



Council Offices, Almada Street
Hamilton, ML3 0AA

Wednesday, 21 March 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, 21 November 2017

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, George Greenshields, Mark Horsham, Ann Le Blond, Richard Lockhart, Katy Loudon, Julia Marrs, Kenny McCreary, Richard Nelson, Carol Nugent, Graham Scott, David Shearer, Bert Thomson, Jim Wardhaugh, Sheena Wardhaugh

Substitutes

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

BUSINESS

1 Declaration of Interests

2 Minutes of Previous Meeting

5 - 10

Minutes of the meeting of the Planning Committee held on 10 October 2017 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

- | | | |
|-----------|--|-----------|
| 3 | Application EK/17/0192 - Erection of Community Stadium with Associated Changing Rooms, Stands, Ancillary Fitness Suite and Gyms, Offices, Function Suite, Caretaker's Flat, Access and Parking at Land to the South and East of Hurlawcrook Road, East Kilbride
Report dated 7 November 2017 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 11 - 24 |
| 4 | Application HM/17/0167 - Residential Development with Landscaping and Associated Works (Planning Permission in Principle) at Former Daks Simpson Site, Strutherhill/Borland Drive, Larkhall
Report dated 13 November 2017 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 25 - 40 |
| 5 | Application CR/17/0165 - Erection of 123 Dwellings and Associated Roads and Landscaping at Newton 2G, Cambuslang
Report dated 8 November 2017 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 41 - 52 |
| 6 | Application CL/17/0234 - Extension of Sand and Gravel Quarry and Restoration of Working Area (Section 42 Application to Amend Conditions of Planning Consent CL/98/0432) at Garvald Quarry, Dolphinton, West Linton
Report dated 7 November 2017 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 53 - 84 |
| 7 | Application HM/17/0447 - Erection of 20 Houses with Associated Amenity Open Space and Car Parking at Former Site of St Blane's Primary School, Blantyre
Report dated 7 November 2017 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 85 - 96 |
| 8 | Application EK/17/0307 - Erection of 16 Houses (4 Semi-detached Houses and 12 Flats) at Former Heathery Knowe Primary School, Whitehills Terrace, East Kilbride
Report dated 6 November 2017 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 97 - 110 |
| 9 | Application EK/17/0309 - Change of Use from Restaurant with Ancillary Takeaway to Form Takeaway with Ancillary Seating Area at 12 Green Street, Strathaven
Report dated 7 November 2017 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 111 - 120 |
| 10 | Review of the Planning Application Decision Making Process Guidance
Joint report dated 13 November 2017 by the Executive Directors (Community and Enterprise Resources) and (Finance and Corporate Resources). (Copy attached) | 121 - 148 |

Urgent Business

11 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

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 10 October 2017

Chair:

Councillor Alistair Fulton

Councillors Present:

Alex Allison, John Anderson (*substitute for Councillor Marrs*), John Bradley, Walter Brogan, Archie Buchanan, Margaret Cowie, Maureen Devlin, Mary Donnelly, Isobel Dorman (Depute), Fiona Dryburgh, George Greenshields, Mark Horsham, Ann Le Blond, Richard Lockhart, Kenny McCreary, Richard Nelson, Carol Nugent, Graham Scott, Jim Wardhaugh

Councillors' Apologies:

Stephanie Callaghan, Katy Loudon, Julia Marrs, John Ross (ex officio), David Shearer, Bert Thomson, Sheena Wardhaugh

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; 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

S Burrows, Media Officer; P MacRae, Administration Officer; K McLeod, Administration Assistant

1 Declaration of Interests

No interest were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 12 September 2017 were submitted for approval as a correct record.

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

3 Application HM/17/0295 - Residential Development (105 Units) and Associated Roads and Infrastructure, Including Footpaths, Open Space, SUDs and Landscaping at Clyde Avenue, Blantyre Mill Road, Bothwell

A report dated 2 October 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0295 by Miller Homes for a residential development (105 units) and associated roads and infrastructure, including footpaths, open space, SUDs and landscaping at Clyde Avenue, Blantyre Mill Road, Bothwell.

The application had been assessed against the relevant policies and criteria contained in the Adopted South Lanarkshire Local Development Plan and Supplementary Guidance. 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 area of the site designated as green belt was only a small part of the application site and its development would not prejudice the greenbelt as a whole or set an unwelcome precedent in relation to the Adopted Green Belt policy
- ◆ the proposal complied with all other relevant Local Development Plan policies
- ◆ the proposed development raised no significant environmental or infrastructure issues
- ◆ the proposed development could be satisfactorily implemented without detriment to residential amenity or road safety concerns
- ◆ no issues had been raised that would merit, or justify, a refusal of planning permission

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.

Councillor Fulton, seconded by Councillor Dorman, moved that the application be granted subject to the conditions specified in the Executive Director's report and the conclusion of the appropriate legal agreements. Councillor McCreary, seconded by Councillor Nelson, moved as an amendment that consideration of the application be continued to a future meeting of the Committee to allow the roads concerns raised in relation to the proposal, particularly with regard to access, to be investigated. On a vote taken by a show of hands, 4 members voted for the amendment and 15 members voted for the motion which was declared carried.

The Committee decided:

- (1) that planning application HM/17/0295 by Miller Homes for a residential development (105 units) and associated roads and infrastructure, including footpaths, open space, SUDs and landscaping at Clyde Avenue, Blantyre Mill Road, Bothwell be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Section 75 Planning Obligation and/or other agreement between the Council, the applicants and the site owners to ensure financial contributions were made at appropriate times during the development towards community and educational facilities
 - ◆ the applicants meeting the Council's legal costs associated with the Section 75 Obligation and/or other legal agreements
- (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 8 March 2016 (Paragraph 5)]

Councillor Le Blond entered the meeting during consideration of this item of business

4 Application EK/17/0184 - Corridor Improvements Project Including 7.3 Metres Wide Dualling of the Existing Carriageway with Associated Shared Cycleway/Footways, Roundabouts, Site Clearance, Drainage, Earthworks, Lighting, Controlled Crossings, Fencing, Structures and Accommodation Works at Greenhills Road/A726 Strathaven Road Corridor Improvements, East Kilbride

A report dated 3 October 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/17/0184 by South Lanarkshire Council for the corridor improvements project including 7.3 metres wide dualling of the existing carriageway with associated shared cycleway/footways, roundabouts, site clearance, drainage, earthworks, lighting, controlled crossings, fencing, structures and accommodation works at Greenhills Road/A726 Strathaven Road Corridor Improvements, East Kilbride.

The Committee decided: that planning application EK/17/0184 by South Lanarkshire Council for the corridor improvements project including 7.3 metres wide dualling of the existing carriageway with associated shared cycleway/footways, roundabouts, site clearance, drainage, earthworks, lighting, controlled crossings, fencing, structures and accommodation works at Greenhills Road/A726 Strathaven Road Corridor Improvements, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

Councillor J Wardhaugh, as the mover of an amendment which failed to find a seconder, asked that his dissent be recorded

5 Application HM/17/0312 - Erection of 26 Flats and 16 Terraced Houses with Associated Amenity Space and Car Parking at Carlisle Road, Ferniegair, Hamilton

A report dated 2 October 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0312 by Clyde Valley/Wilson Developments for the erection of 26 flats and 16 terraced houses with associated amenity space and car parking at Carlisle Road, Ferniegair, Hamilton.

The Committee decided: that planning application HM/17/0312 by Clyde Valley/Wilson Developments for the erection of 26 flats and 16 terraced houses with associated amenity space and car parking at Carlisle Road, Ferniegair, Hamilton be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ the deletion of Conditions 7, 8, 17 and 18 from the conditions specified in the Executive Director's report as they did not apply to the application

6 Application HM/17/0060 - Residential Development (12 Terraced Units) at Building Plot to North West of Glebe Wynd, Bothwell

A report dated 2 October 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0060 by Soparr Limited for a residential development (12 terraced units) at a building plot to the north west of Glebe Wynd, Bothwell.

The Committee decided:

that planning application HM/17/0060 by Soparr Limited for a residential development (12 terraced units) at a building plot to the north west of Glebe Wynd, Bothwell be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ consent being withheld until an appropriate financial contribution towards the upgrading of local community facilities was received from the applicants

7 Tall Wind Turbines: Landscape Capacity, Siting and Design Guidance - Addendum to South Lanarkshire Landscape Capacity Study for Wind Energy 2016

A report dated 27 September 2017 by the Executive Director (Community and Enterprise Resources) was submitted on the proposed Tall Wind Turbines: Landscape Capacity, Siting and Design Guidance, an addendum to the South Lanarkshire Landscape Capacity Study for Wind Energy 2016.

At its meeting on 15 December 2015, the Committee had adopted Supplementary Guidance (SG) on Renewable Energy related to the South Lanarkshire Local Development Plan (SLLDP). The SG contained more detailed policy and guidance for developers on the requirements for wind energy and other renewable energy developments. A series of assessments informed the preparation of the SG which included:-

- ◆ Landscape Capacity Study for Wind Energy
- ◆ South Lanarkshire Local Landscape Character Assessment
- ◆ Validating Local Landscape Designations

Following the announcement by the United Kingdom Government, in June 2015, to end financial support for onshore wind energy developments, many wind energy developments which had received planning consent but which had not been built were unable to access subsidies. As a result, to increase the yield from those developments, many developers proposed to increase the height of turbines and revise their layout.

It was considered necessary to update the Council's existing guidance on landscape capacity to take account of the impacts of taller wind turbines and the Tall Wind Turbines: Landscape Capacity, Siting and Design Guidance (TWT Guidance) had been prepared for consultation. Details were given on the proposed Guidance, which included a new category of turbine size of 150 to 200 metres in height.

The TWT Guidance would provide technical Guidance for the assessment of tall turbines and, if approved, would be a material consideration when assessing proposals for wind energy developments. Prior to implementation, the Guidance would be the subject of consultation for a 4 week period during October/November 2017.

The Committee decided:

- (1) that the Tall Wind Turbines: Landscape Capacity, Siting and Design Guidance – Addendum to South Lanarkshire Landscape Capacity Study for Wind Energy 2016 be approved;
- (2) that a 4 week consultation period take place on the Guidance; and

- (3) that the Head of Planning and Economic Development be authorised to make drafting and technical changes to the Guidance.

[Reference: Minutes of 15 December 2015 (Paragraph 17)]

8 Urgent Business

There were no items of urgent business.

Report

3

Report to:	Planning Committee
Date of Meeting:	21 November 2017
Report by:	Executive Director (Community and Enterprise Resources)

Application No	EK/17/0192
Planning Proposal:	Erection of Community Stadium With Associated Changing Rooms, Stands, Ancillary Fitness Suite and Gyms, Offices, Function Suite, Caretaker's Flat, Access and Parking

1 Summary Application Information

- Application Type : Approval of matters specified in conditions
- Applicant : East Kilbride Community Trust
- Location : Land to the South and East of Hurlawcrook Road
East Kilbride

2 Recommendation(s)

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

- (1) Grant Approval of Matters Specified in Condition - 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: ICA Architects
- ◆ Council Area/Ward: 05 Avondale and Stonehouse
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 – Development management and placemaking
Policy 7 – Employment
Policy 16 – Travel and Transport

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

- ◆ Consultation(s):

Auldhouse & Chapelton Community Council

Countryside & Greenspace

Roads & Transportation Services (Flood Risk Management Section)

Scottish Water

SportScotland

SP Energy Network

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

Transport Scotland

National Grid UK Transmission

South Lanarkshire Access Panel

Environmental Services [e-consult]

Roads Development Management Team

Estates Services – Housing and Technical Resources

Economic Development – Business Support/Projects

Planning Application Report

1 Application Site

- 1.1 The application site relates to an existing area of unused open space covering an area of 3.56ha at the end of Hurlawcrook Road/Langlands Drive on the south-east corner of East Kilbride. The site lies approximately 2 miles (3.2km) from the town centre. The land is level and was formed to facilitate development for business/industrial use. The land is currently overgrown with scrub and grass with some mature hedging on part of the boundary.
- 1.2 To the west and south of the site is Langlands Golf Course and to the east of the site lies a wooded area and fields beyond which run to the Calder Water. To the north of the site is a core path (no. EK/1425/1) which links the Langlands Moss to Calderglen Country Park along the line of the Calder Water. Directly to the north, lies an industrial building (Advanced Tool Manufacture Ltd) which is part of Langlands Park Industrial Estate.

2 Proposal(s)

- 2.1 The applicants have applied for Approval of Matters Specified in Conditions for a proposed Community Stadium with a capacity of 3983 seats with associated changing rooms, stands, fitness suite and gyms, offices, function suite, access and parking. Planning Permission in Principle (PPP) was granted on 24 May 2016. The plans show that the stadium will cover an area of 1.54 ha (15,400sqm) and includes the provision of 411 car parking spaces and 19 bus parking spaces. A single access point to the north of the site will be used and there will also be an emergency access at the south west boundary. The applicants propose to construct the stadium in 4 phases:
- 1st phase – pitch
 - 2nd phase – main stand, changing facilities and community hub
 - 3rd phase – ‘south’ stand
 - 4th phase – ‘north’ stand
- 2.2 The stadium will primarily be a home venue for East Kilbride FC, but it will also be used by the wider community and includes a gym, boxing gym, changing facilities, offices, and media and police facilities. In addition, the stadium will have a caretaker's flat in the ground floor of the community hub adjoining the main stand. The flat will include a bedroom, lounge and toilet. In support of the application the applicants have submitted a design and access assessment and Flood Risk Assessment.

3 Background

3.1 Local Plan Status

- 3.1.1 Policy 7– Employment, of the adopted South Lanarkshire Local Development Plan states that areas identified for core industry and business (as is the site) will continue as such and the Council will direct industrial development to them. This includes classes 4/5 and 6. The use of the site for a community stadium has been established through the approval of a Planning permission in principle.
- 3.1.2 Policy 4 - Development Management and Placemaking states that all proposals 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 and where appropriate should include measures to enhance the environment.

- 3.1.3 Policy 16 – Travel and Transport states that new development proposals must consider the resulting impacts of traffic growth and, where appropriate, provide mitigation.

3.2 **Relevant Government Policy/Advice**

- 3.2.1 The Scottish Planning Policy (SPP) states that Planning Authorities should assess proposals against development plan policies to ensure that development proposals are guided to appropriate locations. Local development plans should allocate a range of sites for business, and business land audits should be undertaken regularly by local authorities to inform reviews of development plans. Planning authorities should consider the potential to promote opportunities for tourism and recreation facilities in their development plans.

3.3 **Planning Background**

- 3.3.1 As part of a Planning Permission in Principle (PPP) application, the applicants undertook a Pre-application Consultation event in November 2015. The PPP application was granted in May 2016 (EK/16/0016).

4 **Consultation(s)**

- 4.1 **Environmental Services** – no objections subject to conditions relating to operational noise and floodlighting.
Response: Noted. These conditions will be attached to any consent.
- 4.2 **SEPA** – no objections.
Response: Noted.
- 4.3 **Scottish Water** – no objections.
Response: Noted.
- 4.4 **SportScotland** – no formal comments to make, however give informal advice relating to the internal layout of the stadium.
Response: Noted, these comments were passed to the applicants.
- 4.5 **Roads & Transportation HQ (Flood Management Section)** – no objections however request that a condition is attached requiring a SUDs layout in accordance with the SUDs regulations is submitted and approved prior to development commencing.
Response: Noted. This condition would be attached to any consent issued.
- 4.6 **Roads and Transportation (Development Management)** – satisfied with the parking provision, access and traffic management.
Response: Noted.
- 4.7 **SP Energy Networks** – no objections.
Response: Noted.
- 4.8 **Transport Scotland** – no objections.
Response: Noted.
- 4.9 **National Grid** – no response to date.
Response: Noted.

- 4.10 **Countryside and Greenspace** – no objections, however the adjacent core path which runs alongside the site should be safeguarded and remain open at all times. Consideration should be given to structural landscaping around the perimeter of the site and to the provision of a segregated pedestrian/cycle route along Langlands Drive.
Response: Noted. Conditions have been attached relating to structural planting and protection of the core path. Roads and Transportation Services are satisfied with the cycle and pedestrian access. Provision of a segregated access formed no part of the PPP application, therefore cannot be requested in this instance.
- 4.11 **South Lanarkshire Access Panel** – no response to date.
Response: Noted.
- 4.12 **Auldhouse & Chapelton Community Council** – no response to date.
Response: Noted.
- 4.13 **Estates Services (Housing and Technical Resources)** – no objections.
Response: Noted.
- 4.14 **Economic Development (Business Support/Projects)** – no objections as other business land is available in the vicinity. Appropriate road improvements should be provided.
Response: Noted. The access to the site is being improved in order to facilitate the development.

5 Representation(s)

- 5.1 Following statutory neighbour notification and advertisement in the East Kilbride News due to the 'nature and scale of development' and 'non-notification of neighbours' 1 letter of objection and 1 letter of comment have been received. The points raised are responded to as follows:

(a) The principle of the stadium is fine; however it should not be located on a greenfield site where infrastructure is unsuitable. The proposed stadium will cause traffic chaos. In practice, how will the plans to stop cars using Auldhouse as a short cut work?

Response: A Transport Assessment was submitted with the PPP application. In addition, the applicants have submitted Traffic Management plan to deal with operation on match days. Roads and Transportation Services have confirmed that they have no objections to the plan. It has been conditioned, that when major events take place, the use of Langlands Road and Hurlawcrook Road will be prohibited through traffic control. In addition, passing places have been provided on both Hurlawcrook Road and Langlands Road to deal with any traffic conflict between vehicles leaving the site to the south. It is envisaged that the capacity of the stadium will only be filled on rare occasions and that not everybody will be travelling individually in a car. In addition, the stadium will primarily be used out-with office and school hours such as evenings and weekends where conflict with other road users is less likely to occur. During events, vehicles travelling to the Community Stadium will predominantly use Greenhills Road and Langlands Drive, with access to the south or west being limited. This will be managed appropriately by the Community Trust. Roads and Transportation Services have confirmed that they are satisfied with the proposal to use Hurlawcrook Road and Langlands Drive as predominant accesses.

(b) The proposed trees to be planted should be native species and every effort must be made to protect wildlife during construction.

Response: The applicants have previously submitted an ecological survey which has been assessed by the Council's Countryside and Greenspace section. They have confirmed that the report raises no issues of concern. A condition has been attached to ensure that the site is re-surveyed before construction commences. A landscaping plan has been conditioned and will also be subject to approval prior to any development commencing.

(c) If this stadium is approved, will the existing stadium at the K-Park be demolished and returned to wildlife?

Response: This is not a material planning consideration as it relates to another site. Notwithstanding this, the owners of the K-Park have planning permission to erect an additional stand.

- 5.2 These letters have been copied and are available for inspection on the Planning portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks approval of matters specified in condition for a community stadium which already has planning permission in principle. The applicant has submitted full plans of plans of the complex, which includes - in addition to a full size football pitch - changing rooms, a function suite, offices, boxing gym, gym and sports hall all housed within the main stand in addition to a caretaker's flat. The stadium will be managed by the applicants, East Kilbride Community Trust (EKCT), and will predominantly be used as the home venue for East Kilbride FC's senior team. The pitch will also be made available for hire to local football clubs and clubs from other sports. Internally, the facilities will be used for activities such as boxing, martial arts, keep-fit and rehabilitation. In addition, the main stand area will provide conference and match day facilities such as those for media. The plans show the proposal with a capacity of 3983 seats which will be distributed as follows:

Main Stand – 2423 seats
North Stand – 780 seats
South Stand – 780 seats

- 6.2 The main determining issue is the proposal's compliance with the South Lanarkshire Local Development Plan 2015. The principle of the development has already been established by the approval of Planning Permission in Principle in May 2016. The current application largely follows the indicative layout submitted with the previous application. As a result, the primary aim of the current application is to ensure that the design and layout of the stadium is in keeping with its locality.
- 6.3 Policy 4 – Development Management and Placemaking requires proposals to have no adverse impact on adjacent buildings or streetscape. The application site is situated at the very edge of the settlement of East Kilbride and is currently undeveloped. The closest building is an industrial premise, 40 metres to the north of the boundary of the site. The plans show that the stadium itself will be approximately 75 metres away from this unit. Notwithstanding this, the site is directly opposite Langlands Golf Course and in the vicinity of the Langlands Moss. The site is also more than 1km from the nearest residential area and given the likely times it will be used, it is unlikely to have a detrimental impact on the amenity of nearby industrial and business users. The proposed use is an appropriate medium between business/industrial use and recreational/outdoor uses that are located on this edge of settlement site. Furthermore, the site will have no impact on landscape character or on the setting of any historical sites or buildings. A condition of the consent will require the applicant to provide buffer planting around the site in order to minimise its impact and further

strengthen the green edge of East Kilbride. The stadium will be of a modern design with stands on three sides and the community hub built onto the main stand.

- 6.4 Policy 4 also requires proposals to provide suitable access and parking and to encourage active travel whilst having no adverse implications for public safety. The applicants have previously provided a detailed Transport Assessment together with a Traffic Management Plan specifically related to the occasions when the site will be used for major events. Both were previously assessed by Roads and Transportation Services who have agreed with their findings. The site will accommodate 411 car parking spaces and 19 bus spaces. Specifically on match days, the agreed traffic management procedures will be applied to ensure all traffic using the site is directed back towards the main arterial roads and also to ensure that traffic flow is maintained at all times. In addition to bus and car parking provision, the applicants will provide space for cycle parking and pedestrian links.
- 6.5 In terms of landscaping, planting will be provided on the edge of the site. Specifically, native structural planting has been conditioned for the south boundary of the site as it will now become the settlement boundary. This will supplement the existing hedgerow which runs around the south-western corner of the site. The site has close access to both the Langlands Moss and a core path to the north, both of which will be protected. I am therefore satisfied that the proposal complies with Policy 4 of the Local Development Plan.
- 6.6 Policy 16 – Travel and Transport requires all proposals to consider, and where appropriate, mitigate the resulting impacts of traffic growth and development related traffic. As required by this policy, the applicants had previously submitted a Transport Assessment (TA) in line with the agreed parameters set out by Roads and Transportation Services and includes the impact of traffic and the development of walking, cycling and public transport. The TA concluded that the proposals will not have a significant impact on the road network subject to the implementation of an event management strategy. A Traffic Management Plan (TMP) will be implemented to ensure that procedures such as, police liaison, radio communication and dedicated staff co-coordinating traffic will take place whenever there is a major event. In addition to these requirements, the EKCT staff will physically direct traffic back towards the main arterial roads and will liaise with Roads and Transportation Services to ensure that any Traffic Regulation Orders (TROs) are in place prior to major events.
- 6.7 Following a full assessment of the proposal, it is clear that the proposal can comply with all the appropriate policies contained in the local development plan. In addition to the existing land use and amenity issues, the applicants have provided detailed information on the traffic and transportation issues which would be generated as a result of the proposal.
- 6.8 In addition to the standard neighbour notification procedure carried out by the Council, as noted in Section 5, the proposal was also advertised due to non-notification of neighbours. The application was also advertised due to the nature and scale of the development. Following this, 1 letter of objection and 1 letter of comment were received - the points of which are summarised in section 5 above. I am satisfied that the proposal complies with the relevant policies in the local development plan together with the requirements of the PPP application. Therefore, approval of the matters specified in the conditions of the previous planning permission in principle is recommended.

7 Reasons for Decision

- 7.1 The proposal complies with the aims of the SPP and the requirements of Policies 4, 7 and 16 of the South Lanarkshire Local Development Plan 2015.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

7 November 2017

Previous References

- ◆ EK/16/0016

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Neighbour notification letter dated 08.06.2017
- ▶ Consultations
 - Roads Development Management Team 14/07/2017
 - &
 - Transport Scotland 22/06/2017
 - Countryside & Greenspace 21/06/2017
 - Roads & Transportation Services (Flood Risk Management Section) 19/06/2017
 - SP Energy Network 16/06/2017
 - S.E.P.A. (West Region) 20/06/2017
 - Scottish Water 22/06/2017
 - SportScotland 20/06/2017
 - Economic Development (Business Support/Projects) 13/11/2017
- ▶ Representations
 - Representation from : Joe Allan, 94 Franklin Place
East Kilbride
G75 8LS, DATED 28/06/2017
 - Representation from : Rebecca Hay, 38 Langlands Road
Auldhouse
G75 9DW
DATED 13/06/2017 13:13:16

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
Ext 5048 (Tel : 01698 455048)

E-mail: ian.morton@southlanarkshire.gov.uk

CONDITIONS

- 1 That before any work commences on the site, a scheme of structural 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.
- 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.
- 3 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.
- 4 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.
- 5 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 4 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 6 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.
- 7 That prior to development commencing on site, details of the proposed floodlighting scheme together with a lighting assessment shall be submitted. 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; louvres; cowling; lux contours/distribution diagrams and column type.

The approved scheme shall be implemented prior to the development being

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

- 8 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), the use of the development hereby approved shall be restricted to use as community stadium with associated changing rooms, stands, ancillary fitness suite and gyms, offices and function suite and for no other purpose within Class 11 as defined in the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997, without the prior written consent of the Council as Planning Authority.
- 9 That prior to development commencing, the applicant shall submit a Travel Plan detailing how the developer will encourage the use of sustainable travel modes to access the site and shall include details of pedestrian and cycle way finding posts directing people to and from the development.
- 10 That prior to development commencing, the Travel Plan required by condition 10 above shall be approved in writing by the Council as Planning Authority and the applicant shall implement the approved plan in full unless otherwise agreed.
- 11 That prior to development commencing, details showing how the existing 30mph speed limit and associated lighting network shall be relocated at the applicant's expense shall be submitted to and approved by the Council as Planning Authority.
- 12 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.
- 13 That the core path adjacent to the site (route no. EK/1425/1) shall be safeguarded at all times and remain open during any construction works and throughout the use of the stadium hereby approved in principle.
- 14 That prior to development commencing, a further phase 1 habitat survey shall be undertaken and no work shall commence until the applicant receives written approval from the Council as Planning Authority.
- 15 That prior to the development coming into use a detailed Schematic showing the Public Address System shall be provided for the approval of the Planning Authority to ensure that noise emissions from the site are compliant with "Best Practicable Means". This should ensure that where possible speaker arrays or horns are directed towards the listener. Bass speaker should be localised or have a high Directivity Index.
- 16 That where the Development is being used as an Urban Stadia or Arena, the Music Noise Level shall not exceed 75dB(A) at any noise sensitive receptor for the first 3 events per year. From 4 to 12 further events, the Music level shall not exceed the background noise level by more than 15dB(A) in any 15 minute period at any noise sensitive receptor.
- 17 That noise breakout from the internal parts of the facility shall be inaudible at any noise sensitive development. The following may be used as an objective guide for the aforementioned requirement:

1. The L_{10} entertainment noise shall not exceed the representative background noise levels L_{90} (without entertainment noise) in any $1/3$ octave band between 40 Hz and 160 Hz.

2. The $LA_{eq,15min}$ of the entertainment noise shall not exceed the representative background noise $LA_{90,15min}$ (without entertainment noise).

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

18 That unless otherwise agreed, the Updated Traffic Management Plan – reference number PI2991/DC/171027 shall be implemented in full and no changes shall be made to the plan unless agreed in writing by the Council as Planning Authority.

19 That prior to the stadium hereby approved being completed or brought into use (whichever is the sooner) all 411 car parking spaces and 19 coach parking spaces shall be constructed and operational.

REASONS

1.1 In the interests of the visual amenity of the area.

2.1 In the interests of amenity.

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

4.1 These details have not been submitted or approved.

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

6.1 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.

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

8.1 In order to retain effective planning control.

9.1 To encourage the use of sustainable transport.

10.1 To encourage the use of sustainable transport.

11.1 In the interest of road safety.

12.1 To ensure the provision of a satisfactory sewerage system.

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

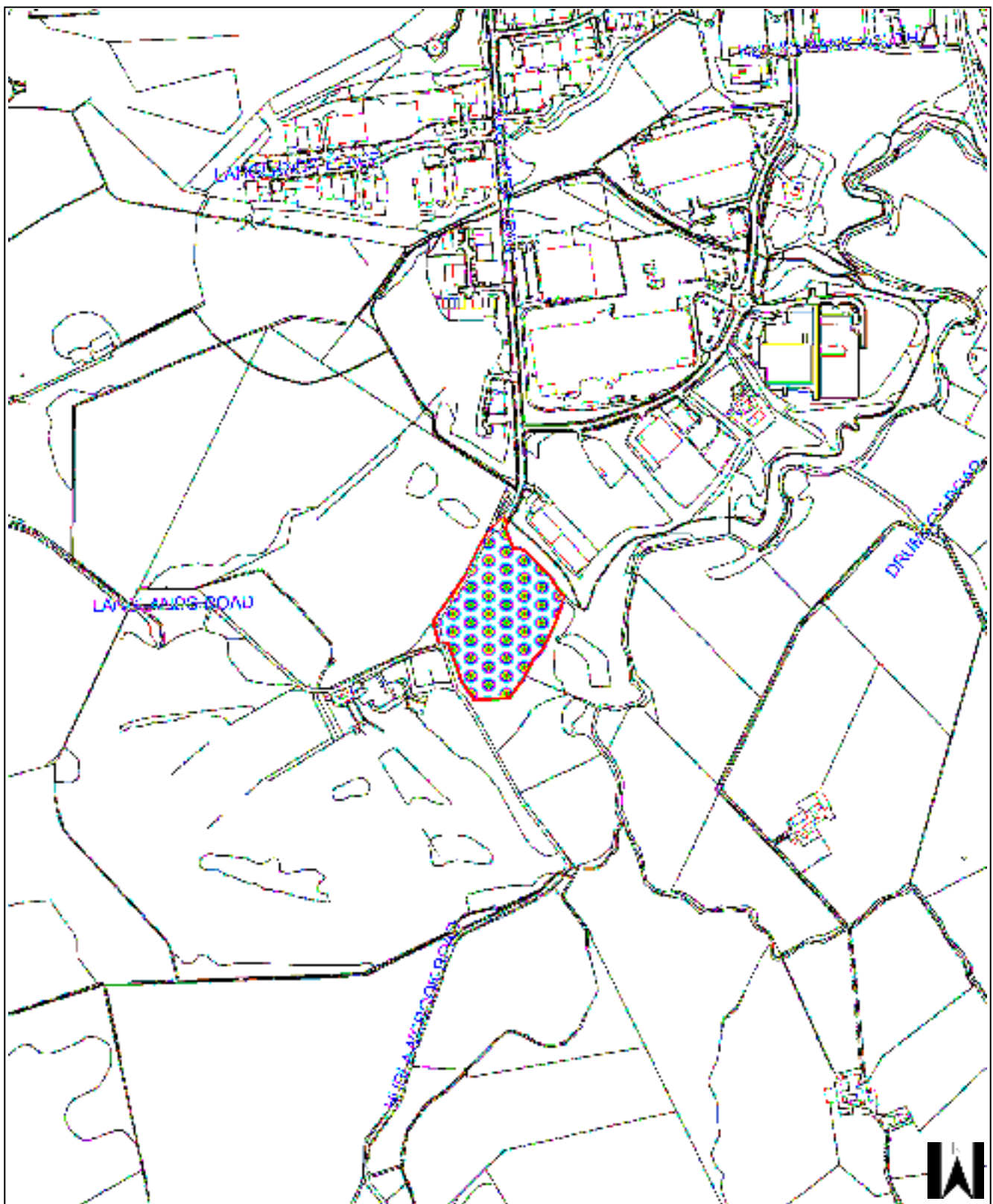
14.1 To ensure that any ecological species on site are protected and suitable mitigation measures are put in place.

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 the interest of road safety.
- 19.1 In the interest of road safety and in order to retain effective planning control.

For information only



For information only

Report

4

Report to:	Planning Committee
Date of Meeting:	21 November 2017
Report by:	Executive Director (Community and Enterprise Resources)

Application No	HM/17/0167
Planning Proposal:	Residential Development With Landscaping and Associated Works (Planning Permission in Principle)

1 Summary Application Information

- Application Type : Permission in principle
- Applicant : Patersons of Greenoakhill Ltd
- Location : Former Daks Simpson Site
Struther Hill/ Borland Drive
Larkhall

2 Recommendation(s)

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

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

2.2 Other Actions/Notes

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

- Additional nursery, primary and secondary education accommodation as appropriate.
- Provision of appropriate community facilities, either on site or off.
- The provision of affordable housing on site or by way of a commuted sum.

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

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

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

3 Other Information

- ◆ Applicant's Agent: DTA Chartered Architects
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 1 - Spatial Strategy
Policy 4 - Development Management and Place Making
Policy 5 - Community Infrastructure Assessment
Policy 7 - Employment
Policy 12 - Housing Land
Policy 14 - Green Network and Greenspace
Policy 16 - Travel and Transport
Policy 17 - Water Environment and Flooding

Development Management, Place Making and Design Supplementary Guidance (2015)
Residential Design Guide (2011)

- ◆ Representation(s):

▶	0	Objection Letters
▶	0	Support Letters
▶	0	Comments Letters

- ◆ Consultation(s):

Roads & Transportation Services (Flood Risk Management Section)

Scottish Water

The Coal Authority - Planning and Local Authority Liaison Department

Education Resources

Environmental Services

Community Services

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application relates to an area of land located at the edge of the Strutherhill Industrial Estate off Carlisle Road to the south of Larkhall town centre. The site is currently vacant comprising large areas of hardstanding, grass and scrub and was previously occupied by the former Daks Simpson warehouse. The site is irregular in shape and extends to approximately 7.5 hectares. The site is bounded to the north and east by open grassland, to the south by industrial buildings and to the west by a mixture of housing, a sewage works and Carlisle Road. A narrow corridor of land extends beyond the main area of the site and serves as the existing access route from Carlisle Road.

2 Proposal(s)

- 2.1 The applicant seeks planning permission in principle for residential development within the site. An indicative site layout plan was submitted with the application which shows an area for social housing and two access points into the site. The access to the major part of the development would be taken from a new access road off Borland Drive with the area of social housing accessed from the existing access road off Carlisle Road. A sustainable urban drainage (SUDS) system is proposed within the southern part of the site.
- 2.2 The application is for residential development within the whole site. However, it should be noted that an application for planning permission in principle was previously granted to Patersons Property Investment Partnership LLP on 6 May 2015 for residential and commercial development within the site (HM/13/0269). An indicative plan submitted with that application showed a proposed residential development located within approximately 4.4 hectares of the northern portion of the site accessed from Carlisle Road. This permission was granted subject to the conclusion of a Section 75 Obligation to ensure that appropriate financial contributions are made at appropriate times during the development towards additional nursery, primary and secondary education accommodation as appropriate, provision of appropriate and/or financial contribution to community facilities partly on site and off and the provision of affordable housing by way of a commuted sum.
- 2.3 The proposed development is classified as a 'Major' development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and was subject to a 12 week period of pre-application consultation (PAC) including a public exhibition which was held at Larkhall Public Library in January 2017. A copy of the Pre-application Consultation Report has been submitted as a supporting document. The outcome of the exhibition and the response of the applicants to comments received are detailed within the PAC Report. Additional supporting documents submitted include a Transport Assessment and a Mining Desk Study Report.

3 Background

3.1 Local Plan Background

- 3.1.1 The application site is designated partly for residential use and partly as Employment Land within the adopted South Lanarkshire Local Development Plan. The site is also covered by the Green Network. The relevant policies in terms of the assessment of this application are Policy 1 - Spatial Strategy, Policy 4 - Development Management and Place Making, Policy 5 - Community Infrastructure Assessment, Policy 7 - Employment, Policy 12 - Housing Land, Policy 14 - Green Network and Greenspace, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding of the adopted South Lanarkshire Local Development Plan and the supplementary guidance of the Proposed Development Management, Place Making and Design Supplementary Guidance relating to 'Community Infrastructure', 'Industrial and

Commercial Development’ and ‘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 Advice/Policy**

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

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

3.3 **Planning Background**

3.3.1 A detailed planning application was submitted by AS Homes Scotland Limited for the erection of 48 dwellinghouses within the northern area of the application site and was registered by the Council on 11 October 2017 (HM/17/0484). This application is currently being assessed.

3.3.2 Planning Permission in Principle was granted to Patersons Property Investment Partnership LLP on 6 May 2015 for a proposed residential and commercial development within the application site (HM/13/0269). This permission was granted subject to the conclusion of a Section 75 Obligation to ensure that appropriate financial contributions are made at appropriate times during the development towards additional nursery, primary and secondary education accommodation as appropriate, provision of appropriate and/or financial contribution to community facilities partly on site and off and the provision of affordable housing by way of a commuted sum.

4 **Consultation(s)**

4.1 **Education Resources** – have no objections to the application subject to the applicant agreeing to a financial contribution towards additional education accommodation requirements at Larkhall Academy and Holy Cross High and their feeder primary schools and nurseries where appropriate.

Response:- Noted. Discussions are ongoing with regard to the level of educational requirements arising from the proposed development and the applicant has in principle indicated a willingness to enter into a Section 75 Obligation and/or other legal agreement with the Council regarding these contributions, as with the previous consent.

4.2 **Environmental Services** – have no objections to the application subject to conditions requiring the submission of a noise assessment, a contaminated land site investigation, a scheme for the control and mitigation of dust and details of facilities for the storage of refuse within the proposed development.

Response:- Noted. As the proposal relates to an application for planning permission in principle it is considered that appropriately worded conditions could be incorporated into any consent granted requiring the submission of the above details for the Council’s approval and future implementation following the submission and approval of the required matters specified in conditions application(s).

- 4.3 **Roads and Transportation Services (Development Management)** – have no objections to the application subject to conditions relating to the provision of appropriate visibility splays, access road, car parking, surfacing and driveways and land drainage.
Response:- Noted. Appropriately worded conditions would be attached to any consent granted to address the above matters.
- 4.4 **Roads and Transportation Services (Flood Risk Management Section)** – have no objections to the application subject to conditions requiring the submission of a flood risk/drainage assessment for the Council's approval and the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied through the completion of a self certification document.
Response:- Noted. Appropriately worded conditions would be attached to any consent granted to address the above matters.
- 4.5 **Scottish Water** – no response to date. However, in a previous consultation response relating to planning application HM/13/0269 for a proposed residential and commercial development on the site (planning permission in principle), Scottish Water advised that they had no objections to the application and that Skellyton Waste Water Treatment Works had limited capacity to service the proposed development.
Response:- Noted. The applicant has been made aware of this situation.
- 4.6 **Community Resources** – no response to date.
Response:- Noted.
- 4.7 **The Coal Authority** – initially objected to the proposal as no coal mining risk assessment was submitted with the application. However, following the submission of a Mining Desk Study Report, The Coal Authority have withdrawn their objection to the application. The Coal Authority concurs with the recommendations of the submitted Mining Desk Study Report that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. A condition should be attached to any consent granted requiring that these site investigation works be undertaken prior to the commencement of development. In the event that the site investigations confirm the need for remedial works to treat the mine entries and/or areas of shallow mine workings to ensure the safety and stability of the proposed development, this matter should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.
Response:- Noted. 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 as Development Contrary to the Development Plan and under the heading Non-Notification of Neighbours in the Hamilton Advertiser. No letters of representation were received in relation to the application.

6 Assessment and Conclusions

- 6.1 The applicant seeks planning permission in principle for residential and commercial development within the site. The determining issues in consideration of this application are its compliance with national and local plan policy. If the application does not comply with the above policy an assessment has to be made as to whether

there is a material justification for a departure from the development plan. In addition, other matters including the proposal's impact on the amenity of adjacent properties and on the local road network will need to be considered.

- 6.2 In terms of residential development, SPP requires Councils to maintain a five year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity.
- 6.3 Designing Streets - A Policy Statement for Scotland was introduced in March 2010 and marks the Scottish Government's commitment to move away from a standardised engineering approach to streets and to raise the quality of design. Development layouts should be designed to encourage a safe environment for pedestrians and cyclists, carefully positioned dwellings, landscaping and off-street parking which can be more effective at achieving slower traffic movements. Permeability which encourages walking is now seen as a high priority and footpath links are encouraged to ensure that houses can be easily accessed from main public transport routes.
- 6.4 In this instance, the proposal involves the re-use of a previously developed site which would have a positive impact on the built and natural environment. The proposal also promotes development in a sustainable location which would be accessible by public transport and well integrated into existing walking and cycling networks. With regard to Designing Streets, any detailed layout submitted with a subsequent application for the approval of matters specified in conditions would have to comply with this guidance in addition to the design standards set out in the Council's Residential Design Guide. It is, therefore, considered that the principle of the proposal is acceptable and in accordance with national planning policy.
- 6.5 The application site is designated partly for residential use and partly as Employment Land within the adopted South Lanarkshire Local Development Plan. The site is also covered by the Green Network. The relevant policies in terms of the assessment of this application are Policy 1 - Spatial Strategy, Policy 4 - Development Management and Place Making, Policy 5 - Community Infrastructure Assessment, Policy 7 - Employment, Policy 12 - Housing Land, Policy 14 - Green Network and Greenspace, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding of the adopted South Lanarkshire Local Development Plan and the supplementary guidance of the Proposed Development Management, Place Making and Design Supplementary Guidance relating to 'Community Infrastructure', 'Industrial and Commercial Development' and 'Design'.
- 6.6 Policies 1 and 7 promote sustainable economic growth and regeneration by encouraging the development of business in South Lanarkshire through the identification of employment land use areas. The categories of employment land use areas and appropriate uses are set out in Table 4.1 of the Local Development Plan and shown on the proposals maps. The site was identified as Other Employment Land which are areas designated for industrial use but have an increasing element of non-industrial uses. In this regard, the principle of re-designating the whole site to residential use was included in the Local Development Plan Main Issues Report (MIR), which was approved by Planning Committee in April 2017 and subject to public consultation, and Table 3.1 in the MIR notes a proposed change from a Development Framework Site (mixed use) to a Residential Masterplan site. No representations relating to this site were made and it will, therefore, proceed to be included in the Proposed Plan as a Residential Masterplan site.

- 6.7 As part of the site is designated as an Other Employment Land Use Area and the proposal relates to a non industrial/business use the application requires to be assessed against the terms of Policy ICD2 – Other Employment Land Uses of the Industrial and Commercial Development Supplementary Guidance. This policy states that in other employment land use areas indicated in the proposals map, proposals for non-industrial/business uses will be considered subject to meeting the following criteria:
- a The development is not for residential use.
 - b The proposal is not for retail uses that could undermine the vitality and viability of existing town and village centres within South Lanarkshire.
 - c The development will not prejudice the operation of adjoining businesses.
 - d The site or premises easily be accessed from main road routes and have satisfactory access by walking, cycling and public transport.
 - e The development will not adversely affect public safety.
 - f The infrastructure implications including the impact on the transport network of the development are acceptable or can be mitigated to an acceptable level.
 - g The proposal includes appropriate parking provision for the type of development.
 - h The development will not adversely affect the natural or built environment, including Natura 2000 sites and protected species.
- 6.8 With regard to Criterion a. and as discussed above, the principle of re-designating the whole site to residential use was included in the Local Development Plan Main Issues Report (Table 3.1 in the MIR which notes proposed change from Development Framework Site (mixed use) to Residential Masterplan site) approved by committee and subject to public consultation. No representations relating to this site were made and it will, therefore, proceed to be included in the Proposed Plan as a Residential Masterplan site. In terms of Criteria b. and c. the proposal is not for retail use and the design and layout of the development would have to be designed appropriately through any subsequent applications submitted for the approval of matters specified in conditions to ensure that it would not prejudice the operation of adjoining businesses.
- 6.9 With regard to Criterion d. the site is located at the edge of the industrial area and can easily be accessed from Carlisle Road offering good walking and cycling connections with the surrounding area. There is a relatively good level of bus service provision on Carlisle Road, therefore, the site can be served by public transport. With regard to Criterion e. it is considered that the proposal would not adversely affect public safety as all traffic resulting from the development would be segregated from the roads currently serving the wider industrial area. In terms of Criterion f. the proposal raises no infrastructural implications and the development of the site would have a positive impact on the built and natural environment as the proposal involves the redevelopment of a previously developed site for residential use. With regard to Criterion g. any consent granted would be conditioned to ensure that any matters specified in conditions application(s) submitted makes suitable provision for appropriate levels of car parking within the development. In terms of Criterion h. it is considered that any subsequent applications for the approval of matters specified in conditions would have to take account of the design guidance contained within Designing Streets and the Council's Residential Design Guide and be in keeping with development in the surrounding area to ensure the proposal would not adversely affect the natural or built environment.
- 6.10 In terms of Policy 5 – Community Infrastructure Assessment the applicant has agreed in principle to the provision of affordable housing on site or by way of a commuted sum in addition to a financial contribution for educational provision, to equate to the demand for school places arising from the proposed development, and the provision

of appropriate community facilities (and/or a financial contribution), either on site or off, both of which would be addressed appropriately through the conclusion of a Section 75 Obligation. It is, therefore, considered that the proposal meets the terms of the above policies.

- 6.11 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. Roads and Transportation Services are satisfied that the proposal raises no access or road safety issues and that sufficient car parking is being provided for the development. On this basis, it is considered that the proposal complies with the terms of Policy 16. Due to the scale of the proposed development a Transport Assessment was submitted with the application that has assessed the impact on the local road network and its conclusions are considered to be acceptable. Roads and Transportation Services have assessed the application and subject to appropriately worded conditions they are satisfied that the development would not have an adverse impact on traffic flows or road safety and that adequate levels of car parking provision can be accommodated within the site. As discussed, the site would be accessible by public transport and the development would be well integrated into existing walking and cycling networks. It is, therefore, considered that the proposal complies with Policy 16.
- 6.12 With regard to flooding and surface water drainage no adverse comments were raised by Roads and Transportation (Flood Risk Management) subject to the inclusion of conditions requiring the submission of a Flood Risk/Drainage Assessment for the Council's approval and the provision of a sustainable urban drainage system (SUDS) within the site. Scottish Water have also confirmed that they have no objections to the application and in addition to this any consent granted would include a condition to ensure that no dwellings are occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards. It is, therefore, considered that the proposal is in accordance with the terms of Policy 17.
- 6.13 In terms of the design of the proposed development Policy 4 and Policy 14 are relevant to the assessment of the application. Policy 4 generally requires new development to have due regard to the layout, form, design and local context of the area and to promote quality and sustainability in its design. Policy 14 states that development proposals should safeguard the local green network and identify opportunities for enhancement and/or extension. The protection and enhancement of the green network will be a core component of any masterplan, development framework site or community growth area. As the application is for planning permission in principle limited details have been submitted with the application in terms of the detailed layout and design of the proposal. Consequently, any subsequent applications submitted for the approval of matters specified in conditions would have to take account of the design guidance contained within Designing Streets and the Council's Residential Design Guide and be in keeping with development in the surrounding area whilst protecting and enhancing the local green network.
- 6.14 In summary, the application is for a non-industrial/business use on land partly designated as Employment Land in the adopted South Lanarkshire Local Development Plan. In this regard, the application has been assessed against the criteria contained in Policy ICD2 – Other Employment Land Uses of the Industrial and Commercial Development Supplementary Guidance. As the application is for residential use within the site, the proposal does not comply with Criterion a. and is, therefore, contrary to the Local Development Plan on that point. However, the

Planning Act allows for exceptions to be made to policy where other material considerations outweigh the provisions of the development plan. In this instance, it is considered that a departure from the Development Plan is justified for the following reasons.

- (i) The proposal complies with all of the other criteria listed in Policy ICD2.
- (ii) The application site relates to a previously developed site and the re-development of this vacant and untidy site would have a positive impact on the environment.
- (iii) There are no infrastructure or road safety implications associated with the proposal.
- (iv) Part of the application site already has consent for residential use.

7 Reasons for Decision

7.1 For the reasons set out in 6.14 above.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

13 November 2017

Previous References

HM/17/0484

HM/13/0269

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (Adopted 2015)
- ▶ Neighbour notification letter dated 13.04.2017
- ▶ Press Advertisement, Hamilton Advertiser 27.04.2017
- ▶ Consultations
 - Roads & Transportation Services (Flood Risk Management Section) 02/05/2017
 - Roads Development Management Team 14/06/2017
 - Environmental Services 24/04/2017
 - The Coal Authority - Planning and Local Authority Liaison Department 28/04/2017
 - Education Resources 02/11/2017
- ▶ Representations
None

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, 154 Montrose Crescent, Hamilton ML3 6LB
Ext 3657, (Tel : 01698 453657)
E-mail: jim.blake@southlanarkshire.gov.uk

CONDITIONS

- 1 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).
- 2 That no consent is hereby granted for any of the details shown on the plan:
Sketch Proposals: Site Plan (dated December 2013).
- 3 That the further application(s) required under the terms of Condition 1 above shall comply with the guidance on new residential development contained in the Council's Residential Design Guide.
- 4 That the further application(s) required under the terms of Condition 1 above shall include:
 - (a) a comprehensive site investigation, carried out to the appropriate Phase level, for the consideration and detailed approval of 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.

- 5 That the further application(s) required under the terms of Condition 1 above shall include, a scheme for the control and mitigation of dust for the consideration and detailed approval of the Council as Planning and Roads 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.
- 6 That the further application(s) required under the terms of Condition 1 above shall include a noise assessment for the consideration and detailed approval of the Council as Planning Authority to determine the impact of noise from the industrial and haulage sites located off Boreland Drive and in Strutherhill Industrial Estate 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.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).
- 7 The applicant shall ensure that all works carried out on site are carried out in accordance with the current BS5228, 'Noise control on construction and open sites'. Prior to commencement of construction activities a detailed report identifying the projected noise impact at the nearest noise sensitive receptors shall be provided in accordance with the standard. The imissions at the Noise Sensitive Receptor shall be cumulative and shall include mobile and stationary plant and equipment. The noise from any haul roads on site shall also be included. Corrections shall be made for variables such as the operating time and the relative cumulative impact value. This shall be corrected for attenuation and shall be provided as an LAeq.1hr to be compared with either the pre-existing background level or using the ABC table within the British Standard.
- 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.

- 9 That the further application(s) required under the terms of Condition 1 above shall include a Flood Risk/Drainage Assessment for the consideration and detailed approval of the Council as Planning and Roads Authority in consultation with SEPA. The required Flood Risk Assessment shall be the subject of independent verification in accordance with the Council's current design criteria.
- 10 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.
- 11 That prior to the submission of the further application(s) required under the terms of Condition 1 above, intrusive site investigation works shall be undertaken to establish the exact situation regarding coal mining legacy issues on the application site to the satisfaction of the Council as Planning Authority in consultation with The Coal Authority.
- 12 In the event that the site investigations required under Condition 11 above confirm the need for remedial works the required remedial works shall be undertaken prior to the commencement of the development to the Council's satisfaction.
- 13 That the further application(s) required under the terms of Condition 1 above shall include a scheme for the provision of equipped play area(s) within the application site for the consideration and detailed approval of the Council as Planning Authority 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.
- 14 That the further application(s) required under the terms of Condition 1 above shall include full details of the design and layout of the access points onto the B7078 Carlisle Road and Borland Drive for the consideration and detailed approval of the Council as Planning and Roads Authority. The access onto the B7078 Carlisle Road shall have a visibility splay of 4.5m x 90m in each direction and the access onto Borland Drive shall have a visibility splay of 4.5 m x 60m in each direction to the Council's satisfaction.
- 15 That the further application(s) required under the terms of Condition 1 above shall include full details of the traffic signal model for the junction at Broomhill Road/John Street/Church Street for the consideration and detailed approval of the Council as Planning and Roads Authority. Any alterations to the timings at the junction shall require the investigation of a revised network model and updated timings implemented to the network along with an update to the SCOOT database. Timing changes shall be submitted for the Council's approval and thereafter shall be implemented to the Council's satisfaction. The above requirements relate to the following junctions:

Church Street/John Street/Broomhill Road

Church Street/McNeil Street/Union Street/Muir Street and nearby pedestrian

crossings
Union Street/Raploch Street/Wellgate Street
Duke Street/Hamilton Street/Wellgate Street/Drygate Street
Hamilton Street/Hamilton Road/Summerlee Road and nearby pedestrian crossing

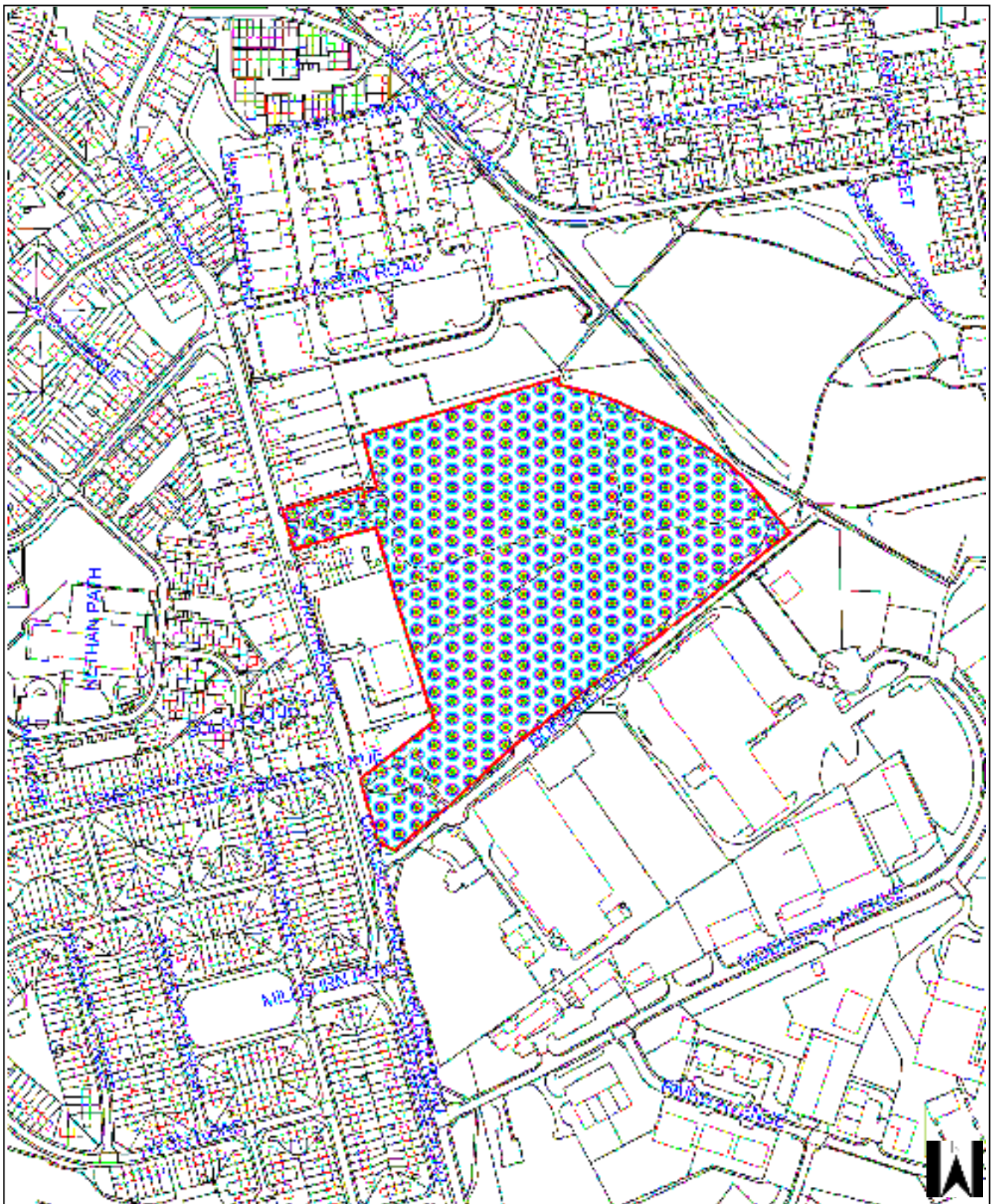
- 16 That the further application(s) required under the terms of Condition 1 above shall include a full Safety Audit for the consideration and detailed approval of the Council as Planning and Roads Authority in accordance with the Institute of Highways and Transportation Guidelines for all infrastructure to be constructed and adopted or altered on the public road.
- 17 That the further application(s) required under the terms of Condition 1 above shall include a detailed internal layout for all elements of the development for the consideration and detailed approval of the Council as Planning Authority in accordance with "Designing Streets" policy and SCOTS National Roads Development Guide, and the Council's associated Supplementary Guidance.
- 18 That the further application(s) required under the terms of Condition 1 above shall include details of the footway connections throughout the site, along the frontage of the development and connections to adjoining footways/footpaths, for the consideration and detailed approval of the Council as Planning and Roads Authority. Thereafter, the agreed details shall be implemented to the Council's satisfaction.
- 19 That the further application(s) required under the terms of Condition 1 above shall include details of the cycle way connections throughout the site along the frontage and linkages to the existing cycle route and town centre for the consideration and detailed approval of the Council as Planning and Roads Authority. Thereafter, the approved details shall be implemented to the Council's satisfaction.
- 20 That prior to the occupation of the 1st residential property details of a welcome pack shall be submitted to and approved by the Council as Planning and Roads Authority to encourage sustainable travel to and from the development and thereafter distributed.
- 21 That all parking incorporated in the development shall be in accordance with SCOTS National Roads Development Guide, and the Council's associated Supplementary Guidance.
- 22 That the further application(s) required under the terms of Condition 1 above shall include a habitat survey of the site for the consideration and detailed approval of the Council as Planning Authority.

REASONS

- 1.1 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 2.1 Permission is granted in principle only and no approval is given for these details.
- 3.1 In the interests of amenity.
- 4.1 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

- 5.1 To minimise the risk of nuisance from dust to nearby occupants.
- 6.1 In the interests of amenity.
- 7.1 To safeguard the amenity of the area.
- 8.1 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.
- 9.1 To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows, increased surface water run off and/or reduction of flood storage capacity.
- 10.1 To ensure the provision of a satisfactory sewerage system
- 11.1 To ensure the safety and stability of the proposed development.
- 12.1 To ensure the safety and stability of the proposed development.
- 13.1 In the interests of the visual amenity of the area.
- 14.1 In the interest of public and road safety.
- 15.1 In the interest of public and road safety.
- 16.1 These details have not been submitted or approved.
- 17.1 These details have not been submitted or approved.
- 18.1 These details have not been submitted or approved.
- 19.1 These details have not been submitted or approved.
- 20.1 To encourage sustainable travel to and from the development.
- 21.1 In the interest of public and road safety.
- 22.1 These details have not been submitted or approved.

For information only



For information only

Report

5

Report to: **Planning Committee**
 Date of Meeting: **21 November 2017**
 Report by: **Executive Director (Community and Enterprise Resources)**

Application No CR/17/0165
 Planning Proposal: Erection of 123 Dwellings and Associated Roads and Landscaping

1 Summary Application Information

- Application Type : Approval of Matters Specified in Condition
- Applicant : Miller Homes Ltd
- Location : Newton 2G
Cambuslang

2 Recommendation(s)

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

- (1) Grant Approval of Matters Specified in Condition - 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:
- ◆ Council Area/Ward: 14 Cambuslang East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
 Policy 1 – Spatial Strategy
 Policy 4 – Development Management and Place Making
 Policy 5 – Community Infrastructure Assessment
 Policy 6 – General Urban Area/Settlements
 Policy 12 – Housing Land
Development management, placemaking and design supplementary guidance (2015)
 Policy DM1 - Design

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

- ◆ Consultation(s):

Halfway Community Council

Countryside & Greenspace

Roads & Transportation Services (Flood Risk Management Section)

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

Environmental Services

Community - play provision/community contributions

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The site, which extends to approximately 6 hectares, and is part of the larger Phase 2 site of 128 hectares, is located to the north, west and east of the village of Newton. It is bounded to the north by the remainder of Phase 2 of the CGA and to the south and the west by Phase 1.
- 1.2 The application site consists of a flat area of ground and is directly opposite the new Newton Farm primary school and associated community facility to the east which was constructed as part of the CGA. Approximately 600 houses have already been approved as part of Phase 2 of the Newton CGA with approximately 100 having already been constructed. The entire CGA will consist of approximately 2,000 houses (Phase 1 – 600 and Phase 2 – 1400).

2 Proposal(s)

- 2.1 The applicants propose the erection of 123 dwellinghouses with associated landscaping and roads. As required by the PPP, the development will incorporate the principles of Sustainable Urban Drainage (SUDS) with drainage ponds located to the north of the site close to the River Clyde, within the proposed Riverside Park. A number of supporting documents including a Design and Access Statement, Habitat Survey, Dust Management report, Flood Risk Assessment and Ground Survey have previously been submitted.

3 Background

- 3.1 The proposed South Lanarkshire Local Development Plan (2015) is relevant in this instance. Policies 1 – Spatial Strategy, 4 – Development Management and Place Making, 5 – Community Infrastructure Assessment, 6 – General Urban Area/Settlements and 12 – Housing Land are all relevant.

3.2 Relevant Government Advice/Policy

- 3.2.1 The Scottish Planning Policy (SPP) and Designing Places and Designing Streets – A Policy Statement for Scotland provide the national policy background for the consideration of this application. The SPP confirms the requirement for the Council to maintain a five year supply of effective housing land and the policy guidance relating to the provision of housing. Designing Places and Designing Streets provide the national policy guidance for creating better places to live and the principles of these policies have been included in the preparation of the masterplan.

3.3 Planning History

- 3.3.1 Planning Permission in Principle was granted for the site in September 2014 (CR/09/0139). The first 5 phases (2A-2E) were granted as per Approval of Matters Specified in Conditions on 28 January 2015 (CR/14/0155) and are currently under construction. In addition, development has been ongoing on the adjacent Newton Farm Phase 1 site since 2007 and has now concluded.

4 Consultation(s)

- 4.1 **Community Resources** – the proposal is acceptable in principle.
Response: Noted.

- 4.2 **Environmental Services** – no objections subject to conditions relating to contaminated land, dust and residential waste.

Response: Noted. These conditions will be attached to any consent issued.

4.3 **SEPA** – no objections.

Response: Noted.

4.4 **Roads and Transportation Services (Flood Risk Management)** – no objections subject to conditions relating to SUDs.

Response: Noted. This condition will be attached to any consent issued.

4.5 **Roads and Transportation (Development Management)** – no objections subject to conditions related to traffic calming and construction management.

Response: Noted. These conditions will be attached to any consent issued.

4.6 **Countryside and Greenspace** – no response to date.

Response: Noted.

4.7 **Halfway Community Council** – no response to date.

Response: Noted.

5 Representation(s)

5.1 Following statutory neighbour notification and advertisement in the Rutherglen Reformer due to the 'nature and scale of development' and 'non-notification of neighbours' 1 letter of comment has been received. The points raised are responded to as follows:

a) There appears to be no movement on completion of Harvester Avenue back round to the Newton train station roundabout. With the primary school now open and the increase in construction traffic it seems logical to build this road and divert all construction vehicles out of the estate this way and not passed the school and existing housing. The state of the roads past the school can be disgusting and hazardous for the children and collecting parents as all road sweeping only happens at the end of the day.

Response: The proposed link road has planning permission and is planned for construction in 2018. All traffic management procedures are currently in place, however these will change as further road construction is completed. The issue regarding road cleaning has been passed to Roads and Transportation Services to investigate.

5.2 The letter has been copied and is available for inspection in the usual manner and on the Planning portal.

6 Assessment and Conclusions

6.1 In terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended), planning applications have to be determined in accordance with the development plan unless other material considerations indicate otherwise. In this instance the adopted South Lanarkshire Local Development Plan 2015 supports the use of the site as Community Growth Area for residential development. Thus in general land use and policy terms the principle of the development is acceptable.

6.2 This application is for the matters specified in condition. In this regard, the principle of residential development has been firmly established by approval of planning permission in principle (PPP). This was granted in September 2014 following Committee approval of the PPP in December 2010. Consequently, this application deals with the approval of the matters conditioned in the PPP.

- 6.3 The new Community Growth Area (CGA) is based around a new distributor/spine road which forms a loop through the site linking the development to the wider road network. This road has planning permission and has been constructed along the to the end of Pod 2E which includes the frontage of the application site. The remainder of the road will commence works in 2018, ultimately connecting the site with Grayline Avenue to the South West. However, this application deals with only pod 2G. Future applications will be forthcoming for additional housing pods in due course. As per Policy 5 – Community Infrastructure – the CGA will deliver a number of improvements through planning obligations. These include affordable housing, open space and roads improvements. The relevant Section 75 agreement has already delivered a new primary school and community facility.
- 6.4 This application is for 123 dwellinghouses to the north and north- west part of the masterplan site. The site will offer a mix of 9 different house types and sizes to provide for varying demand. In terms of the Council’s Residential Design Guide (2011), each property/plot can meet the requirements in terms of window to window distances, plot ratio and parking requirements. The pod will provide an irregular road layout to increase pedestrian safety and in many instances, the provision will be in excess of what the Guide requires. In this regard, I am satisfied that the proposal meets the aims of policies 4, 6 and DM1.
- 6.5 The development of the site for 123 houses at this location will ensure that the Council meets its housing land supply requirements and thus the proposed development will accord with local plan Policy 12 – Housing land. Subsequent applications will follow in the future to deal with the remaining matters such as retail and housing.
- 6.6 Roads and Transportation Services has advised that they are satisfied with the internal road and footpath layout of the proposed development which has taken account of the guidance from the Scottish Government as set out in Designing Streets. In addition, no other consultees have raised any objections.
- 6.7 In light of the above it is concluded that the proposed development accords with all the relevant policies of the adopted South Lanarkshire Local Development Plan. As a result, approval of matters specified in condition is recommended.

7 Reasons for Decision

- 7.1 The proposed development accords with policies 1, 4, 5, 6, 12 of the proposed South Lanarkshire Local Development Plan and the previously approved Planning Permission in Principle and the associated masterplan and legal agreement.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

8 November 2017

Previous References

- ◆ CR/09/0139
- ◆ CR/14/0155

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Neighbour notification letter dated 12.09.2017
- ▶ Consultations

Environmental Services [e-consult]	21/09/2017
Community - play provision/community contributions (Judith Gibb)	02/10/2017
S.E.P.A. (West Region)	20/09/2017
Roads & Transportation Services (Flood Risk Management Section)	14/09/2017
Roads & Transportation Services (Development Management)	08/11/2017
- ▶ Representations

Representation from :	Richard Priestley , 84 Harvester avenue
	, DATED 11/09/2017 11:18:45

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
 Ext 5048 (Tel : 01698 455048)
 E-mail: iain.morton@southlanarkshire.gov.uk

CONDITIONS

- 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.
- 2 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.
- 3 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.
- 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 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.
- 6 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 5 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 7 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.
- 8 That before development starts, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.
- 9 That before any development commences on site, details of facilities for the storage of refuse within the site, including design, location, external finishes and

access for its uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwelling unit shall be occupied until these facilities have been provided in accordance with the approved scheme or such alternative as may be agreed in writing with the Council as Planning Authority.

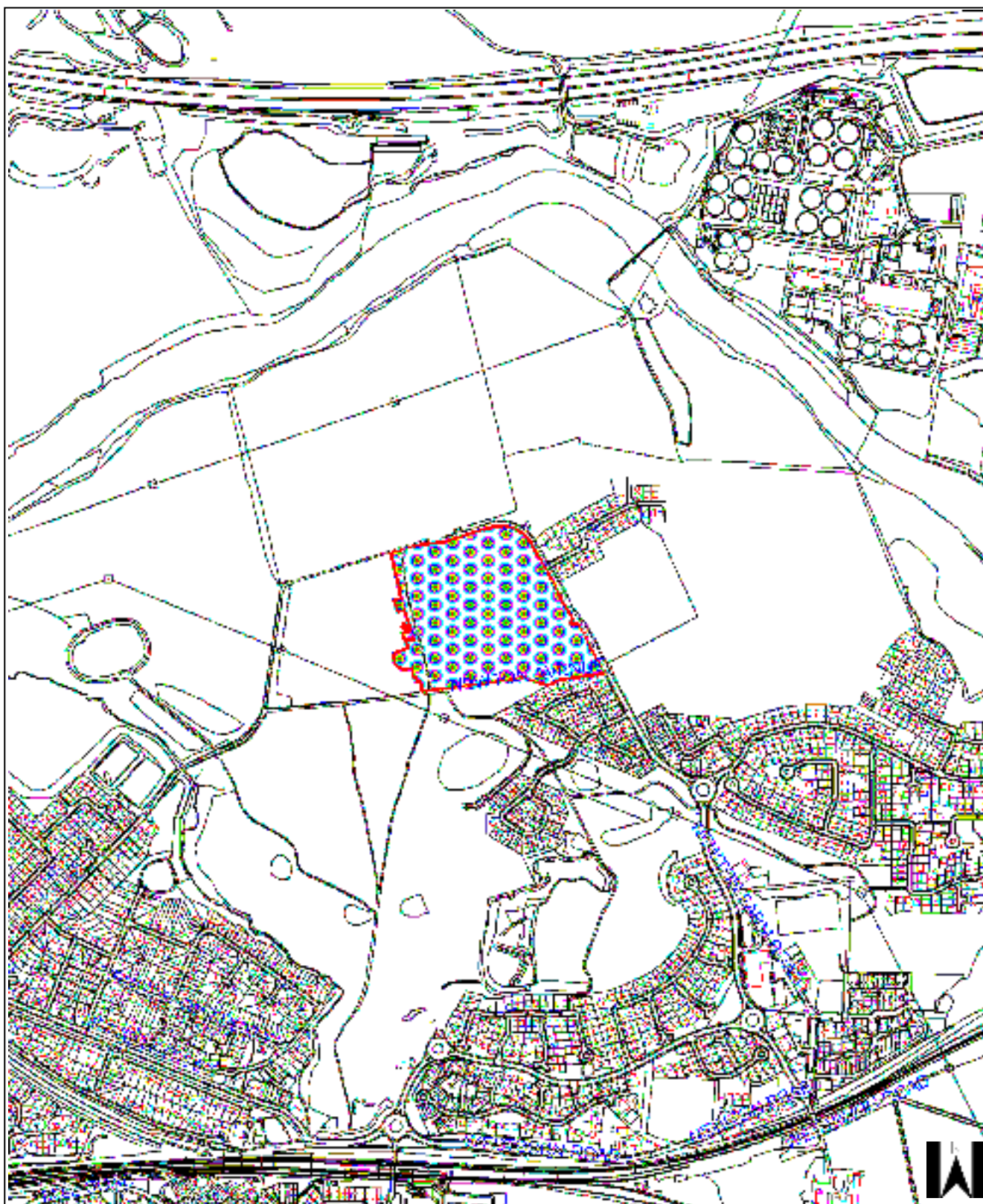
- 10 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's 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.
- 11 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.
- 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.
- 13 That 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.
- 14 That prior to development commencing, details of the construction phasing and all construction access routes shall be submitted to and approved in writing by the Council as Planning Authority.
- 15 That the construction phasing and access arrangements required by 14 above shall be adhered to at all times unless otherwise agreed in writing by the Council as Planning Authority.
- 16 That prior to development commencing a drawing showing all Traffic calming measures throughout the site as build outs should be provided submitted to and approved by the Council as Planning Authority and thereafter constructed to the satisfaction of the Council as Planning Authority.

- 17 That the applicant must ensure that all site traffic and deliveries will be accommodated within the confines of the site and no parking will be permitted on the spine road. A drawing showing the facility for staff and all contractors shall be submitted and approved by the Council as Planning Authority prior to development commencing and thereafter adhered to at all times.
- 18 That during construction works, the applicant must provide wheel washing facilities within the site to ensure that no muck, debris or water should discharge onto the public road network.

REASONS

- 1.1 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 2.1 In the interests of the visual amenity of the area.
- 3.1 In the interests of amenity.
- 4.1 In the interests of amenity and in order to retain effective planning control.
- 5.1 These details have not been submitted or approved.
- 6.1 In order to retain effective planning control
- 7.1 In the interests of amenity and in order to retain effective planning control.
- 8.1 These details have not been submitted or approved.
- 9.1 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.
- 10.1 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.
- 11.1 To ensure the provision of a satisfactory sewerage system
- 12.1 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 13.1 To minimise the risk of nuisance from dust to nearby occupants.
- 14.1 In the interests of road safety.
- 15.1 In the interests of road safety.
- 16.1 In the interests of road safety.
- 17.1 In the interests of road safety.
- 18.1 In the interests of road safety.

For information only



For information only

Report

6

Report to:	Planning Committee
Date of Meeting:	21 November 2017
Report by:	Executive Director (Community and Enterprise Resources)

Application No	CL/17/0234
Planning Proposal:	Extension of Sand and Gravel Quarry and Restoration of Working Area (Section 42 Application to amend conditions of Planning Permission Ref: CL/98/0432)

1 Summary Application Information

- Application Type : Further applications
- Applicant : Tarmac Trading Ltd
- Location : Garvald Quarry
Dolphinton
West Linton
EH46 7HJ

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 Section 75 Legal Agreement securing:

- contributions to the South Lanarkshire Rural Communities Trust Fund
- the provision of a right hand turn lane on the A702
- a routing agreement to ensure vehicles use the A702

A Section 96 Legal Agreement securing:

- financial contributions to cover extraordinary wear and tear on the public road network

- (3) The applicant will be responsible for meeting SLC's reasonably incurred legal expenses in respect of the Section 75 and Section 96, restoration guarantee quantum and other related agreements.
- (4) 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: Stephenson Halliday
- ◆ 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 14 - Green Network and Greenspace

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 3 - Sustainable drainage systems

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

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 MIN8 - Community benefit

Policy MIN11 – Supporting Information

Policy MIN12 – Transport

Policy MIN13 – Legal agreements

Policy MIN15 – Site monitoring and enforcement

◆ Representation(s):

◆	11	Objection Letters
◆	0	Support Letters
◆	0	Comments Letters

◆ Consultation(s):

Black Mount Community Council

Scottish Government

Countryside & Greenspace

RSPB Scotland

Roads & Transportation Services (Flood Risk Management Section)

Scottish Water

West of Scotland Archaeology Service

SP Energy Network

British Telecom

S.E.P.A.

National Grid UK Transmission

Environmental Services

Scottish Borders Council

Historic Environment Scotland

Scottish Natural Heritage

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application is located approximately 500m to the north of the settlement of Dolphinton and extends to 72.3 hectares. The site is located wholly within South Lanarkshire, but its boundary lies approximately 10m from the western boundary of the Scottish Borders. The site is some 5 km to the south west of West Linton and 11 km to the north east of Biggar.
- 1.2 The site is located in land designated as rural within the Adopted South Lanarkshire Local Development Plan (SLLDP) (2015) and is also within land designated as a Special Landscape Area.
- 1.3 The application site is a dormant sand and gravel quarry which is split into 2 distinct areas, separated by Robertson Back Road (the U107). The extraction area is the north-west portion of the site and mainly comprises agricultural land. To the south-east of Robertson Back Road is the processing and stockpiling area which sits on previously worked ground. Access to the application site is from Robertson Back Road and then onto the A702 Edinburgh to Biggar Road.

2 Proposal(s)

- 2.1 The application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) and is an application for planning permission for the development of land but without compliance with a condition or conditions attached to a previous planning permission.
- 2.2 In this instance the applicant wishes to remove condition 3 and vary conditions 4 and 23 that are attached to planning permission CL/98/0432. Planning permission CL/98/0432 granted approval for an 'extension of sand and gravel quarry and restoration of working area'. This application was granted permission subject to 52 conditions.
- 2.3 Condition 3 of planning permission CL/98/0432 states:

'That prior to the commencement of development, and notwithstanding Condition 2 above, a revised version of Drawing G5/65 - Restoration Sections shall be submitted to and approved in writing by the Council as Planning Authority. The drawing shall be revised to reflect stand off areas identified within drawing G5/102.'
- 2.4 Condition 4 of planning permission CL/98/0432 states:

'That the development hereby approved shall commence within five years from the date of this permission.'
- 2.5 Condition 23 of planning permission CL/98/0432 states:

'That the operator shall reinstate or lay ditches and field drains as required by the Council as Planning Authority for a period of up to five years after the completion of the laying of the topsoil.'
- 2.6 This Section 42 application (CL/17/0234) requests that condition 3 be deleted from the planning permission as Restoration Sections have now been approved for the site. The applicant has requested that condition 4 is varied to allow a further ten years

before the planning permission expires. Finally it has been requested that condition 23 is amended to state:

‘That the operator shall reinstate or lay ditches and field drains where reasonably necessary in order to reinstate land to its previous condition.’

- 2.7 If successful, the effect of a Section 42 application to modify a planning condition or conditions is to grant a further planning permission for the whole development again but with the amended condition or conditions replacing those that were previously issued, or with conditions removed if required. All other conditions, if relevant, are also required to be attached to any new planning permission. As a new planning permission would then be issued for the whole development, any legal agreements attached to the previous permission would not be valid for the new permission and therefore a new legal agreement reflecting the new planning permission would be required to be entered into. If the proposed changes to the condition or conditions are deemed unacceptable, then Section 42 of the Act requires the application to be refused. Any refusal of an application under Section 42 of the Act does not have any effect on the original planning permission which remains intact.
- 2.8 In summary the Section 42 application is a request to allow the commencement date of the sand and gravel extraction to be postponed for a further 10 years with a suite of updated conditions, which would result in the removal of condition 3 and an amendment to conditions 4 and 23.
- 2.9 Sections 58 (1) and (2) of the Town and Country Planning (Scotland) Act 1997 (as amended) state that there is no longer a requirement for expiration periods to be attached to planning permissions as conditions and instead a direction is to be attached to planning permissions stating that permission lapses on a certain date, normally 3 years from the date of the permission but this can be extended if requested. Therefore, in this instance, if it is considered acceptable to allow a further extension of the planning permission by 10 years, the new permission would not have a time condition attached but instead the expiry period would take the form of a direction attached to the ‘informatives’ section of the decision notice but would have the same effect as the previous time condition. In short it would allow an extension to the expiry date but would not appear in the suite of conditions attached to any permission but instead appear under the informatives section.
- 2.10 The applicant does not propose to alter the method of working of the quarry and it would be worked in a series of seven phases with only two phases being excavated at any one time and progressive restoration of each phase once exhausted. The majority of the extraction is to be above the water table, with only phase two being below and therefore involving wet working. The extraction is expected to last 21 years with a final year of aftercare. Following all extraction and restoration the site shall be a mixture of agricultural land and wildlife habitat.

3 Background

3.1 National Policy and Guidance

- 3.1.1 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.

- 3.1.2 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 (GCVSDP) is a strategic plan with 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.
- 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 14 Green Network and Greenspace
 - Policy 15 Natural and Historic Environment
 - Policy 16 Travel and Transport
 - Policy 17 Water Environment and Flooding
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- 3.2.3 The following approved Supplementary Guidance documents support the policies in the SLLDP and were also considered:
- 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 MIN11 – Supporting Information
- Policy MIN12 – Transport
- Policy MIN13 – Legal agreements
- Policy MIN15 – Site monitoring and enforcement

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

3.3 Planning History

3.3.1 The extraction of sand and gravel has taken place at the Garvald site since planning permission was first granted in 1964 (Planning Reference: P/LK/01940495P).

3.3.2 An extension to the sand and gravel extraction area of the original quarry was granted in September 2012 (Ref: CL/98/0432). This permission allowed the further extraction of 4,500,000 tonnes of sand and gravel over a period of 21 years. In August 2017, this development commenced and is therefore extant. It is this application (CL/98/0432) that is the subject of the Section 42 planning application. It should be noted that whilst the permission has been secured by the commencement of certain pre-start works no works have begun to soil strip or to extract sand and gravel. If this Section 42 application is successful the applicant does not intend to proceed with the current application and would instead 'mothball' the site until they have a demand for the sand and gravel in 10 years time.

3.3.3 A Section 75 legal agreement was attached to permission CL/98/0432 to secure financial contributions to the local community benefit fund and the provision of a right hand turn lane on the A702. A Section 96 Roads Agreement was also attached to the permission to ensure financial contributions were received for extraordinary wear and tear on the Public Road Network. These agreements would require to be entered into again if planning consent is granted.

4 Consultation(s)

4.1 **Environmental Services** – have no comments to make subject to all conditions relating to noise, working hours and dust management on the original permission being replicated should any new permission be issued.

Response: Noted. If this Section 42 application is successful, all noise and dust conditions from the original permission will be replicated on any new permission.

4.2 **Roads and Transportation Services** – have no objections so long as the existing roads related conditions and legal agreements tied to planning permission CL/98/0432 are maintained.

Response: Noted. The original application required visibility splays to be maintained as well as ensuring the public road was kept free of any mud and other debris. These conditions would be attached to any new permission if issued. The original permission also had a legal agreement for the provision of a right hand turn lane and a Roads Agreement to control a routing agreement and provide a financial contribution to cover the extraordinary wear and tear on the public road network. Before any permission could be issued, these agreements would have to be concluded again.

4.3 **Roads and Transportation (Flood Risk Management Services)** – would require Sustainable Drainage and Flood Risk assessments to form part of any permission.

Response: Noted. The original application did not have sustainable drainage or flood risk conditions attached and it is therefore an opportunity to ensure these conditions are attached, if planning consent is granted.

- 4.4 **Scottish Environmental Protection Agency (SEPA)** – originally objected on lack of information. Following receipt of additional information from the applicant, SEPA have no objections to the Section 42 proposals subject to the use of updated conditions relating to hydro-morphology, surface water management and flood risk.

Response: Noted. The original application did not have conditions relating to hydro-morphology, surface water management or flood risk attached and it is therefore an opportunity to ensure these conditions are attached if planning consent is granted.

- 4.5 **Scottish Natural Heritage (SNH)** – have no objection to the proposed changes to the conditions of CL/98/0432 subject to the replication of the previous ecological conditions.

Response: Noted. The original permission was deemed not to have a detrimental impact upon the ecology of the area subject to the use of mitigation measures through the planning conditions. The ecological conditions would be replicated if planning consent is granted.

- 4.6 **Black Mount Community Councils** – no comments submitted.

Response: Noted.

- 4.7 **Scottish Borders Council** – have no objections to the proposed changes to the conditions of CL/98/0432 in relation to Historic Environment, Ecology and Public Access. Have no objections in respect to noise and air quality, subject to the previous environmental mitigation conditions being replicated on any new permission if issued. Request an assessment of any potential impact on private water supplies is undertaken.

Response: Noted in terms of Historic Environment, Ecology and Public Access. The environmental mitigation conditions covering noise and air quality form part of the recommendation if granted. In relation to the private water supplies, SEPA have no issue with regard private water supplies in the area and it has not been raised as an issue through this application nor the original planning permission (CL/98/0432). It is nevertheless a matter that could be dealt with via a suspensive condition requiring a private water supply assessment to be submitted prior to any works starting on site. Any information submitting in relation to this condition would be reviewed in tandem with SEPA as they are the lead authority on these matters. A condition (No. 55) has therefore been added to the recommendation to reflect the comments raised by the Scottish Borders Council.

- 4.8 **Countryside and Greenspace** – no objections to the proposals and offer advice on type of planting to be used as part of the site's restoration.

Response: The original permission required further details of the restoration, including planting, and it is considered that this condition would be replicated if planning consent is granted.

- 4.8 **Historic Environment Scotland** – have no objections or comments regarding this Section 42 application.

Response: Noted.

- 4.9 **West of Scotland Archaeological Service** – no objections to the proposals subject to the replication of the previous permission's archaeological condition.

Response: If approved, the archaeological condition would be replicated on the new permission.

4.10 **Scottish Government** – no comments to make.

Response: Noted.

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

Scottish Water
SP Energy Network
National Grid
British Telecom
RSPB

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 14th June, 2017. 4 No. Mineral site notices were also posted on 6th June, 2017.

5.2 Eleven letters of representations have been received from nine separate third parties following this publicity. The points raised in these letters are summarised below.

a) Impact on recreation in the surrounding countryside, loss of access and Rights of Way.

Response: Whilst this Section 42 application cannot revisit the acceptability of the principle of development, it should be noted that the application proposals will not result in any re-routing or stopping up of any Rights of Way, Local Footpaths or result in a change to any other recreational use within the area.

b) Impact on wildlife and habitats

Response: CL/98/0432 was granted with several ecological conditions requiring mitigation as set out within the approved Environmental Statement. Should this Section 42 application be granted all ecological conditions would be attached to any new permission if granted.

c) Impact on Residential Amenity (Noise and Dust).

Response: CL/98/0432 was granted with several environmental controls conditioned to minimize impact on any residential properties. These included dust suppression and noise management. Should this Section 42 application be granted all environmental conditions would be attached to any new permission if granted.

c) Road Safety and increased traffic

Response: CL/98/0432 was granted with several transportation conditions relating to road safety such as visibility splays for accesses. The Section 75 legal agreement also requires the creation of a new right hand turn lane from the A702 onto Robertson Back Road before any material is extracted from site and the Section 96 Roads Agreement requires, inter alia, a routing agreement to be implemented for HGVs to ensure they immediately join the A702 from Robertson Back Road and do not travel west from the site to the villages of Walston or Dunsyre. Should this Section 42 application be granted all transportation conditions would be imposed and both legal agreements would require to be entered into again.

d) Loss of Agricultural Land

Response: Whilst this Section 42 application cannot revisit the acceptability of the principle of development, it should be noted that the restoration of the site

will involve a mixture of agriculture and wildlife habitat creation. The agricultural land being lost is not prime agricultural land. and the benefits of wildlife habitat creation ensure that the restoration of the quarry improves the biodiversity of the local area and negates the loss of any non prime farm land.

e) Impact upon the Historic Environment.

Response: CL/98/0432 was granted with a condition requiring a full programme of archaeological works, including site investigations, to be carried out as part of the development to ensure that any archaeological interest within the site is fully investigated. Should this Section 42 application be granted all archaeological conditions would be attached to any new permission if granted. Again, whilst this Section 42 application cannot assess the acceptability of the principle of the development, there are no Historic Buildings within the application site and Historic Environment Scotland have stated that they have no concerns that the proposals would impact upon the setting of any listed building in the vicinity of the site.

f) Impact on Rural business.

Response: Whilst this Section 42 application cannot revisit the acceptability of the principle of development, it should be noted that all environmental controls that were conditioned to the original planning permission would be replicated to ensure the proposals impact on the surrounding area would be minimized if planning consent is granted. It is considered that a delay to the start date of the development would not result in any tangible impact upon any business within the area.

g) Health and Safety of a working quarry and waterbody created by the restoration plan.

Response: Whilst this Section 42 application cannot revisit the acceptability of the principle of development, it should be noted that any working quarry must abide by Health and Safety Legislation that is enforced outwith the planning system. Natural water bodies are not uncommon in rural areas and the man made nature of the restoration water body does not directly result in more of a risk, especially as it will have benched sides. Once completed the water body, unlike naturally occurring ones, will require to meet Health and Safety Regulations.

- 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 Section 42 of the Town and Country Planning Act (Scotland) 1997 as amended

- 6.1.1 This application has been submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended). Section 42 of the Act states that:

'On such an application, the Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted.'

- 6.1.2 This type of application therefore does not revisit the principle of development on the site but only considers the appropriateness of the conditions attached to the previous consent and whether it is acceptable to amend or delete as requested. Whilst in essence a Section 42 is an application to vary condition(s) on an existing permission, the process requires a new, stand alone planning permission to be issued for the

original development but with a new suite of conditions, including all those still thought to be relevant as well as the varied condition(s). Should the proposed amendment to the condition(s) not be acceptable a Section 42 application is to be refused but without affecting the status of the original permission.

- 6.1.3 In assessing whether any condition is still relevant there would be the requirement to consider certain aspects of the development. In this instance the applicant has requested that condition 3 be removed and conditions 4 and 23 be amended. However it is noted that the nature of the legislation would require all conditions to be revisited as they may be linked or connected to these specific conditions.
- 6.1.4 The original application, as approved, has commenced and therefore some pre-start conditions have previously been discharged and this Section 42 application allows an opportunity, if granted, to ensure only relevant conditions are attached to any new permission. Planning Authorities, if minded, under Section 42, may also attach new or updated conditions if a further planning permission is granted. The removal, addition or amendment of any condition can only be done where it is considered that it is necessary, relevant to planning and the development permitted, enforceable, precise and reasonable in all other aspects.
- 6.1.5 The main matters for consideration are therefore whether the proposed amendment to the conditions proposed would undermine the reasons for the original conditions or the Development Plan position; and if it is considered this Section 42 application does undermine either of these, whether there are material considerations which would outweigh this.
- 6.1.6 In this instance, it is therefore considered that should a new permission be issued it is acceptable to remove condition 3 given it relates to a drawing that has now been approved. Condition 2 of the original decision listed all drawings and plans that had been approved as part of the permission. If successful this schedule of plans condition would be replicated on any new planning permission and it is considered prudent to add the title of the drawing previously approved under condition 3 of CL/98/0432 to this schedule to ensure future compliance. The amendment to condition 3 therefore needs no further assessment within this report subject to condition 2 being updated as stated should a new permission be issued.
- 6.1.7 The proposed amendment to condition 23 requests that field drains only be installed where necessary in order to return the land to its previous condition rather than drainage being laid at the recommendation of the Council. It is considered that the proposed amendment to the condition transfers the onus from the Council to the operator (and subsequent land owner) to direct the suitable laying of field drainage during the quarry's aftercare period following restoration. It is considered to be prudent to allow the operator and or land owner to dictate the drainage of the site as they will be the future custodian of the land. It is therefore considered appropriate that they take the field drainage forward rather than the Council directing the works. Consequently the condition proposed is therefore suitable in principle but it would be prudent to add an element of control into the condition by requiring the proposed drainage plan to be approved by the Council. It is therefore proposed that if the Section 42 application is approved the condition be amended to state:

'That before the aftercare period, hereby approved, is implemented details of all field drainage to be laid shall be submitted for the written approval of the Council, as Planning Authority, and thereafter carried out and maintained to the satisfaction of the Council for the lifetime of the aftercare period as approved.'

- 6.18 This further amended condition allows the design of the field drainage to be tailored appropriately by the operator and or the future land owner but allows the Council to ensure the proposals are suitable. Given this amendment would strengthen the aims of condition 23 of the original permission it is considered that the amendment to condition 23 needs no further assessment within this report subject to the wording of the above condition being used, should planning permission be granted.

6.2 **Section 25 of the Town and Country Planning (Scotland) Act 1997**

- 6.2.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan (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 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.
- 6.3.4 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.
- 6.3.3 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.
- 6.3.4 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.
- 6.3.5 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.
- 6.3.6 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.
- 6.3.7 Whilst the application requires the granting of a new planning permission for sand and gravel extraction, it is in essence a request to alter the planning conditions of an existing permission. The principle of the development has therefore previously been established and not considered contrary to National Policy.

- 6.3.8 The existing permission has conditions covering the environmental control of site operations and any approval of this proposed application would also have these environmental controls attached, if issued. It is therefore considered that, subject to the replication of the existing environmental controls, the proposals would be in accord with national policy and advice.
- 6.3.9 It is therefore considered that the proposal, complies with National Planning Policy. The overall acceptability of such a development must however also meet the other detailed advice within 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 Strategic Development Plan

- 6.4.1 The Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) is a strategic plan with 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 Allowing a postponement of the sand and gravel extraction by a further maximum of 10 years is considered to comply with the terms of Policy 15 as it ensures permitted reserves are safeguarded within the 10 year landbank.

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 both the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and the approved Non Statutory Planning Guidance – Minerals (2017). As there is Non Statutory Planning Guidance for Minerals, there are no specific policies relating to mineral site restoration within the SLLDP. However there are other relevant policies which the proposal requires to be assessed against within the SLLDP.
- 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. Policy 3 allows a relaxation for, inter alia, an extension of existing premises or uses. 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 new developments within the Rural Area may be acceptable where it is shown they respect existing landscape form, enhance the surrounding landscape, and involve the re-development of previously developed land.
- 6.5.4 It is considered that the principle of the development has already been deemed acceptable within the Rural Area and the proposed alterations to the planning

conditions have no further implications for the countryside strategy set out within the Development Plan. The postponement of the development for a maximum of a further 10 years is consistent with the landbank requirement as it ensures the quarry's permitted reserve is still included in the next 10 year's assessment whilst active reserves are worked. It is therefore considered that the proposal complies with the Development Plan in this regard.

- 6.5.5 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). The proposals do not affect any of the quarry's ecological or air and soil quality conditions. SEPA and Roads and Transportation (Flood Risk Management Services) have recommended additional water management, flooding and hydromorphology conditions to be attached to any new permission if issued. This Section 42 application therefore provides an opportunity to further enhance the suite of conditions attached to the sand and gravel extraction. If planning consent is granted appropriate conditions shall be imposed to control these matters. On this basis it is therefore considered that the proposed changes to the original permission comply with the relevant criteria of the Development Plan in this regard.
- 6.5.6 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.
- 6.5.7 Whilst 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 report's 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.
- 6.5.8 The proposals are to postpone the commencement of the sand and gravel extraction by a maximum of 10 years. It is considered that, in terms of both landscape and visual impact, 10 years is not a length of time that would have an adverse impact upon the landscape. The original planning permission is for a well screened proposal within the landscape and there are no proposals involved that would reduce this screening. Again all ecological and environmental conditions would be replicated within any new permission if granted. With regard to the ecological conditions, these require further surveys to be carried out no longer than six months before any works are implemented which ensures that a postponement of, up to a maximum of 10 years for commencement will ensure all ecological information is updated and all mitigation measures reflect the survey results. The other environmental conditions require further reports to be submitted for approval prior to works commencing and therefore again, this ensures the most up to date background data is used to inform these reports and subsequent approval, if gained.
- 6.5.9 It is therefore considered that the postponement to the start date as requested would be in accordance with the Development Plan.

- 6.5.10 SLLDP Policy 14 'Green Network and Greenspace' states that any Green Networks and Greenspace identified within the Local Development Plan should be protected from development unless they include opportunities for enhancement. There are no identified Green Networks or Greenspaces identified within the application site and therefore the proposals accord with the SLLDP in this regard.
- 6.5.11 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). 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.
- 6.5.12 The site is adjacent to the Dolphinton – West Linton Fens and Grassland, Site of Special Scientific Interest (SSSI) which is located approximately 500m to the south west of the application site, with the A702 in between. This site's SSSI designation is based on it comprising valley fen (wetland), calcareous (alkaline) grassland and bryophytes (mosses and wort) flora and not for any wildlife designations. Therefore the original permission was not considered to impinge upon this SSSI. It is therefore considered that a further 10 year postponement to operations would again not impinge on any interest at the SSSI. A habitat survey was carried out as part of the original application and the presence of protected species (namely badgers) was evidenced and a condition requiring further survey work and mitigation measures to be drawn up in consultation with SNH was attached to the original permission. This survey work was required to be carried out not more than 6 months before sand and gravel extraction started. This included providing buffer zones/standoff areas around known otter and badger habitats to ensure they were up to date and in line with the proposed extraction starting. It is considered that the use of the same condition ensures that protected species will be properly protected.
- 6.5.13 It is therefore considered that the proposals are in accordance with the Development Plan in this regard.
- 6.5.14 SLLDP Policy 16 'Travel and Transport' states that new development must conform to South Lanarkshire Council's 'Guidelines for Development Roads'.
- 6.5.15 The proposals are to postpone the mineral extraction for up to a maximum of 10 years. It is considered that this postponement would not create any additional impact on the public road network. The quarry was granted with certain conditions relating to road safety, such as achieving visibility splay requirements and wheel cleaning facilities being provided. Legal agreements were also attached to ensure the provision of a right hand turn lane from the A702, a routing agreement to ensure all vehicles use the A702 rather than the local road network and to provide a financial contribution to maintain the public road network. It is considered that a postponement of the permission is only acceptable subject to the same conditions, and the terms of these previous legal agreements. Therefore if permission is granted all Road Safety conditions have been replicated and form part of this recommendation and in order for a permission to be granted 2 new agreements to meet Roads and Transportation requirements will have to be entered into by the applicant.
- 6.5.16 It is therefore considered that the postponement will not be detrimental to Road Safety and therefore accords with the Development Plan, subject to the imposition of appropriate roads conditions and entering into 2 new legal agreements.

6.5.17 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. In this instance the relevant Supplementary Guidance (SG) is 'Sustainable Development and Climate Change'. Policy SDCC 3 – Sustainable Drainage Systems of the SG states that any new development shall be drained by an appropriately designed sustainable drainage scheme (SuDS).

6.5.18 Part of the application site is noted as having a medium to high risk of flooding. This area contains Phases 1 and 2 of the 7 phase extraction plan. Phases 1 and 2 will be the earliest extraction areas and it should be noted that both these phases occur on the same area of the application site but phase 2 is identified separately from phase 1 as it is when the excavations are below the water table and involve dewatering as part of the works. Therefore the area with potential medium to high flood risk is a small portion of the site and in an area where water management will be employed. Again the principle of the quarry has already been established through the previous permission. This Section 42 application has however, allowed a review of the original conditions and in this instance SEPA and Roads and Transportation Services (Flood Risk Management Services) have noted that this affords an opportunity to update the suite of conditions to make them consistent with current legislation. Both consultees have no objections to the proposed amendments under Section 42 of the Act but have requested the addition of conditions requiring further details of hydro-morphology, a site specific water management plan, sustainable drainage plan and Flood Risk Assessment. The Flood Risk Assessment is to ensure that the restoration levels of the site do not exceed that of existing site levels to ensure that water run-off does not vary due to changing topography. It is considered that by permitting this Section 42 application these matters can be further addressed by the imposition of conditions requiring the submission and subsequent approval of the requested information. The 10 year postponement therefore offers an opportunity to further enhance the original permission in relation to hydrology by adding the aforementioned conditions to any new permission, if issued.

6.5.19 It is therefore considered that, subject to the imposition of these 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 NSPG Policy MIN 1 'Spatial Framework' states that South Lanarkshire Council will balance the economic benefit from all mineral development against the potential impacts on the environment and local communities and will seek to ensure that impacts are minimised and mitigated.

6.6.2 The proposal is to postpone the commencement of sand and gravel extraction for a maximum of 10 years. Planning conditions are currently attached to the site to ensure environmental controls over noise, dust, etc. are employed and any recommendation for approval is only acceptable should these conditions and controls be attached to any new permission if issued. Subject to these conditions the proposals would accord with the provisions of the Guidance in this regard.

6.6.3 NSPG Policy MIN 2 'Environmental Protection Hierarchy' sets out a 3 tier category of protected designations. Table 3.1 of the NSPG defines the designations within each category but they can generally be summarised as Category 1 (International), Category 2 (National) and Category 3 (Local). MIN2 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.

- 6.6.4 SLLDP Policy 15 set out the assessment in relation to Environmental Protection in relation to SLLDP Policy and it is considered that in this instance the assessment is the same within the NSPG. It is therefore considered that the proposals meet with this policy criteria.
- 6.6.5 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.
- 6.6.6 It is considered that this application relates to an extant permission and that the assessment solely rests on whether the postponement of sand and gravel extraction is acceptable. The quarry is not in close proximity to any other quarries within the immediate area. The nearest quarry is Newbigging Quarry which is approximately 7km from Garvald Quarry. It is therefore considered that this is an adequate separation distance to ensure there are no cumulative impacts. It should also be noted that Newbigging Quarry is operated by the same operator that is the applicant for this application. The operator has requested the postponement of works at Garvald Quarry to allow sand and gravel reserves to be exhausted at Newbigging and then meet demand by using the reserves at Garvald. This would further ensure that there is no cumulative impact and gives weight to the postponement of winning minerals at Garvald. Should the postponement be allowed the quarry would still be considered to be extant and therefore any new mineral proposals within the area would have to take account of the cumulative impact of an extant quarry. It is therefore considered that the application accords with the relevant criteria of the Development Plan in this instance.
- 6.6.7 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 mixture of wildlife habitat and agricultural land. There are no proposals to change the restoration proposals and a condition is attached to this recommendation requiring full details of the final restoration scheme to ensure it is in line with the previous approval.
- 6.6.8 The current planning permission has a bond for the site to cover restoration should the operator not fulfil their duties. This bond is secured via a planning condition. Any new permission would be required to have a new bond to take account of the new planning permission issued and again the current bond condition would be replicated on any new permission if issued. It is therefore considered that, subject to the imposition of a bond condition, the proposals can accord with the relevant provisions of the Development Plan in this regard.
- 6.6.9 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 6.5.17 to 6.5.19 of the report above.
- 6.6.10 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 carried out for the lifetime of the mineral operations. The existing permission had several environmental controls attached to ensure noise and dust was mitigated for and did not cause any disamenity to the surrounding area. It is therefore appropriate to replicate these conditions if any new permission is issued. Subject to the replication of these conditions, it is considered that the proposals comply with the Development Plan in this instance.

- 6.6.11 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. Through the current planning permission (CL/98/0432), the applicant would provide a contribution per tonne of sand and gravel to the SLRCT and this was secured by a legal agreement attached to this permission. If planning permission is granted for this Section 42 application a new planning permission would be issued and therefore a new legal agreement would be required to be entered into and attached to the new permission. It is therefore recommended that a new legal agreement is entered into to secure these payments prior to issuing planning permission.
- 6.6.12 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 applicant submitted the original Planning documents that received approval and updated information to take account of the request to alter the planning conditions. It is considered that it is an appropriate submission in terms of allowing a planning assessment of this nature to be carried out.
- 6.6.13 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 6.5.14 to 6.5.16 above and the proposals are also in compliance with this policy subject to the recommended conditions outlined and a new legal agreement to ensure the provision of a right hand turn lane on the A702 and routing management and the provision of a new roads agreement to ensure financial contributions for extraordinary wear and tear of the public road are provided for.
- 6.6.14 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. The applicant is aware that new legal agreements would require to be entered into to control the matters detailed in paragraph 6.6.13 above before any consent could be issued and is agreeable to this.
- 6.6.15 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.

6.7 Conclusion

- 6.7.1 In conclusion, the deletion of condition 3 of the original permission is deemed acceptable subject to the approved drawing being attached to the schedule of plans outlined in condition 2 of any new permission. The proposed amendment to condition 23 is deemed acceptable subject to approval of the drainage plans by the Council. Furthermore it is considered that a postponement to the commencement of sand and gravel extraction for a maximum further 10 years, by direction through an informative would not have a significant adverse impact on residential and visual amenity or that of the landscape. The amendments would not cause any detrimental impacts in terms of road safety or the environment and do not alter the appropriate mitigation measures for protected species.
- 6.7.2 Therefore, on the above basis the amendments to the planning conditions are considered acceptable subject to new legal agreements being issued for the site. The new permission would take account of all previous site requirements and require them to be maintained for the lifetime of the quarry.

7 Reasons for Decision

- 7.1 The deletion of condition 3, deletion of condition 4, amendment to condition 23 and the use of a direction through an informative to allow a further 10 year time period before the planning permission expires are considered acceptable and the updated suite of approved documents appropriate. Extending the lifetime of the expiry of the planning permission by a further 10 years, accords with National Policy and the relevant provisions of the Development Plan subject to the imposition of the attached environmental conditions which have been updated to take account of this planning assessment as allowed under Section 42 and Section 58 of the Town and Country Planning Act (Scotland) 1997 as amended.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

7 November 2017

Previous References

- ◆ P/LK/01940495P
- ◆ CL/98/0432

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
- ▶ Non Statutory Planning Guidance on Minerals
- ▶ Supplementary Guidance 3: Development Management, Placemaking and Design
- ▶ Neighbour notification advert dated 14 06 2017

- ▶ Consultations

S.E.P.A. (West Region)	25/07/2017
Countryside & Greenspace	14/06/2017
Scottish Natural Heritage	23/06/2017
Environmental Services	22/06/2017
Roads & Transportation Services (Flood Risk Management Section)	15/06/2017
West of Scotland Archaeology Service	22/06/2017

Roads and Transportation Services	27/10/2017
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► Representations

Representation from : Andrew & Kerry Abernethy, Karecole Farm Stables
Garvald Road
Dolphinton
Peeblesshire
EH46 7HQ
DATED 02/07/2017

Representation from : Patricia Field, Drumelzier
Dolphinton
West Linton
Peeblesshire
EH46 7HQ, DATED 29/09/2017

Representation from : Judith Gray
Callands Steading East
By Mountain Cross
West Linton
Peeblesshire
EH46 7DE
DATED 03/07/2017

Representation from : Patrick Maclean
Garvald Trust
3 Morningside Place
Edinburgh
EH10 5ES
DATED 03/07/2017

Representation from : Mrs Polly Sword
Rogersrigg House
Carlops
EH26 9NG
DATED 02/07/2017

Representation from : Garvald Trust
3 Morningside Place

Edinburgh
EH10 5ES
DATED 03/07/2017

Representation from : Claire Hardie
16 Binny Park
Ecclesmachan
West Lothian
EH52 6NP
DATED 03/07/2017

Representation from : D Miller
Whinny Knowe
DATED 04/07/2017

Representation from : David Miller
Whinny Knowe
Edinburgh
EH46 7HJ,
DATED 05/07/2017

Representation from : Iona Gray
Callands Steading East
West Linton
DATED 03/07/2017

Representation from : William Walker
16 High Street
DATED 03/07/2017

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, Hamilton

Ext 5903, (Tel : 01698 455903)

E-mail: james.wright@southlanarkshire.gov.uk

14 November 2017

CONDITIONS

- 1 This decision relates to the development described and assessed within the following documents;
 - Written Statement and Plans,
 - Environmental Statementtitled a Planning Application for the proposed extension to Garvald Quarry

All mitigation measures set out within the documents listed above shall be fully implemented, unless otherwise agreed in writing by the Council as Planning Authority.
- 2 That the development hereby approved shall be implemented strictly in accordance with the following plans, unless otherwise directed by these conditions, associated legal agreements or approved in writing by the Council as Planning Authority;
 - G5/61 Site Location
 - G5/49 Planning Application Boundary
 - G5/50 Working and Restoration Phase 1
 - G5/51 Working and Restoration Phase 2
 - G5/52 Working and Restoration Phase 3
 - G5/53a Working and Restoration Phase 4
 - G5/54a Working and Restoration Phase 5
 - G5/55a Working and Restoration Phase 6
 - G5/56a Working and Restoration Phase 7
 - G5/57a Restoration
 - G5/65 Restoration Sections (Revised)
 - G5/66 Geological Sections
 - G5/78 Plant Details
 - G5/102 Additional Stand-off Areas
No change to the design or layout of the proposed development shall take place without the prior written approval of the Council as Planning Authority.
- 3 That all mineral extraction operations on the site shall cease not later than 21 years from the commencement of development and the entire site shall be restored in accordance with the approved restoration scheme, including the removal of all plant, machinery, equipment, structures and buildings, to the satisfaction of the Council as Planning Authority, not later than 22 years from the commencement of development.
- 4 Notwithstanding the terms of Condition 3 above, that in the event extraction operations permitted by this consent are completed prior to the expiry of the consent the site shall be restored within a period of 12 months from the cessation date in accordance with the approved restoration plan to the satisfaction of the Council as Planning Authority.
- 5 That no details of the restoration scheme are hereby approved, and that, prior to the commencement of work on any phase of extraction or any other works on the site, a detailed restoration plan for the phase concerned shall be submitted to and approved in writing by the Council as Planning Authority and that the

restoration scheme shall be carried out to the satisfaction of the Council as Planning Authority in accordance with the approved restoration plan and timescale. For avoidance of doubt, each restoration phasing plan shall illustrate the details of the previously approved phases of restoration to provide a full picture of the overall restoration strategy.

- 6 That the operator shall at all times deal with the areas forming the subjects of this consent in accordance with the provision of this application, statement of intentions and plans submitted except as otherwise provided for by this consent, and shall omit no part of the operations provided for therein except with the prior consent of the Planning Authority.
- 7 That if, by reason of any circumstances not foreseen by the operator, it becomes necessary or expedient during the continuance of the operations hereby approved to amend or abandon to a material extent any of the provisions contained in the various documents comprising the statement of intent, the operator shall forthwith submit an application with an amended statement of declared intent, but shall adhere to and comply with the present consent until such time as the amended application and statement of intentions have been approved.
- 8 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 (or of any order revoking, amending or re-enacting that Order), no additional buildings, structures or fixed plant, including that required for lighting the site shall be erected or installed within the site, without the prior written approval of the Council as Planning Authority.
- 9 That prior to the commencement of development hereby approved, details of all buildings, structures or fixed plant, including those required for lighting the site, shall be submitted to and approved in writing by the Council as Planning Authority.
- 10 That the stripping, stacking and replacement of topsoil shall be carried out when conditions are dry enough to avoid unnecessary compaction of the soils at any stage. The Council, as Planning Authority, reserves the right to suspend soil stripping operations during adverse weather conditions or to impose such conditions as deemed appropriate for the safekeeping of the topsoil.
- 11 That the extraction operations shall proceed in a phased manner, with the areas marked 1, 2, 3, 4, 5, 6 and 7 on the application plans, referred to in Condition 2, being worked progressively in that order. The extraction operations shall be controlled in such a manner as to ensure that the area disturbed by the workings at any time is kept to a minimum to the satisfaction of the Council as Planning Authority.
- 12 That the areas marked 1, 2, 3, 4, 5, 6 and 7 on the application plans shall be progressively restored in accordance with the approved restoration plan with restoration works being undertaken on a phased basis concurrently with the excavation works, to the satisfaction of the Council as Planning Authority.
- 13 That the site shall be kept clear of noxious weeds during extraction and restoration works to the satisfaction of the Council as Planning Authority.
- 14 That the movement of plant, vehicles and machinery on the site shall be carried out in such a manner as to avoid, as far as possible, the crossing of undisturbed

or reclaimed land.

- 15 That no materials shall be worked or deposited in such a way that they may fall or be carried into any watercourse and the operator shall be responsible for the immediate treatment of any contamination of water which arises as a result of the operations.
- 16 That all contaminated surface and ground water arising either directly or indirectly from the development hereby approved shall be treated to the satisfaction of the Scottish Environment Protection Agency and the Council as Planning Authority, prior to discharge to any watercourse.
- 17 That the washing plant shall operate on a closed cycle arrangement with no direct discharge into any watercourse.
- 18 That each topsoil, subsoil or baffle mound shall be grassed to the satisfaction of the Council as Planning Authority during the first planting season following its formation.
- 19 That during soil stripping operations appropriate records shall be kept of the existing soil profile indicating the nature, depth and type of materials removed to the satisfaction of the Council as Planning Authority. This information shall be referred to during the restoration of the site to ensure that, where appropriate, the original soil profile is replaced.
- 20 That on completion of restoration works, a final topographical survey of the site shall be submitted to and approved in writing by the Council as Planning Authority. In the event the Council are unsatisfied with the final profile of the site, the operator shall undertake re-profiling works necessary to comply with the approved restoration plan, all to the satisfaction of the Council as Planning Authority.
- 21 That before the aftercare period, hereby approved, is implemented details of all field drainage to be laid shall be submitted for the written approval of the Council, as Planning Authority, and thereafter carried out and maintained to the satisfaction of the Council for the lifetime of the aftercare period as approved
- 22 That aftercare schemes requiring such steps as may be necessary to bring each phase of the site after restoration to the required standard for agriculture, woodland, moorland, habitat or other specified after-use shall be submitted for the approval of the Council as Planning Authority within one year from the commencement of work on each phase of operations and shall thereafter be fully implemented to the satisfaction of the Council as Planning Authority.
- 23 That every area occupied for any purposes associated with the development hereby approved shall be enclosed by an appropriate fence. The details of all fences to be erected on the site shall be submitted to and approved in writing by the Council as Planning Authority prior to the commencement of work, within the relevant phase of operations and that said fences, shall be maintained thereafter to the satisfaction of the Council as Planning Authority.
- 24 That during the hours of operation, as specified with Condition 43, the nominal noise limit attributable to site operations at all noise sensitive premises in the vicinity of the site shall be 55dB LAeq over anyone hour period.
- 25 That during baffle mound construction, the nominal daytime noise limit during the

working week (as defined in Condition 43 below) shall be increased to 70dB LAeq over any one hour period for a maximum of 8 weeks per year, or for some other period to be agreed in writing with the Council as Planning Authority.

- 26 That prior to the commencement of baffle mound construction, detailed sound attenuation calculations shall be submitted to and approved in writing by the Council as Planning Authority.
- 27 That the performance of all baffle mounds constructed to reduce noise shall be measured after construction, and the necessary modifications shall be carried out to the satisfaction of the Council as Planning Authority if the required sound attenuation is not provided.
- 28 That reversing alarms used on all plant and vehicles, including HGV's, shall be either non-audible, ambient related, low tone or broadband devices to the satisfaction of the Council as Planning Authority.
- 29 That prior to the commencement of the development hereby approved, a detailed scheme of site noise monitoring and mitigation shall be submitted to and approved in writing by the Council as Planning Authority and thereafter the site operator shall abide by the terms of the approved monitoring and mitigation scheme unless otherwise agreed in writing with the Council as Planning Authority.

This monitoring and mitigation scheme shall provide details of:

- Location of noise monitoring equipment;
- Mitigation measures;
- Monitoring frequency;
- Details of equipment to be used and experience of monitoring staff;
- A programme of implementation;
- Frequency of reporting the results to the Council as Planning Authority;
- The process and steps to be taken in the event of a complaint regarding noise.

- 30 That the operator shall minimise dust emissions from the site by every practicable means.
- 31 That prior to the commencement of the development hereby approved, a detailed scheme of dust and air quality monitoring and mitigation shall be submitted to and approved in writing by the Council as Planning Authority and thereafter the site operator shall abide by the terms of the approved monitoring and mitigation scheme unless otherwise agreed in writing with the Council as Planning Authority.

This monitoring and mitigation scheme shall provide details of:

- A dust management plan;
- Mitigation measures;
- Location of monitoring points;
- Monitoring frequency;
- Details of equipment to be used and experience of monitoring staff;
- A programme of implementation;
- Frequency of reporting the results to the Council as Planning Authority;
- The process and steps to be taken in the event of a complaint regarding dust.

- 32 That, in the event of dust nuisance problems being created by operations on site,

the operator shall take all reasonable remedial measures to minimise the transmission of dust, to the satisfaction of the Council as Planning Authority.

- 33 That the operator shall ensure that an adequate water supply is provided and maintained to meet the watering needs of the site.
- 34 That the operator shall provide and utilise water bowser or spray facilities to control dust emissions from the site from haul roads and mineral stockpiles.
- 35 That the operator shall ensure that vehicles used for the movement of materials within the site do not have downward pointing exhaust pipes.
- 36 That prior to the commencement of development, details of wheel washing facilities shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter, the approved wheel washing facilities shall be installed at the entrance to the site prior to the dispatch of any minerals, to the satisfaction of the Council as Planning Authority.
- 37 That all road-going mineral carrying vehicles shall pass through the operational wheel wash facilities prior to entering the public road. The operator 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.
- 38 That provision shall be made at all times to ensure the site is adequately drained and that all reasonable steps shall be taken to ensure that drainage from areas adjoining the site is not interrupted or rendered less efficient by the operations hereby approved.
- 39 That not more than 6 months prior to the commencement of development, a survey shall be carried out to the satisfaction of the Council as Planning Authority, in consultation with Scottish Natural Heritage. The survey will investigate the presence of badgers on site and within a suitable buffer and shall set out appropriate mitigation measures and an implementation programme, as required, which shall be carried out to the satisfaction of the Council as Planning Authority.
- 40 That prior to the commencement of any works on site the developer shall secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the operator, in consultation with the West of Scotland Archaeological Service and approved in writing 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 consultation with the West of Scotland Archaeology Service.

- 41 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

v) 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.

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.

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.

42 That all laden lorries leaving the site shall be sheeted before entering the public road.

43 That hours of site operation shall be restricted to:

07.00hrs -19.00hrs Mondays to Fridays

08.00hrs - 13.00hrs Saturdays

and no operations, with the exception of water management, site security or emergency operations shall be undertaken outwith these hours, unless otherwise approved in writing by the Council as Planning Authority.

44 That all road-going mineral carrying vehicles shall only depart the site by turning right from the site at the 'Existing Site Access' onto the U107 Robertson Back Road (identified on Drawing G5/50 Working and Restoration Phase 1), unless otherwise approved in writing by the Council as Planning Authority.

45 That all minerals extracted from within the site shall be transported, via conveyor, from the extraction area to the processing area (identified as 'Proposed New Plant' on Drawing G5/50) prior to the dispatch of those minerals from the site.

46 That from the commencement of development until completion of restoration, a copy of this permission, including all documents hereby approved and any other documents subsequently approved in accordance with any conditions of this permission shall be kept available for inspection on the site during the approved working hours.

47 That within one month of the date of commencement of development, the operator shall confirm in writing to the Council as Planning Authority the date of commencement of development.

48 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.

- 49 That prior to the dispatch of any minerals, the internal access road between the site access/ egress onto the U107 Robertson Back Road (identified on Drawing G5/50 Working and Restoration Phase 1) and the wheel wash approved through Condition 36 shall be paved in tarmacadam, concrete, asphalt or an alternative material approved in writing by the Council as Planning Authority.
- 50 That land levels as part of the restoration shall not be increased from existing site levels unless otherwise agreed in writing by the Council as Planning Authority.
- 51 That before any work starts on site, a geomorphic assessment shall be carried out and submitted for the written approval of the Council, as Planning Authority in consultation with SEPA. The assessment shall include, but not be limited to:
- A geomorphic assessment regarding likely interactions between the channel and the new loch waterbody and demonstrating that the mine has been designed so it will not downgrade hydromorphological status and therefore WFD status now or in the future.
 - This should consider how the channel has adjusted in the past, how it is likely to adjust in the future and assess how the mine might alter that adjustment and impact the habitat and geomorphological condition of the river.
 - Information about the width of the zone between the quarry edge and the bank of the current South Medwin River. The wider this is, the lower the risk of pit capture, and the lower the impact on the river if it still retains some floodplain.
 - Designs that demonstrate that mitigation has been planned that would stop the river from connecting with the pond over long timeframes, not just the length of time the quarry is expected to operate.

All mitigation methods within the geomorphic assessment shall be incorporated within the mineral extraction phasing and maintained for the lifetime of these operations as approved. All restoration designs within the approved geomorphic assessment shall be incorporated within the restoration plan as required by condition 5.

- 52 That before any work starts on site, a site specific surface water management plan shall be submitted for the written approval by the Council as Planning Authority, in consultation with SEPA. The site specific surface water management plan will thereafter, be implemented as approved and maintained for the lifetime of the development hereby approved.
- 53 That before any work starts on site, the Council's Sustainable Drainage Design Certificates, including Flood Risk Assessment, shall be completed and returned to for the written approval of the Council, as Planning Authority. The development, hereby approved, will thereafter be in complete compliance with the certificates as approved for the lifetime of the operations.
- 54 That within one year from the date of commencement (and annually thereafter), an annual progress plan 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 undertaken within 1 month prior to the

- submission of the annual progress plan;
 - 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.
- 55 That before any work starts on site, an assessment identifying all private water supplies with the immediate area of the quarry, hereby approved, shall be submitted for the written approval of the Council, as Planning Authority, in consultation with SEPA and thereafter carried out as such. The assessment shall include, but not be limited to:
- Details of all private water supplies within a maximum 500 metres radius of the quarry , hereby approved.
 - Details demonstrating that the quarrying shall not impact upon the identified private water supplies
 - Details of any mitigation required to maintain the integrity of private water supplies in relation to the quarrying activity.

REASONS

- 1.1 For the avoidance of doubt and to specify the documents upon which the decision was made.
- 2.1 For the avoidance of doubt and to specify the drawings upon which the decision was made
- 3.1 To ensure that the Council as Planning Authority retains effective control of the development.
- 4.1 To secure the satisfactory reinstatement of the site.
- 5.1 Insufficient details of this aspect of the proposal have been submitted.
- 6.1 To ensure that the Council as Planning Authority retains effective control of the development.
- 7.1 In order that the terms of consent may be reconsidered should a change of intention become necessary.
- 8.1 To ensure that the Planning Authority retains effective control of the development.
- 9.1 To ensure that the Council as Planning Authority retains effective control of the development.
- 10.1 To secure satisfactory reinstatement of the site.
- 11.1 To ensure that the minimum amount of land is disturbed by extraction at any one time.
- 12.1 To ensure that the Council as Planning Authority retains effective control of the

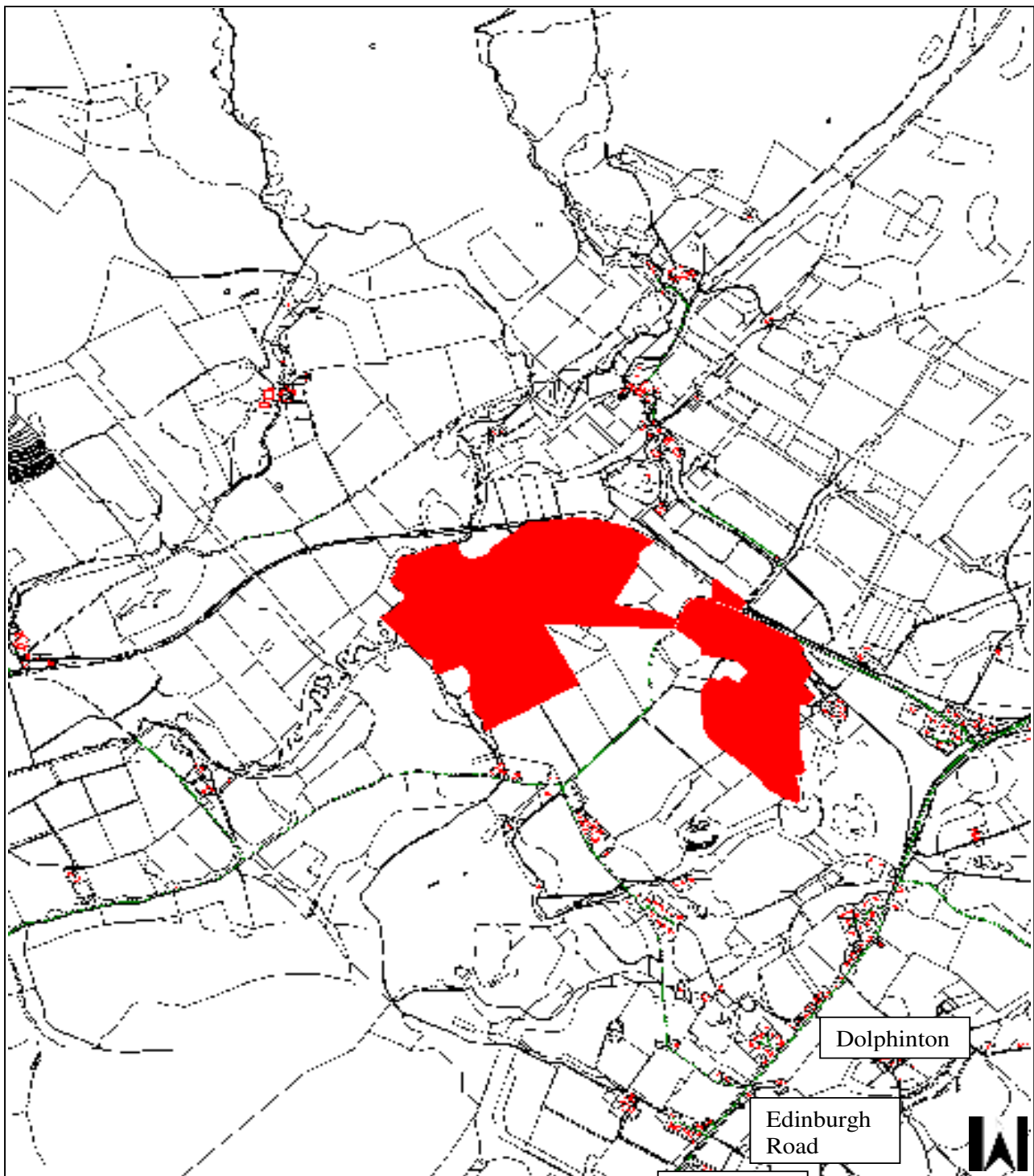
development.

- 13.1 In the interests of amenity.
- 14.1 To secure satisfactory reinstatement of the site.
- 15.1 In the interests of amenity to protect water courses from pollution.
- 16.1 In the interests of amenity to protect water courses from pollution.
- 17.1 In the interests of amenity to protect water courses from pollution.
- 18.1 In the interests of the visual amenity of the environment.
- 19.1 To secure satisfactory reinstatement of the site.
- 20.1 To secure satisfactory reinstatement of the site.
- 21.1 To secure satisfactory reinstatement of the site.
- 22.1 To secure satisfactory aftercare of the site.
- 23.1 To ensure that there is adequate security to prevent unauthorised entry of stock onto the site.
- 24.1 In the interests of amenity.
- 25.1 In the interests of amenity.
- 26.1 In the interests of amenity.
- 27.1 In the interests of amenity
- 28.1 In the interests of amenity.
- 29.1 To minimise noise nuisance resulting from the operations and to enable the Council as Planning Authority to monitor the development and to ensure that it is carried out in accordance with the terms of this consent.
- 30.1 In the interests of amenity.
- 31.1 To minimise dust nuisance resulting from the operations and to enable the Council as Planning Authority to monitor the development and to ensure that it is carried out in accordance with the terms of this consent.
- 32.1 In the interests of amenity.
- 33.1 In the interests of amenity.
- 34.1 In the interests of amenity.
- 35.1 In the interests of amenity.
- 36.1 In order that all vehicles leaving the site are kept clear and free of debris.
- 37.1 To prevent mud and deleterious material being carried out onto the public road.

- 38.1 In the interests of amenity.
- 39.1 In the interests of wildlife conservation.
- 40.1 In the interests of amenity.
- 41.1 To ensure that provision is made for the restoration and aftercare of the site.
- 42.1 In the interests of amenity.
- 43.1 To enable the Council as Planning Authority to monitor the development and to ensure that it is carried out in accordance with the terms of this consent.
- 44.1 In the interests of road safety.
- 45.1 In the interests of amenity.
- 46.1 To enable the Council as Planning Authority to monitor the development and to ensure that it is carried out in accordance with the terms of this consent.
- 47.1 To ensure that the Planning Authority retains effective control of the development.
- 48.1 In the interests of bird species.
- 49.1 In the interests of road safety.
- 50.1 In the interests of water drainage
- 51.1 In the interests of hydrology
- 52.1 In the interests of surface water management.
- 53.1 In the interests of drainage.
- 54.1 To enable the Council as Planning Authority to monitor the development and to ensure that it is carried out in accordance with the terms of this consent.
- 55.1 In the interests of protecting private water supplies.

For information only

For information only



Report

7

Report to:	Planning Committee
Date of Meeting:	21 November 2017
Report by:	Executive Director (Community and Enterprise Resources)

Application No	HM/17/0447
Planning Proposal:	Erection of 20 Residential Dwellings with Associated Amenity Open Space and Car Parking

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : South Lanarkshire Council - Housing and Technical Resources
- Location : St Blane's 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 the conditions attached)

2.2 Other Actions/Notes

- (1) None

3 Other Information

- ◆ Applicant's Agent: Smith Scott Mullan Associates
- ◆ Council Area/Ward: 15 Blantyre
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 - Development Management and Place Making
Policy 6 - General Urban Area/Settlements
Policy 16 - Travel and Transport
Policy 17 - Water Environment and Flooding
Development Management, Place Making and Design Supplementary Guidance (2015)

Residential Design Guide (2011)

- ◆ Representation(s):

- | | | |
|---|---|-------------------|
| ▶ | 0 | Objection Letters |
| ▶ | 0 | Support Letters |

◆ Consultation(s):

Roads & Transportation Services (Flood Risk Management Section)

Scottish Water

Education Resources

Environmental Services

Community Services

Blantyre Community Council

Roads Development Management Team

Housing Services

Countryside and Greenspace

Planning Application Report

1 Application Site

- 1.1 The application relates to an area of land located directly to the west of St Blane's Primary School on the northern side of Blantyre. The site is located within the former school grounds of St Blane's Primary School. The site is predominantly flat, it extends to approximately 0.8 hectares and consists of open grassland. The site is bounded on all sides by residential dwellings except to the east where it is bounded by the St Blane's Primary school building and school grounds.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the erection of twenty dwellinghouses with associated amenity open space and car parking. The applicant is South Lanarkshire Council (Housing and Technical Resources) and the proposal will provide twenty dwellings which will be available for rent. The proposed dwellings would be a mixture of twelve semi-detached houses and eight cottage flats set within three semi detached blocks. All dwellings would be two storeys in height apart from the dwellings on Plots 1 and 2 which would be single storey. The proposed finish materials for the dwellings are a mixture of white render and brick walls, grey concrete roof tiles and white UPVC windows and doors.
- 2.2 The proposed layout incorporates a new road from Poplar Place to the north of the site which would form a continuous loop and would include traffic calming, passing areas, shared spaces and turning areas. The layout incorporates two main parcels of amenity open space within the northern and central areas of the site. All dwellings would face the central area of amenity space and a sustainable urban drainage scheme (SUDS) is proposed for the northern area. The front gardens of the dwellings would include low level metal fencing and structure planting and the rear gardens would be enclosed by a 1.8 metre timber fence.
- 2.3 A Design and Access Statement, Site Investigation Report and an Extended Phase 1 Habitat Survey were submitted as supporting information.

3 Background

3.1 Local Plan Policy

- 3.1.1 In terms of local plan policy, the application site is located within the general urban area in the adopted South Lanarkshire Local Development. The relevant policies for the assessment of the application are Policy 4 - Development Management and Place Making, Policy 6 - General Urban Area/Settlements, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding. 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, 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 was granted for the erection of a new primary school within the existing St Blane's Primary School grounds on 19 June 2007. The current

application site relates to the surplus area of land that was made available following the construction of the new school building (HM/07/0241).

4 Consultation(s)

- 4.1 **Environmental Services** – have no objections to the application subject to conditions requiring the submission of a piling method statement, a contaminated land site investigation, with subsequent remediation of the site, and details for the storage and collection of refuse within the development. 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.

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

- 4.2 **Roads Development Management**– have no objections to the application subject to conditions requiring the submission of a traffic management plan for the Council's approval and the provision of adequate visibility splays and surface water trapping within the site. Informatives should be attached to any consent granted advising the applicant of the need for a sufficient level of parking within the site boundary for all site staff/construction workers and site visitors, for the removal of the pedestrian footway link to the rear of the school during the construction period and to liaise with the Head Teacher of St Blane's Primary School regarding these matters.

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

- 4.3 **Roads and Transportation Services (Flood Risk Management)** – have no objections 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 matter raised.

- 4.4 **Community Services** - If any open spaces/play areas were to be progressed as part of the development it should be noted that the Council's Grounds Services would not adopt any of the areas for future maintenance and as such consideration of a factoring arrangement or similar would be required. 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 **Blantyre Community Council** – no response to date.

Response:- Noted.

- 4.6 **Scottish Water** – have no objections to the application.

Response:- Noted.

- 4.7 **Education Resources** – have no objections to the application subject to the applicant agreeing to a financial contribution towards additional education accommodation requirements at Calderside Academy and St John Ogilvie High School and their feeder primary schools and nurseries, where appropriate.

Response:- The above comments are noted, however, as the proposal relates to the provision of new Council housing no financial contributions would be requested in this instance.

- 4.8 **Housing Services** – have no objections to the application.

Response:- Noted.

- 4.9 **Countryside and Greenspace** – have no objections to the application. An eradication plan prepared and implemented for the Japanese Knotweed located within the site is required. The ecological report mentions that the western boundary of the site was formed by a strip of dense scrub of varying widths and relatively high species-richness and that there was a short section of privet hedgerow in the south-east of the site and a longer stretch along the long northern boundary. Retaining these sections would help mitigate the works and contribute to the value of the site. There may be potential to extend existing hedgerow to help with screening between new and existing housing. Any mature trees outside the works area should be protected. The enhancement measures referred to in Section 4.9 of the submitted report would be encouraged.

Response:- Noted. Any consent granted would incorporate conditions requiring the submission of a landscaping scheme and an eradication plan for the Japanese Knotweed for the Council's further approval to address the above matters.

5 Representation(s)

- 5.1 Statutory neighbour notification procedures were undertaken and one letter of comment has been received in relation to the application from the Head Teacher of the adjacent St Blane's Primary School. The matters raised are summarised below:

a) As Head Teacher at St Blane's Primary I have no objections to the application per se. However, due to the site's close proximity to the school consideration must be given to matters including the restriction of working hours, noise generation, piling and vibration, dust suppression and traffic management.

Response: The letter submitted by the Head Teacher of St Blane's has been forwarded to the applicant, Environmental Services and Roads and Transportation Services to enable further discussion on the matters raised should planning consent be granted. A condition would be attached to any consent granted to ensure that no construction vehicles associated with the development access the site between the hours of 08.00 to 09.15 and 14.45 to 15.30. Conditions would also be attached requiring the submission of a traffic management plan, a piling method statement and dust suppression measures for the Council's further approval. In relation to noise, a condition would be attached restricting noise levels from construction works to an acceptable level during school opening hours and an informative would be attached advising the applicant of appropriate hours for audible construction activity at the site.

- 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 20 dwellinghouses with associated amenity open space and car parking. 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 and on the local road network.
- 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 site is located within the general urban area and the site would be easily accessible by public transport and well integrated into existing walking and cycling networks. It is, therefore, considered that the proposal is in accordance with national planning policy.

- 6.3 In terms of local plan policy, the application site is located within the general urban area in the adopted South Lanarkshire Local Development Plan. The relevant policies for the assessment of the application are Policy 4 - Development Management and Place Making, Policy 6 - General Urban Area/Settlements, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding.
- 6.4 With regard to the principle of the proposal, the application site is located within the general urban area and there are no environmental or access issues which would prevent the development of the site for residential use, therefore, the principle of the proposal is considered to be acceptable. As the application raises no policy issues it is considered that the proposal conforms with the terms of Policy 6.
- 6.5 In terms of the detailed design of the development, Policy 4 generally requires new development to have due regard to the layout, form, design and local context of the area and to promote quality and sustainability in its design. It is considered that the proposed layout for the development is acceptable and that it meets the relevant standards set out in the Council's Residential Design Guide, particularly in terms of rear garden depths, car parking provision and the provision of amenity space. It is considered that the proposed development is of a high quality design incorporating a suitably high standard of materials and that it will be in keeping with the existing residential development in the surrounding area. The proposal is, therefore, considered to be in accordance with Policy 4.
- 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. Roads and Transportation Services are satisfied that the proposal raises no access or road safety issues and that sufficient car parking is being provided for the development. On this basis, it is considered that the proposal complies with the terms of Policy 16.
- 6.7 The proposal has been assessed by the relevant consultees in terms of Policy 17. With regard to flooding and surface water drainage no adverse comments were raised by Roads and Transportation subject to the inclusion of a condition requiring the provision of a sustainable urban drainage system (SUDS) within the site. Scottish Water have also confirmed that they have no objections to the application and any consent granted would include a condition to ensure that no dwellings are occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards. It is, therefore, considered that the proposal is in accordance with the terms of Policy 17.
- 6.8 In summary, the application to develop the site for housing is considered to be acceptable as the application conforms with local plan policy and the proposal raises no significant environmental or infrastructure issues. It is, therefore, considered that detailed planning permission should be granted subject to the conditions listed.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on residential or visual amenity nor raises any environmental or infrastructure issues and complies with Policies 4, 6, 16 and 17 of the adopted South Lanarkshire Local Development Plan and the supplementary guidance of the Proposed Development Management, Place Making and Design Supplementary Guidance relating to 'Design.'

Michael McGlynn

Executive Director (Community and Enterprise Resources)

7 November 2017

Previous References

HM/07/0241

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development Management Place Making and Design Supplementary Guidance (2015)
- ▶ Neighbour notification letter dated 26.09.2017

- ▶ Consultations

Education Resources	02/11/2017
Environmental Services	01/11/2017
Community Services	26/10/2017
Countryside & Greenspace	24/10/2017
Scottish Water	04/10/2017
Roads & Transportation Services (Flood Risk Management Section)	05/10/2017
Roads Development Management (Hamilton Area)	13/10/2017

- ▶ Representations

Representation from : Pauline Brown, Head Teacher
St Blane's Primary
Fernslea Avenue
Blantyre
G72 9PT, DATED 19/10/2017

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
Detailed Planning Application

CONDITIONS

- 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.
- 2 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.
- 3 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 2 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 4 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.
- 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., 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; (g) an eradication plan for the Japanese Knotweed; 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 no piling works shall be carried out until a method statement has been submitted to and approved in writing by the Council as Planning Authority. This statement shall include an assessment of the impact of the piling on surrounding properties, taking into account the guidance contained in BS 6472: 1992 'Evaluation of human exposure to vibration in buildings'. It shall detail any procedures which are proposed to minimise the impact of noise and vibration on the occupants of surrounding properties. This statement shall be prepared by a suitably qualified person, and the piling works shall thereafter be carried out in accordance with the approved method statement.
- 8 (a) The applicant shall 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.

9 (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.

10 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.

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.

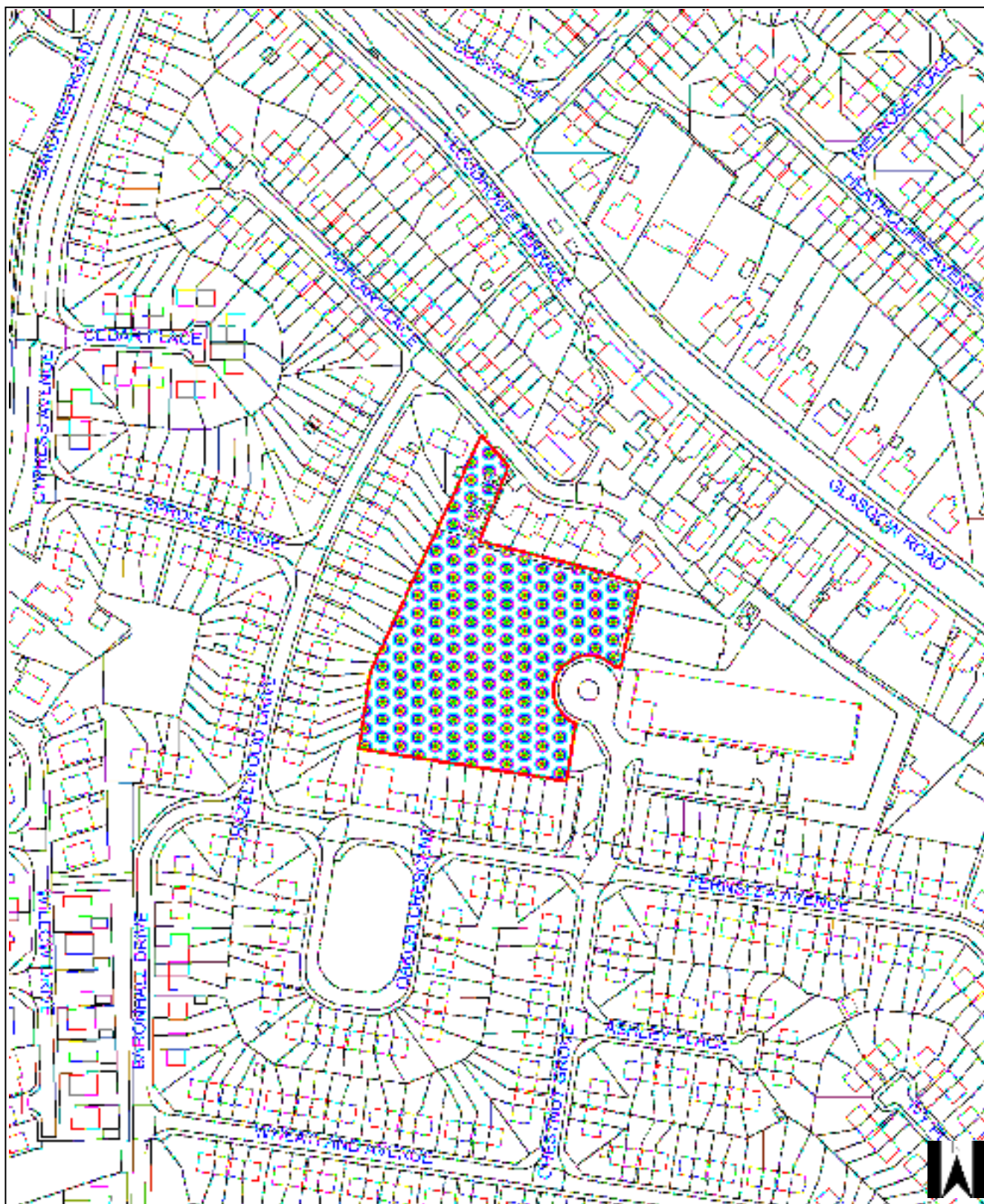
12 That before the development hereby approved is completed or brought into use, the entire access road and footpath network serving the development shall be laid out and constructed in accordance with the specification of the Council as Roads and Planning Authority.

- 13 That before the development hereby approved is completed or brought into use, a visibility splay of 2.4 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.
- 14 That before the development hereby approved is completed or brought into use, the surface of all driveways and parking 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 to the satisfaction of the Council as Planning Authority.
- 15 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.
- 16 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.
- 17 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.
- 18 That before any development commences on site a Traffic Management Plan (TMP) shall be submitted to and approved by the Council as Planning Authority and thereafter shall be maintained to the satisfaction of the Council. The TMP shall include time restrictions for incoming and outgoing vehicular site traffic (08.00 hrs to 09.15 hrs and 14.45 hrs to 15.30 hrs).
- 19 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.
- 20 Noise from construction works during school opening hours shall not exceed an L_{Aeq} of 35dB as measured within any classroom, as defined within the World Health Organisation document 'Guidelines for Community Noise'. Cognisance shall also be given to the Department for Education document 'Acoustic Design of Schools: Performance Standards Building Bulletin 93'. If noise ingress is found to be at disruptive levels, in terms of speech intelligibility within any classroom as a result of construction works, further noise restrictions may be applied.

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 order to retain effective planning control.
- 4.1 In the interests of amenity and in order to retain effective planning control.
- 5.1 In the interests of the visual amenity of the area.
- 6.1 In the interests of amenity.
- 7.1 To safeguard the amenity of the area.
- 8.1 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 9.1 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 10.1 In the interests of amenity and in order to retain effective planning control.
- 11.1 In the interest of public safety.
- 12.1 To ensure satisfactory vehicular and pedestrian access facilities to the site.
- 13.1 In the interest of road safety.
- 14.1 To prevent deleterious material being carried into the highway.
- 15.1 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.
- 16.1 To ensure the provision of a satisfactory sewerage system.
- 17.1 In the interest of public safety.
- 18.1 In the interest of public safety.
- 19.1 To minimise the risk of nuisance from dust to nearby occupants.
- 20.1 To safeguard the amenity of the area.

For information only



For information only

Report

8

Report to:	Planning Committee
Date of Meeting:	21 November 2017
Report by:	Executive Director (Community and Enterprise Resources)

Application No	EK/17/0307
Planning Proposal:	Erection of 16 Dwellings (4 Semi-detached Dwellings and 12 Flatted Dwellings)

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : South Lanarkshire Council
- Location : Former Heathery Knowe Primary School
Whitehills Terrace
East Kilbride

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: South Lanarkshire Council
- ◆ Council Area/Ward: 07 East Kilbride Central South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 - Development management and placemaking
Policy 6 - General urban area/settlements

Development management, placemaking and design supplementary guidance (2015)
Policy DM13 - Development within general urban area/settlement

◆ Representation(s):

- ▶ 1 Objection Letter
- ▶ 0 Support Letters
- ▶ 1 Comment Letter

◆ Consultation(s):

Roads and Transportation Services (Development Management Team)

Roads and Transportation Services (Flood Risk Management Section)

Environmental Services

Estates Services

Scottish Water

SP Energy Network

The Coal Authority - Planning and Local Authority Liaison Department

Planning Application Report

1 Application Site

- 1.1 The application site relates to an area of land adjacent to the new Heathery Knowe Primary School located within The Murray, an established residential area of East Kilbride. The site, which extends to approximately 0.56 hectares, sits to the north of the new primary school building and adjoins the school's grass playground area and MUGA pitch. The site was surplus to the Education Service's requirements after the new school and associated play areas and parking facilities were constructed.
- 1.2 The site is bounded to the south by the play areas and MUGA pitch associated with Heathery Knowe Primary School, to the west by residential properties at Liddell Grove, to the east by Whitehills Terrace with a residential property opposite and to the north by The Murray Road with residential properties and sheltered housing accommodation opposite. There is currently no vehicular access to the site, however, pedestrian access can be taken from The Murray Road and Whitehills Terrace. The site is relatively flat towards the south, however, there is a significant drop in levels at the north of the site towards The Murray Road.

2 Proposal(s)

- 2.1 The applicant, South Lanarkshire Council, seeks detailed planning consent for the construction of a residential development comprising 16 dwellings with associated access, parking and landscaping provision. The proposed units would comprise four two storey, semi-detached properties and 12 cottage flats over three blocks. The house types proposed would cater for a broad mix of needs and would be made available as social rented properties.
- 2.2 The properties would be set out in a linear fashion from east to west and would front to the south towards Heathery Knowe Primary School. The proposed development would be accessed via the formation of a new access road from Whitehills Terrace, adjacent to the primary school. Natural screening measures would be incorporated to the rear of the proposed dwellings adjacent to The Murray Road and at the proposed entrance to the site adjacent to Whitehills Terrace. In terms of external finishes, brick and render are proposed to integrate with the surrounding area. The properties would also be designed to reflect sustainability through the inclusion of solar PV panels where appropriate.

3 Background

3.1 Local Development Plan

- 3.1.1 With regard to the South Lanarkshire Local Development Plan (adopted 2015) the site falls within the general urban area as defined by Policy 6. Policy 4 – Development Management and Placemaking is also of relevance to the proposal. In addition, the guidance contained within the supplementary guidance document relating to development management, placemaking and design is of relevance to the proposed development. South Lanarkshire Council's Residential Development Guide also provides additional advice of relevance and sets out the criteria against which new housing development proposals should be assessed.

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, in order to make effective use of existing infrastructure and service capacity.

- 3.2.2 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 across all tenures. New housing developments should be integrated with public transport and active travel networks, such as footpaths and cycle routes, rather than encouraging dependence on the car. New streets should connect well with existing streets and with walking and cycling networks, and allow for links into future areas of development.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Development Management Team)** – offered no objections to the proposed development subject to conditions relating to access, visibility and traffic calming issues.
Response: Noted. The requested conditions would be attached to any consent issued.
- 4.2 **Roads and Transportation Services (Flood Risk Management Section)** - offered no objections to the proposal subject to the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied through the completion of a self certification document.
Response: Noted. The requested conditions would be attached to any consent issued.
- 4.3 **Environmental Services** – offered no objections to the proposed development subject to the imposition of conditions relating to the submission of a noise assessment and a dust management and monitoring scheme.
Response: Noted. The requested conditions would be attached to any consent issued.
- 4.4 **Estates Services** – offered no objections to the proposed development.
Response: Noted.
- 4.5 **The Coal Authority** – following the submission of a site investigation report The Coal Authority confirmed that they had no objections to the proposed development.
Response: Noted.
- 4.6 **Scottish Water** – offered no objections to the proposed development.
Response: Noted.
- 4.7 **SP Energy Networks** – 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. In response, one letter of objection and one letter of comment were received in respect of the proposals, the points of which are summarised below:
- a) **The development could have an adverse impact on the adjacent flatted dwellings to the west of the site in terms of overlooking and loss of privacy.**

Response: It is noted that the proposed dwellinghouses and flats would include only north and south facing windows associated with habitable rooms, whereas the existing flats referred to by the objector are located to the west of the site. In particular, the west facing gable wall of the block of cottage flats proposed to be located nearest to the existing flats would contain only a single window associated with a stairway landing. As such, it is not considered that there would be any adverse impact on the adjacent flats in terms of overlooking or loss of privacy.

- b) **The development could have an adverse impact on the adjacent flatted dwellings to the west of the site in terms of overshadowing and loss of light.**

Response: It is noted that the proposed development would be located a significant distance from the existing flats to the west of the site due to the provision of an area of open space and a turning area within the site to the west of the proposed dwellinghouses. Given the distance between the existing and proposed properties, it is considered unlikely that there would be any significant impact in terms of overlooking or loss of light in this instance.

- c) **The development could have an adverse impact on the adjacent flatted dwellings to the west of the site in terms of noise and fumes from the proposed turning area.**

Response: Given the proximity of both the existing and proposed flatted blocks to The Murray Road it is considered unlikely that the proposed turning area to the west of the proposed flatted dwellings would create any significant additional issues in terms of noise or fumes. However, as part of the consideration of wider noise issues associated with the proposed development, the Council's Environmental Services have requested that a Noise Assessment be carried out in respect of the proposed development in this instance. A condition would, therefore, be attached to any consent issued requiring a Noise Assessment to be carried out and submitted for approval prior to the commencement of any works on site. Subject to adherence to this condition and the implementation of any associated mitigation measures, it is not considered that there would be any concerns in this regard.

- d) **It should be ensured that the development does not adversely impact on flora, fauna or species within the site.**

Response: It is noted that the site at present is grassed and does not contain any buildings, trees, hedges or other features that would be likely to contain any flora, fauna or be utilised by protected species. It is, therefore, extremely unlikely that the development would create any issues in this regard.

- e) **Provision of social housing should be included within the proposed development.**

Response: It is proposed that all of the 16 houses and flats would be social rented properties in this instance.

- 5.2 The above letters have been copied and are available for inspection in the usual manner and on the Planning Portal.

6 Assessment and Conclusions

- 6.1 Planning consent is sought by South Lanarkshire Council for a residential development of 16 dwellings with associated access, parking and landscaping on land to the north of Heathery Knowe Primary School, East Kilbride. The proposed units would comprise four two storey, semi-detached properties and 12 cottage flats over

three blocks. The house types proposed would cater for a broad mix of needs and would be made available as social rented properties. The properties would be set out in a linear fashion from east to west and would front to the south towards Heathery Knowe Primary School. The proposed development would be accessed via the formation of a new access road from Whitehills Terrace, adjacent to the primary school. Natural screening measures would be incorporated to the rear of the proposed dwellings adjacent to The Murray Road and at the entrance to the proposed site adjacent to Whitehills Terrace.

- 6.2 The determining issues in the assessment of this application are its compliance with local 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 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.
- 6.3 In terms of the adopted local development plan, it is noted that the site is located in an area which forms part of the general urban area as designated by Policy 6. As such, the principle of the use of the site for residential purposes is considered to be acceptable. With regard to the specific design and layout of the proposed development, Policy 4 – Development Management and Placemaking requires 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.
- 6.4 It is considered that the proposed development would be appropriate to the site in question in terms of design and layout and would 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. The proposed development of modern suburban semi-detached dwellinghouses and cottage flats would be in keeping with the pattern of development in the surrounding area. The proposed dwellings would be positioned a sufficient distance from existing properties to the west and north of the site to ensure that there would be no adverse impact on these properties in terms of overshadowing or loss of privacy. Appropriate retention and screening measures would be put in place to the north of the development, adjacent to The Murray Road, to ensure that the development would be suitably integrated with its surroundings. Sectional drawings have been submitted to demonstrate that the properties would be afforded usable garden spaces and would not be adversely impacted in terms of privacy as a result of the proximity of the site to The Murray Road.
- 6.5 The Council's Roads and Transportation Services have advised that, subject to conditions relating to access, traffic calming and provision of visibility splays, they have no objections to the proposed development. Environmental Services have noted a requirement for a Noise Assessment to be carried out in respect of the proposal and have also requested that a dust management scheme is implemented on site. Conditions would be attached to any consent issued requiring these matters to be appropriately dealt with. 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.

- 6.6 In addition to the standard neighbour notification procedure carried out by the Council, the application was also advertised in the local press. One letter of objection and one letter of comment have been received in relation to the proposed development. 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.
- 6.7 In conclusion, it is considered that the proposed development would be appropriate to the site in question in terms of design and layout, would not adversely affect surrounding amenity and would be fully compliant with the provisions of the relevant policies of the South Lanarkshire Local Development Plan, specifically Policies 4 and 6 as well as with all relevant policy and guidance contained within associated supplementary guidance. I would, therefore, recommend that planning permission is granted for the proposed development subject to the attached conditions.

7 Reasons for Decision

- 7.1 The proposal would have no adverse amenity impact and is compliant with Policies 4 and 6 of the South Lanarkshire Local Development Plan (adopted 2015) and with all relevant associated supplementary guidance.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

6 November 2017

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)
- ▶ Neighbour notification letter dated 30/8/2016
- ▶ Consultations

The Coal Authority - Planning and Local Authority Liaison Department	28/09/2017
Environmental Services	29/09/2017
Roads & Transportation Services (Flood Risk Management Section)	05/09/2017
Scottish Water	18/09/2017
Roads & Transportation Services (Development Management Team)	13/09/2017
SP Energy Network	07/09/2017
Estates Services	05/09/2017

- ▶ Representations

Representation from : Sandra B Borland, DATED 26/09/2017

Representation from : Joe Allan, 94 Franklin Place
Westwood
East Kilbride
G75 8LS, DATED 13/09/2017

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, Hamilton
Ext 5049 (Tel: 01698 455049)
E-mail: declan.king@southlanarkshire.gov.uk

CONDITIONS

- 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. The development shall thereafter be carried out in accordance with the approved details to the satisfaction of the Council as Planning Authority.
- 2 That the landscaping scheme detailed on drawing no. 170.35.01 of the drawings hereby approved 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.
- 3 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.
- 4 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 3 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 5 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.
- 6 That no development shall commence until 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).
- 7 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 6 above.
- 8 That before any development commences on site, details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwelling unit shall be occupied until these facilities have been provided in accordance with the approved scheme or such alternative as may be agreed in writing with the Council as Planning Authority.
- 9 That, prior to the commencement of any construction works on site, 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.

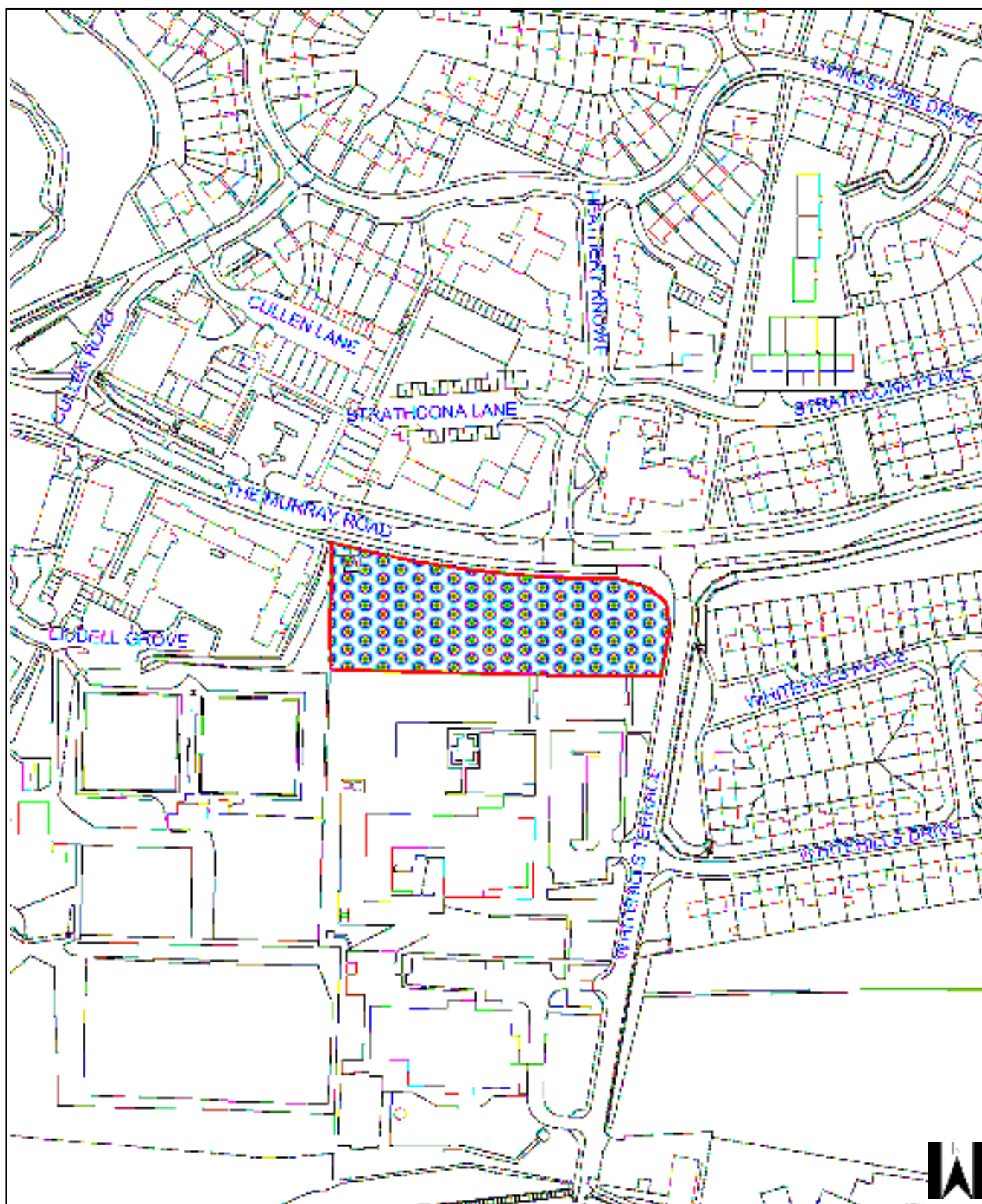
- 10 Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.
- 11 That before any of 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 at the junction of the access to the site and Whitehills Terrace 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. Prior to the commencement of development on site a drawing shall be submitted to and approved by the Council as Roads and Planning Authority demonstrating the provision of the required visibility splays on site.
- 12 That before any dwellinghouse 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 driveway serving the property 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. Prior to the commencement of development on site a drawing shall be submitted to and approved by the Council as Roads and Planning Authority demonstrating the provision of the required visibility splays on site.
- 13 That before any dwellinghouse hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 2.4 metres measured from the heel of the footway shall be provided on both sides of the driveway serving the property 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. Prior to the commencement of development on site a drawing shall be submitted to and approved by the Council as Roads and Planning Authority demonstrating the provision of the required visibility splays on site.

- 14 That the access road proposed to be constructed to serve the development shall be of a flexible surfacing and shall be a minimum of 5.5m wide with a two metre wide footway located along the northern side of the access road and a two metre wide service strip located along the southern side of the access road, to the satisfaction of the Council as Roads and Planning Authority.
- 15 That, prior to the commencement of any works on site, a plan detailing the provision of traffic calming measures within the site shall be submitted to and approved by the Council as Roads and Planning Authority. The approved details shall thereafter be put in place on site to the satisfaction of the Council as Roads and Planning Authority prior to the development being brought into use.

REASONS

- 1.1 In the interests of amenity and in order to retain effective planning control.
- 2.1 In the interests of amenity.
- 3.1 These details have not been submitted or approved.
- 4.1 In order to retain effective planning control.
- 5.1 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.
- 6.1 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.
- 7.1 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.
- 8.1 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.
- 9.1 To safeguard the residential amenity of the area.
- 10.1 To safeguard the amenity of the area.
- 11.1 In the interest of road safety.
- 12.1 In the interest of road safety.
- 13.1 In the interest of public safety.
- 14.1 In the interest of road safety.
- 15.1 In the interest of road safety.

For information only



For information only

Report

9

Report to:	Planning Committee
Date of Meeting:	21 November 2017
Report by:	Executive Director (Community and Enterprise Resources)

Application No	EK/17/0309
Planning Proposal:	Change of Use From Restaurant with Ancillary Takeaway to Form Takeaway with Ancillary Seating Area

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr Majid Ali
- Location : 12 Green Street
Strathaven
ML10 6LT

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: Alcon Design
- ◆ Council Area/Ward: 05 Avondale and Stonehouse
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 - Development management and placemaking
Policy 8 - Strategic and Town Centres
Policy 15 - Natural and Historic Environment
DM8 – Hot food shops
NHE7 - Conservation Areas
Development management, placemaking and design supplementary guidance (2015)

◆ Representation(s):

- ▶ 5 Objection Letters including petition with 71 names
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Environmental Services [e-consult]

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site relates to an existing commercial unit at 12 Green Street, Strathaven. The unit, which previously operated as a restaurant with ancillary takeaway, is situated on the end of a small row of commercial properties. There is an existing flue on the side of the building which projects to the rear. The upper storey of the unit was last used as staff facilities, an office, storage space and customer toilets associated with the former restaurant on the ground floor. The property sits within the Conservation Area.

2 Proposal(s)

- 2.1 Planning permission is sought for a change of use from restaurant with ancillary takeaway to form takeaway with ancillary seating area. The proposal includes internal alterations to create an open plan servery and counter area with approximately 6 tables. The staff facilities, customer toilets, storage area and office on the upper storey would still be utilised as per the previous use. As such, there are no proposed alterations to the upper storey. Furthermore, there are no proposed external alterations, however, the applicant is aware any proposed signage requires to be submitted as a part of a separate application for advertisement consent.

3 Background

3.1 Local Plan Status

- 3.1.1 In terms of the Adopted South Lanarkshire Local Development Plan (2015), the site is identified as lying within the town centre. As such, Policy 8 - Strategic and town centres is applicable and advises that the Council will allow a mix of compatible uses within these areas. Policy 4 – Development Management is also relevant and advises all planning applications are required to take account of the local context and built form and should be compatible with adjacent buildings and streetscape.
- 3.1.2 Policy DM8 – Hot food shops of the supplementary guidance is also relevant which states that there will be a general presumption in favour of permission for this type of development within commercial areas.
- 3.1.3 As the application site is located within the conservation area, Policy 15 – Natural and Historic Environment and NHE7 – Conservation Areas of the supplementary guidance are applicable and state that development proposals will be assessed in terms of their effect on character and amenity of the natural and built environment.

4 Consultation(s)

- 4.1 **Environmental Services** – no objections to the proposal subject to the attachment of advisory notes in relation to health and safety, non-domestic food preparation, noise and vibration.
Response: Noted. Appropriate advisory notes can be attached to any planning permission issued.
- 4.2 **Roads and Transportation Services** – no objections as there is existing parking within the nearby shopping area which is used by a number of similar establishments and shops.
Response: Noted.

5 Representation(s)

- 5.1 Following the statutory neighbour notification procedure carried out by the Council and advertisement in the local press due to the nature of the proposal and as non notification of neighbours; 5 letters of objection including a petition with 71 names were received, the points of which are summarised below:

- a) **Objector makes allegations in relation to a personal situation with the property owner.**

Response: This is not a valid planning consideration.

- b) **There is no requirement for a further Indian food takeaway service in the local area as there are already two Indian food/pizza takeaways, four Chinese food takeaways and two chip shops. The property should remain as a restaurant.**

Response: The Planning Service is required to assess and determine any planning application submitted. The application site is located within an established commercial area as identified in the Adopted South Lanarkshire Local Development Plan. The local plan allows for a mix of uses compatible with their role as a commercial and community focal point. There is no restriction on the number of specific types of development in these commercial areas and the type of business is driven by local demand. It is also considered that the use of vacant units within a town centre should be supported to maintain the viability and visual amenity of the town centre, particularly in visible locations. It is noted that this property previously operated as a restaurant with ancillary takeaway facility therefore its operation as a takeaway with ancillary seating is considered acceptable in this case.

- c) **The application site is on the approach to traffic lights which requires two dedicated lanes due to one lane being for right turn only. The limited space for parking at this site would cause significant traffic congestion as customers and delivery drivers use the road/pavement outside the property.**

Response: The Council's Roads and Transportation Services have been consulted as part of this application. Whilst there is no proposed parking for this property, Roads have noted that there are a number of similar establishments and shops within Strathaven town centre which use existing public parking facilities. It is, therefore, considered there is adequate parking in the vicinity to support this proposal. Notwithstanding this, however, it is noted that the road outside the application site is lined; therefore, any road users are required by law to comply with any traffic restrictions imposed.

- d) **The size of the premises is not conducive to a takeaway establishment. The unit has a kitchen, bar area and substantial seating area and additional seating upstairs with private bar and lounge. It is unlikely this will only be used for a takeaway. Any licence to serve alcohol at these premises would encourage activities outwith the takeaway service proposed.**

Response: This proposal involves internal alterations on the ground floor to form a larger counter and servery area which reduces the floor area for seating. The bar area will also be removed. It is noted the upper storey will be used as previously for staff facilities, an office, storage and customer toilets. Therefore, given the alterations on the ground floor, I am satisfied this will be an acceptable size for a takeaway business. There is nothing to suggest there is any intention of selling alcohol; however this would be a matter for the Council's Licensing Service.

- 5.2 These letters and petition are available for inspection in the usual manner and on the Council's Planning Portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks planning permission for a change of use from restaurant with ancillary takeaway to form takeaway with ancillary seating. The determining issues in the assessment of this application are compliance with local plan policy and its impact on the amenity of the adjacent properties.
- 6.2 In this regard, the application site and associated proposal is affected by Policy 8 - Strategic and town centres which advises that the Council will allow a mix of uses compatible with these areas as commercial and community focal points including shops, offices, leisure and community, residential and other appropriate uses. Policy 4 – Development Management states that all development proposals will require to take account of and be integrated with the local context and built form.
- 6.3 Policy DM8 – Hot food shops of the supplementary guidance is also relevant. This advises in relation to retail/commercial areas, there will be a general presumption in favour of granting planning permission subject to compliance with the following criteria:
- An adequate level of shopping provision is maintained and the viability of the centre and its retail function is not adversely affected.
 - A satisfactory balance is retained between retailing and non-retailing uses.
 - The proposal does not have a significant impact in terms of environmental, traffic, public safety and amenity considerations, particularly in relation to residential properties near the site.
- 6.4 As the application site is located within the conservation area, Policy 15 – Natural and Historic Environment is also applicable and assesses all development proposals in terms of their effect on the character and amenity of the natural and built environment. Policy NHE7 – Conservation Areas of the supplementary guidance advises that development and demolition within a conservation area or affecting its setting shall preserve or enhance its character. The design, materials, scale and siting of any development shall be appropriate to the character of the conservation area and its setting.
- 6.5 As noted above, this proposal involves internal reconfiguration to provide a larger servery and counter thereby reducing the size of the existing seating area. It is noted there is an existing flue located on the side of the building projecting to the rear, however, there are no proposed alterations to the exterior of the building. In terms of Policy 8, a hot food takeaway is considered an acceptable use within a commercial area. In terms of Policy DM8, the unit is located at the end of a row of commercial properties. As its last use was a restaurant with ancillary takeaway facility, this does not result in the loss of any retail units. Furthermore, as there are no traffic issues and there is an existing flue suitable for the proposed use; I am satisfied the proposal complies with policies 8 and DM8.
- 6.6 With regards to policies 4, 15 and NHE7, there are no proposed external alterations in this case, therefore, the proposal is in compliance with these policies also. It is noted that any proposed signage will be considered under a separate application for advertisement consent.

6.7 The Council's Environmental Services were consulted as part of this application and raised no objection to the proposal subject to the attachment of advisory notes in relation to noise, vibration and food preparation. Roads and Transportation Services also provided comments and noted that the site is located within an existing shopping area where there is existing public parking available nearby. As such, they also have no objections.

6.8 In addition to the statutory neighbour notification procedure carried out by the Council, the application was also advertised in the local press due to the nature of the proposal but also for non-notification of neighbours as not all neighbours could be identified. 5 letters of representation including a petition with 71 names have been received, the points of which are summarised in section 5 above. It is not considered that the points raised merit refusal of the application.

6.9 In conclusion, it is considered that the proposed change of use from restaurant with ancillary takeaway to takeaway with ancillary seating area will have no adverse impact on amenity or on the functioning of the surrounding commercial area and I, therefore, recommend planning permission is granted subject to the attached conditions.

7 Reasons for Decision

7.1 The proposed development complies with Policies 4, 8 and 15 of the Adopted South Lanarkshire Local Development Plan (2015) and related supplementary guidance DM8 and NHE7.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

7 November 2017

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)
- ▶ Neighbour notification letter dated 31.08.2017

- ▶ Consultations
 - Roads Development Management Team 12/09/2017
 - Environmental Services [e-consult] 13/09/2017

- ▶ Representations
 - Representation from : Shanaz Wahid, Manzil Tandoori
7 Green Street
Strathaven
ML10 6LT, DATED 05/10/2017 (including a petition with 71

names)

- Representation from : Allan Corn, 64 Waterside Street
Strathaven
ML10 6AW, DATED 27/10/2017
- Representation from : Shanaz Wahid, Manzil Tandoori
7 Green Street
Strathaven
ML10 6LT, DATED 27/09/2017
- Representation from : Joe Allan, East Kilbride Historic Society
94 Franklin Place
Westwood
East Kilbride
G75 8LS, DATED 20/09/2017
- Representation from : Mr John Taylor, 12 Waterside Street
Strathaven
ML10 3AW, DATED 03/10/2017

Contact for Further Information

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

Julie Pepper, Planning Officer, Montrose House, Hamilton
Ext 5046, (Tel: 01698 455046)
E-mail: julie.pepper@southlanarkshire.gov.uk

CONDITIONS

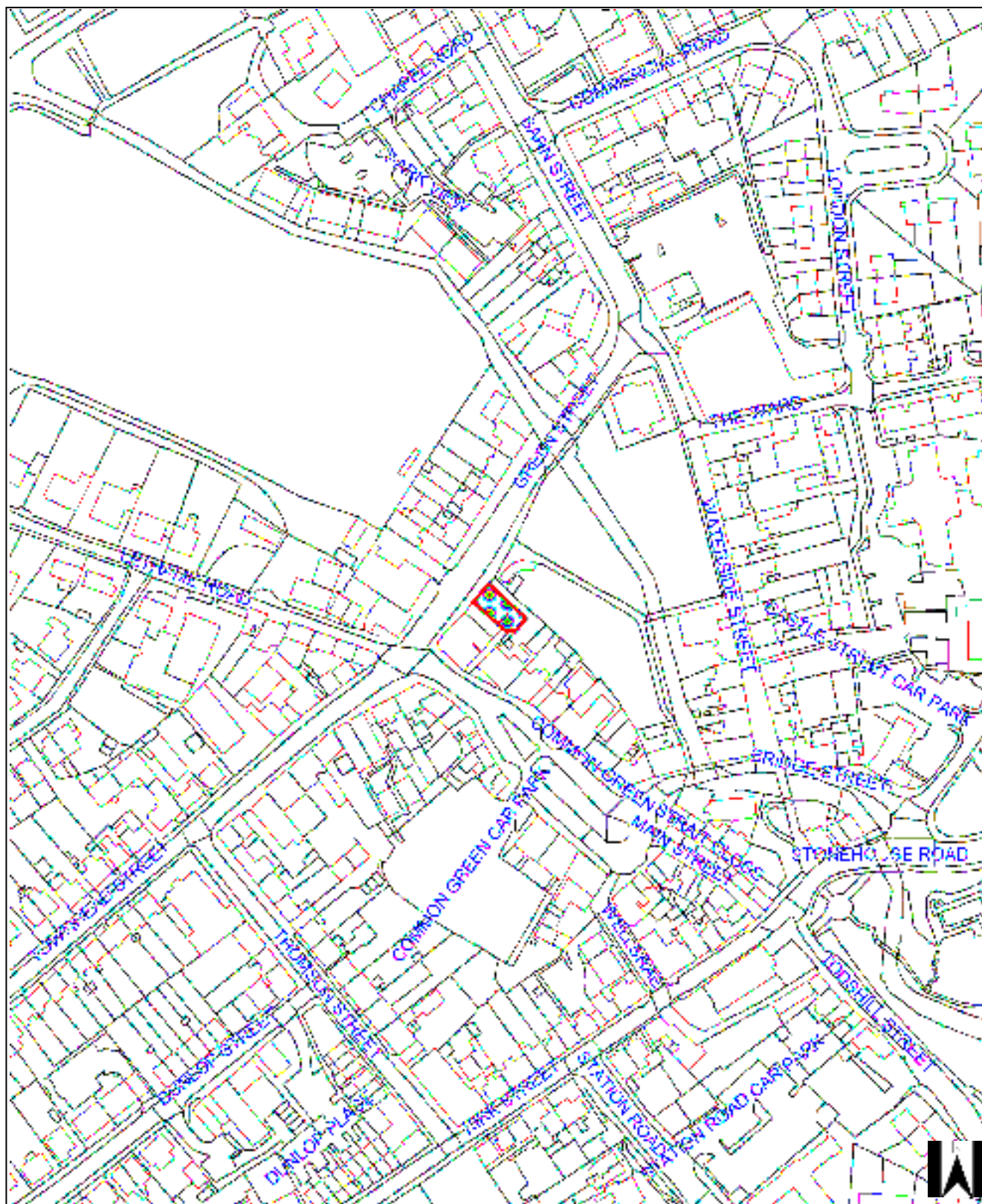
- 1 That the permission hereby granted relates to a change of use only and notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any other such order revoking or re-enacting that order) no alterations shall be made to the external appearance of the building without the prior written consent of the Council as Planning Authority.
- 2 Before the hot food shop is brought into use, the existing method of ventilation shall be operational in accordance with the approved details and thereafter maintained to the satisfaction of the Council as Planning Authority.

All odours, fumes and vapours generated on the premises shall be controlled by best practicable means to prevent them causing nuisance to occupants of nearby dwellings or premises.
The ventilation system shall:
 - a) Incorporate systems to reduce the emission of odours and pollutants and shall thereafter be maintained as necessary;
 - b) Be constructed, designed, installed and operated employing the principles of best practical means, to minimise noise and vibration transmission via plant and the building structure;
 - c) Noise associated with the business shall not give rise to a noise level, assessed with the windows closed, within any dwelling or noise sensitive building, in excess of the equivalent to Noise Rating Curve 35, between 07:00 and 20:00 hours, and Noise Rating Curve 25 at all other times.
- 3 That before the development hereby approved is brought into use, details of the storage and collection of waste arising from the development shall be submitted to and approved by the Council as Planning Authority. The storage and waste collection scheme shall be implemented before the development is brought into use and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
- 4 The proprietor of the hot food takeaway shall supply receptacles for discarded food containers and wrappings to the satisfaction of the Council as Planning Authority.
- 5 That no consent is given for use of the function suite on the upper storey to be used as part of this proposal.

REASONS

- 1.1 In order to retain effective planning control.
- 2.1 To minimise nuisance to occupants of nearby buildings as a result of cooking smells, vapours, airborne pollutants or noise from the premises.
- 3.1 To minimise nuisance, littering and pest problems to nearby occupants.
- 4.1 To safeguard the amenity of the area.
- 5.1 In the interests of amenity and in order to retain effective planning control.

For information only



For information only

Report

10

Report to:	Planning Committee
Date of Meeting:	21 November 2017
Report by:	Executive Director (Finance and Corporate Resources) Executive Director(Community and Enterprise Resources)

Subject:	Review of the Planning Application Decision Making Process Guidance
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1. Purpose of Report

1.1. The purpose of the report is to:-

- Seek Committee approval for revisions to the Council's guidance on the Planning Application Decision Making Process.

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendations;

- Approve the amendments to the Council's guidance on the Planning Application Decision Making Process set out in appendix 1 to this report, subject to the Head of Planning and Economic Development being authorised to modify the document to take account of drafting, presentational and technical matters, prior to publication.

3. Background

- 3.1. A report was presented to the Executive Committee on 10 June 2009 informing members of changes to the planning system that were due to be introduced as a result of the implementation of the Planning etc (Scotland) Act 2009. The report also set out for Committee approval the Council's response on how the requirements of the Act would be delivered.
- 3.2. Committee agreed the approval of, among other items, the updating of the Guide to the Planning Application Decision Making Process to reflect the legislative changes. This document included a revised scheme of delegation (that allows officers to determine certain types of application without referral to Committee); reference to the weekly list of new planning applications and guidance on circumstances when an elected member can request an otherwise delegated application to be referred to Committee for decision; and guidance on the presentation of items to Committee, including criteria for considering requests for hearings before a decision is made by members. Further minor changes were made in 2015 and the latest version of the guide is attached in appendix 2.
- 3.3. A review of the guidance has been carried out recently by the Head of Administration and Legal Services and the Head of Planning and Economic Development Services which highlighted the further changes which are required to reflect changes in current

working practice and statutory legislation. These are set out in Appendix 1 and summarised below.

- 3.4. In particular, it has become apparent that the guidance lacks sufficient clarity on the processes in respect of situations where the Committee determines applications against officer recommendation. Section 7.3 of the guide currently states that the Member moving the amendment will be required to give their reasons for refusing the application or appropriate planning conditions to be attached to a grant of planning permission. Further, in the event of the refusal of an application contrary to officer recommendation the Planning Service cannot handle any subsequent appeal. However, there is an absence of procedure once the decision is taken. As a result it is proposed to update the guide to reflect these circumstances.
- 3.5. Once the decision to refuse the application is made the Committee will require to nominate at least one Member to act as instructing client to the Head of Administrative and Legal Services in the event of an appeal and, if appropriate, to delegate authority to the Head of Administrative and Legal Services to instruct such external legal and technical advisors as may be required to deal with the appeal. Similarly where a decision to grant planning permission is taken contrary to officer recommendation to refuse the application, the Committee will require to delegate authority to the Head of Administrative and Legal Services to prepare an agreement in terms of Section 75 of the 1997 Act where, for example, financial contributions are expected to be made, and any other statutory agreement that may be required. It will generally be expected that the Member moving the amendment will take on the role of instructing client. In both circumstances the decision notice must be signed by the Head of Administrative and Legal Services before being issued.
- 3.6. Section 2.3 of the current guide permits, following the issue of the Weekly List of planning applications, any Member who is considering requesting that an otherwise delegated application be dealt with by committee, to contact the relevant Planning and Buildings Standards Manager or Head of Planning and Economic Development Services to discuss the application. The Member can then make a request that the application be dealt with by committee. It is proposed to update the guide to clarify that the request will be dealt with by the Head of Service, in consultation with the appropriate Chair. This is to ensure that the determination of an application is not unnecessarily delayed. At all times, Members should take account of Section 7 of the Councilors' Code of Conduct which provides guidance for dealing with planning applications.
- 3.7. The scheme of delegation permits planning applications that attract 5 or less objections, where approval of the application is recommended, to be dealt with under delegated powers. In cases where 6 or more objections are received and the recommendation is to grant consent, the application must be reported to Committee for a decision. In terms of counting the number of objections, the guide presently defines this as all individual letters from any one person or household. However, in some cases, individual objectors have submitted multiple letters of objection, each raising different issues, which can result in an application having to be referred to Committee. This does not promote efficiency within the planning process and therefore, it is recommended that in such circumstances the letters from that individual will count only as one objection. It is important to recognise that the concerns of an individual objector will always be taken into account no matter what decision route is taken. The exception would be cases where the objector submits additional objections following receipt of new information or amendments to the original scheme that raise new issues. For clarity, the submission of letters of objection from individual members of the same household will continue to be counted as single objections. In addition, any representations received will only be considered once an application has been made valid ie when all the relevant details to start

processing an application has been provided. This is on order to avoid objections being made in respect of a lack of information which would otherwise be submitted as part of the validation process.

- 3.8. Finally, it is recommended that the guide be updated at section 4.3 to clarify that representations which are received after the deadline for the compilation of the associated committee report will not form part of the background papers to the report, however, they will be reported verbally to Committee when new issues are raised. A range of other minor changes are also set out in Appendix 1.

4. Next Steps and Timescale

- 4.1. Following Committee approval, it is intended that the revised guide will be published on the Councils website and form the basis for the Councils approach to the matters described above.

5. Employee Implications

- 5.1. There are no employee implications.

6. Financial Implications

- 6.1. There are no budgetary implications at this stage. Any publishing costs can be met from existing revenue budgets.

7. Other Implications

- 7.1. There are no other implications.

8. Equality Impact Assessment and Consultation Arrangements

- 8.1. This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and, therefore, no impact assessment is required. There is also no requirement to undertake any consultation in terms of the information contained in this report.

Paul Manning, Executive Director (Finance and Corporate Resources)

Michael McGlynn, Executive Director (Community and Enterprise Resources)

13 November 2017

Link(s) to Council Values/Objectives

- Improve the Quality of the Physical Environment

Previous References

- Report to the Executive Committee on 10 June 2009 – Planning etc (Scotland) Act 2006

List of Background Papers

None

Contact for Further Information

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

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Appendix 1

Addendum Planning Application Decision Making Process

Page 2

- In paragraph 1.2 delete the word “Board” on line 5 and replace with “Body”

Page 3

- At the end of paragraph 2.2, add:-

“As the Scheme of Delegation is a requirement of the 1997 Act and as that Act defines the categories of application which must be dealt with by officers, this should happen only in exceptional circumstances where the Head of Planning and Economic Development Services, in consultation with the Chair of the Planning or relevant Area Committee as appropriate, considers it necessary to do so.”

- Amend paragraphs 2.3 and 2.4, to:-

“2.3 Following the issue of the Weekly List, any Member who is considering requesting that an otherwise delegated application be dealt with by committee, should contact the relevant Planning and Building Standards Manager or Head of Planning and Economic Development Services no later than 10 days of the week-ending date of the Weekly List to discuss the application. If the Member makes a request that an otherwise delegated application be dealt with by committee, the request will be dealt with by the Head of Service, in consultation with the appropriate Chair, whose decision will be final.

2.4 In this respect, Members should take account of Section 7 of the Councillors’ Code of Conduct which provides guidance for dealing with planning applications.”

Page 4

- Amend paragraph 3.1 at line 6 by adding new sentence between the words “objections” and “When”:-

“but will be published on the portal and given consideration in determining the application”.

- Amend paragraph 3.1 at lines 6 – 8, by deleting sentence beginning with the word “When” and adding the following sentence in its place:-

“Where there are multiple objections on different grounds from the same person, each ground of objection will be considered separately but all of the objections will be treated cumulatively as one objection. The exception will be when additional information or amendments to plans are submitted and new matters are raised”.

- At end of paragraph 3.1, add new sentence:

“Objections will only be treated as valid representations after the application has been made valid.”

- In paragraph 3.5, remove reference to Article 4 Directions in Conservation Areas.

Page 7

- In paragraph 3.6(a), delete “would come” and replace with “came”

Page 8

- In paragraph 3.11(h) delete the word “Board” on line 2 and replace with “Body”

Page 9

- At the beginning of paragraph 4.2 add the following new sentence:-

4.2 “Representations means letters of support, comment and objection”.

- Delete paragraph 4.3 and add the following paragraph in its place:-

4.3 “Representations received after the deadline for the compilation of the associated committee report will not form part of the background papers to the report, however, they will be reported verbally to Committee when new issues are raised.”

Page 13

- Delete sub- paragraph 7.3(h) and add the following sub-paragraphs in its place:-

“7.3(h) If a Committee Member moves an amendment against the recommendation of the Planning Officer and is seconded, the matter should go to the vote. The outcome will be recorded as the Committee’s decision and the Member will require to give his/her reasons in planning terms. In the event that an officer’s recommendation is not accepted, the officer cannot handle any subsequent planning appeal or be involved in discussions on any related planning agreement. The planning

Decision Notice will be signed by the Head of Administration and Legal Services and, thereafter, Legal Services will deal with any appeal or other statutory agreements.

7.3(i) Where a decision to refuse planning permission is taken, contrary to officer recommendation to grant consent, the Committee will require to nominate at least one Member to act as instructing client to the Head of Administration and Legal Services in the event of an appeal and, if appropriate, to delegate authority to the Head of Administration and Legal Services to instruct such external legal and technical advisors as may be required to deal with the appeal.

7.3(j) Similarly, where a decision to grant planning permission is taken, contrary to officer recommendation to refuse the application, Committee will require to specify the planning conditions, if any, which are to be attached to the planning consent and, if appropriate, to delegate authority to the Head of Administration and Legal Services to prepare an agreement in terms of Section 75 of the 1997 Act and any other such statutory agreement as may be required.

7.3(k) In both cases, it will generally be expected, that the Member moving the recommendation to take the decision contrary to that of the Planning Officer shall take on the role of instructing client.

7.3 (l) For the avoidance of doubt, the committee procedure set out in this section of the guide will apply to the Planning Committee or the respective Area Committee at which the application is reported.

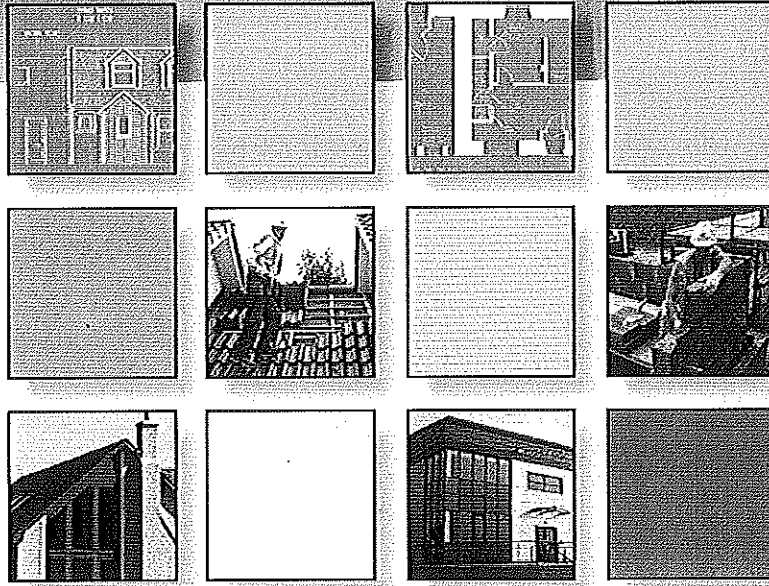
Page 14

- In paragraph 8.4 add “Finance and” on line 3 after “to” and before “Corporate”
- Amend paragraph 8.5 by deleting the final sentence and adding the following sentence in its place

“Once Committee papers have been issued to Members, Administration Services will advise nominated spokespersons on both sides that the committee report is available electronically and provide a link to the Council’s website or, where necessary, forward a hard copy of the Committee report.”

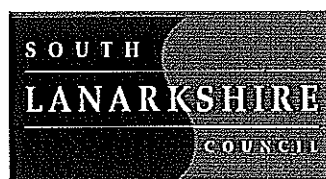
Planning and Building Standards Services GUIDANCE

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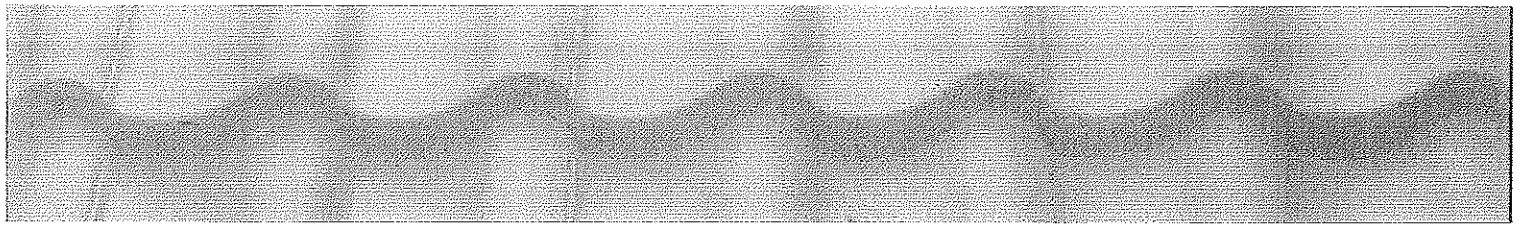


Planning Application Decision Making Process

April 2015



Community and
Enterprise Resources



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For more information or if you want this information in a different format or language,
please phone 01698 455379 or email planning@southlanarkshire.gov.uk

1.0 Introduction

- 1.1 The Council's system for processing planning applications is governed by the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006. The system involves a combination of delegation to officers to allow the determination of small-scale, straightforward planning applications or any application for consent, agreement or approval required by condition imposed on a grant of consent for a "local development", together with the referral of larger, more significant proposals to an appropriate committee.
- 1.2 The purpose of this guide is to clearly set out the application processing system in relation to local, major and national developments as defined in the Hierarchy of Development (Scotland) Regulations 2009. An appeal against the refusal of planning permission, non-determination or condition relating to a local development determined or that could be determined under delegated powers must be the subject of a review by the Local Review Board set up by the Council. All other appeals will continue to be dealt with by the Scottish Government. Major and national developments (the latter being identified in the national planning framework) may require pre-determination hearings and must be the subject of formal pre-application consultation.
- 1.3 This guide is intended to advise on the remits and procedures relating to each of the different methods of determining planning applications, together with details of the criteria and procedures relating to hearings and site visits. Good practice in relation to procedures is also given. Advice in relation to appeal procedures is contained in a separate document.
- 1.4 The procedural guide covers the following:
 - The weekly list
 - Delegated decisions
 - Area committees
 - Planning committee
 - Full Council
 - Presentation of items to committee
 - Hearings
 - Site visits

20 The weekly list

General

- 2.1 The Planning and Building Standards Service publishes a weekly list of planning applications registered in the previous week. This provides basic details relating to the application, including reference number, applicant, site location and description of the proposal. It also states whether the application is likely to be determined under the Scheme of Delegation, by Area Committee, Planning Committee or has the potential to go to the full Council. This list is sent to Council Members and Community Councils and is available through the Council's web site.

Referral of scheme of delegation applications to committee

- 2.2 In terms of S43(6) of the 1997 Act, as amended by the 2006 Act, the Planning Authority may, if it sees fit, determine an application at committee which would otherwise be dealt with under the Scheme of Delegation.
- 2.3 If a Member has any queries about, or objections to, an application, he/she should approach the team leader or area manager to discuss the application within 10 days of the week-ending date of the Weekly List to try and resolve matters before requesting that an otherwise delegated application be dealt with by committee.
- 2.4 Only if a Member is still concerned after having discussed the application with the team leader or area manager, should a request be made to the team leader or manager to consider referring the application to committee for consideration. This will help ensure that applications are dealt with as quickly as possible and are not unnecessarily delayed by requiring a committee decision.

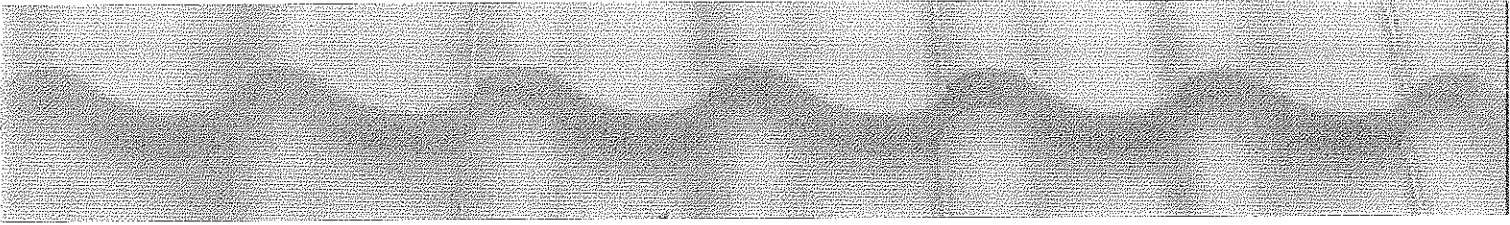
3.0 Delegated decisions

Powers

- 3.1 Under the Council's Scheme of Delegation, prepared in terms of S43A of the 1997 Act as amended by the 2006 Act, the Executive Director (Community and Enterprise Resources) and Head of Planning and Building Standards Services have delegated powers to deal with planning applications where there are no more than five objections where approval is recommended (or where a refusal is entirely consistent with policy). For the purposes of clarification, letters of support or comment are not counted as objections. When counting the number of objections received, we will include all individual letters from any one person or household, as well as those received from separate addresses. With regard to signatories of organised petitions, assuming contact names and addresses are provided, these will be counted as individual objections. Delegated applications mainly involve;
- householder proposals;
 - small scale residential, industrial and commercial proposals; and
 - shopfronts and advertisement proposals.
- 3.2 In addition to the above, to handle applications:
- made by the Council or which relate to land where the Council has ownership or a financial interest, in accordance with the terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations which came into effect on 30 June 2013.
- 3.3 Applications from officers of the Planning Service, or a close family relative where objections are received are excluded from the Scheme of Delegation. Planning applications from a Member of the Planning Authority or a close relative will also require to be considered by the appropriate Committee.
- 3.4 Approximately 90% of all applications are dealt with by the Scheme of Delegation, with decisions being issued on a daily basis

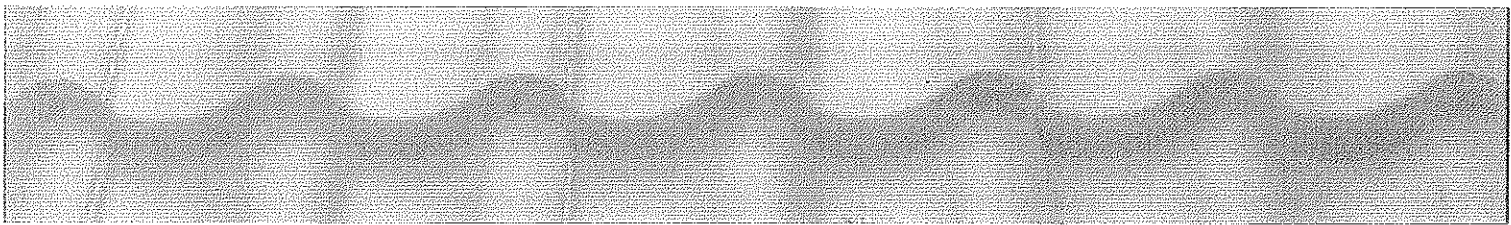
Delegated approvals

- 3.5 The Executive Director (Community and Enterprise Resources) and Head of Planning and Building Standards Services have authority to grant the types of local and other development types of applications listed below, with 'Local Development' category highlighted:
- (a) **Householder applications** not attracting more than five objections including house extensions and alterations, dormer windows, garages, accesses, walls, fences and other means of enclosure and applications made under Article 4 Directions in Conservation Areas (or as may be amended) or where permitted development has been removed by planning condition. An Article 4 Direction is used to remove permitted development rights for specified types of development [e.g. house extensions, erection of fences, window alterations etc.] in Conservation Areas or other areas where the Council wishes to protect amenity. This means that an application is then required for work that would not normally need planning permission; (Local Development)

- 
- (b) **Small scale residential applications** involving up to 10 units not attracting more than five objections and entirely consistent with Local Development Plan policy; (or up to one hectare if in principle) (Local Development)
 - (c) **Small scale agricultural, industrial, business and general industry, storage and distribution and commercial applications** subject to a maximum of up to 2,000 square metres or up to 5,000 square metres in designated industrial estates or business parks or farmland; or up to one hectare where the application is in principle; not attracting more than five objections and not involving more than a 50% increase in floorspace of existing buildings; (Local Development)
 - (d) **Small scale applications relating to institutional uses, such as hospitals, health centres, nursing homes** involving up to a 50% increase in floorspace (including extensions and/or new build), entirely consistent with policy and not attracting more than five objections; (Local Development provided floorspace does not exceed 5,000 square metres or site area exceeds two hectares).
 - (e) **All amended applications** for development in categories (c) and (d) not attracting more than five objections and involving changes to previously approved plans relating to changes to layouts, building details, house types, materials, accesses and boundary treatments; (Local Development provided site area does not exceed two hectares, housing development does not exceed 49 units and institutional and commercial developments floorspace does not exceed 5,000 square metres).
 - (f) **Applications following the approval of a planning application in principle or detailed planning applications** not attracting more than five objections, provided the proposal is mainly consistent with the terms and conditions of any previous consent; (Local Development provided site area does not exceed two hectares, housing development does not exceed 49 units and institutional and commercial developments floorspace does not exceed 5,000 square metres)
 - (g) **Alterations to shop fronts** not attracting more than five objections; (Local Development)
 - (h) **Sub-division of an existing house** or conversion of existing buildings to form dwellings in existing residential areas and not attracting more than five objections; (Local Development)
 - (i) **Listed Building applications and applications for conservation area consent** not attracting more than five objections and where there are no policy implications; (see Note 1 below)

<p>Note 1: As the appeal process differs for a listed building applications and conservation area consent applications, all refusals of listed building and conservation area consent applications and associated planning applications will be considered by the Planning/Area Committee to ensure that any appeal/review against the decisions is considered by the same body for both applications.</p>
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- (j) **Advertisement applications** not attracting more than five objections;

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- (k) **All renewals of planning permission** (Local Development provided site area does not exceeds two hectares, housing development does not exceed 49 units and institutional and commercial developments floorspace does not exceed 5,000 square metres) for conservation area consent or listed building consent not attracting more than five objections;
 - (l) **Small scale changes of use** not attracting more than five objections and entirely consistent with Local Development Plan policy; (Local Development)
 - (m) **Sub-division** of industrial, business, commercial or other non-residential properties not attracting more than five objections and entirely consistent with Local Development Plan policy; (Local Development)
 - (n) **Telecommunications applications** not attracting more than five objections and entirely consistent with Local Development Plan policy; (Local Development)
 - (o) **Small scale housing proposals (of up to 10 units) householder developments and change of use proposals** which are not significantly contrary to Local Development Plan policy where there are no objections; (Local Development)
 - (p) **Alterations or deletion of conditions** i.e. section 42 applications to develop land without compliance with conditions previously attached (including existing mineral consents and the review of old mineral permissions) not attracting more than five objections; (Local Development)
 - (q) **Extraction of minerals** where the site area is less than two hectares not attracting more than five objections and entirely consistent with Local Development Plan policy; (Local Development)
 - (r) **Waste transfer stations/recycling operations** with a capacity of less than 25,000 tonnes per annum or sludge treatment of less than 50 tonnes (net weight) per day of residual sludge not attracting more than five objections and entirely consistent with Local Development Plan policy; (Local Development)
 - (s) **Minor engineering operations** which are entirely consistent with Development Plan policy not attracting more than five objections; (Local Development)
 - (t) **Transport and infrastructure projects** where the length of the road, railway, tramway, waterway, aqueduct or pipeline does not exceed eight kilometres not attracting more than five objections and entirely consistent with Local Development Plan policy; (Local Development)
 - (u) **Other development (including mixed use projects)** not covered by any of the above uses where the gross floor space of any building, structure or erection constructed is under 2,000 square metres or under one hectare where the proposals are in principle and which are entirely consistent with Local Development Plan policy and not attracting more than five objections. (Local Development)
 - (v) **Wind turbines (up to and including three)** which are entirely consistent with Local Development Plan policy and not attracting more than five objections (Local Development provided the capacity of the generating station is less than 20 megawatts)

3.6 In addition to the above, the Scheme of Delegation also covers the handling of the following applications:

- (a) made by the Council or which relate to land where the Council has ownership or a financial interest, in accordance with the terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations which would come into effect on 30 June 2013;
- (b) for overhead electricity lines and electricity sub-stations and gas governor stations;
- (c) for fulfilments of conditions attached to planning permissions;
- (d) for cutting down, topping, lopping or destruction of trees covered by a confirmed Tree Preservation Order or within a Conservation Area.

Delegated refusals

3.7 The scheme of delegation also covers the refusal of the following applications:

- (a) Advertisement and shopfront applications;
- (b) all categories of delegated applications (except listed building/conservation area consent and associated planning applications) where the refusal is consistent with Local Development Plan policy

Delegated statutory notices

3.8 The issue of minor approvals and statutory notices including:

- (a) Certificates of lawful use or development;
- (b) Applications for minor variations of planning consents;
- (c) Discontinuance notices;
- (d) Prior notifications for agricultural and forestry developments;
- (e) Prior Notifications for demolition;
- (f) Prior Notifications for gas and electricity works
- (g) Prior Notifications for freestanding domestic wind turbines
- (h) Prior Notifications for domestic air source heat pumps

Delegated consultations

3.9 Authority to reply on behalf of the Council to planning consultations from adjacent authorities and the Scottish Government on matters which do not have significant policy implications.

Section 75 Planning Obligations

3.10 Authority to conclude Section 75 planning obligations and other minor legal agreements in relation to delegated planning applications (including determining applications for discharge or variation of Section 75 planning agreements/obligations or other minor legal agreements).

Other matters

3.11 Other matters which are delegated are set out below:

- (a) To determine the need for screening and requirements for scoping for an Environmental Assessment and Strategic Environmental Assessment;
- (b) To determine the requirements for a Retail Assessment and matters to be contained in any scoping report;
- (c) To discharge the Council's planning enforcement function, including the service of any notices, for example enforcement, stop, amenity notices and other notices and also the authority to decline to take enforcement action where appropriate;
- (d) To deal with written submissions, hearings and public inquiries in connection with:
 - appeals to the Scottish Ministers against refusal of consent
 - deemed refusal appeals (pending consideration by relevant committee if appropriate)
 - applications subject to a 'call-in' by the Scottish Ministers
 - reviews to the Local Review Body
- (e) To add rights of way to the Register for South Lanarkshire Council and, in that connection, to apply, in consultation with the Head of Administration and Legal Services, for a Declarator in the appropriate Sheriff Court where any person with an interest in the land objected;
- (f) In cases of immediate threat, to promote Tree Preservation Orders following consultations with the Chair and/or Depute Chair of the Planning Committee and the Local Members;
- (g) Other matters such as responding to:
 - Pre-application screening proposals
 - Proposals of application notices
 - Negotiating processing agreements
- (h) To determine, in consultation with the Chair or Depute Chair of the Planning Local Review Board, whether applications for review in terms of Section 43B of the Town and Country Planning (Scotland) Act 1997 and any subsequent or amending legislation and or regulation are competent and relevant and, if necessary and appropriate, to make further enquiry of the applicant and, thereafter, to make further determination on competence and relevance.
- (i) to discharge the Council's Planning function in terms of the High Hedges (Scotland) Act 2013 including:-
 - determining applications requesting that a High Hedge Notice be served, provided that the applications had not attracted more than 5 objections
 - issuing High Hedges Notices where appropriate
 - ensuring compliance with High Hedge Notices, including, if deemed necessary, carrying out any works required and recovering any expenses reasonably incurred in cases where the owner or occupier of the land failed to comply with the notice
 - declining to intervene where considered appropriate
 - dealing with appeals made to the Scottish Ministers

4.0 Area committees

Application types

- 4.1 Area Committees deal with the same types of applications that the Executive Director and Head of Planning and Building Standards Services have delegated powers to determine, but where:
- the applications have attracted more than five objections
 - the applications are referred to committee in terms of S43 (6) of the 1997 Act, as amended by the 2006 Act (see paragraphs 2.2 - 2.4)

Representations

- 4.2 Representations to an application must be made in writing or electronically. All representations will be referred to in the officer's report, and where applications are required to go to committee, copies made available for inspection by Members prior to Committee. Letters of representation are in the public domain.
- 4.3 Representations must be received a minimum of five working days prior to the committee date and late representations will not be considered.

Powers

- 4.4 The Area Committees have powers to make decisions on the planning applications listed above, except where the committee's decision would be contrary to established Council and Local Plan policies and standards or where the application raises new planning issues. In these circumstances the application would be referred to the Planning Committee.
- 4.5 Area Committees have the power to determine all applications coming before them, including:
- those where the officer's recommendation is not accepted (provided it does not raise a policy issue).
 - those where there has been a division over a decision.

5.0 Planning committee

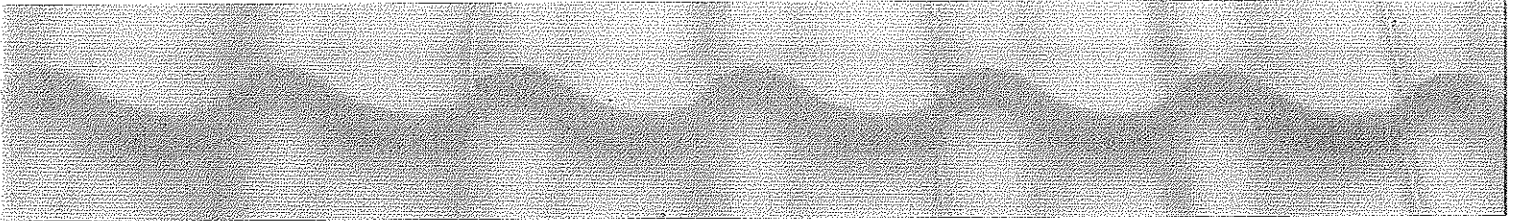
Application types

5.1 The Planning Committee deals with all national and major planning applications as set out in the planning legislation, including:

- All developments which require an Environmental Impact Assessment by virtue of Schedule 1 of the Environmental Impact Assessment (Scotland) Regulations 1999;
- Housing proposals comprising 50 or more units, if detailed, or if the site is or exceeds two hectares if in principle;
- Business and general industry, storage and distribution developments involving over 10,000 square metres of new floorspace or where the site area is or exceeds two hectares;
- The construction of an electricity generating station which has a capacity of or exceeds 20 megawatts;
- Waste management facilities where the capacity is or exceeds 25,000 tonnes per annum or 50 tonnes (wet weight) – per day of residual sludge;
- Transport and infrastructure projects, where the length of the road, railway, waterway, aqueduct or pipeline exceeds eight kilometres
- Minerals where the site is or exceeds two hectares
- Other development (including mixed uses) where the gross floor space of any building, structure or erection which is constructed is or exceeds 5,000 square metres or the site area is or exceeds two hectares.

5.2 In addition, Planning Committee also deals with:

- educational and institutional developments, other than extensions to existing facilities;
- housing proposals of between 11-50 units if in detail and sites of between one and two hectares in size if in principle;
- industrial, commercial, business and general industry, storage and distribution involving increases in floor space between 2,000 square metres & 10,000 square metres or 5,000 – 10,000 square metres in designated industrial estates or business parks or where the site is between one and two hectares in size if in principle;
- applications that are contrary to Strategic or Local Development Plan Policy and which have a recommendation for approval;
- other development (including mixed uses) where the gross floor area of any building, structure or erection is between 2,000 – 5,000 square metres or the site area is between one and two hectares;
- any application generating significant levels of concern, or policy issues, where the Head of Planning and Building Standards Services in consultation with the Chair of the Planning Committee so determines



Representations

5.3 Refer to Section 3, Area Committees, paragraph 3.2 Representations.

Powers

5.4 The Planning Committee has powers to determine all planning applications submitted to it with the exception of planning applications which require a pre-determination hearing under Section 38A(1) of the 2006 Planning Act, i.e. proposals that are significantly contrary to the development plan and national developments. Such applications will require to be referred to the full Council for a final decision. A 'significant departure' to the development plan is considered to be where an approval would be contrary to the vision or wider spatial strategy of the plan.

6.0 Full Council

- 6.1 Full Council meetings require to take a decision on planning applications which are required to have a pre-determination hearing under Section 38A (1) of the 2006 Planning Act, i.e. applications significantly contrary to the development plan. This is irrespective of whether or not the offer of a pre-determination hearing has been taken up. Full Council also has to consider such applications whether or not they are recommended for approval or refusal. In addition, the full Council will also take a decision on any national developments identified within South Lanarkshire.

7.0 Presentation of items to committee

Prior to committee

- 7.1 A local Member, who is not a member of the Planning Committee, but wishes to speak about an item in his/her ward should raise this with the Committee Chair in advance of the meeting.

Committee business

- 7.2 Although the Chair can vary the order of business, items will normally be taken in the order set out in the agenda papers. The only exception to this is where an application has been removed from the agenda. In this case, the Committee Chair will advise at the start of the meeting that an application has been removed. Continuations of applications should be raised at the correct point on the agenda.

Committee procedure for dealing with planning applications

- 7.3 The planning officer will always speak to applications with a recommendation for refusal and on any contentious applications. Consideration of applications will proceed in the following order:
- (a) The Committee Chair will introduce the item and announce details of the applicant, site location, description of proposal and recommendation.
 - (b) The Committee Chair will either:
 - move the recommendation (if a simple, straightforward proposal) or
 - invite the Planning Officer to speak on the proposal.
 - (c) The Planning Officer will briefly summarise the proposal, highlight objections and responses to them, note any important conditions or refusal reasons and finish by making a recommendation to grant or refuse consent.
 - (d) The local Member(s), if appropriate, will then be given an opportunity to speak about the proposal.
 - (e) The Committee Chair will invite other Committee Members to comment.
 - (f) The Planning Officer should be invited to comment or respond to questions raised by any Member.
 - (g) The Committee Chair should move the recommendation on completion of debate.
 - (h) If a Committee Member moves an amendment against the recommendation and is seconded, the matter should go to the vote. Note: Area Committees have powers to determine all applications where there has been a division over a decision (refer to Page 9). The outcome of the vote will be recorded as the Committee's decision. Where a decision is taken contrary to officer recommendation, the Member moving the amendment will require to give his/her reasons for refusal or appropriate planning conditions, which will be recorded in the minutes of the meeting. In the event that an officer's recommendation is not accepted and an application is refused, the officer cannot handle any subsequent planning appeal.

8.0 Hearings

Criteria

- 8.1 In terms of planning legislation, a pre-determination hearing must be offered in respect of major developments where they are significantly contrary to the terms of the development plan, and in respect of national developments. Administrative arrangements will be put in place to allow these applications to be considered and heard by the Planning Committee and then referred to the Council for determination.
- 8.2 In all other instances, the only request for a hearing which will be considered is:
- (1) where, in the view of the Head of Planning and Building Standards Service, in consultation with the Committee Chair, an application has attracted a substantial body of objection relative to the proposal/location and the officer's recommendation is to grant planning consent.
- 8.3 In the above situation, the hearing will be before the appropriate committee and a request for a hearing must be made and received by the Executive Director (Community and Enterprise Resources) or Head of Planning and Building Standards Services a minimum of two working days before the committee meeting at which the application is due to be considered.

Administrative arrangements

- 8.4 Where objections are lodged to an application and the officer's recommendation is to grant planning consent for a proposal which is significantly contrary to the development plan, the Planning Service will supply any necessary information to Corporate Resources (Administration Services) who will make the appropriate arrangements. This may involve the issue of "early notification" letters to those invited to participate in the hearing advising of the likely date when the application will be considered and enclosing a copy of the "Procedure for Hearings".
- 8.5 Once the date has been confirmed formal invitations will be issued to objectors, applicant, agent etc. confirming arrangements for the committee meeting at which they can be heard and, if appropriate, a list will be provided of individual objectors with whom it is suggested they liaise to appoint up to three spokespersons. Administration Services will forward a copy of the committee report to nominated spokespersons on both sides once committee papers have been issued to Members.
- 8.6 The hearing will take place at the next available meeting of the appropriate committee which will make the final determination on that application. Alternatively, a special meeting of the full Council or committee may be called.
- 8.7 Where an application is subject to a hearing to be held by the Planning Committee or Full Council, the local Members for the ward within which the application falls will be invited to attend the meeting if they are not already a member of that committee. The local Members will not be co-opted onto the committee, but will be entitled to speak on the application.

Procedure for hearings

8.8 The procedure for hearings will generally follow this order:

- Both applicant and objectors will be invited to address the committee in turn.
- The applicant's side should be represented by a maximum of three people unless there are special circumstances which merit additional technical or specialist involvement.
- Where individual members of the public, organisations or companies are objectors, they should be represented by a maximum of three people to speak on behalf of all objectors.
- At the hearing, firstly the applicant will be asked to present his/her case with the objector(s) allowed to ask questions immediately thereafter. The objectors will then be invited to present their case with the applicant being allowed to ask questions.
- Both sides will have a maximum of 10 minutes to present their full case regardless of the number of individuals who speak for each side. A further five minutes will be allowed for each side to ask questions of the other.
- Committee members may ask questions of both applicants and objectors on conclusion of the presentation by each side.
- Applicant and objectors will then be asked to withdraw from the committee table although they may remain in the committee room or chamber, but seated on the public benches.
- The Local Members, if not members of the committee, will be invited to address Committee on that particular item if they so wish. Thereafter, the Member will return to the public benches.
- The planning officer will then sum up the proceedings.
- The committee will be invited to discuss the matter and arrive at a decision.
- At the conclusion of the hearing, the Committee Chair should clearly state what decision has been taken and if the application has been granted or refused.

8.9 Where proposals raise substantial new policy issues, in exceptional circumstances, the Committee Chair may relax the guidelines to allow a longer period for debate. Similarly, where any Environmental Assessment has been lodged with an application, the issues which it raises may merit longer presentations and discussions.

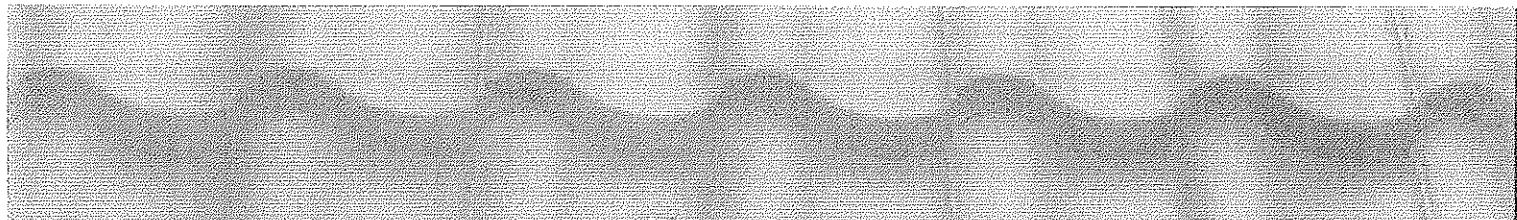
9.0 Site visits

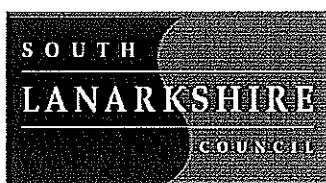
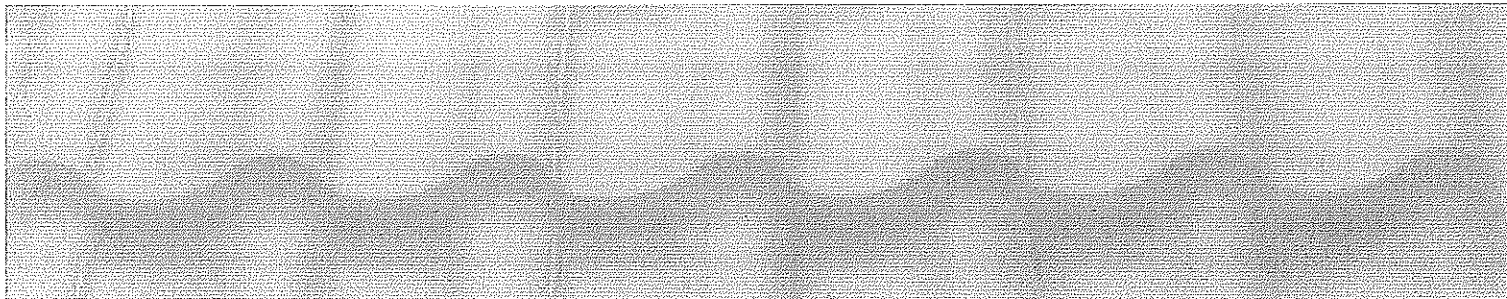
Criteria

- 9.1 If an elected Member requests a site visit before determining an application at committee, a request for a site visit must be made in writing and must be received by the Executive Director (Community and Enterprise Resources) or Head of Planning and Building Standards Services, a minimum of two working days before the appropriate committee meeting at which the application is due to be considered.
- 9.2 A request for a site visit will only be granted where in the view of the Head of Planning and Building Standards Services, in consultation with the Committee Chair, a site visit is required to assess a proposal in greater depth or detail than is provided by the officer's report and accompanying plans and photographs.

On site

- 9.3 The site visit does not constitute a formal meeting, no record of attendance is kept and while the applicant will be advised that the site visit is taking place, he/she need not be present and cannot address committee members or make representations to them. Members may discuss the proposal and request information from officers on the visit, but no decision is taken. The application will be determined at the next appropriate committee meeting.





Community and
Enterprise Resources