

	<h1>Report</h1>	<b>Agenda Item</b>  <h1>4</h1>
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Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>28 April 2009</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	HM/08/0268
Planning Proposal:	Residential Development and Provision of Recreation Area (Outline)

## 1 Summary Application Information

- Application Type : Outline Planning Application
- Applicant : Ms S Miller
- Location : Beech Avenue  
Quarter

## 2 Recommendation(s)

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

- (1) Grant Outline 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) If planning consent is granted, the decision notice should be withheld until a Section 75 Agreement between the Council and the applicant has been concluded to ensure the provision of a play pitch to a standard acceptable to the Council. The Council's legal expenses in connection with the Agreement will be borne by the Applicant.

## 3 Other Information

- ◆ Applicant's Agent: Graham Jinks
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Plan**  
Policy RES 6 – Residential Land Use Policy  
Policy ENV 30 – New Housing Development  
Policy DM 1 – Development Management Policy

- ◆ Representation(s):  
  - ▶ 43 Objection Letters
- ◆ Consultation(s):

Estates Service

Environmental Services

Greenspace

Leisure Services

Roads and Transportation Services (Hamilton Area)

Roads and Transportation Services (Flooding)

Scottish Water

Scotland Gas Networks

Scottish Power Energy Networks

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

Sportscotland

# Planning Application Report

## 1 Application Site

- 1.1 The application relates to an area of land to the west of Beech Avenue on the north side of Quarter village. The site is roughly triangular in shape and comprises maintained grass with a mixture of mature and semi mature trees and hedges. The site is currently used informally for recreational purposes. The site is bounded to the north and west by agricultural land and to the south and east by residential properties. Access to the site is via pedestrian routes from the adjacent residential development.

## 2 Proposal(s)

- 2.1 Outline planning consent is sought for residential development and the provision of a recreation area. Whilst a detailed layout has not been submitted with the application the applicant has submitted an indicative layout which shows the site split between residential and recreation uses with approximately two thirds of the land incorporating residential development. A bat and badger survey report was also submitted with the application.

## 3 Background

### 3.1 Local Plan Status

- 3.1.1 The application site is located within the Quarter village envelope and is covered by Policy RES 6 – Residential Land Use Policy. Policies ENV 30 – New Housing Development and DM 1 – Development Management Policy are also relevant to the assessment of the application. The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

### 3.2 Relevant Government Guidance

- 3.2.1 Scottish Planning Policy 11 – Open Space and Physical Activity advises that playing fields and sports pitches should not be redeveloped except where one of the following circumstances applies:
- a. The proposed development is ancillary to the principal use of the site as a playing field;
  - b. The proposed development involves a minor part of the playing field which would not affect its use and potential for sport and training;
  - c. The playing field which would be lost as a result of the proposed development would be replaced by:
    - (i) a new playing field of comparable or greater benefit for sport and in a location which is convenient for its users; or
    - (ii) the upgrading of an existing playing field to provide a better quality facility, either within the same site or at another location which is convenient for its users and which maintains or improves the overall playing capacity in the area; or
  - d. A playing field strategy prepared in accordance with a methodology approved by Sportscotland has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site in question could be developed without detriment to the overall quality of provision.

- 3.2.2 If a proposed development satisfies at least one of the above conditions and the site is no longer required for formal sports use, the planning authority must consider whether the site has other recreational, amenity, landscape or biodiversity value which would warrant its retention as open space.

### 3.3 **Site History**

- 3.3.1 There is no recent planning history relating to this site. However, the application site was part of a larger site which was subject to consideration at the 1997 Public Local Inquiry into a number of called in planning applications, appeals and associated local plan objections where the Reporter's recommendation was refusal. It is understood that there have been at least 3 previous attempts to obtain planning permission for residential development to the north of Quarter, two of which were refused by the Council and subsequently dismissed on appeal in 1975 and 1980 and one by Wimpey Homes which was refused for reasons relating to Green Belt policy and road safety.

## 4 **Consultation(s)**

- 4.1 **Environmental Services** - have no objections to the proposal subject to the inclusion of conditions and advisory notes relating to potential contamination, potential noise produced by the proposed outdoor facility and appropriate hours for audible construction activity at the site.

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

- 4.2 **Estates Service** - have no objections to the proposal.

**Response:** Noted.

- 4.3 **Greenspace** - have no objections to the proposal and consider that the submitted bat and badger survey appears to be thorough and professional. In relation to the bat survey specifically, the surveyor has acknowledged that although bats were not present at the time of survey the trees must be checked prior to felling. A method statement for this is included. The report also draws attention to protection afforded to nesting birds. With regard to the loss of the existing open space on the site it is recommended that any residential development approved should be of a density low enough to allow the retention of as much of the existing formal and informal greenspace infrastructure as possible and that an appropriate balance is achieved between the recreational, amenity, landscape and biodiversity requirements of the site.

**Response:** Noted. Any consent granted would incorporate conditions which require the applicant to adhere to the recommendations of the bat and badger survey and carry out further survey work prior to any trees being felled. As the application is for outline planning consent a condition would also be attached requiring the submission of a development brief for the site which would provide guidance on the key development standards required and any subsequent detailed or reserved matters application would also be required to comply with the Council's Residential Development Guide and be in keeping with development in the surrounding area.

- 4.4 **Sportscotland** – have no objections to the proposal. As the site does not form part of the Council's formal pitch stock, it is considered that partial development of the site could be acceptable providing that the area marked in the indicative plan submitted with the application as a recreation area is retained as a playing field and the retained area is upgraded to provide a better quality facility. A condition should be imposed requiring a minimum area (excluding run-offs) of 60m x 40m to be provided, with the pitch being constructed to a standard of at least Grade III in the South Lanarkshire Council pitch grading system. The condition should require that

the specification of works are submitted for the approval of the Council prior to the commencement of any development on site and such upgrading works are to be completed within one planting season of the first house being occupied. The area proposed is less than that currently available but given what appears to be its more informal use, and providing that the quality of the pitch is upgraded, a reduction in its area is acceptable given the circumstances.

**Response:-** Noted and appropriately worded conditions would be incorporated into any consent granted to address the matters raised. In addition, the Section 75 Agreement would also reflect these points.

- 4.5 **Roads and Transportation Services (Hamilton Area)** - have no objections to the proposal subject to the inclusion of conditions requiring the provision of traffic calming elements positioned every 40 metres along the new road, the continuation of the service strip along the perimeter of the shared surface and turning head and the provision of driveways and parking provision within the site in accordance with the Council's guidelines. They have also noted that a construction consent and road bond would be required for the development.

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

- 4.6 **Roads and Transportation Services (Flooding)** - have no objections to the proposal subject to the inclusion of conditions requiring 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:** Noted and appropriately worded conditions and informatives would be incorporated into any consent granted to address the matters raised.

- 4.7 **S.E.P.A.** – have no objections to the proposal provided the existing sewerage system can accommodate the development's flow without any detriment to the current situation and a condition should be attached requiring the provision of a suitable sewerage system. In addition, SEPA have requested that surface water from the site be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design (SUDS) Manual for Scotland and Northern Ireland. They have also advised that the application may be subject to the Controlled Activities Regulations (CAR). In terms of domestic waste issues, suitable provision should be made with regard to space for waste storage at individual properties and the development as a whole.

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

- 4.8 **Scotland Gas Networks** – have no objections to the proposal, however, they have submitted details indicating the location of their apparatus in the area.

**Response:** - Noted and this information will be passed on to the applicant

- 4.9 **Scottish Power Energy Networks** – have no objections to the proposal, however, they have submitted details indicating the location of their apparatus in the area.

**Response:** - Noted and this information will be passed on to the applicant.

- 4.10 **Scottish Water** - have no objections to the proposal subject to the provision of an acceptable sewerage system for the development. They have confirmed that Hamilton Waste Water Treatment Works currently has sufficient capacity to service the proposed development and that there are no known issues at present within their Waste Water Network that services the area.

**Response:-** Noted. Any consent granted will be conditioned to ensure that no dwellings are occupied until a satisfactory sewerage system is in place.

- 4.11 **Leisure Services** - have no objections to the application. The existing maintained area is used for the local gala, the local school sports day, and the local youth team for football training. The area is also used by the villagers as an open space for informal recreation purposes. At the very least the footballers would require a playing surface of 80m x 40m with the required run off areas. This alone would not satisfy the other users. However, the recreational area proposed is reasonable and whilst it does not compensate for the loss of the original space it is a good compromise should planning consent be granted. Detailed planning consent would have to be granted on the proviso that adequate ball stop fencing is provided. There is no problem with the concept of continuing to maintain ground of a similar nature to that existing. The problem occurs if the ground is improved and the Council is expected to provide an increased maintenance regime without the resources to pay for it. It cannot be ignored that the ground is in private ownership and, therefore, if improved and additional maintenance is required it would be obligatory, under present procedures, that the council receive a commuted sum, equivalent to 15 years annual maintenance cost, or that private maintenance arrangements are put in hand by the developer.

**Response:** Noted. Any consent granted would require the submission of full details showing the provision of a pitch with a minimum area (excluding run-offs) of 60 metres x 40 metres, in line with SportsScotland's recommendation in addition to details of the proposed ball stop fencing as part of the submission of any future detailed or reserved matters planning application. Maintenance arrangements would also require to be submitted.

## **5 Representation(s)**

- 5.1 Statutory neighbour notification procedures were undertaken. The application was also advertised as 'Development Potentially Contrary to the Development Plan' in the Hamilton Advertiser as the application site was designated as open space under the terms of Policy CU4 – Retention of Open Space in the Hamilton District Local Plan which was the adopted plan at the time the application was submitted. The South Lanarkshire Local Plan is now the newly adopted local plan which takes priority over the Hamilton District Local Plan. Forty three letters of objection were received. The details of the objections are summarised as follows:

### **(a) The application site relates to development on greenbelt land.**

**Response:** The application site is covered by Policy RES 6 – Residential Land Use Policy in the adopted South Lanarkshire Local Plan and does not relate to green belt land. However, it should be noted that the site was previously designated as open space under Policy CU4 – Retention Open Space Provision/Joint Use of Facilities in the Hamilton District Local Plan which was the adopted local plan at the time of the submission of the application. The principle of the proposal is discussed in detail in Section 6 of this report. The application site was, however, not in the Green Belt in this latter document.

### **(b) The increase in residential and construction traffic will bring further disturbance and safety concerns to what is a relatively quiet and safe area.**

**Response:** Subject to conditions Roads and Transportation Services are satisfied that the proposal raises no access or road safety issues.

**(c) There are no details as to the number of houses, their design or where the entrance to the recreation facility would be and there are concerns that the proposal would impact on the outlook of adjacent residents.**

**Response:** At this outline stage, the Council only require to be satisfied that residential development and a recreation area can be accommodated within the site. The detailed layout and design of the development are matters to be considered and agreed at any detailed or reserved matters planning application stage.

**(d) The area has been maintained by the Council on behalf of the residents of Quarter for numerous sporting and recreational activities. The proposed recreation area is at least one third smaller than the current area which will impact on the school sports day and the Quarter Gala as there would be no other site available to the village for these events. The proposal is contrary to the guidance contained in SPP3.**

**Response:** Whilst the application site is maintained by the Council the land is owned entirely by the applicant. Both the Council's Leisure Services and Sportscotland consider the proposed recreational area to be a good replacement for the loss of the existing area of open space. The relevant guidance contained in SPP11 rather than SPP3 is discussed in more detail in Section 6 of this report.

**(e) The current school is not equipped to cope with further expansion in the village until rebuilt in 2012.**

**Response:** Given the potential scale of development it is not anticipated that any subsequent detailed or reserved matters application would have a significant impact upon the capacity of the school.

**(f) There are not enough facilities in Quarter and the village does not need to get bigger as any increase in size would detract from its overall character.**

**Response:** The principle of the proposal is discussed in detail in Section 6 of this report.

**(g) The current infrastructure and amenities in the village are not able to cope with further housing e.g. sewerage, drainage, gas, electricity and telecommunications and the presence of old mine shafts may be problematic.**

**Response:** No consultees raised any adverse comments in relation to the above service provision and any consent granted would incorporate appropriately worded conditions and informatives to ensure that any new development is properly serviced in terms of sewerage and land drainage.

**(h) Current recreation areas within the village are not maintained and are a health and safety hazard.**

**Response:** This report deals with the merits of the current outline planning application and the above matters are not considered relevant to the assessment of this application.

**(i) The proposed recreation area is even more secluded than the current facility's position which would increase the opportunity for undesirable behaviour and noise.**

**Response:** The application is for outline planning permission and at this stage the Council only require to be satisfied that residential development and a recreation area can be accommodated within the site. Full details relating to the location and specification of the recreation area would have to be submitted for the Council's approval under the submission of any future detailed or reserved matters application.

**(j) The village currently receives little coverage from the Hamilton/Larkhall Police and there are many instances of anti-social behaviour. This hidden recreation facility will make matters worse.**

**Response:** Anti-social behaviour and the policing of the village is a Police matter and not a valid planning consideration.

**(k) The plans show the only access to the recreation area through the current lane between Denholm Gardens and Castle Wynd which is unsuitable.**

**Response:** At this outline stage, the Council only require to be satisfied that residential development and a recreation area can be accommodated within the site. The exact positioning of the recreation area and its related access points are matters to be considered and agreed at any detailed or reserved matters planning application stage.

**(l) There is an abundance of wildlife in the woods on the edge of the current recreational area and any development in this area will have a major impact on local wildlife.**

**Response:** The Council's Greenspace Service have assessed the submitted bat and badger survey report which also draws attention to protection afforded to nesting birds and they consider the report's recommendations to be acceptable. Any consent granted would incorporate conditions requiring the applicant to adhere to the recommendations of the bat and badger survey and to carry out further survey work prior to any trees being felled.

**(m) The removal of trees and plants is a further erosion on what is green belt and protected land.**

**Response:** The application site is contained within a residential policy area than a Green Belt designation. Any consent granted would incorporate a condition requiring the submission of a landscaping scheme for the Council's approval and such a scheme would have to identify any trees to be removed from the site and provide details of proposed replacement or additional planting.

**(n) If additional housing is required consent should be granted in line with the proposed school redevelopment and the recreation area should be included as part of the school redevelopment rather than hidden at the rear of the village.**

**Response:** This application requires to be assessed on its own merits and the principle of the proposal is discussed in Section 6 of this report. It is anticipated that the proposed redevelopment of the school will be carried out within its existing site boundary.

**(o) If consent is granted it is expected that the appropriate amount of land/space between properties and recreation space would be provided along with suitable screening that fits with the natural surroundings.**

**Response:** Should outline planning consent be granted any future detailed or reserved matters planning application would have to comply with the Council's policy guidelines on new residential development and the guidance contained within the Council's Residential Development Guide.

**(p) If consent is granted there needs to be a firm commitment to maintain the area and provide suitable policing to combat traffic speed, under age drinking.**

**Response:** The maintenance of the proposed recreation area is a matter that would be addressed through the submission of any future detailed or reserved matters planning application should outline planning consent be granted. Matters relating to traffic speed and under age drinking are not valid planning considerations and are matters for the Police to deal with.



**(q) Some residents did not receive full notification and it was left to the Neighbourhood Watch to keep the village informed.**

**Response:** The applicant confirmed in writing that the required neighbour notification procedures were sent out to all persons holding a notifiable interest in the neighbouring land in accordance with the Council's guidance notes and the Planning Service is satisfied that these procedures were followed correctly.

**(r) The development will have an impact on property prices.**

**Response:** This is not a valid planning consideration.

**(s) If approved, the application could open the floodgates to other areas around the village being developed.**

**Response:** The current application requires to be assessed on its own merits in relation to national and local plan policies and this assessment is undertaken in Section 6 of this report.

**(t) The proposal will result in a lengthy period of noise disturbance and the disturbance of vermin.**

**Response:** Environmental Services were consulted on the application and raised no adverse comments, however, any detailed or reserved matters application submitted would have to include a noise report in relation to noise produced by the proposed recreation area for the Council's approval. Any environmental matters such as vermin control or noise pollution would be addressed where appropriate under the above Service's legislative powers.

**(u) There is local debate as to who has the right to remove sections of existing boundary fence to gain vehicular access for the proposed development.**

**Response:** Whilst this is a legal matter the applicant's agent has advised that the applicant erected and maintains the fencing along the north boundary of the site and he understands that the original housing developer erected the fencing at the west end of Beech Avenue.

**(v) Previous applications which included a recreation area were rejected for the reason that the site extended beyond the accepted perimeter into the Green Belt.**

**Response:** A number of sites were identified as pressure for change sites within the Finalised South Lanarkshire Local Plan all of which were rejected. As discussed, the application site is within a residential policy area in the now adopted South Lanarkshire Local Plan rather than Green Belt land.

**(w) There is speculation that a timetable is already in place for this development and if correct this would appear to fly in the face of legitimate consultation.**

**Response:** The application has been assessed against national and local plan policy taking into account all consultation responses and representations received.

**(x) It is understood that the lease document for the application site states that the land has to be used for the recreation of the people of Quarter and there will be no development of the land without the consent of the people of Quarter. The lease makes provision for the school to have access to the site without limit of time for recreational activities.**

**Reason:** There is no lease agreement relating to the application site.

## **6 Assessment and Conclusions**

- 6.1 The applicant seeks outline planning permission for residential development and the provision of a recreation area on land adjacent to Beech Avenue in Quarter. The determining issues that require to be addressed are whether the proposal complies with national and local planning policy.
- 6.2 In terms of national planning policy guidance the relevant content of Scottish Planning Policy 11 – Open Space and Physical Activity has been set out in detail in Section 3.2.1 of this report and Part C of that guidance is considered to be of particular relevance to the assessment of this application. Part C states that playing fields and sports pitches should not be redeveloped unless the playing field which would be lost as a result of the proposed development would be replaced by a new playing field of comparable or greater benefit for sport and in a location which is convenient for its users; or unless the upgrading of an existing playing field provides a better quality facility, either within the same site or at another location which is convenient for its users and which maintains or improves the overall playing capacity in the area. In this instance, the application site relates to an area of land used for informal recreation purposes and it does not form part of the Council's formal pitch supply. Sportscotland consider that partial development of the site could be acceptable providing that the area highlighted as a recreation area is retained as a playing field and upgraded to provide a better quality facility than currently exists. However, a condition would have to be imposed requiring that a minimum area (excluding run-offs) of 60m x 40m be provided, with the pitch constructed to a standard of at least Grade III in the South Lanarkshire Council pitch grading system. Whilst the area proposed is less than that currently available, given its existing more informal use, and provided that the quality of the pitch is upgraded, Sportscotland consider a reduction in its area to be acceptable. Subject to the inclusion of the above condition I am satisfied that the proposal conforms with the requirements of SPP11 and, therefore, national planning policy guidance.
- 6.3 In terms of local plan policy, the application site is covered by Policy RES 6 – Residential Land Use Policy. With regard to the loss of open space Policy RES 6 states that there must be no resultant loss of, or damage to, open or play spaces, trees, bushes or hedgerows which make a significant contribution to the character or amenity of the area. As the application site is located within a residential policy area the principle of residential development within the site is considered to be acceptable and the key issue, therefore, is whether the specific change of use from open space to residential development with a formal recreation area is acceptable.
- 6.4 The site is currently maintained by the Council, however, the site does not form part of the Council's formal pitch supply and the land is owned entirely by the applicant. Neither Sportscotland nor the Council's Leisure Service objected to the proposal and whilst the size of the proposed recreation area is less than the area of land currently available, given the area's informal recreational status and the fact that an upgraded formal recreation facility would be provided to a high standard acceptable to the Council, in this instance it is considered that a reduction in size to the existing informal recreation area is acceptable due to the greater benefits the proposed facility would have for sporting provision. In terms of landscaping matters, any subsequent detailed or reserved matters application submitted would require the submission of a landscaping scheme for the Council's approval which would indicate which trees, bushes or hedgerows within the site would be retained or replaced.

- 6.5 I note the concerns raised regarding additional traffic in the area however, I am satisfied that the potential scale of development on the site is of such that it would not have a significant impact upon the capacity of the existing road network.
- 6.6 In terms of the detailed design of the proposed development Policies ENV30 - New Housing Development and DM1 – Development Management Policy are relevant to the assessment of the application, however, the application is for outline planning consent and no details have been submitted with the application in terms of the design of the proposal. Consequently, a condition would be attached to any consent granted requiring the submission of a development brief for the site which would provide guidance on the key development standards required and any subsequent detailed or reserved matters application would also be required to comply with the Council's Residential Development Guide and be in keeping with development in the surrounding area.
- 6.7 In summary, I am satisfied that the proposal is acceptable and that it complies with both national and local plan policy. I would, therefore, raise no objection to the proposal and recommend that planning permission be granted.

## **7 Reasons for Decision**

- 7.1 The proposal has no adverse impact on either residential or visual amenity nor raises any environmental or infrastructure issues and complies with Policies RES 6, ENV 30 and DM 1 of the adopted South Lanarkshire Local Plan.

**Iain Urquhart**  
**Executive Director (Enterprise Resources)**

**20 April 2009**

### **Previous References**

None

### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations

Estates Service	29/05/2008
Scottish Power Energy Networks	22/05/2008
Environmental Services	23/05/2008
Roads and Transportation Services (Hamilton Area)	12/06/2008
Scotland Gas Networks	03/06/2008

Scottish Water	10/06/2008
Roads & Transportation Services H.Q. (Flooding)	24/07/2008
Sport Scotland	18/12/2008
SEPA	17/06/08
Leisure Services	23/09//08
Greenspace	05/12/08

► Representations

- Representation from : Carolann Guthrie, 6 Hawthorn Way,Hamilton,ML3 7FF, DATED 28/05/2008
- Representation from : Dr. J. Martin Simpson & Mrs Suzanne Simpson, 7 Poplar Crescent,Quarter,Hamilton ML3 7FG, DATED 13/05/2008
- Representation from : Mr Robert W Law, 46 Castle Wynd,Quarter,Hamilton,, DATED 13/05/2008
- Representation from : Jean MacPherson, 19 Poplar Crescent,Cadzow View,Quarter,ML3 7FG, DATED 23/05/2008
- Representation from : Ross Brown, 20 Merrick Gardens,Quarter,Hamilton, DATED 23/05/2008
- Representation from : Mr G Pate, 16 Baltersan Gardens,Quarter,Hamilton,ML3 7QW, DATED 23/05/2008
- Representation from : Mrs Patricia Danskin, 8 Hawthorn Way,Quarter,Hamilton,ML3 7FF, DATED 20/05/2008
- Representation from : Colin D. Hogg, 9 Denholm Gardens,Quarter,Hamilton,ML3 7XY, DATED 26/05/2008
- Representation from : Mrs Elizabeth M. Hogg, 9 Denholm Gardens,Quarter,Hamilton,ML3 7XY, DATED 26/05/2008
- Representation from : William & Janette Farrell, 2 Merrick Gardens,Quarter,Hamilton,ML3 7XS, DATED 26/05/2008
- Representation from : George and Lynda Baxter, 22 Merrick Gardens,Quarter,Hamilton,ML3 7XS, DATED 26/05/2008
- Representation from : Quarter Neighbourhood Watch Committee, C/O Quarter Primary School,Limekilnburn Road,Quarter,Hamilton, DATED 26/05/2008
- Representation from : Thomas H. & Mrs Margaret W. Prestly, 32 Merrick Gardens,Quarter,South Lanarkshire,ML3 7XS, DATED 28/05/2008

Representation from : Mr J W McDowall, 11 Castle Wynd,Quarter,Hamilton,ML3 7XD, DATED 20/05/2008

Representation from : P Posselwhite, 18 Poplar Crescent,Quarter,Hamilton,ML3 7FG, DATED 20/05/2008

Representation from : Mr M Lindsay, 2 Larch Way,Quarter,Hamilton,ML3 7FH, DATED 20/05/2008

Representation from : Mr & Mrs J Cain, 28 Castle Wynd,Quarter,Hamilton,ML3 7XD, DATED 20/05/2008

Representation from : Owner/Occupier, 7 Denholm Gardens,Quarter,Hamilton,ML3 7XY, DATED 20/05/2008

Representation from : Mr & Mrs W Brown, 36 Castle Wynd,Quarter,Hamilton,ML3 7XD, DATED 20/05/2008

Representation from : Mr S Kennedy, 15 Poplar Crescent,Quarter,ML3 7FG, DATED 21/05/2008

Representation from : Claire Mitchell, 10 Denholm Gardens,Quarter,Hamilton, DATED 15/05/2008

Representation from : Jill Clark, 8 Denholm Gardens,Quarter,Hamilton,ML3 7XY, DATED 21/05/2008

Representation from : Gordon Clark, 8 Denholm Gardens,Quarter,Hamilton,ML3 7XY, DATED 21/05/2008

Representation from : Mrs J Ritchie, Blacksmiths Cottage,Mid Quarter,Hamilton,ML3 7XQ, DATED 21/05/2008

Representation from : Mr David MacRae, 4 Larch Way,Cadzow View,Quarter,Hamilton,ML3 7FH, DATED 21/05/2008

Representation from : Mrs L Pate, 16 Baltersan Gardens,Quarter,Hamilton,ML3 7QW, DATED 21/05/2008

Representation from : Mrs Jennifer MacRae, 4 Larch Way,Cadzow View,Quarter,Hamilton,ML3 7FH, DATED 22/05/2008

Representation from : Mr & Mrs P Docherty, 1 Hawthorn Way,Quarter ,Hamilton,ML3 7FF, DATED 22/05/2008

Representation from : George Lindsay, 77 Limekilnburn Road,Quarter,Hamilton,ML3 7XA, DATED 22/05/2008

Representation from : John & Catherine Roden, 6 Denholm Gardens,Quarter,Hamilton,ML3 7XY, DATED 22/05/2008

Representation from : Thomas Neely, 6 Beech Avenue,Quarter,Hamilton,ML3 7FE, DATED 22/05/2008

Representation from : Alex Hood, 16 Darngaber Gardens,Quarter,Hamilton,ML3 7XX, DATED 22/05/2008

Representation from : Ronald & Sharon Mooney, 17 Poplar Crescent,Cadzow View,Quarter,ML3 7FG, DATED 10/06/2008

Representation from : Mrs F Mawer, 8 Larch Way,Quarter,Hamilton,ML3 7FH, DATED 29/05/2008

Representation from : Allan Hogg, 6 Larch Way,Quarter,Hamilton,ML3 7FH, DATED 29/05/2008

Representation from : Mr & Mrs P Money, 9 Limekilnburn Road,Quarter,ML3 7XA, DATED 29/05/2008

Representation from : Gail McGuinness, 2 Hawthorn Way,Quarter,Hamilton,ML3 7FF, DATED 30/05/2008

Representation from : Mr J. E. Allan, 94 Franklin Place,Westwood,East Kilbride,Glasgow,G75 8LS, DATED 24/06/2008

Representation from : Dr J Martin Simpson, 7 Poplar Crescent,Quarter,Hamilton, DATED 03/11/2008

**Contact for Further Information**

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

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

**CONDITIONS**

- 1 That the development hereby permitted shall be started either within five years of the date of this permission or within two years of the date on which the last of the reserved matters are approved, whichever is the later;
- 2 That before the expiration of three years from the date of this outline permission and before any development starts, a written application and plans in respect of the following Reserved Matters shall be submitted to the Council as Planning Authority:
  - (a) a site layout plan at a scale of [1:500] showing the position of all buildings, roads, footpaths, parking areas (distinguishing where appropriate between private and public spaces), walls, fences, landscaping (including a planted screen buffer along the north and west boundaries of the site), open space and recreational provision;
  - (b) plans and elevations of each house and garage type showing their dimensions and type and colour of materials;
  - (c) a landscaping plan at a scale of [1:500] showing the location, species and ground spread of existing and proposed trees, shrubs and hedges;
  - (d) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);
  - (e) detailed cross-sections of existing and finished ground levels and finished floor levels, in relation to a fixed datum, preferably ordnance datum.
  - (f) full specification and maintenance details of a pitch with a minimum area (excluding run-offs) of 60 metres x 40 metres constructed to a standard of at least Grade III in the South Lanarkshire Council pitch grading system
- 3 That the further application required under the terms of Condition 2 above shall comply with the guidance on new residential development contained in the Council's Residential Development Guide.
- 4 That before the site is marketed the applicant shall prepare a development brief for the site which shall be submitted to and approved by the Council as Planning Authority. The development brief shall consider matters relating to:
  - (a) scale, design and external appearance of all buildings and other structures which shall reflect the local development context;
  - (b) access to the site;
  - (c) layout of site, including all roads, footways and parking;
  - (d) design and location of all boundary walls and fencing;
  - (e) details of hard and soft landscaping (including a planted screen buffer along the north and west boundaries of the site);
  - (f) provision of open space and equipped play areas including full specification and maintenance details of a pitch with a minimum area (excluding run-offs) of 60 metres x 40 metres constructed to a standard of at least Grade III in the South Lanarkshire Council pitch grading system.
- 5 That the further application required under the terms of Condition 2 above shall include written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme. The developer shall be responsible for all costs involved in upgrading the existing public sewerage system to serve the residential development at this site. No

dwellinghouse within the site shall be occupied until the upgrading works have been completed to the specification and satisfaction of Scottish Water as the Water and Sewerage Authority.

- 6 That no dwelling to be erected on the site shall exceed two storeys in height.
- 7 That the further application required under the terms of Condition 2 above shall include details of all parking provision within the site and these details shall comply with the Council's Guidelines for Development Roads and the maximum standards as set down in SPP17.
- 8 That the further application required under the terms of Condition 2 above, shall include a detailed scheme for surface water drainage. Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland and the Council's Sustainable Drainage Design Criteria and shall be agreed with the Council as Planning Authority in consultation with SEPA.
- 9 (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.
- 10 That the further application required under the terms of Condition 2 above shall include a noise report examining the design and use of the proposed outdoor facilities. The report shall identify any measures required to ensure that there is minimal noise impact on neighbouring properties and shall include issues such as management of the facilities and hours of operation. Any measures required to minimise noise shall be implemented prior to the development being brought into use and shall thereafter be implemented in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.
- 11 That the further application required under the terms of Condition 2 above shall



include full details of a pitch with a minimum area (excluding run-offs) of 60 metres x 40 metres and the pitch shall be constructed to a standard of at least Grade III in the South Lanarkshire Council pitch grading system.

- 12 That the further application required under the terms of Condition 2 above shall include full details of a ball stop fence to enclose the proposed recreation pitch.
- 13 That the further application required under the terms of Condition 2 above shall include a flood risk assessment with reference to CIRIA C624 and in accordance with the Reporting Requirements for Flood Risk Assessments issued by the Scottish Environment Protection Agency (SEPA).
- 14 That the development shall not become operational until the flood prevention measures required under the terms of Condition 13 above have been completed in accordance with the approved scheme.
- 15 That the further application required under the terms of Condition 2 above shall include a drainage impact assessment (if not included as part of the required Flood Risk Assessment) in accordance with the principles of sustainable urban drainage and CIRIA C697.
- 16 That traffic calming elements shall be positioned every 40 metres along the new access road.
- 17 That the service strip shall continue around the perimeter of the shared surface in addition to the turning head.
- 18 That all driveways shall be accessed via a drop kerb and shall be a minimum of 6 metres in length.
- 19 That the first 2 metres of all driveways shall be of a bound or block construction.
- 20 That the further application required under the terms of Condition 2 above shall include 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.
- 21 That the recommendations included in the Bats and Badgers report produced by JDC Ecology (October 2008) shall be adhered to prior to and during construction works.
- 22 That a suitably qualified ecologist shall inspect any tree to be felled, directly before it is proposed to be felled, for the presence of any bat roosts to the satisfaction of the Council as Planning Authority.
- 23 That the further application required under the terms of Condition 2 above shall include an energy statement which demonstrates that on-site zero and low carbon energy technologies contribute at least an extra 15% reduction in CO<sub>2</sub> emissions beyond the 2007 building regulations carbon dioxide emissions standard, shall be submitted to and approved in writing by the Council as Planning Authority. The statement shall include:
  - a) the total predicted energy requirements and CO<sub>2</sub> emissions of the development, clearly illustrating the additional 15% reduction beyond the 2007 building regulations CO<sub>2</sub> standard;

b) a schedule of proposed on-site zero and low carbon energy technologies to be included in the development and their respective energy contributions and carbon savings;

c) an indication of the location and design of the on-site energy technologies; and

d) a maintenance programme for the on-site zero and low carbon energy technologies to be incorporated.

- 24 The approved on-site zero and low carbon energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and shall remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Council as Planning Authority.

## REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 Consent is granted in outline only.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 To ensure the appropriate future development of the site.
- 5 To ensure the provision of a satisfactory sewerage system
- 6 In the interests of amenity.
- 7 To ensure the provision of adequate parking facilities to serve the development.
- 8 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.
- 9 These details have not been submitted or approved.
- 10 To minimise noise disturbance to adjacent occupants.
- 11 These details have not been submitted or approved.
- 12 These details have not been submitted or approved.
- 13 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.
- 14 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.
- 15 To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.
- 16 In the interests of road safety.
- 17 In the interests of public safety.
- 18 In the interests of public safety.
- 19 To prevent deleterious material being carried onto the highway.
- 20 To safeguard the amenity of the area.
- 21 To ensure the protection of existing habitats within the site.
- 22 To ensure there is no adverse impact on European Protected Species.
- 23 To secure a reduction in carbon dioxide emissions.
- 24 To secure the timeous implementation of on-site zero and low carbon energy technologies.



For information only

For information only

