

Report

Report to:	Planning Committee
Date of Meeting:	23 June 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/0602
Planning proposal:	Residential development for up to 185 units comprising a mix of cottage flats, colony flats, semi-detached housing, apartments, access, associated open space and landscaping. (Planning Permission in Principle)

1 Summary application information

Application type:	Permission in principle
Applicant:	Heron Property Limited c/o agent
Location:	Speyside Distillery Duchess Road Rutherglen Glasgow G73 1AU

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) If planning consent is granted, the decision notice should be withheld until a Planning Obligation in respect of a financial contribution for the improvement/upgrading of educational, community facilities and on-site/off-site affordable housing provision the area. This obligation will also detail an area of land within the site to allow for an upgrade of Mathieson Road/Cunninghame Road by the Council's Roads and Transportation Services.

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.

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

2.2 Other actions/notes

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

3 Other information

- ◆ Applicant's Agent: Scott Hobbs Planning
- ◆ Council Area/Ward: 12 Rutherglen Central and North
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2015**
 - Policy 4 - Development management and placemaking
 - Policy 5 - Community infrastructure assessment
 - Policy 6 - General urban area/settlements
 - Policy 7 - Employment
 - Policy 12 - Housing land
 - Policy 13 - Affordable housing and housing choice
 - Policy 16 - Travel and transport
 - Policy 17 - Water environment and flooding

Supplementary Guidance 5: Industrial and Commercial Development

Policy ICD1 – Non-conforming uses in core industrial/business areas

Proposed South Lanarkshire Development Plan 2

Policy 1 - Spatial Strategy
Policy 3 - General Urban Areas
Policy 5 - Development Management and Placemaking
Policy 7 - Community Infrastructure Assessment
Policy 11 - Housing
Policy 12 - Affordable Housing
Policy 15 - Travel and Transport
Policy 16 - Water Environment and Flooding

◆ Representation(s):

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

◆ Consultation(s):

School Modernisation Team

Housing Planning Consultations

Rutherglen Community Council

Community Services

WOSAS

SPT

Transport Scotland

SEPA Flooding

Roads Flood Risk Management

Environmental Services

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site relates to an area of land formerly housed by Speyside Distillers on Duchess Road, Rutherglen which was used to produce whisky and covers an area of approximately 2 hectares (20,000sq metres). All buildings were demolished some time ago and the site is now vacant with the exception of a 2-metre-high fence around the perimeter. The site is generally flat and sits between Duchess Road to the west and Mathieson Road to the north and is approximately one kilometre from Rutherglen town centre.
- 1.2 The site can currently be accessed from Duchess Road to the west. Further to the west is a residential area built in 2000. To the south-east and north are existing industrial units and beyond to the south-east is the M74 motorway which is approximately 400 metres away. To the east is another vacant site which currently has planning permission for a mixed use and is currently under construction.

2 Proposal(s)

- 2.1 The applicant, Heron Property Limited has applied for Planning Permission in Principle (PPP) for the erection of 185 houses of mixed sizes and house types. The breakdown of the housing provision covers a mix of three storey apartments, two storey cottage flats, two storey terrace houses and two storey semi-detached houses. The site will be accessible via Duchess Road. As the proposal is a PPP application, a further application will be required for the detailed plans.
- 2.2 The development is classified as a 'Major' development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and was the subject of pre-application consultation, including a public exhibition held in Rutherglen Town Hall on 13 March 2018. A number of documents have been provided in support of the application, namely a Pre-application Consultation Report, Flood Risk Assessment, Transport Assessment, Phase 1 Habitat Survey, Site Investigation Report and a Design and Access Statement.

3 Background

3.1 Local Plan Status

- 3.1.1 With regard to the South Lanarkshire Local Development Plan (adopted 2015), the site is currently zoned for industrial use. There is currently a good supply of industrial land within the Cambuslang/Rutherglen area and, for that reason, the site has been earmarked for housing in the Proposed Local Development Plan 2 which is now a material consideration.
- 3.1.2 In terms of this application the following policies are relevant:

Policy 4 – Development Management and Placemaking
Policy 5 – Community Infrastructure Assessment
Policy 6 – General Urban Area/Settlements
Policy 7 – Employment

Policy 12 – Housing Land
Policy 13 - Affordable Housing and Housing Choice
Policy 16 – Travel and Transport
Policy 17 – Water environment and Flooding

- 3.1.3 On 29 May 2018' the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, the following policies are relevant:

Policy 1 – Spatial Strategy
Policy 3 – General Urban Area/Settlements
Policy 5 – Development Management and Placemaking
Policy 7 – Community Infrastructure Assessment
Policy 11 - Housing
Policy 12 – Affordable Housing
Policy 15 – Travel and Transport
Policy 16 – Water environment and Flooding

3.2 Relevant Government Advice/Policy

- 3.2.1 Relevant Government guidance is set out within the Scottish Planning Policy (SPP) which confirms the requirement for the Council to maintain a five-year supply of effective housing land. Planning authorities are required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, to make effective use of existing infrastructure and service capacity.

3.3 Planning Background

- 3.3.1 There have been no recent planning applications for the site. The site has been subject to a Pre-Application Notice (CR/17/X0262/NEW). Under the regulatory framework following from the Planning etc. (Scotland) Act 2006, applicants lodging a major planning application are required to undertake pre-consultation with the community and stakeholders 12 weeks in advance of lodging the formal planning application. The applicant has followed this procedure as referred to in paragraph 2.2 and has submitted a Report of Consultation with the current planning application.

4 Consultation(s)

- 4.1 **Environmental Services** – advise that the applicants should submit noise surveys and contaminated land surveys.
Response: Noted. These details have been conditioned and will form part of the matters specified in condition application.
- 4.2 **Transport Scotland** – no objections subject to a Travel Plan being implemented and the development being limited to 185 dwellings.
Response: Noted, this has been conditioned.

- 4.3 **Community Resources** – the proposal is acceptable in principle in terms of community/play provision. A commuted sum will be sought from Community Resources towards facilities at Cuningar Loop Park which is located close to the site and for the potential development of a riverside path along the south bank of the Clyde. In addition, the application site should include provision of a play area.
Response: Noted. The applicant has agreed these payments and they will be written into the Section 75 Legal Agreement. The need for a play area has been conditioned.
- 4.4 **Roads and Transportation Services (Flood Risk Management)** – following submission of further details have confirmed they have no objections subject to the provisions of SUDs drainage.
Response: Noted. These details have been conditioned.
- 4.5 **Roads and Transportation Services (Development Management)** – no objections subject to the provision of an area of land to be reserved on the north-western corner to provide an improved link road for the Clyde Gateway.
Response: Noted, this area has been identified on the drawings and the legal agreement will reflect this.
- 4.6 **Housing Services** – advise that they wish to seek a serviced site for the provision of affordable housing representing 25% of the site. If this is not possible, then they may consider a commuted sum or a mixture of both.
Response: Noted. The applicants have agreed to this and the legal agreement associated with the proposal will be outlined to ensure that a commuted sum will be paid if on-site provision is not possible. This will be written into the legal agreement.
- 4.7 **Education Resources** – request a contribution towards the provision of education services in the locality based on the number of units proposed.
Response: Noted. The applicant has agreed a figure with the Council, and this will be written into the Section 75 legal agreement.
- 4.8 **SEPA (West Flooding)** – following the submission of further information have confirmed they have no objections subject to the provision of SUDs drainage facilities.
Response: Noted.
- 4.9 **Rutherglen Community Council** – no response to date
Response: Noted.
- 4.10 **SPT** - no response to date.
Response: Noted

5 Representation(s)

- 5.1 Following statutory neighbour notification and advertisement in the Rutherglen as Development Contrary to the Development Plan, one letter of representation has been received the points of which are summarised below:
- a) **The dwellings proposed adjacent to the eastern boundary are sited close to the approved family restaurant which forms part of an adjacent development with planning permission in principle and there is potential for these dwellings to experience a degree of loss of amenity if appropriate mitigation measures are not included within their design.**

Response: The applicant is aware of this. The housing shown on the drawings is indicative only and the final layout which will form the detailed layout will reflect the land use surrounding the site.

5.2 This letter is available for inspection in the usual manner on the planning portal.

6 Assessment and Conclusions

6.1 Planning consent is sought by Heron Property for a residential development of 185 dwellings with associated access, parking and landscaping at the former Speyside Distillery site in Rutherglen. The proposed development will be accessed from Duchess Road to the west.

6.2 The determining issues in the assessment of this application are its compliance with local development plan policy as well as its impact on surrounding amenity. Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended), all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan framework against which the proposal requires to be assessed comprises the South Lanarkshire Local Development Plan (adopted 2015) and its associated supplementary guidance and the Proposed South Lanarkshire Local Development Plan 2.

6.3 In terms of the adopted local development plan, the site is in an area which is zoned for industrial use as per Policy 7. Policy 7 states that the Council shall maintain sites for industrial and business use. Any proposal which does not conform to this policy requires to be assessed against Policy ICD1 - Non-conforming uses in core industrial/business areas. This policy states that all proposals shall ensure marketability and continuity of business use, shall not be for residential use, shall not undermine vitality and viability, will not affect industrial generation, shall have been unsuccessfully marketed, be easily accessed with no infrastructure implications. The proposal, clearly, fails to comply with both policies 7 and ICD1 on the basis that the proposal is for residential use.

6.4 With regard to the specific design and layout of the proposed development, Policy 4 – Development Management and Placemaking, Policy 6 – General Urban Area/Settlements, Policy DM1 Design require all proposals to take account of and be integrated with the local context and built form. The policy states that development proposals should have no significant adverse impacts on the local community and, where appropriate, should include measures to enhance the environment and the quality of placemaking. These requirements are further supported by Policy DM13 of the associated supplementary guidance relating to development management, placemaking and design.

6.5 It is considered that the site can be suitably designed as required by policies 4, 6, DM1 and DM13. The proposed development would be appropriate to the site in question in terms of design and layout and could be designed to comply with the standards set out in the Council's Residential Development Guide, particularly in relation to road layout, the density of the development, car parking provision and provision of amenity space. Whilst the site is located within an industrial area and previously operated as a distillery, it is bounded to the west and north-west by established residential properties and a mixed-use development is currently under construction to the east. Industrial use largely

stopped in the locality several years ago and there is little or no industrial traffic in the area. Much of the industrial use is located within the Clyde Gateway to the north-west.

- 6.6 The proposed development of modern flats would be in keeping with the settlement pattern of development in the surrounding area. This specific area of Rutherglen is characterised by high density flatted dwellings. The applicant has submitted an indicative drawing showing the potential for a mix of house type reflecting the locality. Furthermore, the site is sustainable with good links to Rutherglen town centre, Dalmarnock and public transport links. I am, therefore, satisfied that the proposal can comply with policies 4, 6, DM1 and DM13.
- 6.7 Policy 5 – Community Infrastructure relates to the provision of education, transport, affordable housing and community facilities through the development process. The provision of this infrastructure can be in the form of physical buildings and improvements or a financial contribution. The contributions are generally written into a legal agreement which will ensure provision at the appropriate times they are required. All contributions should serve a planning purpose, be necessary, be directly related to the site and be fair and reasonable. In this instance, the applicant has agreed to make financial contributions towards education facilities and community facilities. In addition, land will be set aside for roads improvements and on-site affordable housing will be provided. Should it not be possible to provide on-site affordable housing then a financial contribution will be made. I am, therefore, satisfied that the proposal complies with Policy 5 of the adopted local development plan.
- 6.8 Policies 12 and 13 are for Housing and Affordable Housing, respectively. Policy 12 states that the Council will maintain an effective five-year supply of housing. If a five-year effective supply cannot be maintained then the Council will look at urban capacity sites, additional brownfield sites and sustainable greenfield sites. Policy 13 states that all housing sites over 20 units should provide a maximum of 25% of affordable housing. The site is clearly a brownfield site and the applicants will provide 25% affordable housing either by on-site, off-site or a mixture of the two. The redevelopment of this site will mean that a suitable supply of housing land is maintained and that there is a reduced need to release greenfield sites. I am, therefore, satisfied that the proposal complies with policies 12 and 13 of the adopted local development plan.
- 6.9 Policy 16 relates to Transport and policy 17 to Water environment and flooding. Policy 16 requires developments to be sustainable and have good links to public transport. The site is approximately 600 metres from Rutherglen train station and is close to a number bus links. In addition, the applicants have agreed to reserve an area of land to the north to provide an improved arterial road from Cambuslang Road to the Clyde Gateway. In terms of flooding, a Flood Risk Assessment was submitted and assessed by both SEPA and the Council's Roads Flood Risk Management team. Following submission of appropriate information, both consultees have confirmed they are satisfied with the proposals. I am satisfied, therefore, that the proposals comply with policies 16 and 17 of the adopted local development plan.
- 6.10 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The industrial zoning has been removed from the site and it is now zoned as a Development Framework site in the new plan as part of Policy 1 – Spatial Strategy. As part of this proposal, housing is deemed a suitable type

of development. Further to that, the previously identified policies pertaining to development management, community infrastructure, housing and affordable housing, transport and flooding are still relevant. It is considered that the proposals accord with Policies 1, 3, 5, 7, 11, 12, 15 and 16 in the proposed plan.

- 6.11 As outlined above, the proposal consists of a type and layout which is characterised by its locality. The proposed development will result in the redevelopment of a vacant brownfield site. The site is sustainable and is close to Rutherglen town centre, a more localised supermarket and an individual row of shops. Moreover, it is also close to good transport links including train, bus and motorway.
- 6.12 The Council's Roads and Transportation Services have advised that, subject to conditions relating to access, parking and provision of visibility splays, they have no objections to the proposed development. Subject to the required conditions, it is considered that the proposal would have no adverse amenity impact and would comply with Policy 4 of the adopted local development plan and with all relevant policy and guidance as set out in associated supplementary guidance.
- 6.13 In addition to the standard neighbour notification procedure carried out by the Council, the application was also advertised in the Rutherglen Reformer as Development Contrary to the Development Plan (DCDP). The points raised are addressed in detail in Section 5 above. It is not considered appropriate for the application to be refused planning consent based on the points of objection raised.
- 6.14 The application is considered as a departure from local plan policy on the basis that it does not comply with current local development plan policy. This departure can be justified and approval of Planning Permission in Principle for the following reasons:
- The proposal complies with the Proposed South Lanarkshire Local Development Plan 2;
 - The proposal complies with policies 4, 5, 6, 12, 13, 16, and 17 of the adopted South Lanarkshire Local Development Plan 2015;
 - The proposal will result in the redevelopment of a brownfield site;
 - There are no infrastructure implications.

7 Reasons for Decision

- 7.1 The proposal is a justifiable departure from policy 7 of adopted South Lanarkshire Local Development Plan 2015, will have no adverse amenity impact and is compliant with policies 4, 5, 6, 7, 12, 13, 16, 17, DM1 and DM13 of the adopted development plans and policies 1, 3, 5, 7, 11, 12, 15 and 16 of the Proposed South Lanarkshire Local Development Plan 2 (2018) and with all relevant associated supplementary guidance. However, consent should be withheld until the conclusion of the Section 75 Obligation, or other appropriate means, to ensure the appropriate obligations are fulfilled towards education, roads and public transport infrastructure, affordable housing provision and community facilities.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 28 May 2020

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2 2018
- ▶ Neighbour notification letter dated 16 May 2018
- ▶ Consultations
 - School Modernisation Team 28.06.2018
 - Housing Planning Consultations 05.06.2018
 - Community Contributions 05.06.2018
 - WOSAS 24.05.2018
 - Transport Scotland 07.01.2019
 - SEPA Flooding 28.05.2018
 - Roads Flood Risk Management 22.04.2020
 - Environmental Services 01.08.2018
 - Roads Development Management Team 03.04.2019
- ▶ Representations
 - Turley, 115 George Street, Edinburgh, EH2 4JN Dated: 03.07.2018

Contact for further information

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

Iain Morton, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Phone: 01698 455048
Email: iain.morton@southlanarkshire.gov.uk

Planning Permission in Principle

Paper apart – Application number: P/18/0602

Conditions and reasons

01. Prior to the commencement of development on site, a further application(s) for the approval of any of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).
These matters are as follows:
- (a) the layout of the site, including all roads, footways, parking areas and open spaces;
 - (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
 - (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum.
 - (d) the design and location of all boundary treatments including walls and fences;
 - (e) the landscaping proposals for the site, including 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, including, where appropriate, the planting of fruit/apple trees;
 - (f) the means of drainage and sewage disposal.
 - (g) details of the phasing of development (covering all relevant aspects of development detailed in (a) above).

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

02. Unless development commences, planning permission in principle expires 2 years from approval of the specified matters being granted, or if different matters are approved on different dates, then 2 years from the date of the last approval.

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

03. The application(s) for approval of these further matters must be made to the Council as Planning Authority before whichever is the latest of the following:

- (a) expiry of 3 years from when permission in principle was granted
- (b) expiry of 6 months from date when an earlier application for approval was refused, and
- (c) expiry of 6 months from date on which an appeal against the refusal was dismissed or, where the earlier application is the subject of a review by virtue of section 43A(8) of the Town and Country Planning (Scotland) Act 1997 ("the Act"), the expiration of 6 months from the date of the notice of the decision to uphold the determination given by virtue of section 43A(11)(e) for the Act.

Approval of the further specified matters can be made for -

- (i) different matters, and
- (ii) different parts of the development at different times.

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

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

05. That the further application(s) required under the terms of Condition 1 above, shall make reference to and incorporate the criteria specified within the approved South Lanarkshire Council 'Residential Development Guide'.

Reason: In the interests of amenity and to ensure that the Council's key residential design standards are met.

06. 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.

07. That before any of the dwellinghouses hereby approved are occupied, details of the storage and collection of refuse within the development shall be submitted to and approved by the Council as Planning Authority. Thereafter, prior to the occupation of any dwelling, the approved scheme shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason: To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.

08. 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 the provision of a satisfactory sewerage system.

09. That notwithstanding the requirements of condition 1 above, a Landscape Plan shall be submitted to the Council as Planning Authority for written approval and it shall include:
- (i) 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;
 - (ii) 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;
 - (iii) details and specification of all trees, shrubs, grass mix, etc.;
 - (iv) details of any top-soiling or other treatment to the ground;
 - (v) sections and other necessary details of any mounding, earthworks and hard landscaping;
 - (vi) proposals for the initial and future maintenance of the landscaped areas;
 - (vii) details of the phasing of these works;
 - (viii) detailed specifications for all soft and hard landscape features including new trees and shrub planting, hard and soft surface treatments, other amenity features (seating, lighting, sculpture, water features etc);

- (ix) arrangements for structural landscape area (existing and proposed woodland, new site boundaries, public open space/buffer zones);
- (x) proposals for the maintenance of all areas of open space within the development.

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

10. That the landscaping scheme required by condition 9 above 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 the 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 residential amenity and in order to retain effective planning control.

11. (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.

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.

12. (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 avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

13. The applicant shall undertake a noise assessment to determine the impact of road traffic noise on the proposed development using the principles set out in "Calculation of Road Traffic Noise" (DoT/Welsh Office, HMSO, 1988) or by a method to be agreed by the Planning Authority such as the shortened daytime measurement method. The survey shall take cognisance of the Scottish Government Document: Technical Advice Note Assessment of Noise. The survey shall be submitted to and approved by the Planning Authority and where potential noise disturbance is identified, it shall include a scheme for protecting the proposed dwellings from road traffic noise.

The scheme shall ensure that the internal levels with windows open (or under exceptional circumstances closed) do not exceed an LAeq,16hr of 40dB daytime and an LAeq,8hr of 30dB night-time. The external levels shall not exceed an LAeq,16hr of 50dB daytime in any rear garden areas, when measured free-field. 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.

Reason: To minimise noise disturbance to occupants.

14. The applicant shall undertake a noise assessment to determine the impact of noise from surrounding commercial/industrial units on the proposed development, using the principles set out in British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound, or a method agreed by the Planning Authority. The assessment shall be submitted to and approved by the Planning Authority and shall identify-

1- the maximum Rating Levels (Including penalties either subjective or objective as appropriate)

2- the statistical average Background Noise Level to which any part of the development will be exposed.

3-Details of uncertainty shall be provided accompanied with meteorological data for the measurement period

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 the 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: Reason: To minimise noise disturbance to occupants.

15. That prior to any works commencing on site detailed plans of the site and junction assessment shall be submitted and approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Road Authority.

Reason: To ensure that the safety of the Trunk Road junction remains unaffected.

16. That the proposed development shall be limited to 185 dwellings.

Reason: To restrict the scale of the development to that suited to the layout of the existing access and minimise interference with the safety and free flow of traffic on the trunk road

17. That 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 planning authority, after consultation with Transport Scotland, as the Trunk Roads Authority. This Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport

18. That before any work commences on the site, a scheme for the provision of equipped play area(s) 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.

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

19. That prior to the completion or occupation of the 100th; dwellinghouse within the development, all of the works required for the provision of equipped play area(s) included in the scheme approved under the terms of Condition 18 above shall be completed, and thereafter, that area shall not be used for any purpose other than as an equipped play area unless otherwise agreed.

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

20. 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 minimise the risk of nuisance from dust to nearby occupants.

21. That before the development hereby approved is completed or brought into use, a visibility splay on Mathieson Road of 4.5 metres by 90; 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.

22. That before the development hereby approved is completed or brought into use, a visibility splay from the proposed access onto Duchess Road 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 interests of traffic and public safety.

23. That a 3m wide footway/cycleway shall be provided along the boundary of the site on Mathieson Road to continue the existing cycle route and the footway on Duchess Road shall be upgraded and reconstructed.

Reason: In the interests of public safety.

24. That the application required by condition 1 above shall adhere to the following car parking requirements:

1 bedroom property - 1 space
2/3 bedroom property - 2 spaces
4 or more bedrooms - 3 spaces.

Reason: In the interests of road safety.

25. That before any work commences on the site, a scheme for the provision of an equipped 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.

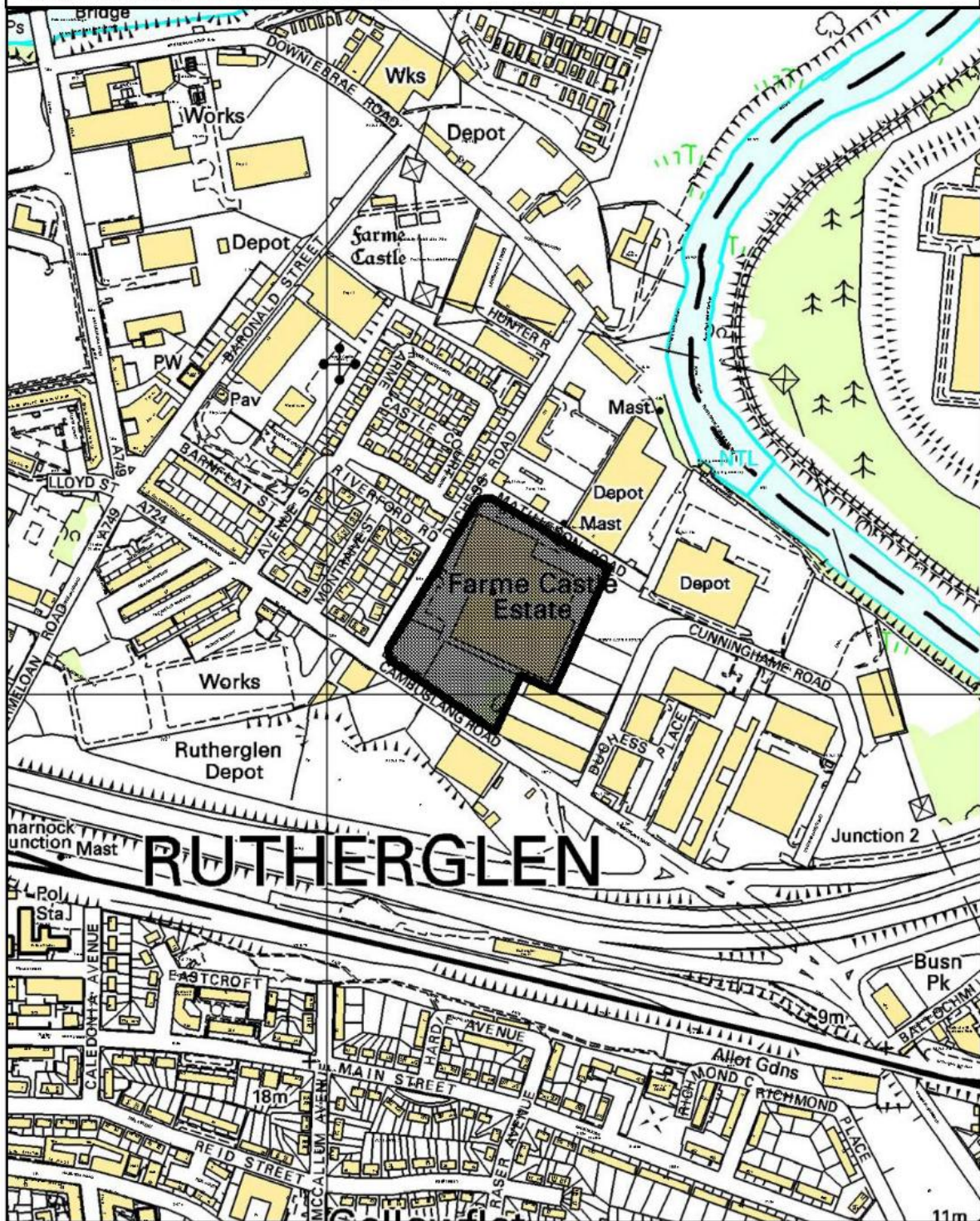
Reason: To ensure the provision of adequate play facilities within the site.

26. That prior to the completion or occupation of the last dwellinghouse within the development, all of the works required for the provision of equipped play area(s) included in the scheme approved under the terms of Condition 25 above shall be completed, and thereafter, that area shall not be used for any purpose other than as an equipped play area.

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

P/18/0602

Speyside Distillery, Duchess Road, Rutherglen



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South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development