



Council Offices, Almada Street
Hamilton, ML3 0AA

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, 26 March 2019

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, Jackie Burns, Stephanie Callaghan, Margaret Cowie, Maureen Devlin, Mary Donnelly, Fiona Dryburgh, Mark Horsham, Ann Le Blond, Martin Lennon, Richard Lockhart, Kenny McCreary, Lynne Nailon, Carol Nugent, Graham Scott, David Shearer, Collette Stevenson, Bert Thomson, Jim Wardhaugh, Sheena Wardhaugh

Substitutes

John Anderson, Janine Calikes, Gerry Convery, Margaret Cooper, Peter Craig, Allan Falconer, Lynsey Hamilton, Catherine McClymont, Colin McGavigan, Mark McGeever, Richard Nelson, Jared Wark, Josh Wilson

BUSINESS

- 1 **Declaration of Interests**
- 2 **Minutes of Previous Meeting** 3 - 10
The minutes of the meeting of the Planning Committee held on 26 February 2019 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

- 3 **Application P/18/0723 for Erection of Class 1 (Retail) Unit with Associated Access, Car Parking, Service Yard and Other Associated Works at 1A Clyde Gateway Trade Park, Dalmarnock Road, Rutherglen** 11 - 28
Report dated 15 March 2019 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 4 **Application P/18/0949 for Erection of Coffee Shop with Drive-Thru Facility, Associated Car Parking and Landscaping at Land 100 Metres West of McDonalds, Dalmarnock Trading Estate, Dalmarnock Road, Rutherglen** 29 - 44
Report dated 15 March 2019 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 5 **Application CL/17/0514 for Erection of 16 Houses, Formation of Access and Associated Ground Works at Land at Site of Former Lanark Grammar School, Albany Drive, Lanark** 45 - 60
Report dated 15 March 2019 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 6 **Application P/19/0071 for Section 42 Application to Remove Condition 36 'Restriction of Construction Traffic Accessing the Site Between 8.00am to 9.30am and 3.00pm to 5.00pm Weekdays' Attached to Planning Consent P/18/0603 for 157 Houses at Muirhead Drive, Law, Carluke** 61 - 76
Report dated 15 March 2019 by the Executive Director (Community and Enterprise Resources). (Copy attached)

Urgent Business

- 7 **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 26 February 2019

Chair:

Councillor Alistair Fulton

Councillors Present:

Councillor Alex Allison, Councillor John Anderson (*substitute for Councillor David Shearer*), Councillor John Bradley, Councillor Walter Brogan, Councillor Archie Buchanan, Councillor Jackie Burns, Councillor Stephanie Callaghan, Councillor Margaret Cowie, Councillor Maureen Devlin, Councillor Mary Donnelly, Councillor Isobel Dorman (Depute), Councillor Fiona Dryburgh, Councillor Mark Horsham, Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Catherine McClymont (*substitute for Councillor Bert Thomson*), Councillor Colin McGavigan (*substitute for Councillor Kenny McCreary*), Councillor Lynne Nailon, Councillor Graham Scott, Councillor Jim Wardhaugh, Councillor Sheena Wardhaugh, Councillor Jared Wark (*substitute for Councillor Ann Le Blond*)

Councillors' Apologies:

Councillor Ann Le Blond, Councillor Kenny McCreary, Councillor Carol Nugent, Councillor John Ross (ex officio), Councillor David Shearer, Councillor Collette Stevenson, Councillor Bert Thomson

Attending:

Community and Enterprise Resources

P Elliott, Head of Planning and Economic Development; T Finn, Headquarters Manager, Planning and Building Standards Services; L Gaddis, Planning Officer, 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

P MacRae, Administration Officer; K McLeod, Administration Assistant; K Moore, Legal Services Adviser; A Thompson, Media Officer

1 Declaration of Interests

The following interest was declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
Anderson	Application P/18/0668 for Construction of Phase 2 Spine Road with Associated Works (Approval of Matters Specified in Conditions Application for the Discharge of Conditions 1 (a to h), 5, 6 and 11 of Planning Consent CR/12/0099) for Part of Phase 2 at Land Adjacent to Southcroft Road, Rutherglen	Member of the Board of Clyde Gateway Urban Regeneration Company

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 29 January 2019 were submitted for approval as a correct record.

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

3 Application P/18/1751 for Erection of 18 Flats with Associated Parking and Landscaping at 84 Hamilton Road, Cambuslang

A report dated 29 January 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/1751 by Wilson Developments (Scotland) Limited for the erection of 18 flats with associated parking and landscaping at 84 Hamilton Road, Cambuslang.

The Committee decided: that planning application P/18/1751 by Wilson Developments (Scotland) Limited for the erection of 18 flats with associated parking and landscaping at 84 Hamilton Road, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 21 June 2011 (Paragraph 4)]

4 Application P/18/0668 for Construction of Phase 2 Spine Road with Associated Works (Approval of Matters Specified in Conditions Application for the Discharge of Conditions 1 (a to h), 5, 6 and 11 of Planning Consent CR/12/0099) for Part of Phase 2 at Land Adjacent to Southcroft Road, Rutherglen

A report dated 15 February 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0668 by Clyde Gateway Developments Limited for construction of Phase 2 spine road with associated works (approval of matters specified in conditions application for the discharge of conditions 1 (a to h), 5, 6 and 11 of planning consent CR/12/0099) for part of Phase 2 at land adjacent to Southcroft Road, Rutherglen.

The Committee decided: that planning application P/18/0668 by Clyde Gateway Developments Limited for construction of Phase 2 spine road with associated works (approval of matters specified in conditions application for the discharge of conditions 1 (a to h), 5, 6 and 11 of planning consent CR/12/0099) for part of Phase 2 at land adjacent to Southcroft Road, Rutherglen be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 4 December 2012 (Paragraph 8)]

Councillor Anderson, having declared an interest in this application, withdrew from the meeting during its consideration

5 Application EK/18/0013 for Conversion and Extension, Including Part Demolition, of Existing House to Form 4 Flats, Erection of 4 Terraced Houses and 5 Detached Houses at 7 Threestanes Road, Strathaven

A report dated 14 February 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/18/0013 by Scott Homes (Builders) Limited for the conversion and extension, including part demolition, of an existing house to form 4 flats and the erection of 4 terraced houses and 5 detached houses at 7 Threestanes Road, Strathaven.

The Committee decided: that planning application EK/18/0013 by Scott Homes (Builders) Limited for the conversion and extension, including part demolition, of an existing house to form 4 flats and the erection of 4 terraced houses and 5 detached houses at 7 Threestanes Road, Strathaven be granted subject to the conditions specified in the Executive Director's report.

6 Application EK/18/0034 for Alterations and Extension to Existing 'C' Listed Building, Including Part Demolition of Outhouses, (Listed Building Consent) at 7 Threestanes Road, Strathaven

A report dated 15 February 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/18/0034 by Scott Homes (Builders) Limited for alterations and extension to an existing 'C' listed building, including part demolition of outhouses, (listed building consent) at 7 Threestanes Road, Strathaven.

The Committee decided: that planning application EK/18/0034 by Scott Homes (Builders) Limited for alterations and extension to an existing 'C' listed building, including part demolition of outhouses, (listed building consent) at 7 Threestanes Road, Strathaven be granted subject to the conditions specified in the Executive Director's report.

7 Application P/19/0002 for Demolition of Existing Church Building and Erection of 11 Flats with Associated Parking and Landscaping at Threshold Church, Threshold, East Kilbride

A report dated 14 February 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0002 by Dickie and Moore Homes Limited for the demolition of an existing church building and erection of 11 flats with associated parking and landscaping at Threshold Church, Threshold, East Kilbride.

Points raised in a further objection to the proposal by S and E McLellan were referred to at the meeting and addressed by officers.

A request for a hearing had been received from S and E McLellan, however, the application did not meet the criteria for a hearing.

The Committee decided: that planning application P/19/0002 by Dickie and Moore Homes Limited for the demolition of an existing church building and erection of 11 flats with associated parking and landscaping at Threshold Church, Threshold, East Kilbride be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ an amendment to Condition 13 to include the words "demolition and" prior to the word "construction"

8 Application P/18/1444 for Change of Use of Industrial Unit (Class 6) to Gymnasium (Class 11) at 4 Colvilles Place, Kelvin Industrial Estate, East Kilbride

A report dated 14 February 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/1444 by East Kilbride (and District) Gymnastics Club for the change of use of an industrial unit (Class 6) to gymnasium (Class 11) at 4 Colvilles Place, Kelvin Industrial Estate, East Kilbride.

The Committee decided: that planning application P/18/1444 by East Kilbride (and District) Gymnastics Club for the change of use of an industrial unit (Class 6) to gymnasium (Class 11) at 4 Colvilles Place, Kelvin Industrial Estate, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

9 South Lanarkshire Local Development Plan 2

A report dated 6 February 2019 by the Executive Director (Community and Enterprise Resources) was submitted on the Proposed South Lanarkshire Local Development Plan 2 (SLLDP2) and the Supporting Planning Guidance on Renewable Energy (SPGRE).

At its meeting on 29 May 2018, the Committee had approved the Proposed SLLDP2 together with the SPGRE. Those documents had subsequently been published and made available for public comment.

A total of 247 parties had responded to the consultation on the Proposed SLLDP2, raising 502 valid points of representation. The SLLDP2 also contained a Volume 2 of policies which replaced the Supplementary Guidance associated with the current SLLDP. The Volume 2 document had attracted contributions from a further 25 consultees, raising 93 additional comments. The representations received raised issues relating to a broad range of matters and included both objections to and support for the Plan. A summary of the representations received was provided in the appendix to the report.

It was considered that no alterations were required to the proposed SLLDP2 in response to comments received. Similarly, it was considered that no alterations were required in terms of any significant changes in policy direction at local, strategic or national levels and that the proposed Plan represented the Council's settled view on what the final content of the adopted Plan should be. The proposed Plan, together with the representations received and the associated Schedule 4 Summary of Unresolved Issues would be submitted to the Directorate for Planning and Environmental Appeals for examination by a Reporter. On completion of this examination, the Reporter would produce a report outlining findings and modifications.

The Supporting Planning Guidance on Renewable Energy did not form part of the Development Plan and did not require to be submitted to the Directorate for Planning and Environmental Appeals for examination. 11 parties had responded to the consultation on the SPGRE, raising 68 points of representation. The Draft Tall Wind Turbines: Landscape Capacity, Siting and Design Guidance had also been subject to public consultation and a number of comments had been received. The Council could determine whether it wished to make any changes to those documents in light of representations received and, as a result, some minor wording changes would be made to the documents before they were finalised and published.

Officers responded to members' questions on various aspects of the report.

The Committee decided:

- (1) that the proposed South Lanarkshire Local Development Plan 2 and associated Schedule 4 Summary of Unresolved Issues be submitted, without modification, to the Directorate for Planning and Environmental Appeals for examination;
- (2) that the Head of Planning and Economic Development be authorised to take part in the examination of the proposed South Lanarkshire Local Development Plan 2;
- (3) that it be noted that a further report would be submitted on the outcome of the examination of the proposed South Lanarkshire Local Development Plan 2 and any proposed modifications to the Plan, prior to its adoption; and
- (4) that the Supporting Planning Guidance on Renewable Energy and Tall Wind Turbines: Landscape Capacity, Siting and Design Guidance be approved and the Head of Planning and Economic Development be authorised to make technical amendments to those documents and, thereafter, to publish the finalised versions.

[Reference: Minutes of 29 May 2018 (Paragraph 4)]

Councillor Buchanan left the meeting following consideration of this item of business

10 The South Lanarkshire Development Plan Scheme 2019

A report dated 7 February 2019 by the Executive Director (Community and Enterprise Resources) was submitted on the South Lanarkshire Development Plan Scheme 2019 which set out the Council's programme for preparing its Development Plans. In terms of the Planning etc (Scotland) Act 2006, the Scheme had to be kept up to date by at least carrying out an annual review.

The South Lanarkshire Development Plan Scheme 2019, attached as an appendix to the report, dealt with:-

- ◆ the current coverage of Development Plans in South Lanarkshire
- ◆ proposals for a new Local Development Plan (LDP2) for the Council area and the context set for this by the Glasgow and Clyde Valley Strategic Development Plan (SPD)
- ◆ the timescale for preparation of the LDP2
- ◆ details, as appropriate, of the key components of each stage of preparation
- ◆ a participation statement, giving an account of when consultation would take place, with whom and in what form, during the preparation of the LDP2
- ◆ details on how to access information and how to make contact with the Council

The Scheme highlighted progress made in the development plan process and details were given on work which had been completed in 2018/2019.

If approved, the Scheme would be:-

- ◆ submitted to the Scottish Ministers
- ◆ published on the Council's website
- ◆ made available in public libraries

Officers responded to members' questions on various aspects of the report.

The Committee decided: that the South Lanarkshire Development Plan Scheme 2019, as detailed in the appendix to the report, be approved, published and submitted to the Scottish Ministers.

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

11 Planning Enforcement Charter

A report dated 15 February 2019 by the Executive Director (Community and Enterprise Resources) was submitted on proposed amendments to the Council's Planning Enforcement Charter.

The current Planning Enforcement Charter, approved by the Planning Committee at its meeting on 21 February 2017, had introduced a priority system to assist officers in prioritising their responses to potential breaches. This had established a hierarchy which gave priority to cases which were most likely to have serious impact and which could affect important or sensitive sites.

Following the review of the Charter, it was considered that the priority system remained appropriate, however, an additional category, anonymous complaints, had been added to the list of low priority cases. A number of additional amendments to the Charter were also proposed as follows:-

- ◆ an update to Section 2c to clarify that formal enforcement action would only be considered where it was in the public interest to do so
- ◆ an update to Section 3 to include details of the way in which alleged breaches could be reported and giving a commitment that details of the alleged breach would be passed on to other agencies to investigate under separate legislation
- ◆ inclusion of additional detail in Section 3 on the way in which customers would be kept informed of an investigation
- ◆ amendments to Section 6 to emphasise that retrospective applications would be treated on their merits and that the retrospective nature of an application could not be taken into account when assessing a proposal and was not a reason to refuse an application
- ◆ an amendment to Section 6c to describe on whom a Notice would be served when it was decided that enforcement action would be taken as well as the implications of failing to comply with a Notice
- ◆ inclusion of a new Section 10 dealing with suspected unauthorised works to protected trees

If approved, the revised Charter, attached as an appendix to the report, would be published on the Council's website and would form the basis for the Planning Service's approach to the application of its enforcement powers. In addition, the Charter would be sent to the Scottish Ministers and would be available in the Council's public libraries.

The Committee decided:

- (1) that the amended Planning Enforcement Charter, as detailed in the appendix to the report, be approved; and
- (2) that the Head of Planning and Economic Development be authorised to modify the document to take account of drafting, presentational and technical matters prior to publication.

[Reference: Minutes of 21 February 2017 (Paragraph 14)]

12 Urgent Business

There were no items of urgent business.

Report

3

Report to: **Planning Committee**
 Date of Meeting: **26 March 2019**
 Report by: **Executive Director (Community and Enterprise Resources)**

Application no. P/18/0723
 Planning proposal: Erection of Class 1 (retail) unit with associated access, car parking, service yard and other associated works

1 Summary application information

Application type: Detailed planning application

Applicant: Rubicon Land Ltd / TJ Morris Ltd
 Location: 1A Clyde Gateway Trade Park
 Dalmarnock Road
 Rutherglen
 Glasgow
 South Lanarkshire

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 Committee is minded to grant planning permission, it should be noted that consent cannot be granted and issued at present. As SEPA has advised against the grant of planning permission by objecting in principle on the basis of potential flood risk, in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 the application must be formally notified to Scottish Ministers for the opportunity to consider whether to call in the application for their own determination.

3 Other information

- ◆ Applicant's Agent: Pamela Turner
- ◆ Council Area/Ward: 12 Rutherglen Central And North
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (Adopted 2015)**

Policy 7 Employment
 Policy 16 Travel and transport
 Policy 17 Water environment and flooding
 Policy 10 New retail/commercial proposals
 Policy 4 Development management and placemaking
 Policy 6 General urban area/settlements
 Policy 4 Development management and placemaking
 Supplementary Guidance 3: Development Management, Placemaking and Design Policy DM1 Design

Proposed South Lanarkshire Development Plan 2 (2018)

Policy 8 Employment
 Policy 3 General Urban Areas
 Policy 9 Network of Centres and Retailing
 Policy 15 Travel and Transport
 Policy 5 Development Management and Placemaking
 Supplementary Guidance 3: Development Management, Placemaking and Design Policy DM1 Design

◆ **Representation(s):**

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

◆ **Consultation(s):**

- Environmental Services
- Roads Flood Risk Management
- Roads Development Management Team
- Scottish Water
- SEPA
- SP Energy Network
- Rutherglen Community Council
- Glasgow City Council

Planning Application Report

1 Application Site

- 1.1 The application site relates to an area of land adjacent to the Tesco Superstore and petrol filling station (PFS) on the northern edge of Rutherglen. The site, which is generally rectangular in shape, sits to the northwest of the Tesco vehicular access roundabout and to the west of the existing McDonalds and KFC drive-through restaurants. The site is located on brownfield land (previously part of Rutherglen Ropeworks) and has been lying vacant for several years. It is residual land from the superstore and industrial/business development, known as Rutherglen Park or Clyde Gateway Trade Park.
- 1.2 To the north of the site, a flood defence barrier exists and beyond to the River Clyde. To the west lies a recently approved development of a containerised electricity storage facility (Planning Reference CR/17/0139) and immediately to the east is another vacant piece of land where a coffee shop with drive-through facility is currently proposed, also under consideration (Planning Reference No. P/18/0949), and beyond to the east lies a redundant small scale workshop unit and the existing McDonalds and a KFC drive-thru restaurants and their associated car parks. To the south is the main access road to the overall Trade Park.
- 1.3 The site is relatively level and at present it has the appearance of unkempt vacant land. This proposed Class 1 non-food retail unit would be accessed from an existing access road which currently serves the two drive-through restaurants, and would also serve the proposed coffee shop (Starbucks), currently under consideration, (Planning Ref: P/18/0949).

2 Proposal(s)

- 2.1 The developer seeks detailed planning consent for a freestanding, Class 1 non-food retail unit with associated access, car parking, service yard and other associated works.
- 2.2 This proposed retail unit would be 2078 square metres in area, with the net sales floorspace being 1650 square metres. The new development would be accessed from the existing access road, constructed as part of the McDonalds and KFC restaurants, via the Tesco spine road which is junctioned with Dalmarnock Road. Hard and soft landscaping would be provided as part of the car park layout which comprises 120 spaces including 7 disabled spaces and 3 spaces with electric charging points.
- 2.3 A corporate retail warehouse unit design style is proposed with various coloured horizontally laid cladding finishes, buff facing brickwork and a glazed iron -grey curtain walling entrance feature.
- 2.4 In terms of the retail specifics, the application proposes a retail unit (2078 square metres) on a 0.99 ha site with 120 parking spaces. The applicant is TJ Morris Ltd which trades under the brand 'Home Bargains'. The range of goods sold by Home Bargains are:-

- Health and beauty products
- Fragrances
- Clothing
- Pet goods
- DVDs
- Food and confectionary (Non-perishables)
- Drinks (including alcohol)
- Homeware
- Toys and games

The usual split of this range per store is 40% comparison and 60% convenience, based on 30% being food. As stated above, the net sales floorspace proposed is 1650 square metres.

3 Background

3.1 Local Plan Status

3.1.1 With regards to the adopted South Lanarkshire Local Development Plan (SLLDP) the site is within a Core Industrial and Business Area.

3.1.2 In addition to the above land use designation there are a number of policies within the adopted SLLDP which are considered appropriate to the determination of the application namely, Policies 4 - Development management and placemaking, Policy 6 General urban area/settlements, Policy 7 Employment, Policy 10 New retail/commercial proposals, Policy 16 Travel and transport, Policy 17 Water environment and flooding, Policies DM1 – Design Supplementary Guidance 3: Development Management, Placemaking and Design together with Policy ICD1 – Non-conforming uses in core industrial/business areas from Supplementary Guidance 5 : Industrial and commercial development are also relevant.

3.1.3 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, the following policies are relevant. Policy 8 Employment, Policy 3 General Urban Areas, Policy 9 Network of Centres and Retailing, Policy 15 Travel and Transport, Policy 5 Development Management and Placemaking. Supplementary Guidance 3: Development Management, Placemaking and Design Policy DM1 Design is also relevant.

3.1.4 In terms of South Lanarkshire Local Development Plan 2, a Schedule 4 has been prepared for the representation received regarding potential redesignation of this site from Core Industry and Business to an Out-of-Centre Retail/Commercial Designation. The Council consider that this is a reasonable proposal given the uses currently on or proposed for the site. The Council has, therefore, recommended to the Reporter that if minded to do so, that the designation of this site is altered in the final LDP2.

3.2 **Relevant Government Advice/Policy**

3.2.1 Relevant Government guidance is set out within the consolidated Scottish Planning Policy (SPP) which states that local authorities should support sustainable economic development in all areas by taking account of matters including the economic benefits of proposals, promoting development in sustainable locations, supporting development which will provide new employment opportunities.

3.3 **Planning Background**

3.3.1 The application site is vacant land which the owner has extensively marketed for use Class 4, 5 and 6 for over ten years without success. It is argued that this is due to there being an oversupply of industrial land within the area and it is the view that the development of this small site would have a negligible impact on available floor space.

4 **Consultation(s)**

4.1 **Environmental Services** – no objections to the application subject to the inclusion of conditions and informatives relative to noise and contaminated land.

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

4.2 **Roads Flood Risk Management** – following detailed discussion with SEPA, the Council's Flood Risk Team conclude that they have no objections, in principle, to the proposal, however require a Flood Risk Assessment to be undertaken together with the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied through the completion of a self-certification document and confirmation of Scottish Water's approval. SEPA had no objection to similar developments at this location before they introduced their internal 'Development behind Flood Defences' document. It is, therefore, our assessment that the proposed developments would not increase vulnerability, as the proposals are closing out the remaining two plots of this site which comprises of similar commercial units. No information has been presented to SLC which changes our assessment of this site from when the previous units were deemed satisfactory by SLC and SEPA. SEPA have classified the existing River Clyde hydraulic model as outdated, however, until a new hydraulic model is produced this is the best information we have to base our decision upon, and was the information we made the previous decisions upon at this site and surrounding Dalmarnock area.

Response: Noted. Suitable conditions would be attached to any planning consent and the applicants are aware of the self-certification process.

4.3 **Roads Development Management** – No objections subject to a standard condition regarding the submission of a traffic management plan relating to the construction phase.

Response: Noted. Any approval would have the relevant condition(s) attached.

4.4 **Scottish Water** – No objections

Response – Noted

4.5 **SEPA** – Despite further discussions with the Council's Flood Team, SEPA maintain their objection on the grounds that it may place buildings and persons at

flood risk contrary to Scottish Planning Policy. This is despite the developer's flood risk consultant providing additional information and clarification on a number of points relating to the history of the site and the presence of an existing flood defense barrier which was constructed as part of the adjacent Tesco supermarket development. However, while SEPA acknowledges this information they note that the site has been out of any defined use for over ten years, and they reiterate concerns given the derelict nature of the site as vegetated open ground, that the proposed development would represent an increase in vulnerability contrary to their land use vulnerability guidance. They note that the FRA uses the River Clyde Flood Management Strategy (RCFMS) to help inform of flood levels, which they now consider to be outdated and may not accurately represent flood risk. Therefore, they no longer consider that the RCFMS should be used for land use planning purposes and continue to have flooding concerns with this development proposal as this the site is potentially at risk during the 200 year flood event and could increase overall flood risk. SEPA has stated that they would consider removing their objection if formal flood protection schemes brought forward, through the Flood Risk Management Planning process or through other sections of the Flood Risk Management (Scotland) Act 2009, to an appropriate standard, or a change of proposed development use to essential or water compatible use. For these reasons SEPA continue to object as the site is at flood risk and could potentially further increase flood risk elsewhere.

Response: The Flood Risk Team have reviewed SEPA's comments and acknowledge their objection based upon their new position on developments behind flood defences. In accordance with this new policy, SEPA consider that the existing flood defences in this area were not promoted as a formal flood protection scheme and, therefore, do not exist, leading to the area now being assessed by SEPA as being at an unacceptable risk of flooding. SLC have been provided with the construction information and independent technical assessment of the flood protection bund at this location, which was constructed at the time of the completion of the Tesco development, which has been passed to SEPA for their review. This bund has been in place for several years and has been incorporated within the River Clyde hydraulic models, which show this location to be outwith the functional flood plain. This information has been used in the determination of the previous planning applications in this area, which were deemed satisfactory by SLC and SEPA. As it is considered that there has been no change to our understanding of the flood risk in this area since this time, other than the release of SEPA's "Development behind flood defences" document, we do not foresee any objection to these proposed developments on flood risk.

4.6 **SP Energy Network** – No response to date.

Response: Noted.

4.7 **Rutherglen Community Council** – No response to date

4.8 **Glasgow City Council** – No response to date.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the Rutherglen Reformer as a Schedule 3 development for non-notification of

neighbours and because the proposed retail use is contrary to development plan. No representations were received in respect of the proposals.

6 Assessment and Conclusions

- 6.1 The developer seeks detailed planning consent for a freestanding, Class 1 non-food retail unit with associated access, car parking, service yard and other associated works.
- 6.2 The determining issues in the assessment of this application are its compliance with Local Development Plan policy as well as its impact on the amenity of adjacent properties. 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 relevant associated Supplementary Guidance documents.
- 6.3 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposals accords with the relevant polices detailed in section 3.1.3 above.
- 6.4 In terms of national planning policy, Scottish Planning Policy (SPP) states that local authorities should support sustainable economic development in all areas by taking account of matters including the economic benefits of proposals, promoting development in sustainable locations and supporting development which will provide new employment opportunities.
- 6.5 In this instance, the application site has resulted from residual land from the overall redevelopment of the former Rutherglen Ropeworks site for residential flats, a Tesco superstore/petrol filling station and a group of industrial/business units. A planning justification statement, together with a retail and marketing statement, has been lodged which states that the site has been previously marketed for industrial uses for over ten years without success, with the developer being involved in site remediation, flood defence and infrastructure installation since early 2002. In addition, more recently planning permission was granted for a McDonalds and KFC drive thru restaurants on adjacent sites. It is argued that the loss of employment land will not have an adverse effect on the overall supply of industrial/business land in the area and, therefore, justifies a commercial/retail proposal for this site.
- 6.6 In terms of the South Lanarkshire Local Development Plan (SLLDP adopted 2015), Policy 7 – Employment states that the Council will encourage the development of business in South Lanarkshire through the identification of employment land use areas.

- 6.7 Policy 7 states that the Council will support sustainable economic growth and regeneration by encouraging the development of business in South Lanarkshire through the identification of employment land use areas with categories of employment use areas and appropriate uses set out for each designation. In this instance, the land is designated within a Core Industrial and Business Area within the SLLDP. In Core Industrial and Business Areas the SLLDP states that these areas are to be retained for industrial/business use (Class 4/5/6) and any exceptions must meet the further criteria set out within Supplementary Guidance 5 'Industrial and Commercial Development' (SG5).
- 6.8 The proposal is for a Class 1 Retail use and, therefore, falls outwith the Class 4, 5 and 6 use as set out within the Core Industrial and Business Areas designation of the SLLDP. The proposals, therefore, require to be further assessed against Policy ICD1 Non-conforming uses in core industrial/business areas with SG5.
- 6.9 Policy ICD1 states that in industrial/business areas, proposals for uses which do not conform to SLLDP Policy 7 would be required to meet all of the following criteria:
- a) The effect the proposals will have on the continuity of the marketable industrial land supply in terms of quantity, range and quality.
 - b) The development is not for residential use.
 - c) The proposal must not undermine the vitality and viability of existing town and village centres within South Lanarkshire and should follow the sequential approach as set out in SLLDP Policy 10 and Town Centres and Retailing Supplementary Guidance (SG6).
 - d) That the development of the site or premises would not adversely affect the industrial operation, amenity, industrial character and function of the area, including traffic movement and circulation.
 - e) The site or premises has been subject to a marketing appraisal for classes 4, 5 and 6 to the Council's satisfaction and has been actively marketed for these uses for a minimum period of six months.
 - f) The site or premises can easily be accessed from main road routes and has satisfactory access by walking, cycling and public transport.
 - g) The infrastructure implications, including the impact on the transport network of the development are acceptable, or can be mitigated to an acceptable level.
 - h) The proposal includes appropriate parking provision for the type of development.
 - i) The development will not adversely affect the natural or built environment, including Natura 2000 sites and Protected Species.
 - j) The development makes provision for cycling, walking and public transport and/or has a Green Travel Plan, as appropriate.
- 6.10 Proposals which do not meet the above criteria will not be considered favourably by the Council.
Taking each of the criterion in turn, the proposals can be assessed as follows:-
- a) The site area (0.99 hectares) is considered to be modest in scale and its loss would not have a significant adverse impact on the continuity of South Lanarkshire's marketable industrial land supply in terms of quantity, range and quality.
 - b) The proposals are for Class 1 retail and have no element of residential as part of the development.
 - c) The Class 1 use is further considered under SLLDP Policy 10 below.

- d) The immediate area surrounding the application site, whilst designated as Core Industrial and Business land, has recently been developed for a variety of non-Class 4, 5 and 6 uses including a Class 1 Retail Superstore and two Class 3 restaurants. It is considered that there is, therefore, no existing industrial operation that would be affected by the further introduction of Class 1 Retail within the immediate area.
- e) The site has been marketed for Class 4, 5 and 6 use since 2006. This marketing has not been successful and the site has been vacant since 2002. The Council is satisfied with the marketing period of the site.
- f) The site is adjacent to a main road (Dalmarnock Road) which is easily accessed by walking, cycling and public transport.
- g) The proposals include a new access, parking, drainage and other infrastructure associated with a development of this nature which are considered acceptable in principle but would be subject to further development management criteria as assessed further in this report.
- h) As with g) above, on-site parking is proposed as part of the development.
- i) The site has previously been developed and, therefore, it is considered that, in terms of the principle of development, there would not be an impact on the natural or built environment. Further detailed consideration of the proposal's impact on the natural and built environment is considered further as part of the development management assessment of the report.
- j) The site's location is served by public transport, pedestrian walkways and accessible by bicycle. Further details relating to specific provision for green travel is considered further in this report.

6.11 It is therefore considered that the proposal, subject to the further assessment required under c) is compliant with the criteria of SG5 Policy ICD1 and can be supported as a non-conforming use in a Core Industrial and Business Area subject to the more detailed retail assessment below.

6.12 In terms of retail, SPP (para 68 to 73) states that Local Authorities should adopt a town centre first policy and retail proposals outwith town centres, edge of town centres and other identified commercial centres should only be considered if a sequential test has been carried out. The sequential test should demonstrate that more central options have been thoroughly assessed and that the impact on existing town centres is acceptable.

6.13 SLLDP Policy 10 New Retail/commercial proposals states that any proposals for retail development will be assessed against the following criteria and must:

- i. follow the sequential approach as set out in SPP
- ii. not undermine the vitality and viability of the strategic and town centres and/or neighbourhood centres
- iii. be supported by the area's catchment population
- iv. complement regeneration strategies for the area
- v. promote sustainable development
- vi. take account of development location and accessibility
- vii. minimise environmental and traffic impact
- viii. have no significant adverse impact on natural and/ or built heritage resources, including Natura 2000 sites and Protected Species
- ix. promote quality design and accessibility for all

- x. take account of drainage and service infrastructure implications.

Supplementary Guidance 6 Town Centres and Retailing (SG6) provides further guidance and expands on the above criteria for a sequential test.

6.14 A Retail Assessment has been carried out and submitted as part of the planning application. The Retail Assessment also includes a health check of Rutherglen Town Centre and a sequential assessment of sites within the Town Centre.

Taking each of the above criterion in turn, the proposals can be assessed as follows:-

- i. A sequential test has been carried out within the town centre with all 15 vacant units not being of a size that could accommodate the Home Bargains proposals. An edge of town centre assessment found that only the site of the former swimming baths was vacant and again it was not of a sufficient size to accommodate the proposals. This site previously gained planning permission for residential use. The sequential test, therefore, demonstrated that there were no units of a suitable size within the town centre or edge of town centre to accommodate proposals of this nature.
- ii. Within the Retail Assessment, a health check has been carried out on Rutherglen High Street which notes that vacancy rates in Rutherglen currently stand at 9% (15 units) which is below the Scottish National Town Centre Vacancy rate of 11.9%. The vacancy figures have been corroborated by a recent SLLDP survey. A lower than average vacancy rate would indicate a fairly healthy high street which would not be expected to be affected by the Home Bargains proposals at Dalmarnock Road.
- iii. The proposals are for Class 1 Retail with an approximate 60% convenience and 40% comparison split. It is considered that given the main proportion of floor space would be convenience and the relatively small scale nature of the proposals, the proposals would serve a local market area only and that there is a suitable catchment population within the area. Furthermore, being adjacent to a non-discount retailers, the Class 1 superstore provides additional, qualitative choice for the local catchment.
- iv. The application site is located on brownfield land and has been vacant for several years and, therefore, its redevelopment would enhance the area.
- v. The site involves the redevelopment of brownfield land and is located adjacent to public transport routes. It is considered that the principle of the development can meet the sustainable development requirement.
- vi. The site is located adjacent to public transport routes and on-site parking is proposed.
- vii. See v) above

- viii. The site has previously been developed and therefore it is considered that, in terms of the principle of development, there would not be an impact on the natural or built environment.
 - ix. Accessible parking is proposed and the design is not out of scale with the existing area. Detailed design assessment is made with other Development Management criteria assessments further in the report.
 - x. A drainage strategy and Flood Risk Assessment have been submitted in support of the application.
- 6.15 It is, therefore, considered that the applicant has demonstrated, through the sequential test, that there are no appropriate sites for a development of this nature within Rutherglen Town Centre, nor the edge of the Town Centre. The Health Check demonstrates that Rutherglen Town Centre has less vacancies than the national average and appears in good health. It is considered that a class 1 retail unit of this scale would not impact upon the vitality or viability of Rutherglen Town Centre. In principle, the proposals comply with the required criteria of SLLDP Policy 10.
- 6.16 Policy 8 Employment of LDP2 reiterates the site's designation as a Core Industrial and Business Area and as with the adopted SLLDP requires non-conforming (non-Class 4, 5 and 6 uses) to meet set criteria as set out within LDP2 Volume 2 Policy ICD2 Non-Conforming Uses in Core Industrial/Business Areas. The criteria for this policy largely mirrors that of SG5 Policy ICD1 of the adopted SLLDP as above. However, it omits criterion j) requiring a green travel plan and criterion c) refers to 'the vitality and viability of existing town and local centres' in place of 'the vitality and viability of existing town and village centres' as well as omitting reference to the Retailing SG. The wording relating to types of retailing centres has been changed in order to include neighbourhood centres as well as village centres within the category of local centres and the reference to the Retailing SG has been omitted as SG is no longer being produced as part of LDP2. In assessment it is, therefore, considered that these wording changes do not prevent the proposed development meeting the criteria of this policy and the loss of Core Industrial and Business Area land remains acceptable within LDP2 subject to consideration against the relevant LDP2 retail policy.
- 6.17 In this instance, the relevant LDP2 Policy is Policy 10 New Retail/Commercial Proposals largely mirrors that of SLLDP Policy 10 above. However, again the wording of LPDP2 Policy 10 has been amended to refer to strategic, town and local centres in place of strategic, town and neighbourhood centres. In assessment, it is considered that the proposal meets the criteria of this policy as appropriate sequential assessment of all the relevant retailing centres has been carried out.
- 6.18 Whilst not part of any Development Management criteria, it is noted that Home Bargains currently have a store within Rutherglen Town Centre and the applicant states the intention would be to retain both stores should this application be approved. Whilst this is not a material planning consideration, it should be noted that some assurance can be taken that the current store will remain, as the applicants have advised that TJ Morris have 9 years left of their lease for this store. Average retail leases in Scotland are usually 5 years so the long term nature of the current lease is considered likely to demonstrate the applicant's desire to trade in Rutherglen Town Centre as well.

- 6.19 It is considered that the proposed development can meet the criteria which allows for the loss of Employment Land on the site as well as demonstrating that the proposals will not be detrimental to the viability and vitality of Rutherglen Town Centre. It is considered that, this Class 1 non-food retail unit will not adversely affect the industrial land supply or damage the industrial function of this area. The new shop would be located in the northern sector of this mixed use area. The unit would be accessed from the recently constructed McDonalds'/KFC access off the Tesco spine road which also serves a small group of business/industrial units. The site can be easily accessed from the main public road and a local bus service is within walking distance of the new unit. The development of this unkempt site would enhance the appearance and amenity of the overall area and, therefore, the proposal would have no adverse impact on the natural or built environment.
- 6.20 It is recognised that there are a mix of uses established at Rutherglen Park including the recent McDonalds and KFC restaurant outlets. It is considered that the development of this land, located in close proximity to Dalmarnock Road, would improve the vitality of the area and enhance the appearance of this residual area of the Rutherglen Park site.
- 6.21 In summary, the application was advertised as development contrary to the development plan as the site is located within an area designated for core industrial and business use. However, following a detailed assessment of the proposal, taking into consideration economic and environmental benefits of the development, it is considered that a departure from the development plan can be justified and planning permission granted for the following reasons:
- 1) The proposal offers an opportunity to provide a commercial development, on the edge of an industrial and business zoned area where there has been a difficulty in marketing residual land for industrial use.
 - 2) The proposal has been assessed against Policy 7 -Employment and the Supplementary Guidance Policy ICD1 and it complies with the criteria therein.
 - 3) The proposal is fully compliant with Policy 4 of the adopted South Lanarkshire Local Development Plan and DM1 and DM8 of the Supplementary Guidance.
 - 4) The development will provide local employment opportunities.
 - 5) The site can be developed without adversely affecting the amenity of the surrounding area.
- 6.22 It is therefore recommended that planning permission be granted. Although the reasons for SEPA's objection are not supported by the Councils Flood Risk Management team in respect of this application, SEPA has not withdrawn the objection. Accordingly, if Committee agree to this recommendation and propose to grant Consent, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 will apply and the Council must notify the application to the Scottish Ministers to allow them to consider whether to call in the application for their own determination.

7 Reasons for Decision

- 7.1 For the reasons set out in 6.21 above.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 15 March 2019

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 30 May 2018

- ▶ Consultations
 - Environmental Services 25.09.2018
 - Roads Flood Risk Management 27.06.2018
 - Roads Development Management Team 17.10.2018
 - Scottish Water 05.06.2018
 - SEPA 22.06.2018
 - SEPA 09.08.2018
 - SEPA 20.12.2018
 - SP Energy Network 14.06.2018

- ▶ Representations None

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
Phone: 01698 455043
Email: maud.mcintyre@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/18/0723

Conditions and reasons

01. That before works start on the development 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: These details have not been submitted or approved.

02. That before works start on the development, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.

Reason: These details have not been submitted or approved.

03. That before works start on the development, 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.

04. That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building 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.

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

Reason: In the interests of amenity and traffic safety.

06. 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: To retain effective planning control.

07. That 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 – Method for Rating and Assessing Industrial and Commercial Sound at buildings where people are likely to be affected. Between the hours of 2000 and 0800 the noise rating level emitted from the premises (LAeq (15mins)) shall not exceed the pre-existing background noise level (LA90 (1/2hour)) by more than 4dB when measured in accordance with BS4142:2014 at buildings where people are likely to be affected.

Reason: In the interests of amenity.

08. (a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to each phase of the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.

(b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.

(c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.

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

09. That before the retail unit hereby approved is brought into use, details of the storage and collection of waste arising from the development shall be submitted to and approved by the Council as Planning Authority. The storage and waste collection scheme shall be implemented before the unit is brought into use and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: To minimise nuisance, littering and pest problems to nearby occupants.

10. That before works start on the development, 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. 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.

11. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable 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. (Appendices 1, 2 + 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.

12. That prior to any work starting on site, a Flood Risk/Drainage Assessment and Independent Check shall be carried out, submitted to, and approved in writing by the Council as Planning Authority. This Assessment shall include confirmation that a suitable FFL is provided and procedures are considered to ensure access/egress can be obtained should flooding occur. The Assessment and Independent Check shall be carried out in accordance with the latest industry guidance listed within Section 4.0 of the Council's SuDS Design Criteria Guidance Note. (Appendices 3 + 4)

Reason: To ensure that the risk of flooding to the application site from any source is at an acceptable level as defined in the SPP and that there is no increase in the future flood risk to adjacent land as a result of the proposed development.

13. That the development hereby approved shall not be occupied until the developer provides a written agreement from Scottish Water that the site can be served by a water scheme constructed to the specification and satisfaction of Scottish Water as the Water Authority, unless otherwise agreed.

Reason: To ensure that the development is served by an appropriate water supply.

14. That the retail unit hereby approved, Class 1 retail store, will not exceed 2078 sq. metres (gross) floor area, with maximum net sales floor area of 1650 sq. metres of which no more than 30% of the net sales area shall be used for the sale of food goods. For the avoidance of doubt and notwithstanding the proposed provision in the Planning etc. (Scotland) Act 2006 that a mezzanine floor will require planning permission.

Reason: In order to retain effective planning control.

15. For the avoidance of doubt and notwithstanding the proposed provision in the Planning etc. (Scotland) Act 2006 that subdivision of the approved retail unit shall require planning permission.

Reason: In order to retain effective planning control.

16. Prior to the retail development hereby approved being brought into use the developer shall include provision for three electric charging bays on the retail site to the satisfaction of the Council as Planning Authority.

Reason: In order to retain effective planning control.

17. That prior to the commencement of development a Traffic Management Plan shall be submitted to the Council for consideration and approval. This should conclude appropriate cleaning systems within the site to ensure mud and debris is not deposited on the public road to the satisfaction of the Council as Planning Authority.

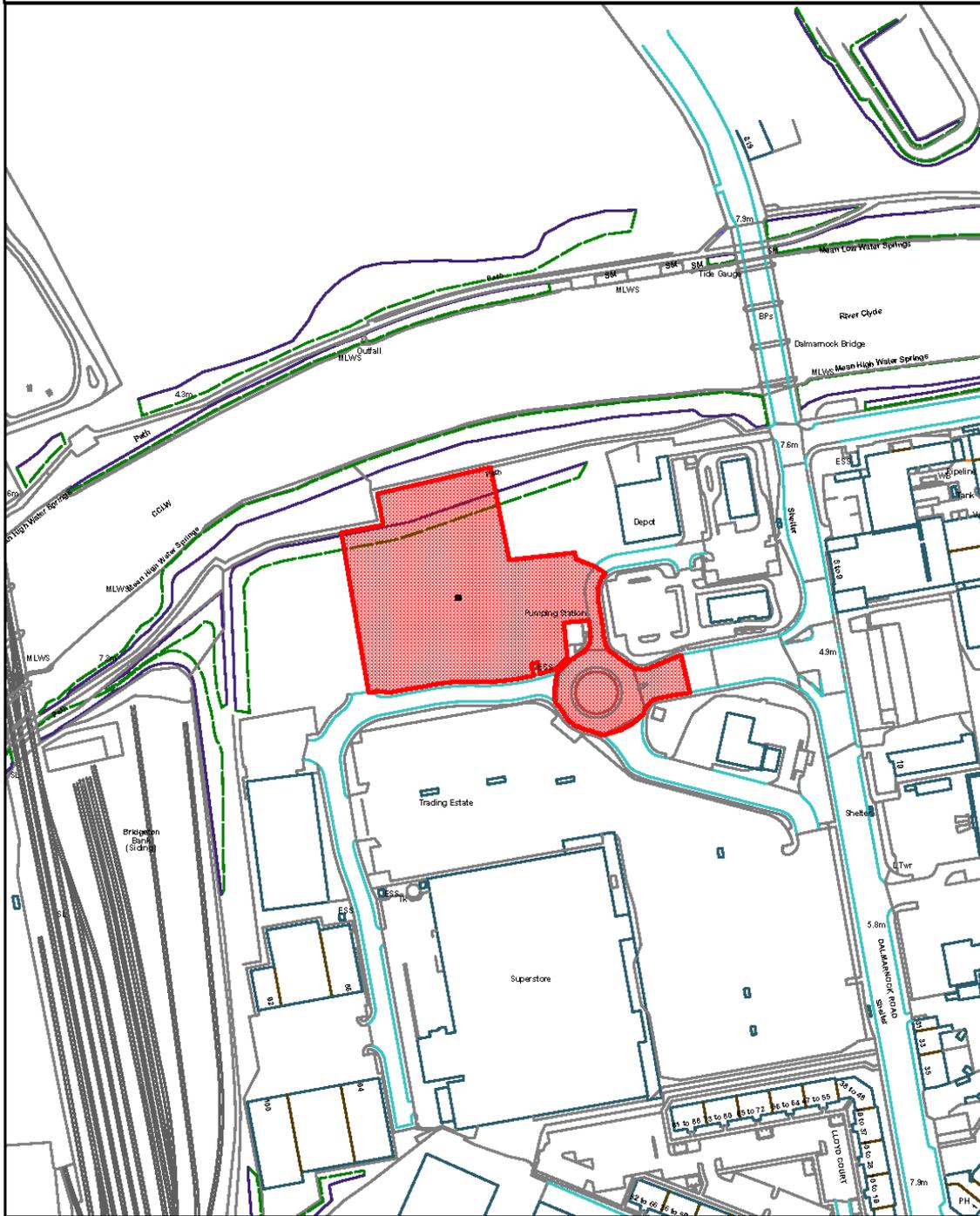
Reason: In the interests of traffic and public safety.

18. That prior to the retail unit being operational a Staff Travel Plan shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure sustainability in terms of reduction in staff vehicular journeys.

P/18/0723

1A Clyde Gateway Trade Park, Dalmarnock Road, Rutherglen



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Scale:
1:2,500
Date:
28/02/2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

4

Report to:	Planning Committee
Date of Meeting:	26 March 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/0949
Planning proposal:	Erection of Coffee Shop with Drive-Thru Facility, associated car parking and landscaping

1 Summary application information

Application type:	Detailed planning application
Applicant:	Rubicon Land Limited
Location:	Land 100M West Of Mcdonalds Dalmarnock Trading Estate Dalmarnock Road Rutherglen Glasgow South Lanarkshire

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 Committee is minded to grant planning permission, it should be noted that consent cannot be granted and issued at present. As SEPA has advised against the grant of planning permission by objecting in principle on the basis of potential flood risk, in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 the application must be formally notified to Scottish Ministers for the opportunity to consider whether to call in the application for their own determination.

3 Other information

- ◆ Applicant's Agent: Roddy Macleod
- ◆ Council Area/Ward: 12 Rutherglen Central And North
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan: (Adopted 2015)**
Policy 4 Development management and

placemaking
Policy 7 Employment
Policy 10 New retail/commercial proposals

Supplementary Guidance 5: Industrial and commercial development
Policy ICD1 Non-conforming uses in core industrial/business areas
Supplementary Guidance 3: Development Management, Placemaking and Design
Policy DM1 Design

Proposed South Lanarkshire Development Plan 2: (2018)

Policy 5 Development Management and Placemaking
Policy 9 Network of Centres and Retailing
Policy 10 New retail and commercial proposals
Policy DM1 New Development Design
Policy DM17 Air Quality

◆ **Representation(s):**

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

◆ **Consultation(s):**

Environmental Services

Roads Flood Risk Management

Roads Development Management Team

Scottish Water

SEPA

SP Energy Network

Rutherglen Community Council

Glasgow City Council

Planning Application Report

1 Application Site

- 1.1 The application site relates to an area of land adjacent to the Tesco Superstore and petrol filling station (PFS) on the northern edge of Rutherglen. The site, which is generally rectangular in shape, sits to the north of the Tesco vehicular access roundabout and to the east of the existing McDonalds and KFC drive-through restaurants. The site has been lying vacant for several years. It is residual land from the superstore and industrial/business development, known as Rutherglen Park or Dalmarnock Trading Estate.
- 1.2 To the north of the site, a flood defence barrier exists and beyond to the River Clyde. To the west lies another vacant piece of land where a Class 1 Non-food Retail unit is currently proposed, also under consideration (Planning Reference No. P/18/0723). To the east lies a redundant small scale workshop unit and beyond to the existing McDonalds and a KFC drive-thru restaurants and their associated car parks. To the south is the main access road to Rutherglen Park.
- 1.3 The site is relatively level and at present it has the appearance of unkempt vacant land. This proposed coffee shop would be accessed from an existing access road which currently serves the two drive-through restaurants.

2 Proposal(s)

- 2.1 The developer seeks detailed planning consent for a freestanding, modern, single storey coffee shop and drive-through with associated car parking and an external seating area.
- 2.2 The proposed coffee shop would be approximately 167 square metres gross internal floor area. Customer toilets, kitchen, servery area and staff room facilities would also be provided. The new development would be accessed from the existing access road, constructed as part of the McDonalds and KFC restaurants, via the Tesco spine road which is junctioned with Dalmarnock Road. Hard and soft landscaping would be provided with an external seating area.
- 2.3 A corporate Starbucks coffee shop design style is proposed with various cladding finishes including a feature panel in vertical boards, brickwork and aluminium framed shopfront frames fitted with a double glazing system.

3 Background

3.1 Local Plan Status

- 3.1.1 With regards to the adopted South Lanarkshire Local Development Plan (SLLDP) the site is within a Core Industrial and Business Area.
- 3.1.2 In addition to the above land use designation there are a number of policies within the adopted SLLDP which are considered appropriate to the determination of the application namely, Policies 4 - Development management and placemaking and 7 – Employment. Policies DM1 – Design Supplementary Guidance 3: Development Management, Placemaking and Design together with Policy ICD1 –

Non-conforming uses in core industrial/business areas from Supplementary Guidance 5 : Industrial and commercial development are also relevant.

- 3.1.3 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance the following policies are relevant. Policy 5 Development Management and Placemaking, Policy 9 Network of Centres and Retailing, Policy 10 New retail and commercial proposals, Policy DM1 New Development Design and Policy DM17 Air Quality.
- 3.1.4 In terms of South Lanarkshire Local Development Plan 2, a Schedule 4 has been prepared for the representation received regarding potential redesignation of this site from Core Industry and Business to an Out-of-Centre Retail/Commercial Designation. The Council consider that this is a reasonable proposal given the uses currently on or proposed for the site. The Council has, therefore, recommended to the Reporter that if minded to do so, that the designation of this site is altered in the final LDP2.

3.2 **Relevant Government Advice/Policy**

- 3.2.1 Relevant Government guidance is set out within the consolidated Scottish Planning Policy (SPP) which states that local authorities should support sustainable economic development in all areas by taking account of matters including the economic benefits of proposals, promoting development in sustainable locations, supporting development which will provide new employment opportunities.

3.3 **Planning Background**

- 3.3.1 The application site is vacant land which the owner has extensively marketed for use Class 4, 5 and 6 for over ten years without success. It is argued that this is due to there being an oversupply of industrial land within the area and it is the view that the development of this small site would have a negligible impact on available floor space.

4 **Consultation(s)**

- 4.1 **Environmental Services** – no objections to the application subject to the inclusion of conditions and informatives relative to noise/ventilation, contaminated land, and commercial waste.

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

- 4.2 **Roads Flood Risk Management** – following detailed discussion with SEPA, the Council's Flood Risk Team conclude that they have no objections in principle to the proposal, however, require a Flood Risk Assessment to be undertaken together with the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied through the completion of a self-certification document and confirmation of Scottish Water's approval. SEPA had no objection to similar developments at this location before they introduced their internal 'Development

behind Flood Defences' document. It is therefore our assessment that the proposed developments would not increase vulnerability, as the proposals are closing out the remaining two plots of this site which comprises of similar commercial units. No information has been presented to SLC which changes our assessment of this site from when the previous units were deemed satisfactory by SLC and SEPA. SEPA have classified the existing River Clyde hydraulic model as outdated, however, until a new hydraulic model is produced this is the best information we have to base our decision upon, and was the information we made the previous decisions upon at this site and surrounding Dalmarnock area.

Response: Noted. Suitable conditions would be attached to any planning consent and the applicants are aware of the self-certification process.

- 4.3 **Roads Development Management** – No objections subject to a standard condition regarding the submission of a traffic management plan relating to the construction phase.

Response: Noted. Any approval would have the relevant condition(s) attached.

- 4.4 **Scottish Water** – No objections

Response – Noted

- 4.5 **SEPA** – Despite further discussions with the Council's Flood Team, SEPA maintain their objection on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy. This is also despite the developer's flood risk consultant providing additional information and clarification on a number of points relating to the history of the site and the presence of an existing flood defense barrier which was constructed as part of the adjacent Tesco supermarket development. However, while SEPA acknowledges this information they note that the site has been out of any defined use for over ten years, and they reiterate concerns given the derelict nature of the site as vegetated open ground, that the proposed development would represent an increase in vulnerability contrary to their land use vulnerability guidance. They note that the FRA uses the River Clyde Flood Management Strategy (RCFMS) to help inform of flood levels, which they now consider to be outdated and may not accurately represent flood risk. Therefore they no longer consider that the RCFMS should be used for land use planning purposes and continue to have flooding concerns with this development proposal as this the site is potentially at risk during the 200 year flood event and could increase overall flood risk. SEPA has stated that they would consider removing their objection if formal flood protection schemes brought forward through the Flood Risk Management Planning process or through other sections of the Flood Risk Management (Scotland) Act 2009, to an appropriate standard, or a change of proposed development use to essential or water compatible use. For these reasons SEPA continue to object as the site is at flood risk and could potentially further increase flood risk elsewhere.

Response: The Flood Risk Team have reviewed SEPA's comments and acknowledge their objection based upon their new position on developments behind flood defences. In accordance with this new policy, SEPA consider that the existing flood defences in this area were not promoted as a formal flood protection scheme and, therefore, do not exist, leading to the area now being assessed by SEPA as being at an unacceptable risk of flooding. SLC have been provided with the construction information and independent technical assessment of the flood protection bund at this location, which was constructed at the time of the completion of the Tesco development, which has been passed to SEPA for their

review. This bund has been in place for several years and has been incorporated within the River Clyde hydraulic models, which show this location to be outwith the functional flood plain. This information has been used in the determination of the previous planning applications in this area, which were deemed satisfactory by SLC and SEPA. As it is considered that there has been no change to our understanding of the flood risk in this area since this time, other than the release of SEPA's "Development behind flood defences" document, we do not foresee any objection to these proposed developments on flood risk.

4.6 **SP Energy Network** – No response to date.

Response: Noted.

4.7 **Rutherglen Community Council** – No response to date.

Response: Noted.

4.8 **Glasgow City Council** – No response to date.

Response – Noted.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the Rutherglen Reformer as a Schedule 3 development due to the nature and scale of development, for non-notification of neighbours and because the proposed commercial use is contrary to development plan. No representations were received in respect of the proposals.

6 Assessment and Conclusions

6.1 The developer seeks detailed planning consent for a freestanding, modern, single storey coffee shop and drive-through with associated car parking and an external seating area.

6.2 The determining issues in the assessment of this application are its compliance with Local Development Plan policy as well as its impact on the amenity of adjacent properties. 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 relevant associated Supplementary Guidance documents.

6.3 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposals accords with the relevant polices detailed in section 3.1.3 above.

- 6.4 In terms of national planning policy, Scottish Planning Policy (SPP) states that local authorities should support sustainable economic development in all areas by taking account of matters including the economic benefits of proposals, promoting development in sustainable locations and supporting development which will provide new employment opportunities.
- 6.5 In this instance, the application site has resulted from residual land from the overall redevelopment of the former Rutherglen Ropeworks site for residential flats, a Tesco superstore/petrol filling station and a group of industrial/business units. A planning justification statement has been lodged which states that the site has been previously marketed for industrial uses for over ten years without success. In addition, in recent years planning permission was granted for a McDonalds and KFC drive thru restaurants on directly adjacent sites. The loss of employment land will not have an adverse effect on the overall supply of industrial/business land in the area and, therefore, justifies a commercial proposal for this site.
- 6.6 In terms of the South Lanarkshire Local Development Plan (adopted 2015), Policy 7 – Employment states that the Council will encourage the development of business in South Lanarkshire through the identification of employment land use areas. The application site at Rutherglen Park is located within a Core Industrial and Business land use area. The policy states that detailed criteria for the assessment of proposals within these areas are set out in supplementary guidance.
- 6.7 In this regard, Policy ICD1 – Non-Conforming Uses in Core Industrial/Business Areas of the Council’s Industrial and Commercial Development Supplementary Guidance document provides Council policy on the siting of non-industrial uses within industrially designated areas. Policy ICD1 states that in all core industrial areas, proposals for non-industrial or business uses will be assessed against the following criteria:
- a) The effect the proposal will have on the continuity of the marketable industrial land supply in terms of quantity, range and quality.
 - b) The development is not for residential use.
 - c) The proposal must not undermine the vitality and viability of existing town and village centres within South Lanarkshire and should follow the sequential approach as set out in LDP policy 10 and Town Centres and Retailing SG.
 - d) That the development of the site or premises would not adversely affect the industrial operation, amenity, industrial character and function of the area, including traffic movement and circulation.
 - e) The site or premises has been subject to a marketing appraisal for classes 4, 5 and 6 to the Council’s satisfaction and has been actively marketed for these uses for a minimum period of 6 months.
 - f) The site or premises can easily be accessed from main road routes and has satisfactory access by walking, cycling and public transport.
 - g) The infrastructure implications including the impact on the transport network of the development are acceptable or can be mitigated to an acceptable level.
 - h) The proposal includes appropriate parking provision for the type of development.

- i) The development will not adversely affect the natural or built environment, including Natura 2000 sites and Protected Species.
- j) The development makes provision for cycling, walking and public transport and/or has a Green Travel Plan, as appropriate.

6.8 With regard to the above criteria, it is considered that this freestanding drive-thru coffee shop will not adversely affect the industrial land supply or damage the industrial function of this area. The new restaurant would be located in the north eastern sector of this mixed use area. The unit would be accessed from the recently constructed McDonalds'/KFC access off the Tesco spine road which also serves a small group of business/industrial units. The site can be easily accessed from the main public road and a local bus service is within walking distance of the new coffee shop. The development of this unkempt site would enhance the appearance and amenity of the overall area and therefore the proposal would have no adverse impact on the natural or built environment.

6.9 It is recognised that there are a mix of uses which have established at Rutherglen Park including, the recent McDonalds and KFC restaurant outlets. It is considered that the development of this land, located in close proximity to Dalmarnock Road, would improve the vitality of the area and enhance the appearance of this residual area of the Rutherglen Park site.

6.10 Policy 4 – Development Management and Placemaking of the adopted Local Development Plan requires all proposed developments to take account of local context and not to have any adverse effect on surrounding amenity. It is noted that the proposed development comprises a modern style building which would be constructed adjacent to two relatively recently developed drive-through restaurants. It is therefore considered that the proposed commercial use would be compatible at this location and would have no adverse impact on surrounding amenity. It is also considered that the proposal is fully compliant with Policy 4 of the adopted Local Development Plan and also complies with all relevant policy and guidance as set out within the Supplementary Guidance 3 document relating to Development Management, Placemaking and Design associated with the adopted Local Development Plan.

6.11 All new development must meet the requirements of DM1 – Design. It is considered that the proposed layout for the development is acceptable and that it meets Policy DM1. The proposed development is of a high quality design incorporating a suitably high standard of materials and it will enhance the surrounding area.

6.12 In this instance, the site is zoned for industrial and business use, however, it lies directly adjacent to a recently approved McDonalds restaurant/drive thru and near a Tesco superstore, on the edge of this mixed use area with no residential properties nearby. Roads and Transportation were consulted as part of this application and offered no objections as there is adequate parking proposed. Environmental Services also had no objections subject to conditions regarding contamination and noise.

6.13 In terms of the proposed plan, SLDP2, the relevant policies, namely Policy 5 Development Management and Placemaking, Policy 9 Network of Centres and Retailing, Policy 10 New retail and commercial proposals, Policy DM1 New

Development Design and Policy DM17 Air Quality, are broadly similar to the adopted local development plan policies and the site designation remains the same.

6.14 In summary, the application was advertised as development contrary to the development plan as the site is located within an area designated for core industrial and business use. However, following a detailed assessment of the proposal, taking into consideration economic and environmental benefits of the development, it is considered that a departure from the development plan can be justified and planning permission granted for the following reasons:

- 1) The proposal offers an opportunity to provide a commercial development, on the edge of an industrial and business zoned area where there has been a difficulty in marketing residual land for industrial use.
- 2) The proposal has been assessed against Policy 7 -Employment and the Supplementary Guidance Policy ICD1 and it complies with the criteria therein.
- 3) The proposal is fully compliant with Policy 4 of the adopted South Lanarkshire Local Development Plan and DM1 and DM8 of the Supplementary Guidance.
- 4) The development will provide local employment opportunities.
- 5) The site can be developed without adversely affecting the amenity of the surrounding area.

6.15 It is therefore recommended that planning permission be granted. Although the reasons for SEPA's objection are not supported by the Councils Flood Risk Management team in respect of this application, SEPA has not withdrawn the objection. Accordingly, if Committee agree to this recommendation and propose to grant Consent, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 will apply and the Council must notify the application to the Scottish Ministers to allow them to consider whether to call in the application for their own determination.

7 Reasons for Decision

7.1 For the reasons set out in 6.14 above.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 15 March 2019

Previous references

◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 20 July 2018

► Consultations

Environmental Services	24.07.2018
Roads Flood Risk Management	21.09.2018
Roads Development Management Team	24.07.2018
Scottish Water	23.07.2018
SEPA	13.08.2018
SEPA	11.09.2018
SEPA	12.11.2018
SEPA	09.01.2019

► Representations

►	0	Objection Letters
►	0	Support Letters
►	0	Comment Letters

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
Phone: 01698 455043
Email: maud.mcintyre@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/18/0949

Conditions and reasons

01. That before works start on the development, 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.

02. That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building 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.

03. That before works start on the development, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.

Reason: These details have not been submitted or approved.

04. 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: These details have not been submitted or approved.

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

Reason: To ensure satisfactory vehicular and pedestrian access facilities to the site.

06. 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: To retain effective planning control.

07. That prior to the commencement of site works, (a) the applicant shall be required to undertake a comprehensive site investigation, carried out to the appropriate Phase level, to be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:

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

(ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;

(iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.

(b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.

(c) If the risk assessment identifies any unacceptable risks, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.

Reason: In the interests of amenity.

08. That before the development hereby approved is brought into use the approved details for storage and the collection of waste arising from the proposed development shall be in place and thereafter be satisfactorily maintained, all to the satisfaction of the Council as Planning Authority.

Reason: In the interests of amenity.

09. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable 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. (Appendices 1, 2 + 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.

10. That prior to any work starting on site, a Flood Risk/Drainage Assessment and Independent Check shall be carried out, submitted to, and approved in writing by the Council as Planning Authority. This Assessment shall include confirmation that a suitable FFL is provided and procedures are considered to ensure access/egress can be obtained should flooding occur. The Assessment and Independent Check shall be carried out in accordance with the latest industry guidance listed within Section 4.0 of the Council's SuDS Design Criteria Guidance Note. (Appendices 3 + 4).

Reason: To ensure that the risk of flooding to the application site from any source is at an acceptable level as defined in the SPP and that there is no increase in the future flood risk to adjacent land as a result of the proposed development.

11. That the development hereby approved shall not be occupied until the developer provides a written agreement from Scottish Water that the site can be served by a water scheme constructed to the specification and satisfaction of Scottish Water as the Water Authority, unless otherwise agreed.

Reason: To ensure that the development is served by an appropriate water supply.

12. That prior to the unit being operational a Staff Travel Plan shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure sustainability in terms of reduction in staff vehicular journeys.

13. That 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: In the interests of amenity.

14. Before the development 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: In the interests of amenity.

- 15 That prior to the commencement of development a Traffic Management Plan shall be submitted to the Council for consideration and approval. This should include appropriate cleaning systems 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.

Report

5

Report to:	Planning Committee
Date of Meeting:	26 March 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	CL/17/0514
Planning proposal:	Erection of 16 dwellings, formation of access and associated ground works

1 Summary application information

Application type:	Detailed planning application
Applicant:	Lovell Partnership Limited
Location:	Land At Former Lanark Grammar School Albany Drive Lanark South Lanarkshire

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: Teri Porter
- ◆ Council Area/Ward: 02 Clydesdale North
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan: (Adopted 2015)**
Policy 2: Climate Change
Policy 4 Development management and placemaking
Policy 6: General urban area/settlements
Policy 12: Housing Land
Policy 14: Green network and Greenspace

Proposed South Lanarkshire Local Development Plan 2 (2018)

Policy 2 Climate Change
Policy 3 General Urban Areas
Policy 5 Development Management and
Placemaking
Policy 11 Housing Land
Policy 13 Green network and Greenspaces

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

RT Flood Risk Management Section

Planning Application Report

1 Application Site

1.1 The application site extends to 0.7 hectares lying between Albany Drive and Kirklands Road, Lanark. The ground has previously been cleared of the buildings and play grounds of Lanark Grammar and is now a mixture of recolonising grasses and shrubs with three mature lime trees on the Albany Drive boundary and two trees within the site. The site slopes south and south-westward down to Kirklands Road, and has two infrastructure wayleaves which run through the site – one for Scottish Water and one for Scottish Power. The latter is also the route of a 2 metre wide hard surfaced footpath giving pedestrian access from Albany Drive to Lanark Grammar’s car park which is itself accessed from Kirklands Road. The site is bordered to the west, north and south by existing housing and to the east by the aforementioned school estate.

2 Proposal(s)

2.1 The applicant seeks planning permission for the erection of 16 two storey dwellings incorporating a range of styles and sizes ranging from 3 to 4 bedroom units, mainly detached properties. The properties will be partially faced with coloured render and stone, and stone will also be used to highlight architraves and quoins. The pitch of the roofs and the eaves details have been designed to reflect the existing architectural style of the properties along Albany Drive.

2.2 Fourteen of the proposed dwellinghouses would be accessed from the private road, Albany Drive and two from Kirklands Road. Of those using the private road, nine would have driveways directly onto Albany Drive itself while the remaining five would be accessed from a private cul-de-sac. The submitted layout shows that the existing 900mm high boundary wall along Albany Drive will be partially retained as garden boundary for nine of the houses.

2.3 As supporting documents the applicant has submitted an Ecology Report and a Tree Survey.

3 Background

3.1 Local Plan Status

3.1.1 The adopted South Lanarkshire Local Development Plan identifies the site as housing supply land and as lying within the settlement boundary of Lanark where Policies 6 - General Urban Area/Settlement and 12 Housing Land apply respectively. In addition, Policies 2: Climate Change, 4: Development Management and Place Making, and 14 Green network and greenspace are relevant, as are the Supplementary Guidance’s on Development Management, Place Making and Design and Sustainable Development and Climate Change. The Council’s Residential Development Guide should also be taken into consideration.

3.2 Relevant Government Advice/Policy

3.2.1 In terms of residential development, Scottish Planning Policy (SPP) advises that the planning system should identify a generous supply of land to support the

achievement of housing land requirements and maintaining at least a 5 year supply of land at all times. It should also enable the development of well designed, energy efficient, good quality housing in sustainable locations and focus on the delivery of allocated sites. Consideration should be given to the re-use or re-development of brownfield land before development takes place on greenfield sites.

3.2.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policies 2 'Climate Change', 3 'General Urban Areas', 5 'Development Management and Placemaking', 11 'Housing', and 13 'Green Network and Greenspaces' are relevant.

3.3 **Planning Background**

3.3.1 There have been no relevant planning applications in the past five years. The site was identified as housing land in the South Lanarkshire Local Development Plan (adopted in 2015).

4 **Consultation(s)**

4.1 **Roads and Transportation Services Development Management Team** – raised no objections subject to conditions relating to a number of matters including visibility, parking spaces for construction staff and wheel washing facilities. The delivery route for construction traffic will have to be approved and, thereafter, a dilapidation survey carried out.

Response: Noted. These matters can be addressed by conditions attached to any consent issued.

4.2 **Roads and Transportation Services HQ (Flooding Unit)** – offer no objection subject to conditions requiring the submission of a Flood Risk Assessment and the provision of a Sustainable Urban Drainage System (SUDS).

Response: Noted. Should consent be granted, conditions can be attached to cover these matters.

4.3 **Environmental Services** – have raised no objections to the proposal.

Response: Noted.

5 **Representation(s)**

5.1 In response to the carrying out of neighbour notification and the advertisement of the application, 7 letters of objection have been received. The issues raised are summarised below:

a) **Concerns have been raised regarding the physical impact of construction traffic on the narrow private road, Albany Drive, and the infrastructure that lies below. Residents have had to call out Scottish Water on numerous occasions to resolve problems with the mains drains. The surface of Albany Drive has recently been re-laid, and all**

residents have a note in their title deeds about contributing to the surface's maintenance. Will this be incorporated into the Title Deeds of the proposed houses? A survey of Albany Drive and its underground services should be undertaken in advance of any construction works and after a period of 18 months to 2 years, with any damage repaired at the developer's expense.

Response: The applicant is aware of the private status of Albany Drive. The issue of burden on the title of any new property is a legal matter for the parties concerned. A planning condition will be attached to any consent issued requiring a condition survey of the roads be undertaken in conjunction with Roads and Transportation Services. In relation to the ability of infrastructure, such as mains drainage to accommodate further dwellings, the developer will have to seek Scottish Water's permission for a connection. That process may highlight whether any improvements or upgrades are necessary.

- b) **Car traffic already travels too fast on Albany Drive, and with 14 new houses using Albany Drive this would adversely affect opportunities for residents' children playing outside safely, and as such traffic calming measures would be helpful. In addition the pedestrian route from Albany Drive down into Lanark Grammar is used by many school pupils. The existing traffic bollards which prevent access into Albany Drive from Braxfield Road should be retained to prevent the Drive becoming a short cut. As a temporary measure a controlled barrier entry could be used instead of the bollards and this could provide an easier access to lorries during the initial construction phase. Alternatively construction traffic could access the site from Kirklands Road.**

Response: The proposal has been considered by Roads and Transportation Services who have raised no objections to the proposal subject to a number of conditions pertaining to construction traffic routes, their management and condition surveys.

- c) **The current access to Lanark Grammar School is narrow and properties along its length have physical boundaries which restrict visibility, so the addition of extra driveways onto Kirklands Road will add to safety issues for children going to and from school, as well as all the vehicles travelling to the Grammar and the Additional Support Needs Faculty. Where the proposed driveways will be positioned is a "pinch" point, where vehicles have to stop to allow other vehicles to pass. Previously construction traffic caused structural damage to houses on this road and at the junction of Kirklands Road with Braxfield Road and this should not be allowed to happen again.**

Response: Noted. The proposal has been considered by Roads and Transportation Services who have raised no objections to the proposal subject to a number of conditions pertaining to construction traffic routes, their management and condition surveys.

- d) **The design of the proposed new houses is out of character with the surrounding dwellings which are mainly sandstone fronted villas with slate roofs. The submitted plans show only small insignificant**

elements of stonework being used with the main external treatment being render. In addition there is no indication if use is to be made of the stonework remaining on site from the demolished school, and the proposal would necessitate the removal of the most part of the sandstone wall and iron railings which formed the school boundary. If a cul-de-sac layout was utilised instead of the proposed layout, it would allow the majority of the boundary wall and railings to be retained and used as the rear of the new houses.

Response: Following discussions with the applicant, amendments have been made to the design and fenestration of the proposed dwellings and it is considered that these revisions better reflect the particular architectural characteristics of existing houses in the immediate area. The mix of finishes on the exteriors, while not a mirror image of Albany Drive is considered to be sympathetic and economically viable. The site layout shows the existing 900mm high boundary wall onto Albany Drive being retained to form front garden walls. In relation to the site layout, if the entire development were to be laid around a cul-de-sac, it would have resulted in 'dead' or rear elevations facing Albany Drive with garden fences of 1.8 metres high further detracting from the Drive's character.

- e) **The proposals will necessitate the removal of the large mature trees which are an integral part of the character of Albany Drive. The removal of them and their root systems has the potential to damage the foundations of existing houses and any damage caused to existing homes should be repaired at the cost of the developer. Local wildlife use the site, and all necessary measures should be taken to ensure their safe removal and relocation.**

Response: An ecology survey has been submitted which shows there are no permanent sites used by European protected species. As advised by Scottish Natural Heritage (SNH), a planning condition will be attached to any consent issued requiring an update to the survey no earlier than six months before work starts on site. The three lime trees along Albany Drive are more than 20 metres away from existing properties. To compensate for the loss of all the trees, a landscape scheme including the planting of appropriate trees will be a condition of any consent issued.

- f) **Parking within Albany Drive is already a problem in the evenings and at weekends, when residents and visitors need to park on the side of the road earmarked for development. Despite showing triple driveways and some garage parking for the new houses, in some new development this in reality only means space for two cars due to their dimensions. Consideration should be given to visitor and overflow parking.**

Response: Roads and Transportation Services have considered the proposal including parking provision and have raised no objections.

- g) **The proposed plans indicate that a property will be positioned very close to the rear boundary of properties on Kirklands Road. To ensure continued privacy, assurances are sought that the existing leylandii are maintained to prevent any overlooking.**

Response: The separation distance from the rear of numbers 3/3A Kirklands Road to the gable of the proposed house is 25 metres. This gable will only feature an en-suite window.

- h) The school community are concerned that a building site next to an active school may cause disruption, and seek assurances that the developer will consider timetabling construction works to avoid prelim and SQA examinations. Also that Kirklands Drive should not be the main site entrance during the construction, and that existing safe walking routes to school are maintained.**

Response: Noted.

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

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning consent for the erection of 16 dwellinghouses and associated infrastructure at Albany Drive, Lanark. The determining issues in considering this application are its compliance with the policies of the adopted South Lanarkshire Local Development Plan, its associated Supplementary Guidance and the Council's Residential Development Guide, the impact on the amenity of the adjacent properties and surrounding area, and road safety.

- 6.2 The application site is considered to be brownfield as it formerly contained the original Lanark Grammar buildings. It lies within the Lanark settlement boundary but outwith the conservation area. It is identified as part of the housing land supply through Policy 12 – Housing Land. As such, residential development is considered to be acceptable, in principle, subject to compliance with other Council policy and guidance on new residential development with particular reference to layout and design. Policy 2: Climate Change and the associated Supplementary Guidance seeks to, where possible, minimise and mitigate against the effects of climate change and sets out a range of criteria which new development should consider to achieve this. The proposed development is consistent with the criteria being sustainably located in terms of access to public transport, and through its reuse of vacant land.

- 6.3 Also of relevance are Policies 4: Development Management and Place Making and 6: General Urban Area/Settlements along with the supplementary guidance on Development Management, Placemaking and Design. These require the Council to seek well designed proposals which integrate successfully with their surroundings, by taking account of the local context and built form in terms of scale, massing, design, external materials and impact on amenity. In addition, development should be well related to existing development, public transport, local services and facilities. The submitted layout echoes the established development pattern along Albany Drive and Kirklands Road by having a mix of detached and semi-detached dwellings addressing the street, with a discrete cul-de-sac for five dwellings within the middle of the application site. While the precise architectural details and individual variations of the existing houses would be difficult to accurately replicate with modern materials and building techniques, the amendments made by the applicant to roof pitches and fenestration have

addressed the desire to respect the character of the area. Careful consideration to the external material palette will ensure that the proposed houses will attain a quality considered appropriate to the locality. The layout largely complies with the Council's Residential Development Guide in terms of plot ratio, window to window distances and parking provision though some of the garden depths are slightly less than 10 metres. However, it is considered that the number of proposed houses is appropriate for the size of the application site, and that overall quality and residential amenity will not be compromised. The layout also maintains the existing pedestrian link from Albany Drive into Lanark Grammar, which assists with the safe movement of school pupils in the wider area. In view of this, the proposals are considered to be in compliance with Policies 4 and 6 and associated Supplementary Guidance.

- 6.4 The application site is also zoned as part of a Green Network and Greenspace area, where Policy 14 advises that development proposals should safeguard the local green network. Partial loss of such space will be considered where it can be demonstrated that there would not be a significant or adverse impact on the landscape character and amenity of the site and surrounding area. As noted above, the application site has been cleared of the former Lanark Grammar and the ground secured by chain-link fencing or railings. Other than five mature trees at the Albany Drive side of the site, there is no vegetation or tree cover of note. While all the trees will be lost, the submission of a landscaping plan will be a condition of any consent issued. This should incorporate tree planting appropriate for the site. Possible use of the site by local wildlife will be re-assessed before any development commences on site, but nonetheless an open "corridor" from Kirklands Road, into the centre of the site, will be maintained to facilitate wildlife movement. It is considered that the proposed development improves the site's current degraded appearance and doesn't adversely impact on ecology, and is compliant with Policy 14.
- 6.5 On 29 May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposals accords with Policies 2, 4, 6, 7, 12 and 14 in the proposed local plan.
- 6.6 In view of all of the above, and taking into account the current local development plan context, the proposal represents an appropriate form of residential development for the application site, and it is therefore recommended that detailed planning consent be granted subject to the conditions listed.

7 Reasons for Decision

- 7.1 The proposal will not adversely impact on residential or visual amenity and raises no road safety concerns. The development complies with Policies 2, 4, 6, 12, and 14 of the adopted South Lanarkshire Local Development Plan together with the relevant Supplementary Guidance.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 15 March 2019

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 7 February 2019

- ▶ Consultations

Roads Development Management Team	08.03.2018
Environmental Services E-consult	17.04.2018
RT Flood Risk Management Section	05.03.2018

▶ Representations	Dated:
Susan Kelso, 3 Kirklands Road, Lanark, ML11 9AJ	02.01.2018
Niall and Deborah Strang, 23 Braxfield Road, Lanark, ML11 9AH	08.01.2018
Claire and Nick Somerville, 36 Albany Drive, Lanark ML11 9AG	22.02.19
Dr John COPLAND, 41 Albany Drive, Lanark, South Lanarkshire, ML11 9AF	16.02.2019
Michael McLintock	18.12.2017
Michael McLintock	27.02.2019
Lanark Grammar School Parent Council	15.01.2018

Contact for further information

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

Ailsa Shearer, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455273

Email: ailsa.shearer@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: CL/17/0514

Conditions and reasons

01. That no earlier than 6 months prior to the commencement of any development within the application site, an update to the Extended Phase 1 Survey dated February 2018, shall be undertaken of the application site to determine the presence or absence of badgers at the site, with particular reference being to the laying-up areas, and submitted to and approved by the Council as Planning Authority. For the avoidance of doubt these surveys shall incorporate Badger Protection Plans which provide details of measures to protect the site from potential future badger activity, measures to allow the free movement of badgers through the site, measures to reduce the risk of badger road mortalities and measures to prevent badgers establishing new setts within the application site during the various phases of development.

Reason: In order to protect this European Protected Species.

02. That the roof of the dwellinghouses and garages shall be clad externally in natural slate.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality 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 re-instatement of the boundary wall and railings fronting onto Albany Drive, plus details of all other 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 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.

07. That the landscaping scheme, approved under the terms of Condition 6 above, shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the last dwellinghouse 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.

08. That no dwellinghouse shall be occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.

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

09. That before any of the dwellinghouses hereby approved are occupied, a drainage system capable of preventing any flow of water from the site onto the public road or neighbouring land, or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.

Reason: To ensure the provision of a satisfactory drainage scheme.

10. 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.

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

Reason: To ensure the provision of satisfactory vehicular and pedestrian access to the dwellings.

12. Development shall not commence until details of all surface finishes to parking bays, parking courts and curtilage parking 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 and safeguard the amenity of the area.

13. That before the development hereby approved is completed or brought into use, all of the parking spaces as 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.

14. That before the development hereby approved is completed or brought into use, driveway visibility splays of 2m metres by 20 metres measured from the road channel shall be provided on both sides of the driveway 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 all dwellinghouses without garages shall have driveways with a minimum length of 12 metres measured from the heel of the footway/service strip and the first 2 metres of each driveway as measured from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the public footway and/or carriageway.

Reason: To ensure the provision of adequate on-site parking facilities to reduce the incidence of roadside parking.

16. That none of the garage driveways shall have a gradient in excess of 1:10.

Reason: In the interests of traffic and public safety.

17. The developer shall ensure that any vehicle transporting excavated material on or off site must be treated by means of adequate wheel washing facilities. This facility will require to be in operation at all times during any earth moving operations. The wheel washing facility must be fully operational prior to any works commencing on site. A "clean zone" shall be maintained between the end of the wheel wash facility and the public road.

For the avoidance of doubt, and to ensure that the road network immediately adjacent to the site is kept clear of mud and debris, the developer shall ensure a road brush motor is made available throughout the construction period.

Reason: In the interests of traffic and public safety.

18. That during the construction phase the developer shall form an area specifically for site staff parking. For the avoidance of doubt, under no circumstance shall vehicles associated with the site park on Albany Drive, Kirklands Road or within Lanark Grammar's car park.

Reason: In the interests of traffic and public safety.

19. That before development commences on site a Traffic Management Plan (TMP) shall be submitted to and approved by the Council as Roads and Planning Authority, and thereafter shall be maintained to the satisfaction of the Council. The TMP shall include time restrictions for incoming and outgoing construction vehicles during school term times (08:00 to 09:15 and 15:30 to 16:15 on Monday to Thursdays and 08:00 to 09:15 and 12:45 to 13:30 on Fridays.)

Reason: In the interests of public safety.

20. That prior to the commencement of any development on site, the developer shall in association with the Council as Roads Department prepare a dilapidation survey of Albany Drive and Kirklands Road. For the avoidance of doubt, during the construction period the roads within the delivery route shall be maintained by the applicant, or repaired by the Council as Roads Department and recharged accordingly.

Reason: In the interests of traffic safety.

21. That prior to any work starting on site, a Flood Risk/Drainage Assessment in accordance with 'Drainage Assessment - A Guide for Scotland', shall be submitted to and approved in writing by the Council as Planning and Roads Authority.

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

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

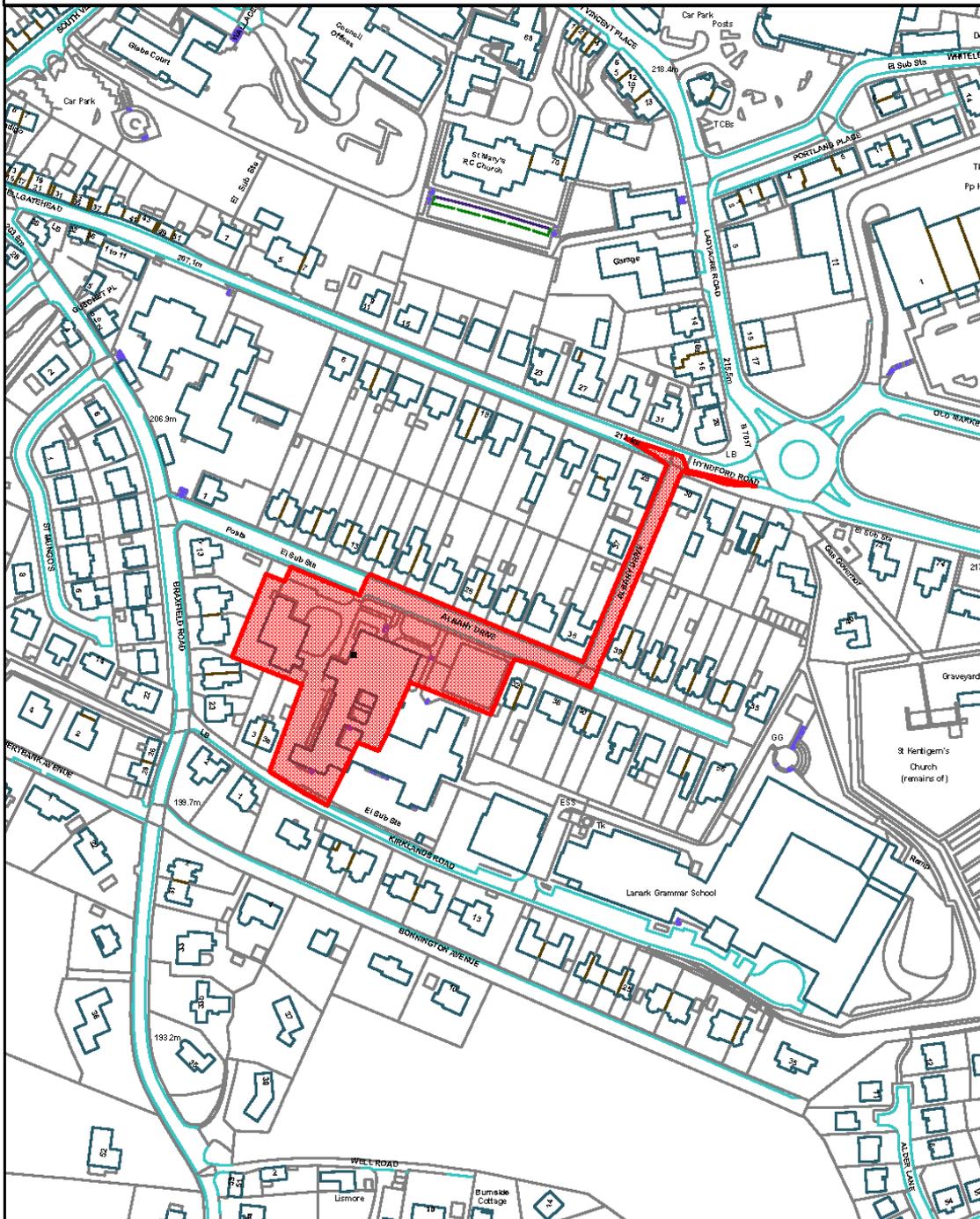
Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

23. Noise from construction works during school opening hours shall not exceed an LAeq of 35dB as measured within any classroom, as defined within the World Health Organisation document 'Guidelines for Community Noise'. Cognisance shall also be given to the Department for Education document 'Acoustic Design of Schools: Performance Standards Building Bulletin 93'. If noise ingress is found to be at disruptive levels, in terms of speech intelligibility within any classroom as a result of construction works, further noise restrictions may be applied.

Reason: To safeguard the amenity of the area.

CL/17/0514

Land at Former Lanark Grammar School, Albany Drive, Lanark



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Scale:
1:2,500
Date:
28/02/2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

6

Report to:	Planning Committee
Date of Meeting:	26 March 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/0071
Planning proposal:	Section 42 application to remove condition 36 'Restriction of construction traffic accessing the site between 08.00 to 09.30 and 15.00 to 17.00 weekdays' attached to planning permission P/18/0603 for 157 dwellings

1 Summary application information

Application type:	Further application
Applicant:	Persimmon Homes
Location:	Proposed Residential Development At Muirhead Drive Law Carluke ML8 5FB

2 Recommendation(s)

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

- (1) Grant Section 42 Application, subject to conditions (based on conditions attached)

2.2 Other actions/notes

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

3 Other information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (Adopted 2015)**
Policy 3 Green belt and rural area
Policy 4 Development management and placemaking
Policy 5 Community infrastructure assessment
Policy 2 Climate change
Policy 6 General urban area/settlements

Policy 12 Housing land
Policy13 Affordable housing and housing choice
Policy 16 Travel and transport

**Proposed South Lanarkshire Development Plan
2 (2018)**

Policy 2 Climate change
Policy 3 General Urban Areas
Policy 4 Green Belt and Rural Area
Policy 5 Development Management and
Placemaking
Policy 7 Community Infrastructure Assessment
Policy 11 Housing
Policy 12 Affordable Housing
Policy 15 Travel and Transport

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team

Planning Application Report

1 Application Site

1.1 The application site extends to 1.95 hectares and is irregular in shape, located on agricultural land and largely falls within the settlement boundary of Law other than the north eastern corner and a strip of land along the northern boundary which are on designated Green Belt. The site is subject of Planning Permission P/18/0603 for 157 dwellings and ground preparation and construction work has already commenced. The site is bounded to the east by the West Coast Railway, to the south and west by existing housing and to the north by agricultural fields. The site is located just under a mile from Law Primary School.

2 Proposal(s)

2.1 The application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997, to delete condition 36 attached to Planning Application P/18/0603, granted to Persimmon in January 2019.

2.2 The relevant planning condition which the applicant seeks to delete is worded as follows –

That no construction vehicles associated with the development hereby approved shall access the site between the hours of 08.00 to 09.30 and 15.00 to 17.00 on weekdays. Furthermore, no construction vehicles shall be parked up waiting for the access to open, or for any other reason on the public road network.

2.3 The condition was attached to the planning consent following an amendment approved at Planning Committee of 25 September 2018.

2.4 The applicant asserts that this condition is unreasonably restrictive and that it does not meet the 6 tests of circular 4/1998:

- Necessary
- Relevant to planning
- Relevant to the development to be permitted
- Enforceable
- Precise
- Reasonable in all other respects.

2.5 In recognition of residential concerns about construction traffic, the applicant has submitted an updated Traffic Management Plan which includes a stipulation that a member of the site team will be present on Muirhead Drive and will act as a banksman between the hours of 8:15am to 9.00am and 3.30pm to 4.30pm on school days in order to safely direct and monitor construction traffic whilst ensuring there is no impediment to school pupils travelling safely along Muirhead Drive.

3 Background

3.1 Local Plan Status

3.1.1 The adopted South Lanarkshire Local Development Plan identifies much of the site as part of housing supply land and as lying within the settlement boundary of Law where Policies 6 - General Urban Area/Settlement and 12 Housing Land apply respectively. The land identified for use as the proposed SUDS pond and a landscape strip along the northern boundary is outwith the area allocated for residential use and within the Green Belt where Policy 3: Green Belt and Rural Area applies. In addition, Policies 2: Climate Change, 4: Development Management and Place Making, 5: Community Infrastructure Assessment, 13: Affordable Housing & Housing Choice and 16: Travel and Transport are relevant as is the Supplementary Guidance on Development Management, Place Making & Design; Affordable Housing & Housing Choice; Sustainable Development & Climate Change; Green Belt and Rural Area and Community Infrastructure Assessment. The Council's Residential Development Guide should also be taken into consideration.

3.2 **Relevant Government Advice/Policy**

3.2.1 Circular 4/1998 sets out Government policy on the use of conditions in planning permission and advises that the imposition of planning conditions needs to be exercised in a manner which is fair, reasonable and practicable. The 6 tests for assessing this have already been listed in para 2.4 above. In circumstances where a condition is not necessary to enable grant of planning permission there should be special and precise justification. Onerous requirements which place an unacceptable burden on the developer should be avoided. Of relevance to this application, in paragraph 63 it states 'Planning conditions are not an appropriate means of controlling the right of passage over public roads'.

3.3 **Planning Background**

3.3.1 Planning Permission P/18/0603 for 157 dwellings was granted in January 2019 after the applicant had paid agreed financial contributions towards roads, education, affordable housing and community facilities. The approved access to the site is via Muirhead Drive. Work has already started on site and a site compound has been established.

4 **Consultation(s)**

4.1 **Roads and Transportation Services Development Management Team** – offers no objection to this condition being removed so long as the applicant adheres to the Traffic Management Plan.

Response: Noted.

5 **Representation(s)**

5.1 In response to the carrying out of neighbour notification and the advertisement of the application in the local press for non-notification of neighbours, 9 letters of objection have been received. The issues raised are summarised below:

a) **The limitation of traffic during 8am and 9.30am and 3pm and 5pm is entirely reasonable. Presumably it was the reason the condition was placed by the Planning Committee. Nothing in the application made now actually sets out any justification for the restriction being unreasonable or unjustified.**

Response: Noted. An assessment of the proposed removal of the condition is set out in Section 6 of the report.

- b) **Had all residents been made aware of the original Planning Application timeously, then concerns would have been raised in objection to the entire development, in particular to construction traffic.**

Response: Properties neighbouring the application site were formally notified in accordance with procedure and were able to submitted representations beyond the statutory timescales.

- c) **Reference made by the applicant to sites upon which Persimmon Homes have historically worked on are irrelevant to the already considered restriction placed on them in this particular area.**

Response: There are numerous residential development sites in operation throughout South Lanarkshire with haulage routes passing residential properties without restriction. Construction traffic has and continues to travel along such routes appropriately and in accordance with health and safety and good traffic management practice. There have been instances where development adjoins a school where times restricting construction traffic have been imposed, however, in those instances the times applied are less restrictive than the current condition.

- d) **The site was allocated for housing despite clear and numerous objections from local residents.**

Response: The site is identified as a suitable housing site in the adopted Local Development Plan.

- e) **The condition does not restrict working hours it simply restricts construction traffic at certain times. It is quite a stretch to suggest the viability of the build would be affected.**

Response: The applicant believes the short timeframe for deliveries will inevitably create delays in house completions available for a sale with impacts upon profit. Delays can also affect potential purchaser's ability to apply for help to buy.

- f) **A Transport Assessment is no longer accessible from the portal regarding application P/18/0603.**

Response: The Transport Assessment is published on the portal.

- g) **Persimmon should provide details of on-site observations as there is uncertainty as to whether there was one or multiple.**

Response: Persimmon have advised that in addition to the census information available for the area, on-site observations were carried out to determine pupil numbers along Muirhead Road on Wednesday 28 November 2018 and 4 and 14 December 2019 between 8.00am and 9.00am in which time one pupil exited Muirhead Drive whilst another 3 crossed over Muirhead Drive whilst walking along Station Road. In addition, the Council's Enforcement Officer carried out observations on 26 February 2019 between 8.30am and 9.30am and noted no pupils walking on Muirhead Drive.

- h) **In the few weeks of civil engineering works undertaken so far, Persimmon have already acted in contravention of the restriction, and**

numerous residents from the area have photographs and videos to support that.

Response: This matter is currently under investigation and, if appropriate, enforcement action will be initiated.

i) **The Traffic Management Plan is not on the portal.**

Response: The Traffic Management Plan is published on the portal.

j) **The restriction is not unduly onerous on developers. In balance, however, the detrimental effect the removal of this restriction would have on the current residents and to the risk to the safety of children in the area surely justifies the restriction being kept in place. SLC's own policy of encouraging children to walk to school cannot be ignored when considering the application.**

Response: Roads and Transportation Services did not raise the impact of construction traffic as a safety issue nor have they objected to the removal of the condition. The developer has submitted an alternative method of protecting the safety of school children by escorting vehicles in and out of the site during the period at the start and finish of the school day. Muirhead Drive is an adopted road with footpaths on either side. It is a short section of road serving only 10 properties (Wallace Wynd, over which construction traffic does not pass, is a spur of Muirhead Drive, serving 17 properties). Alternative routes into the site would have necessitated passing longer stretches of residential dwellings.

k) **Persimmon are expected to sufficiently organise and plan construction traffic between the hours of 9.30am and 3pm. This is a window of 5 and a half hours.**

Response: Most deliveries will be made in the morning, however, depending on suppliers, this may vary and may fall within the restricted period whereby the delivery cannot take place or lorries are having to wait on another road until they can enter the site.

l) **Local residents do not agree with the conclusions of the Traffic Assessment.**

Response: A Transport Assessment was carried out by a qualified transport consultant. Roads and Transportation Services who agreed the scope of the study did not question its conclusions.

m) **Objector has 4 young children, 3 of whom will walk to school unsupervised in August if the restriction is retained. Children also play outside prior to school further increasing the risk.**

Response: Noted. It is acknowledged and appreciated that parents have concerns about child safety, however, the Traffic Management Plan should address these concerns which has to operate at all times during construction.

n) **Persimmon have already broken what was agreed in Traffic Management Plan.**

Response: Breaches of agreed practice will be investigated. There has been recent incidents of reversing into the site as a turning head at the compound was still to be laid out.

o) School time restrictions are commonplace in the construction industry throughout the length and breadth of the country and so there is no reason for Persimmon to be an exception to the rule.

Response: It is not standard practice in South Lanarkshire to impose such restrictions other than for developments adjoining schools.

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 application seeks to delete Condition 36 'restrictions to construction traffic' attached to Permission P/18/0603 for 157 dwellings which was granted in January 2019. In this context, Section 42 of the Town and Country Planning (Scotland) Act, as amended is clear that the Planning Authority, in determining applications made under this part of the legislation, shall consider only the conditions attached to the original planning permission in the further application. The applicant wishes to delete Condition 36 as the condition is unreasonably onerous and does not meet the tests for the attachment of conditions as outlined in Circular 4/1998.

6.2 The principle of consent has been established by the previous application and, as the proposal has not changed, the suitability of the site to accommodate residential development is still considered acceptable in terms of the relevant adopted South Lanarkshire Local Development Plan policies. In terms of changes to planning policies, the proposed South Lanarkshire Local Development Plan is a material consideration in the determination of this application, however, the aims of these policies broadly reflect those of the current adopted Local Plan. In particular, the site is now identified as part of the effective supply of housing land.

6.3 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposed section 42 application does not compromise Policies 2, 4, 5, 7, 11, 12 and 15 in the proposed local plan.

6.4 This condition was attached following an amendment being approved at Committee and consent issued following the receipt of the required financial contributions.

6.5 In considering the appropriateness of the condition, it would be beneficial to consider each test in the Circular 4/1998:

- **Necessary**

It was not considered necessary as the site is not located adjacent to a school site where large numbers of children would be potentially mixing with construction traffic at the beginning and end of the school day. Whilst it is appreciated that there are concerns over children and construction traffic regardless of the numbers of children involved, the traffic management plan offers a suitable

alternative whereby any construction vehicle entering or leaving the site within a restricted period will be supervised by a member of site staff.

- **Relevant to Planning**

Paragraph 63 of Circular 4/1998 states 'Planning conditions are not an appropriate means of controlling the right of passage over public roads'.

- **Relevant to the development to be permitted**

The condition specifically relates to the approved residential development site at Muirhead Drive.

- **Enforceable**

There are challenges in enforcement due to the amount of sub-contractors, including delivery companies, involved in the construction of a large development. However, there is no reason why the developer cannot provide a full briefing of the restricted times to all contractors and sub-contractors.

- **Precise**

The condition is prescriptive in terms of times.

- **Reasonable in all other aspects**

From a planning perspective, it is considered that the use of this condition was not necessary to enable the grant of planning permission. There is nothing unique about the location or circumstances pertaining to this site compared to many other approved development accessed via residential streets where such a condition has not been applied. The site does not adjoin a school or similar establishment where large numbers of school children converge at particular times of the day. In some instances where development does adjoin a school, conditions restricting times for construction vehicles have been attached, however, the restricted times are not as onerous as this particular condition. Muirhead Drive is a short section of road, with good visibility and footpaths on either side and is located just under a mile or a 15- 20 minute walk from the Primary School. Observations carried out on 4 separate dates have not noted large numbers of children walking to school during the morning restricted period. There is a Traffic Management Plan in place to address safety concerns and it is considered that this will offer at least equal protection to children walking to and from school.

6.5 In terms of public and road safety, in many instances other measures will be more appropriate than the use of restrictive conditions which, due to the haphazard nature of deliveries, are difficult to enforce. A Transportation Assessment has been undertaken which concludes that the road network work can cope with anticipated increases in traffic flow. Strict adherence to the Traffic Management Plan in accordance with good health and safety practice is essential. Responsibility also rests with individual drivers who are required to drive with due care and attention.

6.6 In view of the above I recommend the deletion of condition 36 subject to the adherence to the updated Traffic Management Plan referred to in condition 24.

7 Reasons for Decision

7.1 The deletion of the condition will not have an adverse impact upon road safety. The development complies with Policies 2, 3, 4, 5, 6, 12, 13 and 16 of the adopted South Lanarkshire Local Development Plan together with the relevant Supplementary Guidance.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 15 March 2019

Previous references

- ◆ P/18/0603

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 28 January 2019

- ▶ Consultations
 - Roads Development Management Team

- ▶ Representations Dated:
 - Stewart Hillier, 10 Wallace Wynd, Law, Carluke, South Lanarkshire, ML8 5FD 04.02.2019
 - Paul McWhinnie, 12 Wallace Wynd, Law, Carluke, South Lanarkshire, ML8 5FD 19.02.2019
 - Mr Peter Crilley, 5 Muirhead Drive, Law, Carluke, South Lanarkshire, ML8 5FB 17.02.2019
 - Mrs Tracey Campbell-Hynd, 19 Wallace Wynd, Law, Carluke, ML8 5FD 21.02.2019
 - Ruari Morton, 10 Muirhead Drive, Law, Carluke, South Lanarkshire, ML8 5FB 19.02.2019
 - Mr Ronald Carr, 3 Wishart Lane, Law, Carluke, South Lanarkshire, ML8 5GD 01.02.2019
 - Mrs Margaret Ann Todd, 4 Muirhead Drive, Law, Carluke, South Lanarkshire, ML8 5FB 18.02.2019
 - Sandra McWhinnie, 12 Wallace Wynd , Law Village , Carluke, ML8 5FD 19.02.2019
 - Catherine Crilley, 5 Muirhead Drive, Law, ML8 5FB 18.02.2019

Contact for further information

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

Ian Hamilton, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3
6LB
Phone: 01698 455174
Email: ian.hamilton@southlanarkshire.gov.uk

Conditions and reasons

01. 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 by the discharge of condition attached to Planning Permission P/18/0603, shall be erected and thereafter maintained to the satisfaction of the Council..

Reason: In order to retain effective planning control.

02. That the landscaping scheme, approved by the discharge of condition attached to Planning Permission P/18/0603, shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the last dwellinghouse hereby approved and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council..

Reason: In the interests of amenity.

03. That no dwellinghouse shall be occupied until the site is served by a sewerage scheme and water supply constructed to the specification and satisfaction of Scottish Water as Sewerage Authority.

Reason: To ensure that an appropriate sewerage system and water supply is provided.

04. That before the dwellinghouse hereby approved is occupied, a drainage system capable of preventing any flow of water from the site onto the public road or neighbouring land, or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.

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

05. That the surface water drainage system, approved under the terms of Condition 04 above, shall be implemented simultaneously with the development hereby approved, to the satisfaction of the Council as the Planning and Flood Authority and shall be completed prior to the last dwellinghouse hereby permitted being occupied.

Reason: To ensure the provision of a satisfactory surface water drainage system.

06. That no dwellinghouse shall be occupied until the access roads and footways leading thereto from the existing public road have been constructed to base course level.

Reason: To ensure satisfactory vehicular and pedestrian access facilities to the dwellings.

07. That before the last dwellinghouse hereby permitted is occupied, all roads and footways within the development shall be completed to final wearing course level.

Reason: To ensure satisfactory vehicular and pedestrian access facilities to the dwellings.

08. That unless otherwise agreed in writing, pedestrian access along the right of way SL4 from Ashfield Road to the north eastern corner of the site shall remain unimpeded at all times and that a deviated route of the right of way SL3 from Dobbies Court to the north eastern corner of the site allowing unimpeded pedestrian access from the start point to the finish shall be facilitated.

Reason: In the interests of public access.

09. (a) Prior to commencement of any works on site, a comprehensive site investigation carried out to the appropriate Phase level, shall be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:
- (i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
 - (ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency
 - (iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.

(b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.

(c) If the risk assessment identifies any unacceptable risks as defined under Part IIA of the Environmental Protection Act, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.

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.

10. (a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.

(b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.

(c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as

Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.

Reason: To ensure the site is free of contamination and suitable for development.

11. That the development shall be carried out in accordance with mitigation measures set down in section 6 'Conclusions and Recommendations' of the Preliminary Ecological Appraisal and Preliminary Roost Assessment (ITPEnergised, November 2017)

Reason: In the interests of wildlife.

12. If more than 18 months elapse between the completion of the 2017 survey and the commencement of the development, the development site shall be re-surveyed for badgers as close to the commencement of construction as possible, but no greater than 8 months preceding commencement of construction. If changes in the use of the area by badgers or bats are identified, an updated assessment of the impacts of the development on badgers and bats must be completed and appropriate mitigation measures identified (if required).

Reason: In the interests of badger and bat welfare.

13. That prior to the occupation of the 25th dwellinghouse within the development, all works required for the provision of the equipped play area, shall be completed in accordance with the details approved by the discharge of condition attached to Planning Permission P/18/0603 and thereafter the areas shall not be used for any purposes other than as an equipped play area.

Reason: In order to retain effective planning control.

14. All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. Any Sustainable Urban Drainage Scheme shall not be sited within 10 metres of the railway boundary and shall be designed with long term maintenance plans which meet the needs of the development. Details of the design and construction of any drainage scheme shall be submitted to the planning authority for approval before development is commenced. The development shall be carried out in full accordance with such approved details.

Reason: To protect the stability of the adjacent railway cutting and the safety of the rail network.

15. That trees/shrubs planted adjacent to the railway boundary shall be positioned at a minimum distance from the boundary which is greater than their predicted mature height.

Reason: To minimize leaf fall on the rail track.

16. That section of road between plots 129 - 135 shall be widened to 5.5 metres.

Reason: In the interests of road safety.

17. Prior to the commencement of development on site a swept path analysis for the whole site shall be submitted to and approved by the Council as Roads and Planning Authority.

Reason: In the interests of road safety.

18. Prior to the completion of the development, the footway from no 57 Woodland Avenue shall be extended to tie into the cycle path.

Reason: In the interests of public access.

19. The prior to the commencement of development, a dilapidation survey of the delivery route, shall be undertaken and submitted to the Council as Planning and Roads Authority and any defect identified during the construction period which had not been identified at the time of the dilapidation survey shall be the responsibility of the developer to repair.

Reason: In the interests of traffic safety.

20. That before the development hereby approved is completed or brought into use, a visibility splay of 1.5 metres by 20 metres measured from the road channel shall be provided on both sides of the vehicular driveway to Plot 145 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.

21. Prior to the commencement of construction works details of the delivery route shall be submitted to and approved by the Council as Planning and Roads Authority.

Reason: In the interests of traffic safety.

22. Turning areas shall be provided in accordance with National Roads Development Guidelines.

Reason: In the interests of road safety.

23. Development shall not commence until details of all surface finishes to driveways, parking bays, parking courts and curtilage parking 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 and safeguard the amenity of the area.

24. The developer shall adhere at all times with the terms of the submitted Traffic Management Plan during the construction phase.

Reasons: In the interests of road safety.

25. The developer shall ensure that any vehicle transporting excavated material on or off the site must be treated by means of adequate wheel washing facilities. The facility will require to be in operation at all times during earth moving operations. The wheel washing facility shall be fully operational prior to works commencing on site. A "clean zone" shall be maintained between the end of the wheel wash facility and the public road.

Reason: In the interests of road safety.

26. That prior to occupation all bedroom windows which face the railway shall be fitted with acoustic glazing, consisting of 10mm and 6mm thick panes of glass separated by a 12mm wide cavity.

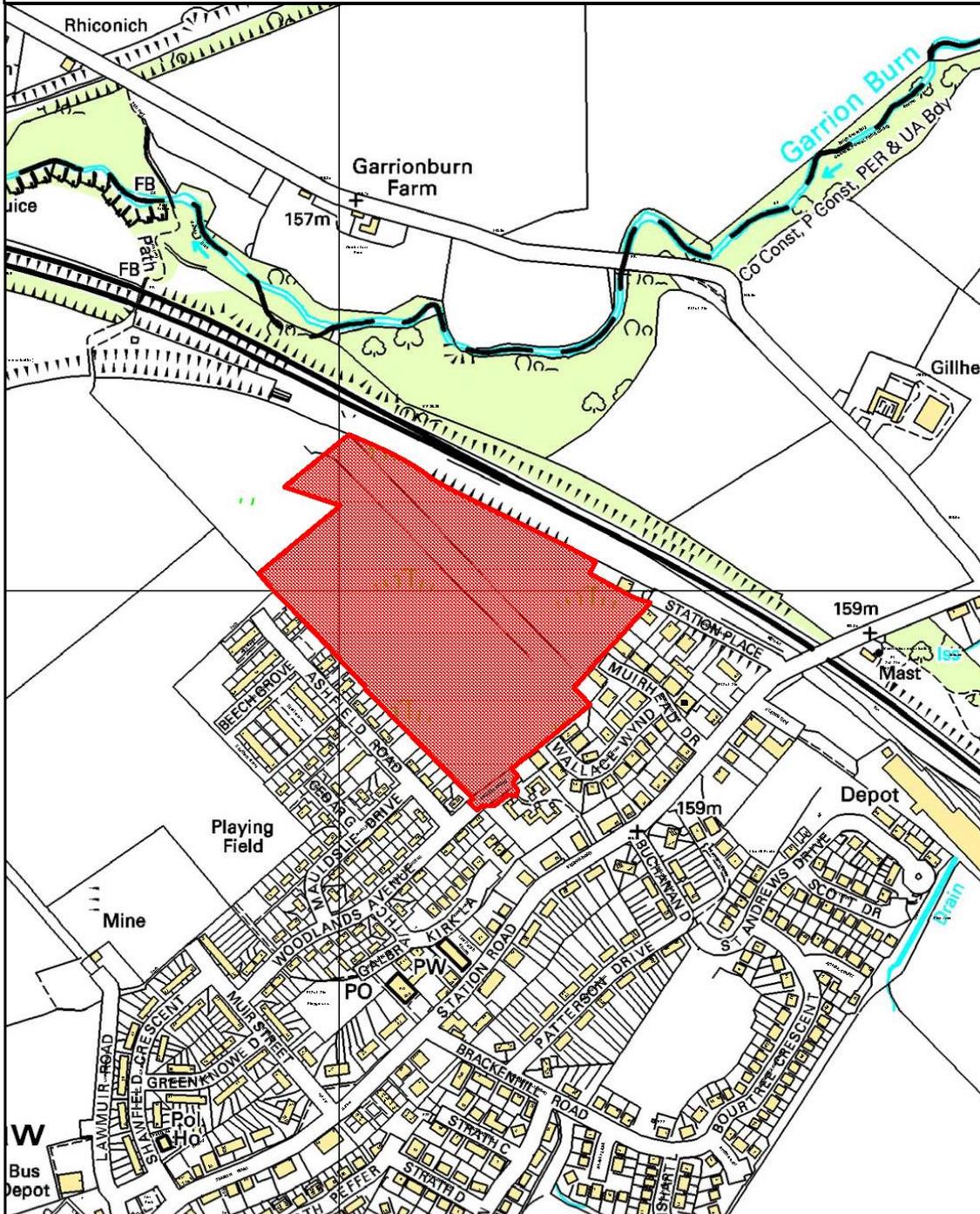
Reason: To protect residents and ensure internal noise levels do not exceed 45db.

27. That no development shall take place within the development site as outline in red on the approved plans until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, this scheme to be submitted for approval by the Council as Planning Authority following consultation and agreement with West of Scotland Archaeology Service. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In order to safeguard any archaeological items of interest or finds.

P/19/0071

Proposed Residential Development at Muirhead Drive, Law



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South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development