



Council Offices, Almada Street
Hamilton, ML3 0AA

Thursday, 01 November 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, 29 May 2018

Time: 10:00

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

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

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

Yours sincerely

Lindsay Freeland
Chief Executive

Members

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

Substitutes

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

BUSINESS

1 Declaration of Interests

2 Minutes of Previous Meeting

5 - 12

Minutes of the meeting of the Planning Committee held on 1 May 2018 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision	
3 South Lanarkshire Local Development Plan 2 – Receiving Views from Representatives	13 - 18
Report dated 17 May 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	
4 South Lanarkshire Local Development Plan 2 and Supporting Planning Guidance on Renewable Energy	19 - 26
Report dated 17 May 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	
5 Application HM/17/0558 - Erection of 5 Detached Houses (Planning Permission in Principle) at Avonbank Road, Larkhall	27 - 44
Report dated 10 May 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	
6 Application EK/17/0358 - Erection of 219 Houses, Access Road, Associated Infrastructure and Landscaping at Former Philipshill Hospital, Barbana Road/Grado Avenue, East Kilbride	45 - 66
Report dated 17 May 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	
7 Application P/18/0287 - Change of Use of Existing Retail Unit (Class 1) to Public House (Sui Generis), Restaurant (Class 3) and Hotel (Class 7) (Incorporating External Alterations and Formation of External Seating Areas) at 1-3 Duke Street, Hamilton	67 - 78
Report dated 10 May 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	
8 Application P/18/0169 - Erection of 43 Residential Units Comprising 3 Three Storey Flatted Blocks (27 Flats) and 16 Two Storey Terraced and Semi-Detached Houses and Associated Access and Landscaping at Mavor Avenue Nerston Industrial Estate, East Kilbride	79 - 94
Report dated 11 May 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	
9 Application P/18/0041 - Extension to Existing Factory and Provision of On-site Car Parking at Block 6, Dunedin Road, Larkhall Industrial Estate, Larkhall	95 - 106
Report dated 10 May 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	
10 Applicaton EK/17/0321 - Construction of 4 Arm Roundabout and Associated Works to Provide Access to the Proposed Community Growth Area (Planning Permission in Principle EK/11/0202) at Site Off Eaglesham Road, Jackton, East Kilbride	107 - 118
Report dated 17 May 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	

- 11 Application P/18/0220 - Application for Approval of Matters Specified in Conditions 8 and 9 (Bus Service Strategy) and 13 (Scottish Water Approval) of Planning Permission in Principle Consent HM/10/0052 at Meikle Earnock Road, Hamilton** 119 - 128
Report dated 17 May 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 12 Application P/18/0214 - Erection of 60 Houses and Associated Infrastructure and Landscaping at Former St Leonards Primary School, Brancumhall Road, Calderwood, East Kilbride** 129 - 142
Report dated 17 May 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 13 Application CL/17/0484 - Sub-division of Existing House into 2 Houses, Conversion and Extension of Farm Outbuilding to Form 1 House, Demolition of Existing Farm Buildings and Erection of 10 Houses at Southfield Road, Kirkmuirhill, Lanark** 143 - 154
Report dated 9 May 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)

Urgent Business

14 Urgent Business

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

For further information, please contact:-

Clerk Name: Pauline MacRae

Clerk Telephone: 01698 454108

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

PLANNING COMMITTEE

2

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

Chair:

Councillor Alistair Fulton

Councillors Present:

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

Councillors' Apologies:

Alex Allison, Mary Donnelly, Richard Lockhart, John Ross (ex officio), David Shearer, Sheena Wardhaugh

Attending:

Community and Enterprise Resources

L Campbell, Area Manager, Planning and Building Standards Services (Hamilton); P Elliott, Head of Planning and Economic Development; T Finn, Headquarters Manager, Planning and Building Standards Services; 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 Moore, Legal Services Advisor; L Paterson, Administration Officer

1 Declaration of Interests

The following interest was declared:-

Councillor(s)

Marrs

Item(s)

Application CL/17/0474 – Erection of 25 Houses and Formation of Associated Access, Sustainable Urban Drainage System (SUDS), Landscaping and Playpark at Land West of Byretown Grove, Kirkfieldbank

Nature of Interest(s)

Prior involvement in the application

2 Minutes of Previous Meeting

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

The Committee decided:

that the minutes be approved as a correct record.

3 Application CL/16/0170 - Phased Extraction of Sand and Gravel by Quarrying Methods and Erection of Associated Plant Site and Access Road at Overburns Farm, Lamington, Biggar

A report dated 13 April 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/16/0170 by Patersons of Greenoakhill Limited for the phased extraction of sand and gravel by quarrying methods and erection of associated plant site and access road at Overburns Farm, Lamington, Biggar.

Because of the level of public interest in the proposed development, the opportunity of a hearing had been offered to the objectors to the proposal and the applicant.

The Committee heard:-

- ◆ C Hume and K Lindsey, on behalf of the applicant
- ◆ J McLatchie, P O'Donnell and J Welch, on behalf of the objectors to the proposal

The Committee also heard Councillors Allison, Holford and McAllan, local members, on their objections to the proposal.

At its meeting on 13 February 2018, the Committee had, at the applicant's request, agreed to continue consideration of the application to a future meeting of the Committee. This was to allow consideration to be given to a late representation asserting that the planning application lacked details of a barrier as required by Regulation 16 of The Quarrier Regulations 1999. The Headquarters Manager advised that the applicant had clarified the position in respect of the barrier and it was considered that the application was in accordance with the relevant regulations.

The application had been assessed against the relevant criteria contained in the Adopted South Lanarkshire Local Development Plan and Supplementary Guidance, Non-Statutory Planning Guidance – Minerals 2017 and government advice/policy. Details of the assessment were provided in the report.

Having heard the Headquarters Manager and after discussion, Councillor Fulton, seconded by Councillor Dorman, moved that the application be granted subject to the conditions and other actions specified in the Executive Director's report. Councillor Buchanan, seconded by Councillor J Wardhaugh, moved as an amendment that the application be refused as:-

- ◆ the proposed development would have a significant adverse effect and significant harm on the landscape in and around the application site
- ◆ the visual impact of the proposed development would cause significant adverse effects from viewpoints in and around the application site
- ◆ the proposed development would cause a significant risk of flooding in and around the application site and would cause waste materials from the extraction works and other detritus to be washed into and deposited in the River Clyde and the land surrounding the application site
- ◆ the nature and volume of objections and serious concerns raised by the local community and special interest groups in respect of the adverse effect of the proposed development on the local environment, recreation and economy, which objections and concerns could not be mitigated by the applicant, were such that the planning authority could not support the proposed development

On a vote being taken by a show of hands 20 members voted for the amendment and 2 for the motion. The amendment was declared carried.

The Committee decided:

that planning application CL/16/0170 by Patersons of Greenoakhill Limited for the phased extraction of sand and gravel by quarrying methods and erection of associated plant site and access road at Overburns Farm, Lamington, Biggar be refused for the following reasons:-

- ◆ the proposed development would have a significant adverse effect and significant harm on the landscape in and around the application site
- ◆ the visual impact of the proposed development would cause significant adverse effects from viewpoints in and around the application site
- ◆ the proposed development would cause a significant risk of flooding in and around the application site and would cause waste materials from the extraction works and other detritus to be washed into and deposited in the River Clyde and the land surrounding the application site
- ◆ the nature and volume of objections and serious concerns raised by the local community and special interest groups in respect of the adverse effect of the proposed development on the local environment, recreation and economy, which objections and concerns could not be mitigated by the applicant, were such that the planning authority could not support the proposed development

[Reference: Minutes of 13 February 2018 (Paragraph 3)]

In terms of Standing Order No 13, the Chair adjourned the meeting at 11.50am for a 15 minute period. The meeting recommenced at 12.05pm.

4 Application CL/17/0474 - Erection of 25 Houses and Formation of Associated Access, Sustainable Urban Drainage System (SUDS), Landscaping and Playpark at Land West of Byretown Grove, Kirkfieldbank

A report dated 12 April 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0474 by Allied Contracts UK Limited for the erection of 25 houses and formation of associated access, sustainable urban drainage system, landscaping and playpark at land west of Byretown Grove, Kirkfieldbank.

The Committee decided:

- (1) that planning application CL/17/0474 by Allied Contracts UK Limited for the erection of 25 houses and formation of associated access, sustainable urban drainage system, landscaping and playpark at land west of Byretown Grove, Kirkfieldbank 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:-
 - ◆ affordable housing provision
 - ◆ education 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)]

Councillor Marrs, having declared an interest in the above application, withdrew from the meeting during its consideration

5 Application EK/17/0266 - Erection of Class 1 Foodstore with Associated Car Parking, Vehicular Access and Landscaping at the Site of the Former Atholl House, Avondale Avenue, East Kilbride

A report dated 20 April 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/17/0266 by Lidl UK GmbH for the erection of a Class 1 foodstore with associated car parking, vehicular access and landscaping at the site of the former Atholl House, Avondale Avenue, East Kilbride.

Points raised in late representations from E and J McHugh and J Lange were referred to at the meeting and addressed by officers.

The Committee heard Councillor Fagan, a local member on his objections to the proposal.

Having heard the Area Manager (Cambuslang/Rutherglen and East Kilbride) in explanation of the report and after discussion, Councillor Fulton, seconded by Councillor Dorman, moved that the application be granted subject to the conditions specified in the Executive Director's report. Councillor J Wardhaugh, seconded by Councillor Buchanan, moved as an amendment that the application be refused on the grounds of the impact on road safety and on the viability and vitality of The Village, East Kilbride. On a vote being taken by a show of hands, 10 members voted for the amendment and 11 for the motion which was declared carried.

The Committee decided: that planning application EK/17/0266 by Lidl UK GmbH for the erection of a Class 1 foodstore with associated car parking, vehicular access and landscaping at the site of the former Atholl House, Avondale Avenue, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

Councillor Callaghan entered the meeting at the start of this item. Councillors Horsham and Marrs left the meeting following consideration of the above application

6 Application HM/17/0388 - Residential Development Comprising 14 Houses (Mix of 2 Bed Cottage Flats and 2 and 3 Bed Semi Detached Houses) at Morven Avenue, Blantyre

A report dated 11 April 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0388 by South Lanarkshire Council for a residential development comprising 14 houses (mix of 2 bed cottage flats and 2 and 3 bed semi-detached houses) at Morven Drive, Blantyre.

The Committee decided: that planning application HM/17/0388 by South Lanarkshire Council for a residential development comprising 14 houses (mix of 2 bed cottage flats and 2 and 3 bed semi-detached houses) at Morven Drive, Blantyre be granted subject to the conditions specified in the Executive Director's report.

7 Application P/18/0009 - Erection of 4 Agricultural Buildings Together with the Erection of 2 Managers' Houses at Park Farm, Biggar Road, Carnwath

A report dated 13 April 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0009 by Hewitt Farms for the erection of 4 agricultural buildings together with the erection of 2 managers' houses at Park Farm, Biggar Road, Carnwath.

The Committee decided: that planning application P/18/0009 by Hewitt Farms for the erection of 4 agricultural buildings together with the erection of 2 managers' houses at Park Farm, Biggar Road, Carnwath be granted subject to the conditions specified in the Executive Director's report.

8 Application EK/18/0041 - Section 42 Application to Vary Condition 2(a) of Planning Consent EK/14/0348 to Extend the Time Period Within Which Application(s) for Approval of Further Matters Must be Made at Eastern End of Olympia and Princes Malls and Whole of Olympia Arcade, East Kilbride

A report dated 4 April 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/18/0041 by Orion IV European 16 S.A.R.L. for an application under Section 42 of the Town and Country Planning (Scotland) Act to vary Condition 2(a) of planning consent EK/14/0348 to extend the time period for the submission of applications for approval of further matters specified in conditions at the eastern end of the Olympia and Princes Malls and the whole of the Olympia Arcade, East Kilbride for a further 3 years.

At its meetings on 29 November 2011 and 27 January 2015 respectively, the Committee had approved:-

- ♦ application EK/11/0250 for the reconfiguration and refurbishment of part of East Kilbride town centre (planning permission in principle) at the east end of Olympia and Princes Malls and the Olympia Arcade, East Kilbride
- ♦ application EK/14/0348 under Section 42 of the Town and Country Planning (Scotland) Act to vary Condition 3(a) of planning consent EK/11/0250 to extend the time period within which applications for approval of further matters specified in conditions required to be made by 3 years

The applicants had advised that, due to the recent focus on the development of “The Hub”, an adjacent leisure and recreation facility, it had not been possible to submit the further applications required by the specified date of 28 January 2018. As a result, the applicants now wished to extend the time period for the submission of applications for approval of further matters specified in conditions by a further 3 years.

The Committee decided:

that planning application EK/18/0041 by Orion IV European 16 S.A.R.L. for an application under Section 42 of the Town and Country Planning (Scotland) Act to vary Condition 2(a) of planning consent EK/14/0348 to extend the time period for the submission of applications for the approval of further matters specified in conditions at the eastern end of the Olympia and Princes Malls and the whole of the Olympia Arcade, East Kilbride for a 3 year period be granted subject to the conditions specified in the Executive Director’s report.

[Reference: Minutes of 29 November 2011 (Paragraph 4) and 27 January 2015 (Paragraph 16)]

9 Application CL/17/0343 - Erection of 19 Detached Houses and Associated Access Road, Landscaping and Drainage Works at Site at Lanark Road, Kirkmuirhill, Lanark

A report dated 12 April 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0343 by T C Stewart and Son for the erection of 19 detached houses and associated access road, landscaping and drainage works at Lanark Road, Kirkmuirhill, Lanark.

The Committee decided:

that planning application CL/17/0343 by T C Stewart and Son for the erection of 19 detached houses and associated access road, landscaping and drainage works at Lanark Road, Kirkmuirhill, Lanark be granted subject to:-

- ◆ the conditions specified in the Executive Director’s report
- ◆ an amendment to Condition 13 to read “a visibility splay of 4.5 metres by 120 metres measured from the road channel shall be provided”

[Reference: Minutes of 27 March 2012 (Paragraph 20)]

Councillor Stevenson left the meeting following consideration of the above application

10 Application HM/18/0014 - Residential Development (100 Units) at Brackenhill Farm, Meikle Earnock Road, Hamilton and Associated Roads, Footpaths, Open Space, SUDS and Landscaping (Approval of Matters Specified in Conditions 2, 5, 6, 8, 9, 10, 11, 14, 15, 16, 18, 19 and 20 of Planning Permission in Principle HM/10/0052)

A report dated 20 April 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/18/0014 by BDW Trading Limited for a residential development (100 units) at Brackenhill Farm, Meikle Earnock Road, Hamilton (approval of matters specified in Conditions 2, 5, 6, 8, 9, 10, 11, 14, 15, 16, 18, 19, and 20 of planning consent in principle HM/10/0052).

The Committee decided: that planning application HM/18/0014 by BDW Trading Limited for a residential development (100 units) at Brackenhill Farm, Meikle Earnock Road, Hamilton (approval of matters specified in Conditions 2, 5, 6, 8, 9, 10, 11, 14, 15, 16, 18, 19, and 20 of planning consent in principle HM/10/0052) be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 28 March 2017 (Paragraph 16)]

11 Application P/18/0226 - Erection of 7 Detached Houses (Amendment to Planning Consent CL/16/0277 Involving Changes to Site Boundaries, House Types and an Additional House) at Clydegrove, Holm Road, Crossford

A report dated 10 April 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0226 by J Allan for the erection of 7 detached houses (amendment to planning consent CL/16/0277 involving changes to site boundaries, house types, and an additional house) at Clydegrove, Holm Road, Crossford.

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

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

- ◆ the objectives of Scottish Planning Policy in terms of the purposes of the Green Belt would not be compromised
- ◆ the proposal would visually integrate with an existing group of buildings
- ◆ the small scale nature of the development would not have an adverse impact on the character of the area
- ◆ there would be no adverse impact on residential or visual amenity, infrastructure or biodiversity

The Committee decided: that planning application P/18/0226 by J Allan for the erection 7 detached houses (amendment to planning consent CL/16/0277 involving changes to site boundaries, house types, and an additional house) at Clydegrove, Holm Road, Crossford be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 24 June 2014 (Paragraph 5)]

12 Appeal Against Non-determination of Planning Application HM/17/0159 for the Erection of a 61 Bedroom Care Home with Associated Car Parking and Landscaping at 1 Hamilton Road, Bothwell

A report dated 19 April 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0159 by Balmer Developments Limited for the erection of a 61 bedroom care home with associated car parking and landscaping at 1 Hamilton Road, Bothwell which was now the subject of a planning appeal to the Scottish Ministers.

The Council could not now take a decision on the application as the applicant had lodged an appeal to the Scottish Ministers against non-determination of the application. However, it was required to make observations on the proposals and submit them to the Scottish Ministers as part of the appeal process.

The proposal had been assessed against the relevant policies and criteria contained in government advice/policy and the Adopted South Lanarkshire Local Development Plan and Supplementary Guidance. Details of the assessment were provided in the appendix to the report.

The Committee decided: that, had the Committee determined the matter, planning application HM/17/0159 by Balmer Developments Limited for the erection of a 61 bedroom care home with associated car parking and landscaping at 1 Hamilton Road, Bothwell would have been refused for the reasons detailed in the appendix to the report.

13 Appeal Against Non-determination of Application HM/17/0204 for Conservation Area Consent for the Demolition of Former Office Building, House and Outbuildings at 1 Hamilton Road, Bothwell

A report dated 19 April 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0204 by Balmer Developments Limited for the demolition of a former office building, house and outbuildings (conservation area consent) at 1 Hamilton Road, Bothwell which was now the subject of a planning appeal to the Scottish Ministers.

The Council could not now take a decision on the application as the applicant had lodged an appeal to the Scottish Ministers against non-determination of the application. However, it was required to make observations on the proposals and submit them to the Scottish Ministers as part of the appeal process.

The proposal had been assessed against the relevant policies and criteria contained in government advice/policy and the Adopted South Lanarkshire Local Development Plan and Supplementary Guidance. Details of the assessment were provided in the appendix to the report.

The Committee decided: that, had the Committee determined the matter, planning application HM/17/0204 by Balmer Developments Limited for the demolition of a former office building, house and outbuildings (conservation area consent) at 1 Hamilton Road, Bothwell would have been refused for the reasons detailed in the appendix to the report.

14 Urgent Business

There were no items of urgent business.

Report

3

Report to: **Planning Committee**
 Date of Meeting: **29 May 2018**
 Report by: **Executive Director (Community and Enterprise Resources)**

Subject: **South Lanarkshire Local Development Plan 2 – Receiving Views from Representatives**

1. Purpose of Report

1.1 The purpose of the report is to:-

- ◆ Inform the Committee of a request from Stonehouse Community Council for their representatives to present their views on specified aspects of the South Lanarkshire Local Development Plan 2 which is subject of a separate report (agenda item 4).
- ◆ Set out the relevant parts of the Standing Order that deals with such requests.

2. Recommendation(s)

2.1 The Committee is asked to:-

- (1) consider the request from Stonehouse Community Council in terms of Standing Order No 26 and decide whether to allow the representatives of the Community Council to be heard.

3. Background

3.1 A report on the proposed South Lanarkshire Local Development Plan 2 (SLLDP2) and Supporting Planning Guidance on Renewable Energy is the subject of a separate item on the agenda (agenda item 4). The purpose of SLLDP2 is to guide future land use within the Council area. Among other matters, it identifies sites for potential release for future development. In reaching the position in the Proposed Plan, an extensive consultation exercise was carried out involving stakeholders, interest groups and local communities through the respective Community Councils. It should also be noted that, if Committee approves the Proposed Plan, a further public consultation period of a minimum of 8 weeks would be carried out to allow comments to be made in relation to both sites that have been included in the Proposed Plan and those that have been omitted.

3.2 A request has been received from Stonehouse Community Council for their representatives to present their views on specified aspects of the South Lanarkshire Local Development Plan 2 to Committee. The request is attached as an appendix to this report and the matters they wish to speak on are as follows

- Land at North of the village of Stonehouse
- Existing planning applications
- Impact on environs of Stonehouse

- 3.3 In considering such requests, Standing Order 26 - Receiving Views from Representatives is relevant. It states
- a) We or any committee or sub-committee will hear the views of representatives from organisations or groups we can deal with.
 - b) Anyone who wants to present their view must apply in writing and it must be signed by a representative of the organisation or group. This application must include details of the matter to be discussed. The representatives must deliver the application to the Chief Executive at least 10 clear days before the date of the meeting. Notice about the application will be put on the agenda for the meeting. It will then be up to the meeting to decide whether to hear the representatives.
 - c) Unless we agree otherwise, there cannot be more than 3 representatives from any organisation or group.
 - d) When we hear representatives from an organisation or group, we can ask them questions. Our members must not give an opinion or discuss the business until the representatives have finished talking about their case. The representatives only have to leave the meeting if the matter is confidential or exempt in terms of the Local Government (Scotland) Act 1973 as amended by the Local Government (Access to Information) Act 1985.
- 3.4 In this case, the application from Stonehouse Community Council to present their views has been made within the specified timescale. It is, therefore, for members of the Committee to decide whether to hear the representatives of the Community Council. It should be noted that, if it is agreed that the representatives will be heard, the matters they speak on should be limited to those relating solely to the proposed SLLDP2.
- 4. Employee Implications**
- 4.1 None
- 5. Financial Implications**
- 5.1 None
- 6. Other Implications**
- 6.1 There are no implications for risk or sustainability in terms of the information contained in this report.
- 7. Equality Impact Assessment and Consultation Arrangements**
- 7.1 Not relevant

Michael McGlynn
Executive Director (Community and Enterprise Resources)

17 May 2018

Link(s) to Council Values/Objectives/Ambitions

- ◆ Supporting the local economy by providing the right conditions for inclusive growth.
- ◆ Work with communities and partners to promote high quality, thriving and sustainable communities.
- ◆ Improve the road network, influence improvements in public transport and encourage active travel.
- ◆ Improve the availability, quality and access of housing

Contact for Further Information

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

Tony Finn, Planning and Building Standards Manager - HQ, Montrose House, Hamilton

Ext: 5105 (Tel: 01698 455105)

E-mail: tony.finn@southlanarkshire.gov.uk

STONEHOUSE COMMUNITY COUNCIL

Mr Robert Freel
 Secretary
 Stonehouse Community Council
 75 Lockhart Street
 Stonehouse
 ML9 3LX

South Lanarkshire Council
 Chief Executive
 Lindsay Freeland
 Council Headquarters
 Almada Street
 Hamilton ML3 0AA

Dear Sir

Standing Order 26 Receiving Views from representatives

Our chairman was advised by the Hamilton area planning manager that I write to you on behalf of Stonehouse community council seeking permission on behalf of the community council to allow representation from Stonehouse community council to speak at the full Planning committee meeting on 29th May 2018.

The matter which we wish to speak upon is as follows:

Local Development Plan:

Land at North of the Village of Stonehouse
 Existing planning applications
 Impact on environs of Stonehouse.

I trust that the above meets the requirements of your standing orders and that you will advise accordingly that we will be permitted to speak.

If being allowed to speak we would also request a copy of the papers being submitted to the planning committee prior to the meeting

Robert Freel.


 Secretary Stonehouse community council

PLEASE NOTE A HARD COPY OF THIS LETTER HAS ALSO BEEN SENT

CFI: Lesley Campbell Area Manager Hamilton Area
 Elected Members Stonehouse Area.

Report

4

Report to:	Planning Committee
Date of Meeting:	29 May 2018
Report by:	Executive Director (Community and Enterprise Resources)

Subject:	Proposed South Lanarkshire Local Development Plan 2 and Supporting Planning Guidance on Renewable Energy
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1. Purpose of Report

1.1 The purpose of the report is to:-

- ◆ Inform the Committee of the work undertaken to prepare the Proposed South Lanarkshire Local Development Plan 2 (SLLDP2) together with Supporting Planning Guidance on Renewable Energy (SPGRE).
- ◆ Advise the Committee of the policy direction being taken in the Proposed SLLDP2.
- ◆ Seek Committee approval for the proposed SLLDP2 and SPGRE and for carrying out a minimum 8 week period of public consultation.
- ◆ Inform the Committee of the next steps in preparing the Proposed SLLDP2.

2. Recommendation(s)

2.1 The Committee is asked to approve the following recommendations:-

- (1) That the Committee approves the proposed South Lanarkshire Local Development Plan 2 Supporting Planning Guidance on Renewable Energy and agree a minimum 8 week period of public consultation.
- (2) That the Head of Planning and Economic Development Services be authorised to undertake the appropriate statutory procedures and to make drafting and technical changes to the Proposed South Lanarkshire Local Development Plan 2 and Supporting Planning Guidance on Renewable Energy prior to its publication.

3. Background

3.1 The Council has a statutory duty under the Planning etc (Scotland) Act 2006 to prepare a Local Development Plan. The plan contains the policies that provide the basis for assessing and determining planning applications. It guides and shapes future land use within the Council area and is the framework within which the Council's own proposals and expenditure are directed.

3.2 The current South Lanarkshire Local Development Plan (SLLDP) was adopted in June 2015 and has guided the Council's decisions on new development proposals. The policies and proposals in the plan have reflected the Council's desire that developments should promote the growth and regeneration of South Lanarkshire by seeking sustainable development within an improved urban and rural environment.

3.3 The current development planning system was introduced for Scotland by the 2006 Act. This obliges the Council to have a new local development plan in place within 2 years of the Strategic Development Plan (SDP) for Glasgow and the Clyde Valley

being approved. The Strategic Development Plan for the Glasgow and the Clyde Valley (SDP2) is known as Clydeplan. It was approved in July 2017 and meant that SLLDP2 required to be adopted by 2019. However, as the SDP2 was subject to a legal challenge that was not resolved until March this year, the SLLDP2 must now be adopted by March 2020 to meet the requirements of the 2006 Act.

- 3.4 As part of the preparation of Proposed SLLDP2, landowners, developers and other parties were invited to submit potential sites for development in 2016. These sites were subject to a detailed assessment against an extensive range of criteria including flood risk, traffic and transport and environmental factors. At the same time, consultation was carried out with Community Councils, other Council services, external partners such as SEPA, local schools, the Disability Partnership and Seniors Together. Extensive consultation also took place at a series of well attended public events in a variety of locations across the Council area.
- 3.5 A Main Issues Report (MIR), was then prepared and it was published in May 2017, following approval by the Planning Committee on 17 February 2017. The MIR considered potential changes to the current SLLDP and addressed issues raised during the earlier consultation process. Its main purpose was to provide a focus for consultation and engagement and it did not include draft policies.
- 3.6 The MIR was subject to public consultation and 1059 representations and comments were made on the MIR. These responses have been taken into account in preparing the proposed SLLDP2 and the representations and the Council's responses are summarised in a background paper to this committee report.
- 3.7 On its preparation and publication, the policies contained within the proposed SLLDP2 will be those used by the Council when assessing and determining future development proposals. The proposed SLLDP2 will represent the 'settled' position of the Council on these matters. The legislation does not allow for subsequent revisions or drafts to be published, without undertaking a further round of consultation. Should this occur, this may prevent the Council meeting its statutory requirement to have a new local development plan in place by March 2020.

4. The South Lanarkshire Local Development Plan 2

- 4.1 The Scottish Government, through Scottish Planning Policy and the National Planning Framework, views the planning system as playing an essential role in achieving its central purpose of supporting sustainable economic growth. The Scottish Government, therefore, expects the Development Plan to guide the future use of land and the appearance of cities, towns and rural areas, while being both aspirational and realistic in its aims.
- 4.2 Clydeplan sets out the long term vision for the Glasgow City Region and its eight local authority members, including South Lanarkshire. It deals with cross boundary issues such as housing, strategic infrastructure, including transport, water supply and waste water and strategic green networks, including green belts and sets clear parameters for each local authority's local development plan. The preparation of the proposed SLLDP2 has, therefore, taken cognisance of national guidance and advice and Clydeplan.
- 4.3 A further key document used in the preparation of the Proposed Plan is the Council Plan – Connect which sets out to improve the quality of life for everyone in South Lanarkshire and identifies a range of objectives aimed at working towards this vision. SLLDP2 has a key role in supporting a number of these objectives which include:-

- ◆ Supporting the local economy by providing the right conditions for inclusive growth
- ◆ Work with communities and partners to promote high quality, thriving and sustainable communities
- ◆ Improve the road network, influence improvements in public transport and encourage active travel
- ◆ Improve the availability, quality and access of housing

Other plans and strategies with a land use implication are also reflected in the Proposed Plan. These include the City Region Economic Strategy, the Local Outcomes Improvement Plan and Neighbourhood Plans, Local Housing Strategy, Local Transport Strategy, Economic Strategy and Sustainable Development and Climate Change Strategy and Home+.

- 4.4 Taking account of all of the above, the plan aims to see future development take place in a sustainable way, but at the same time recognise the need for economic growth and regeneration which creates well designed and located places, respects the distinct value of the area's natural and built environment and contributes towards creating a quality of place that our communities can recognise and respect. The Plan's overall vision therefore is: -

‘To promote the continued growth and regeneration of South Lanarkshire by seeking sustainable economic and social development within a low carbon economy whilst protecting and enhancing the environment.’

- 4.5 This vision has provided the basis for setting out specific land use related objectives, grouped under 4 themes:-

- ◆ Economy
- ◆ People and Places
- ◆ Environment
- ◆ Infrastructure

In turn, four broad objectives have been identified which are fundamental in achieving the Council's aims and objectives by seeking to:

- ◆ Encourage sustainable economic growth
- ◆ Meet the communities' needs
- ◆ Enhance and safeguard the environment
- ◆ Maximise the use of existing infrastructure

- 4.6 The plan then sets out and describes the policies that will be used to assess to ensure development proposals, the subject of planning applications, are working towards achieving its objectives. The policy approach described in the Proposed Plan acknowledges that the current SLLDP is indeed still valid and relevant in guiding development. It has been successful in creating the right conditions for investment in the Council area which has resulted in significant numbers of new houses being constructed in appropriate locations, progress being made in bringing forward land and development earmarked for employment, the completion of the schools modernisation programme while ensuring the built and natural environment is protected from inappropriate development.

- 4.7 Turning to some the key details within the Proposed Plan, firstly new housing development is a key part of the economy and providing appropriate numbers of houses in the right location to a high quality design is an important element of the

planning system. As part of the preparation of the proposed SLLDP2, a Housing Technical Report has been produced which analyses the supply and demand of all tenure housing across South Lanarkshire. The report concluded that based on agreed 2017 housing land audit figures, there is no requirement for additional sites to be promoted through the proposed SLLDP2. However, it is recognised within the report that, whilst no shortfall in housing land supply has been identified over the next 5 years based on current output, there may be scope to provide further flexibility and generosity through the release of a limited number of sites in areas with high pressure for housing development. As a result, 5 sites have been identified for potential release. These include:-

- ◆ Redwood Drive, East Kilbride
- ◆ Duchess Place, Rutherglen
- ◆ The UWS site at Almada Street, Hamilton
- ◆ Peel Road, Thorntonhall
- ◆ Glassford Road, Strathaven

4.8 In addition, although progress on some of the sites allocated for development in the current SLLDP is still to be made, it is considered that these legacy sites remain suitable for achieving the Plan's vision and they have been retained in the proposed SLLDP2. This includes policies and proposals which promote:-

- ◆ Community Growth Areas in East Kilbride, Hamilton, Newton, Larkhall, Ferniegair and Carluke
- ◆ Development Frameworks sites
- ◆ Residential Masterplan Sites
- ◆ Support for town centres

4.9 The proposed SLLDP2 also recognises the changing economic climate within which the Council will operate over the next 5 years. This includes reference to the City Deal Project that will bring over £1 billion in investment to the Glasgow Region of which four infrastructure projects worth £168 million of investment are located within South Lanarkshire. These projects are now identified in the Proposed Plan while important economic development opportunities within designated Strategic Economic Investment Locations (including at extension to the area designated at Poniel) and in Clyde Gateway are maintained. The relocation of the UWS campus to the Hamilton International Technology Park is also recognised.

4.10 A review of the way in which current SLLDP policies have operated has been carried out to take account of changed and changing circumstances including new policy strands introduced by the Scottish Government. This includes amending the Renewable Energy policy to include the spatial framework and amalgamation of retail policies for Town and Local Centres. Furthermore, with the current decline of the coal industry in South Lanarkshire, it has been decided that instead of producing a separate Minerals Local Development Plan, appropriate policies will be included within the proposed SLLDP2. Members will recall that Non-Statutory Planning Guidance on Minerals was approved at Planning Committee on 29 November 2016 in order to provide up to date policy guidance until SLLDP2 could be brought forward to fulfil this role.

4.11 In addition to these changes, it was recognised within the Main Issues Report that there was the opportunity to identify some areas where the pattern of housing and other uses would make it appropriate to designate it as a settlement. As a result, 4 areas have been identified within the proposed SLLDP2 namely Blaircross, Devonburn, Kaimend and Limekilnburn.

- 4.12 It was also recognised within the MIR that the Council wished to promote sites that may have the potential to be Local Nature Reserves (LNRs). This was well received by communities across South Lanarkshire during consultation on the MIR and SLLDP2 proposes to designate 14 new LNRs throughout the Council area and an extension to the existing Langlands Moss at East Kilbride.
- 4.13 Drawing all the above together, the proposed Plan can be seen as an evolution of the current adopted version with comparatively little change in its overall approach. The following are the key changes that are proposed in SLLDP2:-
- A revised spatial strategy to take account of Minerals, New Development Framework Sites, Residential Masterplan Sites and City Deal
 - The release of a limited number of sites for housing to add flexibility to the land supply. This includes sites at Redwood Drive, East Kilbride, Duchess Place, Rutherglen, Almada Street, Hamilton, Peel Road, Thorntonhall and Glassford Road, Strathaven
 - Blaircross, Devonburn, Kaimend and Limekilnburn identified as settlements
 - Limited additions or amendments to housing land, industrial land, green network and town and local centre boundaries
 - The identification of land that could required in the event new railway stations at Law and Symington come forward
 - The identification of potential Local Nature Reserves across the Council area
 - Revision to the spatial framework for windfarms which is currently within Supplementary Guidance but requires to be within the Local Development Plan
 - The provision of policy advice on minerals to replace the existing non-statutory planning guidance on this matter
- 4.14 The current SLLDP has 10 associated Supplementary Guidance documents that were prepared on a range of separate topics and they currently sit alongside SLLDP when assessing planning proposals. However, the Planning (Scotland) Bill was introduced to Parliament on 4 December 2017 and will introduce a package of measures intended to strengthen the planning system's contribution to inclusive growth and empowering communities. The Bill sets out the proposed high level changes to the overall framework under which planning operates and this includes the removal of Supplementary Guidance (SG). In light of this, a second volume of policies has been prepared to capture the policy guidance that is currently provided within the ten existing SG. Volume 1 and 2 of the proposed SLLDP2 will, therefore, cross refer the relevant policies to be considered in either volume with primary policies in Volume 1 or the secondary policies in Volume 2.
- 4.15 However, it is recognised that further additional supporting advice will remain necessary on some of the current SG topics and, therefore, supporting planning guidance will be produced on topics such as Affordable Housing, Design and Renewable Energy. Once approved, this supporting planning guidance will be a material planning consideration in the assessment of applications for new development.
- 4.16 The first of these documents is the Renewable Energy Supporting Planning Guidance (RESPG) for which approval is sought in this report. If members agree to approve the draft version, it will be published for consultation purposes alongside the proposed SLLDP2. As described above, policy on this topic will now be incorporated in the Proposed Plan and it sets out the overall approach to assessing proposals for renewable energy developments. It includes the Spatial Framework for Wind Energy Development which continues to identify those areas that are most appropriate for

onshore wind farms. This is supplemented by a checklist that will form part of the Proposed Plan which identifies criteria which will be used to assess proposals. The RESPG will provide more detailed guidance on these criteria.

4.17 SLLDP2 will also be accompanied by a series of associated documents as follows:-

- Housing Technical Report
- Transport Appraisal
- Strategic Environmental Assessment Environmental Report.
- Habitats Regulations Appraisal
- Renewable Energy Supporting Planning Guidance

4.18 The Proposed Plan, Renewable Energy Supporting Planning Guidance and Strategic Environmental Assessment Environmental Report have been available for viewing in Members' areas prior to Committee.

5. The Next Steps

5.1 Following Committee approval, it is intended that the proposed SLLDP2 will be published and made available for public comment from July to September 2018. Any comments or representations received in respect of the Plan will be reported to the Planning Committee and authorisation will be sought for them to be considered at Examination. This would be conducted by independent Reporters, appointed by the Directorate for Planning and Environmental Appeals. The Examination is likely to take place in spring 2019. The outcome of the Examination would be reported to the Planning Committee and, thereafter, it is anticipated that the Plan could be adopted by 2020.

5.2 Subject to the Planning Committee's approval, the proposed SLLDP2 will become a material consideration in the determination of planning applications alongside the adopted South Lanarkshire Local Development Plan.

6. Employee Implications

6.1 The timescales for the delivery of the local development plan outlined are based upon continuity of existing staff resources within Planning Services. Changes in this resource may impact on the programmes presented.

7. Financial Implications

7.1 The financial resources required to deliver the local development plan are based upon current budget levels available to Planning Services. Changes in these resources may impact on the programmes presented.

8. Other Implications

8.1 The Scottish Government requires the Council to have adopted a Local Development Plan by 2020. There would be a reputational risk if this was not undertaken. In addition, the failure to have an adopted LDP in place within this timeframe could affect the confidence of the development industry to invest in the area. The policies contained in the proposed SLLDP2 are aimed at promoting sustainable economic growth in South Lanarkshire.

9. Equality Impact Assessment and Consultation Arrangements

9.1 Local development plans are subject to the requirements of the Environmental Assessment (Scotland) Act 2005. The plan has, therefore, been subject to Strategic Environmental Assessment (SEA) and an Environmental Report will be issued for public consultation alongside the proposed plan. The Plan has also been subject to other forms of assessment to meet other legislative requirement and/or

Council/Community Planning policy, namely Habitats Regulation Appraisal, Equalities Impact Assessment and Transport Appraisal. The findings of these assessments have been taken into account in the preparation of the Plan.

- 9.2 During the consultation period, the proposed SLLDP2, SEA and other associated documents will be made available on the Council's web site, at Montrose House Hamilton and at the libraries. Comments can be made online or by logging onto the Councils online LDP Consultation portal. The consultation period will last for a minimum of 8 weeks.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

17 May 2018

Link(s) to Council Values/Objectives/Ambitions

- ◆ Supporting the local economy by providing the right conditions for inclusive growth.
- ◆ Work with communities and partners to promote high quality, thriving and sustainable communities.
- ◆ Improve the road network, influence improvements in public transport and encourage active travel.
- ◆ Improve the availability, quality and access of housing.

List of Background Papers

- National Planning Framework 3
- Scottish Planning Policy
- Glasgow and the Clyde Valley Strategic Development Plan 2017 (Clydeplan)
- Main Issues Report 2016 – South Lanarkshire Local Development Plan 2
- Technical Report 1 – Proposed Changes to Designations and Settlement Boundaries
- Technical Report 2 – Site Assessments plus Supplementary Site Assessments
- Committee Report 8 March 2016 – South Lanarkshire Local Development Plan 2
- Committee Report 21 February 2017 - South Lanarkshire Local Development Plan 2 Main Issues Report
- Summary of Representations to MIR and Council's response

Contact for Further Information

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

Tony Finn, Planning and Building Standards Manager - HQ, Montrose House, Hamilton
Ext: 5105 (Tel: 01698 455105)
E-mail: tony.finn@southlanarkshire.gov.uk

Report

5

Report to:	Planning Committee
Date of Meeting:	29 May 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	HM/17/0558
Planning proposal:	Erection of 5 detached dwellinghouses (Planning Permission in Principle)

1 Summary application information

Application type:	Permission in principle
Applicant:	Mr David Smallwood
Location:	Avonbank Road Larkhall ML9 1QS

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: Stewart Stevenson Architects
- ♦ Council Area/Ward: 20 Larkhall
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 - Development management and placemaking
Policy 12 – Housing Land

♦ Representation(s):

▶	35	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

♦ Consultation(s):

Roads Development Management Team

Scottish Water

Arboricultural Services

Larkhall Community Council

Environmental Services

Roads and Transportation Flood Risk Management Section

Planning Application Report

1 Application Site

- 1.1 The application site is located on the north-west edge of Larkhall, adjacent to the Glengowan area. It is approximately 1 hectare and is relatively square in shape. It is bounded by mature trees to the north and west and by the Avon Water beyond. The southern boundary is enclosed by hedging and bounded by Avonbank House and by Nos. 1-3 Avonbank Road. The eastern boundary is open in nature.
- 1.2 The site was formerly used as a raspberry field but is now overgrown.

2 Proposal(s)

- 2.1 The applicant seeks planning permission in principle for the development of the site for residential use. The applicant has submitted an indicative plot and road layout for five detached dwellings.
- 2.2 The site is accessed via Avonbank Road, a private road which is taken off Millheugh Brae. Avonbank Road is single track and poorly maintained. The proposal would involve the formation of a new road access off Avonbank Road, behind 1-3 Avonbank Road in the current grounds of Avonbank House.

3 Background

3.1 Local Plan Status

- 3.1.1 The adopted South Lanarkshire Local Development Plan (SLLDP) identifies the site, in land use terms, as being within a Housing land supply (as defined by Policy 12). Residential use is supported within such sites, subject to compliance with normal development management criteria.
- 3.1.2 Through Policy 4 - Development Management and Placemaking, the Council seeks to ensure that development proposals take account of the local context and do not have a significant adverse affect on the amenity and character of the area.
- 3.1.3 The Council's Residential Design Guide (2011) seeks to provide advice and guidance on the key issues to be considered in the determination of application proposals for residential developments.
- 3.1.4 An assessment of the proposal against these specific policies is contained in Section 6 of this report.

3.2 Relevant Government Advice/Policy

- 3.2.1 Scottish Planning Policy (2014) (SPP) highlights that the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle.

3.3 Planning Background

- 3.3.1 An outline planning application for residential development, reference HM/04/0195 was submitted on 29 March 2004 but withdrawn prior to any decision being made. Planning permission in principle (reference HM/11/0153) was granted for 5 detached dwellinghouses on 20 September 2011 although this has now lapsed. In the

assessment of this planning application, the Coal Authority confirmed that the application site was not in a coal mining referral area.

4 Consultation(s)

- 4.1 **Roads and Transportation Services** – commented that Avonbank Road is a partially-lit private single-track road, with no formal passing places, and no pedestrian provision. The road currently serves approximately six properties.

There are no objections to the proposal in principle subject to the applicant providing at detailed application stage a package to improve Avonbank Road, primarily in terms of its general condition (resurfacing required as a minimum) but also in terms of its geometry to aid manoeuvrability. The applicant is expected to incorporate a turning facility at the lower end (at the spur off to Avonbank) and maximise the available road width to facilitate passing vehicles. A traffic management plan is required for the control of construction traffic movement in order to minimise potential vehicle/pedestrian conflict and disruption. Details of the proposed wheel cleaning regime should also be submitted to ensure mud from the site does not unduly affect the existing roads.

In addition, a dilapidation survey of the existing road, street furniture, boundary walls/fences/hedges should be carried out by the applicant in advance of any site clearance/demolition/construction work. In particular, the applicant must undertake investigatory work, comprising intrusive sampling and testing sufficient to provide design parameters for slope stability assessments and back analysis of the existing retaining wall(s) on the west side of Avonbank Road and to confirm the structural integrity and suitability. This information will require to be approved by Roads and Transportation Services before any works can commence. It should be noted that works may be required to the existing retaining wall.

Response: The main requirements can be addressed through the use of planning conditions, where appropriate. It is noted, however, that Avonbank Road is a private road and is not legally controlled by the applicant although it is understood that they do have a right of access over the route.

- 4.2 **Environmental Services** – raised no objections to the proposal.

Response: Noted.

- 4.3 **Roads and Transportation Services (Flooding)** – no objection to the proposed development subject to design criteria relating to Sustainable Urban Drainage Systems and Flood Risk being satisfied through the completion of self certification documentation.

Response: An appropriate SUDs condition and flood risk assessment condition will be imposed should planning consent be granted.

- 4.4 **Scottish Water** - has confirmed that Camps Water Treatment Works and Skellyton Waste Water works have sufficient capacity to service the proposed development however the developer should discuss the development directly with Scottish Water. In addition, the principal of SUDS is supported.

Response: An informative would be attached to any consent granted advising the applicant to make contact with Scottish Water.

- 4.5 **Arboricultural Officer** – commented that, as the developer has not provided tree survey information, the imposition of planning conditions to ensure the preservation or planting of trees within the proposal would resolve any concerns.

Response: The imposition of a planning condition will address this should planning consent be granted.

- 4.6 **Larkhall Community Council** - object to the development of this land which, until the recent revision of the Local Plan, had always been designated as Green Belt. The Community Council will be making their representations to the new Local Plan consultation, to return this land, including Avonbank House to its original designation of Green Belt. However, at the moment, the Community Council objects to this land being used for a residential development of any number. This development would not be able to use the public sewer system and would, therefore, rely on a septic tank system. This would then impinge on the cleanliness of the Avon Water, to which the septic tanks would flow.

Response: The contention that the area should not have been removed from the Greenbelt was previously addressed in the preparation of the adopted local development plan. The fact is that the site was identified as being within the Larkhall settlement in terms of the previous local plan and is now identified as a housing land site in the current South Lanarkshire local development plan does not require to be revisited. Furthermore the principle of residential development has also been established through the previous planning consent (HM/11/0153).

The issue of the proposed development connecting to the existing wastewater works is a matter to be resolved between the applicant and Scottish Water. An informative would be attached to any consent granted advising the applicant to make contact with Scottish Water as requested.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the proposed development was advertised due to the non notification of neighbours and owners. Following this, 35 letters of objection have been received.
- 5.2.1 The grounds of objection are summarised and responded to as follows:

- (a) **Avonbank is a single lane private curved road approximately 0.2 kilometres long with poor surface conditions, visibility and no passing places or available ground necessary to introduce them. It is not capable of accommodating the access that the developer requires to service the development, nor is there space for a pedestrian footpath. The additional traffic that would use Avonbank Road would be detrimental to the residential amenity of the adjoining properties. The junction from Millheugh Brae to Avonbank Road is on a corner that could not cope with the additional traffic. There are current issues with people parking there and causing difficulty for the existing cars using this road getting in and out. Not to mention any construction traffic. This is unsafe for pedestrians who need to cross this junction and for cars coming in and out of the road. Clarification is required as to whether the road will be adopted.**

Response: As detailed above in paragraph 4.1, Roads and Transportation Services have commented that they have no objections to the proposal in principle subject to the applicant providing, at detailed application stage a package to improve Avonbank Road, primarily in terms of its general condition (resurfacing required as a minimum) but also in terms of its geometry to aid manoeuvrability. Improvement works would be necessary to bring the road up to an agreed standard and the applicant would require to undertake investigatory work to confirm the structural integrity and suitability of the existing retaining wall on the west side of Avonbank Road which would be required to meet the standards of the Council's Roads Authority. The applicant would, therefore, need to obtain permission from the other owners of the road and those properties who have a legal responsibility to the maintenance of the adjoining boundary wall to carry out any improvement works to the road or wall.

(b) Much of the west side of Avonbank Road is supported by a retaining wall forming the eastern boundaries of the gardens in Clove Mill Wynd, which lie at a level below the access road. Any changes to the drainage regime, improvement works on the road and use by construction traffic and then permanently for residential traffic, in such close proximity will result in a high risk to the stability of the old retaining wall and threaten the safety and amenity of the adjoining properties. There has previously been a major structural failure of the wall and part of the road indicating the strong possibility that this could happen along other sections. The planning application gives no details of how this risk would be mitigated or prevented or any measures to upgrade the wall. Residents in the Briars Estate are responsible for the maintenance of the retaining wall bordering the Briars Estate and Avonbank Road. There is no detail how any damage to property would be addressed or compensated for – e.g. insurances, bonds, pre/post condition surveys of the wall etc. The proposal should be rejected until the applicant responds to this issue. Additionally, it is unclear if Avonbank Road is private, adopted or is to be adopted by the local authority. I understand that, if a road is adopted, the local authority would normally be expected to adopt structures, i.e. retaining walls and embankments, which support the road or any other adoptable area. As a private road, it is totally unacceptable for the local authority (South Lanarkshire Council) to approve a planning application which will negatively impact the retaining wall and increase the risk of failure of the wall if the roads authority (also South Lanarkshire Council) are potentially not liable for repairs to the wall which may result from such a planning application.

Response: The ownership of the access road and wall and any potential damage to them and the resulting implications is a civil issue and does not constitute a material planning consideration in the assessment of this planning application. The Roads and Transportation Service has, however, asked for a dilapidation survey to be carried out by the applicants of the existing road, street furniture, and boundary walls/fences/hedges in advance of any site clearance/demolition/construction work. Additionally, they have requested that the applicant must undertake investigatory work, comprising intrusive sampling and testing sufficient to provide design parameters for slope stability assessments and back analysis of the existing retaining wall(s) on the west side of Avonbank Road and to confirm the structural integrity and suitability of the road to take additional traffic. This will establish if there are any issues that need to be addressed by the applicant in advance of any work starting on the site.

(c) Existing properties on Avonbank Road enjoy a quiet and peaceful environment. The proposed development of five detached dwellings would have a serious impact on noise and pollution from additional traffic affecting existing residents.

Response: Noted. Environmental Services have no objections to the proposal as discussed previously. They do however have powers within their legislation to restrict construction noise if nuisance occurs.

(d) Proposal will have an adverse impact on existing wildlife including deer, badgers and bats. Excess traffic will be hazardous to a neighbouring proprietors free range chickens and will cause them unnecessary stress due to increased noise/disturbance.

Response: This is an application for planning permission in principle only and these matters could be considered during the processing of any detailed planning application.

(e) There are mature trees in this area that would be greatly affected by this build. Additionally, the removal of mature trees/woodland may result in subsidence to 3 Avonbank Road.

Response: As detailed previously, the Arboricultural officer has commented that the imposition of planning conditions for the preservation or planting of trees within the proposal would resolve any concerns.

(f) Depreciation in value of existing neighbouring houses as proposal would completely ruin the small and very private access road the homes are on.

Response: This is not a relevant planning matter.

(g) Loss of privacy to 3 Avonbank Road which has rear windows.

Response: This is a planning application in principle to establish if the principle of using the site for residential purposes is acceptable. If acceptable, this issue would be considered as part of the proposal at the detailed planning application stage.

(h) This site should be returned to its original Green Belt designation and I hope that the consultation process for amendments to the New Local Plan, will allow this to take place.

Response: This does not constitute a material planning consideration in the assessment of the current planning application.

(i) The objectors are unaware of the proposals by the developer for drainage and sewerage from the site and if permission is granted for this development, provision of routes for drainage, sewerage and other services will have implications for other areas of land. The current drainage system is already under pressure in Millheugh area. This would only add to this issue. There is an existing water supply pipe under the proposed entry to the site. There is no sewer available and septic tanks flowing into the river Avon is the only way to deal with this.

Response: This is a planning application in principle to establish if the principle of using the site for residential purposes is acceptable. If acceptable, these issues would be considered as part of the proposal at the detailed planning application stage.

(j) There is no need for housing. The proposal is completely unreasonable and unnecessary. There are many other developments being pursued in Larkhall area.

Response: The adopted South Lanarkshire Local Development Plan (SLLDP) identifies the site, in land use terms, as being within a Housing land supply (as defined by Policy 12). Residential use is supported within such sites, subject to compliance with normal development management criteria.

(k) This land was purchased with the owners “word” this wouldn’t be built on. Otherwise there were other options for other residents to buy the land and ensure there was no building completed.

Response: This is not a relevant matter.

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

6 Assessment and Conclusions

6.1 The applicant seeks Planning Permission in Principle for the erection of 5 detached dwellinghouses. The determining issues that require to be addressed in respect of this application are its compliance with local plan policy, including any impact on the surrounding residential environment and its impact on road and access issues.

6.2 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all planning applications are determined in accordance with the development plan,

unless other material considerations indicate otherwise. The main determining issues, therefore, in the assessment of this application are whether the proposed development is in compliance with local plan policy.

- 6.3 The adopted South Lanarkshire Local Development Plan (SLLDP) identifies the site, in land use terms, as being within a Housing land supply (as defined by Policy 12). Residential use is supported within such sites, subject to compliance with normal development management criteria. Accordingly, the principle of residential development from a land use perspective is not contentious. Furthermore, the principle of 5 detached dwellinghouses at this site was established by the previous planning consent as detailed previously.
- 6.4 In terms of the detail of the proposal, Policy 4 of the South Lanarkshire Local Development Plan states that all planning applications should take fully into account the local context and built form – i.e. development should not take place in isolation and must take cognisance of scale, position and materials of adjacent buildings and surrounding streetscape. This application however is for permission in principle and whilst an indicative layout has been submitted, no other details of the proposal have been received. The assessment of any development on this site, in terms of Policy 4, will take place at the detailed planning application stage. However, in terms of specifics of this site, it is considered necessary to restrict the height of any houses to a maximum of 2 storey. This restriction is subject to the development achieving all standards with reference to those contained within the Council's Residential Design Guide. Issues relating to the positioning of houses, finishing materials used, privacy and garden size would be assessed in any detailed planning application submitted.
- 6.5 In relation to access and related matters, a number of objections have been received with a number relating to roads issues. As detailed above in paragraph 4.1, Roads and Transportation Services have commented that the access to the site would require to be improved should the proposal be granted, however, have no objections to the proposal in principal subject to the applicant providing, at detailed application stage, a package to improve Avonbank Road, primarily in terms of its general condition (resurfacing required as a minimum) but also in terms of its geometry to aid manoeuvrability. This, along with the other main requirements including the undertaking of investigatory work, comprising intrusive sampling and testing sufficient to provide design parameters for slope stability assessments and back analysis of the existing retaining wall(s) on the west side of Avonbank Road to confirm the structural integrity and suitability can be addressed through the use of planning conditions.
- 6.6 Whilst none of the consultees raised any issues that cannot be addressed through the use of planning conditions or informatives attached to any planning consent, 35 letters of objection have been received. The grounds of objection have been considered in detail in Section 5 of the report and it is considered that the issues raised are either legal issues, can be dealt with by planning conditions/informatives or would not merit refusal of this planning application in principle.
- 6.7 Given the above, it is recommended that planning permission in principal be granted subject to the attached conditions.

7 Reasons for Decision

- 7.1 The proposal will have no significant adverse impact on residential amenity and complies with the provisions of Policies 4 and 12 of the South Lanarkshire Local Development Plan and associated Supplementary Guidance. There are no additional material considerations which would justify refusing to grant planning permission.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

10 May 2018

Previous references

- ◆ HM/04/0195
- ◆ HM/11/0153
- ◆ HM/17/X0412/INVALID

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Neighbour notification letter dated

- ▶ Consultations
 - Roads Development Management Team 20.02.2018
 - Scottish Water 28.11.2017
 - Arboricultural Services 16.04.2018
 - Larkhall Community Council 19.12.2017
 - Environmental Services 13.02.2018
 - R & T Flood Risk Management Section 11.12.2017

- ▶ Representations
 - Tracey Campbell-Hynd, 19 Wallace Wynd Law, ML8 5FD Dated: 13.11.2017
 - William Rae, 40 Clove Mill Wynd, Millheugh 10.12.2017
 - Alistair Cook, 21 Clove Mill Wynd 11.12.2017
 - G. Parker, 3 Powforth Close, The Briars, Larkhall, ML9 1NU 12.12.2017
 - Audrey Marshall, Via Email 13.12.2017
 - Mary & Paul Russell, 3 Avonbank Road, Hamilton, ML3 1QS 14.12.2017
 - Andrew Robbie, 19.12.2017
 - Lynsey Campbell, 4 Avonbank Road, Millheugh, Larkhall, ML9 1QS 19.12.2017
 - Sheena Campbell, 41 Clove Mill Wynd, Larkhall, ML9 1NT 19.12.2017
 - Samuel J Campbell, 41 Clove Mill Wynd, Larkhall, ML9 1NT 19.12.2017

Wilson Kane, 4 Avonbank Road, Larkhall, ML9 1QS	19.12.2017
Graeme McDonald,	19.12.2017
Gary And Lynn Shanks, 60 Clove Mill Wynd, Larkhall, ML9 1NT	07.03.2018
Helen McCrum, 11 Powforth Close, Larkhall, ML9 1NU	07.03.2018
Moyra And Wilson Couper, 38 Clove Mill Wynd, Larkhall, ML9 1NT	07.03.2018
Annie Duncan, 17 Powforth Close, Larkhall, ML9 1NU	07.03.2018
James C Greenshields, 27 Clove Mill Wynd, Larkhall, ML9 1NT	07.03.2018
Andrea Morton, 27 Clove Mill Wynd, Larkhall, ML9 1NT	07.03.2018
Mr Alistair Park, 22 Clove Mill Wynd, Larkhall, ML9 1NT	07.03.2018
Paul McLachlan, 46 Clove Mill Wynd, Larkhall, ML9 1NT	07.03.2018
K Weir, 35 Clovemill Wynd	07.03.2018
A And C Weir, 35 Clovemill Wynd	07.03.2018
Ethel M Shanlin, 8 Powforth Close, Larkhall, ML9 1NU	07.03.2018
John Davidson, 17 Clove Mill Wynd, Larkhall, ML9 1NT	07.03.2018
John McStay, 34 Clove Mill Wynd, Larkhall, ML9 1NT	07.03.2018
Maxine McStay, 34 Clove Mill Wynd, Larkhall, ML9 1NT	07.03.2018
Neil R Stewart, 45 Clove Mill Wynd, Larkhall, South Lanarkshire, ML9 1NT	07.03.2018
Andrew And Mary Prentice, 47 Clove Mill Wynd, Larkhall, South Lanarkshire, ML9 1NT	07.03.2018
Nicola Sherwood, 56 Clove Mill Wynd, Larkhall, South Lanarkshire, ML9 1NT	07.03.2018
Mark Sherwood, 56 Clove Mill Wynd, Larkhall, South Lanarkshire, ML9 1NT	07.03.2018
Lee Hastie, 56 Clove Mill Wynd, Larkhall, South Lanarkshire, ML9 1NT	07.03.2018
Derek Hamilton, 44 Clove Mill Wynd, Larkhall, South Lanarkshire, ML9 1NT	07.03.2018
Dorothy Murray, 25 Clove Mill Wynd, Larkhall, South Lanarkshire, ML9 1NT	07.03.2018

John Greig Murray, 25 Clove Mill Wynd, Larkhall, South
Lanarkshire, ML9 1NT

07.03.2018

Alistair Park, 22 Clove Mill Wynd, Larkhall, ML9 1NT

07.03.2018

Contact for further information

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

Murray Reid, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Ext: 3625 Phone (01698 453625)

Email: murray.reid@southlanarkshire.gov.uk

Conditions and reasons

1. Prior to the commencement of development on site, a further application(s) for the approval of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority. These matters are as follows:
 - (a) the layout of the site, including all roads, footways, parking areas and open spaces;
 - (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
 - (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum.
 - (d) the means of access to the site;
 - (e) the design and location of all boundary treatments including walls and fences;
 - (f) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs;
 - (g) the means of drainage and sewage disposal including connection details to existing services.
 - (h) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);

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

2. That no building to be erected on the site shall exceed 2 storey(s) in height.

Reason: In the interests of amenity.

3. That the reserved matters application required under the terms of condition (2) above shall comply with the requirements of the Councils approved Residential Development Guide.

Reason: In the interests of amenity.

4. That no consent is hereby granted for the indicative plot layout, driveways or dwellinghouses shown on the approved plan.

Reason: Consent is granted in principle only and no consent is granted for the indicative details submitted.

5. That no trees within the application site shall be lopped, topped, pollarded or felled, and no shrubs or hedges shall be removed from the application site without the prior written consent of the Council as Planning Authority.

Reason: To ensure the protection and maintenance of the existing trees and other landscape features within the site.

6. That the further application required under the terms of Condition 2 above, shall be accompanied by a Design Statement which shall set out the design principles, justify the design solution and show how the proposal responds to the wider context of the area as well as the characteristics of the site.

Reason: To provide an explanation of the design concept and to enable a greater understanding of the proposal.

7. That the further application required under the terms of Condition 2 above, shall be accompanied by a dilapidation survey of the existing road, street furniture, boundary walls/fences/hedges and should be carried out by the applicant in advance of any site clearance/demolition/construction work. Additionally the applicant must undertake investigatory work, comprising of intrusive sampling and testing sufficient to provide design parameters for slope stability assessments and back analysis of the existing retaining wall(s) on the west side of Avonbank Road and to confirm the structural integrity & suitability. This information will require to be approved by Roads and Transportation Services before any works can commence. It should be noted that works may be required to the existing retaining wall.

Reason: In the interests of road safety.

8. That the further application required under the terms of Condition 2 above, shall be accompanied by a traffic management plan and details of proposed wheel cleaning regime.

Reason: In the interests of road safety.

9. That the further application required under the terms of Condition 2 above, shall include details of the investigatory work undertaken, comprising of intrusive sampling and testing sufficient to provide design parameters for slope stability assessments and back analysis of the existing retaining wall(s) on the west side of Avonbank Road and to confirm the structural integrity & suitability. This information will require to be approved by Roads and Transportation Services before any works can commence.

Reason: In the interests of road safety.

10. That the further application required under the terms of Condition 2 above, shall be accompanied by a Flood Risk Assessment with reference made to CIRIA C624 and in accordance with the Reporting Requirements for Flood Risk Assessments issued by the Scottish Environmental Protection Agency (SEPA) shall be submitted to, and approved in writing by the Council as Planning and Roads Authority.

Reason: 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.

11. That the further application required under the terms of Condition 2 above, shall be accompanied by a Drainage Impact Assessment (If not included as part of the Flood Risk Assessment) in accordance with the principles of sustainable drainage and CIRIA C697: The SUDS Manual shall be submitted to, and approved in writing by the Council as Planning and Roads Authority.

Reason: To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.

12. That the further application required under the terms of Condition 2 above, shall be accompanied by a package of proposals to improve Avonbank Road primarily in terms of its general condition but also in terms of its geometry to aid manoeuvrability.

Reason: In the interests of road safety.

13. The plans and particulars submitted in accordance with condition 2 above shall include:
- (a) a tree survey and constraints plan in accordance with BS5837
 - (b) a plan to a scale and level of accuracy appropriate to the proposal that shows the position of every tree on site with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres. In addition any tree on neighbouring or nearby ground to the site that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhanging from the boundary, intrusion of the Root protection Area (see BS5837) must be shown.
 - (c) The details of any proposed alterations to the existing ground levels or the position of any proposed excavations within 5 metres of the Root Protection Area of any retained* tree, including those on neighbouring ground.
 - (d) An Arboricultural Impact Assessment statement setting out the principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure.

Specific issues to be dealt with through the concept and design stage shall be the no dig specification for the construction of proposed roads, parking areas and driveway within the RPA of retained trees. Any design shall accord with BS5837, Arboricultural Practice note 12 and shall be an appropriate non dig sub base including three dimensional cellular confinement system.

*In this condition a "retained tree" means an existing tree which is to be retained in accordance with the plan referred to at paragraph (a) above.

Reason: To ensure the protection and maintenance of the existing trees and other landscape features within the site.

14. The following activities must not be carried out under any circumstances:
- (a) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
 - (b) No works shall proceed until the appropriate Tree Protection Barriers are in place, within the exception of initial tree works.
 - (c) No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
 - (d) No mixing of cement or use of other materials or substances shall take place within a Root protection Area, or close enough to a Root Protection Area that seepage or displacement of those materials or substances could cause them to enter a Root Protection Area.
 - (e) No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

Reason: To ensure the protection and maintenance of the existing trees and other landscape features within the site.

15. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS:
- a) Location and installation of services/ utilities/ drainage.
 - b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
 - c) Details of construction within the RPA or that may impact on the retained trees.
 - d) a full specification for the installation of boundary treatment works.
 - e) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
 - f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
 - g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
 - h) a specification for scaffolding and ground protection within tree protection zones.
 - i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
 - j) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
 - k) Boundary treatments within the RPA
 - l) Methodology and detailed assessment of root pruning
 - m) Arboricultural supervision and inspection by a suitably qualified tree specialist
 - n) Reporting of inspection and supervision
 - o) Methods to improve the rooting environment for retained and proposed trees and landscaping

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To ensure the protection and maintenance of the existing trees and other landscape features within the site.

16. Prior to the commencement of the development hereby approved (including all preparatory work), details of all proposed Access Facilitation Pruning (see BS5837:2012 for definition) shall be submitted to and approved in writing by the Local Planning Authority. The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To ensure the protection and maintenance of the existing trees and other landscape features within the site.

17. No tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.

Reason: To ensure the protection and maintenance of the existing trees and other landscape features within the site.

18. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

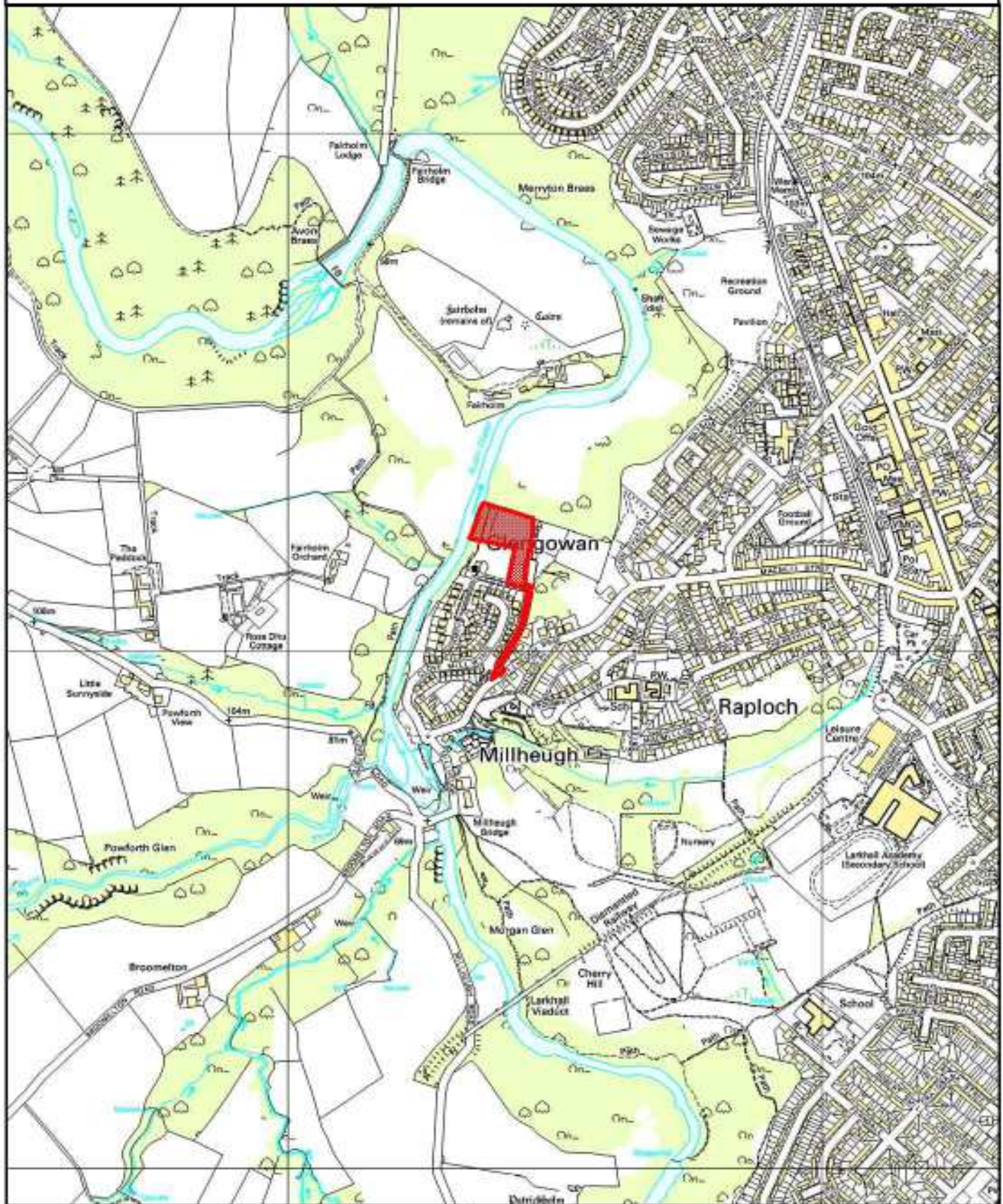
- a) a scaled plan showing vegetation to be retained and trees and plants to be planted:
- b) proposed hardstanding and boundary treatment:
- c) a schedule detailing sizes and numbers of all proposed trees/plants
- d) Sufficient specification to ensure successful establishment and survival of new planting.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

Reason: To ensure the protection and maintenance of the existing trees and other landscape features within the site.

HM/17/0558

Avonbank Road, Larkhall



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Scale:
1:10,000
Date:
08/05/2018



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

6

Report to:	Planning Committee
Date of Meeting:	29 May 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	EK/17/0358
Planning proposal:	Erection of 219 residential dwellings, access road, associated infrastructure and landscaping

1 Summary application information

Application type:	Detailed planning application
Applicant:	BDW Trading Ltd & Philipshill Retirement Village Ltd
Location:	Former Philipshill Hospital Barbana Road/Grado Avenue East Kilbride G74 5PG

2 Recommendation(s)

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

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached

2.2 Other actions/notes

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

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

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

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

3 Other information

- ◆ Applicant's Agent: Barratt & David Wilson Homes West Scotland
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**

POL6- General urban area/settlements
POL5- Community infrastructure assessment
POL4- Development management and placemaking
POL17- Water environment and flooding
DM1- Design
POL12 – Housing Land
POL13- Affordable housing and housing choice
POL14 – Green Network and Greenspace
POL15- Natural and historic environment
DM13- Development within general urban area/settlement
POL16- Travel and transport
POL1- Spatial strategy

- ◆ **Representation(s):**

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

- ◆ **Consultation(s):**

CER Play Provision Community Contribs

Jackton And Thorntonhall Community Council

Countryside And Greenspace

Arboricultural Services

Roads Development Management Team

SEPA West Region

SP Energy Network

Transport Scotland

Scottish Water

Housing Planning Consultations

Environmental Services E-consult

RT Flood Risk Management Section

Education Resources School Modernisation Team

SPT

National Grid UK Transmission

Forestry Commission

Planning Application Report

1 Application Site

- 1.1 The application site extends to 12.8 hectares located to the west of Barbana Road and Grado Avenue, on the north western edge of East Kilbride. It is bounded to the north by the main East Kilbride to Busby dual carriageway (A726), to the northwest by Braehead Road, Thorntonhall, to the southwest by farmland and a property known as Craigpark and to the east and southeast by Grado Avenue and Barbana Road and beyond to an established business park and the Glasgow Southern Orbital. The eastern part of the site formerly accommodated part of Phillipshill Hospital which was demolished in 1992. The former hospital chapel, a Grade 'B' Listed Building, remains and is located just outwith the site at the northeast corner.
- 1.2 The site is predominantly enclosed with established hedgerow field boundaries and mature trees together with some semi-mature plantation woodland situated within the site. An existing field access is visible from Barbana Road and there is currently an informal access to the site from Grado Avenue, used by dog walkers. The site topography comprises a relatively level eastern section which then slopes downwards to the north and west, with a level area in the south eastern and south western sections.
- 1.3 A low/medium/ intermediate gas main crosses the northwestern half of the site. Within this area no buildings would be constructed. Due to the proposal being located within at least one of the consultation distances, the Planning Service has considered the location of the proposed development, using the Health and Safety Executive's (HSE) planning advice web app. This exercise concluded that HSE would not advise, on safety grounds, against the granting of planning permission in this case. An existing SUDS pond, which serves the adjacent business park, is located centrally at the lowest point of the site. This SUDS area would be enlarged to serve both the residential development and the business park.
- 1.4 No core paths cross through the site.
- 1.5 The site forms part of the Council's 2014 Housing Land Supply, being identified within the local development plan for mainstream housing.

2 Proposal(s)

- 2.1 The applicant is seeking detailed planning permission for 219 private dwellinghouses comprising of a mixture of house types. In addition a generous open space parkland will be provided incorporating extensive tree and hedge planting and a trim trail, together with a smaller area of open space to the northeast of the 'Craigpark' property. Some mature woodland is to be retained along part of the northern boundary as well as the northeastern boundary adjacent to Barbana Road.
- 2.2 Two vehicular accesses are proposed to the site, one from Barbana Road and one from Grado Avenue. An emergency vehicle access is proposed on the western boundary onto the existing rural road. In addition, a small cul de sac parking court is accessed directly from Barbana Road to serve ten terraced units.
- 2.3 Twelve different two storey housetypes, together with a three storey townhouse type, are proposed providing 3 and 4 bedroom accommodation. The majority are detached however, some terraced and semi detached are also proposed.

- 2.4 In terms of house design, the dwellings proposed are of two storey form with pitched roofs and traditional materials such as white/stone coloured render and feature cast stone detailing and surround. A concrete slate/tile to reflect the character of properties in the local area would be used.
- 2.5 The development is classified as a Major development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and was the subject of pre-application consultation. A number of documents have been provided in support of the application, namely a Pre-application Consultation Report, a Design and Access Statement, Tree Survey Report, Site Investigation study, Transport Statement and Flood Risk Assessment, Drainage Strategy, Noise Impact Assessment, Air Quality Assessment, Archaeological Assessment and a Habitat Survey.

3 Background

3.1 Relevant Government Advice/Policy

- 3.1.1 Relevant Government guidance is set out within the consolidated Scottish Planning Policy (SPP) 2014 which confirms the requirement for the Council to maintain a five year supply of effective housing land and also provides policy guidance relating to the provision of affordable housing. Planning authorities are required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, to make effective use of existing infrastructure and services

3.2 Planning Background

- 3.2.1 The site was previously consented for large scale residential development with a Planning Permission in principle application being approved in March 2014 for a retirement village comprising a mixed number of housetypes including a care home. This permission has since lapsed.

3.3 Local Plan

- 3.3.1 In determining this planning application the Council must assess the proposed development against the policies contained within both the adopted South Lanarkshire Local Development Plan (2015) and Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.3.2 The site is located within the designated settlement boundary of East Kilbride. In land use terms, the application site is identified, within the adopted SLLDP, as forming part of the 2014 housing land supply (Policy 12) and as forming part of a Green Network area (Policy 14). Policy 6 (General urban area/settlements) requires that new proposals should not adversely impact on the amenity and character of such areas. Policy 14 advises that the partial loss of such areas may be considered acceptable where the retention and enhancement of any remaining network area can be assisted by the redevelopment proposal.
- 3.3.3 With regard to normal development management criteria, a number of other policies within the adopted SLLDP are considered appropriate to the determination of this application, namely Policy 4 - Development Management and Placemaking, Policy 5 - Community Infrastructure Assessment, Policy 13 - Affordable Housing and Housing Choice, Policy 15 - Natural and Historic Environment, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding.

- 3.3.4 These principle policies are supported by its specific policy guidance provided through approved Supplementary Guidance on the following topics,

- Development Management, Place Making and Design SG 3
Policy DM 1 – Design and Policy DM13 – Development within General Urban Area/Settlement),
- Affordable Housing and Housing Choice SG 7
- Green Network and Greenspaces
- Natural and Historic Environment SG 9
Policy NHE18 - Walking, Cycling and Riding Routes and Policy NHE19 - Protected Species
- Community Infrastructure Assessment (CIA) SG 5
- Sustainable Development and Climate Change SG 1
Policy SDCC 2 - Flood Risk, Policy SDCC 3 - Sustainable Drainage Systems, Policy SDCC 4 - Water Supply and Policy SDCC 5 - Foul Drainage and Sewerage.
- Green Networks and Greenspaces SG 8

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

- 3.3.5 In addition, the Council has prepared a Residential Design Guide. The aim of the associated policies and guidance is to seek well designed development which is located in appropriate locations and is appropriately serviced.
- 3.3.6 An assessment of the proposal against these specific policies is contained in Section 6 of this report.

4 Consultation(s)

- 4.1 **Community Resources** – In accordance with the CIA SG5, a financial contribution is sought to enable improvement to community facilities within the local area.
Response: Noted. Developer contributions would be secured through a Section 75 Legal Agreement between the developer and the Council.
- 4.2 **Jackton and Thorntonhall Community Council** – seeks assurance that in terms of the pedestrian/emergency vehicle access onto Braehead Road, that the Council has the power to restrict the use of the access to pedestrians and emergency vehicles only and that if it has such powers that it will undertake to use them.
Response: The emergency vehicle access will be designed to a specification with deep kerbs and or bollards to ensure that standard vehicles cannot use this access. As part of the Roads Construction Consent (RCC), the Roads Service will agree an appropriate specification and if necessary a vehicle prohibition order can be imposed on this access.
- 4.3 **Countryside And Greenspace** - offered comments in respect of tree cover, access, biodiversity and landscape issues in relation to the proposed development. In terms of the outdoor access component of the scheme, which should include connectivity to adjacent neighbourhoods for walking and cycling, it is recommended that an access plan is prepared. In respect of biodiversity issues, there is an opportunity to enhance the biodiversity value of the site through the creation of new habitats and the protection of existing features of biodiversity value. Finally, in terms of the landscape plans lodged, generally the planting specification is acceptable, however, some specifications should be amended to introduce plants of native origin and pollinator friendly.

Response: Through further discussions with the developer, additional information was requested by way of a landscaping and planting statement. This explained that the landscape proposals include biodiversity improvements, high quality replacement and compensatory planting, native and pollinator friendly plant species, and, accessible, high quality open space. The Suds area has been designed to create a diverse wildlife corridor with three separate native meadow mixes all of native origin to enhance biodiversity and create varied habitats to different types of wildlife. Native Riparian mixes, suited to the areas of wetland, have been provided to further enhance this area together with emergent planting within the Suds basin area. The landscape drawings have been revised to reflect the landscaping and planting statement. In addition the layout has been designed to encourage pedestrian through routes to the open space parkland and there is a pedestrian/cycle ingress/egress to Braehead Road on the western boundary of the site which would connect with the wider core path/cycle network and would provide a walking route to Thorntonhall railway station.

- 4.4 **Arboricultural Services** – has commented that whilst the existing trees on the site are not formally designated, they are of value to the local area. Therefore, the applicant should give a clear indication of the area and number of trees required for any associated compensatory planting.

Response: After considerable discussion regarding this issue, it is concluded that due to the levels of the site and the engineering works required, together with other constraints, the central block of woodland requires to be removed to enable a satisfactory layout to be achieved. However, as mentioned above, additional information was sought from the developer and a landscaping and planting statement was submitted. Significant areas of trees on the periphery of the site are being retained and the developer also proposes numerous native parkland trees as compensatory planting within the parkland area and on the periphery of the site. Species include Lime, Field Maple, Alder, Oak and Birch. These trees will help create a green central corridor between the northern and southern parts of the site and facilitate the movement of wildlife by serving as a wildlife corridor, whilst creating an attractive area of open space for residents. It is noted that the woodland to be lost, which was planted at the time of development of the adjacent business park, has no formal designation, nor does a Tree Preservation Order exist.

- 4.5 **Roads Development Management Team** – No objections to the proposed development subject to minor changes to the layout in respect of surfacing parking spaces and the imposition of conditions relating to construction traffic management.

Response: Noted

- 4.6 **SEPA West Region** – Initially objected to the proposal, however having sought clarification from the developer on a number of matters, SEPA are satisfied and have withdrawn their objection.

Response: Noted.

- 4.7 **SP Energy Network** – No response to date.

Response: Noted.

- 4.8 **Transport Scotland** – No objections

Response: Noted.

- 4.9 **Scottish Water** – No Objections

Response:

- 4.10 **Housing Planning Consultations** – In accordance with the CIA SG5, an off-site financial contribution is sought to enable affordable housing to be provided within the local area.

Response: Noted. A developer contribution would be secured through a Section 75 Legal Agreement between the developer and the Council.

- 4.11 **Environmental Services E-consult** – has no objections to the proposal subject to a condition regarding noise validation testing on the basis of the Noise Impact Assessment which was undertaken by the developer's consultant. In addition, standard conditions and advisory notes relating to construction noise, dust control and radon gas are recommended.

Response: Noted. Appropriate conditions and advisory notes would be attached to any approval.

- 4.12 **RT Flood Risk Management Section** – have no objections to the proposal, subject to compliance with the Council's SUDS Design guidance and completion of the Self Certification appendices.

Response: These requirements can be addressed, where appropriate, through the use of condition/advisory note on any approval.

- 4.13 **Education Resources School Modernisation Team** – In accordance with the CIA SG5, a financial contribution is sought to enable improvement to education accommodation.

Response: The developer would be required to enter into a S75 legal agreement to secure the payment of financial contributions to the upgrade of education facilities in the local catchment area.

- 4.14 **SPT** – no response to date.

Response: Noted.

- 4.15 **National Grid UK Transmission** – verbally advised no objection in principle.

Response: Noted. As part of the assessment of the proposal the Planning Service has considered the location of the proposed housing in relation to the presence of the gas main which crosses the site. The developer is fully aware of the presence of the gas main and a condition would be attached to any approval requiring control of excavation works within the vicinity of low/medium/intermediate gas main on the site.

- 4.16 **Forestry Commission** – has commented that, whilst there are no formal designations in respect of the existing trees, they are of value to the local area. Therefore, the applicant should give a clear indication of the area and number of trees required for any associated compensatory planting. The applicant should consider if there are any opportunities to link the development to existing public access works at the nearby K Wood.

Response: Noted. It is concluded that, due to the levels of the site and the engineering works required, together with other constraints, the central block of woodland requires to be removed to enable a satisfactory layout to be achieved. However, significant areas of trees on the periphery of the site are being retained and the developer also proposes extensive compensatory tree planting within the parkland area and on the periphery of the site. The layout has been designed to encourage pedestrian through routes to the open space parkland and there is pedestrian/cycle ingress/egress which would connect with the wider cycle and footway network. Although this is a private housing development, there is no restricted access to the public using the parkland area and existing local footway network enables the public to walk between K Wood and this development.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the East Kilbride news for neighbour notification purposes. In response, four letters of

representation and one comments letter were received in respect of the proposals, the points of which are summarised below:

a) **All flora and fauna should be afforded all possible protection.**

Response: The applicant lodged a habitat survey which identified negligible wildlife within the site. However, advisory notes would be attached to any approval to require that vegetation removal takes place outwith the bird breeding season and to monitor for bats and badgers.

b) **Concern by the local industrialist of the proximity of the development and its impact on EDF Energy's business and staff during the operational and construction phases of the development through increase in traffic congestion.**

Response: While it is recognised that the development of this site adjacent to the EDF business is likely to result in disruption, the developer will require to keep this to a minimum and any consent would be subject to the developer submitting an appropriate construction traffic and construction management plan to the Council for written approval.

c) **Potential future constraints arising from the new development that may affect the operation of the GSO Business Park.**

Response: It is considered that the layout design has taken cognisance of the presence of the EDF buildings and in this respect I am satisfied that there is an acceptable buffer of planting and rear garden boundary fencing to protect amenity.

The vehicular accesses to the site are not directly opposite the vehicular access to EDF's car park and therefore it is considered that the conflict of vehicular movement from both land uses has been mitigated once the development is completed.

d) **Construction traffic sharing the same access as staff and visitors at the GSO Business Park.**

Response: Roads Management are satisfied that the sharing of Barbana Road is acceptable with a requirement on the developer to submit a construction traffic and construction management plan for the site, to the satisfaction of the Council.

e) **Existing concern of parked cars in Barbana Road arising from overspill parking working at the nearby HMRC facility and the recent introduction of traffic restriction order along this road. The increase in traffic will further exacerbate the situation.**

Response: Roads Management are satisfied that the sharing of Barbana Road is acceptable with a requirement on the developer to submit a construction traffic and construction management plan for the site, to the satisfaction of the Council.

f) **No consideration appears to have been given to the provision of alternative accesses to the site, e.g. from East Kilbride Road or from Braehead Road.**

Response: There was extensive pre-application discussions on this proposal and concluding from these discussions was the proposed vehicular accesses as per the layout plan. Roads Management are satisfied with the location and geometry of these accesses and were not support of a vehicular access to the site from Braehead Road.

g) **Over provision of car parking within the housing development.**

- Response:** The on-curtilage car parking provision proposed is as per the requirement set out within the National Roads Development Guide.
- h) **The developer should be required to prepare a Travel Plan to explore options for reducing car trips and to provide incentives to encourage the use of public transport, cycling and walking.**
Response: A condition will be imposed on any planning consent to require the submission of a Travel Plan.
- i) **The developer should be required to pay a financial contribution to provide improved public transport infrastructure in the area.**
Response: Roads Management Team have assessed the Transport Assessment lodged and are satisfied that the existing public transport infrastructure in the area is adequate to serve this new development.
- j) **The landscape buffer between the housing and the EDF buildings provides limited screening and should be reinforced to improve privacy and to help attenuate noise. The Council should seek to minimise the number of habitable rooms facing the EDF buildings.**
Response: The layout has been carefully assessed in relation to the existing business park. It is considered that the buffer planting with trees and the vertical close boarded fencing is an adequate buffer and screen between the rear habitable windows and gardens of the dwellings and the EDF buildings.
- k) **EDF Energy requires details to explain how noise, traffic and health and safety issues will be mitigated during the construction phase of development. The developer should prepare a Phasing Plan and a Construction Development Plan.**
Response: The developer will address the above issues through their required submission of a Phasing Plan and a Traffic Management and Construction Management Plan prior to the commencement of site works. This document can be shared with EDF for information.
- l) **Barbana Road is a single track road during office hours due to parked cars. There is already difficulty turning in and out of Braehead Road.**
Response: The Roads Service has no objections in principle to the proposed accesses to the development. A Traffic Regulation Order would, however, be introduced to ensure an appropriate visibility splay on both sides of Barbana Road is protected.
- m) **Braehead Road is a single track road with zero passing places and blind corners. This is already a safety issue for pedestrians.**
Response: The proposal has no direct vehicular access onto Braehead Road other than to provide a restricted emergency vehicle access together with a pedestrian/cycle link. It will be a requirement of the approval that signage is erected to highlight to drivers that there may be pedestrians in the carriageway ahead.
- n) **Proposed emergency vehicle access will be used by residents as a shortcut.**
Response: The emergency vehicle access will be designed in such a way to prevent standard vehicles from using it.
- o) **There is no footpath from the site to the local train station.**

- Response:** The developer is not in control of land outwith the site. Therefore, it is not feasible for a footpath link to the local railway station to be constructed.
- p) **There is a lack of capacity at the catchment primary school.**
Response: The Council's Education Resources School Modernisation Team was consulted and requires that a financial contribution towards the upgrade of education facilities is provided by the developer. This would be secured through the signing of a Section 75 Legal Agreement.
- q) **The distance to the catchment primary school is greater than 2.5 kilometres.**
Response: The Council's Education Resources School Modernisation Team were consulted and were satisfied with the location of the new residential development in relation to local school provision and catchments.
- r) **The number and density of the housing is not in keeping with the surrounding hamlet of Thornotnhall.**
Response: This development is located on the western edge of East Kilbride within the designated settlement boundary and does not 'read' as part of the hamlet of Thorntonhall, The majority of the units proposed are detached dwellings and the overall layout has a generous amount of openspace parkland proposed.
- s) **The immediate road network is not designed to accommodate the increased volume of traffic.**
Response: The developer lodged a Transport Assessment to support the application. This document has been considered carefully by Transport Scotland as well as the Council's Roads Service. It is concluded that the existing surrounding road network.
- t) **Is the development a proposed retirement village?**
Response: This current proposal is a detailed application for 219 private mainstream dwellings. Originally Planning Permission in Principle was granted for a retirement village on the site in 2014, (Planning Ref No: EK/13/0050), however, this consent has lapsed.
- u) **The landscape buffer should continue all the way up past Craigpark to Barbana Road.**
Response: A large area of open space has been positioned adjacent to Craigpark House. This provides a setting for this existing property. On the house plots either side of this open space area, a generous landscape buffer is proposed and this tapers along the boundary towards Barbana Road. It is considered that this buffer is an acceptable boundary onto the Greenbelt.
- v) **Details of the fencing should be supplied.**
Response: Details of all the boundary treatments have been lodged by the developer.
- w) **Clarification on window to window distances from the new houses to Craigpark.**
Response: In respect of the closest dwellings to Craigpark House, namely Plots 30 and 31, there is a distance of around 27 to 28 metres between the rear elevations of the new dwellings and the rear building line of Craigpark House.
- x) **The existing temporary car park at EDF is being built upon. More car parking is needed, not less.**

Response: The temporary lease to EDF by the landowner, of the land upon which the temporary overspill car park was built, has been terminated. This is outwith the control of the Planning Authority. The on-curtilage car parking provision within the new development is satisfactory to the Council's Roads Service.

- y) **The quality and residential concept of Thorntonhall should be maintained.**

Response: This proposed development is outwith the designated settlement of Thorntonhall and, therefore, the quality and residential concept of Thorntonhall remains unaffected.

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

6 Assessment and Conclusions

- 6.1 The applicant is seeking detailed planning permission for 219 private dwellinghouses comprising a mixture of house types. In addition, a generous open space parkland will be provided incorporating a trim trail. Two vehicular accesses are proposed to the site, one from Barbana Road and one from Grado Avenue. An emergency vehicle access and pedestrian footpath link is proposed on the western boundary onto the existing rural road. In addition, a small cul de sac parking court is accessed directly from Barbana Road to serve ten townhouse units.
- 6.2 In terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, planning applications have to be determined in accordance with the development plan unless other material considerations indicate otherwise.
- 6.3 Scottish Planning Policy highlights that where a proposal accords with up-to-date development plans, it should be considered acceptable in principle. The site is identified within the adopted local plan as a housing site and, therefore, the proposed use raises no issues from a land use perspective and is, therefore, considered to accord with national planning policy.
- 6.4 The adopted South Lanarkshire Local Development Plan (2015) (SLLDP) identifies the application site as forming part of the Council's housing land supply (Policy 12). The principle of the use of the site for residential purposes is therefore acceptable, subject to compliance with normal development management criteria. It is noted that the application site is also identified as being part of the Green Network (Policy 14) within the adopted SLLDP. However, the proposed development layout has endeavoured to enhance the green network through the design of an extensive parkland area and with quality landscaping involving significant tree and hedgerow planting it is considered that the proposal accords with the spirit of Policy 14 and its supporting guidance.
- 6.5 The matters considered appropriate, in terms of development management criterion, are set out within Section 3.3.4 above. Principally, the stated policies and guidance seek to ensure that any development does not adversely impact on the amenity of such areas, can be adequately serviced and has been designed in manner which takes cognisance of appropriate guidance and the area within which it is located. Having considered the design and layout of the development, I am satisfied that the scheme is capable of being developed, subject to conditions, without conflict with the general requirements of the applicable policies and guidance.

- 6.6 In terms of the detailed design of the development, it is considered that the proposed layout for the development is acceptable and that it meets the main standards set out in the Council's Residential Design Guide, particularly in relation to road layout, house to plot ratios, rear garden depths, open space and car parking provision. It is further considered that the proposed development will be in keeping with existing residential development in the surrounding area. The proposal, therefore, accords with Policies 4, DM 1, DM13 of the SLLDP and supplementary guidance.
- 6.7 The site has been assessed in terms of flood risk and drainage and will be developed in accordance with the principles of sustainable urban drainage. The proposal is, therefore, acceptable in this respect. In addition, foul drainage will be treated in accordance with the specification and requirements of both Scottish Water and the Council's Flood Risk Management guidance. On this basis, it is considered that the proposal accords with Policies 17, SDCC 2, SDCC 3, SDCC 4 and SDCC 5 of the SLC LDP and supplementary guidance.
- 6.8 The proposal will result in the development of a site which is largely undeveloped. Given the nature of the proposed development it is inevitable that there will be some impact in terms of wildlife habitats. However, I am satisfied that the proposed development has been designed in such a manner that it takes cognisance of the surrounding area and has properly assessed any impact on wildlife species and habitats. Any requirement highlighted within the supporting documents can be conditioned as part of any consent issued, or if more appropriate, advisory notes can be attached. On this basis the proposal is considered to meet the requirements of Policies 14, 15, NHE18, NHE19 and NHE20. In addition, the site is capable of integrating well with the adjacent footpath network and amenity areas (Policy NHE18 applies), and with other development proposals within the area.
- 6.9 Furthermore, I am satisfied that the proposed development has been designed in such a manner that it takes cognisance of the surrounding area and has properly assessed any impact on the existing EDF Business and the adjacent listed building known as the Philipshill Chapel. The proposal, therefore, accords with Policies 15 and 16.
- 6.10 The Council's adopted policy on Community Infrastructure Assessment (Policy 5) advises that a financial contribution from developers will be sought where it is considered that a development requires capital or other works or facilities to enable the development to proceed. In this instance the community infrastructure contributions have been broadly agreed and staged payments will be secured through a Section 75 legal Agreement between the Council and the developer.
- 6.11 Any specific concerns raised by the consultees have been discussed with the developer during the consideration of this proposal, and can be addressed through the use of conditions, when appropriate to do so. The third party representations received raised some pertinent issues and have been responded to above.
- 6.12 In conclusion, the proposed development has been considered against the relevant policies in the Adopted South Lanarkshire Local Development Plan and its appropriate supplementary guidance. In terms of detailed design and layout, the proposed dwellings are of a similar style and in keeping with those of previous recent developments in East Kilbride and within the wider South Lanarkshire area. 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 ratios and parking requirements. I am, therefore, satisfied that the proposed scheme will integrate successfully with the surrounding area, assisted by a landscape scheme which includes biodiversity improvements, high quality replacement and compensatory

planting, native plant species and accessible open space. It is, therefore, considered that the proposal accords with Policies 1, 4, 5, 6, 12, 13, 14, 15, 16 and 17, DM1 and DM13 of the adopted local development plan.

- 6.13 On the basis of the above assessment, I would, therefore, raise no objection to the application and recommend that planning permission be granted subject to the conditions listed.

7 Reasons for Decision

- 7.1 The proposal will have no adverse impact on residential or visual amenity and raises no road safety concerns. The development complies with the applicable provisions of the South Lanarkshire Local Development Plan (adopted 2015) namely (Policies 1 - Spatial Strategy, 4 - Development Management and Placemaking, 5 - Community Infrastructure Assessment, 6 - General Urban Area /Settlements, 12 - Housing Land, 13 - Affordable Housing and Housing Choice, 14 – Green Network and Greenspace, 15 - Natural and Historic Environment, 16 - Travel and Transport and 17 - Water Environment and Flooding. In addition the proposal accords with the relevant Development Plan Supplementary Guidance.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

17 May 2018

Previous references

- ◆ EK/16/X0164/NEW- Pan/Pac relating to this application
- ◆ EK/13/0050 – Proposed Retirement Village – approved 12 March 2014

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Neighbour notification letter dated

- ▶ Consultations
 - CER Play Provision Community Contribs 22.03.2018
 - Jackton And Thorntonhall Community Council 30.04.2018
 - Countryside And Greenspace 20.10.2017
 - Arboricultural Services 22.03.2018
 - Roads Development Management Team 10.05.2018
 - SEPA West Region 10.05.2018
 - SP Energy Network 19.10.2017
 - Transport Scotland 30.11.2017
 - Scottish Water 20.10.2017
 - Forestry Commission 21.02.2018

Housing Planning Consultations	10.05.2018
Environmental Services E-consult	08.11.2017
RT Flood Risk Management Section	29.11.2017
Education Resources School Modernisation Team	26.10.2017

► Representations	Dated:
Barbara Rickard, Braehead Farm Court, Braehead Road, Thorntonhall	30.10.2017
Avril and Ian Galbraith, Craig Park, Thorntonhall, G74 5AJ	31.10.2017
Colin tait, 28 Braehead Road	07.11.2017
Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G74 8LS	22.11.2017
Nicola Foster, 67-69 George Street, London, W1U 8LT	12.03.2018

Contact for further information

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

Maud McIntyre, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Ext: 5043 Tel (01698 455043)

Email: maud.mcintyre@southlanarkshire.gov.uk

Conditions and reasons

1. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.

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

2. That before the dwellinghouses hereby approved are completed or brought into use, private vehicular accesses or driveways of at least 6m metres in length shall be provided and the first 2 metres of these accesses from the heel of the footway/service strip shall be hard surfaced across their full width to prevent deleterious material being carried onto the road.

Reason: In the interests of traffic and public safety.

3. That before the dwellinghouses hereby permitted are occupied, 2 car parking spaces for a 3 bedroom property and 3 parking spaces for a 4 bedroom property shall be provided within the curtilage of the plots and outwith the public road or footway and shall thereafter be maintained to the specification of the Council as Planning Authority.

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

4. The surface of the driveways and accesses shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the highway.

Reason: To prevent deleterious material being carried into the highway.

5. That a suitable system of site drainage shall be required to prevent surface water flowing onto the public road, details of which shall be submitted for consideration and approval to the Council as Planning and Roads Authority.

Reason: In the interests of traffic and public safety.

6. That appropriate wheel wash facilities/road cleaning systems shall be introduced within the site to ensure that mud and debris is not deposited on the public road.

Reason: In the interests of traffic and public safety.

7. That all construction and/or other vehicles shall be able to access and exit the site in forward gears, therefore a turning area must be provided, together with sufficient parking within the site boundary to accommodate all site staff/operatives parking requirements, details to be submitted for approval in writing by the Council as Planning and Roads Authority.

Reason: In the interests of traffic and public safety.

8. That the developer shall submit a Travel Plan for written approval and thereafter all new residents within the approved site shall be issued by the developer with a

Residential Travel Pack which will outline where all means of sustainable travel can be accessed. Details of timetable and routes to train stations (including Hairmyres) shall be provided.

Reason: To encourage the use of public transport, walking and cycling.

9. That the 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 (or any subsequent updated version of this guidance) and shall be agreed in writing with the Council as Planning Authority in consultation with SEPA.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

10. Details of facilities for the storage of refuse within the proposed development, including the design, location and access for uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwellings shall be occupied until the facilities for the storage of waste have been provided within the proposed development, in accordance with the approved scheme.

Reason: To ensure that suitable refuse facilities are provided.

11. That the applicant shall adopt and implement the Flood Risk Management measures as outlined in the submitted Flood Risk Assessment Report dated September 2017 (Sections 6.6 and 7). These measures shall be implemented prior to the completion of the site.

Reason: To alleviate any potential for on-site and off-site flooding.

12. That prior to any work commencing on the site, a development phasing plan including a landscape phasing plan shall be submitted to and agreed in writing by the Council as Planning Authority.

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

13. Notwithstanding Condition 12 above, the landscaping scheme relating to the development hereby approved shall be carried out simultaneously with the development, or each phase thereof, and shall be completed and thereafter maintained and replaced where necessary to the satisfaction of the Council as Planning Authority.

Reason: In the interests of amenity.

14. That prior to any work commencing on the site, a maintenance management schedule for the landscaping scheme approved under the terms of Condition 13 above shall be submitted to and approved by the Council as Planning Authority. Thereafter, the landscaping shall be maintained in accordance with the approved management schedule to the satisfaction of the Council.

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

15. That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at his or her own expense.

Reason: In the interests of amenity.

16. That no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.

Reason: In order to retain effective planning control.

17. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, a change of use of any garage (whether integral or detached) to living accommodation associated with the dwellinghouse on the plot shall be subject to a further planning application to the Council as Planning Authority.

Reason: In order to retain effective planning control.

18. That the developer/applicant shall carry out validation testing to demonstrate that the proposed mitigation and noise attenuation measures described in the Noise Impact Assessment are effective in ensuring that the external amenity areas of the noise sensitive properties does not exceed 55dB(A) and that the internal noise levels are achieved as per BS8233 *"Guidance on sound insulation and noise reduction for buildings"* , in that the noise level in bedrooms during the night does not exceed 30dB(A) and, does not exceed 40dB(A) in internal living spaces during the day. To this end, a representative sample of properties will require to be identified and tested which could be carried out in conjunction with sound insulation testing as per ISO 140-5 *"International Standard ISO 140-5, Acoustics — Measurement of sound insulation in buildings and of building elements — Part 5: Field measurements of airborne sound insulation of facade elements and facades"* .

Reason: In the interests of residential amenity.

19. 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 emissions at the NSR 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 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.

The applicant shall further ensure that audible construction activities shall be limited to, Monday to Friday 8.00am to 7.00pm, Saturday 8.00am to 1.00pm and Sunday – No audible activity. No audible activity shall take place during local and national bank holidays - without the prior written approval of the planning authority.

Under exceptional conditions the above time restrictions may be further varied subject to written agreement with the council as Planning Authority.

Reason: In the interest of amenity.

20. Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in

writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

Reason: In the interests of amenity.

21. Prior to development commencing on site, a dust management and monitoring scheme shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

Reason: In the interests of amenity.

22. No piling works shall be carried out until a method statement has been submitted to and approved in writing by the 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.

Reason: In the interests of amenity.

23. (a) Prior to commencement of any works on site, a comprehensive risk assessment for radon gas shall be carried out, and approved in writing by the Council as Planning Authority. Whilst radon is specifically excluded from Part IIA of the Environmental Protection Act 1990 the investigation should follow:

- Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995)

If the risk assessment identifies unacceptable risks posed by radon gas 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.

(b) The remediation plan will consider guidance contained in:

- BRE 376 Radon: Guidance on protective measures for new dwellings in Scotland (1999), with supplementary guidance given in:
BRE 211 (2007) Radon: Guidance on protective measures for new buildings (including supplementary advice for extensions, conversions and refurbishment). (England & Wales).

Reason: In the interests of amenity.

24. That prior to the commencement of site works an appropriate construction traffic and construction management plan shall be submitted to the Council as Planning and Roads Authority for written approval.

Reason: In the interests of public and traffic safety.

25. That no mechanical excavations shall take place above or within 0.5 m of the low pressure system, 2m of the medium pressure system and 3 metres of the

intermediate pressure system. Appropriate hand digging excavation methods are to be used to confirm the position of the gas main on the site prior to any mechanical excavations, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: Due to the presence of low/medium/intermediate gas main on the site and in the interest of public safety.

26. That signage shall be erected to highlight to drivers that there may be pedestrians in the carriageway ahead. The signage shall be agreed with Planning and Building Standards Services and Roads and Transportation Services before being erected prior to the occupation of the first house.

Reason: In the interests of public and traffic safety.

27. That prior to starting on site, a detailed specification of the emergency vehicle access onto Braehead Road shall be submitted for consideration and written approval. Emergency vehicles will only be permitted to use this access.

Reason: In the interests of traffic safety.

28. That prior to the occupation of the first dwelling or otherwise agreed in writing with the Council as Planning Authority, a Traffic Regulation Order shall be effective to ensure the visibility splay (2.4 x 43m) on both sides of Barbana Road is protected. The promotion of the TRO and implementation of the road markings shall be at the applicant's expense.

Reason: In the interests of traffic safety.

29. That following completion of the development, and if required, a proposed scheme to manage parking within the residential area shall be submitted to and approved by Planning and Building Control Services following discussion with Roads and Transportation Services.

Reason: In the interests of traffic safety and amenity.

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

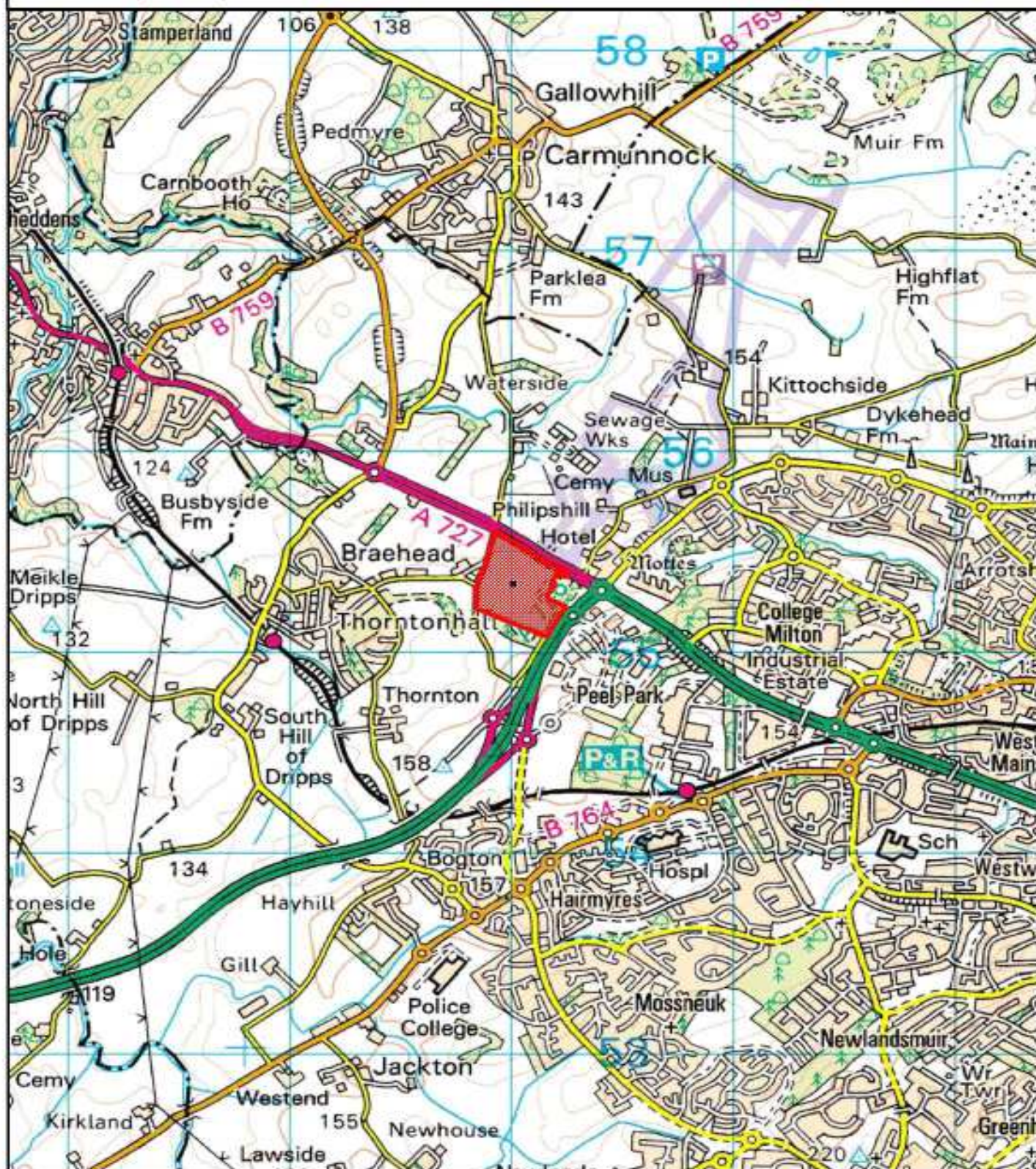
Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

31. That before development starts or otherwise agreed in writing, full details of the site levels including finished floor levels, shall be submitted and approved by the Council as Planning Authority.

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

EK/17/0358

Former Philipshill Hospital



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Scale:
1:25,000
Date:
08/05/2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

7

Report to:	Planning Committee
Date of Meeting:	29 May 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/0287
Planning proposal:	Change of Use of the existing retail unit (Class 1) to a Public House (Sui Generis), Restaurant (Class 3) and Hotel (Class 7) (incorporating external alterations and formation of external seating areas)

1 Summary application information

Application type:	Detailed planning application
Applicant:	J D Wetherspoon Plc
Location:	1-3 Duke Street Hamilton ML3 7DT

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: K D Paine & Associates
- ♦ Council Area/Ward: 17 Hamilton North And East
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan**
Policy 1 - Spatial Strategy
Policy 4 - Development Management and Place Making
Policy 8 - Strategic and Town Centres
Policy 11 - Economic Development and Regeneration
Policy 15 - Natural and Historic Environment
Policy 17 - Water Environment and Flooding

South Lanarkshire Local Development Plan:
Supplementary Guidance
Development Management, Place Making and Design

Policy DM1 - Design

Natural and Historic Environment

Policy NHE3 - Listed Buildings

Policy NHE 7 - Conservation Areas

Sustainable Development and Climate Change

Policy SDCC4 - Water Supply

Policy SDCC5 - Foul Drainage and Sewerage

Policy SDCC10 - Sustainable Travel

◆ **Representation(s):**

▶	2	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Access Panel

Environmental Services

Planning Application Report

1 Application Site

- 1.1 The application relates to a vacant 3 storey retail unit which was formerly occupied by Baird's department store, located at the corner of Duke Street and Quarry Street, Hamilton. The site, given its location within Hamilton Town Centre, is surrounded by a mix of uses including retail, commercial and residential. A small communal service yard and residents' parking area is located to the rear of the building, accessed via Low Patrick Street.
- 1.2 Quarry Street is pedestrianised at this location and the property sits in close proximity to both Hamilton Bus Station and Hamilton Central Rail Station. A number of public 'pay and display' car parks are found nearby at the New Cross Centre, Hamilton Bus Station and Duke Street Car Park.
- 1.3 Whilst neither listed nor within a conservation area, it is noted that the existing building lies immediately adjacent to both designations.

2 Proposal(s)

- 2.1 The applicants, J D Wetherspoon Plc, propose to change the vacant store to a public house/restaurant; with external seating area on the ground floor and a hotel on the upper floors.
- 2.2 Internally, the bar/restaurant will provide for 222 covers, with an outside terrace and pavement café providing a further 100 covers (56 and 44 respectively). The main entrance to the bar/restaurant will be from the corner of Quarry Street and Duke Street will use the main access to the former store. A second access to the former store on Duke Street will be utilised as the entrance to the hotel on the upper floors of the building. The hotel reception will be located at first floor level along with staff and housekeeping facilities and 11 bedrooms. Public toilets to serve the bar/restaurant will also be accommodated on the first floor. A further 22 bedrooms will be provided on the second floor.
- 2.3 The applicants have advised that minimal changes are proposed to the exterior of the upper storey of the property but that the existing windows and stone cladding will be the subject of further assessment. They have further advised that given the site's location, all full and part time staff and hotel customers will be expected to use public transport but that they intend to discuss the potential for a discounted parking rate with the local car park operators to encourage guests to use them.

3 Background

3.1 Local Plan Policy

- 3.1.1 In determining planning applications, the Council must assess the proposed development against the policies contained within the adopted South Lanarkshire Local Development Plan (2015) (SLLDP) and associated Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.1.2 In terms of the SLLDP, the application site is designated as being a Strategic Centre (Policy 1 - Spatial Strategy and Policy 8 - Strategic and Town Centres apply). These advise that the Council will encourage sustainable economic growth and regeneration (Policy 1), and will allow a mix of uses within Strategic and Town Centres compatible with their role as a commercial and community focal point (Policy 8).

3.1.3 In addition to these primary designations, a number of other policies within the adopted SLLDP are also considered appropriate to the determination of this application, namely Policy 4 - Development Management and Placemaking, Policy 11 - Economic Development and Regeneration, Policy 15 - Natural and Historic Environment and Policy 17 - Water Environment and Flooding. These policies are supported by Supplementary Guidance, which forms part of the Development Plan for South Lanarkshire, including:

- Development Management, Place Making and Design SG
Policy DM 1 - Design
- Natural and Historic Environment SG
Policy NHE3 - Listed Buildings and Policy NHE 7 - Conservation Areas
- Sustainable Development and Climate Change SG
SDCC 4 - Water Supply, SDCC 5 - Foul Drainage and Sewerage and Policy SDCC10 - Sustainable Travel

The aim of these policies and guidance is to seek well designed developments which are located in appropriate locations, appropriately serviced and result in no adverse impact in terms of the historic environment and servicing.

3.1.4 The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.2 **Relevant Government Advice/Policy**

3.2.1 Scottish Planning Policy (2014) (SPP) highlights that the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision-making and advises that proposals that accord with up-to-date plans should be considered acceptable in principle.

3.3 **Planning Background**

3.3.1 The existing building was operated by T Baird and Sons Ltd, as a retail store for more than 30 years until its closure in 2014. Since this time the store has lain vacant.

4 **Consultation(s)**

4.1 **Roads and Transportation Services (Hamilton Area)** – have advised that they have no objections to the proposal subject to conditions relative to the occupation of the public footway for external seating.

Response:- Appropriately worded conditions can be incorporated into any consent granted to address the matters raised.

4.2 **Environmental Services** – have confirmed that they have no objections to the proposal, subject to conditions and/or informatives relative to the submission of a noise management plan, construction and demolition works, method of ventilation and food safety.

Response:- Appropriately worded conditions can be attached to any consent granted to address the matters raised.

4.3 **Access Panel** – no formal response received.

Response:- The Access Panel requested to be consulted on the application, which was undertaken. Whilst the notification was forwarded to the relevant panel members no formal response has been made to date.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the application was advertised in the Hamilton Advertiser due to the scale and nature of the application and potential impact on a conservation area. Two letters of representation were received from a neighbouring residential property. The grounds of objection can be summarised as follows:

a) Unsuitable location given proximity to residential flats.

Response: The property is located within the Town Centre of Hamilton where a mix of uses, including pubs, restaurants and residential properties, currently exist in close proximity to each other. This is common in towns and city locations. The proposal to change this vacant retail unit to the proposed uses does not therefore introduce a new feature within the area. Furthermore, the policies of the adopted SLLDP support a mix of uses within its designated Strategic and Town Centres to assist in maintaining their function as a commercial and community focal point.

b) Concerns over the impact on amenity due to the proximity of the entrance to public house to residential properties.

Response: It is confirmed that a doorway is shown on the submitted drawing in close proximity to the entrance for the adjacent flats. However, this is an existing doorway, formerly associated with the retail store and is not a new feature. Furthermore, it is noted that this is identified on the submitted drawings as a fire escape door and, therefore, is not in general use as an entrance/exit.

c) Concerns over the impact of the proposal, in terms noise, food/alcohol/smoke odour and asbestos).

Response: It is advised that Environmental Services, who were consulted on the proposal, have offered no objections to the proposal subject to the submission of a noise management scheme and details of the proposed ventilation details. These matters can be addressed through the use of appropriately worded conditions, where appropriate.

In terms of concerns in relation to the presence of asbestos, this is not a planning consideration, however, will be addressed through other legislation.

d) Concerns over the lack of parking associated with the proposed use and potential road safety concerns.

Response: The existing building occupies the entire site and, therefore, has no capability to provide for on-site parking. This is not uncommon in built-up town centres. However, there are a number of 'pay and display' car parks within close proximity to serve the proposed development. In addition, the property is located near to public transport facilities which could be utilised by both staff and customers. It is also noted that Roads and Transportation Services have offered no objections in terms of the concerns raised and the proposal can be considered acceptable in road safety terms.

e) Concerns in terms of construction access.

Response: Whilst it is accepted that redevelopment proposals within town centre locations have the potential to cause concerns, these can be addressed through proper on-site management to minimise any issues. In addition, where considered appropriate, conditions can be attached to any consent issued requiring the submission of details of the proposed material storage, site facilities and construction access.

f) Impact on the listed building resultant from the new build proposal.

Response: The proposal is for the reuse of an existing vacant building. No significant external alterations are proposed and, as such, it is considered that there will be no adverse impact on the setting of the adjacent listed building or conservation area. Indeed, it is considered that the renovation and reuse of the vacant building will improve the setting.

g) Concerns over the potential for increased public disorder – (shouting/intoxicated people stumbling down the street/urinating) as result of the proposal.

Response: Such matters are not material planning considerations in the determination of this application and should not, therefore, influence its determination.

h) Lack of designated smoking area.

Response: It is confirmed that no smoking shelter has been detailed on the submitted drawings, however, there is no requirement under current planning legislation to provide such a feature.

- 5.2 These representations have been copied and are 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, planning applications have to be determined in accordance with the development plan unless other material considerations indicate otherwise. The determining issues in consideration of this application, therefore, are its compliance with national and local plan policy and its impact on the amenity of adjacent properties and the area within which it is located.
- 6.2 Scottish Planning Policy highlights that, where a proposal accords with up-to-date development plans, it should be considered acceptable in principle. In this instance the site is located within an area designated in the adopted South Lanarkshire Local Development Plan (SLLDP) as being a Strategic Centre (Policy 1 and Policy 8) where a mix of uses compatible with its role as a commercial and community focal point are acceptable. The proposed uses are common with Strategic and Town Centre locations and, therefore, raise no issues from a land use perspective and can be considered to accord with national planning policy.
- 6.3 In addition to the above, the application site is noted as being affected by a number of other applicable policies with the adopted SLLDP and its Supplementary Guidance. In assessing the proposal against the requirements of these policies, it is considered acceptable.
- 6.4 In terms of the detailed design of the development, it is considered that the proposal raises no significant concerns, given that minimal changes are proposed in terms of its external appearance. The provision of external seating areas are commonplace within town centres and, given the pedestrian nature of the area and wide footpath at this location, there is unlikely to be any adverse impact on pedestrian movement. In addition, given its location, there will be no adverse impact in roads safety terms. The proposal is, therefore, acceptable in terms of Policies 4 - and DM1 of the adopted plan. With regard to the impact on adjacent listed buildings and conservation area, given the limited external changes, it is considered that there will be no significant adverse impact on these designations (Policies 15 - Natural and Historic Environment, NHE3 – Listed Buildings and NHE 7 – Conservation Areas apply).

- 6.5 The site lies within an established town centre and is, therefore, capable of being served in terms of water and sewerage provision. On this basis, it is considered that the proposal accords with Policies 17 - Water Environment and Flooding, SDCC4 - Water Supply and SDCC5 - Foul Drainage and Sewerage.
- 6.6 Policy 11 – Economic Development and Regeneration advises the Council will support “activities that maximise economic development and regeneration” and “proposals that deliver physical and community regeneration and positively contribute to the local economy”. It is considered that the proposal will assist in achieving these aims through the reuse of a vacant retail unit in a prime location within Hamilton Town Centre to the benefit of the immediate area. In addition, it will provide increased employment opportunities within Hamilton.
- 6.7 In terms of proposals which may be major trip generator, Policy SDCC10 – Sustainable Travel advises that such developments will be directed to locations accessible by walking, cycling and public transport. The proposed uses will be located within a town centre, which is partly pedestrianised, and in close proximity to an establish travel hub, containing both bus and rail services
- 6.8 No specific concerns, subject to conditions, have been raised by the various consultees. Any requirements of the various consultees can be addressed through the use of conditions, where appropriate to do so. The third party representations received in respect of the development are either unsupported or are not of significant weight or merit to warrant the refusal of the proposal, in this instance.
- 6.9 On the basis of the above assessment, I am satisfied that the scheme is capable of being developed, subject to conditions, without conflict with the general requirements of the applicable policies and guidance. I would, therefore, raise no objection to the application and recommend that planning permission be granted subject to the conditions listed.

7 Reasons for Decision

- 7.1 The proposal will have no adverse impact on residential or visual amenity and raises no road safety concerns and will bring back the building into beneficial use. The proposal complies with the applicable provisions of the South Lanarkshire Local Development Plan (adopted 2015) namely Policy 1 - Spatial Strategy, Policy 4 - Development Management and Placemaking, Policy 8 - Strategic and Town Centres, Policy 11 - Economic Development and Regeneration, Policy 15 - Natural and Historic Environment and Policy 17 - Water Environment and Flooding. In addition, the proposal accords with the relevant Development Plan Supplementary Guidance (Policies DM1 – Design, NHE3 - Listed Buildings, NHE 7 - Conservation Areas, SDCC4 - Water Supply, SDCC5 - Foul Drainage and Sewerage, SDCC10 - Sustainable Travel. There are no other planning aspects that are material to the assessment and determination of this application.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

10 May 2018

Previous references

None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (2015)(adopted)
- ▶ South Lanarkshire Local Development Plan – Supplementary Guidance
- ▶ Neighbour notification letter dated 15/03/2018
- ▶ Newspaper Advertisement dated 29/03/2018

- ▶ Consultations
 - Roads & Transportation Services (Development Management Team) 23/04/2018
 - Environmental Services 24/04/2018

- ▶ Representations
 - Representation from : Miss Leanne Mains, Flat 3, 99 Quarry Street, Hamilton
ML3 7AG DATED 05/04/2018 (online 2.25pm and 3.03pm)

Contact for Further Information

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

James Watters, Planning Officer
Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
Ext 4970 (Tel: 01698 454970)
E-mail: james.watters@southlanarkshire.gov.uk

Conditions and reasons

1. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.

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

2. All external colours shall be agreed in writing with the Council as Planning Authority prior to the commencement of works.

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

3. The new front windows shall match the originals in all aspects of their design and in their main method of opening to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the existing building and surrounding area.

4. That, unless otherwise agreed with the Council as Planning Authority, there shall be no external ducting on the Quarry Street and Duke Street elevation(s) of the building.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the existing building and surrounding area.

5. That, in relation to the occupation of the public footway with tables and chairs, the following requirements shall be fully implemented at all times:

- 1) The seating areas must be enclosed on three sides (with access points)
- 2) The barriers should be 1m in height, should contain a lower tapping rail, and should be of a colour which contrasts with the surrounds in order to be distinguishable to pedestrians
- 3) Barriers should be able to resist wind loads, and should be able to withstand accidental collision by pedestrians.
- 4) Should table umbrellas be used, they must not protrude from the enclosures into the pedestrian area
- 5) Outside licensed or trading hours the barriers must be removed, to allow free access to the footway
- 6) The enclosed areas should be cleaned or washed as necessary at the end of each period of operation
- 7) No permanent alterations to the footway are permitted
- 8) A clear 2m (minimum) wide unobstructed passage should be made available during operating times for pedestrians passing the enclosed areas
- 9) Access to public utilities should be available at all times in the event of emergencies
- 10) Any damage caused to the fabric of the footway within the enclosed areas will require to be repaired at the Applicant's expense

Reason: In the interest of public safety and amenity.

6. That, prior to any works commencing on site a Noise Management Plan, or other appropriate assessment; shall be submitted to and agreed by the Council as Planning Authority. The scope of which shall be agreed with the Council as Planning Authority, in consultation with Environmental Services. Any recommendations following this assessment shall be fully implemented, and thereafter maintained to the satisfaction of the Council as Planning Authority. That development shall not commence until a noise management plan has been submitted and approved by the Council as planning authority. Guidance for the noise management plan may be sought from within the British Beer and Pub Association Guidance on Licensed Property Noise Control

Reason: In the interest of amenity.

7. Before the property is brought into use, the proposed 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.

Reason: To minimise the risk of nuisance from smells, fumes, vapours and noise to nearby occupants.

8. Prior to development commencing on site, a dust management and monitoring scheme shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority. Monitoring results shall be readily available to Officers of the Council investigating adverse comments.

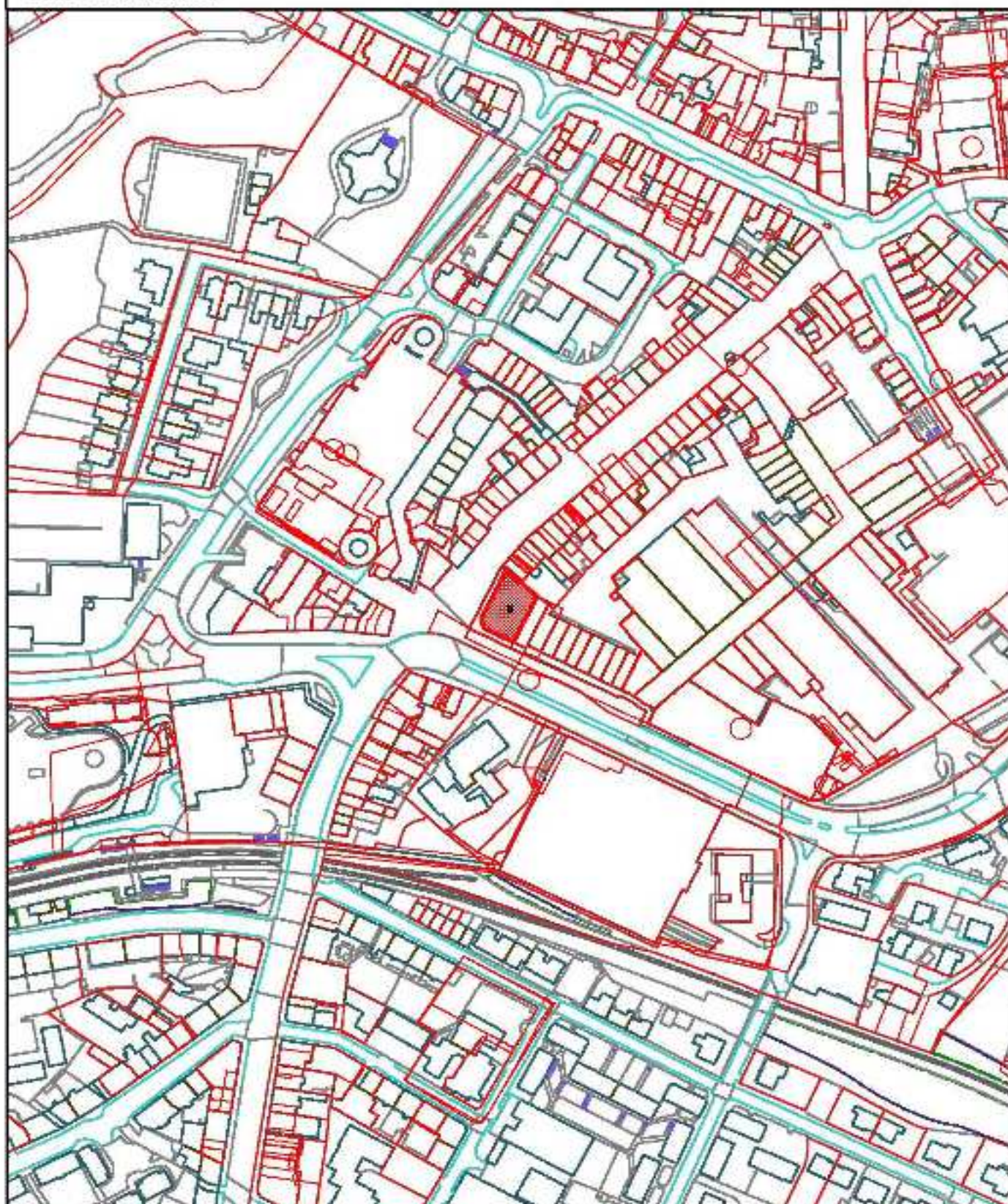
Reason: To minimise the risk of nuisance from dust to nearby occupants.

9. That, unless otherwise agreed with the Council as Planning Authority, prior to works commencing on site details of the proposed site compound and workers facilities shall be submitted to, and agreed by, the Council as Planning Authority. Thereafter the scheme approved shall be fully implemented and maintained to the satisfaction of the Council as Planning Authority.

Reason: These details have not been submitted to, or approved by, the Council as Planning Authority.

P/18/0287

Duke Street, Hamilton



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Date
18/05/2018



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

8

Report to:	Planning Committee
Date of Meeting:	29 May 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/0169
Planning proposal:	Erection of 43 residential dwellings comprising of 16no. two storey terraced blocks and 27no. three storey flats and associated access and landscaping.

1 Summary application information

Application type: Detailed planning application

Applicant: Lovell Partnerships Limited
 Location: Mavor Avenue
 Nerston Ind Est East Kilbride
 Glasgow
 South Lanarkshire
 G74 4QX

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 has delegated powers to determine this application.

3 Other information

- ♦ Applicant's Agent: Denham - Benn Ltd
- ♦ Council Area/Ward: 09 East Kilbride West
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
 Policy 1 – Spatial Strategy
 Policy 4 - Development management and placemaking
 Policy 13 - Affordable Housing and Housing Choice
 Policy 16 - Travel and Transport
 Policy 17 - Water Environment and Flooding

Supplementary Guidance Affordable Housing and Housing Choice (2015)

**Development Management, Placemaking and
Design Supplementary Guidance (2015)**
DM1 - Design

**Sustainable Development and Climate Change
Supplementary Guidance (2015)**

SDCC 2 - Flood risk

SDCC 3 - Sustainable drainage systems

SDCC 4 - Water supply

SDCC 5 - Foul drainage and sewerage

◆ **Representation(s):**

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

◆ **Consultation(s):**

Env Services Econsult

Housing HQ

RT Flood Risk Management Section

Roads Development Management Team

National Grid UK Transmission

Scottish Water

SP Energy Network

SPT

Transport Scotland

Planning Application Report

1 Application Site

- 1.1 The application site is located on Mavor Avenue in the Nerston area of East Kilbride. The site is located to the east of Mavor Avenue to the north of the existing housing development in Merlin Wynd and Lancaster Crescent and to the south of the industrial area of Howard Court. Residential development is currently being constructed on land to the west of the site on the opposite side of Mavor Avenue. The site is a former industrial site of an engineering works and the site has been cleared for some time leaving ground level concrete base. The site is generally level and a culverted watercourse runs under the southern boundary of the site. The site covers 0.87 hectares and is generally level.

2 Proposal(s)

- 2.1 The proposal is to erect 43 residential units, comprising 3 three storey flatted blocks containing 27 flats and 16 two storey terraced and semi-detached dwellings. All the dwellings will be for social rent. Vehicular access to the site will be from Mavor Avenue at the location of the previous entrance to the site. The proposal also provides parking both in separate parking areas and fronting the street. The proposal incorporates landscaping, open space and a drainage attenuation scheme.
- 2.2 Two of the flatted blocks are located in the western area of the site closest to the access point, and one is located to the rear of the site. The terraced dwellings are located further into the site in two groups of four on either side of the proposed access road. They are finished in facing brick, mainly red brick with brown and shaphire blue brick detail, have dark grey windows and the roof will consist of dark grey (Highland Anthracite) concrete tiles.
- 2.3 The applicants submitted a number of documents in support of the proposed development including a Noise Impact Assessment, Site Investigation Report, Flood Risk Assessment and Design and Access Statement.

3 Background

3.1 Relevant Government Advice/Policy

- 3.1.1 Scottish Planning Policy (2014) (SPP) advises that proposals that accord with up-to-date plans should be considered acceptable in principle. In terms of residential development, the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements.

3.2 Planning History

- 3.2.1 Planning Permission (EK/08/0203) was granted to Aldi Stores Limited in September 2009 for a Class 1 Food Retail Unit on this site. Following this, an application (EK/12/0250) was submitted, under Section 42 of the Planning Act, in July 2012 to extend the time period for starting construction of the consented food store. This application was subsequently withdrawn by the applicant in September 2012 and the previous consent revoked by the Scottish Government following a separate consent being granted to Aldi Stores Limited in another location in East Kilbride.

3.3 Local Plan Status

- 3.3.1 In determining this planning application, the Council must assess the proposed development against the policies contained within both the adopted South

Lanarkshire Local Development Plan (2015) and Supplementary Guidance (SG) produced in support of the SLLDP.

- 3.3.2 In land use terms, the application site is identified, within the adopted SLLDP, as being within a Development Framework Site, Mavor Avenue East. The site is included within the Strategic Housing Investment Plan (SHIP).
- 3.3.3 With regard to normal development management criteria, a number of other policies within the adopted SLLDP are considered appropriate to the determination of this application, namely Policy 1 – Spatial Strategy, Policy 4 - Development Management and Placemaking, Policy 13 - Affordable Housing and Housing Choice, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding.
- 3.3.4 These principle policies are supported by its specific policy guidance provided through approved Supplementary Guidance on the following topics,
- Development Management, Place Making and Design SG 3
Policy DM 1 – Design
 - Affordable Housing and Housing Choice SG 7
 - Sustainable Development and Climate Change SG 1
Policy SDCC 2 - Flood Risk, Policy SDCC 3 - Sustainable Drainage Systems, Policy SDCC 4 - Water Supply and Policy SDCC 5 - Foul Drainage and Sewerage.

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

- 3.3.5 In addition, the Council has prepared a Residential Design Guide. The aim of the associated policies and guidance is to seek well designed development which is located in appropriate locations and is appropriately serviced.
- 3.3.6 An assessment of the proposal against these specific policies is contained in Section 6 of this report.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Flood Risk Management Section)** – have no objection to the proposed development subject to conditions and advisory notes in relation to SUDs, flood risk assessment and protection of the existing underground culvert.
Response: Appropriate conditions and advisory notes will be added to any consent issued.
- 4.2 **Scottish Water** – have no objections to the proposed development.
Response: Notwithstanding this, a condition would be attached to any consent issued requiring the applicants to provide written confirmation that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards, prior to commencement of works on site.
- 4.3 **Strathclyde Partnership for Transport** - have no objections to the proposed development.
Response: Noted.
- 4.4 **Transport Scotland** – have no objections to the proposed development.

Response: Noted.

- 4.5 **Roads and Transportation Services (Development Management)** – have no objections to the proposal subject to conditions being attached in respect of sightlines, parking provision, surface water drainage, surfacing, road cleaning, turning areas construction parking.

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

- 4.6 **Environmental Services** – no objections subject to conditions and advisory notes in relation to noise impact for the proposed dwellings including the submission of a glazing specification, vibration survey, contamination control measures, waste storage and dust mitigation and control.

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

- 4.7 **Housing Resources** – Raised no objections to the proposed development and confirmed that the site is identified in the Strategic Housing Investment Plan (SHIP) for delivery of affordable homes over 2018/19 and that the housing would be for social rent by Clyde Valley Housing Association through the common housing register homefinder.

Response: Noted.

- 4.8 **National Grid** – no response to date.

- 4.9 **SP Energy Network** – No response to date, however, under a recent previous planning application for this site SP Distribution Ltd was satisfied that their requirements in relation to their existing apparatus within the development would be met.

Response: Noted.

5 Representation(s)

- 5.1 Statutory notification was undertaken and the proposals advertised in the local press for Non-Notification of Neighbours. Following this, one letter of representation was received. The issues raised in this representation can be summarised as follows:

- a) **The proposed development will lead to children coming through to Merlin Wynd and Lancaster Crescent to use the play area as there are no play areas proposed in the new development.**

Response: Openspace is included within the development site, however, the proposed development is being provided by Clyde Valley Housing Association, operators of the neighbouring residential area, which has existing play area provision. It was not considered necessary to provide additional formal play facilities in the proposed development when facilities already exist on the adjoining development.

- b) **The proposed footpath linking the new development to the existing residential development at Merlin Wynd and Lancaster Crescent is through a car park and will lead to antisocial behaviour by teenagers.**

Response: It is considered beneficial to link the proposed housing to the existing development to provide a wider range of open space and pedestrian routes through both developments. Antisocial behaviour is not a relevant planning matter.

- c) **The development will lead to road safety issues with children crossing from the new development through Merlin Wynd / Lancaster Crescent to the**

Barratt housing development and Aldi store being constructed on the west of Mavor Avenue

Response: Roads and Transportation Services raised no objections to the proposed access and parking proposed for the proposed development.

- 5.3 This letter has been copied and is available for inspection in the usual manner and on the planning portal.

6 Assessment and Conclusions

- 6.1 The applicants propose to develop 43 residential units, comprising 3 three storey flatted blocks containing 27 flats and 16 two storey terraced and semi-detached dwellings. The main determining issues in assessing this proposal are whether it accords with local plan policy, its impact on amenity and road safety matters.
- 6.2 In terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, planning applications have to be determined in accordance with the development plan unless other material considerations indicate otherwise.
- 6.3 Scottish Planning Policy (SPP) highlights that development proposals which accord with up-to-date plans should be considered acceptable in principle. The site is identified within the adopted South Lanarkshire Local Development Plan as being within the Development Framework Site and, therefore, raises no issues in this regard. It is, therefore, considered that the proposal is in accordance with national planning policy.
- 6.4 With regard to the adopted South Lanarkshire Local Development Plan (2015) (SLLDP) and associated Supplementary Guidance (SG), the application site, as stated above, is identified as being a Development Framework Site. Residential development of this site for Affordable Housing would be acceptable with the aims and objectives of the South Lanarkshire Local Development Plan and Policy 1 (Spatial Strategy).
- 6.5 Policy 4 (Development Management and Placemaking) seeks to ensure that development takes account of and is integrated with the local context and built form. Proposals should have no significant adverse impacts on the local community and include, where appropriate, measures to enhance the environment. Given the location and nature of the site and proposed development, the proposed development is considered to be acceptable and unlikely to result in any significant adverse impacts. The proposed development is considered to be consistent with Policy 4 of the SDLLP and with the policy guidance set out within the associated Supplementary Guidance Development Management, Placemaking and Design.
- 6.6 Policy 13 (Affordable Housing and Housing Choice) seeks to ensure the provision of a range of house size and types to give greater choice in meeting the needs of the local community. This proposal is to develop a range of residential units for social rent by Clyde Valley Housing Association, a Registered Social Landlord RSL, to meet the needs for affordable Housing in the East Kilbride area. The site is included within the Strategic Housing Investment Plan (SHIP). The proposed development is considered to be consistent with Policy 13 of the SDLLP and with the policy guidance set out within the associated Supplementary Guidance Affordable Housing and Housing Choice.
- 6.7 With regard to road safety, Policy 16 - Travel and Transport - requires all new development proposals to consider the resulting impacts of traffic growth. The site has been fully assessed by Roads and Transportation Services who have offered no

objections, subject to conditions. The proposal can, therefore, be considered acceptable in transportation terms.

- 6.8 Given the site's location, it is considered that the site can be appropriately serviced in terms of water and sewerage. No objections have been received from consultees in this regard. The site has been assessed by the Council's Flood Risk Management Team who are satisfied, subject to a number of conditions in relation to the detailed submission and implementation of a Sustainable Drainage Design. The proposal is, therefore, acceptable when assessed against Policy 17 - Water Environment and Flooding of the SLLDP and Policies SDCC 2 - Flood Risk, SDCC 3 - Sustainable Drainage Systems, SDCC 4 - Water Supply Policy and SDCC 5 - Foul Drainage and Sewerage of the Sustainable Development and Climate Change SG (December 2014).
- 6.9 The Council's adopted policy on Community Infrastructure Assessment (Policy 5) advises that a financial contribution from the developer will be sought where it is considered that a development requires capital or other works or facilities to enable the development to proceed. As the proposed development is to provide affordable housing it is not considered appropriate to require any financial contributions in respect of this development.
- 6.10 One letter of representation was received in respect of the proposal which has been addressed in Section 5 above. The requirements of the statutory consultees have been addressed through the use of conditions, where appropriate.
- 6.11 In summary, it is considered that the amended proposal conforms to both national and local plan policy and that the proposal raises no significant environmental or infrastructure issues. Clearly, the positive redevelopment of this site to provide affordable housing in the East Kilbride area is welcomed. Following a full and detailed assessment of the proposed development, it is considered that the proposed development is in accordance with the South Lanarkshire Local Development Plan and associated Supplementary Guidance and on that basis, it is recommended that planning permission is granted.

7 Reasons for Decision

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

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 11 May 2018

Previous references

- ◆ Planning Consent EK/08/0203
- ◆ Planning Application EK/12/0250

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Neighbour notification letter dated 3 March 2018

► Consultations	
Env Services Econsult	24.04.2018
Housing HQ	07.03.2018
RT Flood Risk Management Section	16.04.2018 14/05/2018
Roads Development Management Team	29.03.2018 03.05.2018 09/05/2018
Scottish Water	19.03.2018
SPT	08.03.2018
Transport Scotland	14.03.2018
► Representations	
	Dated:
Joanne McGuinness, 11 Lancaster Crescent, East Kilbride, Glasgow, South Lanarkshire, G74 4XS	27.03.2018

Contact for further information

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

Morag Neill, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
 Phone: 01698 455053
 Email: morag.neill@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/18/0169

Conditions and reasons

01. That before any work commences on the site , a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:
- (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development;
 - (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees;
 - (c) details of any top-soiling or other treatment to the ground;
 - (d) sections and other necessary details of any mounding, earthworks and hard landscaping;
 - (e) proposals for the initial and future maintenance of the landscaped areas;
 - (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

Reason: To ensure the appropriate provision of landscaping within the site.

02. That prior to the completion of the development hereby approved, the maintenance and management scheme approved under the terms of Condition shall be in operation.

Reason: To safeguard the amenity of the area.

03. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.

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

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

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

05. 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 4, shall be erected and thereafter maintained to the satisfaction of the Council.

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

06. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Amendment Order 2011 (or any such order revoking or re-enacting that order), no development shall take place within the curtilage of the application site other than that expressly authorised by this permission

without the submission of a further planning application to the Council as Planning Authority.

Reason: In order to retain effective planning control

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

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

08. Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

Reason: To minimise the risk of nuisance from dust to nearby occupants.

09. That prior to the commencement of development a plan identifying the location of plots where the noise attenuation glazing,

4-18-6.4 toughened Planitherm/laminated 18mm spacers argon gas fill both sides
4-20-4 Planitherm/laminated 20mm spacers argon filled gas both sides will be installed shall be submitted to and approved by the Council as Planning Authority.

Reason: To protect local residents from noise nuisance

10. That before any dwellinghouse hereby approved is occupied the noise attenuation glazing required under Condition 9 above, shall be fully installed to the satisfaction of the Council as Planning Authority.

Reason: To protect local residents from noise nuisance.

11. No piling works shall be carried out until a Vibration Survey Report has been submitted to and approved in writing by the Council as Planning Authority. This report shall incorporate the predicted Vibration Dose Values when resilient pads are installed in the foundations and details of any necessary attenuation to be incorporated during the construction process, all as prescribed in British Standard BS 6427:2008 - Guide to evaluation of human exposure to vibration in buildings (1-80 Hz).

Reason: To minimise noise, vibration and disturbance to neighbouring residents/occupants during construction.

12. All piling works on the site shall be carried out strictly in accordance with the findings of the Vibration Survey Report required and approved under Condition 11 above to the satisfaction of the Council as Planning Authority.

Reason: To minimise noise, vibration and disturbance to neighbouring residents/occupants during construction.

13. A 600mm capping layer shall be laid down in all gardens and soft landscaped areas. The lower part of the capping layer shall comprise of a 150mm thick anti dig layer of crushed stone or concrete or other suitably robust geotextile membrane to the satisfaction of the Council as Planning Authority.

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

14. That before the development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

15. That before the development hereby approved is completed or brought into use, a pedestrian visibility splay of 2.4 metres by 2.4 metres measured from the heel of the footway shall be provided on both sides of all driveways and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of public safety.

16. That before the development hereby approved is completed or brought into use, a private vehicular access or driveway of at least 6 metres in length shall be provided and the first 2 metres of this access from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.

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

17. The surface of driveways and parking areas shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the road.

Reason: In the interests of traffic safety and to prevent deleterious material entering the road.

18. A suitable system of site drainage should be put in place within the site to prevent surface water flowing onto the public road to the satisfaction of the Council as Planning Authority.

Reason: In the interests of traffic and public safety

19. Appropriate cleaning systems should be put in place within the site to ensure mud and debris is not deposited on the public road to the satisfaction of the Council as Planning Authority.

Reason: In the interests of traffic and public safety

20. The existing footway on Mavor Avenue, along the frontage of the site, including kerbing, requires to be resurfaced by the applicant as required by and to the satisfaction of the Council as Planning Authority.

Reason: In the interests of traffic and public safety

21. The developer must ensure at all times that no construction vehicles or staff vehicles are parked on Mavor Avenue or surrounding public roads to the satisfaction of the Council as Planning Authority.

Reason: In the interests of traffic and public safety.

22. That before any works starts a Traffic Management Plan (TMP) for that construction phase with information such as, but not limited to, construction phasing, site deliveries routing/timings, construction compound layout, turning facilities, site car parking for visitors and site operatives and wheel washing facilities shall be submitted to and approved by the Council as Planning Authority. The TMP shall include a Travel Plan element to encourage less reliance on individual private car trips to the site for those personnel involved in construction activities on a routine basis and those attending through the course of site inspections and site meetings. The TMP shall be produced in consultation with the Council's Roads & Transportation Service, Police Scotland and Transport Scotland.

Reason: In the interests of traffic and public safety.

23. The recommendations contained within the approved Traffic Management Plan shall be implemented and adhered to at all times. The developer shall notify the Council in writing, as soon as reasonably practical, of any changes in construction activities where these will have an impact on the approved TMP. The developer will consult with the Council, as Roads Authority, together with Police Scotland and Transport Scotland to agree in writing any changes to the TMP, and thereafter adhere to and implement the agreed changes to the satisfaction of the Council as Planning Authority.

Reason: In the interests of traffic and public safety.

24. That no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.

Reason: To ensure the provision of a satisfactory sewerage system.

25. That before works start on the development details of surface water drainage arrangements (including provision of a flood risk assessment, drainage assessment and maintenance responsibilities) have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements (Appendices 1,2,3,4 & 5).

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

26. That the development hereby approved shall not be completed or brought into use until the surface water drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority, under the terms of Condition 25 above.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

27. The area of ground over the underground culvert to the rear of plots 27 to 34 and the flatted block plots 35 to 43 must be kept clear at all times of any obstruction, structures such as garden shed, greenhouses and bin stores, to allow access to maintain the culvert whenever necessary to the satisfaction of the Council as Planning Authority.

Reason: To allow access for maintenance of the culverted watercourse and 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 through the culvert.

28. Prior to development commencing on site, a Construction Method Statement providing technical details of the proposed vibro foundations and demonstrating that construction will not have an adverse impact on the integrity of the existing culvert shall be submitted to and approved 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.

Reason: To ensure the protection of the existing culvert and that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows through the culvert.

29. Prior to development commencing on site, a pre-construction CCTV Condition Survey of the full extent of the existing culvert within the site boundary shall be undertaken, submitted to and approved by the Council as Planning Authority.

Reason: To ensure the protection of the existing culvert and that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows through the culvert.

30. Within one month of completion of the development and prior to any dwellings hereby approved being occupied, a post-construction CCTV Condition Survey of the full extent of the existing culvert within the site boundary shall be undertaken, submitted to and approved by the Council as Planning Authority.

Reason: To ensure the protection of the existing culvert and that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows through the culvert.

31. Prior to development commencing on site, written confirmation that a burden will be placed on properties constructed plots 27 to 34 and the flatted block plots 35 to 43 title deeds establishing that access to the culvert must be kept clear at all times of any obstruction, structures such as garden shed, greenhouses and bin stores shall be submitted to and approved by the Council as Planning Authority.

Reason: To allow access for maintenance of the culverted watercourse and 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 through the culvert.

- 32 Prior to development commencing on site, written confirmation that a wayleave will be established across the line of the culvert within the site boundary to allow access to undertake works if required within property boundaries or any other part of the development that may impinge on the line of the culvert shall be submitted to and approved by the Council as Planning Authority.

Reason: To allow access for maintenance of the culverted watercourse and 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 through the culvert.

P/18/0169

Mavor Avenue East Kilbride



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Scale:
1:5,000
Date:
08/05/2018



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

9

Report to:	Planning Committee
Date of Meeting:	29 May 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/0041
Planning proposal:	Extension to existing factory and provision of onsite car parking provision

1 Summary application information

Application type:	Detailed planning application
Applicant:	Ashgill Electronics
Location:	Block 6 Dunedin Road Larkhall Industrial Estate Larkhall ML9 2QS

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: Kenneth Martin
- ♦ Council Area/Ward: 20 Larkhall
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan**
Policy 1 - Spatial Strategy
Policy 4 - Development Management and Place Making
Policy 7 - Employment
Policy 11 - Economic Development and Regeneration
Policy 16 - Travel and Transport
Policy 17 - Water Environment and Flooding

**South Lanarkshire Local Development Plan:
Supplementary Guidance**

Development Management, Place Making and Design

Policy DM1 - Design

Sustainable Development and Climate Change

Policy SDCC4 - Water Supply

Policy SDCC5 - Foul Drainage and Sewerage

Policy SDCC10 - Sustainable Travel

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads and Transportation Services (Development Management)

Environmental Services

Economic Development

Estate Services

Coal Authority

Planning Application Report

1 Application Site

- 1.1 The application site relates to the existing factory unit, currently trading as Ashgill Electronics, at Block 6, Dunedin Road, Larkhall Industrial Estate. The existing unit sits centrally within the site with parking (for 32 cars) to the north of the building, accessed from Keir Hardie Road, and an area of unused land to the south. Goods access is taken via Dunedin Road.
- 1.2 The site is bound predominately by industrial units and open space, however, residential properties can be found to the north-west beyond Keir Hardie Road.

2 Proposal(s)

- 2.1 The applicants propose the erection of a combined 2 storey and small single storey extension (approximately 1,160 sq.m. in floor area) to the factory. This will be located to the north of the existing factory building on land which is currently used for staff and visitor parking.
- 2.2 The proposed extension will be finished in a manner which is complimentary to the existing building on site. It is anticipated that the extension will allow an approximately 30% (20 persons) increase in employment within the business to a total of 85 staff.
- 2.3 In association with these works, it is intended to provide parking for 67 vehicles within the site. The majority (63 spaces) of which will be accommodated to the south of the building on the area of currently unused land. A further 4 disabled spaces and 20 cycle spaces will be provided adjacent to the main entrance, off Keir Hardie Road.
- 2.4 A Coal Mining Risk Assessment has been submitted in support of the application.

3 Background

3.1 Local Plan Policy

- 3.1.1 In assessment of the application, consideration must be given to the policies contained within the adopted South Lanarkshire Local Development Plan (2015) (SLLDP); and it's associated Supplementary Guidance (SG), the impact on amenity and road safety matters.
- 3.1.2 In land use terms of the SLLDP, the application site is identified as being within an area designated as "Other Employment Land Use Area" (Policy 7 – Employment). Such areas are designated for industrial use, but where there is an increasing element of non-industrial uses present.
- 3.1.3 In addition to these primary designations, a number of other policies within the adopted SLLDP are also considered appropriate to the determination of this application, namely, Policy 1 - Spatial Strategy, Policy 4 - Development Management and Place, Policy 11 - Economic Development and Regeneration, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding.
- 3.1.4 These policies are supported by Supplementary Guidance, which forms part of the Development Plan for South Lanarkshire, including:

- Development Management, Place Making and Design SG

Policy DM 1 - Design

- Sustainable Development and Climate Change SG
SDCC 4 - Water Supply, SDCC 5 - Foul Drainage and Sewerage and Policy
SDCC10 - Sustainable Travel

3.1.5 The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.2 **Relevant Government Advice/Policy**

3.2.1 Scottish Planning Policy (2014) (SPP) highlights that the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision-making and advises that proposals that accord with up-to-date plans should be considered acceptable in principle.

3.3 **Planning Background**

3.3.1 Members will note that applications of this scale would normally be dealt with under delegated powers however the applicant has confirmed that they are a close relative of a member of the Council. The application, therefore, has to be referred to Planning Committee for a decision.

4 **Consultation(s)**

4.1 **Roads and Transportation Services (Development Management)** have advised that they have no adverse comments to make on the proposal.

Response: - Noted.

4.2 **Environmental Services** – have confirmed that they have no objections to the proposal, subject to conditions and/or informatives relative to noise control, dust control, health and safety, demolition and pest control, contamination.

Response: - Appropriately worded conditions can be attached to any consent granted to address the matters raised.

4.3 **Estate Services** – have offered no objections to the proposal.

Response: - Noted.

4.4 **Coal Authority** - have confirmed that the application site falls within the defined Development High Risk Area (DHMA). However, they do not object to the proposal, subject to conditions, on the basis that the proposed factory extension is located outwith the DHRA and the proposed parking area is unlikely to require any substantial earthworks/foundations.

Response: - Appropriately worded conditions can be attached to any consent granted to address the matters raised.

4.5 **Economic Development** – have offered no response.

Response: - Noted.

5 **Representation(s)**

5.1 Statutory neighbour notification was undertaken and the application was advertised in the Hamilton Advertiser due to the non-notification of neighbouring properties. No letters of representation were received in response to these processes.

6 **Assessment and Conclusions**

6.1 In terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, planning applications have to be determined in accordance with the development plan unless other material considerations indicate otherwise. Additionally, Scottish

Planning Policy highlights that, where a proposal accords with up-to-date development plans, it should be considered acceptable in principle.

- 6.2 The determining issues, therefore, in consideration of this application are its compliance with local plan policy and its impact on the amenity of adjacent properties and the area within which it is located.
- 6.3 The application site lies within an area designated as industrial in the adopted South Lanarkshire Local Development Plan (SLLDP) and it is proposed to extend the existing factory unit which will increase employment opportunities within the area.
- 6.4 In land use terms, the proposal raises no issues in terms of Policy 7 – Employment which identifies the industrial estate as an “Other Employment Land Use Area” designated for industrial use but where there is an increasing element of non-industrial uses present. Furthermore, the proposal is considered to accord with Policies 1 - Spatial Strategy and 11 - Economic Development and Regeneration which support activities that maximise economic growth.
- 6.5 In addition to the above, the application site is noted as being affected by a number of other applicable policies within the adopted SLLDP and its Supplementary Guidance. In assessing the proposal against the requirements of these policies, it is considered acceptable.
- 6.6 In terms of the detailed design of the development, it is considered that the proposal raises no significant concerns. The proposed extension has been designed in a manner which complements the existing building on site and, given its relationship, will not result in an adverse impact on the amenity of adjacent properties. The proposal, therefore, complies with Policies 4 - Development Management and Place Making and DM1 – Design of the SLLDP.
- 6.7 The site lies within an established industrial estate and is, therefore, capable of being served in terms of water and sewerage provision. On this basis, it is considered that the proposal accords with Policies 17 - Water Environment and Flooding, SDCC4 - Water Supply and SDCC5 - Foul Drainage and Sewerage.
- 6.8 It is noted that the application proposes an increase of on-site parking provision to accommodate the proposed staffing levels. However, the proposal may also be considered to be in compliance with the requirements of Policies 16 - Travel and Transport and SDCC10 - Sustainable Travel which seek to provide viable and attractive alternatives to car travel as the applicants have included the introduction of bicycle parking provision within the new parking provision.
- 6.9 No specific concerns, subject to conditions, have been raised by the various consultees. Any requirements can be addressed through the use of conditions/informatives, where appropriate. No third party representations were received in respect of the proposal.
- 6.10 In summary, the applicants propose to extend their existing factory within an established industrial area in Larkhall. It represents further investment, and increased employment opportunities, in the industrial estate and should help enable the continued success of a long established business and for the site to remain occupied. The proposal will have no material impact upon the visual amenity of the surrounding area.
- 6.11 On the basis of the above assessment, it is considered that the scheme is capable of being developed, subject to conditions, without conflict with the general requirements

of the applicable policies and guidance. Furthermore, the proposal raises no new amenity, overlooking or road safety concerns. I would, therefore, raise no objection to the proposal and recommend that planning permission be granted subject to the conditions listed.

7 Reasons for Decision

- 7.1 The proposal will have no adverse impact on residential or visual amenity and raises no road safety concerns and will bring back the building into beneficial use. The proposal complies with the applicable provisions of the South Lanarkshire Local Development Plan (adopted 2015) namely Policy 1 - Spatial Strategy, Policy 4 - Development Management and Placemaking, Policy 7 – Employment, Policy 11 - Economic Development and Regeneration, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding. In addition the proposal accords with the relevant Development Plan Supplementary Guidance (Policies DM1 – Design, SDCC4 - Water Supply, SDCC5 - Foul Drainage and Sewerage, SDCC10 - Sustainable Travel. There are no other planning aspects that are material to the assessment and determination of this application.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

10 May 2018

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (2015)(adopted)
- ▶ South Lanarkshire Local Development Plan – Supplementary Guidance
- ▶ Neighbour notification letter dated 09/04/2018
- ▶ Newspaper Advertisement dated 12/04/2018

- ▶ Consultations
 - Roads Development Management Team 10.05.2018
 - Coal Authority Planning Local Authority Liaison Dept 27.03.2018
 - Environmental Services 26.04.2018
 - Estates Services - Housing And Technical Resources 11.04.2018

- ▶ Representations Dated:
 - None

Contact for further information

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

James Watters, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Ext: 4970 Phone (01698 454970)

Email: james.watters@southlanarkshire.gov.uk

Conditions and reasons

1. That the facing materials to be used for the external walls and roof of the extension hereby approved shall match in colour and texture those of the existing adjoining building on the site to the satisfaction of the Council as Planning Authority.

Reason: To ensure satisfactory integration of the proposed development with the existing building both in terms of design and materials.

2. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.

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

3. That before the development hereby approved is completed or brought into use, all of the parking spaces shown on the Drawing no.: 17-071 GA 001 rev. B shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

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

4. Development shall not commence until details of surface finishes to all parking and manoeuvring areas has been submitted for the consideration and written approval of the Council as Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Council as Planning Authority.

Reason: To retain effective planning control.

5. Between the hours of 0800 and 2000 the measured noise level emitted from the premises (LAeq (1hour)) shall not exceed the pre-existing background noise level (LA90(1/2hour)) by more than 4dB (A) when measured in accordance with BS4142: 2014 at buildings where people are likely to be affected.

Between the hours of 2000 and 0800 the noise emitted from the premises (LAeq (5mins)) shall not exceed the pre-existing background noise level (L A90 (1/2hour)) by more than 4dB(A) when measured in accordance with BS4142:2014 at buildings where people are likely to be affected.

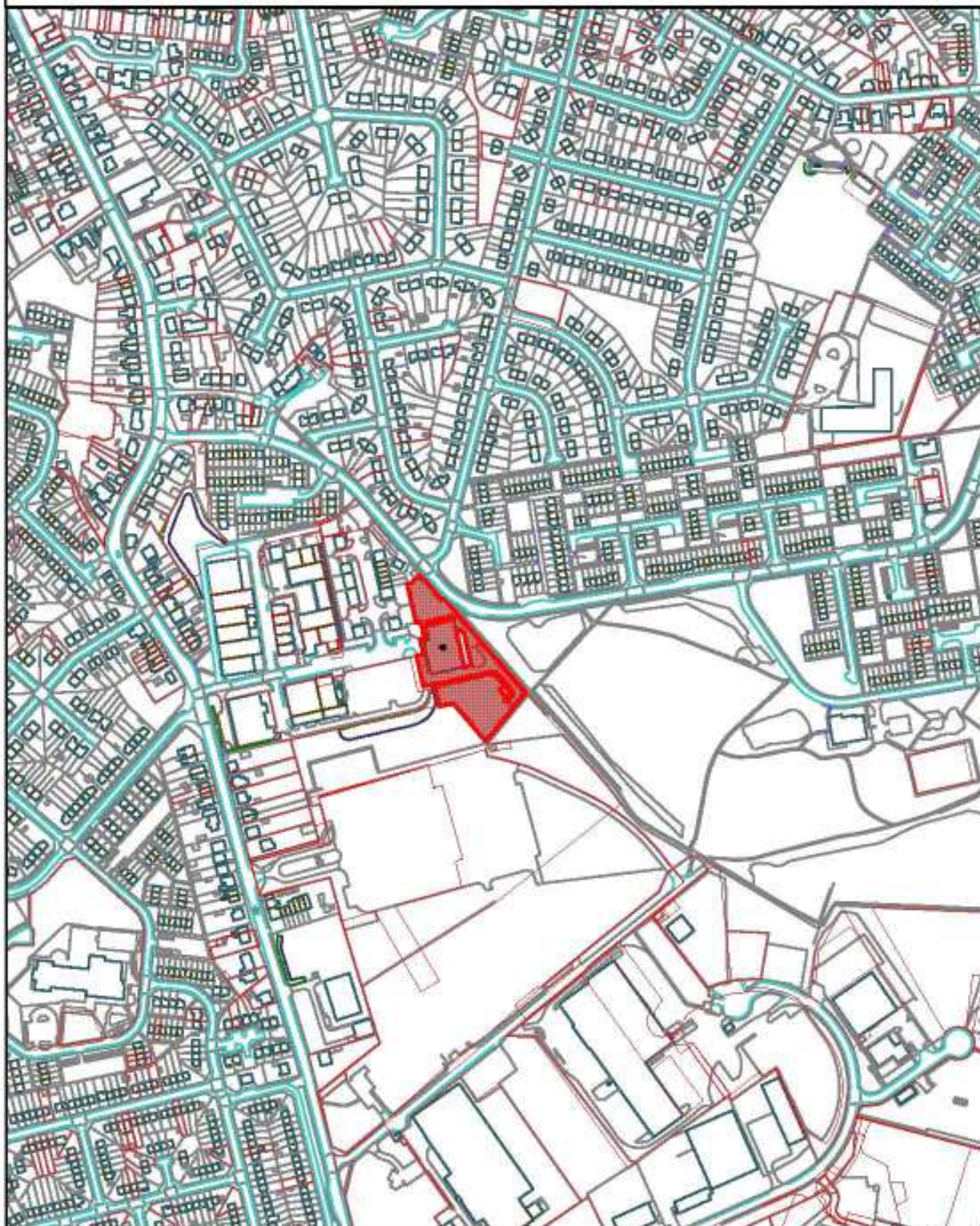
Reason: To minimise noise disturbance to adjacent occupants.

6. Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

Reason: To minimise the risk of nuisance from dust to nearby occupants.

P/18/0041

Larkhall Industrial Estate



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Scale:
1:5,000
Date:
08/05/2018



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

10

Report to:	Planning Committee
Date of Meeting:	29 May 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	EK/17/0321
Planning proposal:	Construction of four arm roundabout and associated works to provide access to the proposed Community Growth Area (EK/11/0202)

1 Summary application information

Application type:	Detailed planning application
Applicant:	BMJ Property Limited
Location:	Site Off Eaglesham Road Jackton 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: Ica
- ♦ Council Area/Ward: 09 East Kilbride West
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**

Policy 1 – Spatial Strategy
Policy 4 – Development Management and Place Making
Policy 12 – Housing land
Policy 14 – Green network and greenspace

Supplementary Guidance
Development Management, Place Making and Design
Green Network and Greenspaces

♦ Representation(s):

▶	2	Objection Letters
▶	0	Support Letters



◆ **Consultation(s):**

Jackton And Thorntonhall Community Council

Roads Development Management Team

SEPA

SP Energy Network

Countryside And Greenspace

Environmental Services E-consult

RT Flood Risk Management Section

National Grid UK Transmission

Scottish Water

East Renfrewshire Council

Planning Application Report

1 Application Site

- 1.1 The applicant seeks detailed planning permission for the construction of a four arm roundabout to serve part of the East Kilbride Community Growth Area (CGA) covered by planning application EK/11/0202. This application has previously been approved at planning committee (March 2012), subject to conclusion of a legal agreement. To date, a legal agreement has not been concluded and as such the planning permission decision notice has not been issued. The application was for a residential development of approximately 400 houses and included an indicative masterplan.
- 1.2 The application site for the proposed roundabout lies immediately north of Eaglesham Road and south of the village of Jackton. The application site is primarily agricultural grazing land but also includes Eaglesham Road and associated hedgerows. To the northeast of the site lies a small watercourse. The larger part of the CGA (planning application EK/09/0218) lies to the east of Eaglesham Road and covers over 100 hectares between Eaglesham Road and Newlands Road. This development is for approximately 1950 dwellings and associated uses, including a primary school and small scale retail/commercial provision.

2 Proposal(s)

- 2.1 The proposal relates to part of the infrastructure to support the delivery of approximately 400 houses currently proposed as part of the masterplan to support planning application EK/11/0202. This originally submitted masterplan included a secondary vehicle access point between the village of Jackton and Ocean Drive, to the north. The proposed roundabout is designed to accommodate all vehicle traffic for this part of the CGA, therefore removing the requirement for the secondary vehicle access point. The applicant has stated that a pedestrian connection immediately north of Jackton will be provided to allow future residents of the CGA direct access to Eaglesham Road on the north side of Jackton. A revised masterplan layout has been submitted incorporating the above proposed amendments.
- 2.2 The application site covers the proposed roundabout, in addition to four arms, two of which connect into the existing road layout on Eaglesham Road and two that connect to future housing areas. Due to the size and position of the roundabout, the centre of the proposed roundabout lies approximately 45 metres north of Eaglesham Road, resulting in approximately 90 metres of Eaglesham Road being proposed as downgraded from vehicular use to pedestrian and cycle use only. The application site area is approximately 2 hectares. The submitted plans also show provision for a right turn lane into Jackton Road, as shown on the masterplan for the wider CGA housing development. In this regard, the applicant has advised that co-ordination with the relevant land owners/developers involved in the larger part of the CGA will take place in relation to this matter.

3 Background

3.1 Strategic Development Plan Background

- 3.1.1 The strategic policy direction for the release of the Community Growth Area is provided by the Approved Strategic Development Plan (May 2012). Strategy Support Measure 1 relates to delivery of the spatial development priorities, which includes community growth areas.

3.2 **Local Plan Status**

- 3.2.1 In land use terms, the site is identified within the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) as forming part of the identified East Kilbride Community Growth Area (Policy 1 Spatial Strategy) and is allocated as a Proposed Housing Site (Policy 12 Housing Land). Appendix 3 (Development priorities), relative to Policy 1, sets out general requirements for the site.
- 3.2.2 In addition to the above policy designation, which provides the overarching local plan policy direction for this area of East Kilbride, the site is also covered by a green network designation, as set out by policy 14 (Green network and greenspace). This policy designation covers the whole of the CGA area and reflects the aspiration for green networks to be incorporated into future developments. Policy 4 (Development management and placemaking) is also relevant in terms of general design, safety and amenity considerations.
- 3.2.3 A full assessment of the proposal against these specific policies is contained in Section 6 of this report.

3.3 **Planning Background**

- 3.3.1 Planning application EK/11/0202 was approved at planning committee (March 2012), subject to conclusion of a legal agreement. The legal agreement has not been concluded to date, therefore, no decision notice has been issued. As the application site for the proposed roundabout covers an area of 2 hectares, formal pre-application consultation was undertaken by the applicant and the required pre-application consultation report was submitted to support this application.

4 **Consultation(s)**

- 4.1 **Roads Development Management Team** – following discussions with the applicant and submission of additional details, there are no objections, subject to compliance with conditions and roads construction consent requirements.
Response: Noted. Appropriate conditions and advisory notes can be added to any consent granted.
- 4.2 **RT Flood Risk Management Section** – have no objections, subject to the applicants satisfying the Council's design criteria and conditions relating to Sustainable Urban Drainage Systems and flood risk.
Response: Noted. Appropriate conditions can be attached to any consent granted.
- 4.3 **Environmental Services** – have no objections.
Response: Noted.
- 4.4 **Countryside and Greenspace** – have provided comment on pedestrian and cycle connections between the proposed roundabout and the existing network. There is also an opportunity for some landscape treatment in and around the roundabout.
Response: Noted. The applicant is aware of the requirements for appropriate pedestrian connections. Planning conditions can be imposed to ensure that detailed plans on connections and landscaping are submitted for approval.
- 4.5 **SEPA** – have no objections.
Response: Noted
- 4.6 **Scottish Water** – have no objections.
Response: Noted.

- 4.7 **SP Energy Networks** – have no objections.
Response: Noted.
- 4.8 **National Grid UK Transmission** – have not commented to date.
Response: Noted.
- 4.9 **East Renfrewshire Council** – have not commented to date.
Response: Noted
- 4.10 **Jackton and Thorntonhall Community Council** – An offset roundabout of the type proposed is an inappropriate junction between a major and a minor road. Roundabouts have been demonstrated to be environmentally unsound due to the fuel wasted by vehicles needlessly braking and accelerating. The proposed position of the roundabout would not give sufficient room for a suitably sized central core. Roundabouts of this type are not well suited to pedestrian crossings. The present location of the junction does not correspond with the proposed junction between the southern CGA and Eaglesham Road. Eaglesham Road would have four junctions in the space of half a mile.
Response: Noted. The proposed roundabout is to replace the originally planned junction to serve the northern part of the CGA (EK/11/0202). Furthermore, as stated above, the roundabout will remove the requirement for a further vehicle access connection from the CGA to Eaglesham Road. The principle of a roundabout in this location is considered acceptable in visual and environmental terms. Roads and Transportation Services are satisfied that the proposal will not inhibit traffic flow and that appropriate pedestrian and cycle connection can be achieved to ensure that sustainable travel options are not discouraged by the introduction of this roundabout.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the East Kilbride News. Three letters of representation have been received in respect of the proposal. The grounds of objection can be summarised as follow.
- a) **Concerns over potential impacts on flora and fauna. Any planting should encourage wildlife.**
Response: It is considered that the proposal will not result in the loss of any habitats or features of significant biodiversity value. A planning condition can be imposed requiring submission and approval of landscaping details.
- b) **The location of the proposed roundabout is unsuitable because it is the centre of the hamlet of Jackton.**
Response: It is noted that the proposed roundabout lies to the south-west of Jackton, i.e. before entering the village when travelling from Eaglesham. While it is noted that the roundabout will have a substantial visual presence, it is considered that, given the proposed change to the area resulting from the CGA, in this context, the roundabout will not have a significant adverse impact on the character of the area. Furthermore, the off-set position of the roundabout, to the north of the current Eaglesham Road, will mean that the roundabout will be partially screened by future housing and existing properties on Eaglesham Road.
- c) **The proposed roundabout is too close to the junction with Jackton Road, Hayhill Road and the brow of a hill. It is also too close to a further roundabout proposed as part of application EK/17/0321. These factors all result in traffic hazards.**

Response: Roads and Transportation Services have confirmed that there is no objection to the position of the roundabout in road safety terms.

- d) **The proposed roundabout represents a piecemeal approach because it serves only a fraction of the south side of the CGA. It also duplicates the feeder road from Jackton Road to the Cala houses.**

Response: The proposed roundabout is designed to be the sole vehicle access to the CGA area north of Eaglesham Road (EK/11/0202). Roads and Transportation Services have no objections subject to conditions.

- e) **The preferable solution would be for one new roundabout to serve the north and south of the CGA. The location would be better and safer located in the vicinity of the Police College.**

Response: Roads and Transportation Services are satisfied that the proposed arrangements for roads infrastructure to serve the CGA as a whole are acceptable.

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

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning permission for construction of a four arm roundabout and associated works to provide access to part of the East Kilbride CGA covered by planning application EK/11/0202. The determining issues that require to be addressed in respect of this application are its compliance with local plan policy, including any impact on the surrounding residential environment and its impact on road and access issues.
- 6.2 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all planning applications are determined in accordance with the development plan, unless other material considerations indicate otherwise. The main determining issues, therefore, in the assessment of this application are whether the proposed development is in compliance with local plan policy.
- 6.3 The adopted South Lanarkshire Local Development Plan 2015 (SLLDP) identifies the site, in land use terms, as being within a community growth area (as defined by Policy 1 – Spatial Strategy). The site is also allocated as proposed housing land (Policy 12 – Housing land) to reflect the designation as a CGA. To support the proposed roundabout, the applicant has provided an update to the proposed masterplan for EK/11/0202 to show the proposal in context with the proposed residential development and surrounding road infrastructure. Of particular relevance in this regard is the removal of a secondary vehicle connection point to Eaglesham Road to the north of Jackton. Roads and Transportation Services have confirmed that the proposed roundabout design is sufficient to support the proposed level of house building associated with EK/11/0202.
- 6.4 In terms of the detail of the proposal, Policy 4 of the SLLDP states that all planning applications should take fully into account the local context and built form. Furthermore, any proposal should not result in significant adverse environmental or amenity impacts. In this regard, it is noted that the proposal takes into account the requirement for adequate pedestrian and cycle connections to encourage sustainable travel. Further, there is scope to provide landscaping to soften the appearance of the roundabout given the site context, close to the edge of the settlement. In terms of potential amenity impacts, it is noted that the proposed roundabout is not positioned in close proximity to any existing residential properties and as such, the proposal is

considered acceptable in amenity terms. Furthermore, it is noted that there are no objections from Environmental Services. The application site also lies in an area designated as green network, where policy 14 (Green network and greenspace) of the SLLDP applies. In this regard, while it is noted that the proposed roundabout takes up more space than the originally proposed junction within the masterplan, given the opportunity for incorporating pedestrian/cycle connections and landscaping into the design, it is considered that there will not be a significant change to the proposed quality or volume of green network on this part of the proposed CGA.

- 6.5 It is noted that none of the consultees have raised any issues that cannot be addressed through the use of planning conditions or informatives attached to any planning consent, however three letters of objection have been received. The grounds of objection have been considered in detail in Section 5 of the report and it is considered that the issues raised can be dealt with by planning conditions/informatives or would not merit refusal of this planning application.
- 6.6 In summary, it is noted that the proposed roundabout is designed to support the delivery of part of the East Kilbride CGA, which is a development priority for the Council, as detailed in policy 1 of the SLLDP. Furthermore, given that the proposal will not result in adverse amenity or safety impacts, it is considered that the proposed development is in compliance with policies 4, and 14 of the SLLDP, as detailed above. It is therefore recommend that planning permission is granted, subject to the attached conditions.

7 Reasons for Decision

- 7.1 The proposal will have no significant adverse impact on amenity or public safety and complies with the provisions of Policies 1, 4, 12 and 14 of the South Lanarkshire Local Development Plan 2015 and associated Supplementary Guidance.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

17 May 2018

Previous references

- ◆ EK/17/X0203/NEW

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Neighbour notification letter dated 15/09/2017

- ▶ Consultations
 - Jackton And Thorntonhall Community Council 03.10.2017
 - Roads Development Management Team 18.05.2018
 - SEPA 08.11.2017
 - SP Energy Network 28.09.2017
 - Countryside And Greenspace 03.10.2017
 - Environmental Services E-consult 21.09.2017

RT Flood Risk Management Section

04.10.2017

Scottish Water

27.09.2017

►	Representations	Dated:
	Alex and Claire Marr, Little PSRK House, Jackton, G75 8RR	03.10.2017
	Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS	03.10.2017
	James Barclay, Little Park Cottage, Jackton, G75 8RR	05.10.2017

Contact for further information

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

Alan Pepler, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Ext: 5052 Phone: (01698 455052)

Email: alan.pepler@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: EK/17/0321

Conditions and reasons

1. That prior to the start of development, details of proposed hard and soft landscaping associated with the development (including any proposed removal of hedgerows) shall be submitted to and approved in writing by the Planning Authority.

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

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 completion of the development hereby approved, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

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

3. That notwithstanding the plans hereby approved, no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

4. That notwithstanding the approved plans, prior to the commencement of development on site, details of the provision of flood prevention works, together with subsequent management and maintenance arrangements shall be submitted to and approved by the Council as Planning Authority. The works will require to comply with the Council's Sustainable Drainage Design Criteria and requirements. Any required works shall thereafter be implemented prior to the completion of the roundabout.

Reason: 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.

5. That notwithstanding the plans hereby approved, prior to the commencement of development on the site, revised plans detailing proposed footway/cycle routes serving the roundabout and connecting to existing infrastructure shall be submitted to and approved in writing by the Planning Authority.

Reason: For the avoidance of doubt and in the interests of encouraging sustainable travel modes.

6. That notwithstanding the plans hereby approved and unless otherwise agreed in writing with the Planning Authority, prior to the commencement of development,

details of existing and proposed levels, including sections where appropriate, shall be submitted to and approved in writing by the Planning Authority.

Reason: For the avoidance of doubt as these details have not been submitted and in the interests of visual amenity.

7. That no part of the development hereby permitted shall begin until a construction management plan has been submitted to and approved in writing by the Planning Authority. This should include a phasing programme, locations of the site office(s), turning areas compounds including position of power generators, storage and parking areas, routing of vehicles, wheel washing facilities, and fencing. Thereafter, the works shall be implemented in accordance with the approved construction management plan.

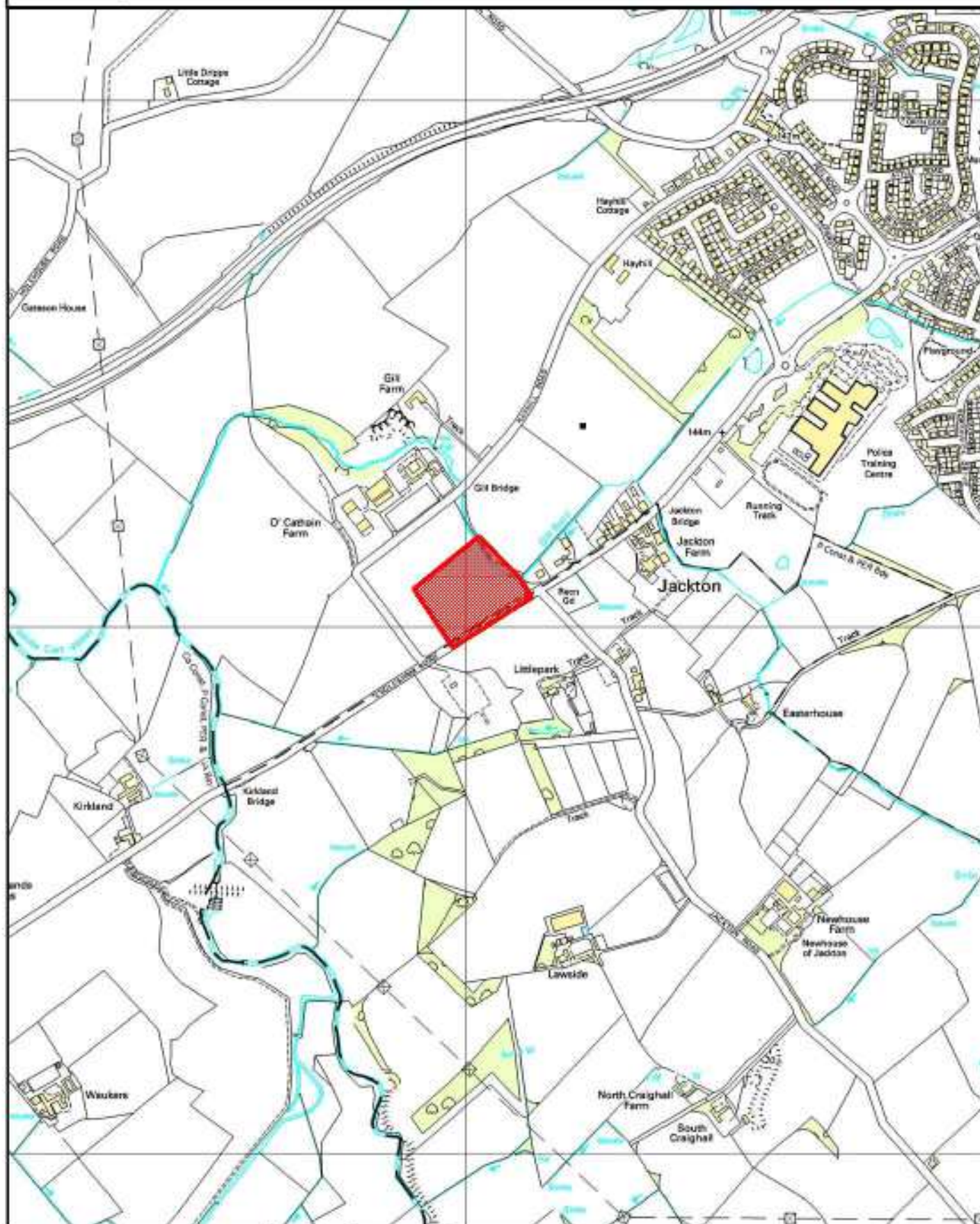
Reason: To ensure that local amenity is protected during the duration of construction operations.

8. That notwithstanding the plans hereby approved and unless otherwise agreed in writing with the Planning Authority the roundabout and all associated works shall be designed and constructed in accordance with the Design Manual for Roads and Bridges.

Reason: For the avoidance of doubt and in the interests of road safety.

9. That notwithstanding the plans hereby approved and unless otherwise agreed in writing with the Planning Authority, each arm of the proposed roundabout shall be a minimum of 7.3m wide with a 2m wide footway on either side.

Reason: For the avoidance of doubt and in the interests of road safety.



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Scale:
1:10,000
Date:
08/05/2018



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

11

Report to:	Planning Committee
Date of Meeting:	29 May 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/0220
Planning proposal:	Application for Approval of Matters Specified in Conditions Numbered 8 and 9 (Bus Service Strategy) and 13 (Scottish Water Approval) of Planning Permission in Principle Consent HM/10/0052

1 Summary application information

Application type:	Detailed planning application
Applicant:	Stewart Milne Homes
Location:	Land At Brackenhill Farm Meikle Earnock Road Hamilton

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: N/A
- ♦ Council Area/Ward: 18 Hamilton West And Earnock
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan**
Policy 1 - Spatial Strategy
Policy 4 - Development Management and Place Making
Policy 12 - Housing Land
Policy 17 - Water Environment and Flooding

South Lanarkshire Local Development Plan: Supplementary Guidance
Sustainable Development and Climate Change
Policy SDCC3 - Sustainable Drainage Systems
Policy SDCC4 - Water Supply
Policy SDCC5 - Foul Drainage and Sewerage
Policy SDCC10 – Sustainable Transport

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads & Transportation Services (Development Management Team)

Roads & Transportation Services (Flood Risk Management)

Scottish Water

SEPA

Planning Application Report

1 Application Site

- 1.1 The application relates to an area of land which is currently being redeveloped for residential purposes in connection with the delivery of the Hamilton Community Growth Area. The land was formerly associated with Brackenhill Farm, located to the north of Meikle Earnock Road to the west of Hamilton.
- 1.2 The land surrounding the application site is largely agricultural in character, however, it is noted that these areas form part of the application site for the proposed Hamilton Community Growth Area (Application HM/10/0052 – Planning Permission in Principle) and will also be the subject of future residential development.

2 Proposal(s)

- 2.1 This Matters Specified in Conditions (MSC) application has been submitted to address the terms of specific conditions attached to planning permission in principle application (HM/10/0052) relative to the development of the Hamilton Community Growth Area (HCGA). These conditions relate to the provision of a bus strategy associated with the development (Condition 8 and 9) and confirmation of Scottish Waters permission to connect to their system (Condition 13) and relate solely to the site identified above. Further applications will require to be submitted in respect of the remainder of the HCGA area and the conditions attached to the Permission in Principle approval.
- 2.2 The overall development proposals relate to the delivery of a residential development comprising approximately 118 units (a mix of detached, semi-detached and terraced properties) and associated roads, infrastructure and landscaping, approved in May 2017 (Application HM/16/0022).
- 2.3 In support of the application at Meikle Earnock Road – Bus Service Strategy Report and copies of correspondence from Scottish Water have been submitted.

3 Background

3.1 Local Plan Policy

- 3.1.1 In determining planning applications, the Council must assess the proposed development against the policies contained within the adopted South Lanarkshire Local Development Plan (2015) (SLLDP) and associated Supplementary Guidance (SG) produced in support of the SLLDP. The principle of development of the Hamilton Community Growth Area was established through the approval of HM/10/0052. This approval was consistent with the aims of Policy 1 – Spatial Strategy Policy 4 - Development Management and Place Making and Policy 12 - Housing Land.
- 3.1.2 The nature of the ‘Matters Specified in the Conditions’ which are the subject of this application require assessment against Policy 17 - Water Environment and Flooding of the SLLDP and Policies SDCC3 - Sustainable Drainage Systems, SDCC4 - Water Supply, SDCC5 - Foul Drainage and Sewerage and SDCC10 – Sustainable Transport of its supporting Sustainable Development and Climate Change Supplementary Guidance. The aim of these policies and guidance is to ensure that the development is appropriately serviced.

3.2 Relevant Government Advice/Policy

- 3.2.1 Scottish Planning Policy (2014) (SPP) highlights that the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision-making and advises that proposals that accord with up-to-date plans should be considered acceptable in principle. In terms of residential development, SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements.

3.3 **Planning Background**

- 3.3.1 An application for the Development of Community Growth Area, Comprising Housing, Neighbourhood Centre, Community Facilities, Access Roads, Open Space and Landscaping (Planning in Principle application HM/10/0052) was granted in 2017 following the conclusion of a legal agreement, to ensure that appropriate financial contributions are made at appropriate times during the development towards education provision, roads infrastructure improvements, community facilities, open space/landscaping and recreational provision, affordable housing.
- 3.3.2 A previous MSC application relative to a number of conditions attached to PIP, as they relate to the above site, was approved in May 2017 (Application HM/16/0022). In addition further MSC application have been approved for other sites with the HCGA (Applications HM/16/0486, HM/17/0063 HM/17/0047 and HM/18/0014).

4 **Consultation(s)**

- 4.1 **Roads and Transportation Services (Development Management)** – have advised that they have no objections to the proposal.
Response: Noted.
- 4.2 **Roads and Transportation Services (Flood Risk Management)** – have offered no objections to the proposal.
Response: Noted.
- 4.3 **Scottish Water** – have offered no objections to the proposal.
Response: Noted.
- 4.4 **SEPA** – have offered no objections to the proposal.
Response: Noted.

5 **Representation(s)**

- 5.1 Neighbour notification was undertaken in respect of the application and the proposal advertised in the local press due to the non-neighbour notification of neighbours. No letters of representations were received in response to this process.

6 **Assessment and Conclusions**

- 6.1 The applicants seek, through this “Matters Specified in the Conditions” (MSC) submission, the discharge of specific conditions attached to the “Planning in Principle” approval for the development of the Hamilton CGA. It relates solely to the land at Brackenhill Farm, Meikle Earnock Road, Hamilton and further applications will require to be submitted in respect of the remainder of the HCGA area and the conditions attached to the Permission in Principle approval.
- 6.2 It is noted that the applicants have already secured the discharge of some of the other matters specified in condition through application HM/16/0022. The current MSC application has been submitted to address the terms of a number of remaining

conditions which were not covered by the previous application. Furthermore, other sites within the Hamilton CGA have also been the subject of MSC applications, as they relate to those sites (HM/16/0486, HM/17/0047, HM/17/0063 and HM/18/0014).

6.3 The matters which are the subject of this application relate to:

- Conditions 8 and 9 – relative to the provision of a Bus Service Strategy.
- Condition 13 – relative to Scottish Water's approval for connection to their services.

6.4 Section 25 of the Town and Country Planning (Scotland) Act 1997, requires planning applications to be determined in accordance with the development plan unless other material considerations indicate otherwise. The proposal accords with primary local plan policies as it relates to matters associated with the delivery of an approved residential development within land designated as the Hamilton Community Growth Area in the adopted SLLDP (Policies 1 - Spatial Strategy, 4 - Development Management and Place Making and 12 - Housing Land apply).

6.5 In terms of the specific conditions which are the subject of this application, the policies considered relevant to its assessment are noted at 3.1.2 above. It is considered that sufficient details have been provided in support of the current application to allow for the assessment and determination of this application and these requirements and the matters set out within the relevant conditions.

6.6 The applicant has provided copies of written correspondence from Scottish Water to their consultants confirming that the proposed new water main and sewerage infrastructure complies with their guidelines. In addition, the submitted Bus Strategy report highlights that "there is currently good bus provision found to the north of the development with links to the wider area and beyond" and "that the existing bus facilities are considered to be within a reasonable walking distance for residents". The report notes that both SPT and First Group have noted that there would be no opportunity to serve the initial phase of development at present. However, it is hoped that, as latter phases are developed, the new roads infrastructure and additional households will provide a more feasible environment to support buses serving the Hamilton CGA. To encourage sustainable travel, the report recommends that information provision, such as wayfinding signage be installed and the implementation of bus stops along Meikle Earnock Road to assist in the future implementation of a bus service to serve the community. Such requirements can be conditioned.

6.7 Neighbour notification was undertaken in respect of the application and the proposal advertised in the local press due to the non-neighbour notification of neighbours. No letters of representations were received in response to this process. Furthermore, no objections to the details submitted have been received from the statutory consultees and these can, therefore, be considered acceptable.

6.8 The discharge of the matters specified in the conditions attached to the approval of planning permission in principle for the Hamilton CGA (Application HM/10/0052) will assist in the delivery of a quality housing development in Hamilton and assist the Council in meeting its housing needs.

6.9 In summary, the submitted information satisfies the requirements of the Matters Specified in the Conditions 8, 9 and 13 attached to consent HM/10/0052 and enables the determination of this submission. Additionally, there are no other planning aspects that are material to the assessment and determination of this application.

- 6.10 On the basis of the above assessment, I would, therefore, raise no objection to the application and recommend that planning permission be granted subject to the conditions listed.

7 Reasons for Decision

- 7.1 The submitted information satisfies the requirements of the Matters Specified in the Conditions 8, 9 and 13 attached to application HM/10/0052 and raise no issues with regards to the requirements of applicable policies within the adopted South Lanarkshire Local Development Plan (Policies 1, 4, 12 and 17) and its supporting Supplementary Guidance (Policies SDCC3, SDCC4, SDCC5 and SDCC10). There are no other planning aspects that are material to the assessment and determination of this application.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

17 May 2018

Previous references

- ◆ HM/10/0052
- ◆ HM/16/0022
- ◆ HM/17/0047

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Neighbour notification letter dated 17 April 2018

▶ Consultations

Roads & Transportation Services (Development Management Team)

Roads & Transportation Services (Flood Risk Management Section) 19/04/2018

Scottish Water 13/04/2018

SEPA 17/04/2018

- ▶ Representations
None

Contact for further information

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

James Watters, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Ext: 4970 Phone (01698 454970)

Email: james.watters@southlanarkshire.gov.uk

Detailed planning application

Conditions and reasons

1. That the recommendations within Section 4 of the Meikle Earnock Road, Bus Strategy Technical Note (Jacobs dated 15 August 2017) shall be fully implemented prior to the occupation of any dwellinghouse within the site identified by Drawing No.: ARC-BFH-001 Rev.: D.

Reason: To ensure the provision of an appropriate bus infrastructure.

2. That prior to occupation of the first dwelling, a plan detailing the temporary arrangements to allow buses to turn within the development site shall be submitted to and approved in writing by South Lanarkshire Council as Planning and Roads authority in conjunction with SPT. Thereafter these arrangements will be implemented and maintained relative to each individual phase. Any further amendments to this approved arrangement shall be submitted to and approved in writing by the Council prior to its implementation.

Reason: To ensure the provision of an appropriate bus infrastructure.



Report

12

Report to:	Planning Committee
Date of Meeting:	29 May 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/0214
Planning proposal:	Erection of 60 dwellinghouses with associated infrastructure and landscaping

1 Summary application information

Application type:	Detailed planning application
Applicant:	Cruden Building on Behalf of South Lanarkshire Council
Location:	Former St Leonards Primary School Brancumhall Road Calderwood East Kilbride G74 3YA

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: MAST Architects
- ♦ Council Area/Ward: 10 East Kilbride East
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
POL4- Development management and placemaking
POL6- General urban area/settlements
POL14- Green Network and Greenspace
Development management, placemaking and design supplementary guidance (2015)
DM13- Development within general urban area/settlement

- ♦ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team

Roads Flood Risk Management

Env Services Econsult

Estates Services - Housing And Technical Resources

Countryside And Greenspace

SEPA West Region

Scottish Water

SPT

TRANSCO Plant Location

SP Energy Network

St Leonards Community Council

Planning Application Report

1 Application Site

- 1.1 The application site relates to an area of land adjacent to the new St Leonards Primary School located within St Leonards, an established residential area of East Kilbride. The site, which extends to approximately 2.25 hectares, sits to the south of the new primary school building on the south side of Brancumhall Road. The site was surplus to the Education Service's requirements after the new school and associated play areas and parking facilities were constructed on an alternative local site.
- 1.2 The site is bounded to the south by an area of open space and beyond to the residential area of Glen Esk, to the west by residential flats at Kinross Park, to the east by St Leonards Church and to the north by Brancumhall Road and beyond to existing playing fields and the new St Leonards Primary School campus. The existing access to the old school site is to be utilised from a small roundabout on Brancumhall Road. Pedestrian access to the site from Brancumhall Road is to be maintained. The site is sloping up towards the south and then relatively level where the old school building and playground was previously located.

2 Proposal(s)

- 2.1 The applicant, Cruden Building, on behalf of South Lanarkshire Council, seeks detailed planning consent for the construction of a residential development comprising 60 dwellings with associated infrastructure and landscaping provision. The proposed units would comprise 2, 3 and 4 bedroom units with a mix of thirty six 2-storey, semi-detached and terraced properties, eight bungalows and sixteen cottage flats. The house types proposed would cater for a broad mix of needs and would be made available as social rented properties.
- 2.2 The proposed development would be accessed via an upgraded access road from Brancumhall Road. A Suds area would be formed to serve the new development in the north eastern corner of the site adjacent to Brancumhall Road. 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.
- 2.3 The development is classified as a Major development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and was the subject of pre-application consultation. A number of documents have been provided in support of the application, including a Pre-application Consultation Report and a Design and Access Statement.

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 and forms part of a Green Network area (Policy 14). Policy 6 requires that new proposals should not adversely impact on the amenity and character of such areas. Policy 14 advises that the partial loss of such areas may be considered acceptable where the retention and enhancement of any remaining network area can be assisted by the redevelopment proposal. 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.
- 3.2.3 The SHIP (Strategic Housing Investment Plan) is a key part of South Lanarkshire Council's Local Housing Strategy (LHS) process which links the strategic priorities and outcomes in the LHS to a strategic plan for the delivery of new affordable housing. The Scottish Government has identified the SHIP as the key document for identifying strategic housing projects to assist the achievement of the Scottish Government's target of 50,000 new affordable homes during the life of the current Parliament. The Council has a target to deliver 1000 additional homes by 2021, and has a range of Services working together to identify opportunities to increase housing stock. The application site is identified as a site within the SHIP that will contribute towards the Council New Build Programme.

3.3 Planning Background

- 3.3.1 Detailed planning permission was granted for a tandem build replacement primary school and nursery on land to the north of Brancumhall Road, as part of the South Lanarkshire Council Schools Modernisation Programme in July 2013 (EK/12/0396).
- 3.3.2 A detailed planning application (EK/16/0027) proposing 61 private residential units was lodged for this site by Persimmon Homes. However, it was withdrawn by the applicant prior to the final determination of the proposal.
- 3.3.2 As a result of this current proposal, a new church access road is proposed. A planning application in this respect is under consideration (P/18/0102). This proposed church access onto Brancumhall Road is to be positioned just east of this application site.

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, traffic calming issues, satisfactory off-street parking spaces and surface water trapping.
Response: Noted. The Agent submitted a revised plan addressing several of the Roads Engineers' comments. Conditions to address any outstanding matters 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.
- 4.3 **Environmental Services** – offered no objections to the proposed development subject to the imposition of conditions.
Response: Noted. Conditions would be attached to any consent issued.
- 4.4 **Estates Services** - offered no objections to the proposed development.
Response: Noted.
- 4.5 **Countryside and Greenspace** – No objections in principle, however, requires that the Core Path (EK/1127/1) running through the site is maintained with a footpath link from Brancumhall Road to the Glen Esk area.
Response: Noted. The existing Core Path link will be maintained, but re-located to follow the line of the residential access road which has a contiguous footpath. Therefore, a link through from Brancumhall Road to the Glen Esk area located to the south of the site is still provided.
- 4.6 **SEPA West Region** – .No objection on flood risk grounds as surface water flooding is a matter for the Flood Risk Management Authority and the site is outwith the fluvial flood extent.
Response: Noted, and the Council's Flood Management Officer has been consulted and 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.
- 4.7 **Scottish Water** - offered no objections to the proposed development.
Response: Noted.
- 4.8 **SPT** – No objections.
Response: Noted.
- 4.9 **TRANSCO Plant Location** – No response to date.
Response: Noted.
- 4.10 **SP Energy Network** – offered no objections in principle, however, in relation to their existing apparatus within the vicinity, they reserve the right to protect and/or deviate cables/apparatus at the applicant's expense.
Response: Noted.
- 4.11 **St Leonards Community Council** – No response to date
Response: Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the East Kilbride News for Non-notification of neighbours. In response, one letter of comment has been received the point of which is summarised below:

a) **The Council should ensure that all flora and fauna is protected appropriately.**

Response: It is noted that the site at present is cleared and vacant 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.

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

6 Assessment and Conclusions

- 6.1 Planning consent is sought by South Lanarkshire Council for the construction of a residential development comprising 60 residential units with associated access, parking and landscaping provision. The proposed units would comprise 2, 3 and 4 bedroom units with a mix of thirty six 2-storey, semi-detached and terraced properties, eight bungalows and sixteen cottage flats. The house types proposed would cater for a broad mix of needs and would be made available as social rented properties. The proposed development would be accessed via an upgraded access road from Brancumhall Road. A Suds area would be formed to serve the new development in the north eastern corner of the site adjacent to Brancumhall Road. 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.
- 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 With regard to the site being identified as a Green Network Area (Policy14), the loss of such areas will generally not be supported, however, policy guidance advises that the partial loss may be acceptable where it is considered that the enhancement of the environment can best be achieved by the redevelopment of part of the site which would not affect its function and that there is no significant adverse impact on the character and amenity of the surrounding area. This is the case in this instance, with the site being largely 'brownfield', having accommodated a group of primary school buildings which have been demolished in recent past. The proposed development includes enhanced amenity with the formation of adequate pockets of open space, a large Suds area in the northeast corner of the site and gardens associated with standard suburban style housing. In addition, an existing Core Path will be re-aligned through the site to link with the wider Core Path network to the south towards Glen Esk. The site is considered acceptable in terms of this principle land use designation within the adopted SLLDP.

- 6.5 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, terraced dwellinghouses together with bungalows and cottage flats would be in keeping with the pattern of development in the surrounding area. 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 elements of required retention on the site.
- 6.6 The Council's Roads and Transportation Services has 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 no objections. 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.
- 6.7 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 comment has been received in relation to the proposed development. The point raised is fully addressed in Section 5 above. It is not considered appropriate for the application to be refused planning consent based on the point of comment raised.
- 6.8 On the basis of the above assessment I would, therefore, raise no objection to the application and recommend that planning permission be granted subject to the conditions listed.

7 Reasons for Decision

- 7.1 The proposal would have no adverse amenity impact and is compliant with Policies 4, 6 and 14 of the South Lanarkshire Local Development Plan (adopted 2015) and with all relevant associated supplementary guidance.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

17 May 2018

Previous references

- ◆ EK/12/0396 – Erection of Replacement Primary School and Nursery on land to North of Brancumhall Road – Approved 9 July 2013.
- ◆ EK/16/0027 – Erection of 61 Residential Units – Withdrawn 24 August 2017.
- ◆ EK/16/0030 – Formation of New Access to Church, St Leonards Church, Brancumhall Road – Withdrawn 24 August 2017.
- ◆ P/18/0102 – Formation of Vehicular Access Road from Brancumhall Road to serve church – not yet decided.

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)

- ▶ Neighbour notification letter dated 14 March 2018
- ▶ Consultations

SEPA West Region	27.03.2018
Countryside And Greenspace	15.03.2018
Estates Services - Housing And Technical Resources	15.03.2018
Housing Planning Consultations	15.03.2018
Scottish Water	16.03.2018
Roads Development Management Team	16.05.2018
Env Services Econsult	09.04.2018
SPT	20.03.2018
Roads Flood Risk Management	09.04.2018
SP Energy Network	20.04.2018
- ▶ Representations

Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS	Dated: 08.04.2018
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Contact for further information

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

Maud McIntyre, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Ext: 5043 Tel (01698 455043)

Email: maud.mcintyre@southlanarkshire.gov.uk

Conditions and reasons

1. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority. The development shall thereafter be carried out in accordance with the approved details to the satisfaction of the Council as Planning Authority.

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

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.

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

3. That the landscaping scheme as required by Condition 2 above shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or the completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of amenity.

4. That no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.

Reason: To ensure that the site is served by an adequate sewerage system.

5. 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).

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

6. That 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 5 above.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

7. 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.

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

8. That no construction vehicles associated with the development hereby approved shall access the site between the hours of 08.00 to 09.15 and 14.45 to 15.30. Furthermore, no construction vehicles shall be parked up waiting for the access to open or for any other reason on the public road network.

Reason: In the interests of public safety.

9. 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).

Reason: In the interests of traffic safety.

10. The surface of the driveways and accesses shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the highway.

Reason: In the interests of traffic and public safety.

11. That before any development commences on site, the new access to serve the church shall be constructed and shall be operational to the satisfaction of the Council as Planning and Roads Authority.

Reason: In the interests of traffic and public safety.

12. That during construction wheel wash facilities/road cleaning regime shall be provided within the site.

Reason: To ensure mud and debris are not deposited on the public road and in the interests of traffic safety.

13. In respect of construction:
- All vehicles shall be able to access and exit the site in forward gears, therefore a turning area must be provided within the site boundary.
 - Sufficient parking shall be provided within the site boundary to accommodate all site staff/operatives' parking requirements.
 - A plan showing the turning area, location and number of spaces for site staff/operatives shall be submitted to the Council as Planning Authority for approval.

Reason: In the interests of traffic and public safety.



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Scale:
1:10,000
Date:
08/05/2018



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

13

Report to:	Planning Committee
Date of Meeting:	29 May 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	CL/17/0484
Planning proposal:	Subdivision of existing dwelling into 2 no. Dwellings, conversion and extension of farm outbuilding to form 1 no. dwelling, the demolition of existing farm buildings and erection of 10 no. dwellings

1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr Andrew Stewart
Location:	Southfield Farm Southfield Road Kirkmuirhill Lanark ML11 9PL

2 Recommendation(s)

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

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) If planning consent is granted, the decision notice should be withheld until a financial contribution of £18,000 has been paid towards the provision of appropriate community facilities in the area.

This may take the form of a one-off payment or an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, being concluded between the Council, the applicants and the site owner(s).

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: DARNTONB3 Architecture
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan:**
Policy 2 Climate change
Policy 3 Green belt and rural area
Policy 4 Development management and placemaking
Policy 5 Community infrastructure assessment
Policy 15 Natural and historic environment

Supplementary Guidance 3: Development Management, Placemaking and Design

Policy DM6 Sub-division of property for residential

Supplementary Guidance 2: Green Belt and Rural Area

Policy GBRA2 Conversion and re-use of existing buildings

Policy GBRA7 Redevelopment of previously developed land

Supplementary Guidance 9: Natural and historic environment

Policy NHE16 Landscape

Sustainable Development and Climate Change Supplementary Guidance

Community Infrastructure Assessment Supplementary Guidance

◆ Representation(s):

▶	2	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ Consultation(s):

Roads Development Management Team

Scottish Water

Environmental Services

The Coal Authority

RT Flood Risk Management Section

Planning Application Report

1 Application Site

- 1.1 The site forms part of a former farm steading at Southfield Farm and is located off Southfield Road on the north eastern edge of the settlement of Blackwood. Access to the site is directly from Southfield Road via an existing and established farm access. The existing farm comprises a collection of redundant and semi redundant agricultural buildings, including steel framed, industrial, clad livestock sheds, storage silos, byres and a one and a half storey farm house. The overall built form footprint of the farm is approximately 2,687m². The ground levels affecting the site are relatively level.
- 1.2 The steading was last used in its entirety as a working farm in 2012. The applicant continued to use a smaller number of sheds to house calves, however, as the farm business expanded at the applicant's nearby farm at Draffan, the need for cows to be split between the two sites became redundant and all farm activity at Southfield Farm has ceased.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning consent for the subdivision of the existing farm house into 2 dwellings, conversion and extension of a farm outbuilding to form 1 dwelling, the demolition of the remaining farm buildings and the erection of 10 new build dwellings. The new build dwellings are two storeys in height and would be formed through the creation of three U-shaped buildings clustered around a central courtyard. The buildings would incorporate a mixture of materials and glazing to the exterior of the buildings. The site will be accessed via the existing access road off Southfield Road. The majority of the car parking provision has been designed to be within the centre of the newly formed courtyard.
- 2.2 The existing farm steading can be broken down into 11 component parts, namely 8 agricultural buildings to be demolished, an existing 1.5 storey farmhouse to be retained and sub-divided to create two dwellings and one stone outbuilding to be converted and altered to provide one house.
- 2.3 The applicant has submitted a detailed design statement to explain the development proposal and the design rationale. A bat report for the outbuilding to be converted has been submitted, together with a Coal Mining Risk report to consider any previous mining operations in proximity to the site.

3 Background

3.1 Local Plan Status

- 3.1.1 The adopted South Lanarkshire Local Development Plan identifies the application site as being within the rural area and a special landscape area. The application is subject to assessment against policies within the adopted local development plan including Policy 2 - Climate Change, Policy 3 – Green Belt and Rural Area, Policy 4 - Development Management and Placemaking, and Policy 15 – Natural and Historic Environment. The proposals also require to be assessed against the relevant supplementary guidance. The content of the above policies and how they relate to the proposal is addressed in detail in Section 6 of this report.

- 3.1.2 The development meets the criteria where a financial contribution towards community facilities is required. The proposal will be assessed against Policy 5 - Community Infrastructure Assessment and the Council's Community Infrastructure Assessment supplementary guidance in this respect.

3.2 Relevant Government Advice/Policy

- 3.2.1 Government Policy, set out in the Scottish Planning Policy (SPP) in consideration of the National Planning Framework 3 context, advises that within accessible rural areas there is a more restrictive approach to new housing development. Development plans and decision making should set out the circumstances in which new housing may be appropriate. This should support sustainable economic growth in a range of locations, taking into account of environmental protection policies and issues such as location, access, siting, design and environmental impact.

3.3 Planning Background

- 3.3.1 Planning consent for the change of use of an agricultural barn to form one dwelling, and erection of one single storey dwelling, was approved on 9 June 2008. A renewal of this consent was approved on 5 July 2013. The consent expired on 5 July 2016 and had not been implemented. The barn, subject of previous consent for conversion, is the same barn subject of this current application for conversion and extension.

4 Consultation(s)

- 4.1 **Roads and Transportation Services** – No objections subject to conditions relating to sightline requirements, parking and drainage.
Response: these matters would be dealt with by condition in the event planning permission is granted.
- 4.2 **Environmental Services** – no response has been received.
Response: Noted.
- 4.3 **Roads and Transportation Services (Flood Risk Management Section)**– do not object to this application subject to any consent granted being conditioned to address the following: a Sustainable Drainage System (SUDs) provided to serve the site; a drainage assessment to be carried out, and the relevant Appendices of the Council's Design Criteria Guidance being completed.
Response: Noted. Should consent be granted then conditions will be attached to address the above requirements and to ensure that the development does not cause flooding to existing or proposed properties.
- 4.4 **The Coal Authority** – following the submission of an updated Coal Mining Risk Assessment they advise that they have no objection to the application and are satisfied with the supporting information submitted by the applicant.
Response: Noted.
- 4.5 **Scottish Water** – do not object to this application. They advise that Daer Water Treatment Works currently has capacity to service the development, however, capacity at Blackwood Wastewater Treatment Works cannot be confirmed at this time. On this basis, Scottish Water advise that the developer is required to submit a fully completed Development Impact Assessment form to Scottish Water to assess the impact on the existing infrastructure.

Response: Noted. Should consent be granted an informative will be attached to advise the applicant to discuss the necessary infrastructure requirements directly with Scottish Water.

5 Representation(s)

5.1 Following the carrying out of statutory neighbour notification and the advertisement of the applicant in the Lanark Gazette due to the non-notification of neighbours, 2 letters of representation were received. The grounds of objections are summarised as follows:

a) **The development will increase traffic on Southfield Road and the adjoining road network to the detriment of road and public safety.**

Response: The Roads and Transportation Service do not object to this application given the small amount of traffic that would be generated by the proposals and do not require any local infrastructure improvements to accommodate the development proposal.

b) **The application could set a precedent for more house building in the locality.**

Response: Each application is considered on its own merits and will not set a precedent for further housing. The acceptability of the proposal in terms of planning policy is discussed in detail in Section 6 of this report.

c) **There are limited facilities within the settlement to accommodate more housing.**

Response: The small scale of development proposed means there is no requirement for the developer to contribute to education facilities or affordable housing within the locality. It should be noted that the applicant has submitted a financial contribution towards the improvement of leisure and recreational facilities within Blackwood and Kirkmuirhill.

d) **The noise of construction traffic will impact upon residential amenity.**

Response: Any noise issue associated with the carrying out of development would be dealt with by Environmental Services.

e) **Views of the countryside from existing housing will be negatively impacted upon.**

Response: It should be noted that a right to a view is not a material planning consideration. Notwithstanding this, it is not considered that the proposed development, which will be contained within the footprint of the existing steading, will have a negative impact upon the rural character of the landscape.

f) **A property at 17 Green Ferns, Blackwood, was not neighbour notified.**

Response: Statutory neighbour notification was carried out correctly. The property at 17 Green Ferns is more than 20m from the application site and, therefore, neighbour notification was not required to be served. However, the application was advertised in the Lanark Gazette due to non-notification of neighbours.

g) **The proposal may cause flooding to the applicant's adjoining land, which may subsequently result in flooding to residential properties abounding the land.**

Response: Should consent be approved, a condition will be attached that requires the developer to submit for approval a drainage impact assessment

and details of a Sustainable Urban Drainage System prior to works commencing on site.

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

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning consent for the subdivision of an existing dwelling into 2 dwellings, conversion and extension of a farm outbuilding to form 1 dwelling, the demolition of the remaining farm buildings and erection of 10 new build dwellings at Southfield Farm, Blackwood. The main issues in determining this application are its compliance with planning policy, road safety, and its impact on the residential and visual amenity on the surrounding area.
- 6.2 The proposed development should be considered against the policies of the adopted South Lanarkshire Local Development Plan. The site lies within the rural area and therefore Policy 3: Green Belt and Rural Area is relevant. This advises that development which does not require to be located in the countryside will be expected to be accommodated within the settlements, other than in a number of circumstances. This includes situations where it involves the redevelopment of derelict or redundant land and buildings; the conversion of traditional buildings; the extension of existing buildings or uses providing it is of suitable scale and design; or limited development within clearly identifiable infill, gap sites and existing building groups. Further detailed criteria on these forms of development is found in the associated Green Belt and Rural Area Supplementary Guidance, and in particular Policies GBRA2 and GBRA7.
- 6.3 In terms of the demolition of existing structures and the redevelopment of the cleared land to form new houses, Policy GBRA7 - Redevelopment of Previously Developed Land outlines cases where the redevelopment of previously developed land may be acceptable in principle where such sites have fallen into disuse or are abandoned to the detriment of the amenity of the area. Redevelopment can result in the enhancement of the landscape quality through the removal of redundant buildings. However, care should be exercised in preventing the suburbanisation or overdevelopment of the site, and, therefore, the redevelopment proposal should be of an appropriate scale that respects the landscape character of the area. In this case, the replacement of the existing redundant farm buildings with new housing of the scale proposed would not overwhelm or increase the existing footprint of development on the site. The applicant has submitted a breakdown of the existing building footprints in the supporting design statement, and has noted a total existing built area of 2687m². This compares to the cumulative built area, subject of this proposal at 2640m². The existing farm buildings have tall ridge heights to accommodate farm machinery and associated storage and, as such, the proposed two storey dwellings would be visually in keeping with the scale and massing of existing buildings and would not overwhelm the existing character of the site. The siting of the new buildings to form a courtyard with the existing farm house and outbuilding that would be retained and converted would create a tight building group of high quality contemporary design.
- 6.4 Turning to the conversion of one of the outbuildings, Policy GBRA2 - Conversion and Re-use of Existing Buildings states there shall be a presumption in favour of the conversion and sympathetic extension/alteration of traditional buildings to residential use, subject to criteria. This includes ensuring that the building is substantially intact and structurally sound, there is no adverse impact on protected species, there is no adverse impact on the agricultural business and there are no adverse impacts on infrastructure. The barn is intact and can be converted without the need for significant

alteration. The building will, however, be extended to provide accommodation suitable for modern living standards. The building is traditional in terms of materials and design, and is worthy of conversion in order to retain the rural character of the site, in particular when viewed from Southfield Road to the west. The alterations to create the new dwelling are sympathetic and would reflect the design approach on the remainder of the site. In addition, the applicant has submitted a report demonstrating that conversion of the building will not have an adverse impact on bats. Overall, it is considered that the new build, together with the barn conversion and extension, meets the aims of policy 3 and the criteria within the associated Green Belt and Rural Area supplementary guidance.

- 6.5 The sub-division of the existing farmhouse into two dwellinghouses will be accommodated mostly through the alteration of the internal layout, and a small extension to the rear. Car parking for both units to serve both units would be provided that meet Roads guidelines and there is sufficient outdoor space to accommodate garden ground. The proposal will not create overlooking of the other dwellinghouses proposed as part of the redevelopment of the rest of the application site. The proposal, therefore, meets the aims of policy 4 - Development Management and placemaking and the criteria within the associated Development Management, Placemaking and Design supplementary guidance.
- 6.6 The application site is within a Special Landscape Area and, therefore, the proposal needs to be assessed against policy 15 – Natural and Historic Environment of the adopted local development plan and the Natural and Historic Environment supplementary guidance. There is substantial existing screening to reduce the visual impact on the surrounding rural area and Special Landscape Area. The proposed development provides an opportunity for the removal of redundant agricultural buildings and replacement with new build of high quality and uniquely designed housing. The tight grouping of the new houses is sensitively sited to minimise the impact on the surrounding natural environment. In view of the above assessment, it is not considered that the proposed development would have an adverse impact on the visual amenity of the application site, or the quality of the Special Landscape Area. The proposal, therefore, complies with policy 15 of the adopted local development plan and the Natural and Historic Environment supplementary guidance.
- 6.7 Although no communal amenity space is proposed, it is not considered that this would be necessary or appropriate at this isolated and rural location. The applicant has submitted a financial contribution towards the improvement of existing leisure and recreational facilities within the locality in lieu of on-site provision, and in accordance with Policy 5 - Community Infrastructure Assessment and Community Infrastructure Assessment supplementary guidance.
- 6.8 Policy 2 - Climate Change seeks to minimise and mitigate against the effects of climate change. The conversion and reuse of an existing building, sub-division of an existing dwellinghouse and redevelopment of previously developed land accords with the principle of sustainability. The site is also close to local services and there is no identified flood risk. In consideration, the proposal would not undermine the objectives of the policy or Sustainable Development and Climate Change supplementary guidance.
- 6.9 Objections to the application have been received from local residents who have raised concerns about the impact of the proposal on road safety and local services, amenity and flooding. These matters are addressed elsewhere in the report and it is not considered they merit refusal of the application. In addition, no objections have been received from consultees.

- 6.10 Overall it is considered that the proposal is an appropriate development for the site and complies with development plan policy. It would enable a new development of unique and high quality design to replace the redundant farm steading. It is recommended that planning approval is granted subject to conditions (based on conditions attached).

7 Reasons for Decision

- 7.1 The proposal accords with Policies 2, 3, 4, 5 and 15 of the adopted South Lanarkshire Local Plan and associated Supplementary Guidance. The proposal will have no significant adverse impact on the character of the rural area, and also raises no significant road safety or environmental concerns.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

9 May 2018

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Neighbour notification letter dated

- ▶ Consultations
 - Roads Development Management Team
 - Scottish Water
 - Environmental Services
 - The Coal Authority
 - RT Flood Risk Management Section

- ▶ Representations
 - Iain MacNeill, 2 Nethan View, Blackwood, ML11 9YN Dated: 18.11.2017
 - Mr Graham Stewart, 17 Green Ferns, Blackwood, ML11 9XT 28.02.2018

Contact for further information

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

Pamela McMorran, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Ext: 5170 Phone (01698 455170)
Email: pamela.mcmorran@southlanarkshire.gov.uk

Conditions and reasons

1. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.

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

2. That the roof of the dwellinghouses hereby approved shall be clad externally in natural slate or high quality slate substitute to the satisfaction of the Council as Planning Authority.

Reason: To ensure satisfactory integration of the new dwellinghouses with the countryside.

3. That before any work commences on the site a scheme of landscaping for the area shaded green on the approved plans shall be submitted to the Council as Planning Authority for written approval and it shall include:(a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all proposed trees, shrubs, grass mix, etc. including, where appropriate, the planting of fruit/apple trees; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

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

4. That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of any of the dwellings or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of amenity

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

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

6. That before any of the dwellinghouses hereby approved are completed or brought into use, a visibility splay of 2.4 metres by 43 metres to the south and 2.5 metres by 215 metres to the north (as 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 to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of road safety

7. The remediation, investigation and other measures specified in the Coal Risk Assessment must be implemented prior to the commencement of development except for works which are designed to ensure public safety as part of an on-going programme of works prior to the development. Following the completion of the measures and works set out in the Coal Risk Assessment, a Verification/Remediation Statement should be produced by the applicant to demonstrate the effectiveness of the implementation, to ensure the avoidance of any risk arising when the site is developed or occupied which should be submitted to Council as Planning Authority and the Coal Authority.

Reason: To ensure that the risks associated from historical and/or current mining activity are minimised in the interests of public safety and ground stability for the future users of the proposed development and the neighbouring land.

8. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Amendment Order 2011 (or any such order revoking or re-enacting that order), no fences or walls shall be erected within the site other than 1m high post and wire fencing or natural stone dyke wall (other than those expressly granted by this consent), without the written approval of the Council as Planning Authority.

Reason: To ensure satisfactory integration of the new dwellinghouses with the countryside

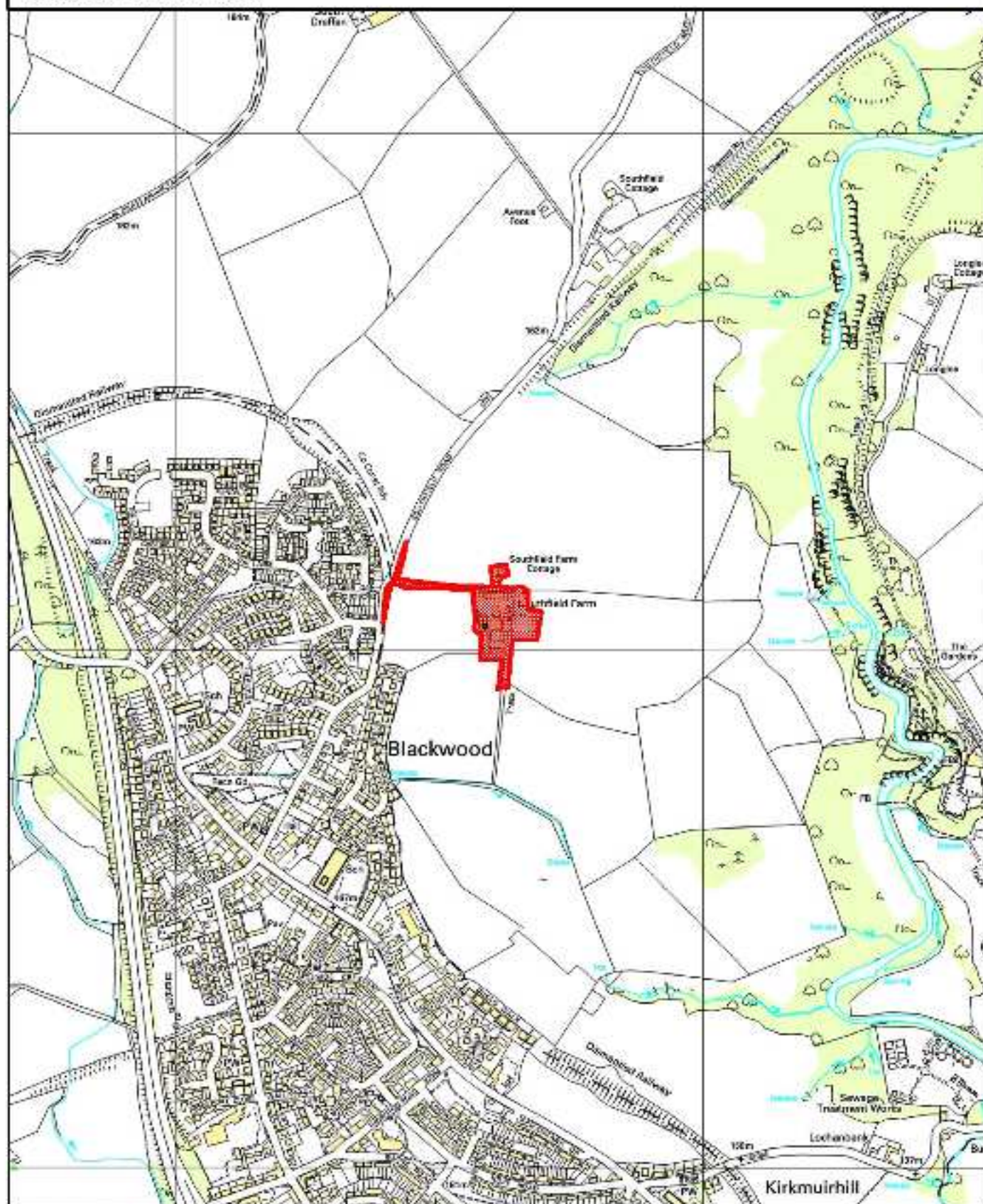
9. That no development shall commence until a drainage assessment and details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices 1, 2, 3, 4 and 5 (a copy of professional indemnity insurance is required). The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

10. That prior to any work starting on site, a Drainage Assessment in accordance with the Council's guidelines shall be submitted to and approved in writing by the Council as Roads and Planning Authority. Any approved mitigation measures required shall be carried out prior to the occupation of any of the dwellinghouses hereby approved.

Reason: To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.

Southfield Farm, Kirkmuirhill



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South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

