	<h1>Report</h1>	Agenda Item <h2>4</h2>
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Report to: **Planning Committee**
 Date of Meeting: **20 March 2007**
 Report by: **Executive Director (Enterprise Resources)**

Application No HM/06/0665
 Planning Proposal: Mixed Use Development Comprising Soccer Training Facility, 132 No Flats, 56 No. Detached Dwellings, Hotel, Country Club Associated Access, Parking And Landscaping And Provision Of Clyde Walkway Link

1 **Summary Application Information**

- Application Type : Detailed Planning Application
- Applicant : Craighead Properties Ltd
- Location : Land at Craighead Retreat
Blantyre

2 **Recommendation(s)**

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

- (1) Grant Detailed Planning Permission – Subject to Conditions (based on the conditions attached).

2.2 **Other Actions/Notes**

- (1) The Planning Committee has delegated powers to determine this application.
- (2) Given that the application is contrary to the adopted Local Plan and objections have been received a hearing may be required prior to determining the application.
- (3) If Committee are minded to grant consent, in terms of the Town and Country Planning (Notification of Applications) (Scotland) Amendment Direction 2006, the application must be referred to the Scottish Ministers because the proposal constitutes a departure from the Development Plan in the Greenbelt.
- (4) Planning consent should be withheld until a Section 75 Agreement between the Council and the applicant has been concluded to ensure the completion of the soccer training facility within the site prior to the completion of any residential properties, the extension of the Clyde Walkway and the implementation of an approved woodland management scheme. The Council's legal expenses in connection with the Agreement will be borne by the Applicant.

3 **Other Information**

- ◆ Applicant's Agent: Keppie Planning Ltd

- ◆ Council Area/Ward: 34 Coatshill/Low Blantyre
- ◆ Policy Reference(s): **Hamilton District Local Plan**
 Policy EN1a – Greenbelt
 Policy DC1 – Development Control – General
South Lanarkshire Planning Policies
 Policy SLP1 – Greenbelt
 Policy SLP6 – Development Control General
Glasgow and the Clyde Valley Joint Structure Plan
 Strategic Policy 1 –
 Strategic Policy 5 – Competitive Economic Framework
 Strategic Policy 6 – Providing and Safeguarding Local Employment Opportunities
 Strategic Policy 9 – Appropriate Development Locations
 Strategic Policy 10 – Departures From the Structure Plan
Finalised South Lanarkshire Local Plan (after modifications)
 Policy STRAT 8 Development Framework Sites Policy
 Policy CRE 1 – Housing in the Countryside
 Policy ENV2 – Green Network Policy
 Policy ENV 30 – New Housing Development Policy
 Policy DM 1 – Development Management Policy

- ◆ Representation(s):
 - ▶ 10 Objection Letters
 - ▶ 1 Comments Letter

- ◆ Consultation(s):

West of Scotland Archaeology Service

TRANSCO (Plant Location)

Power Systems

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

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

Roads & Transportation Services H.Q. (Geotechnical)

Amey Highways Ltd (South West Unit)

Roads & Transportation Services H.Q. (Flooding)

Transport Scotland

Enterprise Resources - Estates

Roads and Transportation Services (Hamilton Area)

Scottish Water

Environmental Services

Scottish Natural Heritage

Leisure Services (Arboriculture)

Greenspace

Glasgow & Clyde Valley Structure Plan Joint Committee

Forestry Commission (Central Scotland Conservancy)

Planning Application Report

1 Application Site

- 1.1 The application site is located on the former site of Craighead House on the outskirts of Blantyre approximately one mile from junction 5 on the M74 and is accessed off the A725 East Kilbride expressway. The site measures approximately 19.6 hectares and has well defined boundaries comprising the River Clyde and woodland to the north and east, the A725 to the south and industrial development and an abandoned railway embankment to the west. A tree lined avenue following the old carriageway forms a division between the southern and northern areas of the site.
- 1.2 The area comprises an elevated ridge running from west to east through the centre of the site. To the north of the ridge the land falls down to the River Clyde. To the south the land slopes down to a shallow valley before rising again. The ridge is truncated at its eastern end by the River Clyde, which has formed a 'river cliff' of steep slopes and exposed rock, some 20 metres high. The remains of Craighead House are accessed via a tree-lined carriageway which includes several notable trees namely; lime, beech and oak. The northern area of the site is an area of open pasture sloping down to a belt of trees running along the edge of the Clyde. A level change is defined by a number of deciduous trees. The southern area of the site forms a shallow valley that falls to the river at the site's eastern edge. The higher ground to either side is occupied by tree planting associated with the entrance avenue to the north and the East Kilbride Expressway to the south. Fly tipping exists in this area as well as vandalism to some trees. The woodland that covers the bank of the river and steep ground associated with the river cliff is the most significant landscape feature in the site and is designated as Ancient Woodland and a Site of Interest for Nature Conservation.

2 Proposal(s)

- 2.1 This is a detailed planning application by Craighead Properties Ltd for a mixed use development comprising soccer training facility, 132 no flats, 56 no detached dwellinghouses, hotel, country club, associated access, parking and landscaping and provision of Clyde walkway link. In accordance with the Environmental Impact Assessment (Scotland) Regulations an Environmental Statement (ES) was submitted with the planning application due to the size of the proposal and its potential impacts on natural heritage interests. The Environmental Statement provides a description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment (mitigation measures); the data required to identify and assess the main affects that the development is likely to have upon the environment; and a justification for the choice of site, taking into account environmental effects. The following paragraphs provide a detailed description of the proposed development:
- 2.2 The sports campus would occupy 16.6 acres of the site and would comprise a full size 'new generation' indoor synthetic football training pitch and two full size outdoor natural grass training pitches, one of which is flood lit. These pitches would be complemented by a dedicated goalkeepers training area and an outdoor cardiovascular training area.
- 2.3 The Arena building, measuring 113m x 76m x 16m high at the apex, would house the indoor pitch, and would be fronted by Ancilliary Accommodation within the arena

over 2 levels. An entrance on the ground floor through a centrally located formal reception area would bisect four dressing rooms and a dedicated match officials' accommodation. A laundry room, kit room and a kitchen facility would also be incorporated and provision has been considered for a groundsman's external storage facility to be integrated with all necessary plant areas.

- 2.4 The first floor of the accommodation bar comprises a gymnasium, steam rooms, saunas and a hydrotherapy pool. Principal spaces comprise medical and welfare facilities, education, a manager's suite, assistant manager's suite, chief scout and soccer coaches' lounge, restaurant, kitchen and internet room. The areas are enhanced by both internal and external viewing galleries offering coaching and management staff unimpeded views of all training areas.
- 2.5 It is proposed to provide 5 star hotel accommodation, complimenting and enhancing the world-class sporting and residential facilities. The hotel would gross some 2650 square metres over 3 levels: ground floor - 990 square metres, first floor - 830 square metres and second floor – 830 square metres and would comprise 80 twin bedrooms with en-suite facilities over levels 1 and 2. The ground floor would comprise an entrance foyer and reception, restaurant/café bar facilities together with conference rooms plant rooms management offices and ancillary facilities. Car and coach parking would be provided externally.
- 2.6 The residential element of the proposal relates to the provision of 56 luxury detached dwellinghouse and 132 flatted dwellings, including 32 penthouses. The dwellinghouses would incorporate five different house types all of which would be two storeys in height and would have integral garages. The dwellings have been designed to incorporate hipped roofs, roof terraces and balcony features and would be constructed with slate roofs, stone and rendered walls and hardwood windows and doors. Boundary treatments would incorporate 1.2 metre high copper beech hedging from the front elevation to the pavement, 1.8 metre high stone faced boundary walling with gate from boundary to boundary across the frontage of each plot with stone cope, 1.8 metre high facing brick boundary wall to all rear garden areas; granite sett driveways and timber decking located to the side or rear elevations on House Types 3, 4 and 5. The flatted block would be eight storeys in height and would incorporate a glazed covered courtyard. The building would be finished with slate roofs, stone walls and hardwood windows and doors.
- 2.7 The layout shows the provision of a formal play area located between the flats and the training facility. An area would also be set aside for the provision of a wildlife pond/Sustainable Urban Drainage System (SUDS) located to the south-west of the flats. The proposal also incorporates an extension to the existing Clyde Walkway with the walkway following the route of the southern boundary of the site and tying into the existing walkway to the east and west of the site. Access to the development would be taken from the A725 onto the existing access road to the site.

3 Background

3.1 Local Plan Policy

- 3.1.1 The application site is designated as Greenbelt in the adopted Hamilton District Local Plan. The relevant policies covering the site are Policy EN1a – Greenbelt and Policy DC1 Development Control – General. South Lanarkshire Planning Policies SLP1 – Greenbelt and SLP6 – Development Control General would also apply. In terms of the Finalised South Lanarkshire Local Plan (after modifications) the

application can be assessed against Policy STRAT 8 Development Framework Sites Policy, Policy ENV2 – Green Network Policy, Policy ENV 30 – New Housing Development Policy, Policy CRE 1 – Housing in the Countryside and Policy DM 1 – Development Management Policy.

3.2 Structure Plan Policy

- 3.2.1 The proposal is of strategic significance and requires to be assessed against Strategic Policies 1,5,6,9 and 10 in the approved Glasgow and the Clyde Valley Structure Plan 2000. The Finalised Structure Plan 2006 is also a material consideration in the assessment of this proposal.

3.3 Relevant Government Advice/Policy

- 3.3.1 Scottish Planning Policy 1 (SPP1) – The Planning System – states that the determination of planning applications should be made in accordance with the development plan unless material considerations indicate otherwise. A strong justification should be given for making a decision that is in conflict with the plan. The principles for determining an application that is contrary to the plan are set out, including cases where development plans become less relevant or are overtaken by events. In all cases, permission should only be refused where; whether because of the policies in place or other material considerations, there are sound reasons for doing so.
- 3.3.2 SPP3 - Planning for Housing states that Planning Authorities should promote the re-use of previously developed land in preference to greenfield land. Where brownfield and infill sites cannot meet the full range of housing requirements it will be necessary to release greenfield land next to built up areas. Where possible, most housing requirements should be met within or adjacent to existing settlements to prevent the sprawl and coalescence of settlements while making efficient use of existing infrastructure and public services to conserve natural heritage and rural amenity.
- 3.3.3 NPPG11 - Sport, Physical Recreation and Open Space states that the Government's objective through the planning system is to seek to protect and enhance the land and water resources required for the nation's sport and physical recreation. All sports and recreation make some call upon Scotland's land resource, and many require special buildings or facilities. They may also be in competition for land with other uses such as housing, industry or open space. It is part of councils' responsibilities to take full account in their preparation of development plans and development control decisions of the community's need for recreational space and sporting facilities including the need for specialist facilities, to have regard to current levels of provision and deficiencies, and to resist the loss of unique resources or facilities with a wider role. It goes on to say that sporting and recreational activities span a wide range of land uses and developments, from minor works which are permitted development to the provision of major sporting venues of international standard. Provided care is taken in choosing the site, designing the scheme and applying planning conditions, provision ought to be capable of being successfully integrated into an urban or rural area.

3.4 Planning Background

- 3.4.1 Outline planning permission was granted for a business park on the site in February 2003 following referral to the Scottish Executive and the conclusion of a Section 75 legal agreement relating to off-site road improvements, construction of a Clyde

Walkway link and implementation of a woodland management plan (HM/05/0622). However, the approved business park has never been developed.

4 Consultation(s)

- 4.1 **Estates Service** – have no objection to the proposal.

Response: Noted.

- 4.2 **Environmental Services** – have no objection to the proposal subject to conditions requiring the submission of a contamination survey and remediation plan and details of dust control measures to be employed on site for further assessment.

Response:- Noted and any planning consent granted will be conditioned to this effect. A condition would also be attached requiring the submission of full lighting details for the soccer training facility for the Council's approval.

- 4.3 **Forestry Commission** – raised no objection to the proposal, however, they strongly recommend that no felling takes place prior to a felling licence being issued or the granting of planning permission and that a fully costed and funded management plan (for a minimum period of 10 years) be produced to maintain the woodland. They have also stressed the importance of the role of the ancient and semi-natural woodland in maintaining the Clyde Valley forest network and strongly recommend that the woodland be retained. Furthermore, they would be concerned if the development adversely affected the Clyde Walkway and reduced public access to these woodlands.

Response:- Any planning consent granted would include a condition requiring the submission of a detailed landscaping scheme and tree survey for the Council's approval and a woodland management plan as requested.

- 4.4 **Glasgow and the Clyde Valley Structure Plan Team** – Strategic Policy 10 allows consideration of the need for development having regard to a set of criteria and other material considerations. In terms of Strategic Policy 10 A(i) the Joint Committee's Third Alteration 2006 sets out an updated assessment of housing demand and supply. Schedule 6(b)(ii) identifies a shortfall of housing land pre – 2011 in the Eastern Conurbation Housing Market Area and allocates additional supply to the Hamilton sub-market area, within which this site is situated, in the order of 800 units 2004-11 and 2,200 units 2011-18 period. Strategic Policy 1 Schedule 1(c) identifies Hamilton West and Larkhall/Ferniegair as Community Growth Areas for urban expansion with an indicative capacity of 3,000 to meet this shortfall. In terms of other strategic considerations the proposal supports Strategic Policy 6(e) by providing facilities for sports and recreation in urban Lanarkshire. As this site lies within the strategic green Network it provides an opportunity to create a Green Network access link through the creation of a connecting stretch of the Clyde Walkway. However, development proposals in the Green Network should also be prepared creating opportunities for the creation of high quality greenspace, access and landscaping. It is understood that there may be other material local planning considerations which will also need to be taken into account in the Council's final determination of the application. The relative weight the Council seeks to attach to these considerations would be a matter for it as local planning authority to determine in the context of Strategic Policy 10.

Response: A detailed assessment of the proposal in terms of Structure Plan policy is provided in Paragraphs 6.5 – 6.11 of this report.

- 4.5 **Greenspace** – The Council's Landscape and Access Development Manager raised

concerns about the inclusion of a resident's exclusive walkway and the alignment of the route of the Clyde Walkway around the perimeter of the site. In terms of the deliverability of the appropriate area of public access to the site these should be tied into a legally binding agreement. It is noted that some elements of the existing woodland may be compromised in the longer term by the plot configuration and proximity to residential boundaries to the woodland. There are also concerns that there will be a conflict of interest between residential occupiers and access users.

Response:- Amended drawings were submitted showing the resident's exclusive walkway element of the proposal removed. An extension to the Clyde Walkway is being provided as part of the proposal. The Clyde Walkway is a component of a strategic green network, and the development of this site would provide an opportunity to develop a missing link in the Clyde Walkway which would provide a benefit in terms of recreational provision for both the local and wider community. In terms of the impact on the existing woodland on the site a condition requiring the submission of a detailed landscaping scheme and tree survey for the Council's approval would be attached to any consent granted. In addition, any consent granted would be withheld until a Section 75 Agreement between the Council and the applicant has been concluded to ensure the implementation of an approved woodland management scheme in addition to the extension of the Clyde Walkway.

- 4.6 **Community Resources (Arboriculture)** – The Council's Arboricultural Manager initially raised concerns regarding the proposal as it appeared that much of the site was to be developed uncomfortably close to woodland much of which is either SSSI or ancient woodland and many of these trees are within 5m of the development. However, additional information was submitted clarifying some of the issues raised. It is noted that some of the development is within the 15m root protection area (RPA) and a full tree survey would have to be carried out to British Standard BS5837 to determine the actual RPA of individual trees within the existing full 15m RPA. It is noted that there are individual trees on the woodland edge which will require to be removed in the interest of safety. Dangerous or potentially hazardous trees close to public space or woodland pathways should be identified, removed and replacement trees should be planted which are suitable to the particular environment to ensure the long term retention of these important woodland sites. A specification for the woodland walkway should also be submitted for the Council's approval.

Response: Noted and any consent granted will include appropriately worded conditions to this effect. It should be noted, however, that the woodland walkway has been removed from the proposal.

- 4.7 **Scottish Power** - have no objection to the proposal, however, they have submitted plans which show the approximate location of their apparatus in the area.

Response:- Noted and this information will be forwarded to the applicant.

- 4.8 **Roads and Transportation Services (Hamilton Area)** – Roads and Transportation Services have no objections to this application subject to conditions.

Response: Noted and accepted. Appropriately worded conditions will be attached to any consent granted.

- 4.9 **Roads and Transportation Services (HQ)** - A Transportation Assessment has been submitted and satisfactorily completed. Roads and Transportation Services have no objections to the proposal subject to conditions requiring all infrastructure modifications, both internal and external to the site, to be designed to the Council's satisfaction, all parking provision within the site to comply with the Council's guidelines, the submission of phasing details of the construction work, submission of

a Travel Plan framework that sets out proposals for reducing the dependency on the car, and the provision of a travel pack for the residents of all properties.

Response: Noted and any consent granted would be conditioned to this effect.

4.10 **Roads and Transportation Services (Geotechnical)** – no response to date.

4.11 **Roads and Transportation Services (Flooding)** – have no objections to the proposal subject to the submission of a drainage impact assessment, full details of a sustainable urban drainage system and a flood risk assessment for the Council's approval. All flood prevention measures approved by the Council should be implemented to the Council's satisfaction.

Response:- Agreed. Any consent will be conditioned appropriately.

4.12 **Scotland Gas Networks** - have no objection to the proposal, however, they have submitted plans which show the approximate location of their apparatus in the area.

Response:- Noted and this information will be forwarded to the applicant.

4.13 **Scottish Water** – whilst Scottish Water raised no objection to the proposal they stated that any consent granted by the Council does not guarantee a connection to their infrastructure until a satisfactory solution is identified. They indicated that the Daer Water Treatment Works currently has sufficient capacity to service the proposal but there is currently no capacity at the Bothwell Bank Treatment Works. They would be keen to understand the proposed phasing and timescales to enable them to examine all options available. In terms of surface water drainage Scottish Water recommends that SUDS should be utilised.

Response: Noted and any consent granted would be conditioned to ensure that none of the proposed buildings are occupied until a satisfactory sewerage scheme and SUDS system is in place.

4.14 **SEPA** - object to the proposal unless and until the applicant can confirm, with the agreement of Scottish Water, connection to the public sewer network.

4.15 SEPA raised no real ecological concerns and generally considered the intentions to protect the wildlife of the area to be good. However, the ES notes that residents will inevitably introduce plants to the woodland whether intentionally or not. It would be useful if the proposed Landscape and Habitat Management Plan commits to monitoring for and eradicating any non-native introductions to the woodland.

4.16 A risk assessment should be undertaken to determine whether or not contaminants are entering or are likely to be enter controlled waters and at what concentration. SEPA recommends that all development should be outwith the 200-year flood envelope. Should development be restricted to areas which meet the SLC recommendation of a development level of 1 metre above the predicted 200-year water level including an allowance for climate change then the risk to the site is likely to be low. Construction drainage should comply with CAR and SEPA would expect all necessary mitigation measures to be taken during the construction phase of the project to ensure that the pollutants typically associated with this aspect of the works do not enter the watercourse adjacent to the site. Suitable provision should be made with regard to space for domestic waste storage at individual properties in line with the Council's collection plans.

Response: Noted. Any planning consent granted would be conditioned to address SEPA's comments.

4.17 **SNH** – SNH previously objected to the proposal on recreation grounds and due to the potential impacts the proposed development may have on bats which are European Protected Species (EPS). Further work was required before SNH could fully advise on this matter or before planning consent can be granted. As such, they advised that a wintering survey of the walled garden should be undertaken to confirm the presence/absence of a bat hibernaculum. The survey was undertaken and it was noted that suitable trees along and adjacent to the drive were surveyed for wintering bats. No evidence was found of bats using the walled garden or the trees along the drive. Therefore SNH is content that the proposed work will not adversely affect wintering bats. In June 2006, a transitional bat roost was identified in one of three beech trees along the entrance drive. It is SNH's understanding that these trees need to be removed in order to accommodate the new site access road. As indicated in their previous response, a licence from the Scottish Executive allowing the destruction of a bat roost will be required.

4.18 With reference to the Scottish Executive document European Protected Species, Development Sites and the Planning System: Interim Guidance for Local Authorities on Licensing Arrangements, (October 2001), the planning authority needs to ascertain that the three tests necessary for the eventual granting of a licence, which would allow in this case the bat roosts to be destroyed, are met. With regard to the third test, SNH advises that the felling of the tree roosts will not be detrimental to the maintenance of the population of pipistrelles at a favourable conservation status in their natural range as SNH is satisfied that there is sufficient foraging areas and other potential roosting sites in the locality. The planning authority will, however, still require to satisfy itself that the first two licensing tests are likely to be met prior to granting planning consent for this development. The requirement for a licence for the development could be avoided should these trees be retained in the development. The monitoring and the mitigation measures as proposed in the bat strategy document should be fully implemented should the proposed development go ahead. SNH also noted that the proposed 'residents exclusive walkway' is contrary to the Land Reform (Scotland) Act and will significantly affect the access and recreational opportunities for the general public at this particular location within the Greenbelt.

Response: With regard to the three tests highlighted above the first test refers to preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment. It is considered that the provision of a SFA training facility is of overriding public interest. In addition, the Council's Arboricultural Manager considers that the trees in question are in a poor condition and may affect public safety (a detailed tree survey would be done once (if) actual bat roosts are identified in subsequent surveys). The second test which must be satisfied is that there is no other satisfactory solution both in terms of why this site was chosen instead of others considered, and that there is no other option other than to disturb etc the animals. An overview of available brownfield land in this locality failed to produce a suitable alternative to meet the applicant's requirements. This fact was proven during the consideration of the previous application for the business park and in determining that application the Council acknowledged that there was a lack of brownfield opportunity sites in the Hamilton area to meet the needs of a business park. In terms of size, accessibility to the strategic road network and general outlook and amenity the current applicant had similar requirements and this site was considered the only suitable site in the Hamilton area. SFA minimum dimensions for the indoor pitch building and associated outdoor pitches as well as the slope of the site mean that construction and earthworks are inevitable within close proximity to

the trees in question. In view of the above, I am satisfied that the first two licensing tests have been met. With regard to the third test, SNH advises that the felling of the tree roosts will not be detrimental to the maintenance of the population of pipistrelles at a favourable conservation status in their natural range as SNH is satisfied that there is sufficient foraging areas and other potential roosting sites in the locality. Taking the above advice into account I am satisfied that the third licensing test has been met. Any consent granted would include a condition requiring the implementation of the monitoring and the mitigation measures as proposed in the submitted bat strategy document. With regard to the proposed 'residents exclusive walkway' this aspect of the proposal has been removed.

- 4.19 **Transport Scotland** – Following revisions to the submitted Transportation Assessment, Transport Scotland have no objections to the proposal subject to conditions requiring modifications to the A725(T)/Whistleberry Road merge/diverge in accordance with the details set out in Drawing Number SK014 and the submission of a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car for the Council's approval.

Response: Noted and any consent granted will be conditioned to this effect.

- 4.20 **West of Scotland Archaeology Service** – The application site lies in a sensitive archaeological landscape with some potential to produce buried unrecorded remains. There has already been some archaeological investigation carried out during site investigation works which revealed little of significance but suggests that there are no major archaeological issues raised by the proposals. However, the sample size and methodology used were not an adequate replacement for a proper evaluation. Therefore, to ensure that any archaeological remains located within the site would be adequately dealt with a condition should be attached to any consent granted stating that no development shall take place until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted and agreed with the above West of Scotland Archaeology Service.

Response: Noted and any consent granted will be conditioned to this effect.

5 Representation(s)

- 5.1 Neighbour notification procedures were undertaken and the application was advertised in the Hamilton Advertiser as Development Potentially Contrary to the Development Plan. The application was also advertised under Article 12 (5) as an application requiring advertisement due to the Scale or Nature of Operations and for Non Notification of Neighbours. The application was also advertised in both the Hamilton Advertiser and the Edinburgh Gazette under the Environmental Impact Assessment (Scotland) Regulations 1999. Ten letters of objection were submitted in addition to one letter of comment. The grounds of objection are summarised as follows:

- (a) **The proposal is contrary to the Local Plan as the site is designated as Greenbelt land.**

Response: Whilst the site is designated as Greenbelt land in the adopted Hamilton District Local Plan outline planning permission was granted for a business park on the site in February 2003. Although the business park was never developed the principle of development on the site has been established, therefore, I am satisfied that a land use allocation other than green belt has already been justified in this instance. The proposal conforms

with the Finalised South Lanarkshire Local Plan (after modifications) and has general conformity with the Glasgow & Clyde Valley Structure Plan. This matter is discussed in detail in Section 6 of this report.

- (b) **The application proposes a serious overdevelopment of the site in that it extends to every boundary of the 16 hectares leaving no area undeveloped.**

Response: The proposed layout is considered to be acceptable and generally meets the criteria set out in the Council's Residential Development Guide in relation to house to plot ratios and car parking. In terms of amenity open space, the provision for this proposal is reduced from the normal requirement due to the overall high quality of design, however, a children's play area would be provided to the Council's specification which would be further consolidated by the provision of the sports training facility. The flatted development is set within a landscaped area and the development as a whole has direct access to a network of pathways, both within the site and beyond, via the Clyde River Valley Walkway. An extension to the Clyde Walkway is being provided as part of the proposal which would provide a benefit in terms of recreational provision for both the local and wider community

- (c) **The proposed access off and onto the A725 expressway raises road safety issues as further congestion and queuing would be particularly dangerous to eastbound traffic on the A725. The plans show only one access for the whole development and the increase in traffic caused by the development will have a major impact on the existing industrial road**

Response: Subject to the imposition of appropriate conditions both Transport Scotland and the Council's Roads and Transportation Service are satisfied that the proposed access is acceptable and that the proposal raises no road safety issues.

- (d) **Car parking provision appears to be totally inadequate for the soccer training facility and hotel which if corrected would further increase the overdevelopment of the site.**

Response: Roads and Transportation Service are satisfied that the required car parking can be accommodated within the site.

- (e) **There may be drainage issues with the application. The overdevelopment of Greenbelt sites is already adding to flooding risks due to reduction in natural drainage. Is a sustainable urban drainage system proposed? It is indicated that foul sewerage is to be pumped up hill to the Scottish Water Sewer. Will the pumping station be adopted and maintained by Scottish Water. If not who will be responsible for it and what are the provisions for prevention of overflowing when the pump fails causing resultant river pollution.**

Response: Neither SEPA nor Scottish Water objected to the proposal subject to conditions requiring the provision acceptable sewerage and sustainable urban drainage systems within the site. Conditions would be attached to any consent granted requiring the submission of sewerage and surface water drainage arrangements for the Council's approval.

- (f) **There are numerous trees within the site which would need to be felled for the development which presumably have tree preservation orders on them. In particular, it appears that the existing avenue of mature limes**

leading up to the site of the old house is largely removed. These trees are of significant visual importance from both the Hamilton and Bothwell aspects as they dominate the skyline.

Response: The Council's Arboricultural Manager has assessed the proposal and requested the submission of a detailed tree survey carried out to British Standard BS5837 in order to determine the root protection area of individual trees in relation to the development footprint. A substantial high specification re-planting scheme would have to be provided as part of the development. Any consent granted would include a condition requiring the submission of a landscaping scheme for the Councils approval which would incorporate the requested tree survey and details of replacement tree planting.

- (g) The design and in particular, the massing of the hotel/flat building is totally inappropriate to the site. The previous permission for the site limited all buildings to a maximum of two storeys which seemed reasonable for what is a semi-rural location. The proposal will dominate the skyline from all around and will have a particularly serious impact on the views down river from the old Bothwell Bridge and looking towards Bothwell from the south where at present the delicate spire of the collegiate church is the only dominant architectural element.**

Response: The proposed flatted block will be visible from a number of viewpoints surrounding the site. However, I am satisfied that this will not be to the detriment of the site in particular, or the area in general. The architect has set the building in to the site in a way which respects the topography and maintains a significant proportion of the mature tree belt, which compliments the building and the site overall. When taking the proposed development as a whole, I am satisfied that the housing element (both the flats and the individual houses) has the potential to be more visually attractive than the business park previously approved, especially when viewed from across the River Clyde.

- (h) The Clyde Walkway will not be continuous along the path of the river. The creation of a residents only exclusive path along the riverbank will abrogate the rights to fish the river granted by lease from the Crown to the Mid Clyde Angling Association, the rights of access to the River Clyde Fisheries Management Trust to manage the River and the common law rights of the Crown Estates Commissioners to their heritable rights on that part of the river fronted by the development.**

Response: Following discussions with the Planning Service the private walkway has been removed from the proposal. However, the proposal provides an opportunity to create a key green network access link through the creation of a connecting stretch of the Clyde Walkway.

- (i) The proposals would interfere with the holding pools directly downstream on the river. The fishing club have been denied any relevant input on an application which affects the salmon and sea trout.**

Response: The development footprint does not extend down to the river, and none of the consultees raised any adverse comments in relation to this issue, therefore, I am satisfied that the proposal will not interfere with the holding pools highlighted.

- (j) **The proposals will impact on the amenity of the adjacent workshops, offices and yard area. There are also concerns that the proposals will impact on the industrial operation of the adjacent business which incorporates noisy operations which can take place at all hours of the day.**

Response: I am satisfied that the proposal will not adversely impact on the amenity or industrial operation of the adjacent business. Environmental Services were consulted on the application and raised no adverse comments in relation to noise issues.

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

6 Assessment and Conclusions

- 6.1 The determining issues that require to be addressed in respect of this application are compliance with national, structure and local plan policy and the impact on surrounding development.
- 6.2 The application relates to a mixed use development comprising soccer training facility, 132 no flats, 56 no detached dwellinghouses, hotel, country club, associated access, parking and landscaping and provision of Clyde walkway link. In terms of national planning policy, SPP1 – The Planning System – states that the determination of planning applications should be made in accordance with the development plan unless material considerations indicate otherwise. A strong justification should be given for making a decision that is in conflict with the plan. The principles for determining an application that is contrary to the plan are set out, including cases where development plans become less relevant or are overtaken by events. In all cases, permission should only be refused where; whether because of the policies in place or other material considerations, there are sound reasons for doing so.
- 6.3 SPP3 - Planning for Housing states that Planning Authorities should promote the re-use of previously developed land in preference to greenfield land. Where brownfield and infill sites cannot meet the full range of housing requirements it will be necessary to release greenfield land next to built up areas. NPPG11 - Sport, Physical Recreation and Open Space states that the Government's objective through the planning system is to seek to protect and enhance the land and water resources required for the nation's sport and physical recreation. All sports and recreation make some call upon Scotland's land resource, and many require special buildings or facilities. They may also be in competition for land with other uses such as housing, industry or open space. It is part of councils' responsibilities to take full account in their preparation of development plans and development control decisions of the community's need for recreational space and sporting facilities including the need for specialist facilities, to have regard to current levels of provision and deficiencies, and to resist the loss of unique resources or facilities with a wider role. It goes on to say that sporting and recreational activities span a wide range of land uses and developments, from minor works which are permitted development to the provision of major sporting venues of international standard. Provided care is taken in choosing the site, designing the scheme and applying planning conditions, provision ought to be capable of being successfully integrated into an urban or rural area.
- 6.4 Whilst the site is designated as Greenbelt land in the adopted Hamilton District Local Plan there are material overriding justifications to allow for a departure to the Plan

which are discussed in more detail in the following paragraphs. Although the site is designated as Greenbelt in the adopted Hamilton District Local Plan the principle of development on the site has been established through the outline planning consent previously granted for a business park, therefore, I am satisfied that a land use allocation other than green belt has already been justified. The release of the site at Craighead would provide additional choice of housing at the executive end of the market which might not be available elsewhere within the housing market area. The proposal would provide facilities for sports and recreation in urban Lanarkshire and as the site lies within the Strategic Green Network it provides an opportunity to create a Green Network access link through the creation of a connecting stretch of the Clyde Walkway. Given the above I am satisfied that the proposal conforms with national planning policy.

- 6.5 The proposal is of strategic significance and requires to be assessed against Strategic Policies 1,5,6,9 and 10 in the approved Glasgow and the Clyde Valley Structure Plan 2000. The Finalised Structure Plan 2006 is also a material consideration in the assessment of this proposal.
- 6.6 Strategic Policy 1 requires the continued designation and safeguarding of the Glasgow and the Clyde Valley Green Belt within which there is a presumption against the spread of built up areas and the encroachment of development into the countryside. Whilst the site is designated as Greenbelt in the Adopted Hamilton District Local Plan, the principle of development on the site and its removal from the Green Belt has been accepted since the site already benefits from outline consent for a business park (this matter is discussed in more detail in Section 6.11 below). Strategic Policy 1 f) identifies strategic green network priorities. The Clyde Walkway is a component of the strategic green network, and the development of this site would provide an opportunity to develop a missing link in the Clyde Walkway. The application is, therefore, not considered to be contrary to Strategic Policy 1.
- 6.7 Strategic Policy 5 identifies strategic economic locations and safeguards them from inappropriate development, having regard to the need to maintain a minimum ten year potentially marketable and serviceable industrial land supply across the Structure Plan area. The application site was added to the marketable industrial land supply following the granting of consent for the business park in 2003 and made a significant contribution to the marketable supply in the Hamilton area which at that time was experiencing a shortfall. The site is located in the Whistleberry Corridor, which is a Strategic Industrial & Business Location identified in Schedule 5b of the Structure Plan, and therefore has protection from unrelated non-industrial uses. The loss of a site of this size from a SIBL can be considered contrary to Strategic Policy 5b). While the site previously formed an important component of the land supply, both locally and strategically, the nature of the proposed mixed-use development is considered by the Council to offer a unique development opportunity in this area. The Finalised South Lanarkshire Local Plan has identified new industrial opportunities in the vicinity of Whistleberry Corridor, which would compensate for the loss of the Craighead site. The 2006 industrial land supply & demand calculation indicates an 11 year land supply within the Hamilton area, excluding Craighead Retreat, which is considered adequate in local terms. The proposal does not, therefore, adversely affect the overall industrial land supply in the Structure Plan area, which currently stands at 15.5 years. It is concluded that whilst the application could be considered contrary to strategic policy 5 as it involves non-industrial/business development on a site within a SIBL, there are over-riding local justifications for its approval and an 11 year industrial land supply will be maintained.

- 6.8 Strategic policy 6 relates to the quality of life and health of the communities of the Glasgow & Clyde Valley area. Policy 6 b) relates to housing land supply and demand. The Structure Plan has identified a shortfall in land supply across the conurbation to 2018 and beyond. The majority of the shortfall will be met through Community Growth Areas. Within South Lanarkshire there are a number of these areas and for the Hamilton Housing Market Area sites have been identified at Hamilton West and Larkhall/Ferniegair to meet this shortfall. The release of the site at Craighead will provide additional choice of housing at the executive end of the market which might not be available elsewhere within the housing market area. Policy 6e) supports the provision of facilities for sports and recreation in areas of deficiency. Urban Lanarkshire is identified as a core area with an inadequate quality of provision of sport and recreation facilities. The application proposes provision of international standard indoor and outdoor sports facilities and is, therefore, considered to support Strategic Policy 6e). It is concluded that the site accords with Strategic Policy 6.
- 6.9 Strategic Policy 9A relates to the need for the development in terms of the relevant demand assessment. As noted above, it is considered that there is justification to remove the site from the industrial land supply without adversely affecting the 10 year supply either at structure plan or local plan level. Strategic Policy 9B relates to the location of the development and its impact on strategic resources. The proposal does not meet criteria 9B i) to safeguard and avoid the diversion or displacement of investment from the strategic development locations, in this case Strategic Industrial & Business Locations. However, the above points provide a balanced argument in favour of a departure from policy. Strategic Policy 9C relates to provision by the developer in relation to infrastructure and remedial action required. There are no issues raised by this application in terms of infrastructure. As the application is contrary to one or more criteria in Strategic Policy 9 it requires to be justified against the criteria in Strategic Policy 10.
- 6.10 Strategic Policy 10A relates to the need for the development. The Council suggests that the nature of the site, and the size and type of houses proposed, presents an opportunity to provide housing at the upper end of the Hamilton Housing Market Area, which justifies a need for the development. Strategic Policy 10B relates to the three criteria of Economic Benefit, Social Benefit and Environmental Benefit. With regard to economic benefit, the location of the training facility on site will create employment in administration, hotel, catering, hospitality, security and coaching posts. The quality of the sports element of the proposal will also provide a facility of international standing that can only have positive benefits to the local and wider economy. The quality of the housing proposed could attract new executive residents with potential business interest to South Lanarkshire, which would have economic benefits. With regard to social benefit, in addition to the above points, there may be scope for the sports element of the proposal to act as a resource and catalyst to encourage potential sports men and women, and promote a healthier lifestyle. In terms of environmental benefit, the application lies within the strategic green network. The concept of the strategic green network is developed in the Glasgow and Clyde Valley Structure Plan Alteration 2006. The proposal provides an opportunity to create a key green network access link through creation of a connecting stretch of the Clyde Walkway. With regard to the Finalised Structure Plan 2006 it is not considered that the 2006 Plan materially changes the above assessment.

- 6.11 In conclusion, whilst the proposal is compliant with Strategic Policies 1, 6, 9A and 10A it could be viewed as being contrary to Strategic Policy 5 of the Structure Plan. However, it is considered that there are material overriding justifications to allow for a departure to the Plan as set out above.
- 6.12 In terms of local plan policy the application requires to be assessed against Policy EN1a – Greenbelt and Policy DC1 Development Control – General. Whilst the site is designated as Greenbelt land in the adopted Hamilton District Local Plan outline planning permission was granted for a business park on the site in February 2003 following referral to the Scottish Executive and the conclusion of a Section 75 legal Agreement relating to off-site road improvements, construction of a Clyde Walkway link and implementation of a woodland management plan (HM/05/0622). Although the approved business park has never been developed the principle of development on the site has been established through the outline planning consent, therefore, I am satisfied that a land use allocation other than green belt has already been justified and that the proposed mixed use development is acceptable at this location. The Finalised South Lanarkshire Local Plan is also a material consideration as set out in Paragraphs 6.15 to 6.17 below.
- 6.13 With regard to the detail of the proposal Policy DC1 states that all planning applications should take fully into account the local context and built form – i.e. development should not take place in isolation and must take cognizance of scale, position and materials of adjacent buildings and surrounding streetscape. Proposals should also aim for the best possible quality of external materials. In particular, type of material chosen, colour and texture are crucial when choosing external finishes especially for brick, stone and roofing.
- 6.14 In this instance, a unique residential environment is proposed and I am satisfied that the proposed development is of an exceptionally high quality design incorporating a suitably high standard of materials and will be in keeping with development in the surrounding area. I am also satisfied that the proposed layout is acceptable and that it generally meets the criteria set out in the Council's Residential Development Guide, particularly in relation to house to plot ratios and car parking. In terms of amenity open space, the provision for this proposal is reduced from the normal requirement due to the overall high quality of design, environment and finish materials, however, a children's play area would be provided to the Council's specification which would be further consolidated by the provision of the sports training facility. The flatted development is set within a landscaped area and the development as a whole has direct access to a network of pathways, both within the site and beyond, via the Clyde River Valley Walkway. An extension to the Clyde Walkway is being provided as part of the proposal which would provide a benefit in terms of recreational provision for both the local and wider community.
- 6.15 The application can also be assessed against South Lanarkshire Planning Policies Planning Policies SLP1 – Greenbelt and SLP6 – Development Control - General. Policy SLP1 reflects the detail of Policy EN1 in relation to acceptable uses within the Greenbelt. However, outline planning permission was granted for a business park on the site in February 2003 following referral to the Scottish Executive and although the business park has never been developed the principle of development on the site has already been established, therefore, I am satisfied that a land use allocation other than green belt has been justified and that the proposed mixed use development is acceptable at this location. Policy SLP6 broadly reflects the

requirements of Policy DC1. Again, I am satisfied that the proposal conforms with this policy.

- 6.16 In terms of the Finalised South Lanarkshire Local Plan (after modifications) the application can be assessed against Policy STRAT 8 - Development Framework Sites Policy, Policy ENV2 – Green Network Policy, Policy ENV 30 - and Policy DM 1 – Development Management Policy.
- 6.17 Policy STRAT 8 states that the Council requires the preparation of Development Frameworks to help guide and control improvement, redevelopment and investment for those locations identified in Table 2.3 'Development Framework Sites'. Development Frameworks for each location must conform to the requirements set out in Table 2.3. The application site is one of the sites identified in Table 2.3 and for this particular site the Development Framework requires the provision of international standard indoor and outdoor training facilities; provision of Class 4 business/office space with minimum floorspace of 10,000 square metres and/or hotel/conference facilities; high quality residential development to address executive housing demand; and provision for extension of the Clyde Walkway. The proposed development meets the development framework criteria, other than in respect of the amount of Class 4 space. However, it is accepted that this can be offset by the inclusion of the hotel proposals and the office accommodation provided within the sports complex.
- 6.18 Policy ENV 2 states that the Council will seek to protect and support actions to enhance the Local Green Network as identified on the Proposals Map. Development that is likely to have an adverse effect on its connectivity or its value for biodiversity or as an amenity will not be supported. Loss of an area in whole or in part will only be permitted where it can be demonstrated that development will enhance the existing situation in respect of wildlife, biodiversity, townscape quality and character, amenity and access. The Clyde Walkway is a component of the strategic green network, and the development of this site would provide an opportunity to develop a missing link in the Clyde Walkway. I am, therefore, satisfied that the proposal complies with the above policy. Policies ENV 30 and DM1 broadly reflect the terms of Policies DC1 and SLP6. Again, I am satisfied that the proposal complies with these policies.
- 6.19 Taking all of the matters discussed into account it is considered that this mixed-use development enabling a world class National Training Centre for the Scottish Football Association which creates employment and an exclusive quality housing environment is an acceptable departure from the Development Plan and conforms with the content SPP1, 3 and NPPG 11.
- 6.20 In summary, the proposal to develop the site for housing is contrary to both the adopted Hamilton District Local Plan and the adopted Glasgow and the Clyde Valley Structure Plan in that the application site is designated as Greenbelt land. However, it is considered that a departure from the Development Plan is justified in this instance for the following reasons:
- (a) The principle of development on the site has been established through the outline planning consent granted for a business park in 2003.
 - (b) The proposal conforms with the Finalised South Lanarkshire Local Plan (after modifications) and has general conformity with the Glasgow & Clyde Valley Structure Plan

- (c) The site can be safely accessed with adequate levels of car parking provision and raises no environmental or infrastructure issues.
- (d) The application site is the only site in the area, in terms of size, location, outlook, accessibility and environment which can accommodate the proposed use.
- (e) The proposed development will provide a major attribute to the locality in terms of economic benefit, environmental improvements and physical regeneration and in the provision of a sporting/recreational facility of national and international standing.

7 Reasons for Decision

7.1 As set out in Paragraph 6.20 above.

Iain Urquhart
Executive Director (Enterprise Resources)

13 March 2007

Previous References

SPP1- The Planning System
 SPP3 -Planning for Housing
 NPPG11 (Sport, Physical Recreation and Open Space)
 Glasgow and the Clyde Valley Structure Plan
 South Lanarkshire Council Residential Development Guide
 Planning Application HM/05/0622

List of Background Papers

▶ Application Form	
▶ Application Plans	
▶ Consultations	
S.E.P.A. (West Region)	06/11/2006
West of Scotland Archaeology Service	14/11/2006
S.E.P.A. (West Region) (Flooding)	02/02/2007
Greenspace	16/01/2007
Environmental Services	18/01/2007
Scottish Natural Heritage	19/02/2007
Roads & Transportation Services H.Q. (Flooding)	09/10/2006

Roads & Transportation Services H.Q. (Flooding)	11/10/2006
Environmental Services	04/10/2006
TRANSCO (Plant Location)	02/10/2006
Scottish Water	05/10/2006
Scottish Water	29/09/2006
Power Systems	29/09/2006

► Representations

- Representation from : James Brown, 82 Waverley Terrace, Blantyre, G72 0HZ, DATED 16/10/2006
- Representation from : Peter Henderson, 43 Blairston Gardens, Bothwell, G71 8SA, DATED 30/10/2006
- Representation from : Mr C Clelland, 24 Blairston Avenue, Bothwell, G71 8SA, DATED 17/11/2006
- Representation from : Mr Robert Clerk, Smiths Gore, 12 Bernard Street, EDINBURGH, EH6 6PY, DATED 19/01/2007
- Representation from : Mr & Mrs J Morrison, 6 Grange Gardens, Bothwell, G71 8SD, DATED 21/02/2007
- Representation from : George S. Watters, Raeburn Drilling & Geotechnical Limited, East Avenue, Priestfield Industrial Estate, Blantyre, Glasgow, G72 OJB, DATED 03/10/2006
- Representation from : River Clyde Fisheries Management Trust, FAO Kemp Meikle (Secretary), 5 Cedar Crescent, Hamilton, ML3 7LW, DATED 03/10/2006
- Representation from : Agnes M Fraser, 2 Grange Gardens, Bothwell, G71 8SD, DATED 19/12/2006
- Representation from : John Gribben, 38 Blairston Avenue, Bothwell, G71 8SA, DATED 19/12/2006
- Representation from : Adrienne McGeechan, 31 Old Mill Road, Bothwell, G718AX, DATED 10/11/2006
- Representation from : Mr Gordon, MRGORDON@aol.com DATED 22/12/2006

Contact for Further Information

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

Jim Blake, Planning Officer, Brandon Gate, Hamilton

Ext: 3508 (Tel :01698 453508)

E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

CONDITIONS

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 That before any work commences on the site or within 3 months of the date of this permission, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:(a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc.; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.
- 4 That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 5 That before any work commences on the site or within 3 months of the date of this permission, a detailed tree survey carried out to British Standard BS5837 shall be submitted to and approved by the Council as Planning Authority.
- 6 That all trees to be retained within the site shall be fully protected during the period of construction and prior to any work commencing on the site, written details specifying the nature of such measures shall be submitted to and approved by the Council as Planning Authority.
- 7 That before any work commences on the site or within 3 months of the date of this permission, the Landscape and Habitat Management Plan referred to in the submitted Environmental Statement shall be submitted to and approved by the Council as Planning Authority and it shall include a woodland management plan for the area hatched purple on the approved plans. The management plans referred to shall commit to monitoring for and eradicating any non-native introductions to the woodland and thereafter shall be implemented to the satisfaction of the Council.
- 8 That no development shall take place until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and agreed with West of Scotland Archaeology Service.
- 9 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.

- 10 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 and to the satisfaction of the Council as Roads and Planning Authority.
- 11 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 and to the satisfaction of the Council as Roads and Planning Authority.
- 12 That before the development hereby approved is completed or brought into use, all of the parking spaces shown on the approved plans shall be laid out and constructed to the satisfaction of the Council as Roads and Planning Authority and thereafter shall be maintained to the entire satisfaction of the Council. All parking provision within the development shall comply with the Council's Guidelines for Development Roads and the maximum standards as set down in SPP17.
- 13 That no further changes in ground levels within the site shall take place without the prior written consent of the Council as Planning Authority.
- 14 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.
- 15 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 14 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 16 That the soccer training facility shall close by 8.00 pm.
- 17 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.
- 18 That no development shall commence until a drainage impact assessment has been submitted to and approved by the Council as Planning Authority.
- 19 That no dwellinghouse shall be occupied until the developer provides a written agreement from Scottish Water that the site can be served by a sewerage and water scheme constructed to the specification and satisfaction of Scottish Water as the Water and Sewerage Authority.
- 20 That before development starts details of the phasing of the development, together with the circulation of vehicles and pedestrians, shall be submitted to the Council for approval and no work shall begin until the phasing scheme has been approved in writing. Following approval, the development shall be implemented in accordance with the approved scheme.

- 21 That the use of the garages hereby permitted shall be restricted to private use incidental to the enjoyment of the dwellinghouse on the site and no commercial activity shall be carried out in or from the garage.
- 22 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, a change of use of any garage (whether integral or detached) to living accommodation associated with the dwellinghouse on the plot shall be subject to a further planning application to the Council as Planning Authority.
- 23 That wheel washing facilities shall be installed at the entrance/exit to the site in order that all vehicles leaving the site are kept clear and free from debris. The applicant or subsequent operator(s) shall at all time be responsible for the removal of mud or other materials deposited on both the public and private highways leading to the site by vehicles entering or leaving the site.
- 24 That before development starts full details of the floodlighting for the soccer training facility shall be submitted to and approved by the Council as Planning Authority.
- 25 That before any work commences on the site, a scheme for the provision of the play areas within the site hatched BLUE on the approved plans shall be submitted to the Council as Planning Authority for written approval and shall include: (a) details of the type and location of play equipment, seating and litter bins to be situated within the play areas; (b) details of the surface treatment of the play area, including the location and type of safety surface to be installed; (c) details of the fences to be erected around the play areas; details of the erection of a traffic calming/safety feature at the entrance to the play facilities; and (e) details of the phasing of these works.
- 26 That prior to the completion or occupation of the 20th dwellinghouse within the development, all of the works required for the provision of an equipped play area included in the scheme approved under the terms of Condition 25 above shall be completed, and thereafter, that area shall not be used for any purpose other than as a play area.
- 27 That prior to any part of the development being open (or as agreed by the Council as Roads Authority), all infrastructure modifications, both internal and external to the site, required by the Council as Roads Authority shall be completed at the applicant's expense and open to traffic and pedestrians to the satisfaction of the Council as Roads Authority.
- 28 That all infrastructure modifications, both internal and external to the site, required by the Council as Roads Authority shall be designed to the Design Manual for Roads and Bridges and to the satisfaction of the Council as Roads Authority. Any deviation from the DMRB shall be identified by the applicant and agreed as acceptable with the Council at the detailed design stage before the opening of the development.
- 29 That before development starts, details of the gates to be erected on the road marked A on Drawing Number P101-02 shall be submitted to and approved by the Council as Planning Authority and these gates shall not be capable of being

closed.

- 30 That before development starts, a comprehensive Travel Plan that sets out proposals for reducing the dependency on the private car shall be submitted to and approved by the Council as Planning Authority in consultation with Transport Scotland – Trunk Road Network Management Directorate.
- 31 That all residential properties shall be provided with a comprehensive travel pack on occupation which shall detail public transport services and any relevant services available through the Travel Plan highlighted under Condition 30 (e.g. the proposed free private taxi service).
- 32 That prior to the completion and occupation of any part of the development, the modifications to A725 (T)/ Whistleberry Road merge/diverge, generally in accordance with Arup Drawing Number SK014, shall be constructed and completed to a specification approved by the Council as Planning Authority in consultation with Transport Scotland – Trunk Road Network Management Directorate (TS – TRNMD)
- 33 That the monitoring and the mitigation measures as proposed in the submitted bat strategy document shall be fully implemented to the satisfaction of the Council as Planning Authority in consultation with SNH.
- 34 That before the development starts, a report from a professionally qualified source detailing the nature, concentration and distribution of any contaminants found within the application site, shall be submitted to and approved by the Council as Planning Authority and the development shall not be commenced until such action as is recommended by this report, in order to remove, or render harmless, any such contaminants, has been implemented and completed to the full specification and entire satisfaction of the Council. The developer shall give the Council at least 7 working days notice in writing prior to the commencement of any decontamination works on the site.
- 35 That before development starts, full details of measures to be incorporated on site to ensure that dust arising from the site does not give rise to nuisance conditions shall be submitted to and approved by the Council as Planning Authority.
- 36 That before development starts, details of the proposed domestic waste storage facilities at individual properties, in accordance with the Council's collection plans, shall be submitted to and approved by the Council as Planning Authority.
- 37 That before development starts, a flood risk assessment which includes details of the provision of flood prevention works, together with subsequent management and maintenance arrangements shall be submitted to and approved by the Council as Planning Authority.
- 38 That the developer shall provide all approved flood prevention measures as required under Condition 37 prior to or no later than the completion of the roads infrastructure as approved by the Divisional Engineer under the Construction Consent process.
- 39 That all necessary mitigation measures required under the terms of Conditions 17 and 23 shall be taken during the construction phase of the development to ensure

that the pollutants typically associated with this aspect of the works do not enter the watercourse adjacent to the site.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of the visual amenity of the area.
- 4 In the interests of amenity.
- 5 In the interests of amenity and in order to retain effective planning control.
- 6 To ensure that adequate steps are taken to protect and maintain the existing trees on the site, throughout the period of the proposed building operations.
- 7 In the interests of the visual amenity of the area and to ensure that no non-native species are introduced into the woodland.
- 8 To ensure that any archaeological remains located within the site will be adequately dealt with.
- 9 In the interests of amenity and in order to retain effective planning control.
- 10 To ensure satisfactory vehicular and pedestrian access facilities to the dwellings.
- 11 To ensure satisfactory vehicular and pedestrian access facilities to the site.
- 12 To ensure the provision of adequate parking facilities within the site.
- 13 In the interests of amenity and in order to retain effective planning control.
- 14 These details have not been submitted or approved.
- 15 In order to retain effective planning control.
- 16 To safeguard the amenity of the area.
- 17 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 off-site flooding.
- 18 To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.
- 19 To ensure the provision of a satisfactory sewerage system.
- 20 In the interests of amenity and in order to retain effective planning control.
- 21 In the interests of amenity and in order to retain effective planning control.
- 22 In the interests of amenity and in order to retain effective planning control.
- 23 To prevent deleterious material being carried onto the highway.
- 24 In the interests of amenity and in order to retain effective planning control.
- 25 To ensure the provision of adequate play facilities within the site and in order to retain effective planning control.
- 26 In order to retain effective planning control.
- 27 In the interest of road safety.
- 28 In the interest of road safety.
- 29 In order not to restrict either pedestrian or vehicular access in any way, thereby acting as a 'feature' only.
- 30 To be consistent with the requirements of SPP17 – Planning for Transport and Planning Advice Note 75.
- 31 To be consistent with the requirements of SPP17 – Planning for Transport and Planning Advice Note 75.
- 32 To minimise interference with the safety and free flow of the traffic on the trunk road.
- 33 To ensure there is no adverse impact on European Protected Species.

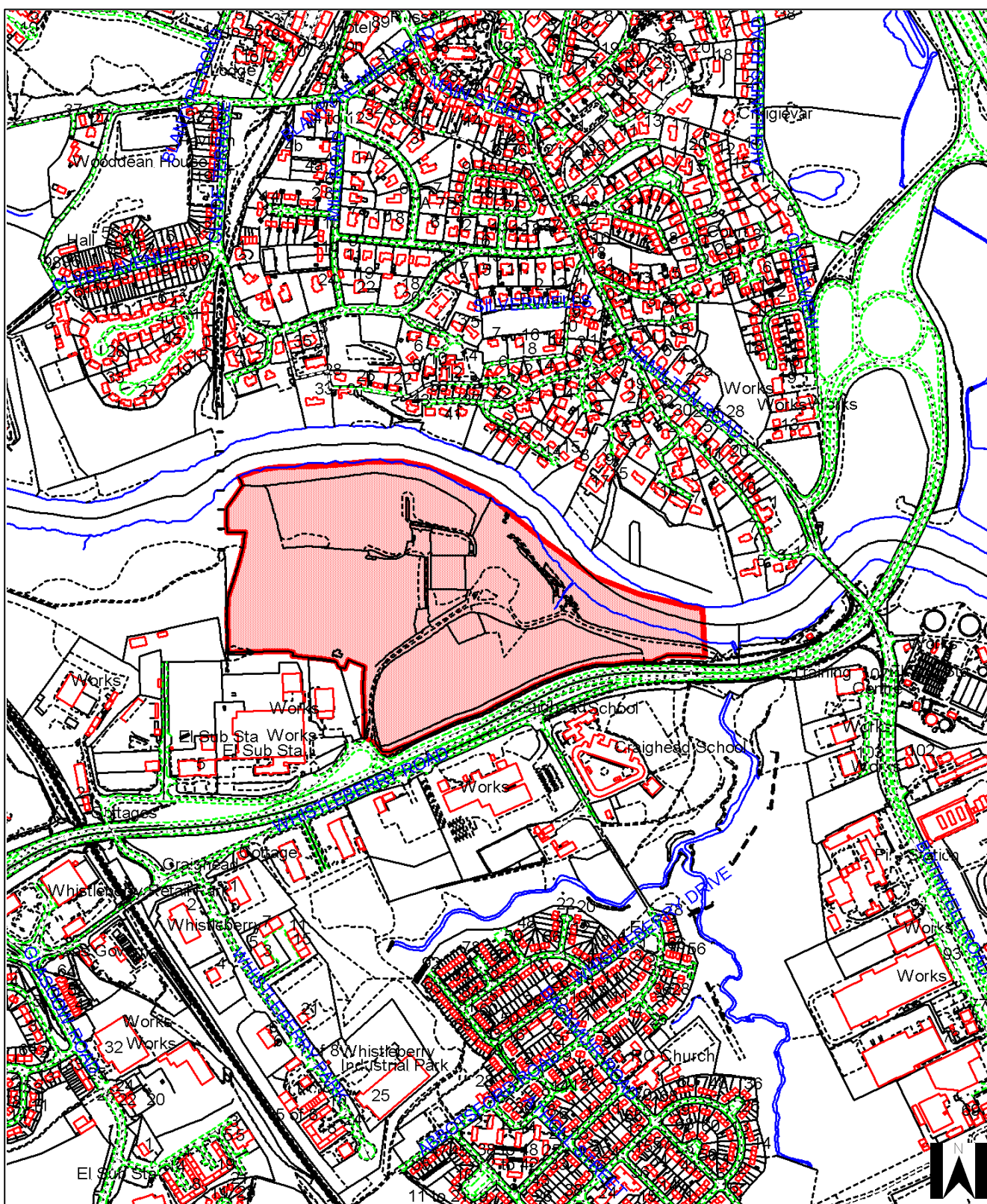
- 34 To ensure the site is free from contaminants.
- 35 To safeguard the amenity of the area.
- 36 In the interests of amenity and in order to retain effective planning control.
- 37 To ensure that there will be no increased risk of flooding to land and properties either on site or downstream due to impedance of flood flows, increased surface water run off and/or reduction of flood storage capacity.
- 38 To ensure that there will be no increased risk of flooding to land and properties either on site or downstream due to impedance of flood flows, increased surface water run off and/or reduction of flood storage capacity.
- 39 To ensure that pollutants do not enter the watercourse adjacent to the site.

INFORMATIVES

- 1 Trunk road modifications shall in all aspects comply with the Design Manual for Roads and Bridges (DMRB) and the Specification for Highway Works published by HMSO, and shall account for Road Safety Audits at Stages 1 to 4 as outlined in Volume 5 of DMRB. The developer shall issue a certificate to that effect, signed by his design organization.
- 2 The developer shall enter into a Minute of Agreement with the Scottish Ministers for all trunk road related works. The Minute of Agreement shall be signed prior to the commencement of any part of the development.
- 3 No work shall commence on site until a Road Construction Consent has been granted by the Council as Roads Authority and the Road bond has been lodged.

For information only

For information only



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