blocks with associated landscaping, roads and infrastructure at Peel Road, Thorntonhall, East Kilbride be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Section 75 Planning Obligation and/or other appropriate agreement between the Council and the applicant to ensure that appropriate financial contributions were made towards:-
 - ◆ the improvement/upgrading of educational facilities
 - ◆ off-site affordable housing provision in the area
 - ◆ the applicants meeting the Council's legal costs associated with the Section 75 Obligation and/or other 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 Planning Obligation 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 would be secured by the Planning Obligation, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Planning Obligation 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 Planning Obligation.

[Reference: Minutes of 7 July 2015 (Paragraph 15) and 20 June 2017 (Paragraph 2)]

4 Application CR/18/0012 - Creation of a New Public Greenspace Including Native Planting and Habitat Creation, Footpaths, Boundary Treatment and Fencing, Community Allotment Area, Junior Mountain Bike Track, Car Park and Associated Works at Site of Former Blairbeth Golf Course, Fernbrae Avenue, Rutherglen

A report dated 6 March 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CR/18/0012 by South Lanarkshire Council for the creation of a new public greenspace including native planting and habitat creation, footpaths, boundary treatment and fencing, community allotment area, junior mountain bike track, car park and associated works at the site of the former Blairbeth golf course, Fernbrae Avenue, Rutherglen.

The Committee decided:

that planning application CR/18/0012 by South Lanarkshire Council for the creation of a new public greenspace including native planting and habitat creation, footpaths, boundary treatment and fencing, community allotment area, junior mountain bike track, car park and associated works at the site of the former Blairbeth golf course, Fernbrae Avenue, Rutherglen be granted subject to the conditions specified in the Executive Director's report.

5 Application CL/17/0476 - Erection of 8 Detached Houses at Kersewell Avenue, Kersewell, near Carnwath

A report dated 26 February 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0476 by WB Properties Scotland Limited for the erection of 8 detached houses at Kersewell Avenue, Kersewell, near Carnwath.

The Committee decided: that planning application CL/17/0476 by WB Properties Scotland Limited for the erection of 8 detached houses at Kersewell Avenue, Kersewell, near Carnwath be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 26 May 2009 (Paragraph 14)]

6 Application CL/17/0235 - Erection of 17 Wind Turbines, 149.9 Metres Maximum Height to Blade Tip, New Access Tracks, Crane Hardstandings, Temporary Construction Compound, Substation Including Control Building and Battery Storage, 1 Permanent Meteorological Mast, 2 Temporary Power Performance Masts and Other Associated Infrastructure at Harryburn, near Elvanfoot and Leadhills

A report dated 5 March 2018 by the Executive Director (Community and Enterprise Resources) was submitted on the Council's response to the consultation request from the Scottish Ministers in relation to a proposed wind farm development at Harryburn, near Elvanfoot and Leadhills (application CL/17/0235).

The proposal had been submitted to the Scottish Ministers for consideration and determination under Section 36 of the Electricity Act 1989. Consent was required from the Scottish Ministers for the construction and operation of a power generating station with an output of 50 megawatts or more.

The application had been assessed against the relevant policies and criteria contained in the South Lanarkshire Local Development Plan and Supplementary Guidance, the Clydeplan Strategic Development Plan, National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP). Details of the assessment were provided in the report.

The proposal was considered to be unacceptable on the grounds that, due to the location, scale and number of proposed turbines, it would lead to:-

- ◆ significant adverse effects on landscape character, including the Southern Uplands Landscape Character Type/Lowther Hills West of Clyde/Daer Landscape Character Area, the Upland Glen Landscape Character Areas of Glengonnar Water and Elvan Water and the Broad Valley Upland between Elvanfoot and Abington
- ◆ significant adverse effects on key characteristics and visitor assets of the Leadhills and The Lowther Hills Special Landscape Area
- ◆ significant adverse visual effects on one settlement (Elvanfoot), 20 residential properties/property groups, several transport routes or sections of routes, sections of the Southern Upland Way and National Cycle Route 74, local recreational paths and hill summits and some local recreational facilities
- ◆ significant cumulative effects on many of the same landscape and visual receptors due to proximity to and combined and sequential views with turbines in the Clyde wind farm group to the east and, potentially, with the proposed North Lowther Energy Initiative wind farm to the west in Dumfries and Galloway

- ♦ significant adverse effects on the historic and cultural environment, including nationally protected scheduled monuments and their setting
- ♦ potential for significant adverse effects on protected species

An objection to a Section 36 application under The Electricity Act by a Planning Authority within the relevant timescale would result in a Public Local Inquiry being held in respect of the application.

The Committee decided: that the Scottish Ministers be advised that the Council objected to the proposed Harryburn Wind Farm application (CL/17/0235) under Section 36 of The Electricity Act 1989 for the reasons detailed in the Executive Director's report.

7 Application EK/17/0403 - Part Change of Use of Storage Yard (Class 6) to Allow for the Storage and Ancillary Recycling and Processing of Minerals at 1 Dixon Place, College Milton Industrial Estate, East Kilbride

A report dated 5 March 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/17/0403 by Enviro-Clean (Scotland) Limited for part change of use of a storage yard (Class 6) to allow for the storage and ancillary recycling and processing of minerals at 1 Dixon Place, College Milton Industrial Estate, East Kilbride.

The Committee decided: that planning application EK/17/0403 by Enviro-Clean (Scotland) Limited for part change of use of a storage yard (Class 6) to allow for the storage and ancillary recycling and processing of minerals at 1 Dixon Place, College Milton Industrial Estate, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

8 Application CL/17/0230 - Erection of 48 Houses and Formation of Amenity Space, Landscaping and Associated Access Road and Footpath Network at Land West of Lanark Road, Braidwood

A report dated 5 March 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0230 by Braidwood View for the erection of 48 houses and the formation of amenity space, landscaping and associated access road and footpath network at land west of Lanark Road, Braidwood.

The application had been assessed against the relevant policies and criteria contained in the Adopted South Lanarkshire Local Development Plan and Supplementary Guidance and government advice/policy. Details of the assessment were provided in the report. The development constituted Development Contrary to the Development Plan, however, it was not considered that the proposal was significantly contrary to the Development Plan.

In the view of the Executive Director (Community and Enterprise Resources), a departure from the Development Plan was justified in this case for the following reasons:-

- ♦ the objectives of Scottish Planning Policy, in terms of the purposes of the Green Belt, would not be compromised
- ♦ the proposal would enable the rounding off of the current irregular settlement edge and the creation of a robust and defensible boundary
- ♦ the nature and scale of the development would not have an adverse impact on the character of the area

- ◆ the Green Belt area within the application site was not actively farmed and contained no valuable landscape or habitat features
- ◆ there were no infrastructure or road safety implications
- ◆ there would be no adverse impact on residential or visual amenity or the landscape character of the area

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Planning Obligation. If approved, the application would be subject to a Section 75 Planning Obligation and/or other agreement and the approved procedure would apply.

The Committee decided:

- (1) that planning application CL/17/0230 by Braidwood View for the erection of 48 houses and the formation of amenity space, landscaping and associated access road and footpath network at land west of Lanark Road, Braidwood be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Section 75 Planning Obligation and/or other appropriate agreement between the Council, the applicant and the site owner to ensure that appropriate financial contributions were made at appropriate times during the development towards:-
 - ◆ provision of affordable housing
 - ◆ educational facilities
 - ◆ the upgrade of community facilities
 - ◆ the applicant meeting the Council's legal costs associated with the Section 75 Obligation and/or other 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 Planning Obligation 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 would be secured by the Planning Obligation, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Planning Obligation 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 Planning Obligation.

[Reference: Minutes of 26 January 2010 (Paragraph 12) and 7 July 2015 (Paragraph 15)]

9 Application CL/17/0287 - Formation of 16 House Plots and Access Road at Land at Bellefield Road, Lanark

A report dated 22 February 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0287 by A McRae for the formation of 16 house plots and an access road at land at Bellefield Road, Lanark.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Planning Obligation. If approved, the application would be subject to a Section 75 Planning Obligation and/or other agreement and the approved procedure would apply.

The Committee decided:

- (1) that planning application CL/17/0287 by A McRae for the formation of 16 house plots and an access road at land at Bellefield Road, Lanark be granted subject to:-
 - ♦ the conditions specified in the Executive Director's report
 - ♦ prior conclusion of a one off payment or a Section 75 Planning Obligation and/or other appropriate agreement between the Council, the applicant and the site owner to ensure that a financial contribution of £24,000 was made towards the provision of appropriate community facilities in the area
 - ♦ the applicant meeting the Council's legal costs associated with the Section 75 Obligation and/or other 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 Planning Obligation 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 would be secured by the Planning Obligation, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Planning Obligation 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 Planning Obligation.

[Reference: Minutes of 23 March 2010 (Paragraph 5) and 7 July 2015 (Paragraph 15)]

10 Application HM/17/0553 - Installation of a New Shop Front at 60 Coatshill Avenue, Blantyre

A report dated 22 February 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0553 by M Razzaq for the installation of a new shopfront at 60 Coatshill Avenue, Blantyre.

The Committee decided: that planning application HM/17/0553 by M Razzaq for the installation of a new shopfront at 60 Coatshill Avenue, Blantyre be granted subject to the conditions specified in the Executive Director's report.

11 Review of the Planning Application Decision Making Process Guidance

A joint report dated 6 March 2018 by the Executive Directors (Finance and Corporate Resources) and (Community and Enterprise Resources) was submitted on a proposed amendment to the Council's guidance on the Planning Application Decision Making Process.

At its meeting on 13 February 2018, the Committee had agreed that consideration of a report reviewing guidance on the process for dealing with decisions made against officer recommendation be continued to a future meeting of the Committee.

This issue was addressed in the report and proposed revised guidance regarding decisions taken by Committee contrary to officer recommendation was detailed in the appendix to the report.

Following discussion, it was proposed that a members' awareness session be held to consider and discuss the issues raised by members on this matter and that consideration of any amendment to the Planning Application Decision Making Process Guidance be continued until the awareness session had taken place.

The Committee decided: that consideration of the review of the Council's Planning Application Decision Making Process guidance in respect of the process for dealing with decisions made against officer recommendation be continued to a future meeting of the Committee to allow a members' awareness session to be held on this and other related matters.

[Reference: Minutes of 13 February 2018 (Paragraph 14)]

12 Urgent Business

There were no items of urgent business.

Chair's Remarks

The Chair advised that this would be the last meeting that Gordon Cameron, Headquarters Manager, would be attending as he was retiring. The Chair, on behalf of the members of the Committee, thanked Mr Cameron for his help and hard work over the years and wished him a long and happy retirement.

Report

3

Report to:	Planning Committee
Date of Meeting:	1 May 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application No	CL/16/0170
Planning Proposal:	Phased Extraction of Sand and Gravel by Quarrying Methods, Erection of Associated Plant Site and Access Road

1 Summary Application Information

Application Type :	Mineral Application
Applicant :	Patersons of Greenoakhill Limited
Location :	Overburns Farm Lamington Biggar ML12 6HP

2 Recommendation(s)

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

- (1) Approve the planning application subject to Conditions (based on the conditions overleaf)

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application
- (2) The Committee should note that the decision notice should not be issued until the following matters are concluded:

A Legal Agreement securing:

- the establishment of a Technical Working Group (TWG) for the site

The applicant will be responsible for meeting SLC's reasonably incurred legal expenses in respect of the legal agreement and restoration guarantee quantum.

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Legal Agreement 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 Legal Agreement, 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 Legal Agreement.

3 Other Information

- ◆ Applicant's Agent: Pleydell Smithyman Limited
- ◆ Council Area/Ward: 03 Clydesdale 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 15 - Natural and Historic Environment
 - Policy 16 - Travel and Transport
 - Policy 17 - Water Environment and Flooding

Supplementary Guidance 1: Sustainable Development and Climate Change

SDCC 2 - Flood risk
SDCC 3 - Sustainable drainage systems
SDCC 4 - Water supply
SDCC 6 - Air quality

Supplementary Guidance 2: Green Belt and Rural Area

GBRA 1 - Economy/business related developments

Supplementary Guidance 3: Development Management, Placemaking and Design

Policy DM1 - Design

Non-Statutory Planning Guidance for Minerals

MIN 1- Spatial framework
MIN 2 - Environmental protection hierarchy - Category 1, 2 and 3 sites
MIN 3 - Cumulative impacts
MIN 4 - Restoration
MIN 5 - Water environment
MIN 7 - Controlling impacts from extraction sites
MIN 8 – Community benefit
MIN 11 - Supporting information
MIN 12 - Transport
MIN 13 - Legal agreements
MIN 15 - Site monitoring and enforcement

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

◆ Consultation(s):

Scottish Government

Clydeplan Strategic Development Plan Authority

Countryside & Greenspace

Network Rail

RSPB Scotland

Roads & Transportation Services (Flood Risk Management Section)

Scottish Water

West of Scotland Archaeology Service

Scottish Tourist Board

SP Energy Network

S.E.P.A.

Transport Scotland

Symington Community Council

National Grid UK Transmission

Scottish Wildlife Trust

Environmental Services

River Clyde Fisheries Management Trust

Historic Environment Scotland

Scottish Natural Heritage

Roads Development Management Team

Estates Services

Duneaton Community Council

British Telecom

Planning Application Report

1 Application Site

- 1.1 The application site is located along the southern bank of the River Clyde, approximately 500m to the south of Symington, 1.3km to the west of Coulter and 2km to the north east of Lamington. The M74 motorway is located 11km to the west of the application site and Biggar is located 4.5km to the north east.
- 1.2 The site is located wholly in land designated as rural within the adopted South Lanarkshire Local Development Plan 2015 (SLLDP). The application site is also located within the Upper Clyde Valley and Tinto Special Landscape Area (SLA) and is designated as Prime Agricultural Land (PAL). The Tinto Site of Scientific Interest (SSSI) is located approximately 2km to the north of the site and an area of woodland classified under the Ancient Woodlands Inventory is located approximately 225m to the east of the application site.
- 1.3 The application site extends to approximately 60 hectares and is currently, predominantly in agriculture use. Access is proposed from the A702 Trunk Road, with a proposed access track leading from the road in a north, western direction before turning east into the full portion of the application site. The proposed access road is approximately 1.75 km in length and would require the formation of a new access point onto the A702. The application site extends in a north eastern direction with a meander of the River Clyde forming the northern boundary of the site. The eastern boundary and parts of the southern boundary of the site roughly follow the course of the Easterton Burn.
- 1.4 The majority of the application site is relatively flat and is located within the River Clyde's flood plain. The site rises slightly as the proposed access road meets the A702.
- 1.5 The closest individual residential properties are Langholm Farm, located 690m to the west of the application site, Broadfield Farm, located 660m to the west of the application site, Symington Mains, located 400m to the north of the application site, Nether Hangingshaw, located 600m to the east of the application site and Overburn Cottages, located immediately south of the new access road junction, on the other side of the A702.

2 Proposal(s)

- 2.1 The applicant seeks planning permission for the extraction of approximately 3,175,000 tonnes of sand and gravel from an extraction area of circa 34ha of the application site. It is proposed to extract the sand over a 10 and a half year period. A pre-extraction site set up period of circa 9 months and a final restoration period of around 12 months would result in a full development time period of approximately 12 and a half years. It is proposed to screen, wash and sort the sand and gravel on site for onwards distribution via the public road network.
- 2.2 It is proposed that the sand and gravel extraction would be worked in eight distinct phases. As each phase is exhausted, it is proposed to start soil stripping and overburden removal of the subsequent phase to be then used to back fill the previous phase. This allows for progressive restoration of the site and limits the area of land open to excavations at any one time. The sand and gravel proposed to be extracted extends below the natural water table within the site. It is the intention to 'wet' work the site rather than pump it dry and that groundwater encountered through the extractions would remain in situ as the excavations progress. The restoration

proposed is to create a land form that is naturally filled by ground water to create a water body over the majority of the excavation area. The average extraction depth throughout the site is approximately 8 metres which would also result in the proposed water body having the same average depth once filled with water.

2.3 The proposed phasing for the quarry is as follows:

- Site Preparation Phase – would last approximately 9 months and would include;
 - formation of a new access road and junction onto the A702,
 - establishment of the Plant Site, formed over an area of approximately 1.2ha in the southern part of the application site and would consist of:
 - Processing plant for crushing, screening, washing and sorting sand and gravel;
 - On site water management facilities for processing plant;
 - A stockpile area for sorted sand and gravel;
 - Portable building to provide office and staff welfare facilities;
 - Weighbridge and wheel cleaning facilities;
 - provision of electricity and other services to the operation;
 - initial soil strip and overburden removed from Phase 1 extraction,
 - establishment of advance screening bunds using stripped soil and overburden,
 - advance screen planting throughout application site,
 - installation of a field conveyor to transport sand and gravel from extraction areas to processing plant,
 - installation of stock proof fence adjacent to River Clyde,
 - advance works on the banks of the River Clyde, including, planting between the extraction area and the River Clyde of riverside flora to provide strength and stability to the bank and to reduce the risk of erosion and stabilize and strengthen areas of current, local bank erosion.
- Phase 1 (Extraction and progressive restoration) – involves an extraction area of 6.2 ha and works eastwards from the western boundary of the application site. It is proposed to win some 335,000 tonnes of sand and gravel from this phase over a 15 month period.
- Phase 2 (Extraction and progressive restoration) – involves an extraction area of 3.6ha and works east, along the southern boundary of the extraction area, from Phase 1. It is proposed to win some 240,000 tonnes of sand and gravel from this phase over a 9 month period. It is proposed to utilise this phase's soil and overburden on restoration levels for Phase 1.
- Phase 3 (Extraction and progressive restoration) – involves an extraction area of 5.2ha and continues to work east, along the southern boundary of the extraction area, from Phase 2. It is proposed to win some 300,000 tonnes of sand and gravel from this phase over a 12 month period. It is proposed to utilise this phase's soil and overburden on final restoration levels for Phase 1 and backfilling Phase 2.
- Phase 4 (Extraction and progressive restoration) – involves an extraction area of 5.1ha and continues from Phase 3 to the north to create an extraction area that covers the full north eastern tip of the extraction area. It is proposed to win some 470,000 tonnes of sand and gravel from this phase over an 18 month period. It is proposed to maintain this phase's soil and overburden to achieve this phase's restoration levels.

- Phase 5 (Extraction and progressive restoration) – involves an extraction area of 4.7ha and is a portion of land in the north, west of the extraction area adjacent to Phase 1. It is proposed to win some 535,000 tonnes of sand and gravel over a 21 month period. It is proposed to utilise this phase's soil and overburden on further restoration levels for Phase 3 as well as restoration levels within the phase.
- Phase 6 (Extraction and progressive restoration) – involves an extraction area of 4.8ha and works east, along the northern boundary of the extraction area, from Phase 5. It is proposed to win some 580,000 tonnes of sand and gravel from this phase over a 24 month period. It is proposed to utilise this phase's soil and overburden on further restoration levels for Phase 3 as well as restoration within the phase.
- Phase 7 (Extraction and progressive restoration) – involves an extraction area of 2.9ha and continues east from Phase 6 to the extent of the Phase 4 extraction works. It is proposed to win some 400,000 tonnes of sand and gravel from this phase over a 15 month period. It is proposed to utilise this phase's soil and overburden on further restoration of Phase 3 as well as restoration within the phase.
- Phase 8 (Extraction and progressive restoration) – involves an extraction area of 1.7ha and involves the removal of the extraction site's central field conveyor and working the underlying reserves through the 'spine' of the site. It is proposed to win some 315,000 tonnes of sand and gravel from this phase over a 12 month period. It is proposed to utilise this phase's soil and overburden on final restoration of Phase 3.

Final Restoration – involves final restoration of the site and is expected to last a further year following completion of phase 8. The proposed restoration is to create a naturally filled water body some 19.5ha in area. It is proposed to have several shallow, shingle bed areas along the southern shore of the water body with small islets and islands dotted also throughout the southern shore with 2 small islets also proposed on the northern shore. A 30m stand-off between the water body and the River Clyde is proposed as part of the restoration of the site. The stand-off will be vegetated with grass, shrubs and tree planting. The proposed stand-off land is to sit at 202.0m above Ordnance Datum (AOD) which is 0.5m higher than the proposed water level of the water body which is proposed to sit at 201.5m AOD. A footpath with viewpoints is envisaged to follow the full circumference of the water body and it will link into an access track in the southern corner of what would have been the extraction area which would link the site to the A702. Visitor car parking facilities are proposed within the Plant Site area. The restoration strategy proposed is to create a wetland habitat to encourage biodiversity and provide access opportunities for a community wildlife area. A 5 year aftercare period is proposed following final restoration of the site. It is proposed that a TWG would be established to take forward the ongoing consultation and reiteration of the restoration concept. Successful establishment of the restoration habitats would also be monitored through the TWG and adjustments to the proposals would be made where necessary.

Post restoration - It is proposed that following the aftercare period the site shall be designed as a recreational area providing picnic opportunities and areas for wildlife observation with the creation of additional habitats. It is proposed that a Technical Working Group be established for the restoration scheme. Successful establishment of the restoration habitats would also be monitored through the TWG and adjustments to the proposals would be made where necessary. It is proposed that members of interested conservation bodies and regulators would be invited to the TWG including representatives of SLC, SEPA, SNH, RSPB and the SWT. The applicant has noted a

desire for the site to come under the eventual management of a wildlife body such as the RSPB or SWT.

- 2.4 It is proposed that the site be worked between the hours of 07.00 – 19.00 hours, Monday to Friday and 07.00 – 13.00 hours on Saturday, with no working on Sunday. Exportation of material is proposed between 07.00 – 17.00 hours, Monday to Friday and 07.00 – 13.00 hours on Saturday. The applicant has stated that it is estimated that the quarry would provide employment for 15 full time employees over the 12.5 year lifetime of the site works, 7 quarry based staff (site management, mineral production and processing and office support) and 8 HGV drivers involved in the haulage of the minerals to the market place. Whilst not quantified, it is also stated that the quarry could create indirect employment in terms of goods and service supply.
- 2.5 As noted above, access and egress for the quarry would be via a new access road onto the A702 Trunk Road. It is proposed to extract a maximum of 320,000 tonnes per annum from the quarry which would result in 12,524 heavy goods vehicle trips (25,048 two way trips in and out of the site for each vehicle) each year. This would result in a daily trip generation of 44 (88 two way trips) over a working year. It is estimated that 60% of these vehicles would travel to/from the south of the Site (turning right onto the A702) for market areas connected via the M74. The remaining 40% are predicted to travel to/from the north of the site (turning left onto the A702) for Market Areas in central and eastern Scotland.

3 Background

3.1 National Policy and Guidance

- 3.1.1 Scotland's Third National Planning Framework (NPF3) states that minerals make an important contribution to the economy, provide construction materials, energy supply as well as supporting employment. NPF3 recognises that the rural landscape is not just a recreational resource but also has a vital role to play in providing minerals as construction materials.
- 3.1.2 Scottish Planning Policy 2014 (SPP), Planning Advice Note 64 (PAN 64) 'Reclamation of Surface Mineral Workings' and PAN 50 'Controlling the Environmental Effects of Surface Mineral Workings' are of particular relevance to the determination of this application. PAN 1/2011 'Planning and Noise' also provides additional advice on best practice for developments that may generate noise but should be read in tandem with PAN 50 for mineral developments.
- 3.1.3 Scottish Planning Policy (SPP) states that when assessing mineral proposals, the planning authority should consider aspects such as landscape and visual impacts, transportation impacts, the effect on communities, cumulative impact, environmental issues such as noise and vibration, and potential pollution of land, air and water.
- 3.1.3 PAN 50 (Controlling the Environmental Effects of Surface Mineral Workings) with Annex A (Noise), B (Dust), C (Traffic) and D (Blasting) provides advice on all these issues and how they should be addressed when assessing mineral applications.
- 3.1.4 PAN 64 (Reclamation of Surface Mineral Workings) provides planning advice on ensuring that satisfactory reclamation procedures are in place before, during and after extraction to bring land back to an acceptable condition.
- 3.1.5 PAN 1/2011 also establishes best practice, and the planning considerations that should be taken into account with regard to developments that may generate noise or developments that may be subject to noise.

3.1.6 All the national policy advice has been considered in the assessment section of this report.

3.2 **Development Plan**

3.2.1 The Glasgow and the Clyde Valley Strategic Development Plan 2017 (Clydeplan) is the strategic development plan and has a strong focus on future growth and a broad spatial framework. Policy 15 Natural Resource Planning: Mineral Resources Spatial Framework states that an adequate and steady supply of minerals will be maintained, including a 10 year landbank of construction aggregates. In addition minerals development will be supported where they are in accordance with Clydeplan's Vision and Spatial Development Strategy and individual proposals balance economic benefit against the protection of the environment and local communities from potential impacts.

3.2.2 The adopted South Lanarkshire Local Development Plan 2015 (SLLDP) contains the following policies against which the proposal should be assessed:

- Policy 1 Spatial Strategy
- Policy 2 Climate Change
- Policy 3 Greenbelt and Rural Area
- Policy 4 Development Management and Placemaking
- Policy 15 Natural and Historic Environment
- Policy 16 Travel and Transport
- Policy 17 Water Environment and Flooding

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

- Supplementary Guidance 1: Sustainable Development and Climate Change
- Supplementary Guidance 2: Green Belt and Rural Area
- Supplementary Guidance 3: Development Management, Placemaking and Design

3.2.4 The approved Non-statutory Planning Guidance – Minerals (2017) contains the following policies against which the proposal should be assessed:

- Policy MIN1 – Spatial framework
- Policy MIN2 – Environmental protection hierarchy
- Policy MIN3 – Cumulative impacts
- Policy MIN4 – Restoration
- Policy MIN5 – Water environment
- Policy MIN7 – Controlling impacts from extraction sites
- Policy MIN 8 – Community benefit
- Policy MIN11 – Supporting Information
- Policy MIN12 – Transport
- Policy MIN13 – Legal agreements
- Policy MIN15 – Site monitoring and enforcement

3.2.5 All these policies and guidance are examined in the assessment and conclusions section of this report.

3.3 **Planning History**

3.3.1 The County Council of Lanark granted planning permission (P/M/60/980) for the extraction of sand and gravel for a portion of the application site in January 1961. At that time, the River Clyde had a substantial meander and followed the eastern boundary of the application site. The 1961 permission was connected to Symington Mains Farm. The works granted by this permission were completed in the 1960's. In

addition, the dredging of a stretch of the River Clyde immediately upstream of the application site was also undertaken during the late 1960's and early 1970's, under planning permission P/65/1070.

- 3.3.2 With regard to the current planning application boundary, this has been subject to previous applications and an appeal. A planning application for a sand and gravel quarry was first submitted in July 2009 (CL/09/0318). This application was refused as a result of insufficient information being submitted in support of the proposal to allow for its proper assessment. On the basis of the information submitted it was considered that the development was likely to cause an unacceptable landscape and visual impact, detrimentally impact on the River Clyde, through pollution and potential effects on the morphology of the water course, create an adverse impact on the local road network, create an adverse impact on tourism and recreation, and result in a permanent and irreversible loss of Prime Agricultural Land. It was also concluded that positive benefits to the local community would not be provided and that it would result in limited ecological benefits following restoration and aftercare. On this basis, the planning application was refused on 8th July 2010.
- 3.3.3 Following the refusal of the previous application, the applicant submitted a revised application (Ref: CL/11/0305) seeking to address the previous reasons for refusal. The revised application proposed to extract 3.3 million tonnes of sand and gravel over an 11 year period.
- 3.3.4 The planning application was refused at Planning Committee on the 27 March 2012. The reasons for refusal were;
1. Adverse impact on otters (a European Protected Species),
 2. Adverse landscape and visual impact
 3. Adverse impact on Water Environment, particularly the River Clyde
 4. Inappropriate final landform
 5. Loss of Prime Quality Agricultural Land (PQAL)
 6. Adverse impact on tourism and recreation
 7. Adverse impact on the environment and local communities
 8. Adverse impact on river morphology and inability to secure maintenance of river bank engineering solution.

In addition to the reasons for refusal, the Council took the view that there was a sand and gravel landbank of more than 10 years in South Lanarkshire.

- 3.3.5 The applicant appealed this refusal (DPEA Ref: PPA-380-2021) and after a Public Local Inquiry and Hearing the Reporter dismissed the appeal on 9 January 2013. The Reporter dismissed many of the Council's reasons for refusal: the Reporter, however, upheld that the proposed development would create an unacceptable landscape and visual impact. This was largely based on concerns over the unnatural, man-made appearance of the loch that would be left, adjacent to the River Clyde, following completion of the quarry operations.
- 3.3.6 In his decision the Reporter consequently dismissed refusal reasons 1, 3, 5, 6, 7 and 8 referred to above. The Reporter also concluded that there was not an identified land bank of permitted quarries within South Lanarkshire that were capable of meeting the identified need for sand and gravel over the next ten years.
- 3.3.7 Section 39 of the Town and Country Planning (Scotland) Act 1997 (as amended by Part 3, 15 of the Planning etc. (Scotland) Act 2006) precludes any 'similar application' being submitted to a Planning Authority within 2 years of any appeal decision.

- 3.3.8 This application, however, was not only submitted after the expiry of the 2 year period but also incorporates revised proposals for the restoration of the site specifically intended to address the concerns noted by the reporter over the appearance of the loch, following restoration, which formed the basis for the decision to dismiss the previous appeal.
- 3.3.9 Due to its nature and scale, the current planning application falls within that defined as a 'Major' planning application as set out within the hierarchy of development in The Planning etc. (Scotland) Act 2006 and the applicant has carried out the statutory Pre-Application Consultation (PAC) with the local community.
- 3.3.10 In support of the planning application, the applicant has submitted a Pre-Application Consultation Report, which sets out the community consultation exercise undertaken to comply with the statutory requirement of PAC. The following measures were taken by the applicant;
- 16/04/2015 – A copy of the Proposal of Application Notice was sent to South Lanarkshire Council, Duneaton Community Council, Biggar Community Council, Libberton, Quothquan and Thankerton Community Council and Symington Community Council,
 - 13/05/2015 and 20/05/2015 – A notice was displayed in the Lanark Gazette advertising the intention to hold a public event on 26th May 2015,
 - 26/05/2015 – A public event was held in the Symington Hall. Approximately 30 individuals attended the event, and 8 consultation responses were received by the applicant from attendees.
- 3.3.11 Having regard to the above, it is considered the applicant has met the statutory, legislative requirements for pre-application consultation with the community.
- 3.3.12 The application, by nature of its size (over 25 hectares), falls within the threshold of Schedule 1 of the Environmental Impact Assessment (EIA) regulations. Submission of an Environmental Statement (ES) is mandatory for all Schedule 1 developments. The applicant has therefore submitted a statement in tandem with this application, which expressly states that it is an Environmental Statement for the purposes of the EIA Regulations. The application was also advertised as an EIA development within the Lanark Gazette and the Edinburgh Gazette as required by The (then) Town and Country Planning (Environmental Impact Assessment)(Scotland) Regulations 2011. Whilst not affecting the processing of this application, it is worth noting that the 2011 Regulations have been superseded by The Town and Country Planning (Environmental Impact Assessment)(Scotland) Regulations 2017.
- 3.3.13 Whilst again an application for sand and gravel extraction, the applicant has stated throughout this planning submission that the design iteration, especially the restoration proposals takes cognizance of the Appeal Decision and that the proposal is therefore materially different from what was previously submitted.

3.4 Management of Extractive Waste

- 3.4.1 The Management of Waste from Extractive Industries (Scotland) Regulations 2010 (Waste Regs) require that all proposed mineral planning applications/ decisions must include a Waste Management Plan (WMP) or request for a waiver. The Waste Regs define 'extractive waste' as 'waste produced from an extractive industry and resulting from prospecting, extraction, treatment and storage of mineral resources and working of quarries'. Therefore in the case of this planning application the 'extractive waste' would constitute the overburden and soils dug out to extract the sand and gravel and the silts created from the washing of the sand and gravel. The proposals do not

involve the chemical processing of any minerals and therefore the silt is natural following the washing process.

- 3.4.2 In this instance the applicant is proposing to use silt and overburden to part fill the void from the sand and gravel extraction to create the restoration profile. The soil will then be utilised for the restoration of the dry area of the site. Regulation 8 of the Waste Regs states that the Planning Authority may, in granting planning permission, 'waive any further requirements of these Regulations' if the Planning Authority is 'satisfied that the extractive waste will be managed without endangering human health and without using processes or methods which could harm the environment'.
- 3.4.3 Taking account of the above and having reviewed the operational methods proposed the use of silt and the re-use of the over burden and soils for restoration is considered to allow for the suitable management of all on site extractive waste without endangering human health and without using processes or methods which could harm the environment (chemical washing). In addition as there are no other wastes that would require to be controlled by the Regulations, it is appropriate in this instance to allow a waiver from the WMP, should planning permission be granted.

3.5 Update

- 3.5.1 Members will recall that a report on this application was on the Agenda for the Planning Committee on 13 February 2018. A late representation was submitted asserting that the planning application was not in accordance with the Environmental Impact Assessment Regulations (as outlined in para 3.3.12 above) due to a perceived lack of details of a 'barrier' as required by Regulation 16 of The Quarries Regulations 1999. The late representation noted that if the application was approved at the Planning Committee of the 13 of February it would be likely that that a petition for Judicial Review would be raised. It also noted that if the 'barrier' requirement of the application was addressed the threat of Judicial Review would be withdrawn.
- 3.5.2 Following sight of this late representation the day before the Planning Committee meeting, the applicant, due to the threat of Judicial Review, requested that the application not be determined to allow them to address the late representation in relation to the 'barrier' requirement. Committee agreed to continue the application until a future meeting.
- 3.5.3 The applicant has now clarified that the 'barrier' for the quarry would comprise existing field fencing with signage, apart from on the boundary with the River Clyde, where the 'barrier' would comprise of a new, agricultural style fence, similar in style and height to the existing fencing, as described within the 'greenbank engineering' proposals within the Environmental Statement and Supplementary Environmental Information. Overall it is considered that the Environmental Statement has addressed the impact of the 'barrier' and, therefore, the application is in accordance with the relevant regulations.
- 3.5.4 It should also be noted that SEPA were re-consulted regarding the 'barrier' provision and reiterated that they had no objection to the proposals.

3.6 The Quarries Regulations 1999

- 3.6.1 The Quarries Regulations 1999 (Quarries Regs.) are the Health and Safety legislation that govern the operation of quarries within Scotland. Regulation 16 'Barriers' of the Quarries Regs. states that:

'The operator shall ensure that, where appropriate, a barrier suitable for the purpose of discouraging trespass is placed around the boundary of the quarry and is properly maintained.'

- 3.6.2 Regulation 16 states that the type of barrier required depends on the risks and that in a rural area where the risk of public access is low, hedges, trenches and mounds may be enough. Regulation 16 does not specifically define a 'barrier' within the Quarries Regs. Further guidance on 'barriers' surrounding 'danger areas' within quarries is provided within Regulation 22 'Danger Areas'. This regulation (175) notes that:
'No barrier can totally prevent access by a determined person, but barriers must:
a) clearly identify the boundary of the danger area;
b) make entry impossible without a conscious effort.'
- 3.6.3 The administration of these Regulations are the responsibility of the Health and Safety Executive (HSE) and not the Council, and therefore whether the proposed barrier is acceptable is a matter for HSE. Nevertheless it is considered that agricultural fencing with appropriate warning signage would appear to be an appropriate 'barrier' at this location in terms of the Quarries Regs.
- 3.6.4 As the proposals involve utilising existing agricultural fences it is considered that there could be no additional landscape or visual impact in relation to providing a barrier. With regard the proposed fencing on the boundary with the River Clyde, this has been an intrinsic part of the proposals (para 2.3 above) and therefore has been included within the landscape and visual assessment. The proposed fence would again be agricultural in nature to ensure it was typical of the rural setting of the area.

4 Consultation(s)

- 4.1 **Environmental Services** – provided comments with regards to the impact of the development in relation to issues of noise, dust/air quality and lighting. Environmental Services have stated that due to the rural nature of the site restricting operating hours to 7am to 6pm weekdays and 8am to 1pm on Saturdays are more suitable hours of operation. They raise no objections to the proposals, including the additional environmental information, subject to the use of conditions controlling noise limits and provision and maintenance of noise and dust management schemes.
Response: Noted. Conditions relating to noise limits and noise and dust management schemes form part of this recommendation, should planning permission be granted. It is also considered that the restriction on operating times proposed by Environmental Services is reasonable and further minimises any impact the proposals may have on the amenity of the surrounding area.
- 4.2 **Roads and Transportation Services** – note that the proposed access would be onto the A702 which is a Trunk Road and not therefore within the remit of South Lanarkshire Council but instead administered by AMEY South East Unit on behalf of Transport Scotland.
Response: Noted. Transport Scotland were consulted as part of this application and their comments are below.
- 4.3 **Transport Scotland** – have no objections to the proposals subject to the use of appropriate conditions regarding the proposed access being built to a specific standard and design and details of the construction phasing for the access and any temporary traffic management for the access works being submitted before any work starts on site.
Response: Noted. The conditions requested by Transport Scotland form part of the recommendation of approval.

- 4.4 **Roads and Transportation (Flood Risk Management Services)** – no objection subject to conditions to comply with the Council’s Design Criteria and to complete the necessary forms and provide required information prior to commencement on site.
Response: Noted. If planning permission is granted, a condition to address this matter shall be attached
- 4.5 **Scottish Environmental Protection Agency (SEPA)** – originally objected to the application on the grounds of flood risk and potential impact upon the morphology of the River Clyde. Following meetings with the applicant and the submission of additional environmental information relating to flooding and morphology, SEPA have removed their objection on both grounds. SEPA have further confirmed that the ‘barrier’ required under the Quarries Regs would not raise any concerns regarding flooding. SEPA have confirmed that the proposals do not raise any concerns regarding North American Signal Crayfish.
Response: Noted. The additional environmental information submitted included a ‘Water Environment Adaptive Management Plan’ (WEAMP) which details proposed mitigation and management measures to address the impact of the quarry on the water environment, including flooding and morphology. The recommendation of approval, therefore, includes a condition requiring all mitigation and management measures within the WEAMP be carried out as part of the development if approved.
- 4.6 **Scottish Natural Heritage (SNH)** – do not formally object to the application proposals but advise that they consider the restoration scheme would be an uncharacteristic feature within the surrounding area and therefore result in a significant adverse impact on landscape character as well as on views and visual amenity. SNH are content with the protected species studies carried out and are content with the proposed mitigation subject to conditions requiring final details of the mitigation to be approved before any development starts on site.
Response: Noted. Conditions relating to protected species form part of the recommendation. With regard to landscape and visual impact these concerns are assessed within Section 6 of this report.
- 4.7 **Network Rail** – originally objected to the application on lack of information relating to the morphology of the River Clyde and any potential impact this could have on railway infrastructure (mainly Lamington Viaduct). Following the submission of additional environmental information relating to morphology of the River Clyde, Network Rail have removed their objection to the proposals and have no further comments to make.
Response: Noted.
- 4.8 **Royal Society for the Protection of Birds (RSPB)** – have no objections to the proposals subject to a requirement for the establishment of a Technical Working Group (TWG) for the site, approval of a restoration management plan by the established TWG and provision of a restoration bond for the site. The RSPB also request the use of a condition to ensure that all vegetation clearance of the site takes place outwith the bird nesting season, which is between the end of March and mid July.
Response: Noted. The recommendation requires the formation of a TWG, further approval of a final restoration scheme, including after care management and the provision of an adequate financial guarantee to ensure the site can be restored. In addition the avoidance of the bird breeding season for vegetation clearance is included as a condition forming part of this recommendation.
- 4.9 **Countryside and Greenspace** – comments that the proposed landscaping appears acceptable in principle but require further information on landscaping to ensure any planting used is suitable and enhances biodiversity.

Response: Noted. Conditions requiring further approval of all landscaping and planting form part of this recommendation.

- 4.10 **Historic Environment Scotland** – state that the proposals do not raise historic environmental issues of national significance and therefore do not object.

Response: Noted.

- 4.11 **West of Scotland Archaeological Service** – state that the proposed development falls within an area of archaeological significance and therefore a programme of archaeological works is carried out prior to any mineral extraction commencing.

Response: Noted. A condition requiring the approval and then completion of a programme of archaeological works, prior to any mineral extraction, forms part of this recommendation.

- 4.12 **Scottish Government** – no comments to make.

Response: Noted.

- 4.13 **Duneaton Community Council** – object to the proposed development. Duneaton Community Council states that the site is located in an area well used for recreation and noted for its high quality scenery. They go on to state that they have concerns with regards to pollution and noise and dust for the local community. The Community Council refers to the potential impact on wildlife, impact of flooding and potential impact on tourism and rural jobs as other areas of concern.

Response: Noted. These issues are considered in the assessment section of the report in paragraphs 6.5.2 to 6.5.7, 6.5.18 to 6.5.31, 6.6.13 to 6.5.39, 6.5.32 to 6.5.36, 6.5.40 to 6.5.53 and again 6.5.2 to 6.5.7 respectively.

- 4.14 **Symington Community Council (SCC)** - whose boundary is shared with the development site, object to the proposed development. SCC state that their main areas of concern are noise and air pollution, Road Safety with HGVs using the A702, landscape and visual impact within an area of scenic value and impact on wildlife. Although SCC object to the proposed development they have stated that if approved they would wish hours of operation restrictions to be improved to 8am to 5pm Weekdays, 8am to 12pm Saturdays and no working on Sundays to ensure traffic does not travel through Symington and that a restoration bond is provided.

Response: Noted. These issues are considered in the assessment section of the report in paragraphs 6.6.13 to 6.6.21, 6.5.37 to 6.5.39, 6.5.18 to 6.5.31 and 6.5.32 to 6.5.36 respectively.

- 4.15 **Estate Services** – have no objections to the application as there are no Council assets affected.

Response: Noted

- 4.16 **Scottish Water** – No objections.

Response: Noted.

- 4.17 **SP Energy Networks** – No objections but note that they have infrastructure within the vicinity of the proposals and reserve the right to protect and/ or deviate cable/ apparatus at the applicant's expense.

Response: Noted. This is a civil matter that is outwith the remit of the Planning Authority.

- 4.18 The following consultees made no comments in relation to this planning application:

Scottish Tourist Board
Scottish Wildlife Trust

5 Representation(s)

- 5.1 The application was advertised as both a Schedule 3 and EIA development as well as for non-notification of neighbours in accordance with Regulation 20 of the Development Management Regulations, within the Lanark Gazette on 11 May 2016 and the Edinburgh Gazette on 13 May 2016. Four Mineral site notices were also posted on 6 May, 2016.
- 5.2 Following the receipt of additional environmental information, further advertisement was carried out on the 4 October 2017 (Lanark Gazette) and 6 October 2017 (Edinburgh Gazette).
- 5.3 Following this publicity 295 letters of objection have been received from 281 separate third parties and 1 letter of support. Included within the letters of objection are 1 from David Mundell MP, 1 from Aileen Campbell MSP and 3 from Claudia Beamish MSP. Bruce Crawford MSP has also submitted an objection on behalf of a constituent. Biggar and District Civic Society have submitted an objection letter and 4 letters, including a request for a Hearing, have been submitted by The Clyde River Action Group (CRAG). One of these letters was submitted after the continuing of the application was agreed at the Planning Committee in February and the points raised in that letter are summarised in (f) to (l) below.
- 5.4 The points raised in the objection letters are summarised below.

Objection from Savilles on behalf of Clyde River Action Group (CRAG) (4)

(a) No material change from previous applications.

Response: It is considered that the current proposals are a further iteration of a previous scheme that was refused by South Lanarkshire Council and subsequently dismissed at appeal. The Appeal Decision refuted several refusal reasons and based the appeal's dismissal on landscape and visual reasons. The applicant considers that these current proposals address the landscape and visual issues deliberated in the Appeal Decision. A full assessment of the proposals is contained within Section 6 of this report below.

(b) The site is not designated within the Development Plan for mineral extraction.

Response: SPP directs Mineral LDP's to identify "Areas of Search". However, due to the extensive range and geographical location of potentially economically viable mineral resources within South Lanarkshire, the Council considers that within this guidance the whole area should be treated as an "Area of Search". However, within this area of search there are areas which are either unsuitable for minerals development, or suitable for only limited minerals development, because of their environmental sensitivity. The application site is not located within an area designated as being unsuitable for minerals development. A full assessment of the merits of the proposal is contained within Section 6 of the report below.

(c) The development includes the loss of prime agricultural land.

Response: The Appeal Decision concluded that the application could not be considered to meet the relevant criteria for Prime Agricultural Land and was

designated in name only. Paragraph 6.5.13 considers this issue in further detail below.

(c) Long term adverse visual impact upon the landscape and Special Landscape Area (SLA).

Response: This is assessed in detail in paragraphs 6.5.18 to 6.5.31 below.

(d) Involves development within a flood plain, loss of flood plain, flood impact on River Clyde and Easterton Burn and increases flood risk.

Response: This is assessed in detail in paragraphs 6.5.40 to 6.5.53 below.

(e) Lack of need for minerals within South Lanarkshire aggregate landbank.

Response: SPP states that Local Authorities are required to maintain a landbank of construction aggregates equivalent to a minimum of at least ten years supply. An updated calculation of the current South Lanarkshire landbank was carried out in September 2017 which noted that the Landbank was at 10.1 years supply. This is assessed in further detail in paragraphs 6.6.2 to 6.6.6 below.

(f) The proposals would have an inappropriate impact in relation to Air Quality (Dust), Noise and Light pollution.

Response: Noise and dust have been assessed as part of these proposals in line with PAN50 and are assessed in detail in paragraphs 6.6.12 to 6.6.21 below. Paragraphs 6.6.19 to 6.6.20 assess the development in relation to Light Pollution.

(g) Lack of information on the 'barrier' required under the Quarries Regs.

Response: As stated above in Sections 3.5 and 3.6, the applicant is intending to utilise existing field fencing for the majority of the 'barrier' required under the Quarries Regs. The additional fencing proposed (bordering the River Clyde) forms part of the applicant's 'Green Engineering' proposals. It is therefore considered that adequate information on this matter has been provided.

(h) Agricultural fencing would not be an appropriate 'barrier' to secure the quarry form trespass.

Response: As described in paragraphs 3.6.1 to 3.6.4, the Health and Safety Executive (HSE) (through the Quarries Regs.) are the controlling Authority for Health and Safety at mines and quarries. The Quarries Regs. do not prescribe the exact type of 'barriers' required for quarries but state that they should 'make entry impossible without a conscious effort' and that they should be 'a barrier suitable for the purpose of discouraging trespass'. It is considered that agricultural fencing with appropriate warning signage would appear to meet the 'barrier' requirements of the HSE at this location. In the event that the 'barrier' proposals are not considered acceptable by HSE, any changes in the scheme may require to be subject of a further planning application and possibly an amendment to the Environmental Statement.

(i) The required 'barrier' increases flood risk, including collecting debris, and may be uprooted and cause damage in a flood event.

Response: SEPA have confirmed that they have no objections to the existing fencing and proposed fencing in relation to flood risk. The Quarries Regs. (Regulation 12 Inspection) requires the quarry operator to routinely inspect, inter alia, 'any barriers around the quarry required under regulation 16.' (95)(I). There is therefore a duty on the operator to ensure the 'barrier' is inspected and free of debris for the lifetime of the quarry. It is considered the existing fencing has proved robust enough in previous flood events and should continue to do so. The proposed fencing will be of a similar nature and is again considered to be capable of being robust in relation to flooding events. The required inspection and maintenance regime required by the HSE will ensure the fencing shall continue to be robust in relation to potential flooding.

(j) A licence under the Water Environment (Controlled Activities)(Scotland) Regulations 2011 as amended (CARS Licence) will be required for the development.

Response: CARS Licensing is outwith the remit of the Planning System and SEPA are the Regulatory Authority for CARS Licensing and have been consulted throughout the planning process.

(k) Increase the population of the North American Signal Crayfish (NASC) within the River Clyde. The impact this increase in species numbers will have on the indigenous, aquatic species within the Clyde (including Salmon and Brown Trout) as well as river bank erosion from crayfish's burrowing nature.

Response: The Environmental Statement noted the presence of NASC within the River Clyde. SEPA and SNH have not raised concerns regarding the proposals in relation to potentially increasing NASC numbers. The Adaptive Management Plan (AMP) is designed to cover all river bank erosion and therefore non fluvial erosion would also be included in this strategy. This issue is further assessed in paragraph 6.5.34. It is noted that in relation to NASC colonising the water body following restoration, the Appeal Decision stated that 'there is no reason why the creation of the lochans would increase the risk of this occurring and it is predicted that of all parts of the River Clyde are likely to be colonized in any event'.

(l) The land boundary of the application site at the Easterton Burn may be outwith the ownership/ control of the applicant.

Response: The applicant has signed a land ownership form as part of the application submission stating that they own/ control all the land within the planning application site. Matters of land ownership are civil matters and are outwith the remit of the Planning Authority. If planning permission is granted, a development can only proceed if the applicant has a legal right to the application site. It should be noted that no further details or plans have been provided by CRAG in relation to this ownership dispute.

Letters from elected representatives (6)

(m) David Mundell MP objects to the application and states that the reasons for objecting are (1) nothing has changed since the original application in 2009 (2) the proposed development could result in an increase in flood risk within the area (3) the A702 is in a poor condition which would worsen if additional HGV traffic increases its use (4) the cumulative impact of another quarry in an area with 2 working quarries within 8 miles of the application site (5) the cumulative impact of the proposals adjacent to the Clyde Wind Farm and the further industrialization of a rural area (6) previous history of the applicant, specifically in relation to a restoration project at Moffat.

Response: Noted. The issues raised are discussed in section 6 of the report. It should be noted that the previous history of the applicant is not a planning matter.

(n) Three letters have been received from Claudia Beamish MSP (first on receipt of the application, second on receipt of the additional environmental information and third following SEPA's comments on the additional environmental information). The letters object to the application and state previous concerns have not been addressed, namely (1) the landscape and visual impact of the development (2) the impact on the River Clyde, (3) the impact on the local road network, (4) the restoration proposals would result in an inappropriate landform, (5) it would create a permanent adverse effect on the local environment, and (6) it would not provide benefits to the local economy.

Response: Noted. The issues raised are discussed in section 6 of the report.

(o) Aileen Campbell MSP objects to the application and states that the MSP conducted a survey with constituents in which, amongst other questions, 82 respondents stated they disagreed with the application site being developed as a quarry with 4 agreeing that it should be developed. Respondents to the MSP's survey also raised several areas of concern with the proposal including (1) Increase in traffic and Road Safety (2) the environmental impact of the quarry (3) the repeated nature of application submissions (4) dust and noise (5) impact on protected species, namely otters (6) impact on local tourism and subsequently the local economy (7) previous history of the applicant. A further letter of objection was submitted following publication of February's Planning Committee Agenda stating constituents concerns that there have been no significant changes in the application as well as concerns regarding flooding, visual impact, pollution, incongruous nature of the restoration scheme as well as having a detrimental impact upon tourism and leisure within the area. It is also noted that the Clyde River Action Group have spent over £123,000 of their own funding opposing the development.

Response: Noted. The issues raised are discussed in section 6 of the report. As noted above, however, it should be noted that the previous history of the applicant and amount of any funds used opposing a planning application are not planning matters.

(p) Bruce Campbell MSP objects to the proposals on behalf of one of his constituents and states that the constituent's reasons for objecting are (1) damage to wildlife (2) impact on river (3) loss of views (4) traffic in a rural area (5) noise and dirt will spoil the area for locals and visitors.

Response: Noted. The issues raised are discussed in section 6 of the report.

Biggar and District Civic Society - object to the proposed development on the grounds that the application is similar to the 2 previous applications, landscape and visual impact on the SLA, impact on the water environment, including the pollution of the water environment and loss of flood plain, development would adversely affect wildlife, particularly wintering birds, noise pollution, impact on recreation and tourism, increased vehicle movements on local road network and the lack of need for a quarry at this location.

Response: Noted. The history of the application site and previous applications is detailed in section 3.3 above. The other issues raised are considered in the assessment section of the report in paragraphs 6.5.18 to 6.5.31, 6.5.40 to 6.5.53, 6.5.32 to 6.5.36, 6.5.2 to 6.5.7, 6.5.37 to 6.5.39 and 6.6.1 to 6.6.6 respectively.

Individual letters of representation (281)

The points raised in the individual letters, which have not been summarised within points a) to p) above, are summarised below.

(q) The proposed development would result in damage to the local road network.

Response: The development would result in, on average, 44 trips (88 two-way movements) of additional HGV traffic using the road network on a daily basis. This would be an additional 1% over that currently experienced on the A702. Transport Scotland does not object to the proposed development. Paragraphs 6.5.37 to 6.5.39 further assess this issue in more detail below.

(r) The proposals would have an impact on Road Safety in the area.

Response: As with k) above this is assessed further in paragraphs 6.5.37 to 6.5.39.

(s) The proposals would have a detrimental impact upon the ecology of the area.

Response: The impact of the proposed development in relation to Ecology is considered in detail within paragraphs 6.5.30 to 6.5.36 below.

(t) The proposals are within an area designated for its scenic value and will have an unacceptable visual impact.

Response: The impact of the proposed development in relation to Landscape and Visual Impact is considered in detail within paragraphs 6.5.18 to 6.5.31 below.

(u) Erosion of the river into the quarry and subsequent silting and pollution of the river.

Response: A Morphological Assessment has been submitted as part of the planning application to assess the potential for the River Clyde to erode the standoff area between its bank and the quarry. This is considered in detail within paragraphs 6.5.40 to 6.5.53 below.

(v) Impact on amenity in terms of noise, dust and light pollution.

Response: Issues of amenity, including noise, dust, air and light pollution have been assessed as part of these proposals and are assessed in detail in paragraphs 6.6.12 to 6.6.21 below.

(w) Requirement to fence the site and the potential environmental effects the fencing could have.

Response: Regulation 16 of The Quarries Regulations 1999 requires a “*barrier suitable for the purpose of discouraging trespass*” to be “*placed around the boundary of the quarry*”. The Quarries Regulations 1999 fall within the remit of the Health and Safety Executive. In this instance, the applicant proposes to utilise existing agricultural fencing on 3 sides of the site and an agricultural fence is proposed within the ‘green engineering’ along the site’s boundary with the River Clyde. Normally fencing of this type could be erected around the site, under Class 56 of *The Town and Country Planning (General Permitted Development) (Scotland) Order 1992* and an application for planning permission would not therefore be required. In order, however, to control permitted development at minerals sites in these instances, should planning permission be granted, a condition removing these rights regarding fencing shall be attached to ensure further assessment is required should the applicant wish to vary the fencing as proposed (Section 3.5 above).

(x) The proposed development could pose a danger to Lamington Viaduct in terms of flooding.

Response: Paragraphs 6.5.40 to 6.5.53 assess the proposals impact on the water environment, including flooding. A Flood Risk Assessment was submitted as part of the application and SEPA are satisfied, following receipt of additional information, that the proposals are acceptable in relation to flooding issues. In addition, Network Rail does not object to the application.

(y) The impact on trout and salmon fishing.

Response: The impact of the development on the ecology and rural recreation of the area is assessed throughout Section 6 of the report below.

(z) The impact on tourism and loss of jobs.

Response: The impact of the development on tourism is assessed throughout Section 6 of the report below.

(aa) The applicant’s previous history with other sites.

Response: This is not a material consideration for the assessment of a planning application. If planning consent is granted appropriate planning conditions, legal agreement including restoration bond shall be put in place to ensure that this development is appropriately controlled and monitored.

(bb) Financial interest between the applicant and the water environment consultant they've employed.

Response: The Environmental Statement submitted (including water environment assessments) have been assessed by independent, statutory consultees as part of the consideration of this planning application.

(cc) Affect on property prices in the area/ increase in house insurance premiums.

Response: This is not a material consideration for the assessment of a planning application.

(dd) Cost to taxpayer due to multiple applications.

Response: This is not a material consideration for the assessment of a planning application. As set out in paragraphs 3.3.7 to 3.3.12 the applicant's submission is in accordance with planning legislation.

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

6 Assessment and Conclusions

- 6.1 The applicant seeks planning permission for the phased extraction of sand and gravel by quarrying methods, the erection of associated plant, and the formation of a site and access road at Overburns Farm, Lamington. The main determining issues in assessing this proposal are whether it accords with the development plan, the site history, including the past Appeal Decision (as detailed in paragraphs 3.3.5 and 3.3.6 above), its landscape and visual impact, impact on the water environment, including flooding, impact on the natural environment, including prime agricultural land, impact on the local community, including tourism and recreation, and impact on the road network, and the supply of sand and gravel available to meet the Council's required 10 year construction aggregate landbank.

- 6.2 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 (GCVSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and its associated Supplementary Guidance and the approved Non- Statutory Planning Guidance on Minerals.

6.3 National Planning Policy

- 6.3.1 Scotland's Third National Planning Framework (NPF3) states that Scotland's rural environment is more than a recreational resource and has a role to play in fulfilling the need for construction materials as well as supporting Scotland's ambition for diversification of the energy mix.
- 6.3.2 The Scottish Planning Policy (SPP) promotes the use of the plan-led system to provide a practical framework for decision making on planning applications thus reinforcing the provisions of Section 25 of the Act.

- 6.3.3 SPP also states the need for an adequate and steady supply on minerals to be available to meet the needs of the construction, energy and other sectors. It also states that Local Development Plans should maintain a landbank of permitted reserves for construction aggregates of at least 10 years at all times in all market areas. SPP continues that extraction should only be permitted where impacts on local communities and other isolated receptors, local landscape character and the natural and water environment can be adequately controlled or mitigated. SPP does not prescribe a set separation distance between settlements and quarries. It states that the specific circumstances of individual proposals, including size, duration, location, method of working, topography and the characteristics of the various environmental effects likely to arise should be taken account of.
- 6.3.4 Scottish Planning Policy (SPP) states that when assessing mineral proposals, the planning authority should consider aspects such as landscape and visual impacts, transportation impacts, the effect on communities, cumulative impact, environmental issues such as noise and vibration, and potential pollution of land, air and water as well as securing the sustainable restoration of sites to beneficial after-use following extraction.
- 6.3.5 PAN 50 'Controlling the environmental effects of surface mineral workings' provides detailed advice relevant to this application. PAN 50 takes a prescriptive approach in suggesting best practice for controlling such environmental effects. Accordingly, PAN 50 sets out an agenda for the most important issues that need to be satisfactorily addressed. These are: road traffic; blasting; noise; dust; visual impact and water contamination. It sets out quantitative and methodological requirements in terms of: noise, dust, road traffic impact and blasting within its respective Appendices.
- 6.3.6 PAN50 (Annex A) provides advice and guidance on the control of noise at minerals sites. PAN 50 Annex B advises on the control of dust at such sites and Annex C advises on the control of traffic at surface mineral sites. Annex D advises on the control of blasting at surface mineral sites which is not relevant to the assessment of this proposal as blasting is not required as part of the proposals.
- 6.3.7 PAN 1/2011 'Planning and Noise' also establishes the best practice and the planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise. It provides further detailed guidance, to be read in tandem with PAN 50, on noise assessments and noise mitigation measures.
- 6.3.8 PAN64 advises that Planning Authorities ensure that mineral operators treat reclamation of sites as an integral part of the overall planning process to be addressed comprehensively through a planning application submission.
- 6.3.9 It is therefore considered that the proposal, in principle, complies with National Planning Policy, in terms of being a development that could provide a supply of aggregates (sand and gravel) to the local construction market which would contribute to the SPP's aim of supporting the maintenance of a 10 year landbank of permitted reserves. The SPP defers to the Development Plan in terms of being the appropriate mechanism for assessment of a minimum ten year landbank and therefore further assessment of the current landbank is found in section 6.5 below. The overall acceptability of such a development must however also meet the other detailed policy and advice within SPP, PANs 50, 64 and 1/2011 as well as other Policy and Development Management criteria. These issues are considered in further detail in the report below.

- 6.4.1 The Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) is a strategic plan and has a strong focus on future growth with a broad spatial framework and a lesser focus on detailed area/site specific policy criteria. Nonetheless, the GCVSDP recognises its position within the Development Plan process relative to development management. As such, Policy 15 Natural Resource Planning: Mineral Resources Spatial Framework states that an adequate and steady supply of minerals will be maintained and minerals development will be supported where they are in accordance with, inter alia, Local Development Plans. The GCVSDP is a strategic document and apart from supporting delivery of sustainable mineral extraction, it does not provide a level of detail for the assessment of a specific site of this nature and location but instead defers to the Local Development Plan in this respect.
- 6.4.2 Policy 15 also states that a landbank for construction aggregates equivalent to at least 10 years extraction shall form part of the required adequate and steady supply of minerals. Policy 15 states that Supplementary Guidance shall be published to set out how this landbank is to be achieved. Currently there is no available Supplementary Guidance prepared by the GCVSDP at this time.

6.5 South Lanarkshire Local Development Plan

- 6.5.1 At a local level the application requires to be assessed against the policy aims of the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and its associated Supplementary Guidance. In addition as the adopted South Lanarkshire Minerals Local Development Plan (SLMLDP) 2012 is over 5 years old and the adopted South Lanarkshire Local Development Plan 2015 and associated Supplementary Guidance do not include mineral policies the proposed development will also be required to be assessed against the policies of the Council's approved Non-Statutory Planning Guidance – Minerals (2017) (NSPG). The NSPG has been prepared to be used as a material consideration in the determination of mineral proposals until the proposed South Lanarkshire Local Development Plan 2 is approved and mineral guidance can be incorporated within the local development plan.
- 6.5.2 SLLDP Policy 1 'Spatial Strategy' states that developments that accord with the policies and proposals of the development plan will be supported. The application is for development within the Rural Area as designated within the SLLDP and is therefore required to be assessed against Policy 3 below.
- 6.5.3 SLLDP Policy 3 'Green Belt and Rural Area' states that support will not be given for development proposals within the Rural Area, unless they relate to uses which must have a countryside location. Supplementary Guidance 2: 'Green Belt and Rural Area' (SG2) further expands and supports the objectives of SLLDP Policy 3. SG2 Policy GBRA1 'Economy/ Business Related Developments' states that the Council will seek to support the rural economy by promoting rural diversification and facilitating job creation by encouraging development of an appropriate type and scale.
- 6.5.4 Minerals can only be worked where they are found and are therefore location specific. Evidence has been shown within the submitted Environmental Statement that there are sand and gravel deposits located within the application site and therefore the rural location for mineral extraction has been justified.
- 6.5.5 The ES has a chapter assessing the socio-economic aspect of the proposals. It is stated that the development would create 15 full time direct jobs (7 on site personnel and 8 drivers). It is also expected that indirect jobs would be created or maintained by local businesses supplying services to the quarry and potential, additional spend within the area. The socio-economic assessment has not identified any significant

effects upon local tourism and recreation. The Appeal Decision noted that agriculture was the most significant employer to the local area and the quarry would not have an impact on agriculture within the area. It further concluded that whilst the quarry (during operations and post operations) would have an impact on the landscape, that 'during operations the proposal would not have a significant harmful impact on tourism and that following restoration there would be a slight benefit'.

- 6.5.6 Tourism and recreation are also important employers within the local area. In general, it is considered that there are no tangible indicators that quarrying can have a direct, significant negative impact upon tourism and recreation interests within an area. In addition, in terms of this particular proposal, the development would have no direct impact on recreational facilities as it does not interrupt any paths, equestrian bridle ways or water ways. The A702, as well as being a direct route between the M74 and Edinburgh, is promoted as the Clyde Valley Tourist Route' and any development on this route does therefore have the potential to impact upon this tourist designation. It is considered however, that only the site access would have a visual impact upon road users. The access is of a standard design to meet road requirements and is therefore not considered to be of a scale or nature that would detract from the visitor experience of the tourist route. In addition, the proposed restoration scheme incorporates a visitor car park, footpath network and opportunities for recreational use, including wildlife observation. These would have a more positive impact upon the tourist economy of the area than the site as it sits at present. The location of the site with direct access from the A702 tourist route further enhances its potential as a recreational location when restored. The development's impact upon the visual landscape and any consequent negative impact on tourism is considered further below.
- 6.5.7 In this instance the principle of the proposal is considered acceptable as there is a demonstrable locational need due to the presence of deposits of sand and gravel within the site and minerals can only be worked where they are found. In line with the Appeal Decision it is considered that these proposals would not significantly discourage recreational use within the area or have a significant negative impact upon the local economy of the area; whereas there are tangible economic benefits such as the employment of 7 direct jobs on site, 8 direct driving jobs and a restoration scheme designed to add a further recreational opportunity into the area. The overall requirement and acceptability of such a development must however also meet other Policy and Development Management criteria and these issues are considered in detail further in the report.
- 6.5.8 SLLDP Policy 2 'Climate Change' states that new developments should minimise and mitigate against the effects of climate change by being sustainably located, having no significant adverse impacts on the water and soils environments, air quality and Biodiversity (including Natura 2000 sites and protected species).
- 6.5.9 SLLDP Policy 4 'Development Management and Placemaking' states that development proposals should have no significant adverse impacts on the local community, landscape character, habitats or species including Natura 2000 sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates. Policy 4 also states that development should be integrated with the local context and landscape. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design.
- 6.5.10 SLLDP Policy 15 'Natural and Historic Environment' sets out a 3 tier category of protected designations. Table 6.1 of the SLLDP defines the designations within each category but they can generally be summarised as Category 1 (International),

Category 2 (National) and Category 3 (Local). SLLDP Policy 15 states that development within or likely to affect the integrity of Category 1 sites will not be permitted. Development which will have an adverse affect on Category 2 sites or a significant adverse affect on Category 3 sites will only be permitted where it adheres to a number of tests.

- 6.5.11 Given the inter-relationship between Policies 2, 4 and 15 it is considered appropriate to assess the proposals collectively in relation to their criteria. The criteria of these policies are protected designations, Built Heritage/ archaeology, Visual and Landscape Impact and Natural Heritage/ Ecology. With regard to impacts on amenity (noise, dust etc.) this criteria is assessed under Policy MIN7 of the NSPG below (paragraphs 6.6.12 to 6.6.21).
- 6.5.12 In relation to the category of protected designations, there are no category 1 sites within the application site or within close proximity of the application site. The following category 2 designations are found within or in the vicinity of the site and the proposal's impact upon these is assessed in the following paragraphs.
- 6.5.13 The application site is on land designated as Prime Agricultural Land (PAL) which is a category 2 designation within the hierarchy. The proposed restoration of the site does not result in returning the land to agriculture and would therefore result in the loss of prime agricultural land which is considered an adverse affect on a category 2 designation and as such would not normally be supported. The application site is, however, on land that is susceptible to flooding. It is noted that the Appeal Decision stated that the broad-based classification of agricultural land does not take into account site specific factors such as susceptibility to flooding, as is the case here. The Appeal Decision concluded that although the application site was on land broadly classified as PAL, given it had been affected by temporary flooding as often as five times a year and on average suffered damage from severe winter flooding every five years, the land could serve little agricultural purpose other than to provide grazing land. The Appeal Decision therefore ruled that the classification did not take into account the site's specific circumstances and that the application site was only PAL in name, and therefore its retention was not to be considered of national importance. It is therefore considered that the application site's susceptibility to flooding does render it less productive agricultural land than the PAL classification. Whilst the permanent loss of Prime Agricultural Land is contrary to Policy 15 it is considered acceptable given it is not of the quality and usability normally associated with land designated as Prime Agricultural Land.
- 6.5.14 There is one Category A listed building (Symington House) within 2 kilometres of the site and 5 scheduled monuments (Castle Hill earthwork, Lamington Tower, Culterpark Hill, Baitlaws Cairn and a fifth untitled earth works some 820 metres south-west of Castle Hill). It is considered that distance, topography and screening provided by vegetation protect all these heritage assets from having their setting materially impinged upon by the proposed developments at both the operational stage and following restoration of the site. Historic Environment Scotland have been consulted as part of the application process and are in agreement that the setting of the Category A listed building and the scheduled monuments will not be adversely affected by the development proposals. West of Scotland Archaeological Service (WOSAS) also shares this opinion which was mirrored in the Appeal Decision. It is therefore considered that the proposals meet with the relevant policy criteria in this instance.
- 6.5.15 The application site is located some 1.7 kilometres from the nearest boundary of the Tinto Hills Site of Special Scientific Interest (SSI). The SSSI is designated for its examples of periglacial (edge of glacier) geology as well as its dry upland habitat. It is

considered that the geological and upland habitat features, as well as it being over 1.7 kilometres from the application site, would not result in the qualifying interests of this SSSI being affected by the proposals. SNH have raised no objections in relation to the SSSI. It is therefore considered that the proposals meet with the relevant policy criteria in this instance.

- 6.5.16 There are no other category 2 sites that would be affected by the proposals. With regard to category 3 sites, there are 23 Category B and 25 Category C listed buildings within 2 kilometres of the application site. All are a minimum of 0.9 kilometres from the application site and it is considered that this distance ensures that there is no material impact upon the setting of any listed building. Lamington Conservation Area lies approximately 0.9 kilometres from the application site but it is considered that this distance, surrounding topography and existing vegetation ensures the Character of the Conservation Area is not adversely affected by the proposals. This view is also held for Coulter Conservation Area which lies some 1.8 kilometres from the site boundary. It is also noted that both Conservation Areas are designated for their buildings' character and historic inter-relationship and not due to their wider setting within the countryside.
- 6.5.17 Whilst there are no other designated cultural or archaeological sites within the application site, it is located within an area of archaeological sensitivity based on the density of sites and finds of prehistoric and medieval date in the surrounding landscape. The Environmental Statement that forms part of the application submission states that in order to mitigate and ensure that there are no adverse impacts upon the archaeological sensitivity of the site a programme of archaeological site investigation is proposed prior to any sand and gravel extraction. This programme of works would accurately establish the nature and survival of archaeological remains within the site. WOSAS agree that the implementation of this programme would mitigate any impacts on potential archaeological features the development may create. Again this is in line with the Appeal Decision. It is therefore considered that the proposals can meet with the relevant policy criteria in this instance. Should planning permission be granted an appropriate planning condition shall be imposed to control this matter.
- 6.5.18 The application site is within the Upper Clyde Valley and Tinto Special Landscape Area (SLA). An SLA is a Category 3 designation within the protection hierarchy of SLLDP Policy 15. The Policy states that in Category 3 areas, development will only be permitted where there is no significant adverse impact upon the designation following mitigation. Whilst landscape in general is a planning consideration when assessing development proposals, SLA's are specifically designated to ensure that these landscapes in particular are not damaged by inappropriate development and to encourage positive landscape management.
- 6.5.19 As well as being within an SLA the majority of the application site is located within the Broad Valley Upland Landscape Character Area (LCA). The characteristics of the Broad Valley Upland landscape are its broad, flat bottomed valley enclosed by rounded foothills and rolling farmlands to the north with the Southern Uplands to the south. The general openness of the valley is noted as having the potential for significant visual impacts. The main guidelines for mineral developments for this LCA state that large scale mineral sites should be discouraged as they would be particularly visible within this landscape. Undulating ground and close proximity to shelterbelts offer the best opportunities for screening in the area and advance planting and restoration should be utilised to ensure there is no loss of landscape quality or character.

- 6.5.20 The remainder of the application site (proposed access and a short section of the access track into the site) is within the Southern Uplands LCA. It is considered that a new access on a busy Trunk Road (A702) and its associated single track access road would not be of a scale that would have a significant visual impact or affect the landscape character of the surrounding area. It is therefore considered that the access proposals would be acceptable as proposed and no further assessment of this small part of the application site is required. The following landscape and visual assessment below therefore concerns the majority of the application site that is located within the Broad Valley Uplands LCA.
- 6.5.21 Whilst inter-related, landscape impacts and visual impacts are separate. Landscape impact relates to changes in the characteristics, character and qualities of the landscape whilst visual impact relates to the appearance of these changes. A landscape change is the physical effect a proposal has on the landscape whilst visual amenity relates to the perception of the change. A landscape impact has no visual impact effect if there are no views of the development. For the purposes of this assessment, the 2 issues are collectively examined as they are inter-related in terms of the proposed development and the criteria of the Development Plan. The proposals are to extract sand and gravel and then create a water body with wetland habitat rather than return the land to farmland. Given the proposals are not to return the land back to its previous state any landscape and visual impact therefore must also consider the new land use proposals post extraction. The following assessment is therefore two fold and separated into the extraction period and then the restoration period.
- 6.5.22 As noted the general openness of the valley in which the application sits renders any proposed development likely to have the potential to have a significant visual impact, and affect landscape character. Due to the nature of the valley being enclosed by uplands, there is also potential for the visual impact to extend to these uplands as the application site would feature in these elevated views from surrounding hills such as Tinto. Therefore it is considered that the proposals for a 60 hectare sand and gravel quarry would have the potential to have a significant landscape and visual impact upon the surrounding area. A Landscape and Visual Impact Assessment (LVIA) formed part of the ES submission. The LVIA baseline study notes that the application site is located within a 'strongly settled landscape with many manmade elements present within the landscape' and that 'these physical characteristics and contrasting patterns within this area of the Upper Clyde Valley help define this area as a large-scale landscape dominated by the distinct outlines of Tinto, Scaur and Dungavel Hills.' The LVIA concludes that the extraction period would have notable to substantial adverse visual impact with the level of the notable to adverse impact being dependent on what phase of the extraction was underway, but all within this degree of impact. The LVIA concluded that the restoration phase of the proposals would vary between having a neutral to minimal, to very slight to slight beneficial landscape and visual impacts, with the beneficial aspect increasing the further afield the restoration was viewed.
- 6.5.23 The planning submission proposes mitigation to minimise the impact. During the operational phase of the proposals only 11 hectares of the 60 hectare site would be developed at any one time with the remainder either restored or awaiting extraction to commence. This progressive restoration of the site minimises its visual impact by a reduction in scale. The Appeal Decision noted that phasing of extraction works would initially minimise the quarry's landscape impact as the extraction was to be progressive, with the site area increasing exponentially as extraction increased through the site. The Appeal Decision did note however that as only the extraction was progressive, with no progressive restoration, the visual impact increased as the site was worked. By amending the scheme to include progressive restoration in

tandem with progressive extraction the landscape impact of the extraction is minimised to only 11 hectares of the 60 hectare site at any one time. Landscaped bunds are proposed to screen the on-site equipment from the surrounding area and these will be grassed to ensure they appear natural. Screen planting around the site is designed to complement the bunding and again aid screening as well as soften the proposals appearance in the landscape. It is considered that this screening would be an effective way of shielding the site from immediate views. Whilst it would not reduce the site's visual impact from higher views given the site sits in the middle of a flat valley it is considered that it would be a measure that would materially soften its impact in the wider uplands. It is further considered that these are proven effective methods of screening at mineral sites. It is also noted that the operational lifetime of the site is approximately 12.5 years which limits the visual impact the operational phase would have on the surrounding area to this period. It is considered that 12.5 years can be considered short term, in terms of landscape change although it is noted that it is not viewed as short term in terms of visual impact.

6.5.24 SNH have carried out a review of the LVIA and ES and state that the proposals would result in significant adverse impacts upon the landscape. SNH do also note that 'the 'softening' of the edges of the restored lagoon and the peripheral planting' has improved its appearance and SNH therefore consider 'that the post-restoration water body would be likely to look less engineered than the previous proposal' (the 2011 application). However SNH conclude that the current proposal 'would still be likely to give rise to adverse landscape and visual impacts given:

- Its uncharacteristic nature and scale would be out of keeping with the local and wider landscape character of the 'Broad Valley Upland' landscape character type (LCT).
- The proposal would not restore the land to its current land use and thus is contrary to the advice in the South Lanarkshire Landscape Character Assessment in respect of restoring the grain and character of the site's former appearance.
- It would be centrally located in the Upper Clyde Valley and Tinto Special Landscape Area (SLA) - an area of highest landscape quality and value in South Lanarkshire.
- It would be a new and incongruous focal point in elevated views from surrounding hills.
- It would be likely to be an uncharacteristic feature in views from the West Coast Mainline – a key tourist route through the Clyde Valley.

6.5.25 Whilst concluding that the proposals are likely to 'give rise to adverse landscape and visual impacts', it is noted that SNH have not objected to the proposals on these, or any other grounds. SNH also state that the proposals would not be likely to affect the overall integrity of the SLA but would adversely change the character of the southern part of the SLA.

6.5.26 It is considered that the operational phase of the development shall have a visual and landscape impact upon the surrounding area. The progressive restoration, planting and screening does nevertheless afford an opportunity to minimise the visual impact of the development within the immediate area and it is considered that the visual impact within the immediate area would be acceptable due to these mitigation methods. As noted, these mitigation methods would soften the site's visual and landscape impact. They would not however totally remove the site from view, specifically from the higher levels on either side, as the valley rises. Consideration therefore has to be given to the level of impact the operational phases would have on these higher slopes. It is considered that the working of the site in phases does

reduce the scale of the development considerably from 60 hectares to 11 hectares at any one time. It is considered that this results in a smaller scale development within a large scale landscape. Given the reduction in site footprint and the distance the site is from the views from the uplands (over 2.5km away) it is considered that the landscape and visual impact of the operational phase is reduced from these elevated viewpoints. However it is noted that the operational phase will still have a visual impact and would introduce a new feature into an established landscape. Therefore on balance it is considered that the operational phase of the proposals would result in a neutral visual impact (in the immediate environs) at best and a slightly adverse impact in the wider area.

6.5.27 As noted previously and by SNH, if the site was returned back to agriculture following extraction it could be considered that there was no long term visual and landscape impact for the site. The LCA advice to restore a site to its previous use is solely based on visual and landscape practice and doesn't take account of any other aspect of restoration proposals. In this instance returning the site to agriculture would not be as beneficial in biodiversity terms as the proposed wetland habitat and water body. It is therefore considered that an assessment of the visual impact of the proposed restoration proposals needs to be taken into account given it would not revert back to its previous land use.

6.5.28 With regard to the Landscape and Visual Impact of the restoration phase of the proposals, it is considered that these would have a permanent effect upon the landscape as they are not temporary in nature. It is acknowledged that water bodies adjacent to meanders of the River Clyde within this valley are not typical with the landscape character. It is therefore considered that the proposed water body will have an impact upon the character and visual landscape of the area. Consideration must therefore be given to what impact the water body would have on the landscape. The LVIA states that the levels of effect in visual impact terms was deemed to be not significant mainly through tree planting which is expected to screen the water body from view so that it is viewed as grassland within the pastoral valley floor. SNH disagree with the LVIA and state that the waterbody would be visible over a considerable distance due to the flatness of the floodplain/ valley floor, and that from upland areas such as Tinto the water body would be widely visible, especially as the viewer's eye is naturally drawn to the River Clyde from these viewpoints. The introduction of a new water body would draw the eye and detract from existing views. SNH state that it would be unlikely for the water body to be mistaken as an ox bow lake or natural lochan.

6.5.29 Consideration must therefore be given to the level of impact the introduction of a water body would have on the visual aspect of the area as well as the landscape. It is considered that due to the broad valley with uplands on either side the water body would always have a visual impact from these uplands, even with screening. Consequently consideration needs to be given to the scale of the impact. The water body has been designed to appear as natural and unengineered feature. This does lessen its visual impact, especially given its location adjacent to a meander of the River Clyde and on land susceptible to flooding several times a year. Whilst it may not be mistaken as an ox bow lake, a water body with wetland habitat having its location adjacent to a large river such as the Clyde on a flood plain can be perceived to be compatible to the reading of the valley landscape. Although it is noted that there are no other water bodies of this type or scale along this stretch of the Clyde valley, taking account of its scale, location and design the water body can also sit within a large scale valley dominated by open, pasture land. It is therefore considered that the water body would read as a feature within the pasture rather than a feature dominating the pasture land and valley. Furthermore the proposed water body would have islets, shallow shingle areas and promontories which would help break up the mass of water

and together with the proposed planting would provide further softening of the water body with in views from the immediate environs.

6.5.30 In relation to the view points on the elevated sides of the valleys it is considered that the water body would be visible and introduce a new feature into the landscape. The assessment is whether this new feature on its own would be materially detrimental to the character of the landscape as a whole. The upland views are some 2km at the closest and stretch to over 6km away. It is noted that these distances may blur the visual distinctions between the islets etc. and therefore the mass of water may appear more solid form these views. It is nevertheless considered that whilst it may draw the eye, the water body is not of a scale that it would dominate the scene and therefore harm the character and visual aspect of the landscape. It is also considered that the scale and design of the water body are such that whilst introducing a new feature into the landscape the impact would not be significantly or materially adverse to the intrinsic nature and character of such a large, broad valley. Whilst it is considered to not have an adverse impact it is difficult to consider the introduction of the water body as having a beneficial effect to the landscape and visual character of the area. Whilst softened as previously stated, it is still an uncharacteristic feature within the valley. Therefore its introduction can be seen as having a neutral impact.

6.5.31 It is therefore considered that the proposals would have at best a neutral effect in terms of landscape and visual impact and at worst a slight adverse impact. As with all development the assessment of its acceptability has to be based on a fact and degree consideration of the benefits and adverse impacts of a scheme to form a reasoned, balanced view. In this instance it is considered that the benefits of the scheme in terms of mineral supply and habitat creation, with additional biodiversity, and the mitigation provided through the progressive restoration plan minimises the proposals impact on the landscape to a degree that is sufficient to outweigh the residual landscape and visual impacts identified. . The restoration scheme itself also presents a more natural solution than that previously assessed by earlier applications and the Appeal Decision. It is therefore considered that the design of the proposals significantly minimises landscape character and visual impacts to a degree, which when combined with the benefits of the scheme in terms of mineral supply and habitat creation with additional biodiversity outweigh the adverse impacts identified.

6.5.32 SLLDP Policy 15 also notes that development which will have significant, adverse impacts on international and national protected species will not be permitted. As noted there is one statutorily designated site within 2km of the application boundary (Tinto SSSI), although it's qualifying designation is not on the basis of being a wildlife habitat but instead for its geology and flora. There are no non-statutory designated sites within 2km of the application boundary. The site mostly comprises improved grassland which is poor in terms of providing quality habitat land for wildlife. Whilst not providing quality habitat land, the rural setting of the application site does, however, naturally lend itself to be a potential habitat for wildlife as well as providing foraging land. In this regard, as part of an Ecological Impact Assessment within the ES, the applicant has carried out desk top and site surveys that conclude the site is considered to provide suitable foraging and potential breeding habitat for protected species (namely otters, badgers, bats and barn owls).

6.5.33 Through the phased extraction proposed, the development will result in the loss of only a small area of agricultural land at any one time, and therefore, there will be a negligible adverse impact on the habitat resource of the site due to the widespread availability of similar habitat in the surrounding area. The restoration proposals involve the creation of new habitat in the form of a lochan with aquatic vegetation and wetland shallows which it is considered would result in the provision of better quality habitat than currently provided by the existing species poor, agricultural land. The restoration

proposals include the creation of artificial otter holts, a badger sett and installation of bat boxes and osprey nesting platforms to provide habitat opportunities for species known to be in the locale. Additional planting is proposed to introduce additional habitat into the area that is more suitable for bird roosting and foraging than is presently found on site. It is therefore considered that the proposed restoration of the site provides a long term positive impact in that there will be a net increase in the availability of suitable habitat for wildlife, including for mammals, birds and invertebrates as well as aquatic.

- 6.5.34 The Ecological Impact Assessment also found evidence of signal crayfish and therefore there is a likelihood that there are crayfish within the stretch of the Clyde adjacent to the application site. Signal Crayfish are a non-indigenous and invasive North American species. SNH and SEPA have not raised any concerns that the wet working of the site and proposed water body following restoration would increase the likelihood of signal crayfish numbers. It is expected however, that the introduction of additional habitat for otters and bird species will increase crayfish predator numbers within the immediate area thus aiding biological control of this invasive species. SEPA have produced best practice for all users, including workers, in and around water to encourage good bio-security to prevent the transfer and spread of non-native species in and out of water. Best practice measures include the 'Check Clean Dry' system which requires clothing and equipment to be inspected for animals and river debris, then cleaned on site and then dried if being taken off site. It is considered that a bio-security management plan for invasive species could be employed on site to utilise SEPA's best practice and a condition reflecting this forms part of the recommendation. Objections have also referred to the potential for Crayfish to destabilise the river bank through burrowing. River erosion assessed in detail in paragraphs 6.5.40 to 6.5.53 and it should be noted that all types of erosion and destabilisation are assessed whether fluvial or related to flora and fauna.
- 6.5.35 The Ecological Impact Assessment within the submitted ES contains mitigation measures to minimise any negative effects the proposals may have on protected species. As well as the erection of bat boxes, a badger sett and otter holts these also include timing of works outside bird breeding season, employing an ecological clerk of works, an otter protection plan, bat surveys and a badger protection plan. SNH are content with the proposed mitigation subject to planning conditions being put in place to control this mitigation and conditions requiring further details being included within the otter and badger protection plans. If planning permission is granted appropriate planning conditions to control these matters shall be imposed.
- 6.5.36 It is therefore considered that, in this instance, the proposals are considered acceptable as they would not significantly impact on the ecology of the area within the long term, propose suitable mitigation methods for protected species and propose a restoration scheme that would provide a higher standard of natural environment and habitat in the long term than that currently in evidence on the application site. It is therefore considered that the proposals meet with the relevant policy criteria in this instance.
- 6.5.37 SLLDP Policy 16 'Travel and Transport' states that new development must conform to South Lanarkshire Council's 'Guidelines for Development Roads'. A Transport Assessment forms part of the ES submission which calculates that the proposed development would result in an increase of traffic equating to an additional 1% on the A702 at the maximum annual extraction rate of 320,000 tonnes a year. The Transport Assessment states that the maximum exportation of 320,000 tonnes would result in 44 one way (88 two way) daily HGV movements.

- 6.5.38 As the proposed access is taken directly onto the A702 Trunk Road it is not within the remit of South Lanarkshire Council. It is maintained by Transport Scotland and they have been consulted as part of the assessment of this planning application. Transport Scotland are content with the findings of the Transport Assessment and have no objections to the proposals subject to the use of appropriate conditions regarding the proposed access being built to a specific standard and design and details of the construction phasing for the access and any temporary traffic management for the access works being appropriately controlled. Transport Scotland's conditions form part of the recommendation for approval. Should planning consent be granted it is also recommended that a condition limiting the maximum extraction and exportation rate of sand and gravel from the site to 320,000 tonnes is imposed to ensure the site is managed in the manner stated within the Transport Assessment submitted.
- 6.5.39 It is therefore considered that the proposals comply with the relevant criteria of the Development Plan in this regard.
- 6.5.40 SLLDP Policy 17 'Water Environment and Flooding' states that, in relation to the water environment, development proposals outwith flood risk areas must accord with supplementary guidance. Supplementary Guidance 1: 'Sustainable Development and Climate Change' (SG1) supports the objectives of SLLDP Policy 2 and provides further guidance on a number of environmental issues, including the water environment, flooding, drainage and air quality. Policies SDCC 2 Flood Risk, SDCC 3 Sustainable Drainage Systems, SDCC 4 Water Supply and SDCC 6 Air Quality are considered relevant in relation to this proposal.
- 6.5.41 Policy SDCC2 Flood Risk states that, in accordance with the precautionary principle and the risk framework set out within the SPP, South Lanarkshire Council will seek to prevent any increase in the level of flood risk by refusing permission for new development where it would be at risk from flooding or increase the risk of flooding elsewhere.
- 6.5.42 Policy SDCC3 Sustainable Drainage Systems states that any new development should be drained by an appropriately designed sustainable drainage system.
- 6.5.43 Issues of water management are separated into two types. The first is hydrology which solely deals with the management of surface water, including ground water and watercourses. The second is hydrogeology which relates to subterranean water and the inter-relationship of rock strata and underground water resources. For the purposes of this assessment the two issues are collectively examined as they are inter-related in terms of the proposed development and the criteria of the Development Plan.
- 6.5.44 A hydrological and hydrogeological assessment have been carried out and submitted as part of the ES submission. As noted, the application site is located on the southern bank of the River Clyde and therefore the majority of the site is designated as being at a high risk of river flooding. As stated, development within a high risk flood area would generally not be supported. In this instance, however, the proposals are for mineral extraction where there is little harm should the site be flooded. The mineral extraction depths are below the water table and therefore involve 'wet working' throughout most of the site. Unlike residential or other development projects, there would be no attempt to prevent floodwater entering the site in a flood event through the use of barriers etc. This would therefore ensure that the development proposals would not further exacerbate flooding within the area or divert flooding elsewhere. Mineral extraction is therefore considered a water compatible use and is acceptable within a flood risk location.

- 6.5.45 In its current form the application site provides capacity to cope with flood waters from the River Clyde when it breeches its banks, and is of an adequate size and gradient to contain water and prevent flood water extending further away from the River Clyde resulting in properties being vulnerable from the risk. The introduction of the plant areas and screening bunds that form part of this proposal would see a reduction in this floodplain storage during a flood event. The proposals involve the loss of approximately 9,000 metres cubed of floodplain storage. Following discussions with SEPA and a reconfiguration of the site screening and infrastructure this has been reduced to a loss of approximately 3,404 metres cubed of floodplain storage. To account for this loss of floodplain storage, compensatory floodplain storage forms part of the proposed extraction design. Following discussions with SEPA the applicant has redesigned internal screening bunds to provide approximately 12,473 metres cubed of additional, compensatory floodplain storage. SEPA are therefore content that there is adequate compensatory floodplain storage created as part of the proposals to ensure any existing floodplain storage that is removed as part of these proposals is compensated for. To ensure that there is not a loss of floodplain storage prior to the compensatory storage being created, should planning permission be granted, a condition is recommended to ensure the compensatory floodplain storage land is created at commencement of the works. As restoration proceeds further areas of floodplain storage would be created and SEPA are content that the restoration plan proposed provides additional floodplain storage. SEPA are content that the compensatory floodplain storage will offset the temporary loss of any floodplain storage during the extraction period.
- 6.5.46 In terms of subterranean water, the restoration plan of the site proposes to create a water feature by allowing the natural groundwater to flood the extraction void. This proposed restoration plan therefore allows the lochan to be filled naturally with water.
- 6.5.47 As well as assessing flooding and groundwater, due to the application site's proximity to the River Clyde, river morphology must be assessed. Consideration therefore requires to be given to the interaction of the river and the quarry both during extraction operations and in the long term once the site is restored. River morphology describes the shapes of rivers and how they change in shape and direction over time. A 30m stand-off between the water body and the River Clyde is proposed as part of the restoration of the site. The stand-off will be vegetated with grass, shrubs and tree planting. The planting has been designed to further protect the integrity of the banking/standoff between the site and the River Clyde with specific vegetation being used to further bind the soils and strengthen the standoff area.
- 6.5.48 A Morphological Assessment was submitted as part of the ES and following further discussions with SEPA it was updated in 2016 and a new Morphological Assessment was submitted. The Morphological Assessment originally submitted with the planning application was based on the information provided within the 2011 submission and it is noted that SEPA did not object to that application. This view was also supported in the Appeal Decision.
- 6.5.49 The updated Morphological Assessment provided outlines previous bank erosion of this part of the River Clyde in tandem with current river energy rates which allow a prediction to be carried out of the likelihood of the river eroding the standoff area and enveloping the quarry within its channel. The Assessment also includes predictions of water quality levels, in terms of potential effects on sediment transport (silt) if the river widens and therefore its energy (flow) rate decreases at the widened points. The predictions show a timescale in excess of 130-150 years before the River Clyde would erode the standoff area and incorporate the quarry within its channel (if erosion is unchecked). SEPA agree with the methodology and predictions set out within the

updated Morphological Assessment. It can therefore be considered that there is no issue regarding the River Clyde breaching the quarry during the extraction phases and the 30m standoff is considered acceptable to safeguard this happening.

6.5.50 With regard to the potential breaching of the River Clyde, the updated Morphological Assessment proposes, as mentioned above, that riparian planting is proposed as part of this application to strengthen the banking and standoff between the River Clyde. An Adaptive Management Plan (AMP) is proposed as part of the longer term management of the site following restoration. The AMP proposes continual monitoring of the interaction between the River Clyde and the site with hard engineered bank stabilization being proposed, if required. The AMP notes that the morphology of the River Clyde is not wholly predictable as the river may change dynamics due to other changes along its full course that cannot be predicted. The river cannot therefore be guaranteed to behave in a set manner. The AMP also notes that the timescales for river morphology changes are long term - over 150 years - and therefore any solutions must be capable of being adapted to suit future occurrences. By being adaptable, the AMP is able to take into account real time changes in the river's morphology and ensure that through the management of the site it continues to meet the European Union Water Framework Directive (or any future replacement legislation within the UK) which sets out, inter alia, river water and river basin management requirements. Again the proposed adaptability of the AMP is also designed to ensure that the applicant, as riparian (river bank) owner on this section of the river, meets their legal requirement of providing an undiminished water flow, in terms of quality and quantity, to downstream riparian owners, by real time monitoring of the river's morphology.

6.5.51 SEPA note and appreciate the timescales and variable nature of river morphology but are content that the updated Morphological Assessment predictions for the working life of the quarry are reasoned and that the standoff is adequate to ensure the River Clyde does not erode the 30m banking in the extraction period of the quarry. SEPA are also content that the longer term management of the site will be informed by the on-going review of channel conditions that will be undertaken through the AMP, and note that additional mitigation may be required such as hard engineered solutions for bank protection in order to reduce the risk of migration into the water body, over longer timescales. SEPA agreed with the methodology, assessment and predictions in relation to sediment transport. Therefore, SEPA have no objections to the application subject to a condition requiring the submission and further approval of an AMP. A condition requiring this forms part of this recommendation should planning consent be granted. As part of their assessment, SEPA have taken account of the plant and machinery to be used on site and are content that they would not have an impact in relation to flood risk.

6.5.52 South Lanarkshire Council's Flooding Team have no objections to the proposals subject to the use of sustainable drainage on site for surface water and that their documentation required under the terms of their design criteria guidance is completed and submitted. Should planning consent be granted appropriate conditions shall be imposed to control this matter.

6.5.53 It is therefore considered, having taken account of SEPA's assessment of the proposals and the measures set out in the application in regard to flooding and morphology changes that, subject to the imposition of appropriate conditions, the proposals comply with the relevant criteria of the Development Plan in this regard.

6.6 Non-Statutory Planning Guidance – Minerals 2017

6.6.1 SPP directs Local Authorities to identify "Areas of Search" for minerals. However, due to the extensive range and geographical location of potentially economically viable mineral resources within South Lanarkshire, the Council considered that within the

Non-Statutory Planning Guidance – Minerals 2017 (NSPG) the whole Local Authority area should be treated as an "Area of Search". However, within this area of search there are areas which are either unsuitable for minerals development, or suitable for only limited minerals development, because of their environmental sensitivity. All minerals development must be environmentally acceptable and must also accord with the provisions of Policy MIN 2 "protecting the environment". Policy MIN 2, Table 3.1 and the environmental constraints map set out the relevant categories of environmental protection to which Policy MIN 2 applies. As referenced above, SLLDP Policy 15 sets out the assessment in relation to Environmental Protection in relation to SLLDP Policy and it is considered that in this instance the assessment to be carried out is largely the same within the NSPG. It is therefore considered that for the reasons detailed above in paragraphs 6.5.12 to 6.5.25 the proposed development would not affect any Category 1 site or adversely affect any Category 2 or 3 sites. It is also considered that for the reasons detailed in paragraphs 6.5.32 to 6.5.36 and 6.5.40 to 6.5.53 that the proposed development would not be detrimental to Protected Species or any Flood Risk Area, respectively. In terms of impact upon settlements this matter will be considered in paragraphs 6.6.13 to 6.6.21 below.

- 6.6.2 SPP states "minerals make an important contribution to the economy, providing materials for construction, energy supply and other uses, and supporting employment" (paragraph 234). In addition SPP states: "Plans should support the maintenance of a land bank of permitted reserves for construction aggregates of at least 10 years at all times in all market areas through the identification of areas of search" (paragraph 238). The Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) Policy 15 also states the need for a construction aggregate landbank equivalent to at least 10 years of extraction. The need to maintain a minimum 10 year landbank of construction aggregate (sand and gravel) is therefore national and strategic policy.
- 6.6.3 In response to this, South Lanarkshire Council seeks through NSPG Policy MIN 1- 'Spatial Strategy' to ensure that a supply of minerals continues to be available to serve local, national and international markets and so contribute to delivering sustainable economic development. In this context, the Council will take into account the need to maintain a land bank at all times within South Lanarkshire equivalent to at least 10 years extraction, based upon the most up to date information available. At the same time, this objective has to be balanced against consideration of environmental issues and the potential effect of mineral extraction on communities.
- 6.6.4 The Appeal Decision stated that a reasonable 10 year landbank of construction aggregate in South Lanarkshire would equate to some 17 million tonnes (1.7 million tonnes per year).
- 6.6.5 In February 2017, South Lanarkshire Council published a Minerals Local Development Plan Monitoring Statement (MS). This document included an estimation of the aggregate landbank within South Lanarkshire which was considered to stand at 10.9 years (18,196,000 tonnes). Since publication in February 2017, several factors have occurred that may impact upon this aggregate landbank. Two sand and gravel sites have been exhausted in the lifetime of the plan (Snabe and Annieston) and have therefore been removed from the addendum figures. Furthermore following the requirement for Scottish Ministers to re-determine planning application CL/12/0525, 1,400,000 tonnes of consented sand and gravel reserves at Hyndford Quarry were removed from the South Lanarkshire Council landbank. Therefore, in August 2017, the Council wrote to all the mineral operators within South Lanarkshire, requesting details of their operations. The survey requested details of annual outputs and remaining mineral reserves from the various quarries across South Lanarkshire. A response was received from 100% of the sand and gravel operators within South Lanarkshire. Following these responses, it was found that consented reserves have

decreased from the MS predictions to 16,680,000 tonnes, following the exhaustion of reserves at Annieston and the removal of the Hyndford planning decision as well as continued extraction by operators. At maximum permitted extraction rates, there is a land bank equivalent to 10.1 years (as at September 2017). No new sand and gravel reserves have been granted planning permission since September 2017 and therefore South Lanarkshire is not currently maintaining the required 10 year landbank. As it is over 6 months since the landbank was estimated at 10.1 years it is now considered to be below the 10 year figure as no additional reserves have been added.

- 6.6.6 It is therefore considered that new aggregate reserves are required within the South Lanarkshire area to add to a depleted landbank and meet the required minimum supply set out within National and Strategic Policy as well as the criteria of NSPG Policy MIN1. The opportunity to provide an additional 3.175 million tonnes of sand and gravel to the aggregate landbank is therefore supported at a national and local level.
- 6.6.7 NSPG Policy MIN3 'Cumulative Impacts' states that in assessing all mineral proposals SLC will consider the cumulative impact that the development may have on communities (and other isolated receptors), natural and built heritage designations, sensitive landscapes, the existing road network and other resources as prescribed within MIN2 in relation to other existing mineral developments and permissions.
- 6.6.8 The application site is located approximately 2.5km to the south of the Anniston Farm sand and gravel quarry, which is located to the north of Symington. The Anniston Farm operation has now exhausted permitted reserves and is entering its after care period following restoration. No other mineral operation is located within 5km of any nearby settlement and it is therefore considered that any cumulative impact is unlikely from mineral development. Whilst not part of the criteria of NSPG Policy MIN3, the Appeal Decision assessed the potential cumulative impact of the proposals in relation to the Clyde Windfarm, which is situated at a high elevation, several kilometres to the south of the site. The Appeal Decision concluded that where the application site and the windfarm could be seen together, there would not be a cumulative visual effect as the wind turbines are very large moving structures which occupy isolated and elevated positions far from the visual context of the Clyde Valley and are seen as a distant backdrop to the valley rather than as a part of it. The circumstances remain the same and taking account of the background outlined above and the nature of this proposed development it is considered that there would not be a cumulative visual effect.
- 6.6.9 NSPG Policy MIN4 'Restoration' states that planning permission will only be granted for mineral extraction where proper provision has been made for the restoration and aftercare of the site, including financial guarantees being put in place to secure restoration. Restoration proposals should not be generic and should relate to the specific characteristics of the site and the locale. Restoration proposals should consider providing opportunities for enhancing biodiversity, community recreation and access where at all possible. The proposed restoration plan for the site is to create a lochan and create new wetland and other habitats. It is considered that the lochan and wetland habitats provide new opportunities for biodiversity within the area. Agriculture land, with its constant cultivation, provides poor habitats for animals and bird species. This proposed restoration scheme is therefore seen as an opportunity to enhance the wildlife potential of the area. The applicant has proposed the creation of a Technical Working Group (TWG) to fully inform the restoration and after use of the site. It is expected that the TWG would comprise of technical professionals such as SEPA and Council Officers. The RSPB have also expressed an interest in being part of any TWG given the opportunities that exist for habitat creation for birds. The setting up of a TWG would be secured via a legal agreement and forms part of this recommendation.

- 6.6.10 Whilst it is proposed that the site will be progressively restored as the extraction is carried out, it is considered prudent to add a condition should consent be granted to ensure a restoration bond is provided by the applicant. The restoration bond quantum would be required to cover full restoration of the site should the site not be completed by the applicant.
- 6.6.11 NSPG Policy MIN 5 'Water Environment' states that mineral proposals which will have a significant adverse impact on the water environment will not be permitted. Consideration should be given to water levels, flows, quality, features, flood risk and biodiversity within the water environment. Flood Risk and the Water Environment have been addressed under SLLDP Policy 17 within paragraphs 6.5.40 to 6.5.53 of the report above.
- 6.6.12 NSPG Policy MIN 7 'Controlling Impacts from Extraction Sites' seeks to ensure all mineral development will not create an unacceptable impact through the generation of noise, dust, vibration and air pollution. Mineral Operators are to ensure that appropriate monitoring regimes are proposed and if permitted shall be in place for the lifetime of the mineral operations. As there is no blasting proposed or required on site, vibration does not require to be considered
- 6.6.13 The SPP (para 242) does not impose prescriptive buffer zones between mineral sites and settlements but states that there should be provision of an adequate buffer zone between sites and settlements, taking account of the specific circumstances of individual proposals such as topography, location etc. PAN50 (Annex A) provides advice and guidance on the control of noise at minerals sites. PAN 50 Annex B advises on the control of dust at such sites. As with the SPP PAN50 does not have prescriptive advice on distances between quarry sites and residential properties. PAN50 Annex A defines 'daytime' as between the hours of 7am to 7pm with 'night time' as 7pm to 7am. PAN50 does state that in some areas 8am may be a more appropriate start time than 7am for 'daytime' hours, although the PAN does not prescribe in which areas this may refer to. As a general rule, PAN50 defines the working week as Monday to Friday and Saturday morning. PAN50 advises that 'daytime' noise should normally be 55dB (decibel) or under and 'night time' noise should be 42dB or under. The 55dB figure for both 'daytime' and 'night time' is the standard set within the World Health Organisation (WHO) document: Environmental Health Criteria 12; Noise. PAN50 advises that in exceptionally quiet rural areas (where daytime background noise levels are below 35dB) that a more stringent 'daytime' noise level of 45dB should be set. PAN 1/2011 also establishes best practice, and the planning considerations that should be taken into account with regard to developments that may generate noise or developments that may be subject to noise.
- 6.6.14 A noise assessment has been undertaken and submitted as part of this planning application. The noise assessment measured the existing noise levels at residential properties, in close proximity to the development. The background noise levels were not below the 35dB as prescribed in PAN50. Thereafter assessment was made of the sound power output from the types of plant equipment to be used in the proposed development and, using this information; predictions were made of the likely operational noise levels which would be received at the individual properties. Where it was not possible to gain access to residential properties the noise assessment has been based on the lowest daytime noise limit (45dB) set out by PAN50 which ensures the most stringent assessment criterion possible and is therefore considered as good practice. The nearest residential property to the site is Overburns Farm who have an ownership/ financial interest with the applicant and therefore is not classed as a noise sensitive receptor due to this connection. The nearest unconnected, residential properties are Symington Mains (located approximately 350m north of the application

site boundary, across the River Clyde), Nether Hangingshaw (located approximately 650m east of the application site boundary), Langholm (located approximately 500m to the north of the proposed access track and approximately 650m west of the main application (extraction and plant area) boundary) and Overburns Cottages (located directly across the A702 from the proposed access road and approximately 850m south, west from the main application (extraction and plant area) boundary). It should be noted that these distances are to the site boundary and therefore each property will be a minimum of these distances from the extraction area at any one time due to the proposed extraction phasing. It is also noted that the maximum extraction period of any phase is 24 months with most being less. Screening bunds are proposed as part of the application to reduce noise by acting as a buffer for noise and their performance also formed part of the noise predictions.

6.6.15 The noise levels predicted to be generated and the distance of the proposed quarry to adjacent properties are within the derived criteria limits set out within PAN50 in relation to the measured background noise. Environmental Services have advised that they are satisfied with the assessment, findings and mitigation contained within the Environmental Statement and that they are in line with PAN50 (Annex A) as well as best practice as advised in PAN1/2011. It is therefore considered that given the location of the site, in tandem with the proposed noise mitigation (screening bunds), the noise generated by the proposal is within the parameters advised by PAN50. The proposed hours of operation are 7am to 7pm Monday to Friday and 7am to 1pm on a Saturday only. As previously stated, whilst having no prescribed qualification or definition of 'local circumstances', PAN50 does state that definitions of 'daytime' (normally 7am to 7pm) 'may depend on local circumstances' and 'in some areas 8am may be more appropriate than 7am'. Environmental Services consider that the application site is in a location that can be properly defined as rural with the adjacent land comprising non intense agriculture, light rural industry and sporadic settlements. In this instance, Environmental Services are content with the 7am start Monday to Friday but consider that the local circumstances of the area deem a later start on a Saturday being more appropriate and recommend an 8am start on a Saturday. Environmental Services also consider the local circumstances to result in a 7pm finish Monday to Friday as not being in keeping with the level of activity within the adjacent area and therefore recommend that operations shall cease no later than 6pm Monday to Friday. Whilst PAN50 is silent in relation to an earlier than 7pm 'daytime' finish taking account of the local circumstances, it is considered that when considering the appropriateness of this option the principle to be applied would be similar to that used to establish if a 7am/ 8am start as would be appropriate in rural areas. It is therefore considered that whilst the noise levels meet the derived criteria of PAN50, allowing a 7pm finish for operations would be introducing a level of activity within a rural area that it does not normally experience at this time. It is therefore reasonable to limit the end of operations to 6pm Monday to Friday as well as delaying the commencement of operations on a Saturday until 8am. A suitable condition on these amended operating hours therefore forms part of this recommendation, should planning consent be granted. In addition a further condition to ensure the noise mitigation methods within the ES are carried out also forms part of this recommendation to ensure that the noise levels are under that as prescribed within PAN50 and stated within the Noise Assessment. Other mitigation methods proposed in addition to the noise attenuation, screening bunds include maintenance of equipment, white noise reversing signals, internal roads kept in a good state of repair, to minimize any unwanted rattles from plant movements, and minimising drop heights when loading.

6.6.16 Annex B of PAN50 provides advice on keeping dust emissions from surface mineral workings within environmentally acceptable limits. It notes that dust is caused directly by the extraction process but that there are additional indirect causes of dust such as the haulage of minerals and other handling of minerals as well as stripping soils. The

PAN outlines best practice for dust monitoring, mitigation and control. Examples of monitoring methods includes using sticky pads to collect and then gauge air borne dust levels, directional gauges to assess wind direction and basic visual monitoring of the site. The main way to control and mitigate for dust on site is to dampen the surface with water as that minimises dust emissions. Other methods are minimizing drop heights, limiting vehicle speeds, sheeting of vehicles and wheel washing facilities.

- 6.6.17 A dust assessment forms part of the planning application submission, within the Environmental Statement. The dust assessment outlines the dust related issues associated with a site of this nature, mainly fugitive dust (dust that escapes from the site) which is usually airborne but can also be from bad transportation techniques such as unwashed vehicular wheels or lack of sheeting of vehicles. Wind has the main potential to create fugitive dust by lifting dust particles from surfaces. This can depend on the speed of the wind, the condition of the surface and the size of particle. The nuisance effects of dust are usually measured with reference to dust deposition or soiling.
- 6.6.18 The dust mitigation within the dust assessment proposes to use dust suppression measures that are successfully employed within other sand and gravel quarries and are in line with those advised by PAN50. The dust suppression/ mitigation measures include the use of water bowzers to wet the site, reduced drop heights from excavators to dump trucks, sheeting of laden lorries and operation of a covered field conveyor reducing the number of dump truck movements within the site. As with the noise assessment, the location of the nearest sensitive residential receptor is approximately 350 metres from the site boundary. As referenced within PAN50, this distance is in line with the DoE Report 'The Environmental Effects of Dust from Surface Mineral Workings' (1995) which advises that the majority of dust particles fall within a 100 metre radius of mineral extraction sites. Environmental Services are content with the dust assessment and mitigation measures as proposed subject to a dust management condition. A condition forms part of this recommendation to ensure that the dust management and mitigation techniques are employed throughout the lifetime of the site, should planning consent be granted.
- 6.6.19 The Scottish Government's Guidance Note 'Controlling Light Pollution and Reducing Energy Consumption' (March 2007) states, inter alia, that lighting should be carefully directed where needed only and be designed to minimise light pollution. The over use of lighting is also to be avoided.
- 6.6.20 No night time working is proposed yet the early morning and late afternoon periods during winter will require artificial lighting to be employed. Lighting is proposed as part of the application for these winter periods. In order to minimise the impact of any lighting within the surrounding area it is proposed to use down lighters to shine into the site only and timers to ensure the lighting is only on during operational times. Environmental Services have raised no concerns regarding the lighting proposals. An appropriate condition forms part of this recommendation requiring a lighting plan to be submitted for approval to ensure full control of all lighting, should planning consent be granted. The majority of on-site lighting will through vehicle headlights and lights fixed to on-site equipment within the processing area. It is considered that the installation of permanent, fixed floodlights would not be appropriate within this rural location and therefore the proposed lighting plan would comprise temporary lighting solutions only. There is no lighting proposed as part of the permanent use of the site following restoration. Overall it is considered that lighting associated with the proposal will not have a visual impact on the wider area nor will it impact on wildlife.

- 6.6.21 It is therefore considered that the proposals are in accordance with National Policy and the Development Plan in this regard.
- 6.6.22 NSPG Policy MIN 8 'Community Benefit' states that SLC will encourage operators to contribute to the South Lanarkshire Rural Communities Trust (SLRCT), Quarry Fund or the Council's Renewable Energy Fund or similar mechanism. Contributions or lack of contributions are not taken into account when assessing the acceptability or otherwise of proposals in relation to planning terms. This matter can only be noted. The applicant has not stated any proposals to contribute to any form of community trust. As previously stated this is not a material consideration when assessing this planning application.
- 6.6.23 NSPG Policy MIN 11 'Supporting Information' states that planning application submissions shall be accompanied by sufficient information and supporting documents to enable an application to be assessed and determined. This information should include, but not be limited to, a statement of intent, a method of working, measures to protect local amenity, landscape and visual impact assessment, details of restoration and aftercare and any ecological surveys necessary. The application submission included a Planning Statement, an Environmental Statement and phasing plans as part of the suite of documents forming the application submission. The application submission therefore meets the NSPG criteria in this regard.
- 6.6.24 NSPG Policy MIN 12 'Transport' requires an assessment of potential traffic and transportation impacts of any new proposal to accompany the application for planning permission, including any cumulative impact. Proposals will not be supported by SLC if they are considered to create significant adverse traffic and transportation impacts. This assessment has been carried out under Policy 16 of the SLLDP within paragraphs 6.5.37 to 6.5.39 above and the proposals are also in compliance with this policy subject to the conditions required by Transport Scotland. It is considered that other appropriate conditions relating to wheel washing etc. are necessary to ensure that the proposals do not lead to additional mud or other debris being dropped on the public road network. Should planning consent be granted appropriate conditions shall be attached.
- 6.6.25 NSPG Policy MIN 13 'Legal Agreements' seeks the use of legal agreements, where appropriate, to control aspects of the development which cannot be adequately controlled through the use of planning conditions. It is considered that a legal agreement is the most appropriate method of securing a Technical Working Group for the duration of the extraction, restoration and after care periods for the site.
- 6.6.26 NSPG Policy MIN 15 'Site Monitoring and Enforcement' states that SLC will monitor minerals sites to ensure that they are carried out in accordance with planning legislation, approved plans, conditions and where appropriate, legal agreements. If planning permission is granted, appropriate monitoring procedures would be put in place to ensure this is carried out.

6.7 Conclusion

- 6.7.1 In conclusion, it is considered that a comprehensive Environmental Statement with supporting information has been provided to allow a full assessment of the application. All relevant planning matters have been fully addressed and all the procedures within the remit of the Council, as Planning Authority have been followed.
- 6.7.2 The proposal is considered acceptable in meeting the relevant criteria of the Development Plan and national guidance in relation to minerals supply. The proposal would not cause any detrimental impacts in terms of road safety and proposes appropriate mitigation measures and phasing to minimise any potential impacts upon

residential amenity. The proposed working methodology and mitigation measures in relation to flooding and water environment issues are considered robust and satisfy the requirements of SEPA subject to the further approval of an Adaptive Management Plan which the applicant is agreeable to. The development proposals incorporate appropriate mitigation measures to protect and enhance protected species within the site. The proposed after-use of the site involves the introduction of quality wetland habitat into the area which is considered to enhance biodiversity to a greater degree than currently exists on site. The proposals result in the addition of 12 full time jobs within the rural area for the lifetime of the site. In terms of landscape and visual impact, whilst mitigation is provided, the proposals will have an impact upon the character of the area both during the extraction operations and following restoration of the site. It is considered that whilst the development will have a slight, negative impact upon the visual landscape, it is not to a degree that would materially alter the character of the surrounding area and on balance the merits of the proposal outweigh the visual impact in this instance. On this basis it is therefore considered that the applicant has amended the design of the restoration scheme to result in a recreation facility that addresses the outstanding concern regarding the harmful effect and impact of the previously proposed engineered and artificial water body which was upheld in the site's previous Appeal Decision. Whilst the loss of Prime Agricultural Land is contrary to the protection hierarchy of SLLDP Policy 15, on balance, it is considered acceptable in this instance, given it is not of the quality and usability normally associated with land designated as Prime Agricultural Land.

- 6.7.2 In view of the above and taking account of the particular and unique characteristics of the proposed development and the application site, it is recommended that planning permission be granted subject to the conditions set out in the attached paper.

7 Reasons for Decision

- 7.1 The proposal complies with national planning policy and advice; and with the principles of the approved Glasgow and Clyde Valley Strategic Development Plan 2017, plus the relevant policies contained within the adopted South Lanarkshire Local Development Plan 2015 and the Non-Statutory Planning Guidance on Minerals. The restoration scheme has taken account of and addressed the landscape and visual impact issues raised by the previous DPEA decision.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

13 April 2018

Previous References

- ◆ P/M/60/980
- ◆ P/65/1070
- ◆ CL/09/0318
- ◆ CL/11/0305

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Supplementary Guidance 1: Sustainable Development and Climate Change

- ▶ Supplementary Guidance 2: Green Belt and Rural Area
- ▶ Supplementary Guidance 3: Development Management, Placemaking and Design
- ▶ Non Statutory Planning Guidance – Minerals (approved 2017)
- ▶ Neighbour notification advert dated 11.05.2016

- ▶ Consultations

Scottish Natural Heritage	03/06/2016
Symington Community Council	06/06/2016
West of Scotland Archaeology Service	23/05/2016
SP Energy Network	12/05/2016
Roads & Transportation Services (Traffic and Transportation Section)	12/07/2016
RSPB Scotland	02/06/2016
S.E.P.A. (West Region)	10/10/2016
Roads and Transportation Services (Clydesdale Area)	16/05/2016
Duneaton Community Council	31/05/2016
Transport Scotland	11/05/2016
Roads & Transportation Services (Flood Risk Management Section)	18/05/2016
Transport Scotland	24/05/2016
Historic Environment Scotland	26/05/2016
S.E.P.A. (West Region)	10/06/2016
Scottish Water	05/10/2017
Roads and Transportation Services (Clydesdale Area)	11/05/2016
S.E.P.A. (West Region)	27/10/2017

► Representations

- Representation from : Sharon Bradley, 5 Colliehill Road
Biggar
ML12 6PN, DATED 26/05/2016
- Representation from : Barbara Foote, 7 Broughton Road
Biggar
ML12 8AN, DATED 26/05/2016
- Representation from : Andy Spence, DATED 09/05/2016
- Representation from : Anthony Bowers, Turret Cottage
Biggar Road
Symington
Biggar
ML12 6LW, DATED 09/05/2016
- Representation from : Ann Dobinson, , DATED 03/06/2016
- Representation from : Mrs. M J Allen, 18 Moss Side Road
Biggar
ML12 6GF DATED 03/06/2016
- Representation from : Frances Erskine, DATED 03/06/2016
- Representation from : Jaco.co, Floor E
Argyle House
38 Castle Terrace
Edinburgh
EH3 9SJ, DATED 03/06/2016
- Representation from : Tom Platt, DATED 03/06/2016
- Representation from : Beatrice Christie, DATED 03/06/2016
- Representation from : H McLachlan, Shuttlefield Cottage
Lamington
ML12 6HW, DATED 03/06/2016
- Representation from : Olivia Kekewich, , DATED 03/06/2016
- Representation from : Scott Macleod, 42 Drymen road
Bearsden
G612RW, DATED 03/06/2016
- Representation from : Biggar and District Civic Society, DATED 03/06/2016
- Representation from : Daniel Gould, DATED 03/06/2016
- Representation from : Alison Paterson, Over Abington Farm
Abington, DATED 03/06/2016
- Representation from : John Robertson, DATED 03/06/2016

Representation from : M Hutchinson, Swinburne House
Skirling
Biggar
ML12 6HB, DATED 03/06/2016

Representation from : Auraengus Kenchington, DATED 03/06/2016

Representation from : Mr and Mrs J Sands, 8 Colliehill Road
Biggar
ML12 6PN, DATED 06/06/2016

Representation from : Lauren Goldthorpe, Received via email, DATED 06/06/2016

Representation from : Nic Goodwin, Springwellbrae Cottage
Broughton
ML12 6HH, DATED 06/06/2016

Representation from : Mr Walter W Laing, 141 Old Manse Road
Netherton
Wishaw, DATED 06/06/2016

Representation from : Anne Mackintosh, Received via email, DATED 06/06/2016

Representation from : Ian Mackintosh, Received via email, DATED 06/06/2016

Representation from : Anne Bartie, 10A Abington Road
Symington
ML12 6JX, DATED 06/06/2016

Representation from : Fiona Richardson, Received via email, DATED 08/06/2016

Representation from : Mrs Mary Moncrieff Morgan, 10 Stanehead park
Biggar
ML12 6PU, DATED 01/06/2016

Representation from : Mrs Ruth Blake, North Cottage
Coulter Mains
Biggar
ML12 6PR, DATED 01/06/2016

Representation from : Douglas Mackenzie, Broadfield Cottage
Symington
Biggar
ML12 6JZ, DATED 01/06/2016

Representation from : John D Middlemise, Lamington & District Angling
Improvement Assoc
25 Cardon Drive
Biggar
ML12 6EZ, DATED 01/06/2016

Representation from : M & O Hunter
67 Main Street
Symington
Biggar
ML12 6LL, DATED 13/05/2016

Representation from : Margaret Robertson
14 Burnside Terrace
Biggar
Biggar
ML12 6by, DATED 17/05/2016

Representation from : Steve Cox
Birkhill House
Coalburn
South Lanarkshire
ML11 0NJ, DATED 01/06/2016

Representation from : Mrs Moira Donoghue,
Bank Cottage
8A Biggar Road
Carnwath
ML11 8LU, DATED 23/05/2016

Representation from : M.H.Cormack, DATED

Representation from : Harry Edward Shields, Philippa Ann Shields
Fenella Kim Shields
Elsbeth Margaret Shields
DATED 23/05/2016

Representation from : Mrs Irene Riddell, Brookside
Lamington
ML12 6HW, DATED 31/05/2016

Representation from : Manorview Hotels,
Bowfield Hotel & Country Club
Bowfield Road
Howwood
PA9 1DZ, DATED 31/05/2016

Representation from : Mrs Carpenter, DATED 31/05/2016

Representation from : Niall and Jean Lyon, Broadfield Farm
Symington
Biggar
Lanarkshire
ML12 6JZ DATED 31/05/2016

Representation from : Simon Butterworth, Luskentyre
Cormiston Road
Biggar
ML12 6NS DATED 31/05/2016

Representation from : Lorna Godfrey, 19 Station Road,
Biggar
ML12 6BW
, DATED 31/05/2016

Representation from : Julie Wight , Townfoot farm
Symington

Biggar
ML12 6LL
, DATED 30/05/2016

Representation from : Ros and Mark Leach , 97 Main Street
Symington
Biggar
South Lanarkshire
ML12 6LL, DATED 26/05/2016 19:22:02

Representation from : Douglas Shaw, 43 Knocklea
Biggar
ML12 6EF, DATED 01/06/2016

Representation from : John Pollock, 3/3 17 Paisley Road
Barrhead
G78 1HG, DATED 01/06/2016

Representation from : Jo MacSween, East Cottage
Coulter Mains
Coulter
Biggar
ML12 6PR, DATED 01/06/2016

Representation from : Calum Lindsay, 2/1 363 Dumbarton Road
Glasgow
G11 6BA, DATED 01/06/2016

Representation from : Tinto Trout Fishery, Loch Lyoch Cottage
Thankerton
Biggar
ML12 6NH, DATED 01/06/2016

Representation from : Andrew Lennox, 50 Meadowpark Road
Bathgate
EH48 2SJ, DATED 01/06/2016

Representation from : Jean Oliver, 43 Knocklea
Biggar
ML12 6EF, DATED 01/06/2016

Representation from : Thomas MacKay, ., DATED 01/06/2016

Representation from : James Horan, ., DATED 01/06/2016

Representation from : Yvonne Laing, 255 Shields Road
Motherwell, DATED 01/06/2016

Representation from : Colin Laing, 255 Shields Road
Motherwell
ML1 2LG, DATED 01/06/2016

Representation from : Maciej Alexander, , DATED 01/06/2016

Representation from : Susan Kekewich, , DATED 02/06/2016

Representation from : Alexander Anderson, Glebe House
Lamington
Biggar
ML12 6HW
, DATED 02/06/2016

Representation from : Harold Harris, DATED 02/06/2016

Representation from : Jon McCosh , received via email , DATED 09/06/2016

Representation from : Drew Burnett, Received via email, DATED 15/04/2016

Representation from : Dale Galloway, Coulter Mains House and Lodge House
Coulter
Biggar
ML12 6PR, DATED 31/05/2016

Representation from : Mrs J E Airlie, 12 Langvout Gate
Biggar
ML12 6UF, DATED 31/05/2016

Representation from : Dr Andrew Highton, Geological Consultant
Border Geo-Science
2 Oxengate Cottages
Elsrickle
Lanarkshire
ML12 6QZ
DATED 31/05/2016

Representation from : Robert Riddell, , DATED 02/06/2016

Representation from : Beth Anderson, Glebe House
Lamington
Biggar
ML12 6HW
DATED 02/06/2016

Representation from : Hugo Kekewich, , DATED 02/06/2016

Representation from : Angus Bell, Newholm of Culter,
Biggar,
ML12 6PZ.
DATED 02/06/2016

Representation from : Charlie Fleetwood, DATED 02/06/2016

Representation from : Dr P Strigner, DATED 02/06/2016

Representation from : Sarah Hebeisen , Auchinleck Cooperative
20 Stanley Road
Edinburgh
EH6 4SG
DATED 02/06/2016

Representation from : Heather Strigner, DATED 02/06/2016

Representation from : Jasmine Gould MA, DATED 02/06/2016

Representation from : Michelle Taylor, UK taxpayer
UK voter
U.K. Resident
Lover of the British countryside
DATED 02/06/2016

Representation from : Scott Mackay, DATED 02/06/2016

Representation from : Mrs Anna McCosh, 12 Stephen Avenue
Biggar
ML12 6AS, DATED 17/10/2017

Representation from : James Yuille , 'Lorien'
6 Mid Road
Biggar
ML12 6AW
DATED 12/05/2016

Representation from : Stuart Harrison, For and on behalf of Automatic Protection
Limited , DATED 12/05/2016

Representation from : David and Kim Collins, Wayside Cottage
Lamington
ML12 6HW, DATED 16/05/2016

Representation from : Chris Trickey , 84 Dumfries Road
Elvanfoot, DATED 12/05/2016

Representation from : Graham May, Willow Cottage
Millrigg Road
Wiston
ML12 6HT, DATED 13/05/2016

Representation from : Sarah Henry, 57 Gardenside Avenue
Carmyle
G32 8EA, DATED 18/05/2016

Representation from : Anthony Henry, 57 Gardenside Avenue
Carmyle
Glasgow
,DATED 18/05/2016

Representation from : M G Young, 6 Castle Yett
Biggar
ML12 6QQ, DATED 18/05/2016

Representation from : Miss Molly Armstrong, 9 Moss Side Drive
Biggar
ML12 6GD, DATED 18/05/2016

Representation from : Anne Neville, 10 Albion Court
Biggar
ML12 6GU, DATED 18/05/2016

Representation from : Jennifer Meikle, Glengonnar
Coulter
Biggar
ML12 6PZ, DATED 18/05/2016

Representation from : Rory Conn, Tweedbank
Main Street
Symington
ML12 6LJ
DATED 25/05/2016

Representation from : On Behalf of constituent of Bruce Crawford MSP,
DATED 21/06/2016

Representation from : Ian D Parker, 254 Colinton Road
Edinburgh
EH14 1DL
DATED 13/04/2016

Representation from : Craig Ritchie, 106 Burnhead Rd
Symington
ML12 6FS
DATED 13/04/2016

Representation from : Lorraine Murray, 33 Rowhead Terrace
Biggar
ML12 6DU
DATED 13/04/2016

Representation from : Ken Hebbes, 22 Coulter road
Biggar
ML12 6EP
DATED 13/04/2016

Representation from : M Abed Ullah , Taj Mahal Biggar Ltd
101 High Street
Biggar
ML12 6DL
DATED 13/04/2016

Representation from : Peter McCallum ,
DATED 13/04/2016

Representation from : Paul O'Donnell, Dawn Group
220 West George Street
Glasgow
G2 2PG
DATED 22/04/2016

Representation from : Margaret B Bowen,
DATED 11/05/2016

Representation from : Edward B Bowen,
DATED 11/05/2016

Representation from : Rosemary Gow, 8 Edinburgh Road

Abington
Biggar
ML12 6SA,
DATED 11/05/2016

Representation from : Tim King, 53 Biggar Road
Symington
ML12 6FT
DATED 18/05/2016

Representation from : Gordon Lang, 8 Biggar Road
Carnwath
ML11 8HJ
DATED 18/05/2016

Representation from : Kathleen Ellwood, 6 Kirk Bauk
Symington
Biggar
ML12 6LB
DATED 18/05/2016

Representation from : Kenny Dunlop,
DATED 31/05/2016

Representation from : David Doig,
DATED 31/05/2016

Representation from : Gavin Smith,
DATED 31/05/2016

Representation from : S Doig, DKR
Coulter
DATED 31/05/2016

Representation from : Elma Wight, Townfoot farm
Symington
ML12 6LL
DATED 30/05/2016

Representation from : John Martin, The Old Post Office House
Roberton
ML12 6RS
DATED 31/05/2016

Representation from : Laura Wight, DATED 31/05/2016

Representation from : Gavin and Sheila Hill, DATED 30/05/2016

Representation from : Pauline Vassiliades, Coulter Mains House
Coulter
Biggar
ML12 6PR, DATED 30/05/2016

Representation from : Belinda Connor, 10 Blairhead View
Shotts
ML7 5B6

DATED 30/05/2016

Representation from : Ewan Robertson, 8 Glen Lane
Uplawmoor
Glasgow
G78 4DF
DATED 30/05/2016

Representation from : Lynn Robertson, DATED 30/05/2016

Representation from : Robin Strigner, Kirkwood House
Coulter
Biggar
ML12 6PP
DATED 31/05/2016

Representation from : Jasmin Cann, 7, Lindsaylands Road,
Biggar
ML12 6EQ
DATED 30/05/2016

Representation from : Cathy Williams B.Sc. MIEEM, , DATED 30/05/2016

Representation from : Melanie Telford , , DATED 31/05/2016

Representation from : Elma Wight, , DATED 31/05/2016

Representation from : John Wight, , DATED 31/05/2016

Representation from : Mrs Catherine Wight, , DATED 31/05/2016

Representation from : Carolyn Fuddy, 40 Sherifflats Road
Thankerton
Biggar ML12 6PA
, DATED 31/05/2016

Representation from : John and Elizabeth Thumire, , DATED 31/05/2016

Representation from : Brian Lindsay, 34 Sherrifflats Road
Thankerton
Biggar
Lanarkshire
ML12 6PA
DATED 30/05/2016

Representation from : Steve Vassiliades, Coulter Mains House
Coulter
Biggar
ML12 6PR, DATED 31/05/2016

Representation from : Rose Mary Tompsett, DATED 19/04/2016

Representation from : Historic Scotland, email, DATED 13/10/2017

Representation from : Concerned local resident of Upper Clydesdale, Received via
email, DATED 02/06/2016

Representation from : Karen Lamb, Received via email, DATED 02/06/2016

Representation from : Gavin Legg, Hawthorn Cottage
Lamington, DATED 02/06/2016

Representation from : Eleanor Legg, Hawthorn Cottage
Lamington, DATED 02/06/2016

Representation from : Karl T Pipes, 71 Main Street
Symington
Biggar
ML12 6LL, DATED 02/06/2016

Representation from : William Edward Alexander and Maciej Alexander,
Greengables
Symington
Biggar
ML12 6JU, DATED 02/06/2016

Representation from : Ms T Armstrong, 9 Moss Side Drive
Biggar
ML12 6QD, DATED 03/06/2016

Representation from : Zdenka Stuart, South Cottage
Hardington Estate
Lamington
Biggar
ML12 6HS, DATED 03/06/2016

Representation from : Ian Stuart, No address provided, DATED 03/06/2016

Representation from : Jo Macsween, East Cottage
Coulter Mains
Coulter
Biggar
ML12 6PR, DATED 03/06/2016

Representation from : Charles Coubrough, Chairman of Charles Coubrough & Co
Ltd
Tintoside
Symington
Biggar
ML12 6HX, DATED 27/05/2016

Representation from : Bob Brownlie, , DATED 27/05/2016

Representation from : James Baxter, Wiston
Biggar
ML12 6HU
DATED 27/05/2016

Representation from : Roger Duerden, East Cottage
Coulter Mains
Coulter
Biggar

ML12 6PR, DATED 27/05/2016

- Representation from : Jane Tallents, 3 Milkhall Cottages
Penicuik
EH26 8PX, DATED 01/06/2016
- Representation from : William White, ., DATED 01/06/2016
- Representation from : Jacqueline White, DATED 01/06/2016
- Representation from : Dr Michael Marten, 7 Station Road
Balfron
G63 0SX, DATED 01/06/2016
- Representation from : G Miller, Biggar, DATED 01/06/2016
- Representation from : Steven Laing, 255 Shields Road
Motherwell
ML1 2LG, DATED 01/06/2016
- Representation from : Dr Janet Moxley, Wallace Cottage,
1 Gas Works Rd,
Biggar,
ML12 6BZ, DATED 03/06/2016
- Representation from : Catherine Bradley, 1 Kilbucho Mains Farm Cottages
Kilbucho
Biggar
Lanarkshire
ML12 6JH
DATED 14/04/2016
- Representation from : Anne Dickson, DATED 14/04/2016
- Representation from : Robert Dickson, DATED 14/04/2016
- Representation from : Stuart Burgess, Flat 2/2
28 Woodford Street
Glasgow
G41 3HN
DATED 14/04/2016
- Representation from : Sue Wigram, The Granary
Annieston Farm
Symington
Biggar
ML12 6LQ
DATED 14/04/2016
- Representation from : Linda Miller, DATED 14/04/2016
- Representation from : Angus McLeod, Broadfield Farm House,
Symington,
Biggar,
ML12 6JZ
DATED 15/04/2016

Representation from : Michael Best, DATED 13/05/2016

Representation from : Vivien Mullaney, DATED 13/05/2016

Representation from : Agnes Stewart, DATED 16/05/2016

Representation from : Narelle Cunningham, DATED 16/05/2016

Representation from : Ewan McBride, Sunflowers
Church Lane
Wiston
Biggar
ML12 6GA, DATED 16/05/2016

Representation from : Dawn Hakim, DATED 16/05/2016

Representation from : Robert Armour , lauder cottage
skirling
Biggar
ML126HD, DATED 18/05/2016

Representation from : Chris MacGregor Mitchell , Shaw House
Coulter
Biggar
ML12 6PZ, DATED 18/05/2016

Representation from : Fiona Thomson, Jim Thomson, Gordon Thomson, Cameron
Thomson, Angus Thomson, Received via email, DATED
19/05/2016

Representation from : G B Hill and Mrs Anne Hill, Broadlands
Broadfield Road
Symington
ML12 6JZ, DATED 19/05/2016

Representation from : Merlin Bonning, Kirkwood House
Biggar
Scotland
ML12 6PP
DATED 02/06/2016

Representation from : Aileen Campbell MSP, DATED 14/06/2016

Representation from : William Allen , 18
Moss Side Road
BIGGAR
ML12 6GF, DATED 26/05/2016

Representation from : Donald Oxley , Beech Cottage
Lamington
Biggar
ML12 6HW, DATED 18/05/2016

Representation from : Gun Oxley , Beech Cottage
Lamington

Biggar
South Lanarkshire
ML12 6HW, DATED 18/05/2016

Representation from : Mrs P Higgins, 4 Cardon Drive
Biggar
ML12 6EZ, DATED 01/06/2016

Representation from : Owner/Occupier, 1 Colliehill Road
Biggar
ML12 6PN, DATED 01/06/2016

Representation from : Marion Brown, 116 Main Street
Symington
Biggar
ML12 6LJ, DATED 01/06/2016

Representation from : Owner/Occupier, 13 Millstone Park
Biggar
ML12 6AQ, DATED 01/06/2016

Representation from : Mr and Mrs Dewar, 21 Langvout Gate
Biggar
ML12 6UF, DATED 01/06/2016

Representation from : Fiona Black, 47 Main Street
Symington
ML12 6LL, DATED 01/06/2016

Representation from : David Wilson , Braefield
Cormiston Road
Biggar
ML12 6NS, DATED 01/06/2016 23:25:23

Representation from : Frances Sandilands, 73 Main Street
Symington
Biggar
ML12 6LL, DATED 07/06/2016

Representation from : Rt Hon David Mundell MP, 2 Holm Street
Moffat
DG10 9EB, DATED 05/05/2016

Representation from : Clare Yuille, Turret Cottage
Biggar Road, Symington
Biggar,
ML12 6LW
DATED 10/05/2016

Representation from : David Barnes, Biggar Park
Biggar
ML12 JS
DATED 10/05/2016

Representation from : Mrs C Barr, 10 Lodge Park
Biggar

ML12 6ER, DATED 12/05/2016

Representation from : James Dawnay, Symington House
by Biggar
ML12 6LW, DATED 17/05/2016

Representation from : Alex Laird and Josephine Laird, 21 Moss Side Road
Biggar
ML12 6GF, DATED 17/05/2016

Representation from : Anna Ludwig, 39 Main Street
Symington
Biggar
ML12 6LL, DATED 17/05/2016

Representation from : Caroline J Parker BSc MRICS, Rosemount
254 Colinton Road
Edinburgh
EH14 1DL, DATED 17/05/2016

Representation from : William Watt, DATED 10/05/2016

Representation from : Finlay Mccoll and Karen Yeman, DATED 10/05/2016

Representation from : Mary McLatchie, DATED 11/05/2016

Representation from : Elizabeth McLatchie, DATED 11/05/2016

Representation from : Heather Watt, Received via email, DATED 16/05/2016

Representation from : Bill Osborne, Easthill Farm
Quothquan
Biggar
ML12 6NA, DATED 16/05/2016

Representation from : Lesley Osborne, Easthill Farm
Quothquan
Biggar
ML12 6NA, DATED 16/05/2016

Representation from : Robert Colquhoun, 29a Main Street
Symington
Biggar
ML12 6LL, DATED 16/05/2016

Representation from : W and M Aitken, Received via email, DATED 16/05/2016

Representation from : Steven and Lesley McCranor, Received via email, DATED
16/05/2016

Representation from : Patricia Ross, Garth Cottage
Wiston
Biggar, DATED 16/05/2016

Representation from : Katrina Docherty, Received via email, DATED 16/05/2016

Representation from : Tom Docherty, Received via email, DATED 16/05/2016

Representation from : Alexander J Kekewich BSc, DATED 16/05/2016

Representation from : Mr Malcolm and Sharon Mayo, Curlew Cottage
Church Lane
Wiston
ML12 6GA, DATED 16/05/2016

Representation from : Aileen Hewitt, Received via email, DATED 16/05/2016

Representation from : Mrs Linda Bell, Penrhyn Cottage
Lamington
ML12 6HW, DATED 16/05/2016

Representation from : Isabel Young, 3 Skyehead Drive
Biggar
ML12 6PW, DATED 16/05/2016

Representation from : John B Bell, Penrhyn Cottage
Lamington
ML12 6HW, DATED 16/05/2016

Representation from : Ben McCosh , 10 Woodilee
Broughton
ML12 6GB, DATED 16/05/2016

Representation from : Jennifer Mackie, 10 Edinburgh Road
Biggar
ML12 6AX, DATED 18/05/2016

Representation from : Robert Armour, Received via email, DATED 19/05/2016

Representation from : John McLatchie, Langholm House
Lamington
By Biggar
ML12 6HW, DATED 31/05/2016

Representation from : Lindsay Macgregor, , DATED 31/05/2016

Representation from : Janet V Rae, "Craigengar"
16 Station Road
Biggar
ML12 6JN, DATED 01/06/2016

Representation from : Mrs Ailsa MacLeod, Lower Glengorm
14 Station Road
Biggar
ML12 6JNB, DATED 01/06/2016

Representation from : Hannah M McKenzie, Applegarth
9 Lindsaylands Road
Biggar
ML12 6EQ, DATED 01/06/2016

Representation from : Robert Norman, Springlea
Howgate Road
Roberton
ML12 6RS, DATED 01/06/2016

Representation from : Mrs A Mitchell, 60 Howgate Road
Roberton
ML12 6RS, DATED 01/06/2016

Representation from : Elizabeth St John, Spittal House
Biggar
ML12 6HB, DATED 01/06/2016

Representation from : Robert M Brown, 38 Cormiston Road
Biggar
ML12 6FF, DATED 01/06/2016

Representation from : Rochelle Pitcher, 38 Cormiston Road
Biggar
ML12 6FF, DATED 01/06/2016

Representation from : Mrs Janice & Mr John Currie, 7 Viewpark Road
Biggar
ML12 6BG, DATED 01/06/2016

Representation from : Peter Goddard, "Grianach"
Howgate Road
Roberton
Biggar
ML12 6RS, DATED 01/06/2016

Representation from : W Alexander, 28 Birthwood Road
Coulter
Biggar
ML12 6PT, DATED 01/06/2016

Representation from : M S Midalemiss, 25 Cardon Drive
Biggar
ML12 6EZ, DATED 01/06/2016

Representation from : A M Carson, 3 Stanehead Park
Biggar
ML12 6PU, DATED 01/06/2016

Representation from : Elizabeth E Bell, The Cottage
Lamington
ML12 6HW, DATED 01/06/2016

Representation from : Gerard McCosh, Highfield
Coulter
Biggar
ML12 6PZ, DATED 01/06/2016

Representation from : Mr Roy Maddox, 101A Main Street
Symington
Biggar

ML12 6LL, DATED 01/06/2016

Representation from : Chris McCosh, Windy Hangingshaw
Coulter
Biggar
ML12 6HN, DATED 01/06/2016

Representation from : Ian A Edgar & Mrs Sheena Edgar, Lamington Mains Farm
Lamington
Biggar
ML12 6HW, DATED 01/06/2016

Representation from : Bryce K McCosh, Huntfield
Quothquan
Biggar
ML12 6NA, DATED 01/06/2016

Representation from : Alison Habasque , 21 Bidders Gait
Lanark, DATED 02/06/2016

Representation from : Derrick and Pamela Norris, 14 Moss Side Crescent
Biggar
ML12 6GE, DATED 09/05/2016

Representation from : Ian and Christine Cameron, DATED 09/05/2016

Representation from : Miss S J Doig, 22 Cardon Drive
Biggar
ML12 6EZ, DATED 09/05/2016

Representation from : Graham Gibson, Millhill
Lamington
Biggar
ML12 6HW, DATED 10/05/2016

Representation from : Beryl Pipes , Limetree Cottage
71 Main Street
Symington
Biggar
ML12 6LL , DATED 20/05/2016

Representation from : David W Bell, The Cottage
Lamington
ML12 6HW , DATED 20/05/2016

Representation from : Anna McCosh , 12 Stephen Avenue
Biggar
ML12 6AS , DATED 20/05/2016

Representation from : Karl T Pipes , 71 Main Street
Symington
Biggar
ML12 6LL , DATED 20/05/2016

Representation from : Murdo MacKenzie, on behalf of Mr A M MacKenzie
Cipero

Jerviston Street
Motherwell
ML1 4BL, DATED 28/07/2016

Representation from : Ross Laing, 255 Shields Road
Motherwell
ML1 2LG, DATED 01/06/2016

Representation from : Amanda Brown & Paul David Brown, , DATED 01/06/2016

Representation from : Muir Smith Evans, 203 Bath Street
Glasgow
G2 4HZ, DATED 01/06/2016

Representation from : Michael Maxwell Stuart, Baitlaws
Lamington
Biggar
ML12 6HR
DATED 01/06/2016

Representation from : Ros Bullen , 97 Main Street
Symington
Biggar
South Lanarkshire
ML12 6LL, DATED 01/06/2016

Representation from : Howard and Grace Goldstein, Clydeholm
Roberton
By Biggar
South Lanarkshire
ML12 6RR, DATED 15/06/2016

Representation from : David Grieve, 50 Main Street
Symington
ML12 6LJ, DATED 30/06/2016

Representation from : Scott Wright, Shawhill Smithy
Carmichael
Biggar
ML12 6PL, DATED 13/04/2016

Representation from : Jane Morrison-Ross, Received via email, DATED
13/04/2016

Representation from : Amanda Lawrie, Received via email, DATED 13/04/2016

Representation from : Kirsten M Vandome, Burnsands
Roberton
Biggar
ML12 6RS, DATED 13/04/2016

Representation from : Susan Bell, received via email , DATED 23/05/2016

Representation from : Malcolm Vennan, received via email, DATED 23/05/2016

Representation from : Lesley Anne Vannan, received via email , DATED

23/05/2016

- Representation from : Max Fraser , received via email , DATED 24/05/2016
- Representation from : Lara Boyd and James Boyd, Received via email, DATED 25/05/2016
- Representation from : D A Cann, Bridge Cottage
Coulter
Biggar
ML12 6PZ, DATED 25/05/2016
- Representation from : Owner - Occupier, Broadfield Farmhouse
Symington
Biggar
ML12 6JZ, DATED 25/05/2016
- Representation from : Dr J H Filshie, 16 Coulter Road
Biggar
South Lanarkshire
ML12 6EP, DATED 26/05/2016
- Representation from : Rebecca Main, DATED 26/05/2016
- Representation from : Andy Keane, DATED 26/05/2016
- Representation from : Stephen Forster, South Cottage
Coulter Mains
Coulter
Biggar
ML12 6PR
DATED 26/05/2016
- Representation from : Sharon Forster, South Cottage
Coulter Mains
Coulter
Biggar
ML12 6PR
DATED 26/05/2016
- Representation from : Steve , E-Health ICT
GP IT Support Manager
Kirklands
Bothwell
G71 8BB
DATED 26/05/2016
- Representation from : Matthew Connell, 7 Lawrie Street
Newmilns
KA169JF
DATED 26/05/2016
- Representation from : Jessica Cadzow-Collins, , DATED 26/05/2016
- Representation from : David and Dorothy Shannon, Woodburn
Quothquan

Biggar
ML12 6NA
DATED 26/05/2016

- Representation from : Mike Fuddy, 40 Sherittlats Road
Thankerton
Biggar, DATED 31/05/2016
- Representation from : Colin White, DATED 31/05/2016
- Representation from : William White, DATED 31/05/2016
- Representation from : William Robinson, DATED 04/10/2017
- Representation from : Ruth P Bryden, Received via email, DATED 20/05/2016
- Representation from : Craig Ritchie, Railway Cottage
Burnhead Road
Symington
ML12 6FS, DATED 20/05/2016
- Representation from : Mr G H Renton, Received via email, DATED 20/05/2016
- Representation from : Brian S Gallagher, Received via email, DATED 20/05/2016
- Representation from : Mr. Gerard Mcmorrow
5 Annieston Place
Symington
Biggar
LANARK
LANARKSHIRE, DATED 24/05/2016
- Representation from : Claudia Beamish MSP, Received via email,
DATED 07/06/2016
- Representation from : Savills - on behalf of Clyde River Action Group 2015, 8
Wemyss Place
Edinburgh
EH3 6DH, DATED 07/06/2016
- Representation from : Mrs Sarah Dawary, Symington House
by Biggar
ML12 6LW, DATED 07/06/2016
- Representation from : Kate Deacon, Received via email, DATED 07/06/2016
- Representation from : Chad McCail, 72 Station Road
Thankerton
ML12 6NZ, DATED 07/06/2016
- Representation from : Marc Light , 7 The Acreage
Hunterlees Gardens
Glassford
Strathaven
ML10 6GE, DATED 06/05/2016

Representation from : Margaret J Young, Alton
Causewayend
Coulter
Biggar
DATED 10/05/2016

Representation from : Margaret Robertson , 14 Burnside Terrace
Biggar
Biggar
ML12 6BY, DATED 17/05/2016

Representation from : David and Sharron Cowley, Burnfoot Cottage
Lamington
Biggar
ML12 6HR, DATED 27/05/2016

Representation from : Mrs McMahon , 24 Boat Rd
Thankerton
BIGGAR
ML12 6QW, DATED 30/05/2016

Representation from : William Robinson,
DATED 26/09/2017

Representation from : John B Bell, DATED 09/10/2017

Representation from : Linda P Bell , DATED 09/10/2017

Representation from : Ms Claudia Beamish MSP, via email , DATED 31/10/2017

Representation from : Savills , On Behalf of Clyde River Action Group
8 Wemyss Place
Edinburgh
EH3 6DH, DATED 19/12/2017

Contact for Further Information

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

James Wright, Minerals Officer, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
Ext 5903 (Tel 01698 455903)
E-mail: james.wright@southlanarkshire.gov.uk

CONDITIONS

- 1 That the extraction of sand and gravel shall proceed only in accordance with the submitted details of phasing, direction and depth of working as shown in the Environmental Statement (prepared by Pleydell Smithyman April 2016) and no deviations from these details shall be permitted unless agreed in writing with the Council, as Planning Authority. For the avoidance of doubt all compensatory flood storage works shall be completed prior to extraction commences.
- 2 That all extraction operations on the site shall be discontinued no later than 12 years from the date of commencement and, within a period of 12 months from the discontinuance date, the entire site shall be restored in accordance with the approved restoration plan (approved through condition 3 below).
- 3 That within 3 months of the date of this permission, a final, full restoration plan shall be submitted for the written approval of the Council as Planning Authority and thereafter the site shall be restored within the timescales as approved.
- 4 That prior to the commencement of the development hereby approved, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the Council as Planning Authority. Such guarantee must, unless otherwise approved in writing by the Council as Planning Authority;
 - i) be granted in favour of the Council as Planning Authority
 - ii) be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
 - iii) be for a specified amount which covers the value of all site restoration and aftercare liabilities as agreed between the developer and the planning authority at the commencement of development
 - iv) either contain indexation provisions so that the specified amount of the guarantee shall be increased on each anniversary of the date of this consent by the same percentage increase in the General Index of Retail Prices (All Items) exclusive of mortgage interest published by on or behalf of HM Government between the date hereof and such relevant anniversary or be reviewable to ensure that the specified amount of the guarantee always covers the value of the site restoration and aftercare liabilities come into effect on or before the date of commencement of development, and expire no earlier than 12 months after the end of the aftercare period.
 - v) No works shall begin at the site until (1) written approval of the Council as Planning Authority has been given to the terms of such guarantee and (2) thereafter the validly executed guarantee has been delivered to the Council as Planning Authority.
 - vi) In the event that the guarantee becomes invalid for any reason, no operations will be carried out on site until a replacement guarantee completed in accordance with the terms of this condition is lodged with the Council as Planning Authority.

- 5 That before any work starts on site an updated Water Environment Adaptive Management Plan shall be submitted for the written approval of the Council, as Planning Authority, in consultation with SEPA and thereafter shall be carried out as approved for the lifetime of the development, hereby approved, unless amendments are agreed in writing by the Council, as Planning Authority in consultation with SEPA.
- 6 That before any work starts on site, compliance with the Council's Sustainable Drainage Systems (SuDs) design criteria guidance and inclusive sign off by the relevant parties carrying out the elements of work associated with the design criteria appendices 1 to 5 shall be submitted for the written approval of the Council, as Planning Authority and thereafter be carried out as approved for the lifetime of the development, hereby approved.
- 7 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 Council as 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 Council as Planning Authority in agreement with the West of Scotland Archaeology Service.
- 8 That the approved access shall join the trunk road at a new junction which shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TD 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) complying with Layout 6. The junction shall be constructed in accordance with details that shall be submitted and approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority, before any part of the development is commenced. The work associated with the construction, supervision and safety audits, including any additional work identified by the audit as being necessary for the safety of the users of the trunk road, shall be delivered by the developer.
- 9 The gradient of the access road shall not exceed 1 in 40 for a distance of 15 metres from the nearside edge of the trunk road carriageway, and the first 15 metres shall be surfaced in a bituminous surface and measures shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road.
- 10 That the new access to the site shall be formed and the existing access closed off to the satisfaction of the Council as Planning Authority before any works commence on the site.
- 11 That prior to any works commencing on the construction of the access details of the proposed horizontal and vertical realignment of the A702 trunk road and type (and method) of construction shall be submitted and approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.
- 12 That prior to any works commencing fully detailed plans showing the construction phasing and temporary traffic management required for the realignment of the A702 trunk road shall be submitted and approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.

- 13 That from the date of commencement of operations on the site, until completion of the final restoration, a copy of this permission, and all approved documents and subsequently approved documents, shall be kept available for inspection on site during the approved working hours.
- 14 That prior to development commencing on site, a scheme for the monitoring of dust, shall be submitted for the written approval of the Council as Planning Authority and shall include the provision of physical dust monitoring should complaints arise. Thereafter, the scheme shall be carried out as approved for the lifetime of the development, hereby approved.
- 15 That prior to development commencing on site, details of all dust management measures shall be submitted for the written approval of the Council, as Planning Authority. The measures shall be fully implemented as approved and adhered to for the duration of the development, hereby approved. For the avoidance of doubt the dust management measures shall include the use of water bowsers, dampening extraction areas, sheeting of lorries and minimising load drop heights.
- 16 That prior to development commencing on site, detail of all noise attenuation measures shall be submitted for the written approval of the Council, as Planning Authority. The measures shall be fully implemented as approved and adhered to for the duration of the development, hereby approved. For the avoidance of doubt the site noise reduction measures shall include the use of electricity driven pumps, the use of sound reduced electricity generators, the fitting of acoustic housing around any noise source, fitting effective silencers on all vehicles, plant and machinery and the incorporation on all vehicles of reversing alarms that have reduced audible warning levels (these shall include a red stroboscopic warning light and/or white noise reversing systems).
- 17 That prior to development commencing on site, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile areas of any areas of earthmounding shall be submitted for the written approval of the Council as Planning Authority. Thereafter, the scheme as approved shall be fully planted in accordance with the approved programming, prior to the commencement of any extraction work on site and maintained as such for the lifetime of the development hereby approved. For the avoidance of doubt the scheme of landscaping shall include details of all greenbank planting as well as screen planting. The greenbank planting shall remain as approved by this condition unless changes to the Water Environment Adaptive Management Plan as required by condition 5 above require amendments or additions to this approved planting.
- 18 That without the prior written approval of the Council, as Planning Authority; No operations or activity, including exportation of materials (except water pumps for the management of water, security or in connection with essential maintenance within the plant site area) shall take place at the site, before 07:00 and after 18:00 Monday to Friday and before 08:00 and after 13:00 on Saturdays with no audible working at all other times. No activities, including exportation of materials, (except water pumps for the management of water, security or in connection with essential maintenance of on-site plant) shall take place on Sundays.
- 19 That with respect to the control of noise resulting from the operations at the site,

the developer shall, except as provided for by the Temporary Operations as allowed by condition 20, below, not exceed the nominal noise limit from site operations at all noise sensitive premises in the vicinity of the site, as set out within Chapter 12 (Noise) of the approved Environmental Statement (Pleydell Smithyman April 2016) between 0700 to 1800 hrs Monday to Friday and 0800 hrs to 1300 hrs on Saturday. There shall be no audible noise from the site at noise sensitive properties outwith these times.

- 20 For soil handling operations for the creation of any bunds and other works in connection with landscaping noise levels at all noise sensitive properties within the vicinity of the site, attributable to the winning and working of minerals during normal daytime working hours (0900 to 1700 hrs Monday to Friday inclusive) shall not exceed 70dB LAeq over any one hour period for a maximum 8 weeks per year.
- 21 That, in the event a written request is made by the Council, the operator shall submit details, within 21 days of the written request, setting out measures to minimise the deposit of mud and debris on the public road. Thereafter, those measures shall be implemented within agreed timescales, to the satisfaction of the Council. The applicant or subsequent operator(s) shall at all times be responsible for the removal of mud or other materials deposited on the public highway by vehicles entering or leaving the site.
- 22 That a six-monthly record of the amount of material leaving the quarry shall be submitted to the Council, as Planning Authority. The rate of exportation shall not exceed 320,000 tonnes per annum, unless agreed in writing by the Council as Planning Authority.
- 23 That prior to the commencement of development, a lighting plan shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter, operations shall be undertaken in accordance with the approved lighting plan for the duration of extraction and restoration activities.
- 24 The removal of any trees and the cutting of rough grasslands that could provide habitat for nesting birds will take place outside the bird breeding season (March to July inclusive), unless a survey to establish the presence or otherwise of nesting birds has been undertaken and, where required, appropriate mitigating measures have been carried out to the satisfaction of the Council as Planning Authority.
- 25 That prior to development commencing on site, an otter protection plan shall be submitted for the written approval of the Council, as Planning Authority in consultation with SNH. The measures shall be fully implemented as approved and adhered to for the duration of the development, hereby approved. For the avoidance of doubt the otter protection plan shall be an updated version of the 2012 otter protection plan associated with Planning Ref: CL/11/0305.
- 26 That prior to development commencing on site, a bat protection plan shall be submitted for the written approval of the Council, as Planning Authority in consultation with SNH. The measures shall be fully implemented as approved and adhered to for the duration of the development, hereby approved. For the avoidance of doubt the bat protection plan shall incorporate the recommendations in sections 4.3, 4.9, 4.11 and 4.12 of Appendix 8.4 (Bat activity and Roost Survey Report) that forms part of the approved Environmental Statement (Pleydell Smithyman April 2016).

- 27 That prior to development commencing on site, a badger protection plan shall be submitted for the written approval of the Council, as Planning Authority in consultation with SNH. The measures shall be fully implemented as approved and adhered to for the duration of the development, hereby approved. For the avoidance of doubt the badger protection plan shall incorporate mitigation within section 2.6 of the 2012 otter protection plan associated with Planning Ref: CL/11/0305 and shall also include the following additional measures to further reduce potential impacts to badgers:
- The use of noisy plant and machinery in the vicinity of sett protection zones to cease at least two hours before sunset.
 - Security lighting to be directed away from setts.
 - Chemicals to be stored as far away from the setts and badger paths as possible.
 - Any temporarily exposed open pipe system to be capped in such a way as to prevent badgers gaining access, as may happen when contractors are off-site.
 - Badger gates may need to be installed in perimeter fencing; if so, specialist advice should be sought.
 - Water sources (for badgers) to be safeguarded.
- 28 That prior to development commencing on site, a Barn Owl protection plan shall be submitted for the written approval of the Council, as Planning Authority in consultation with SNH. Once approved, the measures shall be fully implemented as approved and adhered to for the duration of the development, hereby approved. For the avoidance of doubt the protection plan shall include the following additional measures to further reduce potential impacts to Barn Owls:
- The use of large protection areas
 - Alternative nesting sites to be provided
 - Alternative sites to be placed inside a building, preferably controlled by the applicant at Overburns Farm.
- 29 That prior to development commencing on site, a breeding birds protection plan shall be submitted for the written approval of the Council, as Planning Authority in consultation with SNH. Once approved, the measures shall be fully implemented as approved and adhered to for the duration of the development, hereby approved. For the avoidance of doubt the protection plan shall include the following measures to further reduce potential impacts to breeding birds:
- The protection measures detailed in the plan are sufficiently specific so as not to be open to interpretation
 - The plan shall state within what area around the nest works should initially cease until the Ecological Clerk of Works is able to advise on an appropriate permanent protection zone for the species concerned
 - Attention shall be given in the plan to how any shift of sand martins into the quarry once active would be managed given the potential for conflict between operation of the quarry and the need to protect nesting sites when in use.
 - the provision of artificial nesting sites as a possible solution to these issues.
- 30 That soils shall only be stripped, stockpiled and replaced when it is in a suitably dry and friable condition (suitably dry means that the top soil can be separated from the sub soil without difficulty so that it is not damaged by machinery passing over it), except with the prior written approval of the Council, as Planning Authority.
- 31 All soils, shall be retained on site and be used for the restoration of the site.
- 32 All containers being used to store liquids within the application site shall be labeled clearly to show their contents, and located in a bund which shall be at

least 110% of the capacity of the largest container stored within it. Bunds shall conform to the following standards:

- The walls and base of the bund shall be impermeable
- The base shall drain to a sump
- All valves, taps, pipes and every part of each container shall be located within the area served by the bund when not in use;
- Vent pipes shall be directed down into the bund;
- No part of the bund shall be within 10 metres of a watercourse;

Any accumulation of any matter within the bund shall be removed as necessary to maintain its effectiveness.

- 33 That within 3 months of the date of this permission, a full aftercare plan shall be submitted for the written approval of the Council as Planning Authority and thereafter be carried out as approved for a minimum of 5 years following final restoration of the site of the development, hereby approved.
- 34 Should, for any reason, the extraction of sand and gravel from the site cease for a period in excess of 12 months, the extraction shall be deemed to have ceased. An updated scheme, plan and schedule for the restoration of the worked area, to date, shall be submitted for the written approval of the Council, as Planning Authority within 2 months of the effective cessation of quarrying operations.
- 35 That within one year from the date of commencement (and annually thereafter for the duration of extraction and restoration operations approved through this permission), an annual progress plan and environmental audit shall be submitted to the Council as Planning Authority. The annual progress plan shall detail:
- The extent of extraction operations undertaken that year;
 - Areas prepared for extraction, including any soil stripping;
 - The extent of backfilling;
 - The extent of restoration operations carried out;
 - Recent topographical site survey
 - Current and anticipated production figures;
 - Total tonnage dispatched within the proceeding year;
 - Estimation of remaining mineral reserves;
 - Compliance with statutory permissions and legal agreements;
 - Site complaint logs and actions taken
 - The effects of the development on the environment, including noise, dust and water monitoring
 - Measures taken to implement the restoration and aftercare provisions and the intended operations for the next 12 months
 - Details of groundwater levels within the site.
- 36 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992 (or any Order revoking and re-enacting that Order) no development within Classes 55 and 56 shall be undertaken without the written permission of the Council, as Planning Authority.
- 37 That prior to the commencement of development, all details of plant and equipment to be used on site shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter, all on site plant and equipment shall be in accordance with the details approved under this condition for the duration of extraction and restoration activities unless otherwise approved in

writing by the Council, as Planning Authority. For the avoidance of doubt plant and equipment includes temporary, mobile plant and equipment as well as any static, permanent plant and equipment.

- 38 That prior to development commencing on site, a bio-security management plan for invasive species shall be submitted for the written approval of the Council, as Planning Authority in consultation with SNH and SEPA. Once approved, the measures shall be fully implemented as approved and adhered to for the duration of the development, hereby approved.

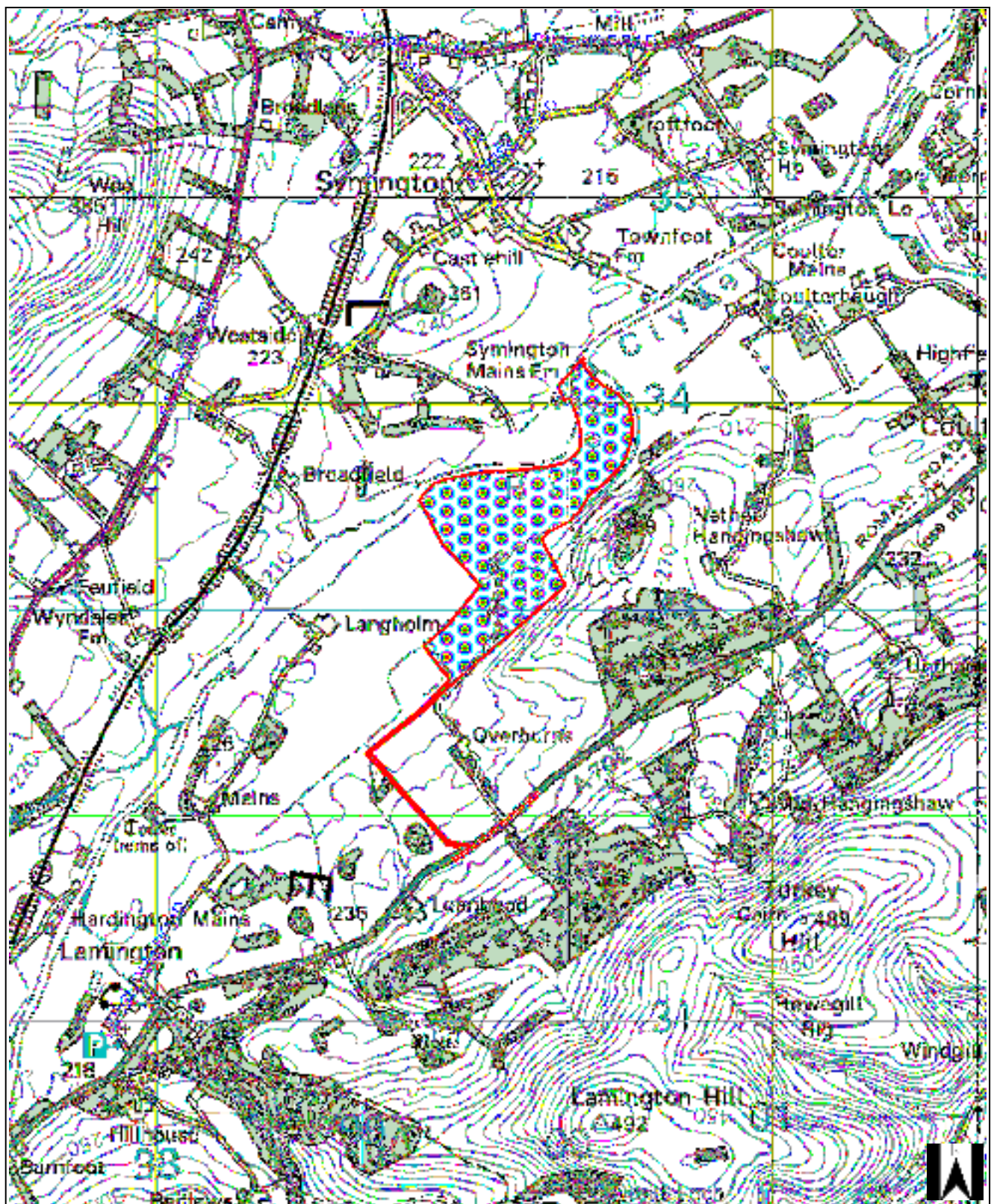
REASONS

- 1.1 In order to retain proper control of the development and to ensure the satisfactory restoration of the workings.
- 2.1 To ensure that the site is satisfactorily restored.
- 3.1 In the interests of visual amenity and effective landscape management, to ensure that adequate measures are put in place to ensure effective and proper long term restoration of the site.
- 4.1 To ensure that provision is made for the restoration and aftercare of the site.
- 5.1 To ensure appropriate mitigation and management of the water environment.
- 6.1 In the interests of flood risk and water management.
- 7.1 In order to safeguard the archaeological heritage of the site and to ensure that the developer provides for an adequate opportunity to investigate, record and rescue archaeological remains on the site, which lies within an area of potential archaeological importance.
- 8.1 To minimise interference with the safety and free flow of the traffic on the trunk road, to ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished and to ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.
- 9.1 To minimise interference with the safety and free flow of the traffic on the trunk road, to ensure that the standard of access layout complies with the current standards, to ensure water run-off from the site does not enter the trunk road and that the safety of the traffic on the trunk road is not diminished and to ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.
- 10.1 To ensure that the use of the existing access is discontinued and the safety of traffic on the trunk road is improved.
- 11.1 To ensure that the trunk road layout complies with the current standards and that the safety of the traffic on the trunk road is not be diminished.
- 12.1 To ensure that traffic on the A702 trunk road can continue to flow during construction of the access and alterations to the alignment of the trunk road.
- 13.1 To ensure that the Council as Planning Authority retains effective control of the development.
- 14.1 In the interests of residential amenity, in order to continually monitor dust emissions from the site.
- 15.1 In the interests of safeguarding residential amenity from airborne dust.

- 16.1 In the interests of safeguarding residential amenity.
- 17.1 In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality for the duration of the development, hereby approved.
- 18.1 In the interests of residential amenity to minimise noise and disturbance.
- 19.1 In the interests of residential amenity to minimise noise and disturbance.
- 20.1 In the interests of residential amenity to minimise noise and disturbance.
- 21.1 In the interests of preventing mud and deleterious material being carried out onto the public road.
- 22.1 In the interests of Road Safety.
- 23.1 In the interests of residential amenity.
- 24.1 In the interests of bird species.
- 25.1 In the interests of protected species.
- 26.1 In the interests of protected species.
- 27.1 In the interests of protected species.
- 28.1 In the interests of protected species.
- 29.1 In the interests of species protection.
- 30.1 To minimise damage to the soils.
- 31.1 To minimise damage to the soils.
- 32.1 To ensure the safe storage of liquids.
- 33.1 In the interests of visual amenity.
- 34.1 In the interests of visual amenity.
- 35.1 To monitor the impact of the site on its local environment and on neighbouring land uses; in the interest of visual amenity having regard to the rural location of the site; in the interest of residential amenity; to remedy any negative impact on the local environment and neighbouring land uses; in the interest of convenient and satisfactory assimilation of the restored site's agricultural, woodland and countryside uses to the adjoining land; and to ensure continuous consistent performance of work on the development until completion of restoration and the aftercare period.
- 36.1 It is the opinion of the Council as Planning Authority that the additional degree of planning control is necessary due to the nature of the development and the need to prevent additional development occurring outwith that is approved under this permission.
- 37.1 In the interests of residential amenity and visual impact.

38.1 In the interests of good bio-security.

For information only



For information only

Report

4

Report to:	Planning Committee
Date of Meeting:	1 May 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	CL/17/0474
Planning proposal:	Erection of 25No. dwellinghouses and formation of associated access, SUDs, landscaping and play park

1 Summary application information

Application type:	Detailed planning application
Applicant:	Allied Contracts UK Ltd
Location:	West Of Byretown Grove Kirkfieldbank

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) Detailed planning permission 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:
 - Financial contribution towards the provision of affordable housing.
 - Financial contribution towards educational facilities

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 applicant

3 Other information

- ◆ Applicant's Agent: Convery Prenty Architects
- ◆ Council Area/Ward: 02 Clydesdale North
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**

POL6- General urban area/settlements
POL4- Development management and placemaking
POL2- Climate change
NHE4- Gardens and designed landscapes
NHE16- Landscape
DM13- Development within general urban area/settlement
NHE1- New Lanark World Heritage Site
POL15- Natural and historic environment
NHE7- Conservation areas

◆ Representation(s):

▶	23	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ Consultation(s):

Roads Development Management Team

Scottish Water

Housing Services

Education Resources School Modernisation Team

Environmental Services

Historic Environment Scotland

Flood Risk Management

Planning Application Report

- 1.1 The application site is located on the southern edge of Kirkfieldbank and is located within the New Lanark World Heritage Site Buffer Zone and New Lanark Conservation Area. The New Lanark World Heritage Site is located approximately 700 metres to the south east of the application site, with intervening land consisting of Braxfield Park, the River Clyde, and existing residential development off Byretown Road.
- 1.2 The site is bounded on all 4 sides by existing residential properties, consisting of single storey houses of modern design and materials. The site extends to 1.56 hectares, and currently consists of rough grassland. An access point to serve the site from Byretown Grove was created as part of the development of the adjoining estate and this forms part of the public road. There is a small watercourse located immediately to the east of the site which runs behind existing properties along Byretown Grove. The watercourse is culverted under the existing dwelling at 21 Byretown and also culverted under the proposed access into the application site. The site slopes downward from south to north and drops by approximately 5m over the length of the site.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning consent for the erection of 25No. detached dwellinghouses and formation of associated access, SUDs, landscaping and a play park. The house types are predominantly single storey and of modern design and materials. However three of the proposed houses are 1.5 storeys in height, and centrally located within the layout of the application site. The playpark would also be centrally located within the layout, and extends to an area of 525 square metres. The playpark land will also function as an area for Sustainable Urban Drainage (SUDs).
- 2.2 The vehicular access into the development is proposed off Byretown Grove to the east of the site. This would involve the continuation of an existing section of the public road and includes an existing box culvert over the watercourse.
- 2.3 As supporting documents the applicant has submitted a Heritage Impact Assessment, design statement, and cross-sections showing existing and proposed ground levels.

3 Background

3.1 Local Plan Background

- 3.1.2 The adopted South Lanarkshire Local Development Plan (SLLDP) identifies the site as being located within the settlement boundary of Kirkfieldbank where Policy 6 - General urban area/settlements applies. The site is also identified as a proposed housing site within South Lanarkshire Council's Housing Land Supply audit where Policy 12 – Housing Land is applicable.
- 3.1.3 The site is located within the New Lanark World Heritage Site (WHS) Buffer Zone, New Lanark Conservation Area, a Special Landscape Area and the Falls of Clyde Designed Landscape. The proposal requires to be assessed against Policy 15 - Natural and Historic Environment, and the Natural and Historic Environment Supplementary Guidance in this respect.
- 3.1.4 Other relevant policies in the assessment of this application are: Policy 2 - Climate Change and Policy 4 - Development Management and Placemaking, together with Supplementary Guidance on Sustainable Development & Climate Change and Development Management, Placemaking and Design. The content of the above

policies and how they relate to the proposal is addressed in detail in Section 6 of this report.

- 3.1.5 The development meets the criteria where financial contributions towards education services and affordable housing are considered necessary. The scale of development also requires an on-site play park. The proposal will be assessed against Policy 5 - Community Infrastructure Assessment and Policy 12 – Affordable Housing and Housing Choice and the Council's Community Infrastructure Assessment supplementary guidance in this respect.

3.2 **Relevant Government Advice/Policy**

- 3.2.1 SPP advises that the planning system should identify a generous supply of land to support the achievement of housing land requirements and maintaining at least a 5 year supply of land at all times. It should also enable the development of well designed, energy efficient, good quality housing in sustainable locations and focus on the delivery of allocated sites. Planning should take every opportunity to create high quality places and direct development to the right places, whilst taking cognisance of the natural, built and historic environment.

3.3 **Planning History**

- 3.3.1 There are no previous planning applications relating to the application site.
- 3.3.2 Planning consent CL/04/0429 for the erection of 53 dwellinghouses, associated infrastructure and landscaping on land immediately to the east of the current application site was approved at Planning Committee on 22 March 2005. The approved site layout recognised the need for possible future access to the current application site. The access point referred to was partially constructed and is provided off Byretown Grove. The unfinished and grassed section of access into the site is within the boundary of the adopted highway, and is subject of a previously approved Roads Construction Consent (RCC) which allows an adopted vehicular access into the application site.

4 **Consultation(s)**

- 4.1 **Roads and Transportation Services (Development Management Team)** – do not object to this application, and are satisfied with the proposed car parking and access arrangements.

Response: It is noted that no concerns are raised with regard to public or road safety.

- 4.2 **Scottish Water** – do not object to this application, and advise the developer to contact Scottish Water to discuss a connection to the public infrastructure.

Response: Noted.

- 4.3 **Environmental Services** – to date no response has been provided.

Response: Noted.

- 4.4 **Roads and Transportation Services (Flood Risk Management Section)**– do not object to this application subject to any consent granted being conditioned to address the following: a Sustainable Drainage System (SUD's) provided to serve the site; a drainage assessment to be carried out, and the relevant Appendices of the Council's Design Criteria Guidance being completed.

Response: Noted. Should consent be granted then conditions will be attached to address the above requirements.

- 4.5 **Historic Environment Scotland (HES)** – do not object to the development proposal. They did advise that the original heritage impact assessment did not provide enough detail to meet guidance in their document Managing Change in the Historic Environment.
Response: The applicant has updated their heritage impact assessment and this Service is satisfied that the detail provided is sufficient to demonstrate that there will be no significant harm on the historic environment.
- 4.6 **Housing Services** – have intimated that the payment of a commuted sum towards affordable housing provision in the local market area rather than the onsite provision is their preferred option. The applicant has in principle indicated a willingness to enter into a section 75 obligation.
Response: Noted. Planning permission would 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 and the applicants. This planning obligation would ensure that appropriate financial contributions are made at appropriate times during the development towards affordable housing. The applicant has in principle indicated a willingness to enter into a section 75 obligation.
- 4.7 **Education Resources - School Modernisation Team** – no objections subject to the developer providing a financial contribution for education accommodation in the school catchment areas for the site. The money would be directed to Lanark Grammar School, St Mary's Primary School, Lanark, and nursery provision in the area.
Response: Noted. Planning permission would 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 and the applicants. This planning obligation would ensure that appropriate financial contributions are made at appropriate times during the development towards education accommodation. The applicant has in principle indicated a willingness to enter into a section 75 obligation. This planning obligation would ensure that appropriate financial contributions are made at appropriate times during the development towards educational provision in the local area.

5 Representation(s)

- 5.1 Following the carrying out of statutory neighbour and owner notification and the advertisement of the application in the Lanark Gazette as Development Affecting the Character or Appearance of a Conservation Area and for the non-notification of neighbours, 23 letters of objection were received. This includes one letter of representation from Angela Crawley MP. The grounds of objections are summarised as follows:
- a) **The local road network cannot cope with additional traffic resulting from the development. The additional traffic will cause noise disturbance and pollution to the detriment of residential amenity, and will create road and public safety issues for residents. The main access point should be amended and taken from Byretown Road, and local road improvements and traffic calming should be carried out. The direction of proposed traffic exiting the site would reduce the privacy of residents on Byretown Grove, and cause detriment through car lights shining through the windows. The additional traffic would also impact on the ability of an existing resident on Byretown Grove to enter and leave their driveway. The access roads may also be congested with any additional overflow car parking.**
Response: The Council's Roads and Transportation Service has considered the application and have no objections or concerns related to road or public safety. They

are satisfied with the access and car parking arrangements proposed and overall consider the proposals would not have an adverse impact on the local road network.

- b) **There is insufficient detail showing how mains water, surface water and sewerage will be dealt with, or maintenance to the watercourse for residents. The current pumping station cannot cope with the proposed development. There is concern that any new development will make existing service provision, including electricity, telecommunication, mains water pressure and sewerage issues, worse. This information should be provided prior to a decision being made to enable members of the public all the details to make informed comments.**

Response: The provision of services such as electricity and telecommunication is not a material consideration in the determination of this application. It is the responsibility of the developer to discuss directly with Scottish Water the provision of mains water services and foul drainage treatment for the site and it is noted that Scottish Water do not object to this application. The issue of maintenance to the culvert is a private legal matter, it is not considered that the proposed development layout would restrict access to the culvert.

- c) **There is concern that the development will not be completed to a reasonable standard. There is no need or demand for additional houses at this site.**

Response: The proposed layout is acceptable in planning terms and the appearance of external materials and areas of open space can be controlled through conditions attached to any planning consent approved and the subsequent monitoring of the development as it progresses. The issue of demand is not a material consideration in the determination of this application; however it should be noted that this site is included in the Council's Housing Land Supply which is required to ensure that sufficient numbers of housing is built within the Council area.

- d) **An application for housing on land to the west of Byretown Road would cause additional traffic implications and may impact on surface water drainage and flooding.**

Response: The application referred to relates to planning permission in principle (CL/12/0201) for residential development that has been approved on land the opposite side of Byretown Road to the site. A further detailed application to develop the site is required and this will require taking into account drainage issues and the traffic implications in relation to neighbouring development.

- e) **The local school and medical facilities have limited capacity.**

Response: The proposal has been considered by South Lanarkshire Council Education Services, and a financial contribution towards local education services has been requested to accommodate the impact of the development on schools within the catchment area. The applicant has agreed to pay the requested amount. The provision and capacity of NHS services is not a material consideration in the assessment of this application.

- f) **The development would detract from the area's natural landscape beauty and views to the site. This would be exacerbated by the removal of existing trees and hedgerows.**

Response: It is not considered that there are trees or landscaping within the site that are required to be retained. The character of the site at present is that of open grassland which does not contribute to the character of the area. This issue is addressed in section 6.7 of this report.

- g) **Alternative brown field sites should be developed to fulfil any housing shortage. The site should be retained as open space.**

Response: The application site is identified as a suitable site for the provision of housing within the adopted SLLDP. This issue is addressed in section 6.2 of this report.

- h) **The development would have detrimental implications for wildlife habitats and the enjoyment of the Clyde Walkway. No ecological walkover survey has been submitted. The proposal is contrary to Policy 4 Development Management and Placemaking as protected species have not been considered.**

Response: No trees that could be used as a bat habitat are required to be felled while the rough grassland within the site is unlikely to provide habitat for badgers. Nevertheless should consent be granted a condition will be attached to ensure that an onsite ecological survey is carried out prior to any works being carried out on site. It should be noted that the application site does not directly adjoin the Clyde Walkway, and is separated by existing properties built as part of the Byretown Grove development to the north and east of the site. This provides mitigation to any potential visual impact of any users of the Clyde Walkway.

- i) **The proposed development may lead to flooding issues for existing neighbouring residents. The impact on the riparian zone associated with the adjoining watercourse has not been considered. The proposed fencing will close in the watercourse and maintenance will not be safe or meet Secured by Design concepts. No flood risk assessment or details on the function of the SUDs infrastructure have been submitted. The proposal is contrary to Policy 17 Water Environment and Flooding.**

Response: The Flood Management Team do not object to this application subject to any consent granted being conditioned to address the following: a Sustainable Drainage System (SUD's) provided to serve the site; a drainage assessment to be carried out, and the relevant Appendices of the Council's Design Criteria Guidance being completed. Should consent be granted then conditions will be attached to address these requirements. The scheme will be required to address surface water run off to adjoining properties.

- j) **The provision of services to the site may require the existing road network to be opened up to the detriment of existing residents.**

Response: It is acknowledged that the installation of services may require works to the public road network. This work will be over a short term and will be monitored by the Council's Roads and Transportation Services. These short term works are not a justified reason to refuse the application.

- k) **The density of housing proposed should be reduced, with a restriction to single storey houses to be in keeping with existing neighbouring housing and prevent overlooking and loss of light.**

Response: The layout and plot sizes meet the criteria of the Council's Residential Design Guide, whilst the housing density is similar to that of existing adjoining development. It is considered that neither the layout nor density will cause unacceptable harm to residential or visual amenity. The proposed 3No. 1.5 storey houses are centrally located within the application site and will not protrude above existing development along Byretown Road. When viewed from a distance they will satisfactorily integrate with surrounding development and will not be visually prominent within the landscape. The indicative site sections submitted by the applicant adequately demonstrate this.

- l) **The roads are not suitable for construction vehicles and may cause damage to public and private property. Any construction vehicles should come via Byretown Road to reduce the impact.**

Response: The Council's Roads and Transportation Services are satisfied that a vehicular access can be provided from Byretown Grove. Any damage from construction vehicles to the public road network will be monitored during the carrying out of the development, whilst any damage to private property is a civil matter.

- m) **There was a technical issue using the Council's Planning Portal which prevented comments on the planning application being made. This may have put off others from objecting and may have compromised the application process.**

Response: In the event that comments could not be made using the Council's Planning Portal, then customers can email or write to the Planning Service to have their objection registered. It is not considered that the ability to make a representation was unreasonably impaired.

- n) **The proposed entrance runs over a culverted stream which could be damaged by construction traffic making the access unsuitable.**

Response: The stream at the proposed access point has previously been culverted in preparation for any future development. The box culvert is considered sufficient to protect the watercourse, and will be built up and finished to an adoptable standard to the satisfaction of the Roads Service.

- o) **On the proposed layout there is a footpath to the north of the site which connects to existing development along Byretown Grove. This is not needed or allowed.**

Response: The applicant has amended the proposal to remove the footpath link.

- p) **The developer does not own the land required to construct the access road into the site, and the correct land owners have not been notified. No agreement has been given for such works and therefore the access is not viable. The proposal is contrary to Policy 4 Development Management and Placemaking in this respect.**

Response: All of the land required to construct the proposed access from Byretown Grove is within the adopted highway and South Lanarkshire Council as Roads Authority are satisfied that the proposed access has been approved through a previous Roads Construction Consent. The applicant has carried out owner notification as required.

- q) **The Planning Officer intimated that the proposed access point had been planned through the planning history for development at Byretown Grove. However this cannot be correct as the house at 9 Byretown Grove was built with 3 bedrooms positioned less than 1 metre away from the access, and should not have been allowed.**

Response: The planning history adjoining the site is discussed in detail in section 3.3.2 of this report. The approved layout showed that the access into the application site was planned via a continuation of the existing access point off Byretown Grove, neighbouring the dwelling at 9 Byretown Grove.

- r) **The layout does not accord with the guidance within South Lanarkshire Council's Residential Guide or Development Management Placemaking and Design Supplementary Guidance or Creating Places and Designing Streets policy.**

Response: This issue has been considered in section 6 of this report.

- s) **It is unreasonable for members of the public to make comments on the proposal when the Council's Road and Transportation department has not given their comments.**

Response: It is not considered that the ability to make a representation was unreasonably impaired.

- t) **There is insufficient open space, landscaping and play area proposed. The proposal is contrary to Policy 4 Development Management and Placemaking in this respect.**

Response: The proposed extent of open space and play area is considered acceptable in relation to the scale and density of development proposed.

- u) **There would be a detrimental impact on the setting of the New Lanark World Heritage Buffer Zone and New Lanark Conservation Area. Due to deforestation works the site will be clearly visible from the world heritage site, and this may be contrary to the UNESCO conditions and status.**

Response: The site is located within the New Lanark World Heritage Buffer Zone and New Lanark Conservation Area, and the impact of the proposals on these elements has been fully considered in the submission of a heritage impact assessment. Historic Scotland has considered the proposal and does not object. In addition, the development would be no more detrimental to the existing built environment than at present and would be integrated into the surrounding area.

- v) **The application site is located outwith the settlement boundary.**

Response: The application site is located within the settlement boundary of Kirkfieldbank as identified in the adopted South Lanarkshire Local Development Plan.

- w) **There are no oil tanks or septic tanks and soak-aways shown on the drawings submitted.**

Response: These features are not required as part of the development.

- x) **The proposed block plan revisions show inconsistent house types within the layout.**

Response: The revision reference indicates the newest plans submitted; and those that are superseded. In this case revision J is the most up to date layout and forms part of the assessment of this application.

- y) **There is no boundary fencing details shown on the latest block plan revision.**

Response: Should consent be granted then a condition will be attached to request that all boundary fencing details are submitted prior to work commencing on site.

5.1.2 Elected Member representation

One letter of representation has been received by Angela Crawley MP. The grounds of objection are as follows:

- z) **Due to the scale of the development the volume of traffic will create congestion to the detriment of the town.**

Response: Roads and Transportation Services have not objected to the application and it is considered that a development of the scale proposed would have a negligible impact on the road network.

- aa) **There is a lack of provision for the disposal of sewerage and rain water, and a connection to the existing pumping station may cause significant problems for Kirkfieldbank residents.**

Response: Scottish Water has not objected to the application. Consent will be required from them by the applicant.

- 5.2 These letters have been copied and are available for inspection in the usual manner and on the planning portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning consent for the erection of 25No. dwellinghouses and formation of associated access, SUDs, landscaping and play park on land off of Byretown Grove, Kirkfieldbank. The determining issues in consideration of this application are its compliance with national and local plan policy and in particular its impact on the amenity of adjacent properties, road safety, and on the New Lanark World Heritage Site and surrounding landscape.
- 6.2 The application site is identified as part of the housing land supply in the adopted SLLDP and is included within the settlement boundary of Kirkfieldbank. The residential development of the site positively contributes towards the Council's requirement to maintain a five year effective supply of housing land provision. Furthermore, effective housing land within the settlement of Kirkfieldbank meets the aims of Scottish Planning Policy by providing a sufficient and sustainable supply of housing within an existing residential area with access to services nearby. The proposal satisfactorily complies with aims of Policy 12 of the adopted local development plan and therefore the principle of the proposed development is acceptable.
- 6.3 The application site is located within the settlement boundary of Kirkfieldbank as identified in the adopted SLLDP. Policy 6 - General Urban/Settlements and Policy 4 - Development Management and Place Making, together with the Development Management and Placemaking Supplementary Guidance supports residential developments where they do not have a significant adverse effect on the amenity of the area. In addition, any new development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use. The character and amenity of the area must not be impaired by reason of traffic generation, parking, overshadowing, overlooking or visual intrusion.
- 6.4 The existing streetscape contains similar house types consisting of detached single storey houses of modern design and materials. The density and height of the proposal is similar to residential development in the locality and would visually integrate well with the existing pattern of development. The applicant has included a play park and sufficient open space to serve this scale of development. The design, mass, scale, height, size and materials of the dwellings are in keeping with their surroundings and are comparable to the adjacent phases of development. Adequate garden space for amenity of residents is proposed and there would be an adverse impact on residential amenity due to overlooking or overshadowing. The proposed access arrangement off Byretown Grove has been carefully assessed and is considered acceptable by the Roads and Transportation Service. Satisfactory car parking provision is provided for each dwellinghouse. The proposals also comply with the aims of the Council's Residential Design Guide.
- 6.5 In view of the above, it is considered that the proposal would relate satisfactorily to adjacent development, and the character and amenity of the residential area would not be impaired by reason of traffic generation, parking, visual intrusion or physical impact. The proposal is therefore satisfactory in terms of Policy 4 - Development Management and Place Making, Policy 6 - General Urban/Settlements, and the Development Management and Placemaking Supplementary Guidance of the adopted local development plan.
- 6.6 Policy 15- Natural and Historic Environment and the associated Natural and Historic Environment supplementary guidance require the character and setting of the New Lanark World Heritage Site Buffer Zone, New Lanark Conservation Area, Special

Landscape Area and Designed Landscape to be protected. The applicant has submitted a Heritage Impact Assessment to demonstrate their consideration of how the development impacts upon the historic environment. The density and external appearance of the dwellings are similar to existing dwellings which surround the application site on 3 sides. The applicant has submitted ground level information to demonstrate the impact of the development on existing neighbouring development and show that the 1.5 storey houses which are proposed will not protrude above the built development within the vicinity, and as such will not appear visually dominant in the landscape. The housing development is considered to fill a gap within an established area of housing, and would not be viewed as an isolated or incongruous feature within the landscape setting. There is no mature landscaping within the site which is worthy of protection. The applicant proposes to incorporate new tree planting throughout the development which will enhance the natural landscape character of the site. On balance, the proposal would ensure that there is no unacceptable impact on the setting of New Lanark Conservation Area and that the integrity of the New Lanark World Heritage Site buffer zone is not significantly eroded. In view of the above, it is considered that the development proposal accords with the aims of the aforementioned policies.

- 6.7 Policy 2 Climate Change seeks to minimise and mitigate against the effects of climate change by considering criteria, including being sustainably located. The site is sustainably located within the settlement boundary of Kirkfieldbank and is closely located to bus routes and nearby shops and services. The site is not at risk of flooding and there are no infrastructure constraints. In consideration the proposals would not undermine the objectives of the policy.
- 6.8 Policy 5 - Community Infrastructure Assessment states that where development proposals would require capital or other works or facilities to enable the development to proceed, financial contributions towards their implementation will be required. These contributions will be appropriately assessed and developers will be required to ensure transparency in the financial viability of a development. In compliance with this the applicant has agreed to make financial contributions towards education facilities within the catchment area of the site. Policy 13 - Affordable Housing and Housing Choice states that the Council will expect developers to contribute to meeting affordable housing needs across South Lanarkshire by providing, on sites of 20 units or more, up to 25% of the site's capacity as serviced land for the provision of affordable housing, where there is a proven need. If on-site provision is not a viable option the Council will consider off-site provision in the same Housing Market Area. The provision of a commuted sum will only be acceptable if on or off site provision cannot be provided in the locale or there are no funding commitments from the Scottish Government. The Council's preference in this case is to seek a commuted sum in lieu of on site provision and this has been accepted by the applicant the value of which would be based on the development viability of the site. The applicant has agreed in principle to the payment of financial contributions for education provision and off site affordable housing which will be addressed through the conclusion of a section 75 obligation. The scale and nature of the financial contributions is subject of on-going discussion. In addition to the above the applicant will provide an equipped play park within the application site for use by the community.
- 6.9 As noted in section 5 of the report, 23 letters of objection have been received from local residents. Concerns raised in the representations include road safety; the impact on the landscape character of the area and the setting of the New Lanark WHS; the ability of local services to accommodate the proposed number of houses; the need for the development; and the impact on residential amenity. All of these matters have been considered as part of the assessment of the application are not considered to merit refusal.

- 6.10 In summary, the residential proposal is a suitable form of development for the site and complies with local plan policy and national guidance. There would be no significant adverse impact on residential or visual amenity, and there would be no significant adverse impact on the integrity of the New Lanark World Heritage Buffer Zone or New Lanark Conservation Area. The development would provide housing accommodation in Kirkfieldbank within a sustainable location that would integrate with adjoining housing development. It is, therefore, recommended that detailed planning permission is granted subject to conditions.

7 Reasons for Decision

- 7.1 The principle of residential development is acceptable on this site, and the proposed dwellings will have no significant adverse impact on residential or visual amenity, or on the commercial character or the integrity of the New Lanark World Heritage Buffer Zone or New Lanark Conservation Area. The proposal raises no significant environmental or infrastructure issues and complies with Policies 2, 4, 5, 6, 12, 13 and 15 of the adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

12 April 2018

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted) and Supplementary Guidance
- ▶ Neighbour notification letter dated 26 October 2017
- ▶ Lanark Gazette Advertisement 8 November 2017
- ▶ Consultations

CER Play Provision Community Contribs Judith Gibb

Roads Development Management Team

27.03.2018

Scottish Water

Housing Planning Consultations

Education Resources School Modernisation Team

Environmental Services E-consult

HES

RT Flood Risk Management Section

- ▶ Representations
Jeanette Curtis, Chair Of Tara (The Avenue Residents)

Dated:
13.09.2017

Association), 5 Byretown Gardens, Kirkfieldbank, Lanark, ML11 9NZ	
Ian MacLeod, Braeview, 21 Byretown Grove, Kirkfieldbank, Lanark, ML11 9NY	06.10.2017
Danny Craig, Berryfield, 9 Byretown Grove, Kirkfieldbank, Lanark ML11 9NY	06.11.2017
Philip Fox, 8 Wellbuttslea Drive, Kirkfieldbank, Lanark, ML11 9BF	09.11.2017
C Totten, The Bungalow,, Wellbuttslea,, Byretown Road,, Kirkfieldbank,, Lanark, ML11 9TG	10.11.2017
Ian Connell, 11, Byretown Grove	13.11.2017
MR John G Smith, No 6, The Berries, Kirkfieldbank, Lanark, ML11 9WT	15.11.2017
Nicola Wood, 8 Byretown Grove, Kirkfieldbank, ML11 9NY	15.11.2017
Ian Connell,	16.11.2017
Jim McCorquodale, 1 Byretown Gardens, Kirkfieldbank, Lanark, ML11 9NZ	16.11.2017
Pat Ritchie, 6A Byretown Gardens, Kirkfieldbank, ML11 9NZ	16.11.2017
Patricia MacLeod, 'Braeview', 21 Byretown Grove, Kirkfieldbank, Lanark, ML11 9NY	17.11.2017
Mr T Boyle, El_Arish, Corehouse, Kirkfieldbank, Lanark, ML11 9TG	21.11.2017
John & Lorraine Wilson,	22.11.2017
Tom Barrie, 9 The Berries, Kirkfieldbank, Lanark, ML11 9WT	29.11.2017
Roy and Elaine Lloyd, Via Email	30.11.2017
Gillian Wilson, Via Email	01.12.2017
Danny & Grace Craig, Berryfield, 9 Byretown Grove, Kirkfieldbank, Lanark, ML11 9NY	12.12.2017
The Avenue Residents Association, Alan McVey, 19 Byretown Gardens, Kirkfieldbank, Lanark, ML11 9NZ	12.12.2017
Ironside Farrar Ltd, On Behalf Of Marton Carrsels	11.01.2018
Angela Crawley MP, Lanark And Hamilton East, 12 Campbell Street, Hamilton, ML3 6AS	31.01.2018
Stewart Toy Designs Limited, Westwood Lane Farm, Ladywell, Nemphlar, Lanark, MI11 9GX	29.03.2018

Gary Shaw, 2 Byretown Gardens, Kirkfieldbank, Lanark,
ML11 9NZ

05.04.2018

Contact for further information

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

Pamela McMorran, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton,
ML3 6LB

Ext: 5170 Tel (01698 455170)

Email: pamela.mcmorran@southlanarkshire.gov.uk

Conditions and reasons

1. 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 interest of amenity and to retain planning control

2. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any such order revoking or re-enacting that order), no gates, fences, walls or other means of enclosure shall be erected between the front of the dwellinghouse and the adjoining road.

Reason: In the interest of amenity and to retain planning control

3. 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: In the interest of amenity and to retain planning control

4. 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.

5. That the open space relating to the development shall be laid out simultaneously with the development or each phase thereof, and shall be completed to the satisfaction of the Council as Planning Authority.

Reason: In the interest of amenity and to retain planning control

6. That proposals for the factored maintenance of all areas of open space including the play park within the development shall be submitted to the Council as Planning Authority and no work on the site shall be commenced until the permission of the Council has been granted for these proposals or such other proposals as may be acceptable.

Reason: To ensure the responsibility of maintenance is arranged.

7. That before any work commences on the site, a scheme for the provision of a play area within the site hatched blue on the approved plans shall be submitted to the Council as Planning Authority for written approval and shall include: (a) details of the type and location of play equipment, seating and litter bins to be situated within the play area(s); (b) details of the surface treatment of the play area, including the location and type of safety surface to be installed; (c) details of the fences to be erected around the play area(s); and (d) details of the phasing of these works.

Reason: These details are to be submitted for approval

8. That prior to the completion or occupation of the tenth dwellinghouse within the development, all of the works required for the provision of equipped play area included in the scheme approved under the terms of Condition No.7 above, shall be completed, and thereafter that area shall not be used for any purpose other than as an equipped play area for public use.

Reason: To ensure the agreed works are carried out timeously

9. That before any of the dwellinghouses hereby approved are completed or brought into use, all of the parking spaces relating to that house shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

Reason: To ensure adequate parking provision

10. That no dwellinghouse shall be occupied until the access roads and footpaths leading thereto from the existing public road have been constructed in accordance with the specification of the Council as Roads and Planning Authority.

Reason: In the interest of road and public safety

11. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. 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 satisfactory drainage of the site

12. That no development shall take place until an ecology survey to determine the presence or absence of European protected species at the site has been undertaken and submitted to and approved by the Council as Planning Authority. The development shall not begin until any such action as is recommended by these surveys has been implemented and completed in accordance with the agreed details.

Reason: In order to protect this European Protected Species.

13. That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

14. That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 13, shall be erected and thereafter maintained to the satisfaction of the Council.

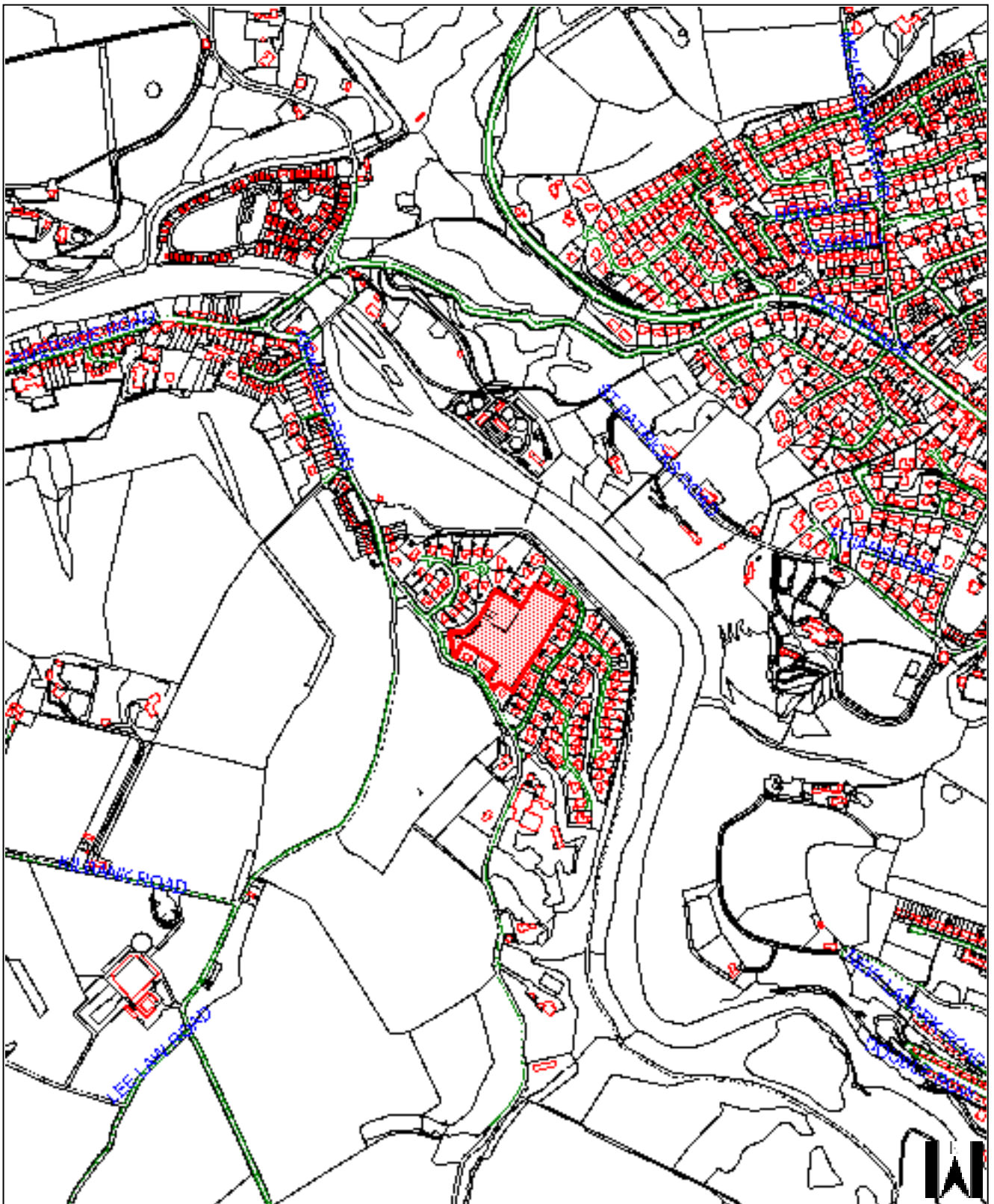
Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

15. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Amendment Order 2011 (or any such order revoking or re-enacting that order), the domestic garages associated with Plots 04 and 06 shall be retained for use as car parking.

Reason: To ensure sufficient car parking is provided to serve each house.

16. That private vehicular access and driveways shown on the approved plan shall be completed with the first 2.0 metres in length from the heel of the footway/service strip shall be hard surfaced across its full width and thereafter maintained to prevent deleterious material being carried onto the road.

Reason: To prevent deleterious material being carried onto the road.



Report

5

Report to:	Planning Committee
Date of Meeting:	1 May 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application No	EK/17/0266
Planning Proposal:	Erection of Class 1 Foodstore With Associated Car Parking, Vehicular Access and Landscaping

1 Summary Application Information

Application Type :	Detailed Planning Application
Applicant :	Lidl UK GmbH
Location :	Atholl House Avondale Avenue East Kilbride G74 1LU

2 Recommendation(s)

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

- (1) Grant detailed planning consent - Subject to Conditions (based on the conditions attached)

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: Rapleys LLP
- ◆ Council Area/Ward: 08 East Kilbride Central North
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 - Development management and placemaking
Policy 10 - New Retail/Commercial Proposals
Policy 16 - Travel and Transport
Policy 17 - Water Environment and Flooding

Development Management, Placemaking and Design Supplementary Guidance (2015)

DM1 - Design
DM13 - Development within general urban area/settlement

Sustainable Development and Climate

Change Supplementary Guidance (2015)

SDCC 2 - Flood risk

SDCC 3 - Sustainable drainage systems

SDCC 4 - Water supply

SDCC 5 - Foul drainage and sewerage

◆ Representation(s):

- ▶ 43 Objection Letters
- ▶ 38 Support Letters
- ▶ 3 Comments Letters

◆ Consultation(s):

East Mains Community Council

Countryside & Greenspace

Roads & Transportation Services (Flood Risk Management Section)

Scottish Water

Strathclyde Partnership for Transport

SP Energy Network

S.E.P.A. (West Region)

Transport Scotland

South Lanarkshire Access Panel

Environmental Services [e-consult]

Scotland Gas Networks

S.E.P.A. (West Region) (Flooding)

Roads Development Management Team

Estates (Housing – Planning Consultation)

Arboricultural Services

Planning Application Report

1 Application Site

- 1.1 The application site is located in the central area of East Kilbride on corner of Churchill Avenue, Whitemoss Avenue and Avondale Avenue. It is bounded by wooded area and a small watercourse, Kitch Water, to the south beyond which is a retirement accommodation, and by open parkland to the east beyond which there is a church, a number of residential properties and a secondary school. The site is bounded to the west by a dual carriageway, Churchill Avenue, beyond which are a number of civic buildings. To the north the site is bounded by Whitemoss Avenue beyond which and parallel to this is Whitemoss Road and a residential area. The site covers 1.06 hectares and is generally level; however adjacent land in the east and north rises up from the site. The site is formally that of Atholl House which was demolished in 2016 and the site has now been cleared.

2 Proposal(s)

- 2.1 The proposal is to erect a 1988 sq m retail food unit with a net trading floorspace of 1325 sq m. The store will be located in the northern part of the site with parking in the south of the site. Vehicular access to the site will be from the south bound carriageway of Churchill Avenue close to the existing pedestrian crossing. This access will also provide for vehicle servicing of the store. The proposal provides 128 parking spaces, including disabled spaces, electric vehicle charging spaces and cycle parking.
- 2.2 The proposed building measures approximately 60m by 36m and is 6.9m at its highest point. The roof is a single pitch roof which slopes front the front of the store up to the rear of the store at the northern end of the site. The store is single storey finished in a range of materials including insulated metal panels, curtain walling panels, white rendered panels, glazing and powder coated steel doors. The west elevation to Churchill Avenue will be finished in double glazed curtain walling and the main elevation to the parking area, south elevation, will be finished in white render with glazed entrance and three large advertising wall panels.
- 2.3 The applicants submitted a number of documents in support of the proposed development including a Retail Impact Assessment, Further Retail Information in Respect of Sequential Approach, Transport Assessment and Addendum, Noise Impact Assessment, Flood Risk Assessment, Air Quality Impact Assessment, Pre-application Public Consultation Report, A Tree Assessment Report, Design and Access Statement and a Extended Phase 1 Habitat Survey.

3 Background

3.1 Relevant Government Advice/Policy

- 3.1.1 Scottish Planning Policy (SPP) is a material consideration to the determination of the proposal. SPP states that planning authorities should take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that could contribute to economic growth. SPP also requires that a sequential approach should be used when selecting locations for all retail commercial and leisure uses. A sequential assessment was undertaken in the submitted Retail and Planning Statement (RPS) in accordance with the requirements of SPP and for the reasons discussed in section 6 below it is considered that the proposal complies with national planning policy guidance. The general policy direction of SPP is integral to the policies and proposals in the Clydeplan and the adopted SLLDP and these will be considered in turn below.

- 3.1.2 In addition to SPP, the Scottish Government published the Town Centres Review report in July 2013, which, given that this is the Scottish Government's position statement on town centres, is considered to be a material consideration. One key action from the report is Town Centre First, which reinforces the planning policy of sequential test. The sequential test has been undertaken in RPS and further information in respect to the sequential approach was submitted by the applicant. It has been assessed at paragraph 6.5 below and, as a result, the proposal is in line with the review.

Glasgow and the Clyde Valley Strategic Development Plan (Clydeplan)

- 3.1.3 The proposed development requires to be considered against the Glasgow and Clyde Valley Strategic Development Plan 2017 (Clydeplan). Policy 4 Network of Strategic Centres is within the section of city region as a successful and sustainable place of the Clydeplan. Schedule 2 lists the network of strategic centres and their challenges and range of future actions that will be required to be support their long term roles and functions. The Vision and Spatial Development Strategy requires the network of strategic centres to be protected and enhanced with investment required to support their long term respective roles and functions. In relation to East Kilbride Town Centre, Schedule 2 identifies the challenges as the quality of offer, both throughout the day and into the evening, diversity, public realm, environment, continuing sustainable accessibility and the promotion of footfall generating uses.
- 3.1.4 In terms of strategic planning policy, the Spatial Development Strategy (SDS) contained within the approved Clydeplan is founded fundamentally upon responding to the needs of a sustainable low carbon future. The proposal is located on the edge of East Kilbride town centre which is designated as a Strategic Town Centre within the Clydeplan. Policy 4 seeks to:
- protect and enhance the development of the network of strategic centres
 - protect and enhance the long term health of Glasgow City Centre to ensure there is no detrimental impact of its role and function
 - recognise that whilst the Network of Strategic Centres is the preferred location for strategic scale development, such proposals are subject to the sequential approach set out in SPP and the assessment of impact on the other strategic centres in the network and town centres to ensure that there is no detrimental impact on their role and function.

The SDS requires the City Centre's role to be safeguarded by the Clydeplan Local Authorities during the exercise of their development management function. Section 10 of the Clydeplan sets out implementing the plan and development management. Schedule 14 sets out the scale of development likely to impact on the Vision and Spatial Development Strategy. The threshold for retail developments is 2,500 sqm outwith the network of strategic centres. As the proposal is for a retail development 1988sqm (gross) (1325 sqm net), it falls below the scale of development. However, the cumulative impact of smaller scale developments could give rise to significant issues. In the case of the proposed development it is considered that the SDS is supported and the proposal is in accordance with Policy 4. As such, the proposal requires to be subject to Local Development Plan assessment. This is assessed below at section 6.

3.2 Local Development Plan

- 3.2.1 In determining this planning application the Council must assess the proposed development against the policies contained within both the adopted South Lanarkshire Local Development Plan (2015) and Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.2.2 In terms of the adopted South Lanarkshire Local Development Plan, the application site is located within an area designated general urban under the terms of Policy 6 – general urban/settlements policy. In addition Policy 10 - New Retail/Commercial Development is relevant to the assessment of the application. The applicant has submitted a Retail and Planning Statement (RPS) and the proposed retail development requires to be assessed against the criteria set out in Policy 10 New retail/commercial proposals, the assessment is set out at paragraphs 6.5 to 6.10 below.
- 3.2.3 With regard to development management criteria a number of other policies within the adopted SLLDP are considered appropriate to the determination of this application, namely Policy 4 - Development Management and Placemaking, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding.
- 3.2.4 These principle policies are supported by the local plan's specific policy guidance provided through approved Supplementary Guidance on the following topics,
- Development Management, Place Making and Design SG 3
Policy DM 1 – Design and Policy DM13 – Development within General Urban Area/Settlement),
 - Town Centres and Retailing SG 6
 - Sustainable Development and Climate Change SG 1
Policy SDCC 2 - Flood Risk, Policy SDCC 3 - Sustainable Drainage Systems, Policy SDCC 4 - Water Supply and Policy SDCC 5 - Foul Drainage and Sewerage.

The aim of these policies and guidance is to seek well designed development which is located in appropriate locations, appropriately serviced and result in no significant adverse impact.

- 3.2.5 An assessment of the proposal against these specific policies is contained in section 6 of this report.

3.3 **Planning History**

- 3.3.1 There have been two applications in the last 8 years to develop class 1 retail development on the site. Planning consent was refused in February 2012 for the erection of a 4645 sq m gross floorspace Class 1 Food Superstore (EK/10/0267). Following this, planning consent was then refused in September 2013 for the erection of a 2323 sq m gross floorspace Class 1 Food Superstore (EK/13/0046) which was then the subject of an Appeal to the Scottish Government DPEA (PPA-380-2031) where the Council's refusal was upheld by the Reporters in July 2014.
- 3.3.2 The applicant was not required to undertake a formal pre-application consultation with the community and stakeholders as the application site and proposal do not fall within the definition of a major application, as the site is less than 2 hectares and the proposed building is less than 5,000 sq m in size. Nonetheless the applicant has undertaken public consultation in terms of good practice. The applicant submitted a Report of Public Consultation with the current planning application, as set out in paragraph 2.3 above. A leaflet and questionnaire was distributed to all households in north and east of East Kilbride which is the area of the primary catchment area

identified for the proposed store. A total of 641 questionnaire responses were received. A public exhibition was held on 28 August 2017 at Ballerup Hall in East Kilbride Civic Centre close to the application site and approximately 50-60 members of the public attended. The public consultation and questionnaire responses demonstrate strong support for the proposal. The report also responds to areas of concern identified through the consultation.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Development Management)** – have no objections to the proposal subject to conditions being attached in respect of drainage, access, parking, operation of the site and construction traffic management.

Response: Noted. Appropriate conditions will be added to any consent issued.

- 4.2 **Environmental Services** – have no objections, subject to conditions in relation to delivery hours and opening hours, contaminated land site investigation, construction noise, dust management and monitoring and commercial waste control.

Response: Noted. Appropriate conditions and informatives will be added to any consent issued.

- 4.3 **Roads and Transportation Services (Flood Risk Management Section)** – have no objections subject to conditions in relation to the detailed submission, approval and implementation of a Sustainable Drainage Design designed which has been independently checked in accordance with the Council's SUDS Design Criteria Guidance, provision of sign appendices, an updated flood risk assessment and provision of confirmation from Scottish Water of Technical Approval of the SUDS design.

Response: Noted. Appropriate conditions will be added to any consent issued.

- 4.4 **Facilities, Fleet and Ground Services (Arboriculture)** – have no objections subject to further details in respect of the proposed landscaping scheme, additional planting and appropriate tree protection measures.

Response: Noted. Appropriate conditions and informatives will be added to any consent issued.

- 4.5 **Countryside and Greenspace** – have no objections to the proposed development subject to conditions being attached in respect of the submission of a landscape scheme detailing replacement tree planting and tree protection.

Response: Noted. Appropriate conditions will be added to any consent issued.

- 4.6 **Estates Services** – have no objections to the proposed development.

Response: Noted.

- 4.7 **SEPA (West Region & West Region Flooding)** – have no objections to the proposed development.

Response: Noted.

- 4.8 **Scottish Water** – have no objections to the proposed development.

Response: Notwithstanding this, conditions will be attached to any consent issued ensuring the protection of the water environment and water supply, in particular in respect of the requirement for the approval and implementation of a Construction and Environmental Management Plan and the detailed SUDs arrangements for the proposed development.

- 4.9 **SP Energy Network** - have no objections in respect of the proposed development, however note that they have an underground cable within the vicinity of the site.

Response: Noted. A condition has been attached in respect of statutory undertaker's apparatus. Arrangements in respect of SP apparatus are a matter between the applicant and SP Energy Networks.

- 4.10 **Scottish Gas Networks (TRANSCO)** – provided standard advice.

Response: Notwithstanding this, conditions will be attached to any consent issued ensuring the protection of statutory undertaker's apparatus. The applicant has been in direct consultation with SGN in respect of the proposal and any required relocation of SGN apparatus and assets.

- 4.11 **Transport Scotland** – have no objections to the proposed development subject to conditions in respect of the placing a restriction on the maximum size of the proposed retail unit to that applied for and requiring the submission and approval of a Travel Plan.

Response: Noted conditions have been attached in respect of these matters.

- 4.12 **South Lanarkshire Access Panel** – no response to date.

- 4.13 **Strathclyde Passenger Transport (SPT)** – have no objections to the proposed development.

Response: Noted.

- 4.14 **East Mains Community Council** — Objected to the proposed development on the grounds that the proposed supermarket would undermine the vitality and viability of the town centre therefore be contrary to Policy 10 of the South Lanarkshire Local Development Plan and Supplementary Guidance. The operation of the store would create noise and disturbance for local residents, increase traffic congestion and road and pedestrian safety issues for pupils attending the nearby secondary school.

Response: Noted. Paragraphs 6.5 to 6.10 below assess the proposed retail development against Policy 10 and the location, nature and scale of the proposed retail development are considered consistent with the South Lanarkshire Local Development Plan. Environmental Services raised no objections in respect of noise and disturbance although conditions restricting the opening times and delivery times of the proposed store will be attached to any consent issued. Roads and Transportation Services raised no objection to the proposed supermarket in respect of road safety issues and the proposed access to the supermarket will be located on Churchill Avenue rather than Avondale Avenue which is used by those accessing the school.

5 Representation(s)

- 5.1 Statutory notification was undertaken and the proposals advertised in the local press for nature and scale of development and development contrary to development plan. Following this, 83 letters of representation were received, consisting of 43 objections including one petition with 22 signatures, 38 letters of support and 3 letters of comment. The issues raised in all representations can be summarised as follows:

Retail Impact

(a) The development would be contrary to the South Lanarkshire Local Development Plan policies which seek to protect the vitality and viability of the Town Centre.

Response: This is assessed in paragraphs 6.5 to 6.10 below, and demonstrates that the proposal complies with Policy 10 and the location, nature and scale of the proposed retail development are therefore considered consistent with the South Lanarkshire Local Development Plan.

(b) The proposal would have an adverse impact on East Kilbride Village causing local shops to close when they cannot compete with the newstore and resulting in job losses. The village already has a Co-operative store and there would be no reason to visit the village if all the shops close causing the death of the village.

Response: The submitted Retail and Planning Statement concludes that the retail impact of the proposed Lidl on the Co-operative in The Village would be 6%, which equates to £0.12m being diverted from their existing turnover of £2.1m. There has been no objection received from the Co-operative regarding the proposal. The assessment of the retail impacts are set out in the Retail and Planning Statement which are taken into account in the assessment of the proposal against retail planning policy in paragraphs 6.5 to 6.10 below. The Council commissioned Roderick MacLean Associates Ltd (RMA) to provide an overview of retail capacity relating to East Kilbride to assist in determining the current application. RMA report is provided as a background report and it demonstrates minimal cumulative impact on East Kilbride Village local convenience shops. It is considered the proposed development will not result in an adverse impact on East Kilbride Village as the nature and retail offer will complement each other.

(c) East Kilbride does not require any additional supermarkets, the Town Centre already has a Sainsbury's and M&S and a number of vacant units.

Response: The need for a retail store is not a matter of national and local planning policy. In terms of planning policy the assessment of the proposed retail store requires to assess whether the proposal can be supported by the area's catchment population. Scottish Planning Policy and Policy 10 of the South Lanarkshire Local Development Plan also require a sequential test to be undertaken and the policies set out the criteria for assessment. The sequential approach requires town centre locations to be considered in advance of edge of centre and out of centre locations. The assessment on the above matters is set out at paragraphs 6.5 to 6.10 below. The location, nature and scale of the proposed retail development are therefore considered consistent with the South Lanarkshire Local Development Plan.

(d) Retail Vitality and Viability Reports have not been submitted in support of the application.

Response: The applicants submitted a Retail and Planning Statement with the application and supplementary information in respect of the Sequential Approach followed in the assessment. This has been assessed below at paragraphs 6.5 to 6.10 and considered to be consistent with the South Lanarkshire Local Development Plan.

(e) Site history – previous applications were refused on the grounds of impact on the town centre, lack of retail capacity, failing to meet the sequential test, impact on the character and amenity of the area and impact on traffic and transportation.

Response: Each application requires to be assessed on its own merits. The full assessment of the proposal is set out at section 6 of this report. The scale of the proposed development is reduced from that of the previous applications as set out in paragraph 3.3.1 and has been designed to reduce the impact on the character and amenity of the area as set out in paragraph 6.11. At paragraph 6.12 below Traffic and Transportation have no concerns subject to conditions. The impact on the town centre, capacity and sequential test are assessed in paragraphs 6.5 to 6.10.

(f) Challenges to the sequential test and the consideration of town centre sites.

Response: Consideration of the sequential test is set out below in paragraph 6.5 which demonstrates that the proposed retail development complies with Policy 10 and

the location, nature and scale of the proposed retail development are therefore considered consistent with the South Lanarkshire Local Development Plan.

(g) Queries raised with regards to the applicant's retail assessment in relation to turnover, expenditure, capacity. Consider that cumulative impacts on town centre are significant. Requirement for an East Kilbride retail study to be undertaken by the Council.

Response: The Council commissioned Roderick MacLean Associates Ltd (RMA) to provide an overview of retail capacity relating to East Kilbride to assist in determining current retail applications. RMA report is provided as a background report. Turnover, expenditure and capacity are taken into account in the assessment of the proposed development as set out in paragraphs 6.5 to 6.10.

(h) Clawback of leakage and viewed as being optimistic, unacceptable impact on the vitality and viability of existing centres, sequential considerations and current retail industry position.

Response: The East Kilbride Retail Capacity and review of applications prepared by RMA, assesses the spare convenience expenditure capacity within East Kilbride. The RMA report at section 2.8 sets out the considerations for clawback leakage going outwith the catchment area of up to 30% and consider that inflows would increase up to 20% by 2021. The sequential approach has been assessed at paragraph 6.5 below. The quantitative assessments shows an impact of 10% on the town centre and the assessment at section 6 below takes into account the impacts on East Kilbride Town Centre and its investment to reconfigure the centre's uses and floorspace while assessing the quality and location of retail offer being proposed.

Traffic and Road Safety

(i) The proposed access from Churchill Avenue has not been designed to take into account the congestion on Churchill Avenue and the location of the pedestrian crossing which will require to be relocated.

Response: Roads and Transportation Services raised no objections to the proposed access. Following detailed assessment of the design the location of the access has been amended to take account of the impact on the existing pedestrian crossing.

(j) This proposal will cause further congestion on the surrounding road network, including the roundabout which will result road safety issues for pupils attending the nearby secondary school, those attending the church and local residents.

Response: Roads and Transportation Services raised no objections to the proposed development following assessment of the proposed design and the submitted Transport Assessment and Addendums.

(k) School pupils will walk through the car park of the proposed store at lunchtime raising safety issues. The proposal does not appear to have been designed to prevent this happening.

Response: Roads and Transportation Services raised no objections to the proposed development and the provision of a retaining wall and boundary fencing will provide a barrier to discourage pedestrians from accessing the site from Avondale Avenue.

(l) The proposed development will not provide sufficient parking spaces for the store and those identified on the plan are not scaled correctly.

Response: Roads and Transportation Services raised no objections to the proposed parking provision and amended plans have addressed any drafting issues in respect of the size of the parking spaces.

(m) The turning space and servicing arrangements for delivery vehicles will result in several customer parking spaces being unavailable during the frequent deliveries to the store each day.

Response: Roads and Transportation Services raised no objections to the proposed layout of the site and considered the servicing arrangements to be acceptable.

(n) Parents will use the store car park as a drop off and pick up point for school pupils attending St. Andrew's and St. Bride's High School.

Response: Management of the car park will be a matter for the operator of the store and as stated above there will be no direct access to and from the site to Avondale Avenue therefore requiring any pupils having to walk around the site via Churchill Avenue and Whitemoss Avenue.

(o) The car park will be used by shoppers going to the Town Centre and the proposed 90 minute parking limit will require to be enforced.

Response: Management of the car park will be a matter for the operator of the store.

(p) Shoppers using the proposed store will park in Avondale Avenue causing parking issues in the residential area.

Response: Roads and Transportation Services raised no objections to the proposal in respect of parking and as stated above there will be no direct access to and from the site to Avondale Avenue.

(q) There was limited traffic impact information submitted with the application.

Response: The applicants submitted a full Transport Assessment with the application and two addendums to that Transport Assessment. Roads and Transportation Services considered that the information submitted was sufficient to assess the proposed development.

Character of the Area

(r) The site is a prominent site in East Kilbride and the proposed development will be out of character with the area in that the type of building and design are not appropriate close to the Conservation Area and surrounding residential properties of Avondale Avenue, which have award winning garden and floral displays.

Response: The area is close to the town centre and civic area where there are many buildings of varying architectural types and ages. The site is also visually separate from Avondale Avenue residential areas and the East Kilbride Village Conservation Area. Taking into account the nature of the proposed supermarket building, being a single storey building, significantly lower in height than the previous Atholl House office building and the location of the proposed building on the site it is considered acceptable in terms of visual amenity. The position of the building at a lower level than Avondale Avenue in addition to the screening provided by retained trees and proposed planting will lessen the impact of the proposed building. Many of the trees to the north and east of the site are out with the development area and are to be retained. The building, parking and access will be orientated towards Churchill Avenue and the Town Centre rather than the predominantly residential areas of Avondale Avenue or Whitemoss Avenue. The scale and design of the proposed development are considered acceptable in this location.

(s) The proposed advertising for the store will be out of character with the area.

Response: No details of any proposed advertising have been submitted. These details would be the subject of a separate application for advertisement consent in the future.

Impact on Residential Amenity

(t) The proposed development will contribute to increased noise affecting the residents generated from the stores extraction and refrigeration equipment, amplified by the under pass and from any nighttime deliveries to the store.

Response: The Council's Environmental Services were consulted and raised no objections to the proposed development. A condition has been attached to limit deliveries to during store opening times therefore there will be no deliveries during the night.

(u) The proposed store will have lighting which will result in a significant increase in light pollution for local residents.

Response: A condition has been attached requiring the submission and approval of the detail design of any proposed lighting.

Landscaping and Loss of Trees

(v) The proposed development will result in the loss of mature trees and shrubs along the boundary with Avondale Avenue which provide screening for the store.

Response: A number trees and shrubs are required to be removed as they fall directly in the footprint of the built area or are located where their safe retention would not be feasible. The main group / line of trees along Avondale Avenue and Whitemoss Avenue are to be retained and additional trees are to be planted in existing gaps such as the former vehicular access to the site. The Council's Arboricultural Officer has assessed the proposals and raised no objection to the proposed development subject to conditions being attached in respect of submission and approval of a Landscaping Scheme and Tree Protection Measures.

(w) The proposed development will have an adverse impact on the wildlife and flora and fauna on the site.

Response: The applicant submitted a Phase 1 Habitat Survey of the site which concluded that there was no evidence of any protected species on the site and the existing habitats were those typical of a brownfield site of this type. It set out that the proposed mitigation in respect of any potential breeding birds would be to ensure that site preparation works would take place outwith the bird breeding season. The Council's Landscape and Access Officer raised no objections to the proposed development.

Alternative Uses

(x) The site would be better utilised for the provision of residential development, particularly social housing and not for a supermarket which could be located elsewhere in the settlement.

Response: The site has not been allocated for residential development in the South Lanarkshire Local Development Plan and the Council considers the proposed use of this scale in this location as acceptable.

(y) This prominent site would be better suited to the development of a park with habitat creation, play areas, restaurant and pub with outdoor facilities.

Response: The site has not been allocated for this type of development in the South Lanarkshire Local Development Plan and the Council considers the proposed use of this scale in this location as acceptable.

Other Issues

(z) The proposed development will result in job losses in the surrounding area when existing businesses close due to the competition from the proposed store.

Response: The proposed store will provide a number of new jobs in the area. Commercial competition is not a material planning consideration.

(aa) The store will lead to further alcohol abuse and under aged drinking in the area and there is no need for the granting of further licences in the area.

Response: The control of alcohol sales and licensing is not a material planning consideration and is regulated through the Licensing Authority.

(bb) The increase in traffic and resultant increase in pollution will adversely affect health in the surrounding area particularly the lungs of young children.

Response: Health issues are not material planning considerations.

(cc) Considers that the Council has made short sighted decisions on other sites such as new houses in the Green Belt, the loss of Stewartfield Pub and possible loss of Kirktonholme pitches to provide car parking.

Response: This report only relates to the assessment of the proposed development on this site and decisions in respect of other development are not a matter for consideration.

(dd) Insufficient advertising has been undertaken in respect of this application, particularly for local residents and the wider East Kilbride area.

Response: Statutory Neighbour Notification was carried out together with adverts placed in the East Kilbride News setting out the timescales and procedure for commenting on the application.

(ee) Inaccurate information was included in the leaflet distributed by Lidl as it did not take into account traffic generated by St. Andrew's and St. Bride's High School and St. Brides Church.

Response: Information set out in any publications produced by the store operator is not a matter in the control of the Council.

(ff) The site has been actively marketed however no "For Sale" sign has been erected on the site.

Response: This is a privately owned site and any marketing practice is a matter for the owners of the site and not a matter for the Council.

Supporting for the Proposal

(gg) Thirty eight letters expressed support for the proposed supermarket in that it would:

- provide a perfect solution for the site with the proposed building being single storey and of a smaller scale than previous proposals whilst preserving the green setting of the site and improving an empty site.
- bring people into the area and support the East Kilbride village and the local community.
- create jobs in the local area which offer decent pay and conditions.
- prevent the need for local residents to use a car, enabling them to get to the store on foot or by bicycle thus being environmentally friendly.
- provide local choice and convenience as other supermarkets are too far away.
- reduce the dominance of other supermarkets in the East Kilbride area.

- **provide an economical alternative for local residents who can't afford to use other supermarkets in this area of East Kilbride.**
- **it may encourage the Town Centre to remove parking charges at the Town Centre car parks.**

Response: These comments are noted.

- 5.3 These letters and the petition have been copied and are available for inspection in the usual manner and on the planning portal.

6 Assessment and Conclusions

- 6.1 The applicants propose to erect a 1988 sq m retail food unit with a net trading floorspace of 1325 sq m on the site of the former Atholl House, in Churchill Avenue East Kilbride. The main determining issues in assessing this proposal are whether it accords with local plan policy, its impact on amenity and road safety matters.
- 6.2 In terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, planning applications have to be determined in accordance with the development plan unless other material considerations indicate otherwise.
- 6.3 Scottish Planning Policy (SPP) highlights that development proposals which accord with up-to-date plans should be considered acceptable in principle. The site is identified within the adopted South Lanarkshire Local Development Plan as being within the general urban area (Policy 6) and therefore raises no issues in this regard. It is therefore considered that the proposal is in accordance with national planning policy.
- 6.4 With regard to the adopted South Lanarkshire Local Development Plan (2015) (SLLDP) and associated Supplementary Guidance (SG) the application site, as stated above, is identified as being located in the General Urban Area / Settlement (Policy 6). The proposed retail development requires to be assessed against the criteria set out in Policy 10 New retail/commercial proposals and the assessment is set out below.
- 6.5 The proposed retail development requires to follow the sequential approach set out in SPP to assess sequentially preferable sites. This has been undertaken at section 4 of the RPS and further information was provided by Hargest Planning Ltd on 26 July 2017. In line with SPP town centre sites require to be assessed. The alternative sites include assessing the suitability, availability and viability of units and development opportunities within East Kilbride Town Centre (EKTC). The RPS states that there are a range of vacant premises located within East Kilbride Town Centre though these have been discounted as Lidl's requirements are not able to be met in terms of the following requirements; size, unobstructed floorplate, direct surface level access to car parking suitable for trolleys and direct access for vehicles for the delivery of goods on pallets to the store. However the RPS takes into account the redevelopment of Sainsbury's and the reconfiguration of the eastern Olympia within EKTC. This would require Lidl to reduce their requirements to a proposed store area of 1520 sqm. The EKTC owners received planning consent to redevelop the eastern end of The Olympia to provide new retail units, an extension to supermarket (Sainsbury's) and new leisure units. Part of the redevelopment is underway though the extension to Sainsbury's is not currently being progressed. On this basis there is a total gross floor area of 1520 sqm which could provide a single store unit. This would be smaller than the floorspace area Lidl has applied for, nonetheless the option is fully explored by the applicant. The sequential assessment recognises that the available floorspace could provide a similar size of store to that proposed on the application site however the

layout presents a number of difficulties for the viable operation of the Lidl store. These include reduced number of car parking spaces, customer access arrangements, visibility of the store's frontage, level differences require retaining walls and structures which would detract from the appearance, visibility and profile of the store and service arrangements. On consideration of the above it is concluded that there are no sequentially preferable sites in EKTC due to their suitability and viability. It is concluded that there are no sequentially preferable sites in EKTC due to their suitability and viability. On this basis the EKTC locations can be discounted, and it is considered the sequential approach assessed above is in line with SPP, which states that when assessing the sequential approach, there should be consideration for being flexible and realistic and that community facilities are located where they are easily accessible to the communities that they are intended to serve. I am satisfied that the sequential approach has been followed and the proposal therefore complies with Policy 10 (i).

- 6.6 Policy 10 criteria (ii), requires that proposals do not undermine the vitality and viability of strategic and town, and/or neighbourhood centres. As set out in section 3.3 above there have been previous applications at this site for retail development. In this respect the Council commissioned Roderick MacLean Associates Ltd (RMA) to undertake a review of the RPS and provide an overview of the convenience retail capacity relating to East Kilbride. The proposed foodstore is 1988sqm (gross) (1325 sqm net) with a total turnover £10.4m (RMA in 2016 prices). The proposal is for a floorspace split of 85% convenience and 15% comparison, equating to £9.4m turnover for convenience sales as stated in RMA review. In terms of impact of the proposed foodstore on existing convenience floorspace, RMA sets out the greatest impact is 17% on Morrison's at Stewartfield (neighbourhood centre) and a total impact of 0% on Greenhills and The Village. 14% impact is predicated by RMA on Sainsbury's and 8% on M&S Food both at Kingsgate Retail Park. RMA identifies an impact of 11% on Sainsbury's within East Kilbride Town Centre which equates to £1.4m trade diversion from this store's turnover of £23.9m (average levels). The total trade diversion on the town centre equates to £3.1m with an overall impact of 10%. These impacts identified are on the basis that the Tesco/Dobbies consent at Redwood Crescent in East Kilbride has not been implemented and its renewal is subject to a separate planning application. RMA concludes the estimated pattern of trade diversion assumes that most of the diverted trade will be from the town centre and the main supermarkets rather than from local convenience shops, and the level of trade diverted from the town centre is low. On this basis it is considered that the proposed foodstore will not undermine the vitality and viability of East Kilbride Town Centre. Therefore, I am satisfied that the proposed development accordingly complies with SLLDP Policy 10 (ii).
- 6.7 With regard to Policy 10 criteria (iii) the main catchment area for the proposed development covers East Kilbride and Strathaven (shown in Map 2.1 of RMA report). The RMA demonstrates that the catchment area has £221m of convenience expenditure potential in 2017 (in 2016 prices) and the available expenditure increases to £222m by 2021, which is the design year of the retail proposal. In terms of spare convenience expenditure capacity this is set out in the RMA report which concludes there is nearly £20m of spare capacity. This amount does not take into account the current application to renew consent for a superstore at Redwood Crescent in East Kilbride. This is subject to a separate planning application. Given the proposed foodstore turnover is £9.4m (convenience sales), it is considered that this can be met from the spare convenience capacity and RMA demonstrates that the proposed turnover of the foodstore can be supported by the area's catchment population.
- 6.8 Policy 10 criteria (iv) requires proposals to complement regeneration strategies for the area. The proposed development is located on a prominent vacant site on the edge

of East Kilbride Town Centre. In addition to the above, consideration has been given to the proposal being for a named operator, Lidl. It is considered that the quality of retail offer that Lidl provides will enhance the retail offer within the town. Development on this edge of centre vacant site will enhance the environment on approach to the town centre and promote footfall generating uses that can encourage linked trips to the town centre. The proposed scale of the foodstore (reduced floorspace from previous applications) is considered acceptable, and allows for existing landscaping to be retained and takes into account surrounding residential amenity effects. On this basis the proposal is in line with regeneration strategies for the area and therefore complies with policy 10 criteria (iv).

- 6.9 The application site is in close proximity to the East Kilbride bus station located within the town centre. It is considered to be well served by existing bus services and is easily accessible by a choice of transport modes such as bus and cycle. The retail proposal promotes sustainable development by providing local retail facilities to allow the residents to shop locally. On this basis of the above it is considered that the proposed development complies with Policy 10 criteria (v) promote sustainable development and (vi) take account of development location and accessibility.
- 6.10 The application for the proposed development considers the environmental and traffic impact, and takes into account drainage and service infrastructure implications that are assessed at paragraphs 6.11 to 6.13 below. These matters are considered to comply with policy subject to conditions being attached if consent is granted. The foregoing assessment of Policy 10 new retail/commercial proposals criteria (i) to (vi) as set out above at paragraphs 6.5 to 6.10, demonstrates that the proposed retail development complies with Policy 10. The location, nature and scale of the proposed retail development are therefore considered acceptable in terms of Policy 10.
- 6.11 Policy 4 (Development Management and Placemaking) 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. Taking into account the nature of the proposed supermarket building, being a single storey building, significantly lower in height than the previous Atholl House office building and the location of the proposed building on the site it is considered acceptable in terms of visual amenity. The position of the building at a lower level than Avondale Avenue in addition to the screening provided by retained trees and proposed planting will lessen the impact of the proposed building. Many of the trees to the north and east of the site are out with the development area and are to be retained. The building, parking and access will be orientated towards Churchill Avenue and the Town Centre rather than the predominantly residential areas of Avondale Avenue or Whitemoss Avenue. Given the location and nature of the site, the proposed development and residential properties not being immediately adjacent to the site, separated by existing open space, landscape buffers and roads the proposed development is considered to be acceptable and unlikely to result in any significant adverse impacts. The proposed development is considered to be consistent with Policy 4 of the SLLDP and with the policy guidance set out within the associated Supplementary Guidance Development Management, Placemaking and Design.
- 6.12 In relation to road infrastructure issues Policy 16 (Travel and Transport) of the SLLDP states that new development proposals must consider, and where appropriate, mitigate the resulting impacts of traffic growth, particularly development related traffic, and have regard to the need to reduce the effects of greenhouse gas emissions and at the same time, support and facilitate economic recovery, regeneration and sustainable growth. It also confirms that proposals must conform to the Local Transport Strategy, Core Path Plan and the Council Guidelines for Development

Roads. The proposed development is considered to comply with Policy 16 in that it provides sufficient parking, suitable vehicular and pedestrian access, facilities for charging electric vehicle s and cycle parking. Roads and Transportation Services raised no objections to the proposed development.

- 6.13 Policy 17 (Water Environment and Flooding) states that developments which have a significant adverse impact on the water environment will not be permitted and that consideration will be given to water levels, flows, quality, features, flood risk and biodiversity within the water environment. The applicants submitted a detailed Flood Risk Assessment and drainage details. Roads and Transportation Flooding Unit, SEPA and Scottish Water had no objections to the proposed development subject to conditions in relation to the detailed submission, approval and implementation of a Sustainable Drainage Design.
- 6.14 It is also considered that the proposal accords with the policies contained in the SLLDP Supplementary Guidance on Development Management Place Making & Design and Sustainable Development and Climate Change.
- 6.15 Following a full and detailed assessment of the proposed development, it is considered that the proposed development is in accordance with the South Lanarkshire Local Development Plan and associated Supplementary Guidance and on that basis, it is recommended that planning permission is granted.

7 Reasons for Decision

- 7.1 The proposal complies with Policies 4, 6, 10, 16 and 17 of the Adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance Development Management Place Making & Design and Sustainable Development.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

20 April 2018

Previous References

- ◆ Planning Application EK/10/0267 (Refused)
- ◆ Planning Application EK/13/0046 (Refused)
- ◆ Appeal to DPEA PPA-380-2031

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development Management Placemaking and Design Supplementary Guidance (2015)
- ▶ Sustainable Development and Climate Change Supplementary Guidance (2015)
- ▶ Neighbour notification letter dated 31/07/2017

- ▶ Consultations
 - Scotland Gas Networks 03/08/2017
 - SP Energy Networks 02/08/2017

Environmental Services [e-consult]	03/08/2017 11/12/2017
Countryside & Greenspace	02/08/2017
Scottish Water	14/08/2017
East Mains Community Council	11/08/2017
Strathclyde Partnership for Transport	21/02/2018
S.E.P.A. (West Region) & S.E.P.A. (West Region) (Flooding)	29/08/2017
Transport Scotland	12/02/2018
Estates (Housing – Planning Consultation)	03/08/2017
Roads Development Management Team	02/08/2017 30/01/2018 26/02/2018
Arboricultural Services	23/02/208

► Representations

- Representation from : Andrew , 6 Avondale Place
East Kilbride

G74 1NU
G74 1NU
, DATED 07/08/2017 21:36:34
- Representation from : Stephen and Brenda Clark, 3 Avondale Grove
East Kilbride
G74 1BF, DATED 10/08/2017
- Representation from : Joe Allan, 94 Franklin Place
Westwood
East Kilbride G75 8LI, DATED 16/08/2017
- Representation from : Thomas and Mrs Evelyn Lochrin, 19 Whitemoss Road
East Kilbride
G74 4JB
DATED 21/08/2017
- Representation from : R Dillon, DATED 21/08/2017
- Representation from : Elizabeth Kelly, 34 Kittoch Court
2 Roxburgh Park
East Kilbride
G74 1NP, DATED 18/08/2017
- Representation from : Monica Loughran, 10 MacDonald Avenue
Stewartfield
East Kilbride
DATED 21/08/2017

Representation from : Joe Allan and Stewart McDonald , East Kilbride Housing Forum
94 Franklin Place
Westwood
East Kilbride
G75 8LS, DATED 20/07/2017

Representation from : Alan Dick MBE and Mrs Barbara Dick, Received via email,
DATED 28/08/2017

Representation from : Darrin Marriott, 19 roxburgh park
Avondale
East Kilbride
DATED 08/08/2017

Representation from : Karen Fusi, 33 Avondale Avenue
East Kilbride
G74 1NS
DATED 20/08/2017 19:43:58

Representation from : Muir and Nicola Glendinning, 50 Maxwell Drive
East Kilbride
G74 4HJ
DATED 20/08/2017

Representation from : Philip and Linda Harris, , DATED 05/09/2017

Representation from : Joe Allan, 94 Franklin Place
Westwood
East Kilbride
G75 8LS, DATED 28/07/2017

Representation from : Lesley Watt, , DATED 05/09/2017

Representation from : Hilary Kirby, 36 Lochranza Lane
East Kilbride
G75 9NG
DATED 05/09/2017

Representation from : Joe Allan, 94 Franklin Place
Westwood
East Kilbride
G75 8LS, DATED 10/08/2017

Representation from : Joan A McHugh, 11 Kittoch Court
Roxburgh Park
East Kilbride
G74 1ND, DATED 10/08/2017

Representation from : CBRE Limited, Sutherland House
149 St Vincent Street
Glasgow
G2 5NW, DATED 21/08/2017, DATED 11/04/2018

Representation from : Lisa Sanderson, DATED 28/08/2017

Representation from : Janice and Mark Russell, DATED 28/08/2017

Representation from : Lorraine Black, DATED 28/08/2017

Representation from : Nigel Heath, 25 Kirkton Park
East Kilbride
G74 4HU, DATED 28/08/2017

Representation from : John Wilson, DATED 28/08/2017

Representation from : Jim Parkinson, DATED 28/08/2017

Representation from : Catherine Doohan, DATED 28/08/2017

Representation from : Rosalind Beveridge, DATED 28/08/2017

Representation from : Mr Craig Fleming, 14 Doonfoot Gardens
West Mains
G744XF
DATED 23/08/2017

Representation from : S Neill, Artisan Buon Giorno Bakers
7 Hunter Street
The Village
East Kilbride
G74 4LZ, DATED 23/08/2017

Representation from : L Wright, Loupin Stane
13B Hunter Street
Village
East Kilbride
G74 4LZA, DATED 23/08/2017

Representation from : S . R. Sherriff, Wright's Butchers
17 Hunter Street
The Village
East Kilbride
G74 4LZ, DATED 23/08/2017

Representation from : Jim Toner, 57 Whitemoss Road, East Kilbride G74 4JB,
DATED 01/09/2017

Representation from : Audrey Cafferty, DATED 04/09/2017

Representation from : John Pettit, DATED 04/09/2017

Representation from : John Wilson, DATED 25/08/2017

Representation from : Lorraine Woods, 57 Carlyle Drive, East Kilbride, G74 3EP,
DATED 01/09/2017

Representation from : Caroline McDonald, 6 Egmont Park East Kilbride G75 8PT,
DATED 01/09/2017

Representation from : Jane Porter, DATED 01/09/2017

Representation from : Mr Ross, DATED 30/08/2017

Representation from : James Toner, 57 Whitemoss Road
East Kilbride
G74 4JB
DATED 30/08/2017

Representation from : Lisa Hendry, DATED 29/08/2017

Representation from : Johanne Hendry, DATED 29/08/2017

Representation from : Mrs L. Moir, DATED 29/08/2017

Representation from : Ian MacFarlane, 32 Lister Tower, East Kilbride, G75 0HL,
DATED 29/08/2017

Representation from : Pauline Mclean, , DATED 29/08/2017

Representation from : Joan Kyle, 41 Fairlie
Stewartfield
East Kilbride
G74 4SF, DATED 29/08/2017

Representation from : Mr. Wm Walters, DATED 29/08/2017

Representation from : Barbara A Martin, 2 Ballantrae
Stewartfield
East Kilbride
G74 4TZ, DATED 26/09/2017

Representation from : Georgina Stewart, DATED 24/08/2017

Representation from : Maureen Bonner, DATED 29/08/2017

Representation from : Edward A McHugh, 11 Kittoch Court
Roxburgh Park
East Kilbride
G74 1ND, DATED 08/08/2017

Representation from : St Andrew's & St Bride's High School, Platthorn Drive
East Kilbride
G74 1NL, DATED 31/08/2017

Representation from : Dorothy Balmer, DATED 19/09/2017

Representation from : James Toner, 57 Whitemoss Road
East Kilbride
G74 4JB
DATED 30/08/2017

Representation from : Ruth Kerr, DATED 30/08/2017

Representation from : Audray Falconer, DATED 30/08/2017

Representation from : Ann Haughey, DATED 30/08/2017

Representation from : Mike Rieley, DATED 30/08/2017

Representation from : Marion Millar, DATED 30/08/2017

Representation from : Mrs Short, DATED 30/08/2017

Representation from : James A McWilliam, 24 Avondale Grove
East Kilbride
G74 1BF, DATED 22/08/2017

Representation from : Elizabeth McDougall, DATED 30/08/2017

Representation from : Andrea, DATED 30/08/2017

Representation from : Simon White, DATED 20/09/2017

Representation from : Brian & Margaret Connelly, 50A Avondale Avenue
East Kilbride
G74 1NS, DATED 06/10/2017

Representation from : Lena Meighan, DATED 13/09/2017

Representation from : John Mann, DATED 04/09/2017

Representation from : Janet Rieley, DATED 04/09/2017

Representation from : Gerry Docherty, DATED 04/09/2017

Representation from : Jennifer Young, DATED 05/09/2017

Representation from : George McCarthy, DATED 05/09/2017

Representation from : Rosie Stevenson, DATED 05/09/2017

Representation from : Joe Allan, 94 Franklin Place
Westwood
East Kilbride
G75 8LS, DATED 24/11/2017

Representation from : Gwendoline and John McNab, 49 Whitemoss Road
East Kilbride
G74 4JB, DATED 22/08/2017

Representation from : Keir Ferguson, DATED 22/08/2017

Representation from : William Barr, DATED 01/09/2017

Representation from : Stephen Macaulay, 6 Dunglass Square
East Kilbride
G74 4EN
DATED 07/09/2017

Representation from : Robert A. Flynn, 46 Avondale Avenue
East Kilbride
G74 1NS

DATED 15/08/2017

Representation from : Joanne Hamilton, 20 Avondale Grove
G74 1BF
DATED 21/08/2017

Representation from : Jean Aitken, c/o 41 Maxwell Drive, East Kilbride
DATED 21/08/2017

Representation from : Claire Jenkins, 27B Avondale Avenue
East Kilbride
G73 1NS
DATED 17/08/2017 21:07:35

Representation from : Dr P M Slorach, 6 Platthorn Court
East Kilbride
DATED 19/08/2017

Contact for Further Information

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

Morag Neill, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
Ext 5053 (Tel : 01698 455053)
E-mail: morag.neill@southlanarkshire.gov.uk

CONDITIONS

- 1 That before works start on the development or before any materials for each phase 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.
- 2 That before works start on the development, 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.
- 3 That before works start on the development, a scheme of landscaping for that phase 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.
- 4 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.
- 5 Notwithstanding Conditions 3 and 4 above, a scheme of additional planting along the western edge of the site adjacent to Churchill Avenue shall be submitted and approved by the Council as Planning Authority. The Scheme shall include the additional planting of extra heavy standard/semi-mature trees to extend the existing lime tree avenue planting along this boundary of the site.
- 6 The Scheme of planting required by Condition 5 above shall be implemented prior to the development being brought into use to the satisfaction of the Council as Planning Authority.
- 7 That before works start on the development, full details of the design and location of all fences and walls, including any retaining walls, to be erected shall be submitted to and approved by the Council as Planning Authority.
- 8 That before any development commences on site or before materials are ordered or brought to the site, details and samples of retaining wall facing materials to be used shall be submitted to and approved by the Council as Planning Authority.
- 9 That before the development is brought into use, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the

terms of Condition 7 above, shall be erected and thereafter maintained to the satisfaction of the Council.

- 10 Construction activities on site, including deliveries to the site (with the exception of maintenance works not audible outside the site boundary), shall be restricted to the following hours of operation, unless otherwise agreed in writing by the Council as Planning Authority:
Mondays to Fridays: Between 08:00 and 19:00
Saturdays: Between 08:00 and 13:00
Sundays & Public Holidays: No Working
- 11 That the retail unit hereby approved, Class 1 retail store will not exceed 1,988 sq. metres (gross) floor area, with a maximum net sales floor area of 1,325 sq. metres of which no more than 85% of the net sales area shall be used for the sale of food goods. For the avoidance of doubt and notwithstanding the proposed provision in the Planning etc. (Scotland) Act 2006 that the use of a mezzanine floor for retail sales will require planning permission.
- 12 Deliveries, including vehicular movements to and from the service area and the movement of goods in and out of store, will only be permitted between the hours of 07:00 and 20:00 Mondays to Sundays, unless otherwise agreed in writing by the Council as Planning Authority
- 13 The retail unit will only be permitted to open between the hours of 07:00 and 22:00 Monday to Sundays, unless otherwise agreed in writing by the Council as Planning Authority.
- 14 Prior to development commencing on site, details of any proposed construction floodlighting together with a lighting assessment shall be submitted to and approved by the Council as Planning Authority. The scheme shall include, where appropriate, details of all aspects of the installation including specific luminaire and lamp type; beam control; wattage; use of reflectors; baffles; louvers; cowling; lux contours/distribution diagrams and column type.
- 15 The approved construction lighting scheme shall be implemented prior to the commencement of the development and shall thereafter be operated in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.
- 16 Prior to development commencing on site, details of all proposed external lighting and lighting columns shall be submitted to and approved by the Council as Planning Authority. The scheme shall include, where appropriate, details of all aspects of the installation including specific luminaire and lamp type; beam control; wattage; use of reflectors; baffles; louvers; cowling; lux contours/distribution diagrams and column type.
- 17 The approved lighting 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.
- 18 Prior to the commencement of development on site, a Scheme for the protection of Retained Trees "Tree Protection Plan" shall be submitted to and approved in writing by the planning authority setting out the steps that shall be taken to protect all retained trees. The plan shall include a specific Arboricultural Method Statement and Scheme of Supervision which shall set out the following:
 - a) induction and personnel awareness of arboricultural matters;

- b) identification of individual responsibilities and key personnel;
- c) statement of delegated powers;
- d) timing and methods of site visiting and record keeping, including updates; and
- e) procedures for dealing with variations and incidents.

and the Scheme of Supervision shall be administered by a qualified Arboriculturalist approved by the Council as Planning Authority.

- 19 The approved “Tree Protection Plan” shall be implemented to the satisfaction of the Council as Planning Authority.
- 20 During the construction period:
- (a) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
 - (b) No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.
 - (c) No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
 - (d) No mixing of cement or use of other materials or substances shall take place within a Root protection Area, or close enough to a Root Protection Area that seepage or displacement of those materials or substances could cause them to enter a Root Protection Area.
 - (e) No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Council as Planning Authority.
- 21 (a) The applicant shall be required to undertake a comprehensive site investigation, carried out to the appropriate Phase level, to be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:
- (i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
 - (ii) Contaminated Land Report 11 – ‘Model Procedures for the Management of Land Contamination (CLR 11) – issued by DEFRA and the Environment Agency;
 - (iii) BS 10175:2001 – British Standards institution ‘The Investigation of Potentially Contaminated Sites – Code of Practice’.
- (b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.
- (c) If the risk assessment identifies any unacceptable risks, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council’s written approval of the remediation plan.
- 22 (a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the proposed development being brought into use. Any

amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.

(b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.

(c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.

- 23 That before the development hereby approved is brought into use, details of the storage and collection of waste arising from that phase of the development shall be submitted to and approved by the Council as Planning Authority. The storage and waste collection scheme shall be implemented before that phase of the development is brought into use and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
- 24 That before works start on the development, a scheme for the control and mitigation of dust for that phase of the development 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. Monitoring results shall be readily available to Officers of the Council investigating adverse comments.
- 25 That before works start on the development details of surface water drainage arrangements (including provision of a flood risk assessment, drainage assessment and maintenance responsibilities) have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements (Appendices 1,2,3,4 & 5).
- 26 That the development hereby approved shall not be completed or brought into use until the surface water drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority, under the terms of Condition 25 above.
- 27 That before works start on the development the applicant shall provide written confirmation from Scottish Water to the Council as Planning Authority that the development can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.
- 28 That prior to commencement of works a site layout showing the location and style of covered cycle storage facilities shall be submitted to and approved by the Council as Planning Authority. Unless otherwise agreed, the level of cycle storage provided shall be in accordance with the SCOTS National Roads Development Guide

- 29 That before the retail premises hereby approved are completed or brought into use the cycle storage facilities required by Condition 28 above shall be fully implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.
- 30 Prior to the retail development hereby approved being brought into use the developer shall include provision for two electric charging bays on the retail site to the satisfaction of the Council as Planning Authority.
- 31 That before any works start on the development a Traffic Management Plan (TMP) with information such as, but not limited to, construction phasing, site deliveries routing/timings, site car parking for visitors and site operatives shall be submitted to and approved by the Council as Planning Authority. The TMP shall include a Travel Plan element to encourage less reliance on individual private car trips to the site for those personnel involved in construction activities on a routine basis and those attending through the course of site inspections and site meetings. The TMP shall be produced in consultation with the Council's Roads & Transportation Service, Police Scotland and Transport Scotland.
- 32 The recommendations contained within the approved Traffic Management Plan shall be implemented and adhered to at all times. The developer shall notify the Council in writing, as soon as reasonably practical, of any changes in construction activities where these will have an impact on the approved TMP. The developer will consult with the Council, as Roads Authority, together with Police Scotland and Transport Scotland to agree in writing any changes to the TMP, and thereafter adhere to and implement the agreed changes to the satisfaction of the Council as Planning Authority..
- 33 Appropriate cleaning systems, wheel wash facilities / road cleaning regime, should be put in place within the site to ensure mud and debris is not deposited on the public road to the satisfaction of the Council as Planning Authority.
- 34 The developer must ensure at all times that no construction vehicles or staff vehicles are parked on Churchill Avenue, Whitemoss Avenue, Avondale Avenue or surrounding public roads to the satisfaction of the Council as Planning Authority.
- 35 That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at his or her own expense.
- 36 Before development begins on site, a scheme for the protection of bats (Bat Protection Method Statement) shall be submitted to and approved in writing by the Council as Planning Authority. Any development shall thereafter be carried out in accordance with the approved scheme.
- 37 That prior to development commencing on the retail development site hereby approved, a Travel Plan for the retail site outlining arrangements to encourage all employees to engage in the use of more sustainable travel modes to reduce the reliance on private car trips shall be submitted to and approved by the Council as Planning Authority. The Travel Plan shall include arrangements for continuous review of the document to ensure that it remains relevant. Given the proximity to East Kilbride train station the Travel Plan should include current timetables for rail services. Once approved the Travel Plan shall be issued to all employees.

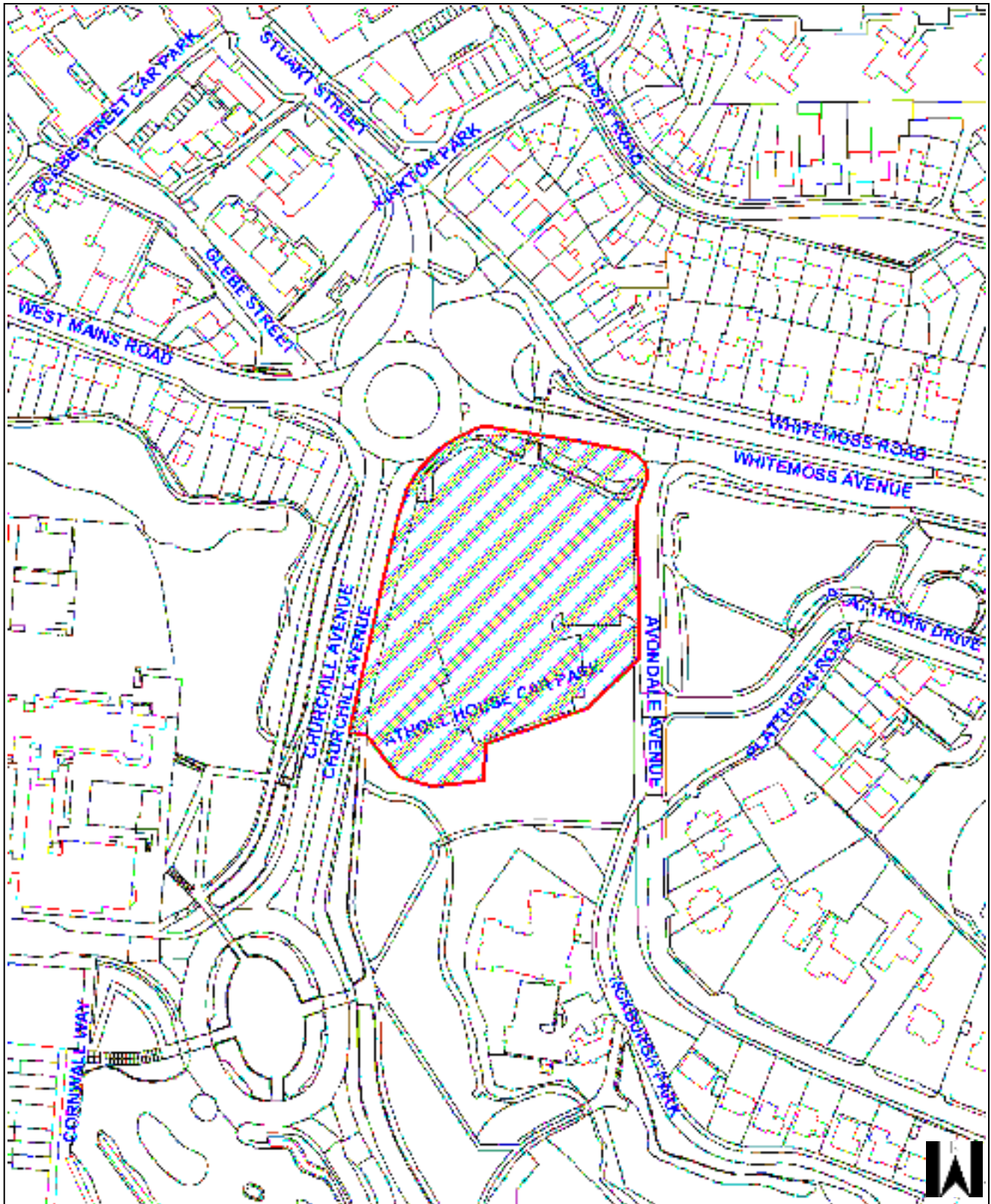
- 38 That notwithstanding the provisions of the Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1984, no fascia signs, adverts or projecting signs shall be erected on the premises without the prior written consent of the Council as Planning Authority.
- 39 Crossing points with dropped kerbs shall be provided at the applicant's expense to permit access for the disabled to the satisfaction of the Council as Planning Authority..

REASONS

- 1.1 In the interests of amenity and in order to retain effective planning control.
- 2.1 These details have not been submitted or approved.
- 3.1 In the interests of the visual amenity of the area.
- 4.1 In the interests of amenity.
- 5.1 In the interests of amenity and in order to retain effective planning control.
- 6.1 In the interests of amenity and in order to retain effective planning control.
- 7.1 These details have not been submitted or approved.
- 8.1 In the interests of the visual amenity of the area.
- 9.1 In order to retain effective planning control
- 10.1 In the interests of amenity and in order to retain effective planning control.
- 11.1 In order to retain effective planning control
- 12.1 To protect local residents from noise nuisance
- 13.1 To protect local residents from noise nuisance
- 14.1 In the interests of amenity and in order to retain effective planning control.
- 15.1 In the interests of amenity and in order to retain effective planning control.
- 16.1 In the interests of amenity and in order to retain effective planning control.
- 17.1 In the interests of amenity and in order to retain effective planning control.
- 18.1 In order to protect trees and to retain effective planning control.
- 19.1 In order to protect trees and to retain effective planning control.
- 20.1 In order to protect trees and to retain effective planning control.
- 21.1 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

- 22.1 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 23.1 To minimise nuisance, littering and pest problems to nearby occupants.
- 24.1 To minimise the risk of nuisance from dust to nearby occupants.
- 25.1 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.
- 26.1 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.
- 27.1 To ensure the provision of a satisfactory sewerage system
- 28.1 In the interests of traffic and public safety.
- 29.1 In the interests of traffic and public safety.
- 30.1 In the interests of traffic and public safety.
- 31.1 In the interests of traffic and public safety.
- 32.1 In the interests of traffic and public safety.
- 33.1 In the interests of traffic and public safety.
- 34.1 In the interests of traffic and public safety.
- 35.1 In order to retain effective planning control
- 36.1 To ensure the protection of Bats
- 37.1 In the interests of traffic and public safety.
- 38.1 In order to retain effective planning control
- 39.1 In the interests of traffic and public safety.

For information only



For information only

Reproduction by permission of Ordnance Survey on behalf of HMSO.
 © Crown copyright and database right 2012. All rights reserved.
 Ordnance Survey Licence number 100020730.

Report

6

Report to:	Planning Committee
Date of Meeting:	1 May 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application No	HM/17/0388
Planning Proposal:	Residential Development Comprising 14 dwellinghouses (mix of 2 Bed Cottage Flats and 2 and 3 Bed Semi Detached dwellinghouses)

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : South Lanarkshire Council
- Location : Morven Avenue
Blantyre

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) Planning Committee has delegated powers to determine this application

3 Other Information

- ◆ Applicant's Agent: South Lanarkshire Council
- ◆ Council Area/Ward: 15 Blantyre
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Development management, placemaking and design supplementary guidance (2015)

Policy 4 - Development Management and Place Making

Policy 6 - General Urban Area/Settlements

Policy 14 – Green network and greenspace

Policy 16 – Travel and Transport

- ◆ Representation(s):
- ◆ 1 Objection Letter
- ◆ 0 Support Letters

◆ 0 Comments Letters

◆ Consultation(s):

Roads & Transportation Services (Flood Risk Management Section)

Scottish Water

SportScotland

Education Resources

Environmental Services

SLC Community Services

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site relates to an area of ground adjacent to the David Livingstone Memorial Primary School, Morven Avenue, Blantyre. The site was formerly part of the school grounds, however, became surplus following the redevelopment of the school. The site itself extends to approximately 0.8 hectares and was partly occupied by a blaes football pitch, however, this has not been in use for a number of years and is now completely overgrown. The site is bounded by residential properties with the redeveloped David Livingstone Memorial Primary School to the north.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the erection of 14 dwelling houses together with associated amenity open space and car parking provision. The proposed 14 dwellings (4 cottage flats and 10 semi-detached properties) will be available for social rent to tenants currently on the Council's housing waiting list. All dwellings will be 2 storeys in height. The proposed external finishes comprise brick and render for the walls, white uPVC windows and grey roof tiles.
- 2.2 The proposed layout has an access road from Morven Avenue through the centre of the site with housing on one side only and a large area of amenity open space on the other. The dwellings would overlook the proposed area of amenity open space. A further area of open space is located within the site, to the rear of the proposed dwellings.

3 Background

3.1 Local Plan Policy

- 3.1.1 The determining issues in the consideration of this application are its compliance with the South Lanarkshire Local Development Plan (Adopted 2015) and in particular Policy 4 Development Management and Place Making, Policy 6 - General Urban Area/Settlements, Policy 14 – Green network and greenspace and Policy 16 Travel and Transport. An assessment of the proposal against the above policies is contained in Section 6 of this report.

3.2 Relevant Government Advice/Policy

- 3.2.1 In terms of residential development, Scottish Planning Policy (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 directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity.

3.3 Planning Background

- 3.3.1 Detailed planning permission (HM/10/0303) was granted for the erection of a replacement school within the grounds of the adjacent David Livingstone Memorial Primary School together with the installation of CCTV cameras and associated landscaping, car parking and MUGA pitch on 7 September 2010.

4 Consultation(s)

- 4.1 **Environmental Services** – raised no objection to the proposal subject to the imposition of conditions or informatives relating to the control of noise and remediation works

Response: - Noted. Should consent be issued, conditions regarding remediation and contamination would be attached to any consent. Informatives advising the applicant

of acceptable hours for audible construction activities at the site and matters relating to demolition, pest control and smoke control should also be attached to any consent granted.

- 4.2 **Roads Development Management** – have no objection to the proposal subject to the imposition of standard conditions relating to visibility splays, wheel washing facilities and the submission of a traffic management plan. In addition, they have commented that a flush delineation kerb should be provided across the carriageway at the entrance to the courtyard parking area and that the 2 metre wide grass service strip on the east side of the short cul-de-sac should continue around the hammerhead and should extend southwards to meet Morven Avenue footway.

Response: - Noted. Appropriate conditions would be attached to any approval to address the matters raised.

- 4.3 **Roads and Transportation Services (Flood Risk Management)** – have no objection to the application subject to the provision of a sustainable urban drainage system (SUDS) within the site designed and independently checked in accordance with the Council's current SUDS Design Criteria Guidance Note.

Response: - Noted. Any consent granted would incorporate an appropriately worded condition to address the matters raised.

- 4.4 **Community Services** – raised no objections and stated that the proposal is considered to be acceptable on the assumption the Council's Residential Design Guide is used throughout the application process.

Response: - The above comments are noted.

- 4.5 **Scottish Water** – have no objection to this proposal however the applicant should contact them directly in respect of sewage and water connections.

Response: - Noted. The applicant has been advised of these details.

- 4.6 **SportScotland** – raised no objections to the proposal.

Response: - Noted. The blaes pitch was overgrown and had not been used for a number of years and therefore the proposal does not result in the loss of a pitch. There is suitable existing provision elsewhere and the proposal does include large areas of open space which will be managed and therefore accessible to the wider community.

- 4.7 **Education Resources** – Have no objection to the proposal.

Response: - Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification was carried out in respect of this proposal following which one letter of representation was received. The points raised are summarised as follows:

- a) **The layout will have an impact on the living environment of surrounding neighbours due to the extra noise and disturbances from the building works.**

Response: The temporary noise levels experienced during construction works should be in accordance with relevant regulations and that the applicant can be advised of these requirements by use of a suitably worded informative should consent be issued in this regard.

- b) **The extra noise and disturbance when these houses are occupied due to the open outlook and quietness of the area at present will have a big**

impact on the adjacent living environment and also the local wildlife that inhabits the area at present will be lost due to this development.

Response: It is considered that the levels of noise resulting from this residential development will be no different from the levels currently experienced in the surrounding areas and that there are no issues in this regard. As regards any local wildlife which could be affected by this development there is a significant area of open space remaining which will be available for use. In addition, it is unlikely that a former blaes pitch would provide a substantial habitat for wildlife.

- c) **There will be a loss of light and overshadowing and also a loss of privacy. Currently the nearest house is approximately 300 odd metres away so these new homes would have a large impact on this.**

Response: It is considered that the proposed dwellings will be set back at a sufficient distance from the surrounding properties and that no overshadowing or loss of privacy issues will be raised in this regard as a result of this development.

- d) **I do not believe the drainage can deal can deal with this development as during heavy rain there is flooding to the bottom of Craigton Place/ Devondale Avenue. There are also flooding issues in Morven Avenue/ Roselee Place.**

Response: The Council's Flood Risk Management Section have been consulted in respect of this proposal and have raised no issues subject to the provision of a sustainable urban drainage system (SUDS) within the site. It is considered that this matter can be addressed by use of a suitably worded condition.

- e) **The amount of traffic on this road at certain times of the day is very busy and hard to get parked on so adding more houses would only add to the issue and make it worse. This is also a bus route and buses already experience issues getting around this area and could put children at risk.**

Response: Roads and Transportation have been consulted in respect of this development and have raised no issues in this regard. The bus route and the school already exist and the development will only add a small amount of traffic into the area.

- f) **The development will result in the loss of another large greenspace in the centre of the community which has been well used over the years for the kids playing all sorts of games. I personally think it should be turned into a community space with swing park, football/ sports courts and outdoor gym.**

Response: The area is currently not used and is overgrown. A MUGA pitch has been provided within the grounds of the adjacent school which not only meets the school sports requirements but also provides a resource for the local community outwith school hours. In addition, it is noted that a large area of open space will remain which will form the setting for the development and will enhance the amenity of the surrounding area in general.

- 5.2 This letter is available for inspection in the usual manner and on the Council's Planning Portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning permission for the erection of 14 dwellings together with associated amenity open space and car parking areas. The determining

issues in consideration of this application are its compliance with national and local plan policy and its impact on the amenity of adjacent properties.

- 6.2 In terms of national planning policy, 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 directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity. In this instance, the application involves the use of a derelict area of ground, formerly a blaes pitch but which is now overgrown. As the site has not been used as a pitch for a considerable time it is considered that its development would have a positive impact on the built environment. It is, therefore, considered that the proposal is in accordance with national planning policy.
- 6.3 Policy 4- Development Management and Place Making requires new development to have due regards to the layout, form, design and local context of the area. It is considered that the proposed layout for the development is acceptable and that it meets the main standards set out in the Council's Residential Design Guide particularly in relation to window to window distances, garden depths and car parking. It is considered that the development is of an acceptable design incorporating a suitably high standard of finish materials and will improve the visual amenity of the area in general.
- 6.4 Policy 6 - General Urban Area/Settlements, seeks to protect and enhance the amenity of these areas. In this case the proposal will bring back into use a redundant area of ground which is currently unmaintained and overgrown. This proposal will bring this area back into productive use which will improve the amenity of the area in general. It is therefore considered that no issues are raised in respect of this policy.
- 6.5 With regards to Policy 14 - Green Network and Greenspace, any proposals should safeguard the local green network. In this regard it is considered that the loss of part of this area of ground will not have an adverse impact on the local green network given that a significant area of open space will remain. This area will then form the landscape setting for the development. That being the case, the overall quality of the local green network will be improved and therefore it is considered that no issues are raised in respect of this policy.
- 6.6 Policy 16 - Travel and Transport 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. In this regard, the site is accessible by public transport and the development would be well integrated into existing walking and cycling networks. Furthermore, Roads and Transportation Services are satisfied that the proposal raises no access, parking or road safety issues. It is, therefore, considered that the proposal complies with Policy 16.
- 6.7 In summary, it is considered that the application conforms with both national and local plan policy. I would, therefore raise no objection to the application and recommend that planning permission be granted subject to the conditions listed.

7 Reasons for Decision

- 7.1 The proposal will have no adverse impact on residential or visual amenity nor raises any environmental or infrastructure issues and complies with Policies 4, 6, 14 and 16 of the adopted South Lanarkshire Local Development Plan and the supplementary guidance of the Development Management, Place Making and Design Supplementary Guidance relating to 'Design.'

Michael McGlynn
Executive Director (Community and Enterprise Resources)

11 April 2018

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Residential Design Guide (2011)
- ▶ Neighbour notification letter dated 16.08.2017
- ▶ Quantitative Environmental Risk Assessment Report

- ▶ Consultations
 - Roads Development Management Team 09/10/2017
 - Environmental Services 23/08/2017
 - Scottish Water 31/08/2017
 - Community - play provision/community contributions 26/09/2017
 - Roads & Transportation Services (Flood Risk Management Section) 13/09/2017
 - SportScotland 28/03/2018
 - Education Resources 27/02/2018

- ▶ Representations
 - Representation from : Mr James Rennie , 23 Morven Avenue
Blantyre Glasgow
G72 9EH , DATED 04/09/2017

Contact for Further Information

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

Mary McGonigle, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
Ext 5103 (Tel: 01698 455103)
E-mail: mary.mcgonigle@southlanarkshire.gov.uk

CONDITIONS

- 1 That before the dwellinghouses hereby approved are completed or brought into use, the new vehicular access onto Morven Avenue shall be constructed with a 6 metre radius kerb and a 5.5 metre wide carriageway and so far as it lies within the boundaries of the road abutting the site shall be constructed in accordance with the specification of the Council as Roads and Planning Authority.

Reason: In the interest of public safety.

- 2 That before the dwellinghouses hereby approved are completed or brought into use, a visibility splay of 2.5 metres by 43 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interest of road safety.

- 3 The surface of the private courtyard, driveways, parking area and bays shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the highway.

Reason: In the interest of public safety.

- 4 That prior to the completion of the development a flush delineation kerb line shall be provided across the carriageway at the entrance of the courtyard parking area in order to indicate the extent of the adoptable road to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interest of road safety.

- 5 That appropriate wheel washing facilities shall be put in place at the entrance/exit to the site, in order to ensure that mud and debris is not deposited onto the public road to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

- 6 That a Traffic Management Plan detailing the agreed route and timings for construction traffic shall be submitted for the prior approval of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

- 7 That prior to the start of the development details relating to the construction access to the site must be submitted for the prior written approval of the Council as Roads and Planning Authority and must include details relating to wheel washing facilities and also the hardstanding and construction staff parking facilities for the site.

Reason: In the interests of traffic and public safety.

- 8 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

Reason: These details have not been submitted or approved.

- 9 That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 8 above, shall be erected and thereafter maintained to the satisfaction of the Council.

Reason: In order to retain effective planning control.

- 10 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: In the interests of the visual amenity of the area.

- 11 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 amenity.

- 12 That before any of the dwellinghouses hereby approved are occupied, details for the storage and collection of refuse within the development shall be submitted to and approved by the Council as Planning Authority and thereafter shall be maintained to the satisfaction of the Council.

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

- 13 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. 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.

- 14 That no dwellinghouse shall be occupied until the site is served by a sewerage

scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.

Reason: To ensure the provision of a satisfactory sewerage system.

- 15 That the remediation of the site shall be carried out in accordance with the approved remediation plan contained within the Quantitative Environmental Risk Assessment submitted in support of this application prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.

Reason: To mitigate against ground instability on site for the lifetime of the development.

- 16 That upon completion of the remediation works in relation to Condition 15 above, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.

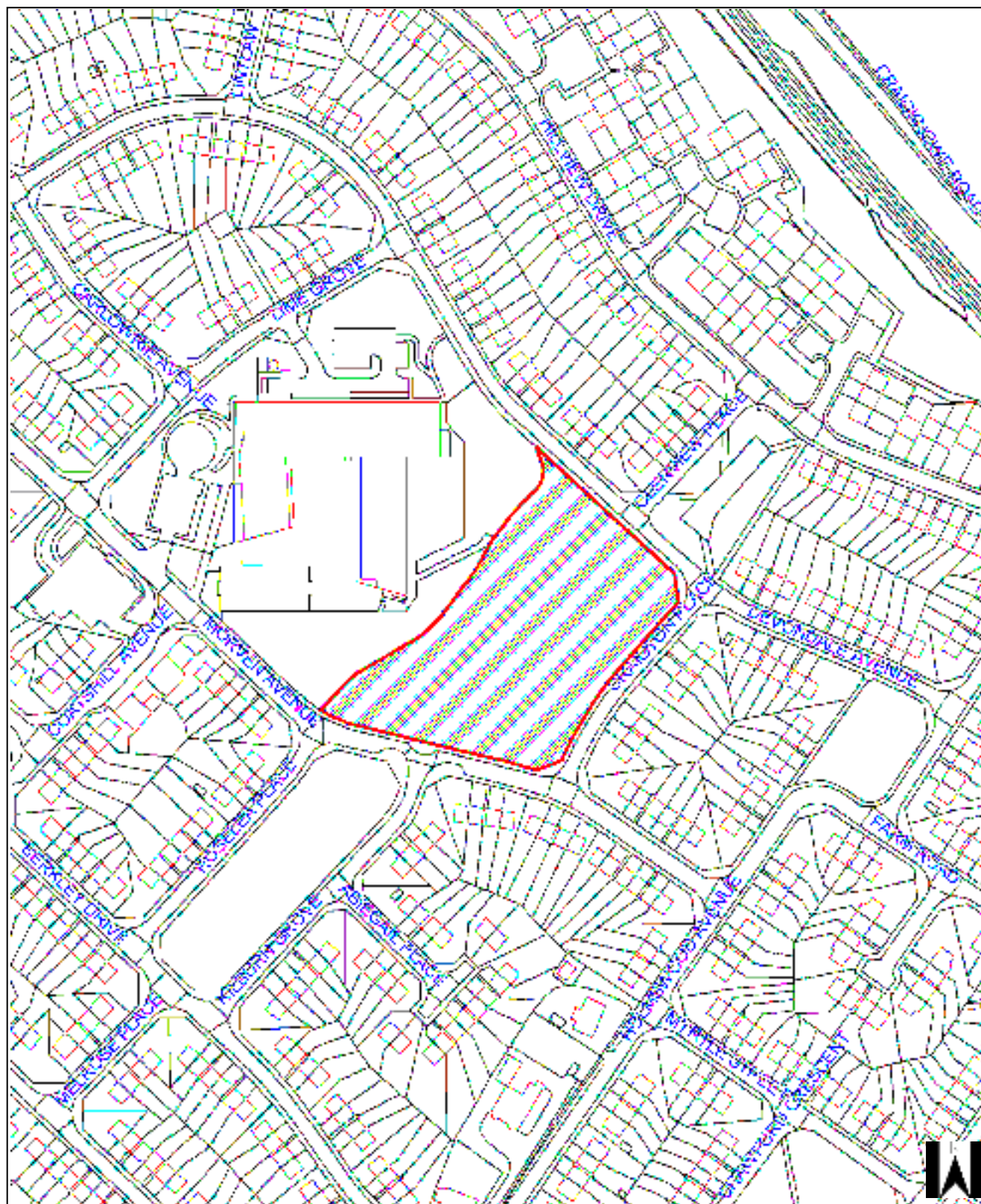
Reason: To mitigate against ground instability on site for the lifetime of the development.

- 17 That any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.

Reason: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

- 18 That no construction vehicles associated with the development hereby approved shall access the site between the hours of 08.00 to 09.15 and 14.45 to 15.30. Furthermore, no construction vehicles shall be parked up waiting for the access to open or for any other reason on the public road network.

Reason: In the interest of public safety.



For information only

For information only

Reproduction by permission of Ordnance Survey on behalf of HMSO.
© Crown copyright and database right 2012. All rights reserved.
Ordnance Survey Licence number 100020730.

Report

7

Report to:	Planning Committee
Date of Meeting:	1 May 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/0009
Planning proposal:	Erection of four agricultural buildings together with the erection of two managers dwellinghouses

1 Summary application information

Application type:	Detailed planning application
Applicant:	Hewitt Farms
Location:	Park Farm Biggar Road Carnwath ML11 8LU

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: BHC Ltd
- ♦ Council Area/Ward: 03 Clydesdale East
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
POL 2 - Climate Change
POL 3 - Green belt and rural area
POL 4 - Development Management and Place Making
POL 11 - Economic Recovery and Regeneration

Supplementary Guidance

Sustainable Development and Climate Change
Green Belt and Rural Area
Development Management Placemaking and Design

- ♦ **Representation(s):**

- ▶ 0 Objection Letters
- ▶ 0 Support Letters
- ▶ 0 Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Planning Application Report

1 Application Site

- 1.1 The application site forms part of the landholding of Park Farm on Biggar Road just outside the settlement of Carnwath. The site is centred on the existing steading which comprises a farm house, traditional outbuildings and a recently erected grain drying facility. It is located approximately 270m to the south of the settlement boundary of Carnwath. The farm unit also comprises a second area to the east of the farm steading approximately 470m beyond the eastern boundary of Carnwath (this parcel does not form part of the current application site). The two land parcels are separated by a 170m wide woodland belt. The application site is bounded in all directions by agricultural land. The land is generally undulating but overall rises gently from south to north towards Carnwath.

2 Proposal(s)

- 2.1 The applicants have recently purchased two agricultural holdings namely Heads Inn Farm (located at the edge of Carnwath) and Park Farm totalling approximately 590 acres with the intention of consolidating existing agricultural businesses. This application is being made to further facilitate this venture and establish a single farm steading to operate the expanded farming activity on the unit. This involves the relocation of the Heads Inn steading and two associated dwellings to Park Farm, in order to create a consolidated agricultural enterprise in the form of a free range hen laying unit, a dairy cross calf rearing unit and a beef finishing unit. To this end, they have already created a new grain drying facility at the farm steading and are currently preparing the land to erect a free range poultry shed in the field 470m to the east of the steading and which already benefits from planning permission.
- 2.2 In detail the applicants are seeking detailed consent for the following elements:

Four Agricultural Buildings

The applicant proposes to erect four agricultural buildings to expand the current agricultural activities. These buildings would be erected adjacent to the existing farm steading for the purposes of cattle farming with the introduction of a calf rearing and beef finishing sheds and a building for storing silage and straw. The new sheds will be steel framed portal sheds with a pitched roofs finished in green metal profile cladding, concrete and timber.

Erection of Two Dwellinghouses

The applicant proposes to erect 2 additional residential units on the farm to oversee and manage the farming activities on the site. One of the houses would be located within the confines of the existing farm steading and the second located between the farm steading and the new poultry unit approximately 140m to the east of the steading. Both houses are two storey in height in keeping with the existing stone built farmhouse. Both would have a square footprint and incorporate an integral double garage. They would be finished in a mixture of stone and render with a pitched roof. Both houses will be accessed from the existing farm access road off Biggar Road.

- 2.2 The applicants have submitted supporting documents including a Labour Requirement Report from SAC Consulting, Design Statement and Phasing Statement in support of the application and believe that the proposed farming business would be beneficial to the local economy. In the Phasing statement they suggest the main house would be

built first to oversee the existing business and the building of the new agricultural sheds and the second house would be built after the erection of the final shed.

3 Background

3.1 Local Plan Background

3.1.1 The application site is located within the Rural Area where Policy 3: Green belt and Rural Area of the adopted South Lanarkshire Local Development Plan applies. Policy 2: Climate Change, Policy 4: Development Management & Place Making, Policy 11: Economic Recovery & Regeneration of the SLLDP along with Supplementary Guidance on Sustainable Development and Climate Change; Green Belt and Rural Area; and Development Management Placemaking and Design also apply.

3.2 Government Advice/Policy

3.2.1 Scottish Planning Policy (SPP) encourages a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised. It states that the planning system should support economic development in all areas by supporting development which will provide new employment opportunities and enhance local competitiveness and promote the integration of employment generation opportunities with supporting infrastructure and housing development. It further advises that Planning Authorities should ensure that new development safeguards and enhances an area's environmental enhancement and regeneration.

3.2.2 In terms of rural development, the guidance states that development plans should support more opportunities for small scale housing development in all rural areas, including new clusters and groups, extensions to existing clusters and groups and new build housing which is linked to rural businesses or would support the formation of new businesses by providing funding. All new development should respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards. The guidance explains that different landscapes will have a different capacity to accommodate new development, and the siting and design of development should be informed by local landscape character.

3.3 Planning Background

3.3.1 CL/16/0242 - Erection of extension and associated alterations to agricultural grain store building to house 3 no. biomass burners. This building was approved in July 2016 and has been erected. The building is located adjacent to the existing farm house and forms part of the existing farmstead building group.

CL/17/0482 - Erection of commercial chicken shed, feed hoppers, access road, parking and agricultural dwelling with detached garage on land approximately 550m east of the existing farmstead. The chicken shed and dwelling was approved in December 2017 and is currently progressing on site with the commencement of pre-development ground works including an archaeological investigation.

4 Consultation(s)

4.1 **Environmental Services** – offer no objections subject to informatives on construction noise, contaminated land action plan and gaining SEPA drainage approval.

Response: Noted. Relevant informatives can be attached should consent be granted.

4.2 **Roads & Transportation Services (South Division)** – offer no objections subject to conditions and advice notes regarding access, parking, road opening permits and drainage.

Response: Noted. Relevant conditions and informatives can be attached should consent be granted.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local press for the non-notification of neighbours, following which no letters of objection have been received.

6 Assessment and Conclusions

- 6.1 The applicant seeks planning permission for a mixed use development comprising the erection of four agricultural buildings along with the erection of two managers' dwellinghouses at Park Farm, Carnwath. The determining issues which require to be taken into account in the assessment of this application are compliance with local plan policy, government guidance and its impact on the residential and rural amenity of the area.
- 6.2 The site is located outwith the settlement of Carnwath and within the Rural Area where Policy 3: Green belt and Rural Area of the adopted South Lanarkshire Local Development Plan applies. This policy states the green belt and rural area functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not require to be located in the countryside will be expected to be accommodated within settlements. Development will be permitted where it is demonstrated that there is a specific locational requirement and established need for a proposal and it is an appropriate use in the green belt and rural area. Any housing development associated with a business within the rural area is required to conform to Policy GBRA 11: House Associated with Established Business of the Green Belt and Rural Area SG. Business proposals in the rural area should conform to Policy 11: Economic Recovery & Regeneration and GBRA 1: Economy/business related developments of the Green Belt and Rural Area SG.
- 6.3 Policy 11 states that the Council will support activities that maximise economic development and regeneration particularly through implementation of the policies in the plan. Priority will be given to development proposals that deliver physical and community regeneration and positively contribute to the local economy. Policy GBRA 1 states that within the green belt and the rural area the Council will initially seek to direct economy and business related proposals to industrial areas within existing settlements, or within smaller village envelopes where acceptable environmental standards can be met. The Council will, however, seek to support the rural economy by promoting rural diversification and facilitating job creation by encouraging development of an appropriate type and scale. Agricultural businesses are generally considered acceptable in the countryside and in this case a locational need has been demonstrated in that it would be linked to the applicants existing related agricultural activities on the applicants wider land holding. The addition of a beef finishing shed and the calf rearing sheds would help diversify this business further (in addition to the previously approved poultry unit). The new buildings are grouped around the existing farm buildings, are of a suitable scale and design and located a sufficient distance from the nearest houses to avoid any impact on residential amenity. In addition, there are no infrastructure issues. It is, therefore, considered that the business element of the proposal complies with Policies 11 and GBRA 1.
- 6.4 The applicant also proposes to erect two residential dwellings on site to facilitate the operation of all the agricultural activities that will be run from the steading. Policy GBRA 11 states that where living accommodation is required in association with an existing established business or enterprise within the countryside the proposals will be

assessed against a set of criteria which demonstrate that the proposed dwellings are essential to the functional needs of the enterprise; the siting, design and location of the proposed dwelling should not adversely affect the character and amenity of its surroundings; and should demonstrate that the existing business or enterprise is viable and financially sound with a clear prospect of remaining so. Proposals should have no adverse impact in terms of road safety or have an adverse impact on biodiversity, protected species, or features which make a significant contribution to the cultural and historic landscape value of the area.

- 6.5 The applicant has submitted supporting documents that demonstrate that the new poultry unit and proposed expansion of the business through the erection of the proposed sheds require a high number of man hours to run the combined farming activities on the agricultural unit and why there needs to be a continued presence on the farm unit to supervise and run these activities. The larger of the two new houses, while not part of the main building group that would be created, is located so that views of it from the wider area are limited and would not detract from visual amenity of the wider countryside. Operationally, this house would provide supervision of both the main farm steading and the nearby chicken shed to the east, whilst providing the main accommodation on the unit for the overall management of the farm enterprise by the farm owner. The day to day activities will be managed by the occupants of the second proposed residential unit which would be integrated visually into the building grouping. Overall the creation of two additional residential units on the farm has been demonstrated as necessary for the management of the farm while their location is considered acceptable in terms of the operation of the farm.
- 6.6 In assessing this application it is important to refer to Government guidance, which has been summarised under section 3.2 of this report. The recently published SPP document emphasises the importance of the planning system being flexible and supportive of economic opportunities. The consolidation of separate areas of agricultural land within a single farm unit would aid the expansion of a rural business. The guidance also states that development plans should support more opportunities for small scale housing development which is linked to rural businesses or would support the formation of new businesses by providing funding. It stresses however that all new development should respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards. In this case, the applicant has demonstrated that the housing is required to facilitate the operation of the farm business while its design, scale and location is satisfactory.
- 6.7 Policies 2: Climate Change and 4: Development Management & Place Making are also relevant. Policy 2: Climate Change states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. The proposal would result in the consolidation of two farm units into a single entity and would largely involve development on previously developed land or consolidate an existing group of buildings. The proposal would involve the use of existing infrastructure and services. As a result, the development would be sustainably located. The proposals avoid areas of flood risk, would have no significant adverse impacts on the water and soils environment, air quality, biodiversity and green networks and utilises renewable energy sources. Policy 4: Development Management & Placemaking states that all development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community. As stated above, the scale, location and layout of the various aspects of the proposal is acceptable, while the house designs and materials are considered acceptable. There are no roads or infrastructure issues.

- 6.8 To conclude, the proposal is considered to be a suitable form of development for the site and complies with local plan policy and national guidance. There would be no significant adverse impact on the residential or visual amenity, and there would be no significant adverse impact on the landscape character of the area. The development will result in an integrated agricultural business within a sustainable location that will be beneficial to the local economy and employment. It is therefore recommended that detailed planning permission is granted subject to conditions.

7. Reasons for Decision

- 7.1 The principle of the proposed development is acceptable on this site, and will have no significant adverse impact on residential or visual amenity of the area. The proposal raises no significant environmental or infrastructure issues and complies with Policies 2, 3, 4 and 11 of the adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

13 April 2018

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Neighbour notification letter dated
- ▶ Consultations
 - Roads Development Management Team

Environmental Services

16.03.2018

Contact for further information

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

Steven Boertien, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB

Ext 5116 (Tel: 01698 455116)

E-mail: steven.boertien@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/18/0009

Conditions and reasons

1. That before any work commences on the site, a scheme of landscaping for the area shaded green on the approved plans 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.

2. 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.

3. The phasing of the development shall be as per details described in the document Phasing Considerations - Agricultural Extension 100082967. In particular all the agricultural buildings hereby approved shall be completed and operational before the second of the two houses (western dwelling) is completed and occupied.

Reason: In order to ensure a properly programmed development in line with the justification for the residential units on the farm.

4. That the occupation of the two dwellinghouses authorised by this permission shall be limited to the owner of Park Farm or a person solely or mainly employed or last employed in agriculture as defined in Section 277 of the Town and Country Planning (Scotland) Act 1997, on the unit of Park Farm or a dependant of such a person residing with him or her or the widow or widower of such a person.

Reason: The site is located within an area identified in the development plan as being inappropriate for new residential development unless related to the essential needs of this agricultural unit.

5. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. 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.

6. That no development shall commence on site until the applicant provides written confirmation from Scottish Water and SEPA to the Council as Planning Authority that the site can be satisfactorily served by a water supply and sewerage scheme designed in accordance with their standards.

Reason: To ensure the provision of a satisfactory water supply and sewerage system.

7. 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: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

8. That the roof of the two dwellings hereby approved shall be clad externally in natural slate or a Good Quality slate substitute.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the rural area.

9. That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

10. That before each element of the development hereby permitted is occupied or brought into use, all the fences or walls for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 8 shall be erected for that element of the development and thereafter maintained to the satisfaction of the Council.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

11. That before the development hereby approved is completed or brought into use, the vehicular access to the site shall be upgraded to be a minimum of 5.5m wide for the first 15m from Biggar Road and shall be constructed in hard standing in accordance with the specification of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

12. That before each of the dwellings hereby approved are completed or brought into use a minimum of 3no. parking spaces (2.9m x 5.5m modules) shall be laid out, constructed and thereafter maintained for both properties to the specification of the Council as Roads and Planning Authority.

Reason: To ensure the provision of adequate parking facilities per dwelling.

13. That before the development of the agricultural sheds hereby approved are completed or brought into use, adequate parking shall be provided within the site to accommodate the vehicles generated by the various farm activities and to ensure that the internal access roads are not impeded by parked vehicles. These parking areas shall thereafter be maintained to the specification of the Council as Roads and Planning Authority.

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

14. That no gates or other obstructions shall be erected within the first 15 metres of the driveway as measured from the edge of the road.

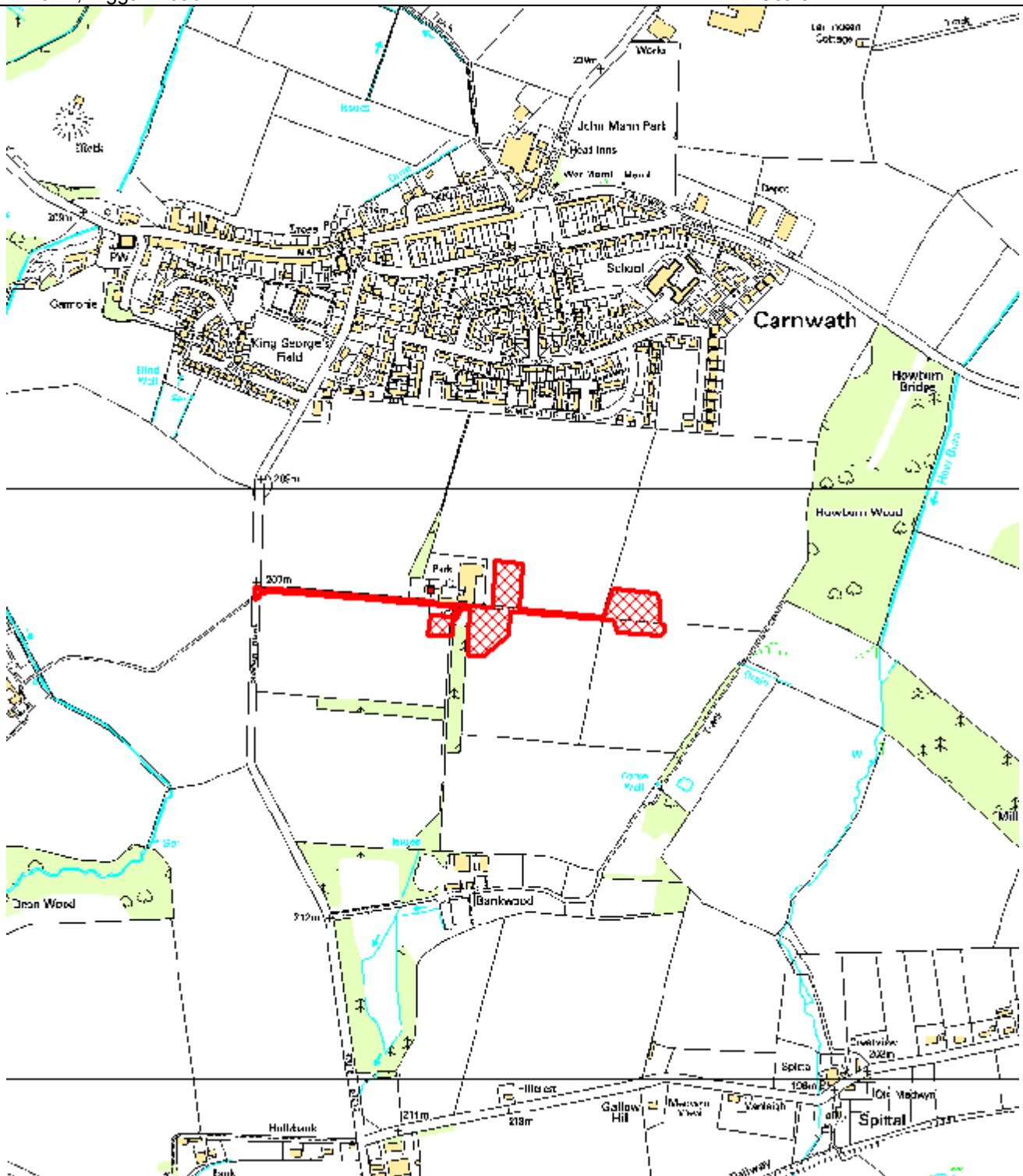
Reason: In the interests of traffic and public safety.

15. The surface of the upgraded access shall be so trapped and finished in hard standing for a minimum of 15m as to prevent any surface water or deleterious material from running onto or entering the road.

Reason: In the interests of traffic safety and to prevent deleterious material entering the road.

Park Farm, Biggar Road

Scale:

**FOR INFORMATION ONLY**

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office.
 © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 South Lanarkshire Council, Licence number 100020730. 2005

Report

8

Report to:	Planning Committee
Date of Meeting:	1 May 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	EK/18/0041
Planning proposal:	Section 42 application to vary Condition 2(a) of EK/14/0348 to extend the time period within which application(s) for approval of further matters must be made

1 Summary application information

Application type:	Further application
Applicant:	Orion Iv European 16 S.A.R.L.
Location:	Eastern end of Olympia and Princes Malls and whole of Olympia Arcade East Kilbride Shopping Centre East Kilbride

2 Recommendation(s)

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

- (1) Grant further application (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: CBRE
- ♦ Council Area/Ward: 08 East Kilbride Central North
- ♦ Policy Reference(s): **Scottish Planning Policy**

**Clydeplan Strategic Development Plan
(approved 2017)**

**South Lanarkshire Local Development Plan
(adopted 2015)**

Policy 1 – Spatial Strategy

Policy 4 – Development Management and Placemaking

Policy 8 – Strategic and Town Centres

Policy 10 – New Retail/Commercial Proposals

**Development Management Placemaking and
Design Supplementary Guidance 2015**

Town Centres and Retailing Supplementary Guidance 2015

◆ Representation(s):

▶	0	Objection Letters
▶	0	Support Letters
▶	1	Comment Letter

◆ Consultation(s):

Roads & Transportation Services (Development Management)

Transport Scotland

Environmental Services

Planning Application Report

1 Application Site

- 1.1 The proposed development site is located at the eastern end of East Kilbride Town Centre and covers an area of approximately 3.47 hectares. The site comprises a number of non food retail units, most of which lie vacant, a 3413 square metres food store operated by Sainsbury's and various entertainment and leisure outlets. The site was also previously occupied by a range of retail outlets including H&M and Top Shop. However, as part of wider improvement works within East Kilbride Town Centre, most of these outlets have relocated to other areas of the shopping centre. The Sainsbury's supermarket located within the site remains operational at this time.
- 1.2 The site also includes car parking on several deck levels with surface level parking at the east of the site. Additionally the site incorporates a taxi rank and pick up area at Olympia Way. Pedestrian access to this area of the shopping centre can be taken via an external ramped access. Vehicular access to the site is taken via two access roads from Churchill Way and Rothesay Street.
- 1.3 The site is adjoined by the existing properties within the Olympia Mall to the west, known as The Hub, Cornwall Way and the Town Centre Bus Station to the north, Churchill Way to the east and Rothesay Street to the south.

2 Proposal(s)

- 2.1 Planning Permission in Principle was granted in December 2011 for a major redevelopment, refurbishment and extension of the existing footprint of the Olympia Mall and Olympia Way within the town centre and its adjoining car parks (Planning Ref: EK/11/0250). The proposal consisted of:
 - An extension to the existing Sainsburys foodstore
 - Nine reconfigured units, reduced from 29 units, six retail units, two leisure units and one public house
 - Enhanced pedestrian access from the bus station
 - Reconfigured/improved car parking on two levels
 - Improved vehicular access
 - Improved linkages to cinemas and community facilities
- 2.2 Planning permission was subsequently obtained in 2015 to alter Condition 3 (a) of the original consent under the terms of Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) to extend the duration of the consent for a further three year period (Planning Ref: EK/14/0348). Due to the expiry of the three year period the applicants now seek further permission under the terms of Section 42 of the Act to alter Condition 2 (a) of the 2015 consent to extend the duration of the consent for a further three year period. It should be noted that, in terms of the requirements of Section 42 of the Act, the application was submitted for consideration prior to the expiry of the original three year period to which the previous consent related.
- 2.3 The applicants have submitted a supporting statement with the application to justify the requirement for the consent to be extended for a further three year period. They have advised that, due to the recent focus on the formation of the adjacent leisure development known as 'The Hub', it has not been possible to take forward the

development of the application site within the timescales allotted as part of the previous consent.

3. Background

3.1 Relevant Government Advice/Policy

- 3.1.1 The Scottish Planning Policy (SPP) sets out a “town centre first” principle which promotes a broad perspective to decision-making that considers the vitality, viability and vibrancy of town centres. It states that planning for town centres should be based on a sequential approach, enabling a wide range of uses which generate significant footfall, including retail and commercial leisure, residential, offices, civic, community and cultural facilities.

3.2 Strategic Development Plan

- 3.2.1 Clydeplan, the relevant Strategic Development Plan, identifies East Kilbride Town Centre within its Network of Strategic Centres as set out in Schedule 2 of the plan. The plan requires the network of strategic centres to be protected and enhanced, with investment required to support their long term roles and functions particularly in terms of the quality and diversity of offer, public realm, environment, continuing sustainable accessibility and the promotion of footfall generating uses.

3.3 Local Plan Status

- 3.3.1 The site is located within East Kilbride Town Centre which is identified in the adopted South Lanarkshire Local Development Plan (adopted 2015) as a town centre location. Policies 1, 4, 8 and 10 of the Local Development Plan are all of relevance to the site. Additionally, the associated supplementary guidance relating to town centres and retailing as well as development management, placemaking and design are also of relevance. The proposal has been assessed in terms of the requirements of the adopted Local Development Plan within Section 6 below.

3.4 Planning History

- 3.4.1 Planning Permission in Principle (PPP) was sought in August 2011 for the reconfiguration and refurbishment of the application site to form an extended food superstore, repositioned retail units, car parking and associated infrastructure (Planning Ref: EK/11/0250). Permission in Principle was granted for these works in December 2011 for a three year period.
- 3.4.2 Planning permission was subsequently obtained in 2015 to alter Condition 3 (a) of the original consent under the terms of Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended). This allowed the duration of the consent to be extended for a further three year period (Planning Ref: EK/14/0348).

4. Consultation(s)

- 4.1 **Roads and Transportation Services (Traffic and Transportation Section)** – have noted that the conditions specified in their consultation response for the original PPP application remain applicable to this Section 42 application.
Response: Noted. The relevant conditions of the original consent would also be attached to any consent granted in this instance.

- 4.2 **Environmental Services** – offered no objections to the proposal subject to the imposition of conditions relating to the management of noise, waste and air quality to any consent issued.
Response: Noted. The requested conditions would be attached to any consent issued.

- 4.3 **Transport Scotland** – offered no objections to the proposed development.
Response: Noted.

5. Representation(s)

- 5.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the East Kilbride News for neighbour notification purposes. One letter of comment was received in relation to the application. The points raised have been summarised as follows:

- a) **The writer seeks to ensure the protection of flora, fauna and species throughout the development process.**

Response: Given the nature of the proposed development and the development location within and adjacent to the existing shopping centre it is considered unlikely that there would be any such impacts in this case. However, the matter can be dealt with as part of any subsequent application for the site relating to the approval of matters specified in the conditions of this consent, as appropriate.

- 5.2 The above letter has been copied and is available for inspection in the usual manner and on the Planning Portal.

6. Assessment and Conclusions

- 6.1 The application relates to the variation of Condition 2 (a) of Planning Permission Ref: EK/14/0348 which was granted in January 2015 relating to a major redevelopment, refurbishment and extension of the existing footprint of the Olympia Mall and Olympia Way within the town centre and its adjoining car parks. In this context Section 42 of the Town and Country Planning (Scotland) Act, as amended, states that the Planning Authority shall consider only the matter of conditions to be attached to any consent issued rather than undertake a full reconsideration of the principle of the previously consented development.
- 6.2 The applicant wishes to vary the wording of Condition 2 (a) of the original consent in order to extend the time period for the submission of further applications for approval of matters specified in conditions for a three year period. The applicants have stated that, while they remain positive in terms of their intention to redevelop this area of the shopping centre, due to the recent focus on the development of 'The Hub', an adjacent leisure and recreation facility, they have not been in a position to submit the further applications required by the specified date of 28 January 2018.
- 6.3 In terms of national and strategic policy as set out in the Scottish Planning Policy and in Clydeplan, the relevant Strategic Development Plan, it is noted that both documents identify the importance of town centres as a key element of the economic and social fabric of Scotland. In particular, Clydeplan identifies East Kilbride Town Centre as part of its Network of Strategic Centres and states that there is a need for the centre to be protected and enhanced, with investment required to support its long term role and function as a retail and recreational centre. It is considered that the proposed development would assist with the improvement of the retail offer within East Kilbride Town Centre and would also improve the external fabric of the Centre. The proposed application is, therefore, considered to be entirely consistent with the requirements of both of these documents.
- 6.4 Within the context of the South Lanarkshire Local Development Plan and its associated supplementary guidance, it is not considered that the application to amend the condition would cause any significant issues in terms of Council planning policy

and would have a significant positive effect on the amenity of the local area. It is considered that it would be unreasonable to prevent the extension to the time period proposed. It is, therefore, considered appropriate to allow an extension to the existing permission in accordance with the terms of the Town and Country Planning (Scotland) Act 1997 (as amended). This would allow the applicants until May 2021 to submit the required details to address the matters specified in the conditions of the consent. I am therefore satisfied, in terms of the requirements of the adopted plan, that the application can be supported subject to the amendment of Condition 2 (a) of the previous consent for the development.

- 6.5 In summary, the issuing of Planning consent EK/11/0250 established the principle of the development of this site and it is not necessary to revisit this principle when assessing this current proposal. The Planning Service is supportive of this application on the basis that it would ultimately provide a high quality retail based development thereby regenerating the area and providing significant economic benefit and employment opportunities. It is considered that the proposal has no adverse impact on local amenity and complies with the relevant policies of the South Lanarkshire Local Development Plan (adopted 2015) and its associated supplementary guidance as well as with all relevant regional and national planning policy documents. I would therefore recommend that this further application, to modify Condition 2 (a) to allow an extension of time to submit applications for the approval of matters specified in the attached conditions, is granted in this instance.

7. Reasons for Decision

- 7.1 The proposal is fully compliant with all relevant national and regional planning policy as well as with the requirements of the South Lanarkshire Local Development Plan (adopted 2015) and its associated supplementary guidance.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

4 April 2018

Previous References

- ◆ EK/11/0250
- ◆ EK/14/0348

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Development management, placemaking and design supplementary guidance (2015)
- ▶ Town centres and retailing supplementary guidance (2015)
- ▶ Neighbour notification letter dated 31/01/2018
- ▶ Consultations

Roads Development Management Team	08.02.2018
Transport Scotland	09.02.2018
Environmental Services E-consult	08.02.2018
- ▶ Representations Dated:

Contact for further information

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

Declan King, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: Ext 5049, (Tel: 01698 455049)

Email: declan.king@southlanarkshire.gov.uk

Conditions and reasons

1. Prior to the commencement of development on site, a further application(s) for the approval of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority. 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 means of access to the site;
 - (e) the design and location of all boundary treatments including walls and fences;
 - (f) the landscaping proposals for the site, including 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;
 - (g) the means of drainage and sewage disposal.
 - (h) 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.

2. Details of the phasing of the development shall be submitted to the Council for approval, and no work shall begin until the phasing scheme has been approved in writing. Following approval, the development shall be implemented in accordance with the approved scheme.

Reason: In order to retain effective planning control.

3. That the further application required under the terms of Condition 1 above, shall be accompanied by a Design Statement which shall set out the design principles, justify the design solution and show how the proposal responds to the wider context of the area as well as the characteristics of the site.

Reason: To provide an explanation of the design concept and to enable a greater understanding of the proposal.

4. That within 12 months, or as otherwise agreed, of the consent being issued the developer shall submit details of the phasing of the development, including landscaping proposals, shall be submitted to the Council for approval, and no work shall begin until the phasing scheme has been approved in writing unless otherwise agreed by the Council as Planning authority. Following approval, the development shall be implemented in accordance with any approved scheme.

That any submitted phasing plan shall detail the development of the site including proposals for the implementation of infrastructure works (including off-site road

works), road access and public transport provision. The plan requires to take cognisance of the rate of build-out of the development and its proposed phasing and should identify what improvements require to be implemented before any phase of the development is occupied.

Reason: In order to retain effective planning control.

5. That the further application(s) required by Condition 1 above shall include the detailed design of all roads and transportation infrastructure improvements identified in the Transport Assessment, or in subsequent discussions with Roads and Transportation Services, and required by the Council as Roads Authority (and Transport Scotland as Trunk Roads Authority) shall be agreed with the Council as Planning Authority (in consultation with Roads and Transportation Services and Transport Scotland as Trunk Roads Authority).

Reason: In the interest of road and public safety and in order to retain effective planning control.

6. That unless otherwise agreed the design and layout of the roundabouts and internal spine roads throughout the site should be in accordance with the "Design Manual for Roads and Bridges" and the Council's current "Guidelines for Development Roads", including the "Interim Guidance" of January 2011, and subject to more detailed discussion and agreement with Roads and Transportation Services prior to submission of a Roads Construction Consent application.

Reason: In the interest of road and public safety and in order to retain effective planning control.

7. That prior to any work starting on site, a Drainage Assessment in accordance with 'Drainage Assessment - A Guide for Scotland', shall be submitted to and approved in writing by the Council as Planning and Roads Authority (and the Scottish Executive as Trunk Roads Authority).

Reason: To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.

8. That the further application required under the terms of Condition 1 above, shall include a detailed scheme for surface water drainage. 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 as Planning Authority 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.

9. That no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.

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.

10. 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 proposed dwelling(s) from industrial / 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: To minimise noise disturbance to adjacent occupants.

11. Prior to the development being brought into use, details of the storage of waste arising from the commercial activity shall be submitted to and approved in writing by the Council as Planning Authority. The agreed details shall be in place prior to the development being brought into use.

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

12. Prior to development commencing on site, details of the proposed floodlighting scheme shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall include, where appropriate, details of all aspects of the installation including specific luminaire and lamp type; beam control; wattage; the use of reflectors; baffles; louvres; cowling (including colouring); lux contours/distribution diagrams and column type/colour. 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.

13. The applicant should be required to undertake and submit an air quality impact assessment which satisfies the Planning Authority that the Local Air Quality Management Objectives for the pollutants specified in the Air Quality Regulations, made under Part IV of the Environment Act 1995, will not be exceeded at East Kilbride Town Centre AND/OR residential properties in the vicinity of the development namely in Telford Road, Denholm Crescent, Denholm Green, Sinclair Park, Sinclair Place, Avondale Avenue, Avondale Place and Roxburgh Park due to the impacts of the proposed development and to the increase in traffic associated with the development. The survey and report should use a method based on the principles set out in the Environmental Protection UK document Development Control: Planning for Air Quality (2010 Update) and Scottish Government publication "Local Air Quality

Management Technical Guidance LAQM.TG(09)" or a method that has been agreed with the Planning Authority.

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

14. That the further application(s) required under the terms of Condition 1 above shall include a Flood Risk Assessment for the consideration and detailed approval of the Council as Planning and Roads Authority.

Reason: To minimise the risk of flooding.

15. No development shall be occupied until modifications to the A726 Murray Roundabout, generally as illustrated on the Transportation Assessment drawing number SK02 previously submitted, have been completed to the satisfaction of the Council as Planning Authority in consultation with Transport Scotland and Roads and Transportation Services.

Reason: To ensure that the standard of infrastructure modifications to the trunk road comply with current standards and that the safety and free flow of the traffic is not diminished.

16. No development shall be occupied until provision has been made towards the modifications of the A725 Whitemoss Roundabout, generally as illustrated on the Transportation Assessment drawing number SK03 as previously submitted to the satisfaction of Council as Planning Authority in consultation with Transport Scotland and Roads and Transportation Services. The nature of the provision shall either be the physical implementation of the modifications or a contribution towards the cost of the works and shall be agreed with the Council as Planning Authority in consultation with Transport Scotland and Roads and Transportation Services.

Reason: To ensure that the standard of infrastructure modifications to the trunk road comply with current standards and that the safety and free flow of the traffic is not diminished.

17. The proposed signalisation of the Churchill Avenue / Rothesay Street / Site Access junction shall incorporate queue detection on the northbound approach from the A726 Murray Roundabout. The specification for the queue detection shall be agreed with the Council as Planning Authority in consultation with Transport Scotland and Roads and Transportation Services.

Reason: To ensure that the standard of infrastructure modifications to the trunk road comply with current standards and that the safety and free flow of the traffic is not diminished.

18. No part of the development shall be occupied until a comprehensive travel plan that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the Council as Planning Authority in consultation with Transport Scotland and Roads and Transportation Services.

In particular the Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and duration of the plan.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

19. Prior to the commencement of any part of the development hereby approved details of the lighting within the site shall be submitted to and approved by Council as Planning Authority in consultation with Transport Scotland and Roads and Transportation Services.

Reason: To ensure there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

20. Prior to development commencing on site a detailed design for a signalised junction generally in accordance with Transportation Assessment drawing number SK01 as previously submitted for the development access on Churchill Avenue which also incorporates improvements on Rothesay Street and at the Murray Roundabout be submitted to the Council as Planning Authority in consultation with Roads and Transportation Services and Transport Scotland and thereafter implemented prior to any part of the development opening.

Reason: In the interests of road and public safety.

21. That prior to the submission of the detailed design required under Condition 20 above, traffic surveys are required to be undertaken for morning and off peak times to inform the signal timings, to the satisfaction of the Council as Roads and Transportation Authority.

Reason: In the interest of road and public safety and in order to retain effective planning control.

22. That prior to development commencing on site a parking review be submitted to demonstrate how the proposed development meets the Council's parking standards for the proposed supermarket and retail uses incorporating an assessment of the demand for spaces within the car park hereby approved generated by adjoining facilities including the ice rink and cinema to the satisfaction of Planning and Building Standards Services in consultation with Roads and Transportation Services.

Reason: In the interest of road and public safety and in order to retain effective planning control.

23. That prior to development commencing on site a detailed layout of the car park, demonstrating how the parking numbers in the parking review will be accommodated and be brought into use to the satisfaction of the Council as Roads and Transportation Authority.

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

24. That prior to the development commencing on site, a Stage 2 Safety Audit, in accordance with the Institute of Highways Transportation Guidelines, should be submitted for all infrastructure to be constructed and adopted, or altered, on the public road to the satisfaction of the council as Roads and Transportation Authority.

Reason: In the interests of road and public safety.

25. Prior to the development being open (or as agreed by the Council as Roads and Transportation Authority), all infrastructure modifications, both internal and external to the site, required by the Council as Roads Authority shall be completed at the applicants expense and open to traffic and pedestrians to the satisfaction of the Council as Roads and Transportation Authority.

Reason: In the interest of road and public safety and in order to retain effective planning control.

26. Prior to the development commencing on site a programme indicating the phasing of construction of the scheme, together with the circulation of vehicles and pedestrians, is submitted to the Council as Roads and Transportation Authority for approval.

Reason: In the interest of road and public safety and in order to retain effective planning control.

27. All lifts and/or hoists, including doors, guide rails and ancillary plant and machinery, and mechanical air handling/ air conditioning plant, shall be suitably isolated from the structure of the building, and ducted systems to minimise transmission of noise and vibration.

Reason: To ensure that nearby occupiers are not subjected to the risk of nuisance from noise and vibration.

28. 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: To safeguard the amenity of the area.

29. Prior to development commencing on site, a dust management and monitoring scheme shall be submitted to and approved 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: To safeguard the amenity of the area.

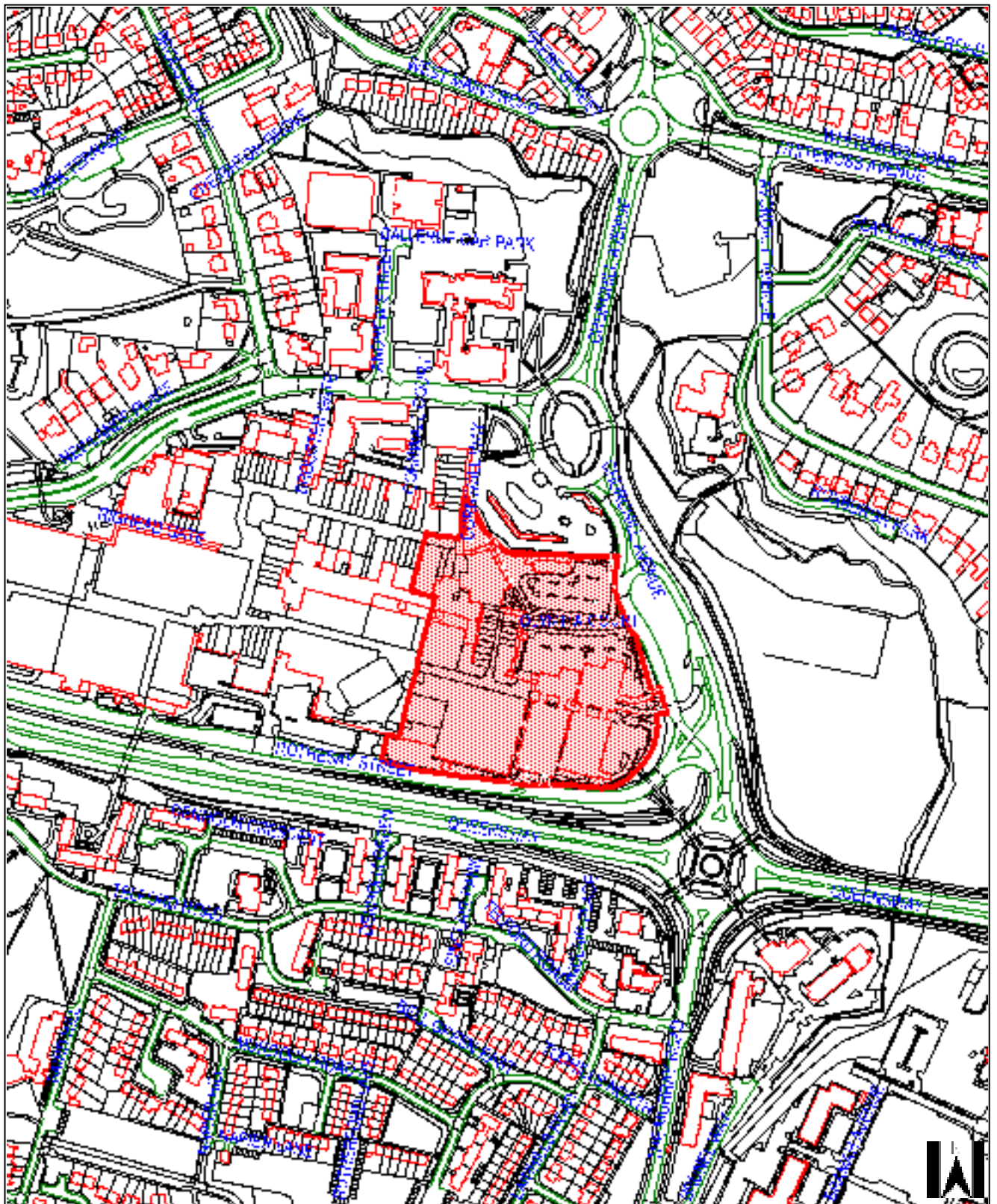
EK/18/0041

Planning and Building Standards

Olympia, Princess Mall and Olympia Arcade, East Kilbride
Shopping Centre

Scale: 1: 5000

For information only



For information only

Reproduction by permission of Ordnance Survey on behalf of HMSO.
© Crown copyright and database right 2012. All rights reserved.
Ordnance Survey Licence number 100020730.

Report

9

Report to:	Planning Committee
Date of Meeting:	1 May 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	CL/17/0343
Planning proposal:	Erection of 19 detached dwellings and associated access road, landscaping and drainage works

1 Summary application information

Application type: Detailed planning application

Applicant: T C Stewart & Son
Location: Site at Lanark Road
Kirkmuirhill
Lanark
ML11 9RB

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: DAMTONB3 Architecture
- ♦ Council Area/Ward: 04 Clydesdale South
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**

South Lanarkshire Local Development Plan
POL2- Climate change
POL4- Development management and placemaking
POL6- General urban area/settlements
POL12- Housing land

Development management, placemaking and design supplementary guidance (2015)

Sustainable Development and Climate Change

Supplementary Guidance

◆ Representation(s):

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

◆ Consultation(s):

Roads Development Management Team

Scottish Water

Environmental Services

RT Flood Risk Management Section

WOSAS

Planning Application Report

1 Application Site

- 1.1 The site is located at the south-eastern end of Carlisle Road within the settlement boundary of Kirkmuirhill, and is bounded by housing to the north and west, a former railway line embankment to the east, and by open agricultural land to the south. There is a right of way bounded by mature hedging which runs along the southern boundary of the site, which will not be affected by the application. A Category C(S) Listed Church and its Manse is located to the north-west of the site, and land associated with the Church bounds the western boundary of the site. The application site consists of undeveloped grassland, and the ground slopes from west to east. The proposed vehicular access off Lanark Road will be created at the point of the existing embankment, and includes an area of land to the east to provide a vehicular visibility splay. An informal walkway exists from Lanark Road to along the top of the former railway embankment which links up with the right of way to the south. The embankment is raised above the ground level at the north of the site, and slopes gently downwards towards the south of the site where the embankment is relatively level with neighbouring land.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning consent for the erection of 19 detached dwellinghouses at land off Lanark Road, Kirkmuirhill. The proposal includes ground works, in particular the removal of the former railway embankment, and the formation of a SUDS (Sustainable Urban Drainage) pond to the northern boundary and access point into the site. The applicant proposes to install an equipped play park also within the northern area of the site, and an area of landscaping along the eastern boundary. The removal of the embankment will provide the location for the new vehicular access to serve the site, along with an area of land to the east to provide a vehicular visibility splay.
- 2.2 The proposal contains a mixture of 4 house types varying between single storey and 1.5 storeys in height. The dwellings are of contemporary design incorporating a mixture of external materials. Car parking is provided within each individual plot.
- 2.3 The application also proposes a pedestrian access over the central access road through the site from Lanark Road to connect in to the established right of way located along the southern boundary of the site. This would replace the existing informal route along the top of the former railway embankment.

3 Background

3.1 Local Plan Status

- 3.1.1 The adopted South Lanarkshire Local Development Plan (SLLDP) identifies the site as being located within the settlement boundary of Kirkfieldbank where Policy 6 - General urban area/settlements applies. The site is also identified as a proposed housing site within South Lanarkshire Council's proposed 2014 Housing Land Supply audit where Policy 12 – Housing Land is applicable.
- 3.1.2 Other relevant policies in the assessment of this application are: Policy 2 - Climate Change, Policy 4 - Development Management and Placemaking, together with the Development Management, Placemaking and Design and Sustainable Development

and Climate Change Supplementary Guidance. The content of the above policies and how they relate to the proposal is addressed in detail in Section 6 of this report.

3.2 **Relevant Government Advice/Policy**

- 3.2.1 SPP advises that the planning system should identify a generous supply of land to support the achievement of housing land requirements and maintaining at least a 5 year supply of land at all times. It should also enable the development of well designed, energy efficient, good quality housing in sustainable locations and focus on the delivery of allocated sites. Planning should take every opportunity to create high quality places and direct development to the right places.

3.3 **Planning Background**

- 3.3.1 Planning consent CL/12/0007 for the residential development of the site and the formation of an alternative access road from Carlisle Road (planning permission in principle) was approved by the Planning Committee on 27 March 2012. The application site was marginally smaller as it didn't include the removal of the former railway embankment, and an alternative vehicular access was proposed from Carlisle Road. There was no indication of the number or layout of houses proposed at that time.

4 **Consultation(s)**

- 4.1 **Roads Development Management Team** – do not object to this application. They are satisfied that the new proposed access point can provide sufficient visibility splays in both directions along Lanark Road. The proposal incorporates an acceptable level of car parking to serve the dwellinghouses proposed.

Response: Noted. It is acknowledged that the former railway embankment requires to be removed to provide an access point with sufficient visibility splays.

- 4.2 **WOSAS** – do not object to this application. However as the proposal involves previously undisturbed land there may be potential for archaeological material to exist below the ground. Should consent be granted then a condition should be attached to ensure that the developer secures the implementation of a programme of archaeological works prior to any work commencing on site.

Response: Noted. Should consent be granted a condition will be attached to address the above.

- 4.3 **Scottish Water** - confirm that Camps Water Treatment Works currently has capacity to service the development; however Blackwood Wastewater Treatment Works has limited capacity to serve the new demand created by the proposal. On this basis Scottish Water advise that the developer is required to submit a fully completed Development Impact Assessment form to Scottish Water to assess the impact on the existing infrastructure. Furthermore, it is advised that a totally separate system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable drainage system (SUDS) if it is to be considered for adoption.

Response: Noted. Should consent be granted an informative will be attached to advise the applicant to discuss the necessary infrastructure requirements directly with Scottish Water.

- 4.4 **Environmental Services** – do not object to this application. They are satisfied with the site investigation information provided to date, however recommend that a condition is attached to any consent granted to ensure that any contaminated materials are satisfactorily addressed on site.

Response: Noted. Should consent be granted then conditions will be attached to address the above.

- 4.5 **Roads and Transportation Flood Management Team** - do not object to this application. However, it is recommended that prior to works commencing on site a flood risk assessment is carried out and further details of the proposed Sustainable Drainage System are provided. It should be noted that professional indemnity insurance would be required with regards to the proposed drainage system.

Response: Noted. Should consent be granted then conditions will be attached to address the above.

5 Representation(s)

- 5.1 Following the carrying out of statutory neighbour notification and the advertisement of the application in the local press due to the non-notification of neighbours, no letters of representation were received.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning consent for the erection of 19 detached dwellinghouses and associated access road, landscaping and drainage works at land off of Lanark road, Kirkmuirhill. The main issues in determining this application are its compliance with local plan policy, impact on residential and visual amenity, and road safety.
- 6.2 The site is identified in the adopted South Lanarkshire Local Development Plan as being within the settlement of Kirkmuirhill. The land also forms part of the Council's Housing Land Supply. Policy 12 – Housing Land states that the Council will support development of sites in the land supply. As such, residential development on the site is considered to be acceptable in principle.
- 6.3 The application site is located within the settlement boundary of Kirkmuirhill as identified in the adopted SLLDP. Policies 6 - General Urban/Settlements and Policy 4 - Development Management and Place Making, together with the Development Management and Placemaking Supplementary Guidance of the adopted local development plan supports residential developments where they do not have a significant adverse effect on the amenity of the area. In addition, any new development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use. The character and amenity of the area must not be impaired by reason of traffic generation, parking, overshadowing, overlooking or visual intrusion.
- 6.4 The contemporary design of the dwellings is welcomed and meets the aims of the Council's Residential Design Guide in creating streetscapes with a sense of individuality and place. The mixed ridge height of the dwellings is similar to residential development in the locality and would visually integrate well with the edge of settlement location. Each plot meets the minimum provision for garden area, distance to side boundaries, window to window distance, and car parking. The layout includes a play park and sufficient landscaping to serve this scale of development. The pedestrian access link from Lanark Road to the right of way located to the south of the site has been retained through the central access road proposed through the development. The proposed vehicular access arrangement off Lanark Road has been carefully assessed and is considered acceptable by the Council's Roads and Transportation Service. In view of the above the proposal satisfies the aims of policies 4 and 6, the associated Supplementary Guidance Development Management, Placemaking and Design, and the Councils Residential Design Guide.

- 6.5 Policy 2 Climate Change seeks to minimise and mitigate against the effects of climate change by considering criteria, including being sustainably located. The site is sustainably located within the settlement boundary of Kirkmuirhill and is closely located to bus routes and nearby shops and services. The site is not at risk of flooding and there are no infrastructure constraints. In consideration the proposals would not undermine the objectives of the policy.
- 6.6 In conclusion, the location of the application site in the settlement of Kirkmuirhill and its identification in the Housing Land Supply means the principle of residential development at this site is established. The proposals represent a high quality form of residential development and would positively contribute to the amenity and character of the area. It is therefore recommended that detailed planning consent be granted subject to the conditions listed.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on road safety, visual or residential amenity, and complies with Policies 2, 4, 6 and 12 of the adopted South Lanarkshire Local Development Plan together with the associated Supplementary Guidance.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

12 April 2018

Previous references

- ◆ CL/12/0007

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted) and associated supplementary guidance
- ▶ Neighbour notification letter dated 07.08.2017
- ▶ Lanark Gazette advertisement 16.08.2017
- ▶ Consultations

Roads Development Management Team

Scottish Water

Environmental Services

RT Flood Risk Management Section

WOSAS

Contact for further information

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

Pamela McMorran, Planning Officer, Montrose House, 154 Montrose Crescent

Ext 5170, (Tel: 01698 455170)

Email: pamela.mcmorran@southlanarkshire.gov.uk

Conditions and reasons

1. 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 interest of amenity

2. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any such order revoking or re-enacting that order), no gates, fences, walls or other means of enclosure shall be erected between the front of the dwellinghouse and the adjoining road.

Reason: In the interest of amenity and retaining effective planning control

3. That before any work commences on the site a scheme of landscaping for the area shaded green on the approved plans 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 proposed 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: In the interest of amenity and retaining effective planning control

4. That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following the completion of the dwellinghouses hereby approved and in accordance with the phasing plan approved under condition No.3, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interest of amenity and retaining effective planning control

5. That proposals for the factored maintenance of all areas of open space, landscaping and play park within the development, and land within the visibility splays, shall be submitted to the Council as Planning Authority and no dwellinghouse shall be completed or occupied (whichever is the soonest) until the permission of the Council as Planning Authority has been granted for these proposals.

Reason: To provide responsibility for maintenance

6. That before any work commences on the site/or within 3 months of the date of this permission (whichever is the latter), a scheme for the proposed play area within the application site shall be submitted to the Council as Planning Authority for written approval and this shall include :(a) details of the type and location of play equipment, seating and litter bins to be situated within the play area(s); (b) details of the surface

treatment of the play area, including the location and type of safety surface to be installed; (c) details of the fences to be erected around the play area(s); and (d) details of the phasing of these works (e) maintenance details and residents factor arrangement.

Reason: In the interest of amenity and retaining effective planning control

7. That prior to the completion or occupation of the tenth dwellinghouse within the development, all of the works required for the provision of equipped play area included in the scheme approved under the terms of Condition 6 above, shall be completed, and thereafter, that area shall not be used for any purpose other than as an equipped play area to the satisfaction of the Council as Planning Authority.

Reason: In the interest of amenity and retaining effective planning control

8. 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 Council as 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 Council as Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: To consider the historic environment.

9. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. 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.

10. That before each of the dwellinghouses hereby approved are occupied, all of the parking spaces shown on the approved plan for the relevant plot 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.

11. That before any of the dwellinghouses hereby approved are completed or brought into use, the first 2.0 metres of the driveways from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.

Reason: To prevent deleterious material being carried onto the road.

12. That no dwellinghouse shall be occupied until the access roads and footpaths leading thereto from the existing public road have been constructed in accordance with the specification of the Council as Roads and Planning Authority.

Reason: To ensure the provision of satisfactory vehicular and pedestrian access to the dwellings.

13. That before the development hereby approved is completed or brought into use, a visibility splay of metres by **** metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

14. That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

15. That within 6 months of this consent, or prior to works commencing on site, details of pole mounted signage (to direct users from Lanark Road to the right of way located to the south of the application site) shall be submitted for approval to the Council as Planning Authority. The approved signage will be erected and shall thereafter be maintained by the resident's factor agreement.

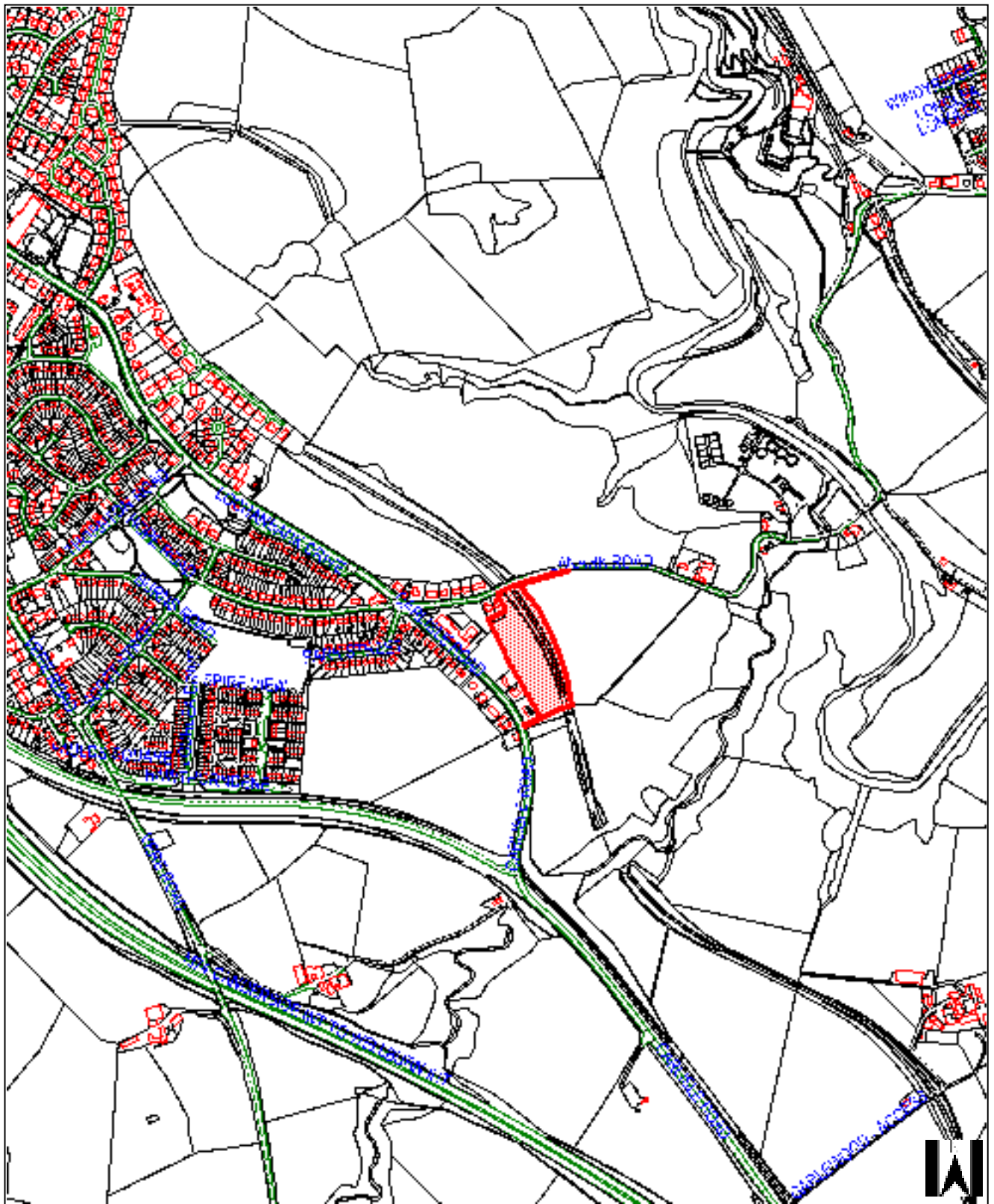
Reason: To ensure a sufficient pedestrian link is retained.

16. On completion of the ground remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out and that the works have successfully reduced these risks to acceptable levels.

Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.

Reason: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

For information only



For information only

Report

10

Report to:	Planning Committee
Date of Meeting:	1 May 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	HM/18/0014
Planning proposal:	Residential development and associated roads, footpaths, open space, SUDs and landscaping (100 units)(Approval of Matters Specified in Conditions 2, 5, 6, 8, 9, 10, 11, 14, 15, 16, 18, 19 and 20 of planning permission in principle HM/10/0052)

1 Summary application information

Application type:	Approval of matters specified in conditions.
Applicant:	BDW Trading Ltd
Location:	Brackenhill Farm Meikle Earnock Road Hamilton ML3 8RN

2 Recommendation(s)

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

- (1) Grant matters specified in conditions - subject to conditions (based on the conditions attached).

2.2 Other actions/notes

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

1 3 Other Information

- Applicant's Agent: None
- Council Area/Ward: 18 Hamilton West and Earnock
- Policy Reference(s): **South Lanarkshire Local Development Plan**
Policy 1 - Spatial Strategy
Policy 4 - Development Management and Place Making
Policy 5 - Community Infrastructure Assessment
Policy 12 - Housing Land
Policy 13 - Affordable Housing and Housing Choice
Policy 14 - Green Network and Greenspace
Policy 15 - Natural and Historic Environment
Policy 17 - Water Environment and Flooding

South Lanarkshire Local Development Plan:

Supplementary Guidance
**Development Management, Place Making
and Design SG**
Policy DM1 - Design

Residential Design Guide SG

Green Network and Green Spaces SG

Affordable Housing SG

Natural and Historic Environment SG
Policy NHE18 - Walking, Cycling and Riding
Routes
Policy NHE 19 - Protected Species
Policy NHE 20 - Biodiversity

**Sustainable Development and Climate
Change SG**
Policy SDCC2 - Flood Risk
Policy SDCC3 - Sustainable Drainage Systems
Policy SDCC4 - Water Supply
Policy SDCC5 - Foul Drainage and Sewerage

○ Representation(s):

- ▶ 0 Objection Letters
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

○ Consultation(s):

Roads & Transportation Services (Hamilton Area)

Roads & Transportation Services (Flood Risk Management)

Environmental Services

Community Resources – Play provision

Countryside & Greenspace

Facilities, Waste & Ground Services (Arboriculture)

Scottish Water

West of Scotland Archaeology Service

Planning Application Report

1 Application Site

- 1.1 The application relates to an area of previously undeveloped land located to the south of Meikle Earnock Road, which lies to the west of Hamilton. The site extends to approximately 6.9 hectares and was associated with former Brackenhill Farm.
- 1.2 The land surrounding the application site to the north, east and south is currently agricultural in character, however it is noted that these areas form part of the application site for the proposed Hamilton Community Growth Area (HCGA)(Application no.: HM/10/0052) and will be the subject of future residential development. The land to the west is current being developed in connection with the delivery of the HCGA (Application HM/16/0022).

2 Proposal(s)

- 2.1 This Matters Specified in Conditions (MSC) application seeks to address the terms of the conditions attached to planning permission in principle application (HM/10/0052) relative to the development of the Hamilton Community Growth Area (HCGA) and relates solely to the site identified above. Further applications will be submitted in respect of the remainder of the HCGA area and the conditions attached to the Permission in Principle approval. In this regard it is noted that the proposed layout incorporates appropriate pedestrian access into the neighbouring development site.
- 2.2 The current proposal relates to a residential development comprising 100 units (a mix of detached and semi-detached properties) and associated roads, infrastructure and landscaping. The site will be directly accessed from two separate points onto Meikle Earnock Road which is being upgraded as part of the proposed HCGA works.
- 2.3 The conditions to be addressed through this application area as follows:

Condition Number:

- 2 Submission of further details – site layout, building designs, cross-sections, access details, boundary treatments, wall details, details for drainage/sewerage, phasing, Landscape Plan, Bio-diversity Plan and Access Plan
 - 5 Requirement for submission of a Design Statement
 - 6 Details for the phasing of the development
 - 8 Bus Service Strategy
 - 9 Roads/Cycle ways/Footpath/Bus Infrastructure Design details
 - 10 Drainage Assessment
 - 11 Flood Risk Assessment
 - 14 Flood Risk Assessment Independent Verification
 - 15 Biodiversity Plan
 - 16 Outdoor Access Plan
 - 18 Landscape Plan
 - 19 Control and Minimization of the Emission of Pollutants
 - 20 Archaeological Watching Brief
- 2.4 A Transportation Statement, Ground Investigation Report, Surface Water Management Plan, Archaeological Evaluation, Phase 1 Habitat Survey, Design and Access Statement, Air Quality Assessment, Tree Survey and Arboricultural Constraints Report and Landscape Proposal Plans were submitted with the application as supporting documents.

- 2.5 In response to Roads and Transportation Service's initial concerns the applicants have carried out minor amendments to the submitted layout to address these concerns.

3 Background

3.1 Local Plan Policy

- 3.1.1 In terms of the South Lanarkshire Local Development Plan (2015) (SLLDP) the application site is designated as being a Community Growth Area for Hamilton (Policy 1 – Spatial Strategy) and as forming part of the Council's housing land supply (Policy 12). Residential uses are supported within such sites, subject to compliance with normal development management criteria.

- 3.1.2 A number of other policies within the adopted SLLDP are also considered appropriate to the determination of this application, namely, Policy 4 - Development Management and Placemaking, Policy 5 - Community Infrastructure Assessment, Policy 13 - Affordable Housing and Housing Choice, Policy 14 - Green Network and Greenspaces, Policy 15 - Natural and Historic Environment, and Policy 17 - Water Environment and Flooding. These policies are supported by Supplementary Guidance, which forms part of the Development Plan for South Lanarkshire, including:

- Development Management, Place Making and Design SG
Policy DM 1 – Design
- Affordable Housing SG
- Green Network and Greenspaces
- Natural and Historic Environment SG
Policy NHE18 - Walking, Cycling and Riding Routes, Policy NHE19 - Protected Species Policy NHE 20 - Biodiversity
- Sustainable Development and Climate Change SG
Policies SDCC 2 - Flood Risk, SDCC 3 - Sustainable Drainage Systems, SDCC 4 - Water Supply and SDCC 5 - Foul Drainage and Sewerage
- Residential Design Guide

The aim of these policies and guidance is to seek well designed developments which are located in appropriate locations, appropriately serviced and result in no adverse impact.

- 3.1.4 The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.2 Relevant Government Advice/Policy

- 3.2.1 Scottish Planning Policy (2014) (SPP) highlights that the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision-making and advises that proposals that accord with up-to-date plans should be considered acceptable in principle. In terms of residential development, SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements.

3.3 Planning Background

- 3.3.1 An application for the Development of Community Growth Area, Comprising Housing, Neighbourhood Centre, Community Facilities, Access Roads, Open Space and Landscaping (Planning in Principle application HM/10/0052) was granted planning permission in May 2017 following the conclusion of a planning obligation under

Section 75 of the Planning Act, which ensures that financial contributions are made at appropriate times during the development towards education provision, roads infrastructure improvements, community facilities, open space/landscaping and recreational provision, and affordable housing.

3.3.2 In connection with the delivery of the Hamilton Community Growth Area a number of applications have been received, and approved, to address the Matters Specified in the Conditions attached the approval for Planning in Principle (HM/10/0052) as they relate to the various sites. These include:

- HM/16/0022 – Land at Brackenhill Farm – Stewart Milne Homes
- HM/16/0486 – Land to the north of Highstonehall Road – Miller Homes and Avant Homes
- HM/17/0047 – Land at Brackenhill Farm – Stewart Milne Homes and Bellway Homes
- HM/17/0424 – Highstonehall Road – Miller Homes

4 Consultation(s)

4.1 **Roads and Transportation Services (Hamilton Area)** – have offered no objections to the proposed development subject to conditions relative to minor changes to driveway standards and road surface finish materials.

Response: - Appropriately worded conditions and informatives can be incorporated into any consent to address the matters raised

4.2 **Roads and Transportation Services (Flood Risk Management)** – have no objections to the proposal, subject to appropriate conditions.

Response: Appropriately worded conditions and informatives can be incorporated into any consent to address the matters raised.

4.3 **Environmental Services** – Have offered no objections to the proposal subject to the submission of a revised air quality assessment.

Response:- An appropriately worded condition can be incorporated into any consent to address the matters raised.

4.4 **Community- play provision/ community contributions**– have advised that they have no objections to the proposal for play provision within the development. They understand that a financial contribution has been agreed in relation to the impact of the wider Hamilton Community Growth Area on existing community facility provision.

Response:- Noted. It is confirmed that the requirement for a financial contribution towards any impact on community facilities, has been addressed through the conclusion of the Planning Obligation entered into in respect of the Planning in Principle approval for the overall HCGA (HM/10/0052).

4.5 **Countryside and Greenspace** – have offered no objections.

Response:- Noted.

4.6 **Facilities, Waste and Ground Services (Arboriculture)** – have offered no objections subject to appropriately worded conditions to protect existing trees within the site.

Response: - Appropriately worded conditions and informatives can be incorporated into any consent to address the matters raised.

4.7 **Scottish Water** – have offered no objections to the proposal.

Response: - Noted.

- 4.8 **West of Scotland Archaeology Service** – have offered no objections to the proposal.

Response: - Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the application advertised in the Hamilton Advertiser; in terms of the Non-notification of Neighbours. No letters of representation have been received in response to these processes.

6 Assessment and Conclusions

- 6.1 This Matters Specified in Conditions application has been submitted to address the terms of Conditions 2, 5, 6, 8, 9, 10, 11, 14, 15, 16, 18, 19 and 20 attached to planning permission in principle HM/10/0052 relating to a phase of development at the Hamilton Community Growth Area. The applicants now seek detailed consent for a residential development of 100 dwellinghouses, associated roads, infrastructure and landscaping on land previously associated with Brackenhill Farm, Meikle Earnock Road, Hamilton.
- 6.2 The requirements of the above conditions are set out within Section 2 of this report. It is considered that sufficient details have been provided in support of the current application to satisfy these requirements and allow for the assessment and determination of the detailed proposals now presented.
- 6.3 In terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, planning applications have to be determined in accordance with the development plan unless other material considerations indicate otherwise. The determining issues in consideration of this application therefore are its compliance with national and local plan policy and its impact on the amenity of adjacent properties and on the local road network.
- 6.4 Scottish Planning Policy highlights that where a proposal accords with up-to-date development plans, it should be considered acceptable in principle. The site is identified within the adopted local plan as being suitable for residential development through its designation as a part of the Community Growth Area for Hamilton. The proposed use therefore raises no issues from a land use perspective and can be considered to accord with national planning policy.
- 6.5 The adopted South Lanarkshire Local Development Plan (2015) (SLLDP) identifies the application site as being within the Hamilton Community Growth Area (Policy 1) and forming part of the Council's housing land supply (Policy 12). The principle of the use of the site for residential purposes is, therefore, acceptable, subject to compliance with normal development management criteria. It is noted that parts of the application site are also identified as being a Green Network/Priority Greenspace (Policy 14) within the adopted SLLDP. However, the development area lies largely outwith this designation and any loss will not have a significant impact on this designation due to the proposed development layout and the protection and enhancement of the network through the proposed landscaping works. The proposal therefore raises no issues in terms of Policy 14 and its supporting guidance.
- 6.6 The matters considered appropriate, in terms of development management criterion, are set out within Section 3.1.2 above. Principally, the stated policies and guidance seek to ensure that any development does not adversely impact on the amenity of such areas, can be adequately serviced and has been designed in manner which takes cognisance of appropriate guidance and the area within which it is located.

Having considered the design and layout of the development, I am satisfied that the scheme is capable of being developed, subject to conditions, without conflict with the general requirements of the applicable policies and guidance.

- 6.7 In terms of the detailed design of the development, it is considered that the proposed layout for the development is acceptable and that it meets the main standards set out in the Council's Residential Design Guide, particularly in relation to road layout, house to plot ratios, rear garden depths, open space and car parking provision. It is considered that the proposed development is of a high quality design incorporating a suitably high standard of materials. It is also noted that Meikle Earnock Road is being upgraded as part of the wider HCGA proposals. The proposed development therefore raises no road safety concerns and accords with Policies 4 and DM 1 of the SLLDP and supplementary guidance.
- 6.8 The site has been assessed in terms of flood risk and drainage and will be developed in accordance with the principles of sustainable urban drainage. The proposal is therefore acceptable in this respect. In addition, foul drainage will be treated in accordance with the specification and requirements of both Scottish Water and the Council's Flood Risk Management guidance. On this basis it is considered that the proposal accords with Policies 17, SDCC 2, SDCC 3, SDCC 4 and SDCC 5 of the SLLDP and supplementary guidance.
- 6.9 The proposal will result in the development of a site which is largely undeveloped. Given the nature of the proposed development it is inevitable that there will be some impact in terms of wildlife habitats. However, I am satisfied that the proposed development has been designed in such a manner that it takes cognisance of the surrounding area and has properly assessed any impact on wildlife species and habitats. Any requirement highlighted within the supporting documents can be conditioned as part of any consent issued. On this basis, the proposal is considered to meet the requirements of Policies 14, 15, NHE18, NHE19 and NHE20. Furthermore, the site is capable of integrating well with the adjacent footpath network and amenity areas (Policy NHE18 applies), and with other development proposals within the area.
- 6.10 The Council's adopted policy on Community Infrastructure Assessment (Policy 5) requires that a financial contribution from developers will be sought where it is considered that a development requires capital or other works or facilities to enable the development to proceed. These matters were addressed through the determination of the previous Planning in Principle application (HM/10/0052) and a legal obligation, between the applicants, landowners and the Council has been agreed to ensure the provision of appropriate funding/delivery of works. With regard to the provision of affordable housing, in accordance with Policy 13 and the Affordable Housing SG, land has been allocated within the wider HCGA area and, therefore, there is no requirement within the current application site for such provision.
- 6.11 No specific concerns have been raised by the various consultees. Any requirements raised by the consultees can be addressed through the use of conditions, when appropriate to do so. No third party representations were received in respect of the development in this instance.
- 6.12 In summary, the submitted information satisfies the requirements of the Matters Specified in the Conditions attached to application HM/10/0052; in respect of the conditions noted at 6.1 above, and enables the determination of this detailed submission. In terms of the detailed development of the site it is considered that the application conforms to both national and local plan policy and that the proposal raises no significant environmental, infrastructure or road safety issues. The proposal will deliver a development which is of a high quality design and assist the Council in

meeting its housing needs.

- 6.13 On the basis of the above assessment, I would, therefore, raise no objection to the application and recommend that planning permission be granted subject to the conditions listed.

7 Reasons for Decision

- 7.1 The submitted information satisfies the requirements of the Matters Specified in the Conditions attached to application HM/10/0052. The proposal will have no adverse impact on residential or visual amenity and raises no road safety concerns. The development complies with the applicable provisions of the South Lanarkshire Local Development Plan (adopted 2015) namely: Policy 1 - Spatial Strategy; Policy 4 - Development Management and Placemaking; Policy 5 - Community Infrastructure Assessment; Policy 12 - Housing Land; Policy 13 - Affordable Housing and Housing Choice; Policy 14 - Green Network and Greenspaces; Policy 15 - Natural and Historic Environment and Policy 17 - Water Environment and Flooding. In addition the proposal accords with the relevant Development Plan Supplementary Guidance.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

20 April 2018

Previous References

- ◆ HM/10/0052
- ◆ HM/16/0022
- ◆ HM/16/0486
- ◆ HM/17/0047
- ◆ HM/17/0424

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (2015)(adopted)
- ▶ South Lanarkshire Local Development Plan – Supplementary Guidance
- ▶ Neighbour notification letter dated 17 January 2018
- ▶ Newspaper Advertisement dated 25 January 2018

- ▶ Consultations
 - Roads & Transportation Services (Development Management Team) 05/04/2018
 - Roads & Transportation Services (Flood Risk Management Section) 05/04/2018
 - Environmental Services 14/03/2018
 - Community Resources – Play provision 17/01/2018
 - Countryside & Greenspace 02/02/2018
 - Facilities, Waste & Ground Services (Arboriculture) 18/04/2018

Scottish Water

03/04/2018

West of Scotland Archaeology Society

04/04/2018

- Representations
- None

Contact for Further Information

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

James Watters, Planning Officer
Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
Ext 4970 (Tel: 01698 454970)
E-mail: planning@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: HM/18/0014

Conditions and reasons

1. That all trees to be retained within the site shall be fully protected during the period of construction and prior to any work commencing on the site, written details specifying the nature of such measures shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.

2. That the existing trees to be retained must be protected in accordance with methods as set out in BS5837/1991 during and until completion of all site operations and building works.

Reason: To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.

3. That proposals for the maintenance of all areas of open space within the development shall be submitted to the Council as Planning Authority and no work on the site shall be commenced until the permission of the Council has been granted for these proposals or such other proposals as may be acceptable.

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

4. 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 each phase 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.

5. That prior to the occupation of the last dwellinghouses within the development, all the works required for the provision of equipped play area(s) shall be completed in accordance with the agreed scheme which comprises part of the approved plans and thereafter the area(s) shall not be used for any purposes other than as an equipped play area.

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

6. That before any work commences on site, a woodland management and maintenance scheme, for the woodland areas within the application site, shall be submitted to the Council as Planning Authority for written approval and it shall include:

- (a) proposals for the continuing care, maintenance and protection of the trees, shrubs and hedges including details of the timing and phasing of all such works;
- (b) details of the number, variety and size of trees and shrubs to be planted and the phasing of such works.

Reason: To ensure the protection and maintenance of the existing woodland within the area.

7. That the findings and recommendations of the submitted Phase 1 Habitat Survey shall be fully complied with, unless otherwise agreed, in writing, with the Council as Planning Authority

Reason: In order to ensure the protection of the specified species.

8. 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: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

9. That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

10. That before the development hereby permitted is occupied or brought into use, all the fences or walls for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 9 above, shall be erected and thereafter maintained to the satisfaction of the Council.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

11. That before the development hereby approved is completed or brought into use, the new vehicular access so far as it lies within the boundaries of the road abutting the site, shall be constructed in accordance with the specification of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

12. That no dwellinghouse shall be occupied until the access roads and footpaths leading thereto from the existing public road have been constructed in accordance with the specification of the Council as Roads and Planning Authority.

Reason: To ensure the provision of satisfactory vehicular and pedestrian access to the dwellings.

13. That no dwellinghouse shall be occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.

Reason: To ensure the provision of a satisfactory sewerage system.

14. The surface of each driveway shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the highway.

Reason: In the interests of traffic and public safety.

15. That before the development hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 90 metres measured from the road channel shall be provided on both sides of the new vehicular accesses and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

16. That before the development or each phase of development, hereby approved is completed or brought into use, a turning space shall be provided within the site to enable vehicles to enter and leave the application site in forward gears at all times. All turning facilities shall be designed in accordance, and implemented, to the satisfaction of the Council as Planning and Roads Authority.

Reason: In the interests of traffic and public safety.

17. Notwithstanding the above conditions, and the details provide within the submitted Landscaping Plan, bench seating shall be provided at locations to be agreed with the Council as Planning Authority, adjacent to the proposed SUDs ponds and peripheral footpaths.

Reason: To ensure that development makes appropriate provision for outdoor access and to achieve the completion and subsequent maintenance of the access proposals within an appropriate timescale.

18. That
- (a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.
 - (b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.
 - (c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.

Reason: To ensure that the land is remediated and made suitable for its proposed use.

19. That, unless otherwise agreed with the Council as Planning Authority, no works shall commence on site until completed Appendices 1-5 of the SLC Design Criteria Guidance and Design Submission Checklist have been submitted to, and agreed by, the Council as Planning and Roads Authority.

Reason: To ensure the provision of a satisfactory drainage scheme.

20. That notwithstanding the terms of Conditions 1 and 2 above the existing trees to be retained must be suitably protected during construction works and that no works shall take place which includes:
- a) no fires shall be lit within 10 metres of the nearest canopy;
 - b) no equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree;
 - c) no mixing of cement or use of other materials or substances shall take place within a Root protection Area, or close enough to a Root Protection Area that seepage or displacement of those materials or substances could cause them to enter a Root Protection Area;
 - d) no alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Council as Planning Authority.

Reason: To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.

21. That notwithstanding the terms of Conditions 1 and 2 above Prior to the commencement of the development hereby approved (including 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 Local Planning Authority. The scope of the TPP and AMS shall be agreed in writing with the Council as Planning Authority prior to their preparation.

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

Reason: To ensure that adequate steps are taken to protect existing trees.

22. That all proposed speed bends shall be finished in asphalt.

Reason: In the interests of traffic and public safety.

23. That all driveways/shared driveways/bays shall:
- i) have pedestrian/vehicle inter-visibility splays of 2.4m x 2.4m, measured from the rear of the footway.
 - ii) meet the road at 90 degrees, or thereby.
 - iii) be a minimum width of 5m where it meets the rear of the footway.
 - iv) be in modules of 3m x 6m for a vehicle.

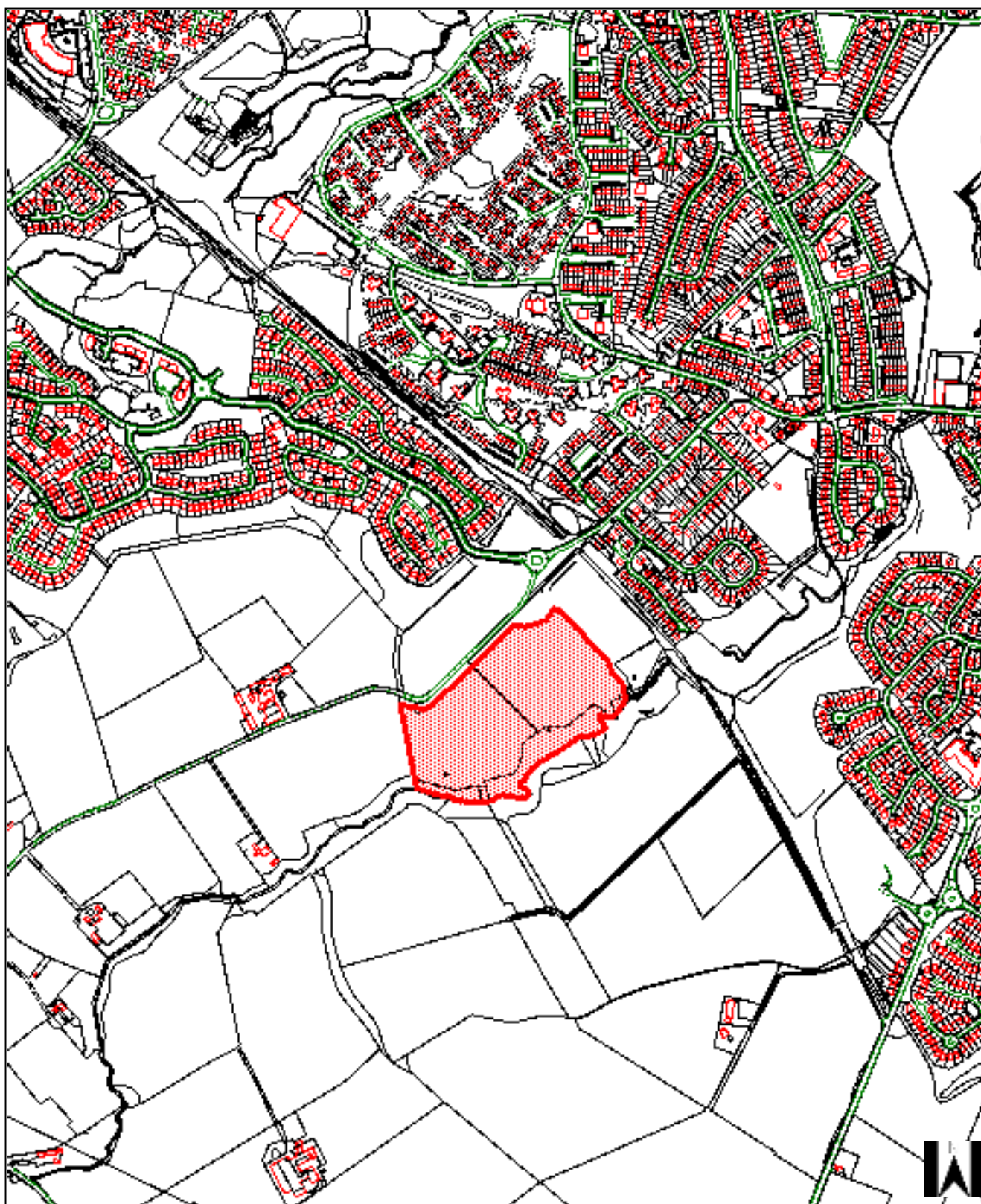
Notwithstanding the terms of the above, the driveway arrangement for Plot 1 shall be redesigned to avoid any potential conflict with Plot 2

Reason: In the interests of traffic and public safety.

24. That prior to works commencing on site a revised Air Quality Assessment shall be submitted to the Council as Planning Authority for consideration and agreement. The scope of the Assessment shall be agreed in writing with the Council as Planning Authority prior to their preparation and any recommendations resultant from this process shall be fully implemented to the satisfaction of the Council as Planning and Environmental Health Authority.

Reason: In the interests of public safety .

For information only



For information only

Report

11

Report to:	Planning Committee
Date of Meeting:	1 May 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/0226
Planning proposal:	Erection of 7 detached dwellings (Amendment to Planning Permission CL/16/0277 involving changes to site boundaries, house types and an additional dwelling)

1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr John Allan
Location:	Clydegrove Holm Road Crossford

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: Bare Architecture
- ♦ Council Area/Ward: 01 Clydesdale West
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**

Sustainable development and climate change
Policy 2- Climate change
Policy 3- Green belt and rural area
Policy 4- Development management and placemaking
Policy 12 – Housing Land
Policy 15- Natural and historic environment

Development management, placemaking and design supplementary guidance Assessment

Green Belt and Rural area Supplementary Guidance

Natural and Historic Environment Supplementary Guidance

Sustainable Development and Climate Change

◆ Representation(s):

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

◆ Consultation(s):

SEPA West Region

Roads Development Management Team

Roads Flood Risk Management

Planning Application Report

1 Application Site

- 1.1 The application site (0.67 ha) is situated at the settlement edge of Crossford on the north side of Holm Road. Other than the northernmost part of the site, which relates to a former nursery and contains associated hardstanding, the majority of the site falls within the boundaries of an approved residential development. The approved access road (which also serves the existing dwellings at 3 and 5 Clydegrove to the west of the site) and other associated infrastructure linked to this development has already been laid out along with the foundations of two dwellings. In the south west corner of the site is a former gatehouse with hardstanding to the rear which, in later years, has been used for storage.
- 1.2 On the south side of Holm Road, is a suburban housing estate of medium to high density alongside some traditional cottages. To the north of the site is the remainder of the agricultural field in the applicant's ownership which extends down to Clydegrove House. To the west are recently constructed dwellings, the gatehouse, the access to Clydegrove and beyond, vacant agricultural land and a large pond. To the east are two detached dwellings (Clydevale Orchard and Penny Farthing Cottage) which are contained by a substantial stone wall. Topographically, the site is relatively level.

2 Proposal(s)

- 2.1 The applicant seeks detailed Planning Permission for seven one and $\frac{3}{4}$ storey detached dwellings arranged around the recently completed access onto Holm Road. The proposals represent an amendment to Planning Permission (CL/16/0277) that was granted in August 2016 for the erection of 6 dwellings. The layout and design for the current application is similar to the previous proposal, the changes involving the inclusion of an additional plot, changes to site boundaries, revision to house designs and their orientation. To enable the provision of sufficient rear garden space for four of the plots, the northern boundary has been extended beyond the previous application site boundary into the neighbouring field by approximately 15 metres.
- 2.2 A Planning Statement and Updated Flood Risk Assessment has been submitted as supporting information.

3 Background

3.1 Local Plan Status

- 3.1.1 The adopted South Lanarkshire Local Development Plan identifies the site as falling within the Green Belt where Policy 3 Rural Area and Green Belt applies. However, following the previous granting of planning permission for residential development on most of the site, this land now forms part of the housing land supply where Policy 12 – Housing Land applies.
- 3.1.2 As the northern part of site lies within the identified 1 in 200 year flood plain, Policy 17 - Water Environment and Flooding is relevant as is Policy 2 – Climate Change and the associated Sustainable Development and Climate Change Supplementary Guidance. In addition, Policy 4 - Development Management and Place Making and Policy 15 - Natural and Historic Environment Natural and the associated Supplementary Guidance are applicable.

3.2 Relevant Government Advice/Policy

- 3.2.1 In terms of residential development, SPP advises that the planning system should identify a generous supply of land to support the achievement of housing land requirements and maintaining at least a 5 year supply of land at all times. It should also enable the development of well designed, energy efficient, good quality housing in sustainable locations and focus on the delivery of allocated sites. In terms of development in the rural area, SPP states that most new development should be guided to locations within or adjacent to settlements. Planning should take every opportunity to create high quality places and direct development to the right places, in particular by encouraging the re-use of brownfield sites.
- 3.2.2 The SPP states that the purpose of the Green Belt designation is to;
- Direct planned growth to the most appropriate locations and support regeneration
 - Protect and enhance the quality, character, landscape setting and identity of towns and cities
 - Protect and give access to open space within and around towns and cities.

3.3 **Planning Background**

- 3.3.1 Planning Permission CL/14/0091 was granted for the erection of 5 dwellings in June 2014. Following on from this the number of dwellings was increased to six by Planning Permission CL/16/0277.

4 **Consultation(s)**

- 4.1 **Roads and Transportation Services** - no objection subject to conditions covering visibility, access, parking, footpath provision and drainage.
Response: Noted. The proposed layout shows Roads requirements can be met. These are matters which can be covered by condition in the event planning consent is granted.
- 4.2 **Flood Unit** – No objection subject to conditions covering Sustainable Drainage Design and a Flood Risk Assessment.
Response: Noted. An appropriate condition has been attached.
- 4.3 **SEPA** – Initially objected to the application as insufficient information had been provided to show that the site was not at risk from flooding the objection was withdrawn. An updated of the original Flood Risk Assessment was submitted and following their consideration of the outcome the objection has been withdrawn.
Response: Noted.

5 **Representation(s)**

- 5.1 In response to the carrying out of neighbour notification and the advertisement of the application in the local press as Development Contrary to the Local Plan and for the non-notification of neighbours, one letter of objection was received. The issues raised are summarised as follows:
- a) **The original permission for 5 dwellings has been increased from to 6 and now 7. This is too many for the size of the site.**
Response: The proposal represents a low to medium density development with above average garden sizes assigned to each plot. It is therefore considered that the site can accommodate the form of development proposed.
- b) **The proposed houses would overlook and compromise the privacy of the neighbouring property, Clydevale Orchard.**

Response: An existing boundary wall effectively prevents overlooking from ground floor windows within the proposed houses. The nearest house to Clydevale at Plot 2 has no 1st Floor habitable windows with direct views over the objector's property. It is therefore concluded that the proposals would not result in loss of privacy for adjoining residents.

c) Loss of light and overshadowing.

Response: The orientation of the proposed houses with the objector's property means the development will not result in any significant loss of light or overshadowing.

d) Increase in traffic and lack of pavement across from the site will impact upon public and traffic safety. A 2 metre footway on the frontage of Holm Road is proposed.

Response: Roads and Transportation Services have not raised any road safety issues relating to this proposal.

- 5.2 This letter has been copied and is available for inspection in the usual manner and on the planning portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks planning permission for 7 detached dwellings on land at Holm Road in Crossford (an amendment to Planning Permission CL/16/0277) at the northern edge of the settlement. The determining issues that require to be addressed in respect of this application are compliance with the adopted local development plan, government guidance, the planning history of the site and infrastructure and road safety implications.
- 6.2 In the South Lanarkshire Local Development Plan, the application site is located within the Green Belt where Policy 3 - Green Belt and Rural Area applies. This advises that development which does not require to be located in the countryside will be expected to be accommodated within the settlements, other than in a number of circumstances. These include instances where there is a specific locational requirement or established need for a proposal; the proposal involves the redevelopment of derelict or redundant land or buildings where environmental improvement can be shown; the proposal involves the conversion of traditional buildings; or the proposal is for limited development within identifiable infill or gap sites and existing building groups. Supplementary Guidance on the Green Belt and Rural Area goes on to provide detailed guidance on these types of development in order to determine if a proposal is appropriate in the context of a Green Belt location.
- 6.3 In this case, the vast majority of the site benefits from the previous consents for residential development described in paragraph 3.3 above. As a result, this land is identified as part of the housing land supply where Policy 12 – Housing Land applies. This states that the Council will support development proposals included in the Housing Land Audit and identified on the proposals map. The principle of residential development on this part of the site is, therefore, acceptable.
- 6.4 However, a minor encroachment into designated Greenbelt is proposed to enable the provision of additional garden space for dwellings along the northern boundary. The footprint of the houses does not extend beyond the extent of the previous consent nor do they project beyond the building line of adjoining dwellings. The proposal has been carefully assessed against the policy and guidance and, while there are elements that accord with some of the criteria (which are explored below), it does not fully comply with the local development plan or the associated Supplementary Guidance. As a

result, the proposed development in land use terms is contrary to the development plan.

- 6.5 While the application site is not within the village envelope, it is appropriate in assessing the current proposal to consider whether a small scale incursion beyond the settlement boundary is acceptable. A key factor is consideration of Scottish Planning Policy which, in relation to development in the Green Belt, states that the purpose of the Green Belt designation is to;
- Direct planned growth to the most appropriate locations and support regeneration
 - Protect and enhance the quality, character, landscape setting and identity of towns and cities
 - Protect and give access to open space within and around towns and cities.

The small area of encroachment includes hardstanding and debris associated with former nursery structures. The proposal involves a small extension to the settlement boundary which would not have an adverse impact on the character of the settlement, landscape features, valuable habitat or protected species. No amenity/recreational space or public right of access will be impeded or lost. The proposed structural planting will provide a robust settlement boundary. Overall, therefore, it is considered that the objectives of the SPP in respect of the Greenbelt will not be compromised.

- 6.6 Policy 4 - Development Management and Place Making and DM1 – Design requires the Council to seek well designed proposals which integrate successfully with their surroundings, take account of the local context and built form and are compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. In addition, development should be well related to existing development, public transport, local services and facilities. The layout respects the existing pattern of development while the design and scale of the proposed dwellings respect the rural character of the area and would be sympathetically integrated without any harm to neighbouring amenity. A similar form of development was granted under the previous consent. Access arrangements ensure that acceptable levels of visibility can be achieved. In consideration, the proposal is an appropriate form and scale of development for this location and therefore complies with Policies 4 and DM1.
- 6.7 The site falls within a designated Special Landscape Area where Policies 15 - Natural and Historic Environment and NHE16 - Landscape seek to conserve those features which contribute to local distinctiveness. In this respect, the proposal will not impact upon the established field pattern, trees, hedgerows or distinctive boundary features. The setting of Crossford relative to the corridor of the Rivers Clyde and Nethan will remain largely unchanged. In addition the principle of this scale and form of development has been established by the earlier consents. In view of these circumstances the proposal complies with policies 15 and NHE16.
- 6.8 Policy 17 - Water Environment and Flooding states that any development where flood risk cannot be appropriately managed to prevent a significant adverse increase in the risk of flooding either on the site or elsewhere will not be permitted. The avoidance principle of flood risk management must be met. The Council will not support any development in the functional floodplain except where a specific locational need is identified. Policy 2 - Climate Change states proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change by avoiding areas of medium to high flood risk. Policy SDCC2 - Flood Risk in the associated Sustainable Development and Climate Change Supplementary Guidance state that the storage capacity of the functional floodplain should be safeguarded.

Avoidance of development within it is the most sustainable option for the long term management of flood risk. An updated Flood Risk assessment which reflects the extended northern boundary has confirmed that the site lies outwith the 1 in 200 year (plus 20% global climate change) functional flood plain. The Assessment recommends minimal levels for the finished floors and site access and this this would be covered by condition. The development will not result in the loss of flood storage or impact upon water flow resulting in a neutral impact on flood risk elsewhere. Therefore the proposal complies with policies 2, 17 and SDCC2.

6.9 Following an assessment of the application it is concluded that the development largely accords with planning policy as the vast majority of the extent of the site forms part of the housing land supply as a result of previous approvals for residential development. Nevertheless a small part of the site remains within the Green Belt and the proposal, while satisfying most of the criteria on development in the Green Belt, does not accord with the adopted Local Development Plan. Section 25 of the Town and Country Planning (Scotland) Act 1997 does however allow for exceptions to be made to policy where other material considerations outweigh the provisions of the development plan. In this case, it is considered that a small extension to the boundary of the earlier consents would not compromise the objectives of the purposes of the Green Belt as set out in Scottish Planning Policy and can be integrated into the surrounding area without impact upon residential amenity and the character of the area. An objection has been received from an adjoining resident however the points raised are not considered to merit the refusal of the application. It is considered that an exception to policy has been demonstrated for the following reasons.

- (i) The objectives of Scottish Planning Policy in terms of the purposes of the Green Belt would not be compromised
- (ii) The proposal will visually integrate with an existing group of buildings.
- (iii) The small scale nature of the development will not have an adverse impact on the character of the area.
- (iv) There would be no adverse impact on residential or visual amenity; infrastructure; or biodiversity.

It is, therefore, recommended that planning permission be granted.

7 Reasons for Decision

7.1 For the reasons set out in paragraph 6.8 above.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

10 April 2018

Previous references

- ◆ CL/16/0277
- ◆ CL/14/0091

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)

► Neighbour notification letter dated 9 March 2018

► Consultations

SEPA West Region

Roads Development Management Team

Roads Flood Risk Management

► Representations

Dated:

Mrs Margaret Dickson, Clydevale Orchard, Holm Road,
Crossford, Carluke, ML8 5RG

26.03.2018

Contact for further information

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

Ian Hamilton, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Ext: 5174 Tel (01698 455174)

Email: ian.hamilton@southlanarkshire.gov.uk

Conditions and reasons

1. 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: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

2. That notwithstanding the terms of condition 1 above the roof of the approved dwellinghouses shall be clad externally in natural slate or a slate substitute unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

3. That before the development hereby approved is completed or brought into use, a visibility splay of 2.5 metres by metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

4. That before any of the houses hereby approved are occupied, 3 no. parking spaces shall be laid out within each house plot (a double garage counts as one space), 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.

5. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include the following signed appendices : 1 'Sustainable drainage design compliance certificate' , 2 'Sustainable drainage design - independent check certificate' 3 'Flood risk assessment compliance certificate', 4 'Flood risk assessment - independent check certificate' and 5 'Confirmation of future maintenance of sustainable drainage apparatus' . 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.

6. That before the dwellinghouses hereby approved are occupied, a drainage system capable of preventing any flow of water from the site onto the public road or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.

Reason: To ensure the provision of a satisfactory drainage system.

7. The finished floor levels shall be 48.85m OD or above and access to and from the site shall be formed at a level of 48.0m OD or above.

Reason: To ensure that there will be no increased risk of flooding to residential properties on site.

8. That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

9. That before any of the dwellinghouses on the approved plans are occupied, a 2 metre high screen fence shall be erected along the boundaries marked blue on the approved plans.

Reason: In the interests of privacy.

10. That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 8, shall be erected and thereafter maintained to the satisfaction of the Council.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

11. That no dwellinghouses shall be occupied until the developer provides a written agreement from Scottish Water that the site can be served by a water and sewerage scheme constructed to the specification and satisfaction of Scottish Water as the Water and Sewerage Authority.

Reason: To ensure that the development is served by a water supply and sewerage system.

12. Prior to the commencement of development a plan showing the turning area and location and number of spaces for site staff / operatives shall be submitted for approval.

Reason: In the interests of public and traffic safety.

13. That before any work commences on the site, a scheme of landscaping along the northern site boundary 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

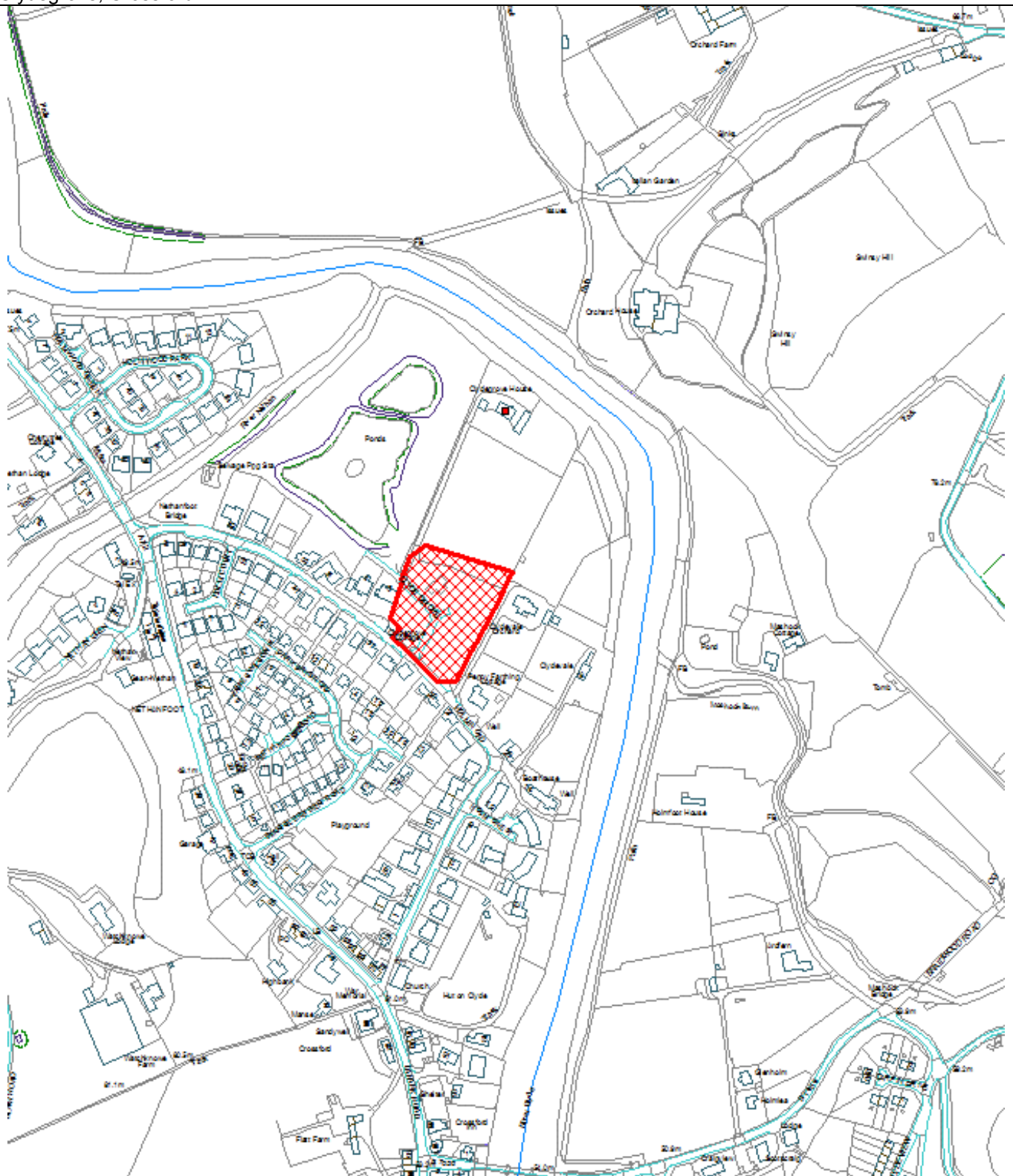
of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

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

- 14 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 amenity.

Clydegrove, Crossford



FOR INFORMATION ONLY



This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office.
 © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 South Lanarkshire Council, Licence number 100020730. 2005

Report

Report to:	Planning Committee
Date of Meeting:	1 May 2018
Report by:	Executive Director (Community and Enterprise Resources)

Subject:	Appeal Against Non-determination of Planning Application for the erection of a 61 bedroom care home with associated car parking and landscaping at 1 Hamilton Road, Bothwell
----------	--

1. Purpose of Report

1.1. The purpose of the report is to:-

- Seek approval to establish the Council's position in dealing with the appeal against the non-determination of a planning application for the erection of a 61 bedroom care home with associated car parking and landscaping.

2. Recommendation(s)

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

- (1) that the Council's position in dealing with the appeal is based on the recommendation to refuse application HM/17/0159 as set out in the attached report (Appendix 1).

3. Background

3.1 Members will be aware that an application for planning consent to demolish the existing buildings at 1 Hamilton Road, Bothwell and erect a 61 bedroom care home with associated car parking and landscaping was submitted by Balmer Developments Ltd. The buildings to be demolished include a former dwelling which was last used as an office, an adjacent dwelling and a number of associated outbuildings. The demolition was proposed to allow the redevelopment of the site for a 61 bedroom care home.

3.2 The application for the erection of the care home was being considered together with an application for conservation area consent for the demolition of a former office, dwelling and outbuildings on the site. This application (HM/17/0204) is also the subject of an appeal against non determination.

3.3 The application was being considered by officers and correspondence was sent to the applicant's agent in December 2017 requesting amendments to the design of the building to address concerns regarding the scale and design of the proposal. No correspondence was received in response to this request until 21 February 2018 when an amended design was submitted for the consideration and comment of the Planning Service. Prior to responding with comments on the revised proposal, an appeal against non determination of both the planning application and the application for conservation area consent was lodged with the Directorate for Planning and

Environmental Appeals (DPEA) on 27 February. Appeal regulations required the Council to set out its position on the proposal by the 20 March 2018, however due to the timing of the appeal and the requirement to report this to the Planning Committee, it was not possible to meet that timescale. DPEA has now confirmed that it will accept the Council's full submission on the appeal provided that it is received prior to 4 May 2018.

- 3.4 In terms of the appeal regulations, the Council must provide a statement on its view of the proposal. A report setting out the Planning Service's assessment and conclusion on the submitted application is attached (Appendix 1). In turn, it is requested that the Committee agree that if it were in a position to take a decision on the application, then it would be in accordance with the recommendation for refusal as set out in the attached report (Appendix 1). The decision will form part of any further statement(s) made in respect of the appeal.
- 3.5 The next steps in relation to the appeal would be, based on the assumption that the Committee endorses the recommendation, that this report is submitted to the Reporter as being the Council's position on the matter. The Council will be advised what, if any, further mechanism the Reporter will use to deal with the appeal i.e. written submissions, hearing, formal inquiry or a combination. The appellant has indicated a preference for the appeal to be dealt with by way of written submissions. Members of the public who submitted a representation have been offered a further opportunity to contribute to the appeal process.
- 3.6 A full assessment of the proposed development is set out in the attached report (Appendix 1) however the reasons for refusal are set out below.
- The proposal is contrary to Policies 4, 6 and 15 of the adopted South Lanarkshire Local Development Plan as it would not relate satisfactorily to adjacent development in terms of its layout and design, it would have a significant adverse impact on the residential and visual amenity of the area and it would fail to preserve or enhance the character of the Conservation Area and its setting.
 - The proposal is contrary to Policy NHE7 of the associated Supplementary Guidance as the character and appearance of the Conservation Area would not be preserved or enhanced by the proposed replacement development within the site.
 - The proposal is contrary to Scottish Planning Policy as the character and appearance of the Conservation Area would not be preserved or enhanced by the proposed replacement development within the site.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

19 April 2018

Link(s) to Council Objectives/Values/Ambitions

Work with communities and partners to promote high quality, thriving and sustainable communities

Previous References

- None

List of Background Papers

- Application for Conservation Area Consent HM/17/0204

Contact for Further Information

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

Jim Blake, Planning Officer, Montrose House, Hamilton
Ext 3657, (Tel: 01698 453657)
E-mail: jim.blake@southlanarkshire.gov.uk

Report to:	Planning Committee
Date of Meeting:	1 May 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application No	HM/17/0159
Planning Proposal:	Erection of a 61 bedroom care home with associated car parking and landscaping

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Balmer Developments Ltd
- Location : 1 Hamilton Road,
Bothwell

2 Recommendation(s)

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

- (1) Refuse Detailed Planning Permission – based on reasons attached.

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: Turley
- ◆ Council Area/Ward: 16 Bothwell and Uddingston
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 1 - Spatial Strategy
Policy 4 - Development Management and Place Making
Policy 6 - General Urban Area/Settlements
Policy 7 – Employment
Policy 15 – Natural and Historic Environment
Policy 16 - Travel and Transport
Policy 17 - Water Environment and Flooding

Development Management, Place Making and Design Supplementary Guidance (2015)
Policy NHE7 – Conservation Areas

- ◆ Representation(s):
▶ 86 Objection Letters

- ▶ 0 Support Letters
- ▶ 4 Comments Letter

◆ Consultation(s):

Roads & Transportation Services (Flood Risk Management Section)

Environmental Services

Roads Development Management Team

Countryside and Greenspace

Scottish Water

Bothwell Community Council

Historic Environment Scotland (HES)

West of Scotland Archaeology Service (WOSAS)

Planning Application Report

1 Application Site

- 1.1 The application relates to an area of land located off Hamilton Road at the southern edge of Bothwell. Whilst the site fronts Hamilton Road the existing access to the site is via Old Bothwell Road. The site extends to approximately 0.50 hectares and is mainly flat and rectangular in shape. The southern and eastern parts of the site slope down towards Old Bothwell Road and Hamilton Road respectively. The site is currently occupied by a large red sandstone detached dwelling known as Fairleigh House, a detached single storey dwelling and garage located at 10 Old Bothwell Road, a single storey building comprising an annexe to Fairleigh House and two more modern buildings located close to the Old Bothwell Road area of the site. The northern and south eastern areas of the site incorporate groups of large mature and semi trees which are protected by the site's designation within the Bothwell Conservation Area. The remainder of the site is a mixture of grassed open space and car parking.
- 1.2 The site is bounded to the north by residential properties, to the south and west by Old Bothwell Road and adjacent residential properties and to the east by Hamilton Road.

2 Proposal(s)

- 2.1 This is a detailed planning application for the erection of a 61 bedroom care home with associated car parking and landscaping. The existing buildings within the site would be demolished as part of the proposed development. The proposed building would be mainly three storeys in height with a floor area measuring approximately 4664 square metres. Due to the change in levels within the site an element of basement is incorporated in the design which would house the staff accommodation such as kitchen, plant and laundry, as well as a single wing of accommodation. The building is T-shape in design and has different frontages onto Hamilton Road and Old Bothwell Road. The longer leg of the building extends to the south and is punctuated with bays to break up the mass of the building. A central, glazed link is located at the junction of the T and is used as an entrance for communal facilities.
- 2.2 The proposed accommodation would be set over three levels and would include 61 bedrooms in addition to a reception and informal seating area at ground floor level, a hairdresser's and beauty salon at first floor level, a cafe at second floor level with a cinema room at lower ground level. The building's design would incorporate a series of traditional hipped roofs. Windows would be located on all elevations with Juliet style balconies incorporated on the main elevations and open terraces are provided at every level, accessible from the glazed link. The building would be finished with natural slate roof tiles, a mixture of render, stone and grey aluminium cladding on the exterior walls, light grey upvc windows and full height glass curtain walling.
- 2.3 The submitted layout shows the building accessed via a driveway off Old Bothwell Road with 26 car parking spaces located to the front and northern side elevations of the building. Bin stores would be located towards the rear of the western boundary of the site.
- 2.4 A Planning Statement, Design Statement, Transport Statement, Heritage Impact Assessment, Bat Survey, Preliminary Ecological Appraisal and Badger Survey were submitted with the application as supporting information.

3 Background

3.1 Local Plan Status

3.1.1 In terms of local plan policy, the application site is located within the general urban area and within the Bothwell Conservation Area. The proposal is affected by Policy 1 - Spatial Strategy, Policy 4 - Development Management and Place Making, Policy 6 - General Urban Area/Settlements, Policy 7 - Employment, Policy 15 – Natural and Historic Environment, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding of the adopted South Lanarkshire Local Development Plan. Supplementary guidance relating to conservation areas is provided in Supplementary Guidance 9 - Natural and Historic Environment and in particular Policy NHE7 – Conservation Areas. Additional design guidance is provided in the Development Management, Place Making and Design Supplementary Guidance. The above policies and how they relate to the proposal are discussed in detail in Section 6 of this report.

3.2 Relevant Government Advice/Policy

3.2.1 Scottish Planning Policy (SPP) states that proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it.

3.2.2 Historic Environment Scotland Policy Statement June 2016 states that, as with listed buildings, there is a presumption in favour of the retention of unlisted buildings in conservation areas where they make a positive contribution to the character, appearance, or history of the area. Proposals for demolition in a conservation area should be considered in conjunction with a full planning application for a replacement development. The key principle in such cases is that the character and appearance of the area should be preserved or enhanced. This allows consideration to be given to the potential contribution that the replacement building may make to the area's character and appearance. Demolition should not begin until evidence is given of contracts let either for the new development or for appropriate long-term treatment as open space where that outcome conforms to the character of the area. Gap sites could be harmful to the character of the area if allowed to lie undeveloped for a significant time between demolition and redevelopment.

3.3 Planning Background

3.3.1 The applicant submitted an associated application for conservation area consent for the demolition of a former office building, dwellinghouse and outbuildings within the site. This application was registered by the Council on 11 April 2017 and is also under consideration as a separate item at this Planning Committee (HM/17/0204).

3.3.2 Conservation area consent was granted for the demolition of the existing dwellinghouse/garage at 10 Old Bothwell Road on 10 August 2015. The land and buildings relating to 10 Old Bothwell Road are located within the northern part of the current application site.

3.3.3 Detailed planning permission was granted for the demolition of the existing dwellinghouse/garage and the erection of a replacement dwellinghouse at 10 Old Bothwell Road on 31 July 2015. As discussed, the land and buildings relating to 10 Old Bothwell Road are located within the northern part of the current application site.

4 Consultation(s)

- 4.1 **Environmental Services** – have no objections to the proposal subject to a condition requiring the submission of a scheme for the control and mitigation of dust. Informatives should also be attached to any consent granted advising the applicant of appropriate hours for audible construction works at the site, matters relating to demolition and asbestos, potential contamination, smoke control and health and safety matters.
Response: Noted.
- 4.2 **Countryside and Greenspace** – the preliminary ecological assessment report and bat survey have both been carried out to an acceptable standard by appropriately qualified surveyors. Whilst there is some evidence of bat activity across the site, based on the dawn/dusk survey there appears to be no evidence of bats being present in the buildings. A further survey should be undertaken in spring 2018 if the buildings have not been demolished.
Response: Noted.
- 4.3 **Roads Development Management Team** – have no objections to the proposal subject to conditions requiring the provision of a dropped kerb access, additional 25 car parking spaces and surface water trapping. The parking courtyards should have bay dimensions of 2.5 metres x 5.0 metres and have a central aisle width of 6.0 metres. It would appear from the drawings provided the applicant has not achieved this minimum requirement. There is potential for visitors to park on Old Bothwell Road. The applicant should consider this issue when re-visiting the size of the parking courtyard.
Response: Noted.
- 4.4 **Roads and Transportation Services (Flood Risk Management)** – have no objections to the proposal subject to conditions requiring the submission of sustainable urban drainage details (SUDS) and a flood risk assessment and independent check for the Council's approval.
Response: Noted.
- 4.5 **Scottish Water** – no response to date.
Response: Noted.
- 4.6 **Bothwell Community Council** – note that the community has significant concerns about the development as proposed. Relevant objections that we have identified include: layout and density in a residential area; design, appearance and materials; overlooking and loss of privacy; loss of light and overshadowing; drainage infrastructure; effect on character in conservation village; nature conservation (wildlife and trees); parking provision; road safety; traffic generation; noise and disturbance; odours and proximity of bins to dwellings; planning policy at local and government level. Old Bothwell Road should be widened at the southern end to the appropriate standard taking into account goods vehicles that would service such a development.
Response: Noted.
- 4.7 **Historic Environment Scotland (HES)** – the applicant has supplied a Desk Based Cultural Heritage Assessment in support of their application. This considered the proposal's potential impacts on physical remains associated with the Battle of Bothwell Bridge and potential impacts on an ability to appreciate the battlefield landscape. The assessment recommended mitigation for potential impacts and the proposed scheme has been adjusted partly in response to those recommendations. (HES) have been supplied with information illustrating those adjustments. Having

reviewed the submitted information our conclusion remains that the proposed development is unlikely to have sufficient adverse effects that we would consider objecting – we therefore do not object to the amended proposals on the basis of the impact upon this historic battlefield.

Response: Noted.

- 4.8 **West of Scotland Archaeology Service (WOSAS)** – while WOSAS would not necessarily consider the principle of construction of a care home at this location to be incompatible with the aim of protecting and enhancing the Inventory battlefield, the scale and mass of the buildings proposed under the current application appears likely to have a significant detrimental impact on one of the few remaining sections on the northern bank of the river where it is still possible for the observer to understand the layout of the battlefield. While this consideration may not be of sufficient magnitude for the Council to consider outright refusal of the application, on the basis that a significant proportion of the battlefield has already been substantially altered by modern development, it is suggested that the Council should give consideration to asking the developer to reduce the size and height of the buildings proposed. Should the Council feel that the effect of the development on the visual appearance of the battlefield is acceptable and would intend to grant planning consent, a condition should be attached to this consent requiring the developer to appoint a professional archaeological contractor to undertake a programme of work designed to mitigate the direct impact of construction on physical remains associated with the battle. Although it is acknowledged that construction of the existing building and its associated areas of car-parking will have resulted in a certain amount of disruption to any sub-surface archaeological material that may be present, the socio-cultural, historical, and archaeological significance of the nationally designated battlefield is such that archaeological intervention would be necessary to ensure that any such material affected by the proposal was adequately recorded.

Response: Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the Hamilton Advertiser under the headings Development Affecting the Character of the Conservation Area and Non-Notification of Neighbours. Eighty six letters of representation have been received in relation to the application in addition to four letters of comment. The grounds of objection are summarised below:

- a) **The design of the proposed building is not in keeping with the rest of the properties in the street. This is a conservation village and this will be an industrial building on a residential street. The existing building on site, whilst not listed, does provide significant value to the conservation area and street frontage. The loss of this building will therefore have a negative impact on the built heritage in the area.**

Response: The proposed building is considered to be inappropriate in terms of its design and layout and this matter is discussed in detail in Section 6 of this report. A number of representations submitted make reference to the demolition of the existing buildings on the site. These matters are addressed in detail in the report for planning application HM/17/0204 which is also under consideration as a separate item at this Planning Committee.

- b) **There are already sewerage pipe problems in the street and adding to the issue will only make matters worse.**

Response: Whilst no consultation response was received from Scottish Water in this regard any building constructed would have to ensure the provision of an acceptable sewerage system within the site.

- c) **There is car parking proposed for only 29 cars which is not nearly enough to accommodate all staff and visitors i.e. nurses, occupational therapists, doctors and advisors plus the families of the residents. The end result will be that cars will have no alternative but to park along Old Bothwell Road. The street is very narrow at some point and this will obviously create a major hazard to road users and pedestrians. There are no pavements at some points in the street, compounding the potential hazard. The bend on Old Bothwell Road is a particular traffic hazard as two commercial vehicles cannot pass on the bend and the proposed care home will have commercial vehicles visiting regularly. At present when the refuse lorry uplifts the bin from my driveway, cars coming down the road have to exercise extreme caution to pass the refuse lorry.**

Response: Subject to conditions, Roads and Transportation Services are satisfied that the proposal raises no access, parking or road safety issues.

- d) **The volume of traffic likely to be generated from the care home is unacceptable for a residential area. The bend on entering Old Bothwell Road is extremely narrow and very steep, this particular part of the road is a hazard at the moment without adding additional traffic.**

Response: Roads and Transportation Services are satisfied that the proposal raises no access, parking or road safety issues.

- e) **The noise generated by visitors and staff as well as other necessary services and traffic from such a vast site will have an adverse impact on the neighbourhood,. The site presently incorporates a residential dwelling and the proposal is for an extensive commercial operation housing 60 number of residents and staff. It is not clear from the submission the number of day and night staff that will be working on site, we would be grateful if this can be clarified. The refuse collection, deliveries, staff movements and visitors related to this will have a significant adverse impact on this quiet residential street.**

Response: The Operational Statement submitted by the applicants estimates that the care home would employ around 120 members of staff. This would be in a variety of full and part time positions, and would be spread across a twenty four hour period seven days a week. Environmental Services raised no adverse comments in relation to noise from the development and it is considered that noise generated by visitors, staff and necessary services would not have a significant adverse impact on the residential amenity of the area.

- f) **The site has no specific land use allocation, although it is within the Bothwell Conservation Area. We note the main policy consideration for the application being Policy 4 - Development Management and Placemaking, and Policy 15 - Natural and Historic Environment.**

Response: The application is assessed against the above policies in Section 6 of this report.

- g) **The site is located within a prominent position and in full view of pedestrians and commuters accessing the village and conservation area. A four storey commercial building is the first impression anyone will have when they enter the “conservation village” from the Bothwell Bridge. The building would be on an elevated position so it would dominate the entrance to the “conservation village” of Bothwell from Hamilton Road and Bellshill Road.**

Response: The site is located in a prominent position when viewed from Hamilton Road and the A725 slip road. The prominence of the site is a key consideration in the assessment of the application and this matter is discussed in detail in Section 6 of this report.

- h) **The cost implications for any developer should not be allowed to override the strict building regulations which apply to conservation areas.**

Response: The proposal has been assessed against the Council's relevant policies and design guidance in Section 6 of this report.

- i) **There will be a significant adverse impact on the adjacent houses in proximity to the proposed development. The proposal is over development of the site and out of context with the existing buildings on Old Bothwell Road. In terms of scale and mass it is significantly larger than any of the houses on the street and at three storeys in height will result in privacy and daylighting failures on the street.**

Response: It is considered that the proposal does not relate satisfactorily to the directly adjacent development at 12 Old Bothwell Road in terms of its design, layout, scale and massing. However, due to the orientation of the building and its distance from adjacent properties it is considered that the proposal will have no significant adverse impact on existing properties in terms of overshadowing and loss of privacy.

- j) **The proposal is out of keeping with the conservation area as any development must have a high quality of materials and finishes which respect the character of the conservation area.**

Response: Whilst finish materials are an important aspect in the assessment of design matters there are a variety of finish materials located within this particular part of the Conservation Area. Dwellings located within this area have been finished with either slate or tiled roofs, sandstone, render or brick walls and timber or UPVC windows and doors.

- k) **There are a number of mature trees on site which it is assumed are to be felled given they do not appear in the proposed layout plans. The mature planting fronting onto Hamilton Road presently provides a very attractive entrance to Bothwell, from Bothwell Bridge. The loss of this planting will have a significant adverse impact on the landscape character of the area.**

Response: It is considered that an amended layout could be designed to accommodate more of the existing trees on site in addition to an improved replacement planting scheme which could ensure the continuity of appropriate landscaping that contributes to the character of the area.

- l) **Whilst we are not aware of any protected species on site we would expect a Phase 1 habitat survey to be completed as part of the development proposals. As a minimum, a bat roosting survey should be carried out at the appropriate times given the amount of buildings on site that could provide roosts for bats.**

Response: A Bat Survey, Preliminary Ecological Appraisal and Badger Survey were submitted with the application as supporting information. The content and findings of the surveys have been assessed and are considered to be acceptable. Whilst there is some evidence of bat activity across the site there appears to be no evidence of bats being present in the buildings. However, it is recommended that a further survey should be undertaken in spring 2018 if the buildings have not been demolished.

- m) **A daylight and sunlight analysis should be completed for the proposed development, given the scale of the proposal in relation to existing properties adjacent. There are concerns that there will be a negative impact on daylight and sunlight for habitable rooms in a number of the houses on Bothwell Road if this proposal is granted planning permission.**

Response: Due to the orientation of the proposed building and its distance from adjacent properties it is considered that the proposal will have no significant adverse impact on existing properties in terms of overshadowing and loss of daylight or sunlight.

- n) **The location of the bin store for the entire development adjacent to an existing house on the street is inappropriate and will give rise to unacceptable amenity issues for residents. There will be an impact from the noise of bins being opened and closed at all times during the day and odour issues given the proximity to residents.**

Response: No adverse comments were raised by Environmental Services in relation to noise and odours from the proposed bin store area. Whilst the applicant had agreed in principle to re-locate the bin store towards the rear of the site no amended plans were formally submitted in this regard to allow for re-notification of neighbours.

- o) **The development is wholly inappropriate for this quiet residential street. The increase in commercial and visitor traffic from this proposal will have serious public safety issues in this quiet residential street. Old Bothwell Road is a narrow street that can barely take two passing vehicles from Hamilton Road. The increase in traffic movements related to this proposal will be highly inappropriate for this location and will result in both traffic safety concerns and increased vehicles movements in a very quiet street.**

Response: Subject to conditions, Roads and Transportation Services are satisfied that the proposal raises no, access, parking or road safety issues.

- p) **Road safety and traffic generation - Old Bothwell Road is a narrow street and already has issues with safety particularly at the steep hill and bend. With the additional traffic this development would bring the safety concerns would be magnified. I have 2 children who regularly cycle to school and to local parks and I would be extremely concerned with this extra volume of traffic on old Bothwell Road.**

Response: Subject to conditions, Roads and Transportation Services are satisfied that the proposal raises no, access, parking or road safety issues.

- q) **There will be a loss of privacy and daylight to myself and adjoining neighbours, and in particular to No. 12 Old Bothwell Road. It is inconsiderate that a company would propose building a four storey care home adjacent to an existing domestic property. The proposed elevation looking on to numbers 12 and 14 Old Bothwell Road will have 14 or more bedrooms overlooking the main entrance to their home as well as a kitchen window and bin store which they will pass every time they enter or exit their driveway. The 12 parking bays, odours from the kitchen and odours from the bin stores will curtail any leisure they could have in their garden.**

Response: The windows of the proposed building would be located in a position which exceeds the minimum distance required between directly facing habitable windows. On this basis, it is considered that the proposal will have no significant adverse impact on adjacent properties in terms of overlooking and loss of privacy. Whilst I have concerns regarding the overbearing impact the building would have on the adjacent property at 12 Old Bothwell Road in terms of its scale and massing, it is considered that the development will have no significant adverse impact on this property in terms of loss of daylight.

- 5.2 These letters are available for inspection in the usual manner and on the Council's Planning Portal.

6 Assessment and Conclusions

- 6.1 This is a detailed planning application for the erection of a 61 bedroom care home with associated car parking and landscaping with the existing buildings within the site being demolished as part of the proposed development. The determining issues in

consideration of this application are its compliance with national and local plan policy and its impact on the amenity of adjacent properties, the character of the Conservation Area and the local road network.

- 6.2 In terms of national planning policy, Scottish Planning Policy (SPP) states that proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it.
- 6.3 Historic Environment Scotland Policy Statement June 2016 states that, as with listed buildings, there is a presumption in favour of the retention of unlisted buildings in conservation areas where they make a positive contribution to the character, appearance, or history of the area. Proposals for demolition in a conservation area should be considered in conjunction with a full planning application for a replacement development. The key principle in such cases is that the character and appearance of the area should be preserved or enhanced. This allows consideration to be given to the potential contribution that the replacement building may make to the area's character and appearance. Demolition should not begin until evidence is given of contracts let either for the new development or for appropriate long-term treatment as open space where that outcome conforms to the character of the area. Gap sites could be harmful to the character of the area if allowed to lie undeveloped for a significant time between demolition and redevelopment. In this instance, it is considered that the proposal does not comply with national planning policy as it would not relate satisfactorily to adjacent development in terms of its layout, scale and massing, it would have a significant adverse impact on the visual amenity of the area and it would fail to preserve or enhance the character of the Conservation Area and its setting.
- 6.4 In terms of local plan policy, the application site is located within a general urban area and within the Bothwell Conservation Area. The proposal is affected by Policy 1 - Spatial Strategy, Policy 4 - Development Management and Place Making, Policy 6 - General Urban Area/Settlements, Policy 7 - Employment, Policy 15 - Natural and Historic Environment, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding of the adopted South Lanarkshire Local Development Plan. Supplementary guidance relating to conservation areas is provided in Supplementary Guidance 9 - Natural and Historic Environment and in particular Policy NHE7 - Conservation Areas. Additional design guidance is provided in the Development Management, Place Making and Design Supplementary Guidance.
- 6.5 Policy 1 encourages sustainable economic growth and regeneration, protection and enhancement of the built and natural environment and a move towards a low carbon economy. This will be achieved by supporting regeneration activities and maximising regeneration and economic benefits and the delivery of the development proposals identified in Table 3.1 of the Local Development Plan. In this instance, the application site is located in a sustainable location and it is considered that the proposal could provide regeneration benefits through the re-development of a previously developed site. A number of mature trees require to be felled to accommodate the development and it is considered that an amended layout could be designed to accommodate more of the existing trees on site in addition to an improved replacement planting scheme which could enhance the natural environment and ensure the continuity of appropriate landscaping in the area to conform with the above policy.

- 6.6 Policy 7 states that the Council will support sustainable economic growth and regeneration by encouraging the development of business in South Lanarkshire. As it is anticipated that the provision of a care home on the site will enhance the employment opportunities in the area through the management and operation of the facility it is considered that the proposal conforms with Policy 7.
- 6.7 In terms of design the layout and design of the proposal, Policies 4 and 6 generally resist development that will be detrimental to amenity and seek well designed proposals which integrate successfully with their surroundings and make a positive contribution to the character and appearance of the urban environment. As the application site is located within a conservation area, Policy 15 is also relevant to the assessment of the layout and design of the proposal. This policy states that the Council will assess all development proposals in terms of their effect on the character and amenity of the natural and built environment. The Council will seek to protect important natural and historic sites and features from adverse impacts resulting from development, including cumulative impacts. The application site is located within The Bothwell Conservation Area which is designated as a Category 3 site under the terms of this policy. In Category 3 areas, development which would affect these areas following the implementation of mitigation measures will only be permitted where there is no significant adverse impact on the protected resource. Where possible, any development proposals which affect natural and historic designations should include measures to enhance the conservation value of the site affected.
- 6.8 The above policy is supported by Policy NHE7 – Conservation Areas of the Council's Supplementary Guidance which advises that Development and demolition within a conservation area or affecting its setting shall preserve or enhance its character and be consistent with any relevant conservation area appraisal or management plan that may have been prepared for the area. The design, materials, scale and siting of any development shall be appropriate to the character of the conservation area and its setting. Trees which are considered by the Council to have amenity value and contribute to the character and appearance of the conservation area shall be preserved. Given the importance of assessing design matters, planning applications in principle will not normally be considered appropriate for developments in conservation areas. Where appropriate, consents to demolish buildings within conservation areas will be subject to conditions which prohibit demolition until a contract has been let for the redevelopment of the site in accordance with a development scheme which has been approved by the Council.
- 6.9 The supporting information submitted with the application advises that the site has been vacant for several years and that the existing building is at risk of vandalism. It states that the site has been on the market for some time and it has not proved an attractive proposition for any alternative purpose such as retaining it as residential property due to the significant cost involved in the repairs required to the fabric of the building. The supporting information recognises that the existing building does have some importance in terms of its influence on the character of the conservation area as a result of some of its architectural features.
- 6.10 Whilst the above supporting information has been taken into account in the assessment of this application and the associated application for conservation area consent (HM/17/0204) I am not satisfied that the proposed care home has been appropriately designed to be in keeping with the Conservation Area and to a degree that justifies the demolition of the existing sandstone building in the site. Whilst particular aspects of the proposal are considered to be acceptable, overall, the proposed care home in its current form is considered to be an inappropriate form of development that would not relate satisfactorily to adjacent development in terms of

its design, layout, scale and massing. Consequently, it is considered that the proposal would have a significant adverse impact on both the residential and visual amenity of the area and it would fail to preserve or enhance the character of the Conservation Area and its setting.

- 6.11 In terms of visual amenity and the proposed building's impact on the character of the Conservation Area, the proposed care home would be located in a highly prominent position when viewed from Hamilton Road and the A725 slip road to the east of the site. Indeed, the eastern edge of this southern strip of the Conservation Area forms an important gateway into Bothwell. The site's long frontage onto Hamilton Road gives it a strong presence that makes it a focal point on the street. Whilst it is accepted that an element of screening would be incorporated into the development to help reduce any impact the care home would still be highly visible to anyone approaching the site from the southern end of Bothwell Conservation Area. The eastern leg of the building, as designed, appears bulky in terms of its scale and massing and would require to be set back a considerable distance from Hamilton Road to ensure that the building has no adverse impact on the streetscape and the Conservation Area at this particular location. In its current form, it is considered that the building would over dominate the street scene on Hamilton Road and significantly detract from the character and appearance of the streetscape when viewed from this part of the Conservation Area. It is, therefore, considered that the care home as currently designed is an inappropriate and incongruous form of development at this location as it fails to preserve or enhance the character of the Conservation Area and its setting.
- 6.12 In addition to the proposal's impact on visual amenity, it is considered that the footprint of the proposed building as submitted is inappropriate as it represents overdevelopment of the site and would lead to an adverse impact on both residential amenity and the landscaping within the site which contributes to the character of the area. In terms of residential amenity, due to the close proximity of the north elevation of the proposed building to the existing property at 12 Old Bothwell Road, it is considered that the scale of the proposed building is excessive in this particular area and that it would over dominate and overwhelm that dwellinghouse to the extent that it would have an adverse impact on the amenity of the property. It is considered that the proposed building would have to be stepped further away from the northern boundary to render it acceptable in this regard.
- 6.13 In terms of landscaping, the northern and southern parts of the site incorporate areas of mature trees which are protected by the site's designation within the Bothwell Conservation Area and a number of trees require to be felled to accommodate the proposed development. As discussed above, it is considered that an amended layout could be designed to accommodate more of the existing trees on site in addition to an improved replacement planting scheme which could ensure the continuity of appropriate landscaping that contributes to the character of the area.
- 6.14 With regard to other material considerations relevant to the proposal, it is considered that the finish materials for the proposed development are of a relatively high standard that would not be out of keeping with the variety of finish materials in the surrounding area. Due to the orientation of the building and its distance from adjacent properties it is also considered that the proposal will have no significant adverse impact on existing properties in terms of overshadowing and loss of privacy and that the character and amenity of the area will not be adversely impaired by reason of traffic generation, intensity of use, parking, noise or odours to a significant degree. However, for the reasons discussed above it is considered that the proposed development would not relate satisfactorily to adjacent development in terms of its layout, scale and design, it would have an adverse impact on the residential amenity of neighbours and a

detrimental effect on the visual amenity of the area. On this basis, I am not satisfied that the proposal meets the terms of Policies 4, 6, 15 and NHE7.

- 6.15 It should be noted that amended plans were submitted to the Council following detailed discussions between the Planning Service and the applicant. However, these plans were submitted immediately prior to the applicant lodging an appeal to the Scottish Ministers against non-determination of the application and they were not under consideration at the time of the appeal. The plans were not formally submitted to enable the re-notification of neighbours and provide an opportunity to comment on the amended design which in this instance is considered necessary due to the significant number of residents that submitted representation to the application.
- 6.16 Policy 16 - Travel and Transport 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. It goes on to say that existing and proposed walking and cycling routes will be safeguarded, including former railway lines which can provide walking, cycling and horse riding opportunities. The site is accessible by public transport and the development would be well integrated into existing walking and cycling networks. Furthermore, Roads and Transportation Services are satisfied that the proposal raises no access, parking or road safety issues. It is, therefore, considered that the proposal will not have an adverse impact on traffic flows or road safety and that the proposal complies with the terms of Policy 16.
- 6.17 Policy 17 - Water Environment and Flooding states that any development proposals which have a significant adverse impact on the water environment will not be permitted. It is considered that the development will have no significant adverse impact on the water environment and any consent granted would be suitably conditioned to ensure the provision of a sustainable urban drainage system (SUDS) within the site. It is, therefore, considered that the proposal complies with the terms of Policy 17.
- 6.18 In summary, whilst particular aspects of the building's design are considered to be acceptable, overall, the proposed care home is considered to be an inappropriate and incongruous form of development at this location. The proposal does not comply with local plan policy as it is considered that it would not relate satisfactorily to adjacent development in terms of its layout, scale and massing, it would have a significant adverse impact on the residential and visual amenity of the area and it would fail to preserve or enhance the character of the Conservation Area and its setting. I would, therefore, recommend that the application be refused.

7 Reasons for Decision

- 7.1 The proposal is contrary to Scottish Planning Policy (SPP), Policies 4, 6, and 15 of the adopted South Lanarkshire Local Development Plan and Policy NHE7 of the associated Supplementary Guidance as it represents an inappropriate and incongruous form of development within the Conservation Area which would have an adverse affect on the Conservation Area in general and the streetscape in particular.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

9 April 2018

Previous References

HM/17/0204

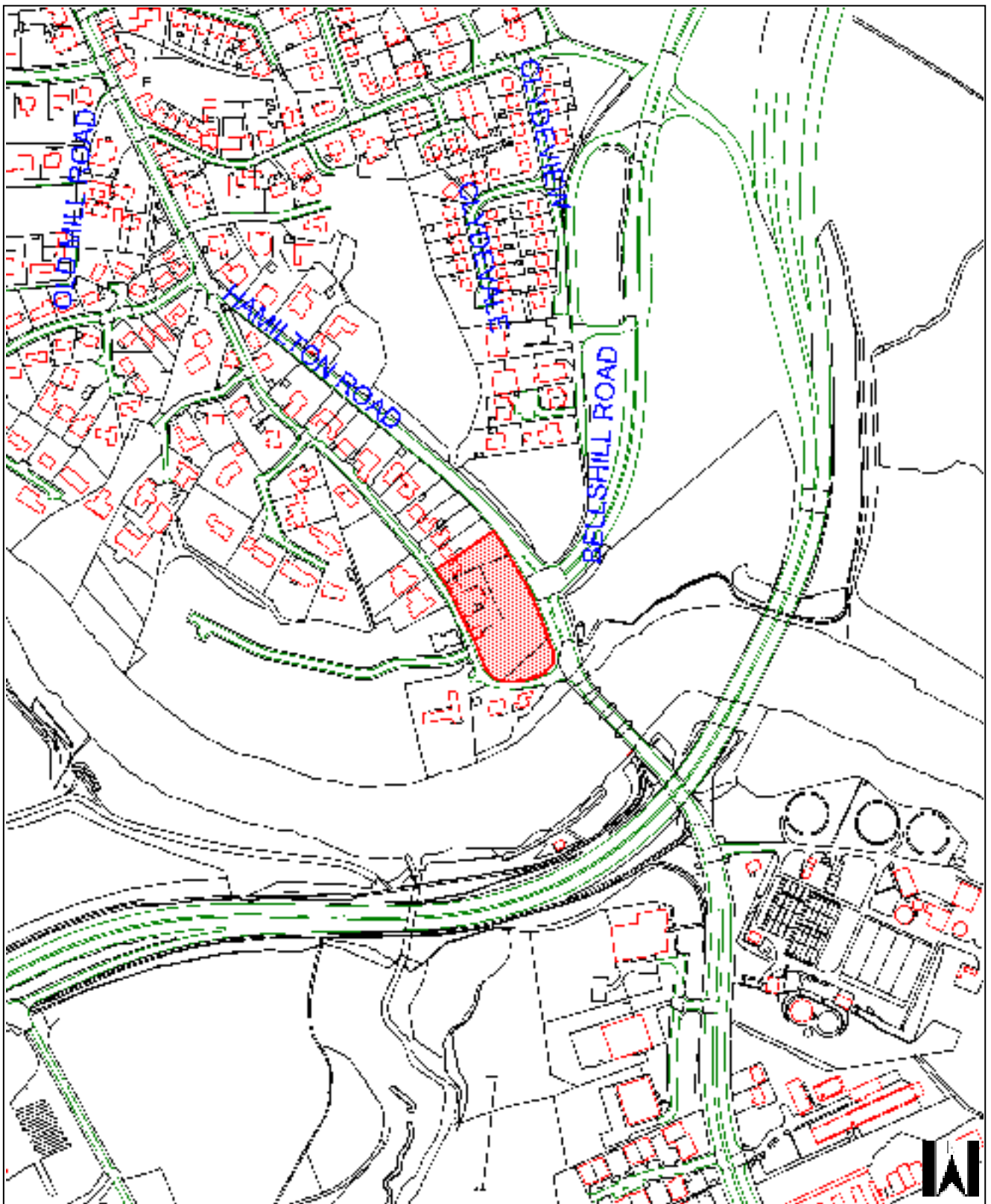
List of Background Papers

- Application Form
- Application Plans
- South Lanarkshire Local Development Plan (2015)
- Development Management Place Making and Design Supplementary Guidance (2015)
- Neighbour notification letter dated 11.04.2017
- Press advertisement, Hamilton Advertiser dated 20.04.2017

REASONS FOR REFUSAL

- 1 The proposal is contrary to Policies 4, 6 and 15 of the adopted South Lanarkshire Local Development Plan as it would not relate satisfactorily to adjacent development in terms of its layout and design, it would have a significant adverse impact on the residential and visual amenity of the area and it would fail to preserve or enhance the character of the Conservation Area and its setting.
- 2 The proposal is contrary to Policy NHE7 of the associated Supplementary Guidance as the character and appearance of the Conservation Area would not be preserved or enhanced by the proposed replacement development within the site.
- 3 The proposal is contrary to Scottish Planning Policy as the character and appearance of the Conservation Area would not be preserved or enhanced by the proposed replacement development within the site.

For information only



For information only

Report

Report to:	Planning Committee
Date of Meeting:	1 May 2018
Report by:	Executive Director (Community and Enterprise Resources)

Subject:	Appeal Against Non-determination of Application for Conservation Area Consent for the demolition of former office building, dwellinghouse and outbuildings at 1 Hamilton Road, Bothwell
----------	---

1. Purpose of Report

1.1. The purpose of the report is to:-

- Seek approval to establish the Council's position in dealing with the appeal against the non-determination of an application seeking Conservation Area Consent for the demolition of former office building, dwellinghouse and outbuildings.

2. Recommendation(s)

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

- (1) that the Council's position in dealing with the appeal is based on the recommendation to refuse application HM/17/0204 as set out in the attached report (Appendix 1).

3. Background

- 3.1 Members will be aware that an application for Conservation Area Consent was submitted, by Balmer Developments Ltd., to demolish the existing buildings at 1 Hamilton Road, Bothwell. The buildings include a former dwelling which was last used as an office, an adjacent dwelling and a number of associated outbuildings. The demolition was proposed to allow the redevelopment of the site for a 60 bedroom care home.
- 3.2 The application for the demolition of the care home was being considered together with a planning application for the erection of the care home on the same site. This application (HM/17/0159) is also the subject of an appeal against non determination.
- 3.3 The application was being considered by officers and correspondence was sent to the applicant's agent in December 2017 requesting amendments to the design of the building to address concerns regarding the scale and design of the proposal. No correspondence was received in response to this request until 21 February 2018 when an amended design was submitted for comment by the Planning Service. Prior to responding with comments on the revised proposal, an appeal against non determination of both the planning application and the application for conservation area consent was lodged with the Directorate for Planning and Environmental Appeals (DPEA) on 27 February. Appeal regulations required the Council to set out its position on the proposal by the 20 March 2018, however, due to the timing of the

appeal and the requirement to report this to the Planning Committee, it was not possible to meet that timescale DPEA has confirmed that it will accept the Council's full submission on the appeal provided that it is received prior to 4 May 2018.

- 3.4 In terms of the appeal regulations, the Council must provide a statement on its view of the proposal. A report setting the Planning Service's assessment and conclusion on the submitted application is attached (Appendix 1). In turn, it is requested that the Committee agree that if it were in a position to take a decision on the application, then it would be in accordance with the recommendation for refusal as set out in the attached report (Appendix 1). The decision will form part of any further statement(s) made in respect of the appeal.
- 3.5 The next steps in relation to the appeal would be, based on the assumption that the Committee endorses the recommendation, that this report is submitted to the Reporter as being the Council's position on the matter. The Council will be advised what, if any, further mechanism the Reporter will use to deal with the appeal i.e. written submissions, hearing, formal inquiry or a combination. The appellant has indicated a preference for the appeal to be dealt with by way of written submissions. Members of the public who submitted a representation have been offered a further opportunity to contribute to the appeal process.
- 3.6 A full assessment of the proposed development is set out in the attached report (Appendix 1) however the reasons for refusal are stated below:
- The proposal is contrary to Policies 4, 6 and 15 of the adopted South Lanarkshire Local Development Plan as it would not relate satisfactorily to adjacent development in terms of its layout and design, it would have a significant adverse impact on the residential and visual amenity of the area and it would fail to preserve or enhance the character of the Conservation Area and its setting.
 - The proposal is contrary to Policy NHE7 of the associated Supplementary Guidance as the character and appearance of the Conservation Area would not be preserved or enhanced by the proposed replacement development within the site.
 - The proposal is contrary to Scottish Planning Policy as the character and appearance of the Conservation Area would not be preserved or enhanced by the proposed replacement development within the site.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

19 April 2018

Link(s) to Council Objectives/Values/Ambitions

- Work with communities and partners to promote high quality, thriving and sustainable communities

Previous References

- None

List of Background Papers

- Application for Conservation Area Consent HM/17/0204

Contact for Further Information

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

Jim Blake, Planning Officer, Montrose House, Hamilton

Ext 3657, (Tel: 01698 453657)

E-mail: jim.blake@southlanarkshire.gov.uk

Report to:	Planning Committee
Date of Meeting:	1 May 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application No	HM/17/0204
Planning Proposal:	Demolition of former office building, dwellinghouse and outbuildings (Conservation Area Consent)

1 Summary Application Information

- Application Type : Conservation Area Consent
- Applicant : Balmer Developments Ltd
- Location : 1 Hamilton Road,
Bothwell

2 Recommendation(s)

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

- (1) Refuse Conservation Area Consent – based on reasons attached.

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: Turley
- ◆ Council Area/Ward: 16 Bothwell and Uddingston
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 - Development Management and Place Making
Policy 15 – Natural and Historic Environment

Development Management, Place Making and Design Supplementary Guidance (2015)
Policy NHE7 – Conservation Areas

- ◆ Representation(s):
 - ▶ 29 Objection Letters
 - ▶ 0 Support Letters
 - ▶ 1 Comments Letter
- ◆ Consultation(s):

Bothwell Community Council

Historic Environment Scotland (HES)

West of Scotland Archaeology Service (WOSAS)

Planning Application Report

1 Application Site

- 1.1 The application relates to an area of land located off Hamilton Road at the southern edge of Bothwell. Whilst the site fronts Hamilton Road the existing access to the site is via Old Bothwell Road. The site extends to approximately 0.50 hectares and is mainly flat and rectangular in shape. The southern and eastern parts of the site slope down towards Old Bothwell Road and Hamilton Road respectively. The site is currently occupied by a large red traditional sandstone detached dwelling known as Fairleigh House, a detached single storey dwelling and garage located at 10 Old Bothwell Road, a single storey building comprising an annexe to Fairleigh House and two more modern buildings located close to the Old Bothwell Road area of the site. The northern and south eastern areas of the site incorporate groups of large mature and semi mature trees which are protected by the site's designation within the Bothwell Conservation Area. The remainder of the site is a mixture of grassed open space and car parking.
- 1.2 The site is bounded to the north by residential properties, to the south and west by Old Bothwell Road and adjacent residential properties and to the east by Hamilton Road.

2 Proposal(s)

- 2.1 The applicant seeks conservation area consent for the demolition of a former office building, dwellinghouse and outbuildings within the site. As discussed, the site is currently occupied by a large red traditional sandstone detached dwelling known as Fairleigh House, a detached single storey dwelling and garage located at 10 Old Bothwell Road, a single storey building comprising an annexe to Fairleigh House and two more modern buildings located close to the Old Bothwell Road area of the site. The proposed demolition is required to facilitate the redevelopment of the site for the erection of a care home with associated access and infrastructure which is the subject of a separate detailed planning application under reference HM/17/0159.
- 2.2 A Planning Statement, Design Statement, Transport Statement, Heritage Impact Assessment, Bat Survey, Preliminary Ecological Appraisal and Badger Survey were submitted with the application as supporting information.

3 Background

3.1 Local Plan Status

- 3.1.1 In terms of local plan policy, the application site is located within the general urban area and within the Bothwell Conservation Area. The proposal is affected by Policy 4 - Development Management and Place Making and Policy 15 – Natural and Historic Environment. Supplementary guidance relating to conservation areas is provided in Supplementary Guidance 9 - Natural and Historic Environment and in particular Policy NHE7 – Conservation Areas. Additional design guidance is provided in the Development Management, Place Making and Design Supplementary Guidance. The above policies and how they relate to the proposal are discussed in detail in Section 6 of this report.

3.2 Relevant Government Advice/Policy

- 3.2.1 Scottish Planning Policy (SPP) states that proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the

conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it.

- 3.2.2 Historic Environment Scotland Policy Statement June 2016 states that, as with listed buildings, there is a presumption in favour of the retention of unlisted buildings in conservation areas where they make a positive contribution to the character, appearance, or history of the area. Proposals for demolition in a conservation area should be considered in conjunction with a full planning application for a replacement development. The key principle in such cases is that the character and appearance of the area should be preserved or enhanced. This allows consideration to be given to the potential contribution that the replacement building may make to the area's character and appearance. Demolition should not begin until evidence is given of contracts let either for the new development or for appropriate long-term treatment as open space where that outcome conforms to the character of the area. Gap sites could be harmful to the character of the area if allowed to lie undeveloped for a significant time between demolition and redevelopment.

3.3 **Planning Background**

- 3.3.1 The applicant submitted a detailed planning application for the erection of a 61 bedroom care home with associated car parking and landscaping within the site. This application was registered by the Council on 11 April 2017 and is also under consideration as a separate item at this Planning Committee (HM/17/0159).
- 3.3.2 Conservation area consent was granted for the demolition of the existing dwellinghouse/garage at 10 Old Bothwell Road on 10 August 2015. The land and buildings relating to 10 Old Bothwell Road are located within the northern part of the current application site.
- 3.3.3 Detailed planning permission was granted for the demolition of the existing dwellinghouse/garage and the erection of a replacement dwellinghouse at 10 Old Bothwell Road on 31 July 2015. As discussed, the land and buildings relating to 10 Old Bothwell Road are located within the northern part of the current application site.

4 **Consultation(s)**

- 4.1 **Bothwell Community Council** – recognises the concerns of the community regarding the complete removal of the building and all character features and we note the building is specifically identified within the defined Conservation Area. However, we understand that the main building has been subject to intruders resulting in vandalism and internal fires, and we are uncertain of its current condition. We note specific comment (in the associated application HM/17/0159) by local resident and specialist conservation architect Mr George Waterston, who suggests that the existing building could be utilised. We would respectfully request that such professional opinion should be weighed up against a 'do nothing' situation (perhaps resulting in further deterioration) and the practicability of incorporating as much of the existing building as possible into any proposed development, taking into account regulations governing any specialised use.

Response: Noted.

- 4.2 **Historic Environment Scotland** – 1 Hamilton Road and its garden ground are an important anchor point at the southern end of Bothwell Conservation Area. It is our view that proposals to demolish the building would detrimentally affect this part of the

conservation area to a significant degree, and therefore that every effort should be made to retain it. The conservation area at this point stretches down in a narrow strip to the A-listed Bothwell Bridge. A cluster of modern houses between 1 Hamilton Road and the bulk of the conservation area mean that 1 Hamilton Road plays a particularly important part in providing coherence and continuity to the historic character of this strip. The building's long elevation to Old Bothwell Road gives it a strong presence that makes it a focal point on the street, particularly when approached from the north. This presence is enhanced by the characterful composition of deep-eaved gables, oriel window and chimney stacks. The view of the house from Hamilton Road is, at present, largely obscured by shrubs, but the prominent hillside location of the site means that the house has the potential to contribute positively to the conservation area in views from the east. The eastern edge of this southern strip of the conservation area forms an important gateway to Bothwell, both in the approach from Hamilton and from the A725 slip road. The grass bank of the garden is a prominent feature at the junction and effectively provides a substantial part of the small but important amount of green space that visually separates Bothwell from Hamilton. Because the house makes such a significant contribution to the character of the Conservation Area, there is a presumption in favour of its retention and, as mentioned above, every effort should be made to do so. We note that the applicant has considered incorporating the existing building into their care home, and we accept that it is not suitable for that purpose. However, it does not appear that other options, for example restoration and conversion to domestic use (either as one dwelling or flats) have been fully explored. We would expect that such an exploration would include a consideration of using enabling development. We, therefore, encourage your Council to ensure that no other options for retaining this building exist.

Response: Noted.

- 4.3 **West of Scotland Archaeology Service (WOSAS)** – while WOSAS would not necessarily consider the principle of construction of a care home at this location to be incompatible with the aim of protecting and enhancing the Inventory battlefield, the scale and mass of the buildings proposed under the current application appears likely to have a significant detrimental impact on one of the few remaining sections on the northern bank of the river where it is still possible for the observer to understand the layout of the battlefield. While this consideration may not be of sufficient magnitude for the Council to consider outright refusal of the application, on the basis that a significant proportion of the battlefield has already been substantially altered by modern development, it is suggested that the Council should give consideration to asking the developer to reduce the size and height of the buildings proposed. Should the Council feel that the effect of the development on the visual appearance of the battlefield is acceptable and would intend to grant planning consent, a condition should be attached to this consent requiring the developer to appoint a professional archaeological contractor to undertake a programme of work designed to mitigate the direct impact of construction on physical remains associated with the battle. Although it is acknowledged that construction of the existing building and its associated areas of car-parking will have resulted in a certain amount of disruption to any sub-surface archaeological material that may be present, the socio-cultural, historical, and archaeological significance of the nationally designated battlefield is such that archaeological intervention would be necessary to ensure that any such material affected by the proposal was adequately recorded.

Response: Noted. Any consent granted would be suitably conditioned to address the above matters.

5 Representation(s)

5.1 The application was advertised in the Hamilton Advertiser under the heading Conservation Area Consent. Twenty nine letters of representation have been received in relation to the application in addition to one letter of comment. The main grounds of objection are summarised below:

- a) **This sandstone property acts as a gateway entrance to the village from Hamilton and the Raith interchange within the mature garden setting it occupies very much in keeping with its designated conservation status. The House itself is both architecturally and historically significant being the home of Dr James S. Dixon. As noted in Paragraph 3.9 of the Heritage Assessment submitted by the applicant the building in terms of its architectural interest is considered to make a positive contribution to the special character and appearance of the Bothwell Conservation Area. Not enough evidence has been produced to show that the building cannot be renovated and incorporated into the proposed care home.**

Response: Paragraph 3.9 of the submitted Heritage Assessment states that the vacant nature and deteriorating condition of the building is negative but the building in terms of its architectural interest is considered to make a positive contribution to the special character and appearance of the Bothwell Conservation Area. Whilst the submitted supporting information has been taken into account in the assessment of this application I am not satisfied that the replacement development proposed has been appropriately designed to be in keeping with the Conservation Area and to a degree that justifies the demolition of the existing sandstone building in the site.

- b) **The reasons given for demolition are based only on the fact that the building has been left to decay due to complete neglect by the owner since the property was purchased in 2015. The building has been broken into, lead has been stolen from the roof and it has also been set on fire without any remedial actions taken by the owner. It is then hardly surprising that the commercial recommendation is for the property to be demolished and replaced with a modern building that has no character and is not befitting of the prominent site location at the entrance to the village.**

Response: The supporting information submitted with the application advises that the site has been vacant for several years and that the existing building is at risk of vandalism. It states that the site has been on the market for some time and it has not proved an attractive proposition for any alternative purpose such as retaining it as residential property due to the significant cost involved in the repairs required to the fabric of the building. Whilst the submitted supporting information has been taken into account in the assessment of this application, I am not satisfied that the replacement development proposed has been appropriately designed to be in keeping with the Conservation Area and to a degree that justifies the demolition of the existing sandstone building in the site.

- c) **It is the Council's responsibility to the area and its residents to do everything to retain the heritage of Bothwell, as opposed to determining that the application should be granted resulting in a loss to the village's heritage. This would have only a negative impact on the environment and village as a whole, particularly given where this building is situated, at the entrance to Bothwell, within the conservation area, close to other monuments and structure of historical importance. This is supported by Historic Scotland Environmental Policy Statement (June 2016) concerning Conservation areas.**

Response: Whilst the submitted supporting information has been taken into account in the assessment of this application I am not satisfied that the replacement development proposed has been appropriately designed to be in keeping with the Conservation Area and to a degree that justifies the demolition of the existing

sandstone building in the site. The merits of the application are discussed in detail in Section 6 of this report.

- d) **The proximity and the setting of this building to both the Bothwell Bridge and the Covenanter's Monument create the appropriate ambience for our beautiful village and ensure our heritage and the historical significance of the area are retained in a manner befitting the importance of both sites. The adjacent Covenanter's Field which also has such significant historical importance within the village is located within immediate proximity to the existing property.**

Response: Whilst the submitted supporting information has been taken into account in the assessment of this application I am not satisfied that the replacement development proposed has been appropriately designed to be in keeping with the Conservation Area and to a degree that justifies the demolition of the existing sandstone building in the site. The merits of the application are assessed in detail in Section 6 of this report.

- e) **The purpose of a conservation village is to preserve the buildings in their current state. Demolishing a red sandstone villa to make way for a modern monstrosity is not in keeping with conservations status. The Scottish Government's policy on conservation areas is "To safeguard them for the enjoyment and benefit of future generations, any new development should preserve or enhance their varied character." The proposed development is completely at odds with this policy.**

Response: Whilst the submitted supporting information has been taken into account in the assessment of this application I am not satisfied that the replacement development proposed has been appropriately designed to be in keeping with the Conservation Area and to a degree that justifies the demolition of the existing sandstone building in the site. The merits of the application are assessed in detail in Section 6 of this report.

- g) **In terms of the S.61 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Fairleigh obviously is "a building that makes a positive contribution to the character of the conservation area". It is situated right at the entrance to Bothwell and as such enhances the environment of the conservation area as described in the above act. We should be guardians of our heritage for future generations and not susceptible to the indiscriminate demolition of an iconic building to the detriment of the conservation village.**

Response: It is considered that the character and appearance of the Conservation Area would not be preserved or enhanced by the proposed replacement development within the site. The merits of the application are assessed in detail in Section 6 of this report.

- h) **The developer could find more suitable and accessible sites should this application be refused.**

Response: Whilst an alternative site may become available for the proposed care home each application requires to be assessed on its individual merits. On this basis the current application site, as identified in the submitted plans, is being assessed under this application.

- o) **It is the specific character of Bothwell, its conservation status, its plethora of beautiful well preserved red sandstone villas that enticed me to purchase a home here. I have been made aware (by a local expert) that most of the red sandstone properties in Bothwell were erected using sandstone from the same quarry that was used to construct both Bothwell Castle and Bothwell Parish Church. There is therefore a link between these historic buildings and all the other sandstone properties in Bothwell. To demolish such a sandstone property**

for purely commercial reasons is a travesty, and in my opinion, it is tantamount to vandalism.

Response: Whilst the submitted supporting information has been taken into account in the assessment of this application I am not satisfied that the replacement development proposed has been appropriately designed to be in keeping with the Conservation Area and to a degree that justifies the demolition of the existing sandstone building in the site. This matter is discussed in detail in Section 6 of this report.

- 5.2 A number of representations submitted make reference to the design and merits of the proposed care home building for the site. These matters are addressed in the report for planning application HM/17/0159 which is also under consideration as a separate item at this Planning Committee.
- 5.3 These letters are available for inspection in the usual manner and on the Councils Planning Portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks conservation area consent for the demolition of a former office building, dwellinghouse and outbuildings within the site. The site is currently occupied by a large red traditional sandstone detached dwelling known as Fairleigh House, a detached single storey dwelling and garage located at 10 Old Bothwell Road, a single storey building comprising an annexe to Fairleigh House and two more modern buildings located close to the Old Bothwell Road area of the site. The proposed demolition is required to facilitate the redevelopment of the site for the erection of a care home with associated access and infrastructure which is the subject of a separate detailed planning application under reference HM/17/0159. The determining issues in consideration of this application are its compliance with national and local plan policy and its impact on the character of the Conservation Area.
- 6.2 Scottish Planning Policy (SPP) states that proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it.
- 6.3 Historic Environment Scotland Policy Statement June 2016 states that, as with listed buildings, there is a presumption in favour of the retention of unlisted buildings in conservation areas where they make a positive contribution to the character, appearance, or history of the area. Proposals for demolition in a conservation area should be considered in conjunction with a full planning application for a replacement development. The key principle in such cases is that the character and appearance of the area should be preserved or enhanced. This allows consideration to be given to the potential contribution that the replacement building may make to the area's character and appearance. Demolition should not begin until evidence is given of contracts let either for the new development or for appropriate long-term treatment as open space where that outcome conforms to the character of the area. Gap sites could be harmful to the character of the area if allowed to lie undeveloped for a significant time between demolition and redevelopment.

- 6.4 As highlighted above, the key principle in terms of demolition within a conservation area is that the character and appearance of the area should be preserved or enhanced. This allows consideration to be given to the potential contribution that the replacement building may make to the area's character and appearance. The proposed demolition has been considered in conjunction with an associated detailed planning application for the erection of a care home within the site (HM/17/0159). Whilst particular aspects of the proposal's design are considered to be acceptable, overall, the proposed development is considered to be an inappropriate and incongruous form of development at this location as the building would over dominate the street scene on Hamilton Road and detract from the character and appearance of the streetscape to a significant degree when viewed from this part of the Conservation Area. It is, therefore, considered that the proposed care home is an inappropriate form of development which fails to preserve or enhance the character of the Conservation Area and its setting. As the character and appearance of the area would not be preserved or enhanced by the proposed replacement development within the site, the proposed demolition is considered to be contrary to national planning guidance.
- 6.5 In terms of local plan policy, the application site is located within the general urban area and within the Bothwell Conservation Area. The proposal requires to be assessed against Policy 4 - Development Management and Place Making and Policy 15 – Natural and Historic Environment. Supplementary guidance relating to conservation areas is provided in Supplementary Guidance 9 - Natural and Historic Environment and in particular Policy NHE7 – Conservation Areas. Additional design guidance is provided in the Development Management, Place Making and Design Supplementary Guidance.
- 6.6 Policy 4 generally resists development that will be detrimental to amenity and seeks well designed proposals which integrate successfully with their surroundings and make a positive contribution to the character and appearance of the urban environment. In this instance, it is considered that the replacement development proposed for the site following demolition would not relate satisfactorily to adjacent development in terms of its design, layout, scale and massing and would have a significant adverse impact on the visual amenity of the area. I am, therefore, not satisfied that the proposal meets the terms of Policy 4.
- 6.7 Policy 15 states that the Council will assess all development proposals in terms of their effect on the character and amenity of the natural and built environment. The Council will seek to protect important natural and historic sites and features from adverse impacts resulting from development, including cumulative impacts. The application site is located within The Bothwell Conservation Area which is designated as a Category 3 site under the terms of this policy. In Category 3 areas, development which would affect these areas following the implementation of mitigation measures will only be permitted where there is no significant adverse impact on the protected resource. Where possible, any development proposals which affect natural and historic designations should include measures to enhance the conservation value of the site affected.
- 6.8 The above policy is supported by Policy NHE7 – Conservation Areas of the Supplementary Guidance which advises that development and demolition within a conservation area or affecting its setting shall preserve or enhance its character and be consistent with any relevant conservation area appraisal or management plan that may have been prepared for the area. The design, materials, scale and siting of any development shall be appropriate to the character of the conservation area and its setting. Trees which are considered by the Council to have amenity value and contribute to the character and appearance of the conservation area shall be preserved. Given the importance of assessing design matters, planning applications

in principle will not normally be considered appropriate for developments in conservation areas. Where appropriate, consents to demolish buildings within conservation areas will be subject to conditions which prohibit demolition until a contract has been let for the redevelopment of the site in accordance with a development scheme which has been approved by the Council.

- 6.9 The supporting information submitted with the application advises that the site has been vacant for several years and that the existing building is at risk of vandalism. It states that the site has been on the market for some time and it has not proved an attractive proposition for any alternative purpose such as retaining it as residential property due to the significant cost involved in the repairs required to the fabric of the building. The supporting information recognises that the existing building makes a positive contribution to the special character and appearance of the Conservation Area as a result of some of its architectural features.
- 6.10 Whilst the above supporting information has been taken into account in the assessment of this application and the associated application for conservation area consent (HM/17/0159) I am not satisfied that the proposed care home has been appropriately designed to be in keeping with the Conservation Area and to a degree that justifies the demolition of the existing sandstone building in the site. As discussed above, a key principle in terms of demolition in conservation areas is that the character and appearance of the area should be preserved or enhanced. This allows consideration to be given to the potential contribution that the replacement building may make to the area's character and appearance. In terms of visual amenity, the proposed care home would be located in a highly prominent position when viewed from Hamilton Road and the A725 slip road to the east of the site. Indeed, the eastern edge of this southern strip of the Conservation Area forms an important gateway into Bothwell. The site's long frontage onto Hamilton Road gives it a strong presence that makes it a focal point on the street. Whilst it is accepted that an element of screening would be incorporated into the development to help reduce any impact the care home would still be highly visible to anyone approaching the site from the southern end of the Conservation Area. The eastern leg of the building, as designed, appears bulky in terms of its scale and massing and would require to be set back a considerable distance from Hamilton Road to ensure that the building has no adverse impact on the streetscape and the Conservation Area at this particular location. In its current form, it is considered that the proposed building would over dominate the street scene on Hamilton Road and significantly detract from the character and appearance of the streetscape when viewed from this part of the Conservation Area. It is, therefore, considered that the proposed care home is an inappropriate form of development which fails to preserve or enhance the character of the Conservation Area and its setting.
- 6.11 It should also be noted that the northern and southern parts of the site incorporate areas of mature trees which are protected by the site's designation within the Conservation Area and a number of trees require to be felled to accommodate the proposed care home. It is considered that an amended layout could be designed to accommodate more of the existing trees on site in addition to an improved replacement planting scheme to ensure that trees within the site which are considered by the Council to have amenity value and contribute to the character and appearance of the Conservation Area will be preserved or enhanced. However, as the character and appearance of the area would not be preserved or enhanced by the proposed replacement development within the site, the proposed demolition is considered to be contrary to Policy 15 and Policy NHE7 as currently designed.
- 6.12 In summary, whilst the submitted supporting information has been taken into account in the assessment of this application I am not satisfied that the proposed care home

has been appropriately designed to be in keeping with the Conservation Area and to a degree that justifies the demolition of the existing sandstone building in the site. In the absence of an appropriately designed scheme to redevelop the site it is considered that there is insufficient justification for the proposed demolition. Consequently, it is considered that the proposal does not meet the terms of Policies, 4, 15 and NHE3. I would, therefore, recommend that the application be refused.

7 Reasons for Decision

- 7.1 The proposal fails to comply with Scottish Planning Policy (SPP), Policies 4 and 15 of the adopted South Lanarkshire Local Development Plan and Policy NHE3 of the associated Supplementary Guidance as it will have a significant adverse impact on visual amenity and detract from and alter the character and appearance of the Conservation Area.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

9 April 2018

Previous References

HM/17/0159

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (2015)
- ▶ Development Management Place Making and Design Supplementary Guidance (2015)
- ▶ Press advertisement, Hamilton Advertiser dated 18.05.2017 & Edinburgh Gazette dated 19 May 2017.

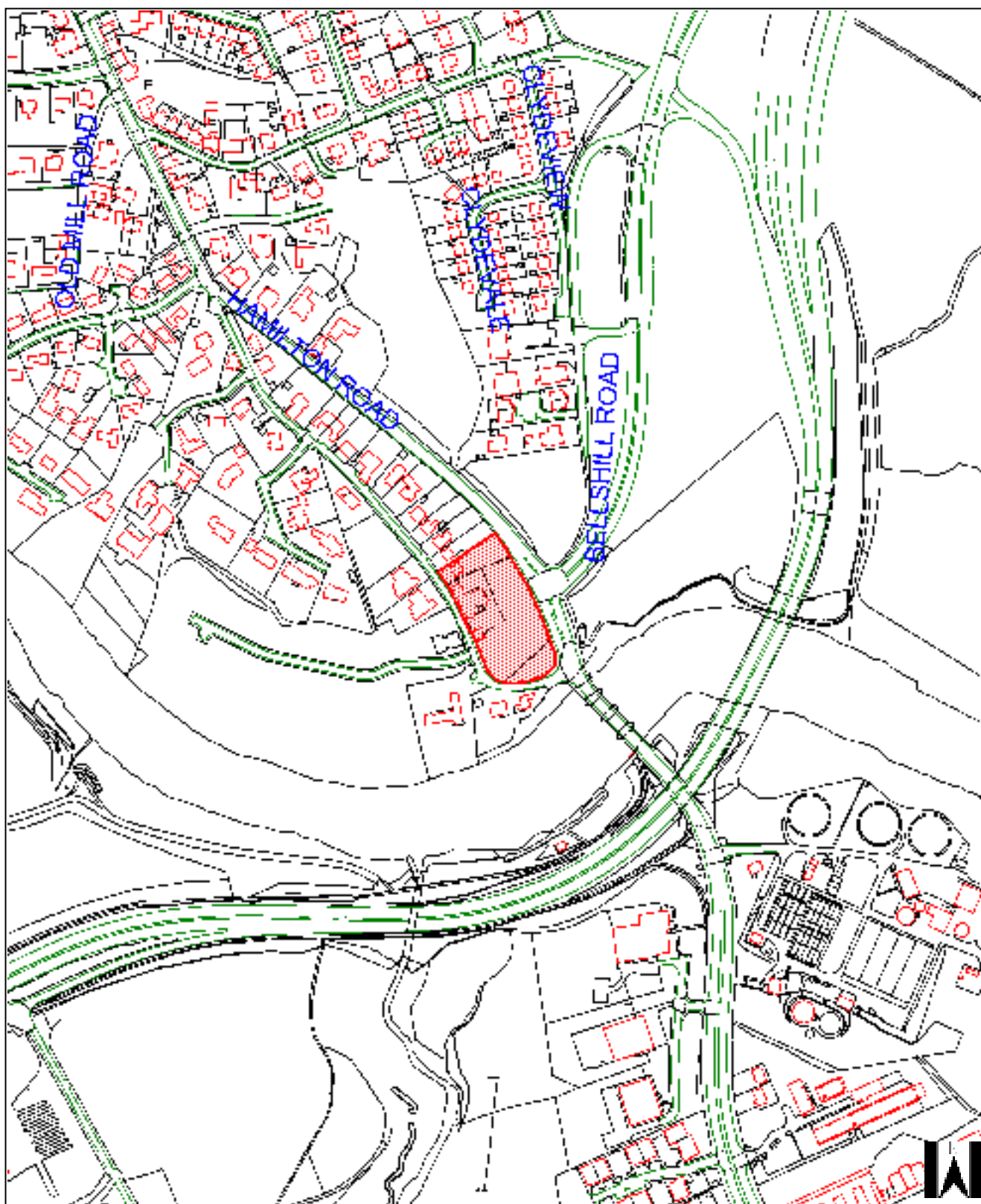
Conservation Area Consent

PAPER APART – APPLICATION NUMBER: HM/17/0204

REASONS FOR REFUSAL

- 1 The proposal is contrary to Policies 4 and 15 of the adopted South Lanarkshire Local Development Plan as the character and appearance of the Conservation Area would not be preserved or enhanced by the proposed replacement development within the site.
- 2 The proposal is contrary to Policy NHE7 of the associated Supplementary Guidance as the character and appearance of the Conservation Area would not be preserved or enhanced by the proposed replacement development within the site.
- 3 The proposal is contrary to Scottish Planning Policy as the character and appearance of the Conservation Area would not be preserved or enhanced by the proposed replacement development within the site.

For information only



For information only