

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>23 February 2010</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	HM/09/0645
Planning Proposal:	Erection of New Primary School

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : South Lanarkshire Council Education Resources
- Location : Overton Road  
Netherburn

## 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 Listed)

### 2.2 Other Actions/Notes

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

## 3 Other Information

- ◆ Applicant's Agent: N/A
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (Adopted)**  
Policy RES 6 – Residential Land Use Policy  
Policy CTY 1 – Primary School Modernisation Proposal  
Policy ENV 2 – Local Green Network Policy  
Policy DM 1 – Development Management Policy  
Policy ENV 29 – Development Design

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

- ◆ Consultation(s):

Education Resources

Environmental Services

Greenspace & Countryside

Roads and Transportation Services (Hamilton Area)

Roads & Transportation Services H.Q. (Flooding)

Scottish Water

SEPA

# Planning Application Report

## 1 Application Site

- 1.1 The application site relates to an area of land located on Overton Road in Netherburn. The site measures approximately 0.4 hectares, it is essentially 'L' shaped and is currently used as amenity open space. The site is bounded to the north by Overton Road and adjacent grassland, to the south by grassland, to the east by a community building and associated car parking and to the west by a full size grass football pitch. Vehicular and pedestrian access to the site is via Overton Road.

## 2 Proposal(s)

- 2.1 This is a detailed planning application for the erection of a new primary school within the site. The proposal forms part of Phase 2 of the South Lanarkshire Council Primary Schools Modernisation Programme and the new school would replace the existing primary school building which is currently located on Draffan Road to the south of the site.
- 2.2 The new school building would incorporate a floor area of approximately 900 square metres. The main part of the building would be single storey in height with additional height incorporated into the building above the gym area. The building would be of a traditional design and would include a number of hipped roofs finished with grey concrete tiles. The exterior walls of the building would be finished partly in dark render and partly in facing brick. The windows and doors would be finished in aluminium.
- 2.3 The building would incorporate 4 classrooms, gym/multi purpose area, kitchen, dining room, toilets, office/storage facilities and a nursery facility. The proposal incorporates separate playgrounds for the school and nursery with associated landscaping and an environmental garden. The school would be enclosed by a 2.4 metre high Herras fence or similar coated in a black finish. The site would be accessed via Overton Road and car parking would be provided within the school grounds to the east of the school building.
- 2.4 An Ecological Impact Assessment was submitted with the application as a supporting document.

## 3 Background

### 3.1 Local Plan Status

- 3.1.1 The application site is located within a residential policy area in the adopted South Lanarkshire Local Plan and it is also located within the Local Green Network. The proposal is identified as a Primary School Modernisation Proposal and the relevant policies in terms of the assessment of the application are Policies RES 6 – Residential Land Use Policy, CTY 1 - Primary School Modernisation Proposal, ENV 2 – Local Green Network Policy, DM 1 – Development Management Policy and ENV 29 – Development Design. 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 Guidance/Advice

- 3.2.1 None relevant in this instance.

### 3.3 Planning History

- 3.3.1 There is no recent planning history relating to this site.

## 4 Consultation(s)

- 4.1 **Education Resources** – have no objections to the application. As part of the Local Plan consultation process Education Resources were asked to consider relocation of the school to the proposed new site. The Plan identified an area for residential release with the potential for a relocated sports pitch. Originally there were over 200 objections to this proposal but after consultation with Local Elected Members, the Netherburn Residents Association and others through the Planning Service it was proposed that the majority of these objections could be overcome if the new development area included a site for the new Netherburn Primary School and upgraded community facilities. There are distinct educational and operational advantages to this proposal:

- no requirement to decant Netherburn Primary School when the new Primary School is being constructed;
- the ability for the Primary School to potentially utilise the facilities in the adjacent community hall; and
- the location of the new school would be more central within Netherburn Village.

A statutory consultation was undertaken with stakeholders and the proposal to relocate the school to the new site was approved by the Executive Committee of the Council on 25<sup>th</sup> June 2008.

**Response:** Noted.

- 4.2 **Environmental Services** – have no objections to the application subject to conditions and informatives relating to potential noise emitted from the new building and during construction activities, dust mitigation procedures and health and safety matters relating to the operation of the new school.

**Response:** Noted and any consent granted would incorporate appropriately worded conditions and informatives to address the matters raised.

- 4.3 **Greenspace & Countryside** - have no objections to the application as the submitted Ecological Impact Assessment and proposed mitigation measures are considered to be acceptable. However, consideration should be given to including proposals to positively enhance the ecological potential of the site and improve the environmental and landscape quality of the area such as a scheme of planting both within and around the perimeter of the site.

**Response:** Noted and any consent granted would include a condition requiring the submission of a landscaping scheme to be implemented within the application site.

- 4.4 **Roads and Transportation Services (Hamilton Area)** - have no objections to the application subject to conditions requiring the provision of acceptable visibility splays, pedestrian guardrails, appropriate street markings, adequate car parking and footway provision.

**Response:** Noted and any consent granted would incorporate appropriately worded conditions to address the matters raised.

- 4.5 **Roads & Transportation Services H.Q. (Flooding)** – no response to date.

**Response:** Noted.

- 4.6 **Scottish Water** – no response to date.

**Response:** Noted.

- 4.7 **SEPA** – have no objections to the application subject to conditions requiring the provision of an acceptable sewerage system within the site and the discharge of surface water to the environment in accordance with the principles of the Sustainable

Urban Drainage Systems Design (SUDS) Manual (C697). In addition, a condition should be attached to any consent granted requiring the submission of a site waste management plan.

**Response:** Noted and any consent granted would incorporate appropriately worded conditions to address the matters raised.

## **5 Representation(s)**

5.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the Hamilton Advertiser due to Non-Notification of Neighbours. A total of 16 letters of representations were received in relation to this application and the grounds of objection can be summarized as follows:

**(a) Residents of Station Road have not been informed of the plan being considered.**

**Response:** Neighbour notification was undertaken as required by planning statute and everyone within 20 metres of the development was served the appropriate neighbour notification. In addition the application was advertised in the local press in accordance with current planning legislation as there were no premises on some of the land surrounding the planning application site.

**(b) Concern that the school will be squeezed into an area far too close to the community hall**

**Response:** The proposed school will be positioned close to the existing community hall however there is adequate space proposed both around the hall and the new school to allow for access, parking, playground and amenity space. The proposals are considered acceptable in this regard.

**(c) The football field will have to be moved to accommodate the new building which brings the pitch in close proximity to the properties on Station Road.**

**Response:** The current application site for the school does not include the existing football field within its boundaries. It is however understood that the pitch will be re-lined and the goal posts repositioned to allow the retention of a pitch of the same size as existing. Such works do not require planning consent.

**(d) Concerns about the potential intensification of use of the football field, including potential vandalism, congestion of parked cars, and including comments that another football field is already located in Netherburn and that this should be upgraded instead.**

**Response:** Noted. As already highlighted in (c) above the current application does not include the existing football field within the boundaries of the site.

These letters have been copied and are available for inspection in the usual manner.

## **6 Assessment and Conclusions**

6.1 The application relates to the erection of a new replacement primary school on Overton Road, Netherburn. The determining issues in consideration of this application are its compliance with local plan policy and its impact on the amenity of adjacent properties.

6.2 In terms of local plan policy, the application site is located within a residential policy area under the terms of Policy RES 6 – Residential Land Use Policy in the adopted South Lanarkshire Local Plan. The site is also covered by Policy ENV 2 - Local

Green Network Policy and the proposal is identified as a Primary School Modernisation Proposal under the terms of Policy CTY 1.

- 6.3 Policy RES 6 states that within areas identified for primarily residential use, the Council will oppose the loss of houses to other uses and resist any developments which will be detrimental to the amenity of these areas. With regard to the loss of amenity open space Policy RES 6 states that there must be no resultant loss of, or damage to open or play spaces, trees, bushes or hedgerows which make a significant contribution to the character or amenity of the area.
- 6.4 I am satisfied that the proposed development is acceptable in terms of its scale, massing, materials and use. In addition, Roads and Transportation Services consider that the proposal raises no access, road safety or parking issues, therefore, I am also satisfied that the character and amenity of the area will not be impaired by reason of traffic generation or parking. The site's proposed use as an educational facility, therefore, is considered to be acceptable and in accordance with Policy RES 6.
- 6.5 Whilst it was initially intended that all primary schools would be replaced within their existing sites, the proposed location was chosen as an alternative site during the consultation process of the South Lanarkshire Local Plan. There are distinct educational and operational advantages to this proposal in that there is no requirement to decant the pupils of Netherburn Primary School while the new school is being constructed, the ability for the school to potentially utilise the facilities in the adjacent community hall; and the location of the new school would be more central within Netherburn Village. Consequently, the application site is located on an area of open space adjacent to the existing community facility in the Village. I am satisfied that the area of land incorporated within the application site does not make a significant contribution to the character or amenity of the area. The site relates to an area of grassland located within an extensive area of recreational ground and whilst the site would be lost as a result of the development a well maintained full size grass football pitch is located directly adjacent to the site. Whilst the adjacent pitch is outwith the application site it is understood that the pitch would have its goal posts repositioned in order that its dimensions remain the same. I am, therefore, satisfied that the benefits of a new school building on the site, as discussed above, in addition to the remaining amount of amenity space in the area would adequately compensate for the loss of land involved. On this basis it is considered that the loss of the site would not have an adverse impact on the character or amenity of the area and that the proposal conforms with the terms of Policy RES 6.
- 6.6 Policy ENV 2 states that the Council will seek to protect and support actions to enhance the Local Green Network as identified on the Proposals Map. Development that is likely to have an adverse effect on its connectivity or its value for biodiversity or as an amenity, will not be supported. Loss of an area in whole or part will only be permitted where it can be demonstrated that development will enhance the existing situation in respect of wildlife, biodiversity, townscape quality and character, amenity and access.
- 6.7 An Ecological Impact Assessment was submitted with the application which states that there was no evidence of the presence of reptiles, red squirrel, water vole, badger, otter, great crested newt or bat species within the site at the time of survey. The predominant habitat on the site is mown amenity grassland used for recreation and the land is considered to be a low grade habitat of limited ecological value. The hedge located along the north side of the site and hedges and trees on the south and west sides of the site have limited potential for breeding birds, however, these

habitats will be retained under the proposed development. It is considered that the provision of a new traditionally designed school building will enhance the existing situation in terms of townscape quality, character and amenity. Wildlife and biodiversity opportunities would be enhanced through the implementation of an appropriate landscaping scheme within the site. I am, therefore, satisfied that the proposal meets the terms of Policy ENV 2.

- 6.8 In terms of the detail of the proposal Policies DM 1 – Development Management Policy and ENV 29 – Development Design are relevant to the assessment of the application. Policy DM 1 generally requires new development to have due regard to the layout, form, design and local context of the area and Policy ENV 29 requires all new development to promote quality and sustainability in its design. I am satisfied that the scale and general layout of the new school is acceptable, that the building is of a high quality design incorporating a suitably high standard of finish materials and that its traditional design will be in keeping with existing development in the surrounding area. I am also satisfied that the building will be positioned in an acceptable location with a sufficient distance proposed between the building and the nearest residential properties to ensure that there will be no adverse impact on those properties in terms of overlooking, overshadowing or loss of general outlook. I am, therefore, satisfied that the proposal meets the terms of the above policies.
- 6.9 Representations have been received in connection with the proposals and these have been addressed in detail in paragraph 5 of this report but none of the grounds raised are sufficient to merit the refusal of the proposals.
- 6.10 In summary, the proposal forms part of the wider project to modernise schools in the Council's area and is considered to be acceptable and in accordance with local plan policy. It is therefore recommended that planning consent be granted.

## **7 Reasons for Decision**

- 7.1 The proposal has no adverse impact on either residential or visual amenity nor raises any environmental or infrastructure issues and complies with Policies RES 6 – Residential Land Use Policy, CTY 1 – Primary School Modernisation Proposal, DM 1 – Development Management Policy and ENV 29 – Development Design of the adopted South Lanarkshire Local Plan.

**Colin McDowall**  
**Executive Director (Enterprise Resources)**

**15 February 2010**

**Previous References**  
None

## **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations

Environmental Services	21/01/2010
Roads and Transportation Services (Hamilton Area)	19/01/2010
Greenspace & Countryside	15/01/2010
SEPA	14/01/2010
Education Services	05/02/2010

► Representations

**Contact for Further Information**

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

Jim Blake, Planning Officer, Brandon Gate, Hamilton  
 Ext 3508 (Tel :01698 453508 )  
 E-mail: [Enterprise.hamilton@southlanarkshire.gov.uk](mailto:Enterprise.hamilton@southlanarkshire.gov.uk)



**CONDITIONS**

- 1 This decision relates to drawing numbers:  
AL (00) 02 E  
AL (00) 03 B  
AL (01) 01  
AL (03) 02  
CL (00) 01  
CL (00) 02  
LA (80) SK1
- 2 The development hereby permitted shall be started within three years of the date of this permission.
- 3 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 4 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.
- 5 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.; (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.
- 6 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.
- 7 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.
- 8 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 7 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 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.

- 10 That the school shall be not 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.
- 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 requirements.
- 12 That before the development hereby approved is completed or brought into use visiflex pedestrian guardrails shall be installed on the public footways fronting pedestrian exits from the school to the satisfaction of the Council as Planning and Roads Authority. Details of the guardrails shall be submitted to and approved in writing by the Council prior to any work commencing on site.
- 13 That before the development hereby approved is completed or brought into use, the new vehicular access shall be constructed with a 6 metre radius kerb and a 6 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.
- 14 That before the development hereby approved is completed or brought into use, a 2 metre wide footway shall be constructed adjacent to the drop off area at Overton Road to the specification of the Council as Roads and Planning Authority.
- 15 That before the 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.
- 16 That before the development hereby approved is completed or brought into use, 15 no. parking spaces (2.5m x 5m modules) shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.
- 17 That before the development hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 35 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.
- 18 The surface of access road shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the highway.
- 19 That before any development commences on site a waste management plan shall be submitted to and approved by the Council as Planning Authority in consultation with SEPA.
- 20 Between the hours of 0800 and 2000 the measured noise level emitted from the

premises (LAeq (1hour)) shall not exceed the pre-existing background noise level (LA90(1/2hour)) by more than 4dB (A) when measured in accordance with BS4142:1997 at buildings where people are likely to be affected.

Between the hours of 2000 and 0800 the noise emitted from the premises (LAeq (5mins) ) shall not exceed the pre-existing background noise level (L A90 (1/2hour)) by more than 4dB(A) when measured in accordance with BS4142:1997 at buildings where people are likely to be affected.

- 21 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.
- 22 (a) Prior to commencement of any works on site, a comprehensive site investigation carried out to the appropriate Phase level, shall 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 as defined under Part IIA of the Environmental Protection Act, 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.
- 23 Before the development hereby approved is brought into use, the proposed method of ventilation shall be submitted to and approved in writing by the Council as Planning Authority. The development shall not be brought into use until the ventilation systems are operational in accordance with the approved details. All odours, fumes and vapours generated on the premises shall be controlled by best practicable means to prevent them causing nuisance to occupants of nearby dwellings or premises.
- The ventilation system shall:
- a) Incorporate systems to reduce the emission of odours and pollutants and shall thereafter be maintained as necessary.
  - b) Be constructed by employing best practical means to minimise noise and vibration transmission via plant and the building structure.

c) Noise associated with the business shall not give rise to a noise level, assessed with the windows closed, within any dwelling or noise sensitive building, in excess of the equivalent to Noise Rating Curve 35, between 07:00 and 20:00 hours, and Noise Rating Curve 25 at all other times.

- 24 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.
- 25 That notwithstanding the terms of Condition 13 above before the development hereby approved is completed or brought into use school keep clear zig zag markings and pedestrian guard rails shall be installed over the entire site frontage excluding the drop off points to the satisfaction of the Council as Planning and Roads Authority.
- 26 That the proposed mitigation measures outlined in the Ecological Impact Assessment undertaken by HEL Heritage Environmental Limited in December 2009 shall be implemented to the satisfaction of the Council as Planning Authority.

## REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 In the interests of the visual amenity of the area.
- 6 In the interests of amenity.
- 7 These details have not been submitted or approved.
- 8 In the interests of amenity and in order to retain effective planning control.
- 9 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 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.
- 11 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.
- 12 In the interest of public safety
- 13 In the interest of public safety
- 14 In the interest of public safety
- 15 In the interest of public safety
- 16 To ensure the provision of adequate parking facilities within the site.
- 17 In the interest of road safety
- 18 In the interest of public safety
- 19 In the interests of amenity.

- 20 To minimise noise disturbance to adjacent occupants.
- 21 To minimise the risk of nuisance from dust to nearby occupants.
- 22 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 To minimise nuisance to occupants of nearby buildings as a result of cooking smells, vapours, airborne pollutants or noise from the premises.
- 24 To minimise nuisance, littering and pest problems to nearby occupants.
- 25 In the interest of public safety.
- 26 In the interests of amenity.

