

	<h1>Report</h1>	Agenda Item <h1>6</h1>
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Report to:	Planning Committee
Date of Meeting:	28 April 2009
Report by:	Executive Director (Enterprise Resources)

Application No	HM/08/0080
Planning Proposal:	Residential Development (123 units), Formation of Access Road and Associated Facilities

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Barratt West Scotland
- Location : Earnock High School
Wellhall Road
Hamilton

2 Recommendation(s)

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

- (1) Grant Detailed Planning Permission – Subject to Conditions (Based on the Conditions Attached)

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) That consent should be withheld until a Section 75 Agreement is concluded in respect of the lodging of appropriate funds to address the non-provision of play facilities (£55,300) and off-site road works (£79,400). The terms of the Section 75 Agreement will be on the basis of a phased financial contribution dependant on the completion/occupation of units and the requirement for the implementation of necessary works to be agreed between the applicants, Planning and Roads and Transportation Services, in conjunction with Legal Services.

3 Other Information

- ◆ Applicant's Agent: CB Richard Ellis
- ◆ Council Area/Ward: 18 Hamilton West and Earnock
- ◆ Policy Reference(s): **Adopted South Lanarkshire Local Plan**
Policy RES2 – Proposed Housing Site
Policy RES6 – Residential Land Use
Policy ENV2 – Local Green Network
Policy DM1 – Development Management
Policy DM9 – Demolition and Redevelopment for Residential Use
Policy ENV11 – Design Quality

Policy ENV12 – Flooding
Policy ENV16 – Renewable Energy
Development
Policy ENV31 – New Housing Development
ENV32 – Design Statements
Policy ENV35 – Water Supply
Policy ENV36 – Foul Drainage and Sewerage
Policy ENV37 – Sustainable Urban Drainage
Systems
STRAT10 – Developers' Contributions

Residential Development Guide

- ◆ Representation(s):
 - ▶ 20 Objection Letters
 - ▶ 2 Comments Letters
- ◆ Consultation(s):

Roads and Transportation Services (Hamilton)

Roads & Transportation Services (H.Q.)

Roads & Transportation Services H.Q. (Flooding)

Environmental Services

Enterprise Resources - Estates

Leisure Services

Education Services

Scottish Natural Heritage

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

Scottish Water

Scotland Gas Networks

Scottish Power

Planning Application Report

1 Application Site

- 1.1 The application site relates to the land associated with the former Earnock High School, Wellhall Road, Hamilton and the adjoining residential property at 87 Woodfoot Road. The site is primarily surrounded by residential properties of varying styles and designs. However, the Church of Jesus Christ of Latter Day Saints adjoins the site on Woodfoot Road, whilst a public house and local shops can be found adjacent to the site on Wellhall Road, close to its junction with Hillhouse Road.
- 1.2 The site is currently occupied by a number of interlinked buildings and grassed areas associated with its previous use as a school. Vehicular access to the site is solely from Wellhall Road, adjacent to a public house and commercial units, with two pedestrian accesses also being provided from Woodfoot Road and Rederech Crescent. Demolition of the existing structures within the site has already commenced as a result of fire damage caused by vandalism.

2 Proposal(s)

- 2.1 The applicants propose the demolition of the existing buildings within the site and to thereafter redevelop the area for residential purposes. Through various revisions to the originally submitted scheme the residential development now comprises 123 new properties, in the form of a mix of terraced, detached and semi-detached properties.
- 2.2 Access to the site will be created via a new junction from Woodfoot Road, which will be controlled by a traffic light arrangement.
- 2.3 The applicants' initial proposals entailed the erection of 129 units and included the demolition of the existing property at 87 Woodfoot Road, to provide access via a mini-roundabout and the provision of a flatted block (10 units) fronting Wellhall Road; positioned between the existing public house and commercial units where the existing school entrance is located.
- 2.4 It is now intended to retain the existing property at number 87, with only its garage being removed and the forming of the new junction at this location, controlled by the proposed traffic lights. The proposed flatted block has now been deleted and is replaced with a block of 4 terraced properties. A reassessment of the layout, due to the removal of the flatted block and associated car parking area has resulted in the deletion of a single detached property and its replacement with a semi-detached unit.
- 2.5 A new footpath link from Wellhall Road, adjacent to the proposed new townhouses is to be provided in the development. The existing footpath from Rederech Crescent into the site shall also be retained as part of the proposals. A children's play area is to be provided within the development and the existing tree belt along the boundary with Earnock Gardens is to be maintained and managed, where appropriate, although there will be some cut back required to enable the development to proceed.
- 2.6 A number of supporting documents, including a Planning and Design Statement, Drainage Strategy, Ecological Assessment, Transportation Assessment, Tree Report, Ecological Surveys and Ground Investigation Report have been provided in respect of the development.

3 Background

3.1 Local Plan Policy

3.1.1 The adopted South Lanarkshire Local Plan identifies the site as being both a Proposed Housing Site (Policy RES2) and Policy RES6 – Residential Land Use, within which the Council will support development for housing. Only the proposed access through number 87 Woodfoot Road falls within this latter designation. The wooded area to the south of the site also falls within an area identified as a Local Green Network (Policy ENV2) which the Council seeks to support and enhance.

3.1.2 Furthermore, there is a requirement for all new developments to comply with Policies DM1 – Development Management, DM9 – Demolition and Redevelopment for Residential Use, ENV11 – Design Quality, ENV12 – Flooding, ENV16 – Renewable Energy Development, ENV31 – New Housing, ENV32 – Design Statements, ENV35 – Water Supply, ENV36 – Foul Drainage and Sewerage, ENV37 – Sustainable Urban Drainage Systems and STRAT10 – Developers' Contributions.

3.1.3 Policy DM1 requires that proposals take account of the local context and built form. Policy DM9 – Demolition and Redevelopment for Residential Use set out the criteria against which, in addition to the requirements of Policy ENV31, any proposals involving the demolition of existing properties will require to conform to. Policies ENV11 and ENV31 promote the principles of sustainable development through design and layout, and seek to achieve developments which make a positive contribution to the character and appearance of the area within which they are located and which are well related to existing development, public transport, local services and facilities. Policy ENV12 – Flooding advises that in accordance with the precautionary principle, the Council will seek to avoid increasing any flood risk resultant from the development. Policy ENV16 – Renewable Energy Development advises that SPP6 shall be a principle material consideration, in respect of incorporation on-site zero and low carbon equipment to contribute to a reduction in CO2 emissions. ENV 32 – Design Statements requires all planning applications for new development to be accompanied by a design statement. Policies ENV35 – Water Supply and ENV36 – Foul Drainage and Sewerage seek to ensure that the development is suitably serviced. Policy ENV37 – Sustainable Urban Drainage System promotes the Council's requirements for SUD's in appropriate developments following liaison with SEPA, Scottish Water and the Council's Flood Prevention Unit. Through Policy STRAT10 - Developers' Contributions the requirement for the submission of appropriate funds towards the implementation of capital or other works or facilities to enable the development to proceed would be assessed.

3.1.4 South Lanarkshire Council's Residential Development Guide provides additional advice and sets out the criteria against which new housing development should be assessed. In addition it highlights the potential for financial contributions to be made in respect of off-site road works and the non-provision of play facilities.

3.2 Relevant Government Advice/Policy

3.2.1 There is no Government guidance relevant to this application.

3.3 Planning History

3.3.1 This proposed redevelopment forms part of the South Lanarkshire Council Public Private Partnership involving the construction of new schools across the area, through which the Earnock school site was declared surplus to requirements and proposed for residential development. Two Outline Planning Permissions were granted for residential development within the current application site. The first, granted in September 2005 (HM/04/0370), proposed two accesses into the site one

via the existing school entrance on Wellhall Road, the second via the car park of the Church of Jesus Christ of Latter Day Saints from Woodfoot Road. The second application (HM/05/0022) proposed the creation of new single access road from the existing round-a-bout at the junction of Wellhall Road and Hillhouse Road which would have required the demolition of existing public house at this location. As a result of implementation issues over access neither of these schemes is to be progressed.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Hamilton)** – have no objection to the proposed development subject to conditions relative to the provision of adequate visibility splays, parking and junction spacing. The Area Roads Manager has also raised concerns over the retention of the footpath link from Rederech Crescent which may result in social issues for the residents.

Response: Noted. These requirements can be included as conditions where appropriate. Whilst noting the Area Roads Managers comments regarding the retention of the footpath link to Rederech Crescent it is considered that the retention of this existing footpath link is preferable and that any concerns over the potential for anti social behaviour would not be sufficient to merit the refusal of the application on their own rights.

- 4.2 **Roads and Transportation (Flooding)** - Have no objection to the proposal subject to the undertaking of a Drainage Impact & a Flood Risk Assessment, surface water being treated in accordance with the principles of Sustainable Urban Drainage Systems, the provision of details of flood prevention works and the provision of an adequate sewerage scheme.

Response: Noted. These requirements can be imposed as conditions to any such consent.

- 4.3 **Roads and Transportation (HQ)** – have advised that a Transportation Assessment (TA) has been submitted in support of the development. Whilst offering no objection the Transportation Engineering Manager has recommended the inclusion of conditions relative to the provision of bus stop shelters, internal layout and parking provision being in accordance with the Council's Guidelines for Development Roads, and the provision of a 'Welcome Pack', detailing sustainable methods of travel, to future residents and that all road works being carried out to the satisfaction of the Council as Roads Authority. They have also confirmed that discussions, with the applicants, have taken place with regards to the submission of a financial contribution towards the undertaking of further minor road network mitigation measures and an assessment, and implementation where appropriate, of the provision of additional bus stops. Roads and Transportation have identified measures required to mitigate the impact of the development on adjacent junction. A financial contribution of £65,400 would be required in respect of these works. In addition, they have identified a need for an assessment of bus shelter provision, with a potential of 4 bus shelters, total cost £14,000) being required.

Response: Noted. These requirements can be included as conditions where appropriate or a legal agreement in other instances. In addition, the applicants have confirmed their agreement to the making of a financial contribution in respect of the identified works.

- 4.4 **Environmental Services** - have no objections subject to noise control during construction, refuse storage, the undertaking of an asbestos survey, control of dust, the treatment of contamination and pest control.

Response: Noted. Where appropriate conditions/advisory notes shall be imposed if planning permission is granted.

- 4.5 **Estate Services** - has no objection to the proposal.

Response: Noted.

- 4.6 **Leisure Services** – have not yet responded to the consultation request.

Response: Whilst noting the absence of Leisure Service's comments it is confirmed that the proposal will result in the removal of trees within the application site. Having said that it is intended to condition any consent, should permission be granted, that appropriate replanting is undertaken and that the management and maintenance scheme wooded area adjacent to Earnock Gardens be submitted and approved by the Council as Planning Authority.

- 4.7 **Education Services** – have not yet responded to the consultation request.

Response: Noted.

- 4.8 **SEPA** – have offered no objection to the proposal subject to conditions relative to foul drainage being connected to the public sewer, surface water drainage being treated in accordance with the principles of Sustainable Urban Drainage Systems, the provision of domestic waste storage with the site and that all works are carried out with due regard to SEPA's guidelines on the avoidance of pollution.

Response: Noted. These requirements can be conditioned, where appropriate, as part of any such consent.

- 4.9 **Scottish Water** – have no objection to the proposed development.

Response: Noted.

- 4.10 **Scottish Power** – have no objection to the proposed development.

Response: - Noted.

- 4.11 **Scotland Gas Networks** – have offered no objection to the proposal subject to the protection of their apparatus adjoining the site.

Response: - Noted.

- 4.12 **Scottish Natural Heritage** – originally objected to the proposal due to the potential impact on protected species and raised concerns over the impact on greenspace and access and sustainable urban drainage systems. However, they have withdrawn their objection on the basis that the Scottish Government have already issued a license to allow the destruction on the bat roost on site and that further survey work has been undertaken in respect of badgers. They have recommended that conditions be attached in respect of protected species to accord with conditions attached to the Bat License and recommendations of the Badger Surveys.

Response: Noted. These requirements can be conditioned as part of any such consent.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken in respect of the proposals, including the re-notification of amendments to the scheme. Nineteen letters of objection on behalf of 13 residents have been received. However, one objector has written to withdraw their objections (3 letters) due to alteration to the proposals. Two further comments letters and a letter of representation by a MSP were also received.

5.2 The grounds of resident's objection can be summarised as follows:

a) **Vehicular Access.**

Response: These concerns relate primarily to the proposed development being served solely from a single access point and the potential for road safety issues. Concerns have also been raised over the potential impact on existing residents on Woodfoot Road accessing their properties from queuing traffic. Roads and Transportation Services do not support these concerns having offered no objections in this regard. A development of up to 200 units can be served by a single access point. Furthermore, a Transportation Assessment has been undertaken which shows that the development can be accommodated without detriment to the road network. Roads and Transportation Services are satisfied, subject to conditions, with the findings of this Assessment. Any such conditions can be included should permission be granted.

b) **Restrictions within previous outline consents regarding access points.**

Response: It is confirmed that two previous outline consents identified alternative access arrangements for the potential development of the site it was not possible for the developer to secure the necessary control of land to permit a scheme to progress on the basis of either of these consents. There is a requirement for the Planning Authority to determine applications as presented. In this instance the applicants have demonstrated to the satisfaction of Roads and Transportation Services satisfaction that the proposed access arrangements work without detriment to road safety.

c) **Concerns over location of proposed play area - anti-social behaviour.**

Response: Noted. The applicant has shown the provision of a children's play area, in accordance with Council guidelines, within their development. I am satisfied that its location is unlikely to raise issues.

d) **Concerns over the removal of existing boundary treatments to the rear of the objectors property.**

Response: Noted. It is confirmed that it is intended to condition any approval requiring the submission and approval of all boundary treatments to ensure the protection of existing residential amenity.

e) **Retention of footpath link to Rederech Crescent – short cut, anti-social behaviour etc.**

Response: Whilst noting these concerns it is considered that the retention of this existing footpath link is preferable and that any concerns over the potential for anti social behaviour would not be sufficient to merit the refusal of the application on their own rights.

f) **Contrary to Policies ENV 29 – New Development Design & ENV30 – New Housing Development of the emerging South Lanarkshire Local Plan.**

Response: Noted. It is advised that through the adoption of the South Lanarkshire Local Plan the above policies have been re-designated as Policies ENV30 and ENV31 respectively. However, the requirements of these conditions remain unaltered. Policy ENV31 relates to new residential development within South Lanarkshire and seeks well designed proposals which integrate successfully with their surroundings and are well related to existing development public transport, local services and facilities. The proposal has been assessed against this policy and is considered acceptable. Policy ENV30 sets out the same requirements for any new development, other than housing proposals, and therefore does not apply in this instance.

- g) **Removal of existing house will impact on visual amenity of street scene.**
Response: Noted. These concerns have been superseded by the applicant's proposals as it is now intended to retain the existing property at 87 Woodfoot Road with only the garage being removed to accommodate the proposed access road.
- h) **Concerns over potential access through Earnock Gardens.**
Response: Noted. There are no proposals to create an access to the development site through Earnock Gardens as part of this current proposal.
- i) **Concerns over the loss of the wooded area adjacent to Earnock Gardens.**
Response: Noted. Whilst there is a requirement to cut back part of this area as part of the proposed development it is the applicant's intention to prepare a maintenance plan for this area so as to provide an enhanced environment at this location. This requirement can be conditioned as part of any such consent.
- j) **Concerns over the proposed play area/grassland extending to the rear of properties on Rederech Crescent.**
Response: It is confirmed that it is not intended to provide a play area/grassland up to the rear of these properties. This area will be within the woodland area to be maintained as part of the works referred to at 5.2(i) above.
- k) **Overshadowing of neighbouring properties.**
Response: Noted. It is confirmed that the proposal has been designed in a manner which takes recognition of the Council's requirements in respect of overshadowing and having assessed the proposal with regards to this matter I am satisfied that the proposal does not conflict with approved Council guidelines.
- l) **Concerns over the loss of bat habitats.**
Response: It is confirmed that the proposal will impact on existing, although limited, bat habitats within the existing school building. However, it is noted that the Scottish Ministers' have granted a licence for the removal of the existing bat roosts within the existing school building. In addition it is proposed to provide bat boxes within the wooded area to assist in the provision of suitable alternative habitat locations within the area.
- m) **Concerns over the lack of social rented housing within the development.**
Response: Noted. Whilst it is acknowledged that the Council encourages private housebuilders to consider an appropriate provision of affordable housing it is confirmed that through discussions with the Council at the time of the submission of this application it was agreed that the provision of all affordable housing for all surplus PPP sites, including this site, would be accommodated within the site at St. Andrew's High School, East Kilbride.

5.3 The objections lodged by Alex Neil, MSP, relate to:

- i) **Vehicular Access**
Response: A response to these concerns is made at 5.5(a) above.
- ii) **Air Quality**
Response: Noted. Environmental Services has also raised concerns in this regard and a condition has been attached requiring the submission and approval of an Air Quality Assessment.
- iii) **Traffic Assessment**

Response: A Transportation Assessment has been undertaken which shows that the development can be accommodated without detriment to the road network. Roads and Transportation Services are satisfied, subject to conditions, with the findings of this Assessment.

- 5.4 The first letter of comment offers no objection to the proposal but raise concerns over the school building being left vacant for a long period and the potential for vandalism and damage.

Response: Noted. The comments made within this letter unfortunately proved correct as the existing buildings within the site were the victim of fire damage which resulted in the partial demolition of the former school. However, it is noted that school buildings have now been demolished following the grant of a Bat License by the Scottish Ministers.

- 5.5 The second letter merely requested to be kept informed of any changes planned for the proposal for a roundabout on Woodfoot Road and the writer has been advised of the proposed changes.

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

6 Assessment and Conclusions

- 6.1 The application proposes a residential development, consisting 123 new units and associated car parking within the site of the former Earnock High School, Hamilton. The main determining issues in assessing this proposal are whether it accords with local plan policy, its impact on amenity and road safety matters.
- 6.2 In terms of local plan policies the adopted South Lanarkshire Local Plan identifies the area primarily as a proposed housing site (Policy RES2). The existing property at 87 Woodfoot Road which will accommodate the proposed access to the site is located within an area identified as general residential in character (Policy RES6). Development of the site for residential purposes is therefore appropriate, subject to compliance with normal development control criteria. In addition, the site also has the benefit of outline planning permission granted in 2005.
- 6.3 In this instance development control criteria consists of Policies DM1 – Development Management, DM9 – Demolition and Redevelopment for Residential Use, ENV11 – Design Quality, ENV12 – Flooding, ENV16 – Renewable Energy Development, ENV31 – New Housing, ENV32 – Design Statements, ENV35 – Water Supply, ENV36– Foul Drainage and Sewerage and ENV37 – Sustainable Urban Drainage Systems of the adopted Local Plan, as does the Council’s approved Residential Development Guide. In relation to the above detailed policies, these seek to ensure that any development within an area which is predominantly residential in character does not adversely impact on the amenity of such areas and that any such proposal can be adequately served by appropriate services, has been designed in manner which takes cognizance of appropriate guidance and takes account of Government policies on the provision of low and zero carbon developments. Having considered the design and layout of the development, I am satisfied that the scheme, as amended, is capable of being developed, subject to conditions, without conflict with the general requirements of the applicable policies and guidance.
- 6.4 In relation to the Residential Development Guide, which aims to provide advice and guidance on the key development standards for residential developments, I am satisfied that the proposed development is in agreement with the aims of this document. In relation to the non-provision of sports/recreational provision and the

undertaking of necessary off-site road improvement works the Guide advises that there can be a financial contribution towards these facilities in certain instances. This is also consistent with the requirements of STRAT10 – Developers’ Contributions of the adopted Local Plan. In this instance, I am of the view that a contribution of £450 per unit would be appropriate (£55,350) in respect of the non-provision of play facilities. The applicants’ are aware of the requirement to make such a contribution.

- 6.5 Whilst part of the site is designated as a Local Green Network (Policy ENV2) the proposal raises no issues as it is intended to seek a woodland management plan which will assist in the maintenance and enhancement of this area.
- 6.6 In terms of impact on the amenity of the area and adjoining residents I am satisfied that the proposed development, as amended, has been designed in such a manner that it will not be detrimental to the amenity or privacy of this residential area or those neighbours immediately adjoining the site.
- 6.7 In relation to road safety, Roads and Transportation Services have offered no objections, subject to conditions, to the proposal and it can therefore be considered acceptable in transportation terms. However, they have recommended that the developer make a financial contribution of £79,400, to which the applicants have agreed, towards improvements to road junctions to ensure that the network in the vicinity continues to operate in a satisfactory manner.
- 6.8 The third party representations received in respect of the development are not significant enough to warrant the refusal of the proposals and the requirements of the statutory consultees can be addressed through the use of conditions where appropriate. Amendments to the initial scheme have been made in response to concerns raised by both neighbouring properties and Council Services.
- 6.9 I therefore recommend that planning permission be granted. However, consent should be withheld until the conclusion of the Section 75 Agreement to ensure the phased submission of financial contributions in respect of the non-provision of play facilities and off-site road improvements.

7 Reasons for Decision

- 7.1 The development accords with the Policies RES2 – Proposed Housing Site, RES6 – Residential Land Use, DM1 – Development Management, DM9 – Demolition and Redevelopment for Residential Use, ENV11 – Design Quality, Policy ENV2 – Local Green Network, ENV12 – Flooding, ENV16 – Renewable Energy Development, ENV31 – New Housing, ENV32 – Design Statements, ENV35 – Water Supply, ENV36– Foul Drainage and Sewerage, ENV37 – Sustainable Urban Drainage Systems and STRAT10 – Developers’ Contributions of the adopted South Lanarkshire Local Plan and the Council’s Residential Development Guide. Furthermore, there will be no amenity or road safety issues resulting from the proposal in relation to surrounding residential properties

Iain Urquhart
Executive Director (Enterprise Resources)

20 April 2009

Previous References

HM/04/0370

HM/05/0022

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - Environmental Services 14/03/2008
 - Roads & Transportation Services H.Q. (Flooding) 03/04/2008
 - Power Systems 17/04/2008
 - Enterprise Resources - Estates 17/04/2008
 - Scottish Water 29/04/2008
 - TRANSCO (Plant Location) 25/04/2008
 - S.E.P.A. (West Region) 25/04/2008
 - Scottish Natural Heritage 13/05/2008
 - Roads & Transportation Services H.Q. (Geotechnical) 17/09/2008
 - Roads and Transportation Services (Hamilton Area) 27/11/2008
- ▶ Representations
 - Representation from : K W Barrie, Treetops, Earnock Gardens, Hamilton, , ML3 8RG,, DATED 03/02/2008
 - Representation from : Stanley C Cook, Planning and Development Consultant, 12 Beveridge Terrace, Mossend, BELLSHILL, ML4 2RJ, DATED 22/02/2008
 - Representation from : Ken and Laurie Meisak, 7 Earnock Gardens, HAMILTON, ML3 8RQ, DATED 13/02/2008
 - Representation from : Mrs Edith Gwilt, 19 Rederech Crescent, Earnock Estate, Hamilton, ML3 8QF, , DATED 07/02/2008
 - Representation from : Mr Michael Williamson, 11 Lady Watson Gardens, Hamilton, ML3 8RD, DATED 31/01/2008
 - Representation from : Mr and Mrs McKellar, 6 Lady Watson Gardens, Hamilton, ML3 8RD, DATED 30/01/2008
 - Representation from : John and Anne Clark, 83 Woodfoot Road, Hamilton, , ML3 8RA, DATED 03/02/2008,

- Representation from : Robert and Margaret Donald, 'Keppoch', 14 Lady Watson Gardens, Hamilton, ML3 8RD, DATED 18/02/2008, 20/07/2008 & 30/10/2008
- Representation from : Robert and Lorraine King, 5 Lady Watson Gardens, Hamilton, ML3 8RD, DATED 28/02/2008
- Representation from : Mr A Lawrie, 154 Wellhall Road, Hamilton, ML3 9XW, DATED 26/02/2008
- Representation from : Ian & Patricia Barnes, 85 Woodfoot Road, Hamilton, ML3 8RA, DATED 31/01/2008, 23/02/2008 & 02/07/2008
- Representation from : Mrs Pat Barnes, 85 Woodfoot Road, Hamilton, , ML3 8RA, DATED 19/02/2008 & 06/03/2008
- Representation from : Mr John Baird, 17 Lady Watson Gardens, Hamilton, ML3 8RD, DATED 04/03/2008
- Representation from : Alex Neil MSP, Scottish Parliament, Holyrood, EDINBURGH, EH99 1SP, DATED 04/03/2008
- Representation from : Kirsten Robb, 33 Columbia Way, East Kilbride, G75 8JW, DATED 04/03/2008
- Representation from : Mrs Stella M Loughlin, 2 Wellmeadows Lane, Hamilton, , ML3 8LS, DATED 04/06/2008
- Representation from : Joan McAllister, by email, DATED 07/04/2008

Contact for Further Information

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

James Watters, Planning Officer, Brandon Gate, Hamilton
Ext 3522 (Tel : 01698 453522)
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 development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 4 That 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.
- 5 That the existing trees to be retained must be protected in accordance with methods as set out in BS5837/1991 during and until completion of all site operations and building works.
- 6 That before any work commences on the site a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:
 - (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development;
 - (b) details and specification of all trees, shrubs, grass mix, etc.;
 - (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.
- 7 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.
- 8 That prior to any work commencing on the site, a maintenance management schedule for the landscaping scheme approved under the terms of Condition 6 above shall be submitted to and approved by the Council as Planning Authority. Thereafter, the landscaping shall be maintained in accordance with the approved management schedule to the satisfaction of the Council.
- 9 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.

- 10 That before the development hereby permitted is occupied or brought into use, all the fences or walls for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 9 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 11 That before development starts, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.
- 12 That before the development hereby approved is completed or brought into use, the entire access road and footpath network serving the development shall be laid out and constructed in accordance with the specification of the Council as Roads and Planning Authority.
- 13 That before development hereby approved is completed or brought into use a forward visibility splay of 35 metres shall be provided at all road junctions, unless an alternative arrangement is agreed, in writing and prior to any works commencing on site, with the Council as both Roads and Planning Authority.
- 14 That the internal layout and parking should be in accordance with the Council's Guideline for Development Roads
- 15 That prior to works commencing on site a detailed design of the traffic signal junction proposed as part of the proposals hereby approved shall be submitted to and agreed by the Council as Planning and Roads Authority.
- 16 That a scheme of minor mitigation measures to the road network, or a financial contribution to a larger scale scheme of improvements shall be submitted to and agreed by the Council as Planning and Roads Authority.
- 17 That prior to the occupation of the first house within the development hereby approved, all infrastructure modifications, both internal and external to the site, required by the Council, as Roads Authority shall be completed and open to traffic and pedestrians, to the satisfaction of the Council unless otherwise agreed in writing by the Council as planning Authority
- 18 That prior to works commencing on site the provision of bus shelters shall be investigated further by the applicants. An assessment of bus stop locations shall be undertaken and the findings submitted to and agreed, in writing, by the Council as Planning and Roads Authority. Any improvements to the bus stops within the area as highlighted by the assessment shall be agreed with the Councils as Roads Authority prior to works commencing and shall be undertaken at the applicant's expense.
- 19 Prior to the commencement of development on site, an energy statement which demonstrates that on-site zero and low carbon energy technologies contribute at least an extra 15% reduction in CO2 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 CO2 emissions of the development, clearly illustrating the additional 15% reduction beyond the 2007 building regulations CO2 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.

- 20 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.
- 21 That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at his or her own expense.
- 22 That prior to the commencement of development, details of the land drainage works shall be submitted to and approved by the Council as Planning Authority.
- 23 That the development hereby approved shall not be commenced until the land drainage works have been completed in accordance with the plans submitted to and approved by the Council as Planning Authority under the terms of Condition xx above.
- 24 That prior to any works commencing on site a programme indicating the phasing of construction, together with the circulation of vehicles and pedestrians shall be submitted to, and agreed by, the Council as both Planning and Roads Authority.
- 25 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements.
- 26 That prior to any work starting on site, a Drainage Assessment in accordance with 'Drainage Assessment - A Guide for Scotland', shall be submitted to and approved in writing by the Council as Planning and Roads Authority (and the Scottish Executive as Trunk Roads Authority).
- 27 That no dwellinghouse shall be occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with

- 28 That no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.
- 29 That no dwelling unit shall be occupied until the flood prevention measures required under Condition 30 below have been completed in accordance with the approved scheme.
- 30 That prior to the commencement of development on site, details of the provision of flood prevention works, together with subsequent management and maintenance arrangements shall be submitted to and approved by the Council as Planning Authority. The works will require to comply with the Council's Sustainable Drainage Design Criteria and requirements.
- 31 (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.
- 32 Prior to development commencing on site, a scheme to control and minimise the emission of pollutants from and attributable to the development, shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall set out measures which will be implemented to ensure that the emission of pollutants shall meet the requirements of the Air Quality (Scotland) Regulations 2000 and Air Quality

(Amendment) Regulations 2002. The approved scheme shall thereafter 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.

- 33 Prior to the commencement of use hereby approved, a scheme for controlling emissions from vehicles used in connection with the development shall be submitted to and approved in writing by the Council as Planning Authority. The approved scheme shall thereafter be implemented prior to the development being brought into use and shall thereafter operated to the satisfaction of the Council as Planning Authority.
- 34 Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.
- 35 Prior to development commencing on site, a scheme of dust monitoring shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.
- 36 That notwithstanding the terms of Condition ** above, any landscaping and woodland enhancement and maintenance scheme shall include proposals which will be of benefit to foraging badgers. Any scheme approved shall be implemented to the satisfaction of the Council as Planning Authority, in co-operation with Scottish Natural Heritage.
- 37 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any such order revoking or re-enacting that order), no development shall take place within the curtilage of the application site other than that expressly authorised by this permission without the submission of a further planning application to the Council as Planning Authority.

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 amenity and in order to retain effective planning control.
- 4 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 5 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 6 In the interests of the visual amenity of the area.
- 7 In the interests of amenity.
- 8 In the interests of amenity.
- 9 These details have not been submitted or approved.
- 10 In the interests of amenity and in order to retain effective planning control.
- 11 These details have not been submitted or approved.
- 12 To ensure satisfactory vehicular and pedestrian access facilities to the site.
- 13 In the interest of road safety.
- 14 In the interest of road safety.
- 15 In the interest of road safety.
- 16 In the interest of road safety.
- 17 In the interest of road and public safety.
- 18 These details have not been submitted or approved.
- 19 To secure a reduction in carbon dioxide emissions.
- 20 To secure the timeous implementation of on-site zero and low carbon energy technologies.
- 21 In order to retain effective planning control.
- 22 To ensure the provision of a satisfactory land drainage system.
- 23 To ensure the provision of a satisfactory land drainage system.
- 24 In the interests of amenity and in order to retain effective planning control.
- 25 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 26 To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.
- 27 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 28 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 29 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.
- 30 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.
- 31 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 32 To minimise the risk of nuisance from pollutants to nearby occupants.
- 33 To minimise the risk of nuisance from pollutants to nearby occupants.
- 34 To minimise the risk of nuisance from dust to nearby occupants.
- 35 To minimise the risk of nuisance from dust to nearby occupants.
- 36 These details have not been submitted or approved.
- 37 In the interests of amenity and in order to retain effective planning control.

For information only

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