



Council Offices, Almada Street  
Hamilton, ML3 0AA

Monday, 03 February 2020

Dear Councillor

## **Planning Committee**

The Members listed below are requested to attend a meeting of the above Committee to be held as follows:-

**Date:** Tuesday, 11 February 2020

**Time:** 10:00

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

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

Yours sincerely

**Cleland Sneddon**  
**Chief Executive**

### **Members**

Isobel Dorman (Chair), Mark Horsham (Depute Chair), John Ross (ex officio), Alex Allison, John Bradley, Archie Buchanan, Jackie Burns, Stephanie Callaghan, Margaret Cowie, Peter Craig, Maureen Devlin, Mary Donnelly, Fiona Dryburgh, Lynsey Hamilton, Ann Le Blond, Martin Lennon, Richard Lockhart, Kenny McCreary, Davie McLachlan, Lynne Nailon, Carol Nugent, Graham Scott, David Shearer, Collette Stevenson, Bert Thomson, Jim Wardhaugh

### **Substitutes**

John Anderson, Walter Brogan, Janine Calikes, Gerry Convery, Margaret Cooper, Allan Falconer, Ian Harrow, Ian McAllan, Catherine McClymont, Colin McGavigan, Mark McGeever, Richard Nelson, Jared Wark, Josh Wilson

## BUSINESS

### 1 Declaration of Interests

- 2 **Minutes of Previous Meeting** 5 - 12  
The minutes of the meeting of the Planning Committee held on 17 December 2019 submitted for approval as a correct record. (Copy attached)

---

### Item(s) for Decision

---

- 3 **Application HM/16/0541 for Importation of Inert Waste to Restore Former Reservoir to Agricultural Land and Temporary Operation of Inert Waste Recycling Facility at Wellbrae Reservoir, Muttonhole Road, Hamilton** 13 - 32  
Report dated 22 January 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 4 **Application P/19/1038 for Installation of New Access to Public Road and Access Track to Serve Proposed Restoration of Former Reservoir to Agricultural Land (Relating to Planning Application HM/16/0541) at Wellbrae Reservoir, Muttonhole Road, Hamilton** 33 - 48  
Report dated 22 January 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 5 **Application P/19/1694 - Section 42 Application to Vary Condition 2 of Appeal Decision PPA-380-2080 to Enable Removal of Restrictions Affecting Non-construction Vehicles at Land 140 Metres Northwest of 7 Muirhead Drive, Law, Carluke** 49 - 62  
Report dated 22 January 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 6 **Application P/19/1206 for Residential Development and Associated Works (Planning Permission in Principle) at Land Surrounding Kilnhill Farm, Limekilnburn Road, Quarter, Hamilton** 63 - 82  
Report dated 22 January 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 7 **Application P/19/1631 for Erection of 167 Residential Units Comprising 78 Houses and 89 Flats with Associated Infrastructure (Approval of Matters Specified in Conditions 1 (a to r), 3, 4, 6, 7, 8, 9, 10 and 12 of Planning Permission in Principle EK/09/0218) at Land 85 Metres East Northeast of Jackton Cottage, Eaglesham Road, Jackton** 83 - 96  
Report dated 23 January 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 8 **Application P/19/1315 for Erection of Flatted Development (25 Units) with Associated Parking, Access, Bicycle and Bin Stores at Press Buildings, Campbell Street, Hamilton** 97 - 110  
Report dated 22 January 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 9 **Application P/19/0964 for Change of Use of Land from Yard Area to Form Aggregate Recycling and Storage with Ancillary Crushing and Wash Plant and Associated Vehicle Storage Yard at Waterbank Farm, Westerfield Road, Carmunnock** 111 - 126  
Report dated 22 January 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)

- |           |   |           |
|-----------|---|-----------|
| <b>10</b> | <b>Application P/19/1526 for Erection of Primary School and Nursery with Associated Infrastructure to Include Access, Parking, Landscaping, Floodlit 3G Pitch, and Playground Area (Approval of Matters Specified in Conditions 1 (a to r), 3, 4, 6, 8, 9, 10 and 12 of Planning Permission in Principle EK/09/0218) at Jackton Road, Jackton</b> | 127 - 142 |
|           | Report dated 24 January 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)  |           |
| <b>11</b> | <b>Application P/19/1554 for Erection of 20 Houses (Cottage Flats) with Associated Parking and Landscaping at Drumgray Avenue, Uddingston</b>   | 143 - 156 |
|           | Report dated 22 January 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)  |           |
| <b>12</b> | <b>Application P/19/1625 for Erection of 48 New Build Houses for Social Rent with Associated Drainage and Landscaping Works at Land 100 Metres East Southeast of 208 Woodland Crescent, Auld Kirk Road, Cambuslang</b>  | 157 - 170 |
|           | Report dated 22 January 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)  |           |
| <b>13</b> | <b>Scottish Government Consultation on Planning Performance and Fees</b>  | 171 - 190 |
|           | Report dated 30 January 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)  |           |

---

## **Urgent Business**

---

### **14 Urgent Business**

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

### ***For further information, please contact:-***

Clerk Name: Pauline MacRae

Clerk Telephone: 01698 454108

Clerk Email: [pauline.macrae@southlanarkshire.gov.uk](mailto:pauline.macrae@southlanarkshire.gov.uk)



## PLANNING COMMITTEE

2

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 17 December 2019

### Chair:

Councillor Isobel Dorman

### Councillors Present:

Councillor Alex Allison, Councillor John Anderson (*substitute for Councillor Stephanie Callaghan*), Councillor John Bradley, Councillor Archie Buchanan, Councillor Jackie Burns, Councillor Peter Craig, Councillor Maureen Devlin, Councillor Mary Donnelly, Councillor Fiona Dryburgh, Councillor Mark Horsham (Depute), Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Colin McGavigan (*substitute for Councillor Kenny McCreary*), Councillor Davie McLachlan, Councillor Lynne Nailon, Councillor Carol Nugent, Councillor John Ross (ex officio), Councillor Graham Scott, Councillor David Shearer, Councillor Collette Stevenson, Councillor Bert Thomson, Councillor Jim Wardhaugh

### Councillors' Apologies:

Councillor Stephanie Callaghan, Councillor Margaret Cowie, Councillor Lynsey Hamilton, Councillor Ann Le Blond, Councillor Kenny McCreary

### Attending:

#### Community and Enterprise Resources

B Darroch, Area Manager, Planning and Building Standards Services (Hamilton); P Elliott, Head of Planning and Economic Development; T Finn, Headquarters and Area Manager (Clydesdale), Planning and Building Standards Services; F Jack, Team Leader, Development Management Team, Roads and Transportation Services; T Meikle, Area Manager, Planning and Building Standards Services (Cambuslang/Rutherglen and East Kilbride); C Park, Engineering Manager, Roads and Transportation Services

#### Finance and Corporate Resources

J Davitt, Public Relations Team Leader; P MacRae, Administration Officer; G McCann, Head of Administration and Legal Services; K McLeod, Administration Assistant; K Moore, Legal Adviser

---

## 1 Declaration of Interests

---

The following interests were declared:-

<b>Councillor(s)</b>	<b>Item(s)</b>	<b>Nature of Interest(s)</b>
Bradley and Ross	Application P/19/1530 for Erection of 45 Units (Single and 2 Storey Units and Three 3 Storey Flats) and a 2 Storey Community Care Facility and Associated Roads, Parking and Landscaping at Land at Site of Former St Joseph's Primary School, Joanna Terrace, Blantyre	Prior expression of a view on the application

Shearer	Application P/19/1578 for Erection for 8 Terraced Houses and 12 Flats and Associated Access Roads, SUDs, Landscaping and Amenity Space at Site Adjacent to Law Primary School, Lawhill Road, Law, Carluke	Prior expression of a view on the application
Horsham	Application P/18/0573 for Partial Demolition of Birkwood House (Listed Building Consent) at Birkwood House, New Trows Road, Lesmahagow	Prior expression of a view on the application
Dryburgh	Application P/19/1502 for Erection of 254 Houses and Associated Works (Approval of Matters Specified in Conditions 1 (a to r), 3, 4, 6, 7, 8, 9, 10 and 12 of Planning Permission in Principle EK/09/0218) at Land to the Southwest of East Kilbride, Largely Bounded by Eaglesham Road, Jackton Road and Newlands Road, East Kilbride	Request to address the Committee on the application as a local member

---

## 2 Minutes of Previous Meeting

---

The minutes of the meeting of the Planning Committee held on 19 November 2019 were submitted for approval as a correct record.

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

---

## 3 Application P/19/1530 for Erection of 45 Units (Single and 2 Storey Units and Three 3 Storey Flats) and 2 Storey Community Care Facility and Associated Roads, Parking and Landscaping at Land at Site of Former St Joseph's Primary School, Joanna Terrace, Blantyre

---

A report dated 29 November 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1530 by South Lanarkshire Council for the erection of 45 units (single and 2 storey units and three 3 storey flats) and a 2 storey community care facility and associated roads, parking and landscaping at land at the site of the former St Joseph's Primary School, Joanna Terrace, Blantyre.

In response to members' questions, the Head of Administration and Legal Services referred to the Councillors' Code of Conduct and advised on guidance provided by the Standards Commission for Councillors taking decisions on quasi-judicial or regulatory applications.

Points raised in a late consultation response from Blantyre Community Council were referred to at the meeting and addressed by officers.

Following discussion, Councillor Dorman, seconded by Councillor Horsham, moved that the application be granted subject to the conditions specified in the Executive Director's report. Councillor Scott, seconded by Councillor Thomson, moved as an amendment that consideration of the application be deferred on the grounds that a feasibility study should be initiated regarding access to and egress from Glasgow Road. On a vote being taken by a show of hands, 4 members voted for the amendment and 16 for the motion which was declared carried.

**The Committee decided:** that planning application P/19/1530 by South Lanarkshire Council for the erection of 45 units (single and 2 storey units and three 3 storey flats) and a 2 storey community care facility and associated roads, parking and landscaping at land at the site of the former St Joseph's Primary School, Joanna Terrace, Blantyre be granted subject to the conditions specified in the Executive Director's report.

*Councillors Bradley and Ross, having declared an interest in the above application, withdrew from the meeting during its consideration. Following consideration of the application, the meeting continued without the attendance of Councillor Ross*

---

**4 Application P/19/1578 for Erection of 8 Terraced Houses and 12 Flats and Associated Access Roads, SUDs, Landscaping and Amenity Space at Site Adjacent to Law Primary School, Lawhill Road, Law, Carluke**

---

A report dated 29 November 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1578 by South Lanarkshire Council for the erection of 8 terraced houses and 12 flats and associated access roads, SUDs, landscaping and amenity space at a site adjacent to Law Primary School, Lawhill Road, Law, Carluke.

A request for a hearing had been received, however, the application did not meet the criteria for a hearing.

**The Committee decided:** that planning application P/19/1578 by South Lanarkshire Council for the erection of 8 terraced houses and 12 flats and associated access roads, SUDs, landscaping and amenity space at a site adjacent to Law Primary School, Lawhill Road, Law, Carluke be granted subject to the conditions specified in the Executive Director's report.

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

---

**5 Application P/18/0573 for Partial Demolition of Birkwood House (Listed Building Consent) at Birkwood House, New Trows Road, Lesmahagow**

---

A report 28 November 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0573 by Birkwood Estates (in administration) for the partial demolition of Birkwood House (listed building consent) at Birkwood House, New Trows Road, Lesmahagow.

**The Committee decided:** that planning application P/18/0573 by Birkwood Estates (in administration) for the partial demolition of Birkwood House (listed building consent) at Birkwood House, New Trows Road, Lesmahagow be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 1 November 2016 (Paragraph 17)]*

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

---

**6 Application P/19/1405 for Erection of Extensions to Care Home, Associated Alterations Including Access Ramps, Landscaping, 2.4 Metres High Fencing and Erection of Garden Summer House at Duchess Nina Care Home, 13 Limekilnburn Road, Quarter, Hamilton**

---

A report dated 28 November 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1405 by Cygnet Health Care for the erection of extensions to a care home, associated alterations including access ramps, landscaping, 2.4 metres high fencing and erection of a garden summer house at Duchess Nina Care Home, 13 Limekilnburn Road, Quarter, Hamilton.

Following discussion, Councillor Dorman, seconded by Councillor Horsham, moved that the application be granted subject to the conditions specified in the Executive Director's report. Councillor Burns, seconded by Councillor Wardhaugh, moved as an amendment that the application be refused. On a vote being taken by a show of hands, 2 members voted for the amendment and 19 for the motion which was declared carried.

**The Committee decided:** that planning application P/19/1405 by Cygnet Health Care for the erection of extensions to a care home, associated alterations including access ramps, landscaping, 2.4 metres high fencing and erection of a garden summer house at Duchess Nina Care Home, 13 Limekilnburn Road, Quarter, Hamilton be granted subject to the conditions specified in the Executive Director's report.

---

**7 Application P/19/1598 for Creation of Fenced Allotment Site Comprising 12 Raised Beds and up to 70 Allotment Plots in Total, Including Associated Hardstanding, SUDs Pond, Landscaping and Composting Areas with Associated Access and Parking at Lammermoor Recreation Area, Kenilworth, East Kilbride**

---

A report dated 29 November 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1598 by South Lanarkshire Council for the creation of a fenced allotment site comprising 12 raised beds and up to 70 allotment plots in total, including associated hardstanding, SUDs pond, landscaping and composting areas with associated access and parking at Lammermoor Recreation Area, Kenilworth, East Kilbride.

Points raised in 4 late letters of objection to the proposal, including a letter from Councillor Miller, were referred to at the meeting and addressed by officers.

Following discussion, Councillor Dorman, seconded by Councillor Horsham, moved that the application be granted subject to the conditions specified in the Executive Director's report and an additional condition requiring fencing details to be agreed by the Council as planning authority. Councillor Wardhaugh, seconded by Councillor Burns, moved as an amendment that the application be refused. On a vote being taken by a show of hands, 6 members voted for the amendment and 15 for the motion which was declared carried.

**The Committee decided:** that planning application P/19/1598 by South Lanarkshire Council for the creation of a fenced allotment site comprising 12 raised beds and up to 70 allotment plots in total, including associated hardstanding, SUDs pond, landscaping and composting areas with associated access and parking at Lammermoor Recreation Area, Kenilworth, East Kilbride be granted subject to:-

- ◆ the conditions specified in the Executive Director's report



- ♦ an additional condition requiring fencing details to be agreed by the Council as planning authority

*In terms of Standing Order No 13, the Chair adjourned the meeting at 11.50am for a 10 minute period. The meeting reconvened at 12.00 noon without the attendance of Councillors Burns, Devlin, Lennon, McLachlan, Nugent and Anderson*

---

## **8 Application P/19/1502 for Erection of 254 Houses and Associated Infrastructure Works (Approval of Matters Specified in Conditions 1 (a to r), 3, 4, 6, 7, 8, 9, 10 and 12 of Planning Permission in Principle EK/09/0218) at Land to the Southwest of East Kilbride, Largely Bounded by Eaglesham Road, Jackton Road and Newlands Road, East Kilbride**

---

A report dated 5 December 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1502 by Avant Homes for the erection of 254 houses and associated infrastructure works (approval of matters specified in conditions 1 (a to r), 3, 4, 6, 7, 8, 9, 10 and 12 of planning permission in principle EK/09/0218) at land to the southwest of East Kilbride, largely bounded by Eaglesham Road, Jackton Road and Newlands Road, East Kilbride.

The Committee heard Councillor Dryburgh, a local member, on traffic congestion and infrastructure concerns in connection with the proposal.

### **The Committee decided:**

that planning application P/19/1502 by Avant Homes for the erection of 254 houses and associated infrastructure works (approval of matters specified in conditions 1 (a to r), 3, 4, 6, 7, 8, 9, 10 and 12 of planning permission in principle EK/09/0218) at land to the southwest of East Kilbride, largely bounded by Eaglesham Road, Jackton Road and Newlands Road, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 8 October 2019 (Paragraph 8)]*

*Councillor Dryburgh, having declared an interest in the above application and having made representation to the Committee on the application as a local member, then withdrew from the meeting during its consideration*

---

## **9 Application P/19/1258 for Erection of Wind Turbine, 180 Metres in Height to Tip, at Draffanmarshill, Draffan Road, Lanark**

---

A report dated 27 November 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1258 by A Stewart for the erection of a wind turbine, 180 metres in height to tip, at Draffanmarshill, Draffan Road, Lanark.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Legal Agreement. If approved, the application would be subject to a Legal Agreement and/or other appropriate mechanism and the approved procedure would apply.

### **The Committee decided:**

- (1) that planning application P/19/1258 by A Stewart for the erection of a wind turbine, 180 metres in height to tip, at Draffanmarshill, Draffan Road, Lanark be granted subject to:-
  - ♦ the conditions specified in the Executive Director's report
  - ♦ prior conclusion of a Legal Agreement and/or other appropriate mechanism between the Council and the applicant to ensure:-
    - ♦ community benefit contributions
    - ♦ payments to offset damage to the unclassified road network resulting from the abnormal load delivery associated with the turbine delivery
  - ♦ the applicant meeting the Council's legal costs associated with the Legal Agreement and the restoration guarantee quantum
- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards the conclusion of the Legal Agreement within 6 months of the date of the meeting at which the application was considered, the proposed development could be refused on the basis that, without the planning control or developer contribution which could be secured by the Legal Agreement, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Legal Agreement had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Legal Agreement.

*[Reference: Minutes of 7 July 2015 (Paragraph 15)]*

---

### **10 Application P/19/1393 for Erection of 49 Flats for Use as Social Rented and Sheltered Accommodation with Associated External Works, Parking and Landscaping at Murray House, The Murray Road, East Kilbride**

---

A report dated 26 November 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1393 by Wilson Developments (Scotland) Limited for the erection of 49 flats for use as social rented and sheltered accommodation with associated external works, parking and landscaping at Murray House, The Murray Road, East Kilbride.

The application had been assessed against the relevant policies and criteria contained in the Adopted South Lanarkshire Local Development Plan and Supplementary Guidance and the Proposed South Lanarkshire Local Development Plan 2. Details of the assessment were provided in the report. The development constituted Development Contrary to the Development Plan, however, it was not considered that the proposal was significantly contrary to the Development Plan.

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

- ♦ the proposal complied with Policies 4 and 6 of the Adopted South Lanarkshire Local Development Plan as well as Policies DM1 and DM13 of the associated Supplementary Guidance related to development management, placemaking and design
- ♦ the proposal would facilitate the enhancement of the areas of greenspace that would be retained within the site and would ensure that these areas contributed positively to the local environment

- ◆ the proposal was fully compliant with the green network and greenspace policy as set out in the Proposed South Lanarkshire Local Development Plan 2
- ◆ there were no infrastructure issues

**The Committee decided:** that planning application P/19/1393 by Wilson Developments (Scotland) Limited for the erection of 49 flats for use as social rented and sheltered accommodation with associated external works, parking and landscaping at Murray House, The Murray Road, East Kilbride be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ an additional condition in relation to traffic management

---

**11 Application P/19/1203 for Change of Use of Former University Accommodation (Caird Building) to Student Accommodation (110 Bed Spaces and Associated Communal Facilities) with Associated Alterations and the Erection of a 4 Storey Building to Provide 96 Bed Spaces with Associated Parking at Caird Centre, Caird Park, Hamilton Business Park, Hamilton**

---

A report dated 21 November 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1203 by A Lusk for the change of use of former university accommodation (Caird Building) to student accommodation providing 110 bed spaces and associated communal facilities with associated alterations and the erection of a 4 storey building to provide 96 bed spaces with associated parking at the Caird Centre, Caird Park, Hamilton Business Park, Hamilton.

**The Committee decided:** that planning application P/19/1203 by A Lusk for the change of use of former university accommodation (Caird Building) to student accommodation providing 110 bed spaces and associated communal facilities with associated alterations and the erection of a 4 storey building to provide 96 bed spaces with associated parking at the Caird Centre, Caird Park, Hamilton Business Park, Hamilton be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 13 February 2018 (Paragraph 5)]*

---

**12 Application P/18/1671 for Erection of 18 Detached Houses, Formation of 1 Residential Plot and Creation of Associated Play Area, Open Space, Access and SUDs Arrangements at Land 68 Metres Southeast of 21 Braidwood Road, Braidwood, Carluke**

---

A report dated 26 November 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/1671 by Modern Housing for the erection of 18 detached houses, formation of 1 residential plot and creation of associated play area, open space, access and SUDs arrangements at land 68 metres southeast of 21 Braidwood Road, Braidwood, Carluke.

**The Committee decided:** that planning application P/18/1671 by Modern Housing for the erection of 18 detached houses, formation of 1 residential plot and creation of associated play area, open space, access and SUDs arrangements at land 68 metres southeast of 21 Braidwood Road, Braidwood, Carlisle be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 8 February 2011 (Paragraph 9)]*

---

### **13 Application P/19/0015 for Residential Development (Planning Permission in Principle) at Land Adjacent to Walston Primary School, Elsrickle, Biggar**

---

A report dated 28 November 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0015 by Mr and Mrs Campbell for a residential development (planning permission in principle) at land adjacent to Walston Primary School, Elsrickle, Biggar.

**The Committee decided:** that planning application P/19/0015 by Mr and Mrs Campbell for a residential development (planning permission in principle) at land adjacent to Walston Primary School, Elsrickle, Biggar be granted subject to the conditions specified in the Executive Director's report.

---

### **14 Tree Preservation Order – Hozier House, Lanark**

---

A report dated 22 November 2019 by the Executive Director (Community and Enterprise Resources) was submitted on the promotion of a Provisional Tree Preservation Order (TPO) on a group of trees located to the front and two side boundaries of Hozier House, Lanark, as detailed on the plan attached to the Executive Director's report.

The Provisional TPO was required to ensure that no inappropriate work was undertaken to the trees, which were considered to contribute to the character, amenity, sense of place and surrounding area as well as providing an attractive setting for the listed Hozier House.

**The Committee decided:**

- (1) that a Provisional TPO be promoted under the terms of Section 163 (Provisional Tree Preservation Order) of the Town and Country Planning (Scotland) Act 1997 on the group of trees identified on the plan attached to the report; and
- (2) that, should there be no objections to the Provisional TPO, the Order be confirmed within 6 months of the date of its promotion.

---

### **15 Urgent Business**

---

There were no items of urgent business.

# Report

**3**

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>11 February 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	HM/16/0541
Planning proposal:	Importation of inert waste to restore former reservoir to agricultural land and the temporary operation of an inert construction waste recycling facility

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Advance Construction
Location:	Wellbrae Reservoir Muttonhole Road Hamilton ML3 8RT

## 2 Recommendation(s)

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

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

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) The Committee should note that the decision notice should not be issued until the following matters are concluded:

A Legal Agreement securing:

- A mechanism for financial compensation for the repair of any damage to roads arising from extraordinary wear and tear associated with the development.
- Provision of the road widening measures identified and proposed within the document titled 'Sydes Brae, South Lanarkshire – Review of Road Layout and Geometry – Nov 2019 (Transport Planning)

The applicant will be responsible for meeting SLC's reasonably incurred legal expenses in respect of the legal agreement and restoration guarantee quantum.

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

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

### 3 Other information

- ◆ Applicant's Agent: Cirrus Environmental & Planning Consultancy Ltd
- ◆ Council Area/Ward: 18 Hamilton West And Earnock
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**  
Policy 1 Spatial Strategy  
Policy 3 Green Belt and Rural Area  
Policy 4 Development Management and Placemaking  
Policy 15 Natural and Historic Environment  
Policy 16 Travel and Transport  
Policy 17 Water Environment and Flooding  
Policy 18 Waste

#### **Supplementary Guidance**

- 1: Sustainable Development and Climate Change
- 3: Development Management, Placemaking and Design
- 9: Natural and Historic Environment

#### **Minerals Non Statutory Planning Guidance 2017**

- Policy MIN 10 Aggregate Recycling

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

- Policy 1 Spatial Strategy
- Policy 4 Green Belt and Rural Area
- Policy 5 Development Management and Placemaking
- Policy 14 Natural and Historic Environment
- Policy 15 Travel and Transport
- Policy 16 Water Environment and Flooding
- Policy 17 Waste

#### ◆ Representation(s):

- |   |    |                   |
|---|----|-------------------|
| ▶ | 15 | Objection Letters |
| ▶ | 0  | Support Letters   |
| ▶ | 3  | Comment Letters   |

#### ◆ Consultation(s):

Roads Development Management Team

SEPA West Region

SP Energy Network

Environmental Services

RT Flood Risk Management Section

Scottish Natural Heritage

West of Scotland Archaeology Service

The Coal Authority Planning and Local Authority Liaison Dept.

British Telecom

Countryside and Greenspace

Amey Highways Ltd

National Grid UK

## **Planning Application Report**

### **1 Application Site**

- 1.1 The site is the former Wellbrae Reservoir located between Muttonhole Road and Newhousemill Road located approximately 4km south west of Hamilton and 2.2km east of East Kilbride. The site boundary extends to 13.3 hectares and comprises the former, now drained, reservoir and agricultural land. The reservoir has been drained since before the 1970s and currently sits as a bowl shaped depression within the site. Remnants of the reservoir remain and there are areas of concrete and hard standing on site. The site reservoir area is now overgrown with grasses, shrubs and windblown small trees.
- 1.2 The Earnock Burn and Cadzow Burn run through the site in an easterly direction. Blantyre Muir Site of Special Scientific Interest (SSSI) is located 1.4km to the west of the application site and Waukenwae Moss SSSI and Special Area of Conservation (SAC) are located 1.8km to the south of the site. The closest individual residential properties are Laigh Muirhouses, located 150m to the west of the application site, Muirmains, located 300m to the northeast of the application site and Stewartfield Farm, located 390m to the west of the application site.

### **2 Proposal(s)**

- 2.1 Planning permission is sought for the restoration of the reservoir bowl through the importation of inert construction waste to be used for infilling to allow the site to be graded and levelled off in line with the surrounding farmland. It is also proposed to sort the imported material once on site to allow recycling of construction aggregate to be exported for reuse within the construction industry. It is proposed to import a maximum of 300,000 tonnes of inert material into the site per annum with approximately 40% of this material being able to be reused and exported from the site. It is expected that the restoration of the site in this manner would take up to 8 years. The proposed restoration is in 4 phases working from west to east through the reservoir. Once a phase is complete, it will be soiled and then seeded to allow it to be used for agriculture.
- 2.2 Temporary landscape bunds are proposed within the site while the reservoir is being restored to screen the operations from view and to minimise any noise emissions. The hours of operation proposed are 7am to 6pm Monday to Friday and 7am to 1pm on a Saturday with no operations proposed outwith these times.
- 2.3 The inert material will be imported by lorry and the maximum number of vehicles proposed on any one day is 60. Originally, it was proposed to take direct access to the site from Muttonhole Road but this has since been amended with access now proposed from Newhousemill Road. A separate planning application P/19/1038 has been lodged for this access and is subject of a separate report on the agenda for this Planning Committee meeting. In detail, vehicles will enter the site from the northwest via an internal haul road, cross a weighbridge and then offload within a proposed area of hardstanding for sorting for reusable material. The reusable material will then be exported via lorry with the remaining non-reusable material being used for the infilling of the reservoir. The material used for the restoration shall be handled by a digger and bulldozer. Only inert construction waste is proposed to be imported to the site and, separate to any planning permission, the applicant will also require to obtain a Waste Management Licence from SEPA for the proposed operations.



- 2.4 Members will recall that this application, together with that relating to the access to the site, was originally reported to the Planning Committee meeting of the 8 October 2019 with a recommendation to grant consent. Following discussion on the proposals, during which concerns were raised by members about the impact on road safety on the local road network, the application was deferred to allow further information to be submitted on the routing of HGV traffic on Sydes Brae to the A725, proposals to prevent mud being deposited on the road and traffic management issues. Members also requested further information regarding potential leaching from the site into the surrounding water table and water courses. The further information has been submitted and is described and assessed elsewhere in the report.

### **3 Background**

#### **3.1 National Policy**

- 3.1.1 National Planning Framework 3 (NPF3) June 2014 sets out the long term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3 recognizes that waste can be considered a resource rather than a burden. NPF3 states that it expects Planning Authorities to work with the market to identify viable solutions to create a decentralized network of waste processing facilities and, through effective waste management, create a sustainable legacy for future generations.
- 3.1.2 Scottish Planning Policy sets out a series of policy principles for achieving the zero waste policy Scotland has adopted through the National Zero Waste Plan 2010 (ZWP). SPP promotes the delivery of waste infrastructure at appropriate locations and waste management should be prioritised through the Scottish Government's waste hierarchy. The hierarchy is: waste prevention, reuse, recycling, energy recovery and waste disposal.
- 3.1.3 The proposals are for the management of inert building waste either to be reused within the construction industry or to be recycled as infill material for the restoration of a former reservoir and, therefore, it is considered that the proposals meet the waste strategy set at a national level through SPP and NPF3. It is, therefore, considered that, at a national level, the proposals comply with waste policy and, therefore, do not require to be further assessed within this high level context.

#### **3.2 Development Plan Status**

- 3.2.1 The approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) is a strategic plan with a strong focus on future growth. It has a broad spatial framework and a lesser focus on detailed area/site specific policy criteria. Nonetheless, the GCVSDP recognises its position within the Development Plan process relative to development management. As such, Policy 11 reiterates the Scottish Government's waste hierarchy of prevention, reuse, recycling, energy recovery and waste disposal.
- 3.2.2 Again, as with para 3.1.3 above, it is considered that the proposals are in line with the GCVSDP's strategic level waste policy and, therefore, there is no further requirement to be assessed against the GCVSDP.

- 3.2.3 The South Lanarkshire Local Development Plan (SLLDP) was adopted on 29 June 2015 and contains the following policies against which the proposal should be assessed:
- Policy 1 Spatial Strategy
  - Policy 3 Green Belt and Rural Area
  - Policy 4 Development Management and Placemaking
  - Policy 15 Natural and Historic Environment
  - Policy 16 Travel and Transport
  - Policy 17 Water Environment and Flooding
  - Policy 18 Waste
- 3.2.4 The following approved Supplementary Guidance and Non Statutory Planning Guidance documents support the policies in the SLLDP and also require assessment:
- Supplementary Guidance 1: Sustainable Development and Climate Change
  - Supplementary Guidance 3: Development Management, Placemaking and Design
  - Supplementary Guidance 9: Natural and Historic Environment
  - Minerals Non Statutory Planning Guidance 2017
- 3.2.5 All these policies and guidance are examined in the assessment and conclusions section of this report.
- 3.2.6 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 (LDP2) is now a material consideration. In this instance, the following policies are relevant:
- Volume 1
- Policy 1 Spatial Strategy
  - Policy 4 Green Belt and Rural Area
  - Policy 5 Development Management and Placemaking
  - Policy 14 Natural and Historic Environment
  - Policy 15 Travel and Transport
  - Policy 16 Water Environment and Flooding
  - Policy 17 Waste
- 3.2.7 All these policies and guidance are examined in the assessment and conclusions section of this report. It should be noted that LDP2 policies are only referenced if they do not accord with the existing policy context in SLLDP.
- 3.3 Planning Background**
- 3.3.1 The reservoir was originally constructed circa the 1850s to serve Hamilton District but after the district's water supply was upgraded it became redundant and it has not been used for that purpose since before the 1970's. In the 1970's Strathclyde Regional Council used the site for the deposition of materials from work arising from further upgrades of the surrounding water supply system. Following this, the site has lain vacant.
- 3.3.2 In 2009, planning permission (HM/09/0009) for the restoration of the former reservoir to provide rough grazing land with associated ecological improvements through the

formation of earthworks by placement, processing and grading of imported materials was refused due to a lack of information on the proposals' impact in terms of noise and the road network as well as the lack of provision of a restoration bond. This application was submitted by a waste disposal company that has since entered administration (circa 2014) and the current applicant has purchased the site from the administrators.

- 3.3.3 As part of this current application, access to the site was proposed from Muttonhole Road. Following discussions with the Council's Roads Development Management Team and the carrying out of a road safety audit, access is now proposed via Newhousemill Road. As a result, a separate associated planning application (P/19/1038) was required for this new access into the site from Newhousemill Road (as it is outwith the current planning application boundary). This 'access' application requires to be assessed in conjunction with this 'main application'.
- 3.3.4 As the proposals constitute a major application the applicant was required to carry out statutory pre-application consultation (PAC). The applicant has submitted a statement setting out the publicity that was carried which included a public event at Hilhouse and Earnock Community Centre on 13 October 2016 and the responses that were received in response to the publicity.

## **4 Consultation(s)**

- 4.1 **Roads and Transportation Services (Development Management)** – had concerns regarding the proposed access from Muttonhole Road. Following discussions and the subsequent submission of a stage 1 Road Safety Audit (RSA) with a new proposed access and haul road from Newhousemill Road, Roads and Transportation Services are now content with the proposals subject to the proposed new access being created in line with the RSA. Conditions should also be imposed to control access drainage, maintenance of visibility splays and a Construction Traffic Management Plan. A legal agreement is also required to ensure that financial compensation is provided for any additional wear and tear of the public road network associated with these proposals. A condition for the installation of an automatic traffic counter on the access road is also required in relation to the financial contribution.
- Response:** Noted. A separate associated planning application has been submitted seeking consent for the new access (P/19/1038). As these applications are linked, they require to be assessed in tandem to ensure the development can be effectively controlled. Conditions relating to the provisions of the RSA, access drainage, Construction Traffic Management Plan, visibility splays and traffic counters are, therefore, recommended for both applications. The legal agreement would also require to be attached to both planning applications.

Following the deferral of the report at the earlier Planning Committee, the applicant has carried out a full review of the existing road layout and geometry of Sydes Brae. Swept path analysis demonstrates that the full section of Sydes Brae between its junction with the A725 and the access to South Lanarkshire crematorium is able to accommodate two way HGV traffic. A similar access for the stretch of road between the crematorium access and the access to the application site identified two bends and a further pinch point where there is currently potential that HGVs could not pass each other. Proposals have been submitted showing road surface widening. Roads and Transportation Services are content that the road widening would ensure that the full length of Sydes Brae would be capable of allowing 2 HGVs to pass each other. The road widening works would form part of the obligations within the required legal agreement if planning permission were to be approved.

With regard to addressing concerns about the deposit of mud on the public road, condition 13 on the paper apart requires details of wheel cleaning facilities to be agreed before work starts on site. The applicant has confirmed that they would provide adequate wheel cleaning facilities within the site to ensure that vehicles' wheels would be cleaned before exiting the site. Condition 15 requires the applicant to ensure that mud would not be deposited on the public road. The applicant has confirmed that, as well as the wheel cleaning required under condition 13, they would ensure all laden lorries are sheeted when travelling to or from the site. The applicant has also confirmed they would employ a road sweeper, if required. Condition 10 requires the submission of a Traffic Management Plan for approval before the site becomes operational. This can cover a range of matters including the above. The applicants have advised that all the vehicles have tracking systems and cameras to provide information on loads, routing and speeds. In addition, the TMP will include a commitment to liaise with the manager of the crematorium in order to discuss details of traffic management. In view of this, Roads and Transportation Services are content with these proposals subject to them being incorporated within the information required by conditions 10, 13 and 15.

- 4.2 **Environmental Services** – have no objections subject to conditions relating to the implementation of the mitigation contained within the submitted Noise Impact Assessment and the provision of a dust management scheme.

**Response:** Noted. Conditions relating to the implementation of the mitigation recommended within the submitted Noise Impact Assessment and the provision of a dust management scheme are included within the recommendation.

- 4.3 **SEPA** – originally objected on a lack of information relating to flood risk. Following the submission of a Flood Risk Assessment (FRA), SEPA have removed their objection and are content with the findings of the FRA. SEPA have requested that a condition is imposed on any permission requiring the submission of an infill strategy for the site in relation to the hydrology of the site and surrounding area.

**Response:** Noted. The applicant has discussed the required infill strategy with SEPA and note this would be a condition of any permission. This requirement forms part of the recommendation.

- 4.4 **The Coal Authority** – notes that part of the site is within a Coal Authority High Risk area and a Coal Risk Assessment (CRA) was submitted as part of the application. The Coal Authority is content with the findings of the CRA and has no objections or conditions to recommend.

**Response:** Noted.

- 4.5 **SNH** - No comments to make.

**Response:** Noted.

- 4.6 **WOSAS** – note that, in archaeological terms, the reservoir was constructed in fairly recent times (1850s) and, therefore, it is unlikely that the site will hold any archaeology of significance. As such, WOSAS have no further comments or recommendations to make.

**Response:** Noted.

- 4.7 **Roads and Transportation (Flood Risk Unit)** – no objections subject to the imposition of conditions to comply with the Council's Design Criteria, complete the necessary forms and provide the required information prior to commencement on site.

**Response:** Noted. The required conditions form part of this recommendation.

- 4.8 **SP Energy Networks** - have held discussions with the applicant and can confirm that the proposals do not affect any of their infrastructure. Therefore, they have no further comments to make.

**Response:** Noted.

- 4.9 **Countryside and Greenspace** - No comments to make.

**Response:** Noted.

- 4.10 The following consultees had no comments to make on the proposed amendments:

British Telecom  
Amey Highways Ltd  
National Grid UK

## **5 Representation(s)**

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised under Schedule 3 – nature or scale of development and for the non-notification of neighbours in the Hamilton Advertiser on 12 January 2017. Following this advertisement 18 letters of representation have been received from 15 separate parties, including Councillor Graeme Horne and the Earnock Residents' Association with the following concerns:-

### **a) The suitability of the surrounding public road network for HGV Traffic.**

**Response:** The proposals originally involved the formation of an access from Muttonhole Road. Following the carrying out of a Road Safety Audit (RSA), the proposed new access is proposed to be from Newhousemill Road. Roads and Transportation Services (Development Management) are content with the findings of the RSA and that the public road network is suitable for the proposed use. A separate planning application has been submitted and will be considered elsewhere on the agenda. If planning permission for the infilling and material recovery is approved, the Council would seek to enter into a legal agreement to ensure that the applicant contributed towards the extraordinary wear and tear on the local road network as a result of the proposed development.

### **b) Road Safety.**

**Response:** As referenced in a) above a Road Safety Audit has been carried out and Roads and Transportation Services are content with its findings in relation to the proposals. It is also noted that the concerns were raised in relation to an access being taken from Muttonhole Road. Following discussions with Roads and Transportation Services, it was considered, on road safety grounds, that an access from Newhousemill Road was more suitable for the traffic generated by these proposals and this is subject to a separate planning application. In addition, further analysis of the ability for HGVs to pass each other on Sydes Brae has been carried out. This has shown that localised road widening is required to ensure this is the case.

### **c) The development has the potential to result in mud and debris being carried out onto the public road, causing road safety issues.**

**Response:** Noted. If planning permission were granted, planning conditions would be imposed to ensure the applicant installed appropriate measures, such as wheel cleaning facilities, to ensure mud and debris is not carried out onto the public road.

**d) Noise, dust and odour.**

**Response:** A Noise Impact Assessment (NIA) was submitted as part of the planning application. Environmental Services were content with the potential noise levels that would be generated from the development and, subject to the mitigation proposed within the NIA (involving the creation of noise bunds), considered that the proposals would not have a detrimental impact upon the amenity of the area. A dust management scheme would be required to be approved and implemented as such for the lifetime of the operations proposed and a condition requiring this is attached to the recommendation below. The application is for the importation of inert, construction waste (aggregate, stone etc.) and there is no odour associated with this type of waste.

**e) Potential contamination of surrounding water courses and water tables.**

**Response:** A hydrological assessment and Flood Risk Assessment formed part of the planning submission. SEPA and the Council's Flooding Team both have no objections on hydrological grounds subject to the use of appropriate conditions relating to drainage.

**f) The timing of the application being submitted during a holiday period.**

**Response:** The timing of a planning submission is not a material consideration in the assessment of an application, however, the Council did not advertise the application until almost 2 weeks after the holiday period in order to make allowances for these holidays and accepted representations received after the statutory expiry date. The applicant did not object to the Council doing this.

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

## **6 Assessment and Conclusions**

- 6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance. Whilst not part of the development plan, the Non-statutory Planning Guidance on Minerals, 2017 also has policies that are a material consideration in the assessment of this application.
- 6.2 As noted in 3.2.2 above, the proposed changes are not of a strategic significance that requires any further assessment under the GCVSP. Also, as noted in 3.2.5 above, on 29 May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 (LDP2) is now a material consideration. In terms of assessment, LDP2 is only referenced below if there is a change in policy context from the adopted SLLDP.
- 6.3 The SLLDP's overall strategic vision is 'to promote the continued growth and regeneration of South Lanarkshire by seeking sustainable economic and social development within a low carbon economy whilst protecting and enhancing the environment.' SLLDP Policy 1 'Spatial Strategy' states that developments that accord with the policies and proposals of the development plan will be supported. The

application is located within land designated as Green Belt within the SLLDP and is, therefore, required to be assessed against Policy 3 'Green Belt and Rural Area'. Policy 3 states that the Green Belt and rural area functions primarily for agricultural, forestry, recreation and other uses appropriate for the countryside. It is considered that, whilst waste management would not normally be considered a rural industry, in this instance, as it relates to the restoration of a former reservoir, it is an acceptable use in this instance given the temporary nature of the works and that the site will be restored to agricultural land. It is, therefore, considered that the principle of the development meets with the relevant criteria of this policy without undermining the strategy of the Green Belt and Rural area. The proposals, therefore, comply with Policies 1 and 3 of the SLLDP subject to meeting other development management criteria as assessed below.

- 6.4 SLLDP Policy 4 'Development Management and Placemaking' states that development proposals should, among other things, have no significant adverse impacts on amenity as a result of light, noise, odours, dust or particulates. Policy 4 also states that development proposals should take account of and be integrated within the local context and landscape character and, where possible, should include measures to enhance the environment. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design.
- 6.5 The application submission contained a noise impact assessment demonstrating that the proposals would not create noise levels that would be considered detrimental to any neighbouring receptor. The rural location of the site and the nature of the reservoir being a low lying bowl would mitigate any potential noise or visual impact of the proposals. Additional screening bunds are proposed to further minimise any noise or visual impact that could be created by the proposals. Environmental Services agree with the findings of the noise impact assessment subject to the mitigation measures (screening bunds) being implemented. In addition to providing noise screening, the bunds will be seeded to ensure they also screen the proposals from view and are not visually intrusive on the surrounding landscape. The restoration proposals to infill the reservoir bowl and create agricultural grazing land are considered to be suitable in the surrounding landscape context where agriculture is the prevalent use. The proposed restoration contours have been designed to fit in with the surrounding topography to ensure the completed scheme does not look artificial within the landscape. It is considered that, as with other projects of this nature, a restoration bond or other financial guarantee should be conditioned to any permission to ensure that the proposed restoration can be completed as approved. It is, therefore, considered that, subject to the recommended mitigation conditions attached to this report, the proposals accord with the development plan criteria in this instance.
- 6.6 SLLDP Policy 15 'Natural and Historic Environment' sets out a 3 tier category of protected designations. Table 6.1 of the SLLDP defines the designations within each category but they can generally be summarised as Category 1 (International), Category 2 (National) and Category 3 (Local). SLLDP Policy 15 states that development within or likely to affect the integrity of Category 1 sites will not be permitted. Development which will have an adverse effect on Category 2 sites or a significant adverse effect on Category 3 sites will only be permitted where it adheres to a number of tests.
- 6.7 As noted in 1.4 above, the nearest designated sites are over 1.4km and 1.8km away from the application site and it is considered that the proposals would have no effect on their designations. An ecological survey was carried out and submitted as part of the planning application. No protected species were found on site and, given the

previous use of the site as a reservoir and then its use for inert waste disposal by Strathclyde Regional Council, the ecological value of the site was considered to be low. Following a review of the findings of the ecological surveys, SNH stated that they were content with the surveys and had no further comment on the proposals. It is, therefore, considered that in relation to natural and ecological designations, including protected species, the proposals would not have any detrimental effect and accord with the relevant criteria of the development plan in this regard.

- 6.8 SLLDP Policy 16 'Travel and Transport' states that new development must conform to South Lanarkshire Council's 'Guidelines for Development Roads'. It is proposed to import a maximum of 300,000 tonnes of inert material into the site per annum with approximately 40% of this material estimated to be reused and exported from the site. A Transport Assessment was submitted based on this maximum importation rate. However, it should be noted the importation rate is based on the applicant being able to source this amount of inert construction material every year and it is considered unlikely that this would be sourced at this level every year. Notwithstanding, all assessments have been made based on this maximum capacity. The original proposals involved an access coming off Muttonhole Road. Following discussions with Roads and Transportation Services, a local road survey and a Stage 1 Road Safety Audit being carried out, it was considered that the proposed access off Muttonhole Road was unsuitable in terms of road safety. The applicant then proposed taking access from the other side of the reservoir site, off Newhousemill Road with a 'ghost' right hand junction for vehicles turning into the site. As this access is outwith the current application site, a separate associated planning application (P/19/1038) has been submitted and an assessment of both applications has been carried out in tandem. A report on that application is on the agenda for this Planning Committee. A full assessment of the road safety implications of those proposals is made in that report. Overall it concludes that, subject to localised road widening on Sydes Brae and the use appropriate conditions, there are no road safety concerns.
- 6.9 SLLDP Policy 17 'Water Environment and Flooding' states that, in relation to the water environment, development proposals outwith flood risk areas must accord with supplementary guidance. Supplementary Guidance 1: 'Sustainable Development and Climate Change' (SG1) supports the objectives of SLLDP Policy 2 and provides further guidance on a number of environmental issues, including the water environment, flooding and drainage. Policy SDCC2 Flood Risk states that, in accordance with the precautionary principle and the risk framework set out within the SPP, South Lanarkshire Council will seek to prevent any increase in the level of flood risk by refusing permission for new development where it would be at risk from flooding or increase the risk of flooding elsewhere. Policy SDCC3, Sustainable Drainage Systems, states that any new development should be drained by an appropriately designed sustainable drainage system.
- 6.10 The application site is not on a known flood plain and SEPA have not raised any objection in relation to flooding following the submission of a Flood Risk Assessment. The Council's Flooding Team has no objections to the proposals subject to the use of sustainable drainage on site for surface water and that their documentation required under the terms of their design criteria guidance is completed and submitted. In terms of groundwater, SEPA are content that the infill proposals can be worked without creating any potential material infiltration of the water table and have requested an infill strategy to ensure that the full details of the progress of the infill are set out to ensure that there are no deviations to the proposals that could potentially affect groundwater. It is considered that, subject to the imposition of the aforementioned conditions, the proposals comply with the criteria of the development plan in this instance.



- 6.11 SLLDP Policy 18 'Waste' states that, in general, waste management facilities and transfer stations will be directed to employment land unless other material considerations indicate otherwise. As referenced in paragraphs 6.2.1 and 6.2.2, the proposals are related to the restoration of a former reservoir and, therefore, are location dependent rather than being able to be located elsewhere. It is, therefore, considered that the location of the site is considered acceptable under these terms and, as such, is not in conflict with Policy 18.
- 6.12 Policies SDCC11 and SDCC12 provide further guidance in support of SLLDP Policy 18. SDCC12, in particular, sets buffer zones for specific types of waste management facilities. In this instance, it is considered that the closest type of waste management facility these proposals relate to in the SDCC12 criteria is for recycling which sets a minimum distance of a 100m from the site to any sensitive receptor. In this instance, the nearest sensitive receptor is 150m from the site boundary and, therefore, the buffer zone criterion is not breached in this instance.
- 6.13 Whilst not part of the development plan, the Council's Non-Statutory Planning Guidance on Minerals (NSPGM) is a material consideration in the assessment of this application. The policies in the NSPGM specifically relate to minerals development, which these proposals are not, but there is also a specific NSPGM policy (MIN 10) that relates to aggregate recycling and re-use and is, therefore, relevant to these proposals. MIN 10 states that the Council will support proposals for the recycling and re-use of, among other things, mineral, demolition and construction material providing that the operations do not prejudice the reclamation or improvement of the site; there would be no significant adverse effect on local communities or the environment; the site is not too remote from the source of the material and that the proposals will not have an adverse impact on the local road network.
- 6.14 As outlined in section 6.2 above, it is considered that the proposals to re-use construction aggregate from the inert waste brought into site would not prejudice the infill and restoration of the reservoir and there would be a 40% success rate in re-use of materials during the restoration phasing. The site is not considered too remote in terms of being near settlements where demolition and other construction projects would exist to provide material for the site works and, as demonstrated within section 6.2, it is considered that the proposals would also not be detrimental to local communities, the environment or the local road network.
- 6.15 Finally, the proposed development has also been considered against the relevant policies in the proposed South Lanarkshire Local Development Plan 2 and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. It is considered that the proposal also accords with the policies of the proposed plan.
- 6.16 In conclusion, it is considered that the proposed infill proposals are a positive enhancement on the landscape given that they would involve the reclamation of a former reservoir and create additional agricultural land with a suitable topography within the surrounding landscape. The on-site sorting and re-use of construction materials complies with national waste policy. Given the location of the site and the proposed screen bunding, it is considered that the operations will not have a detrimental impact upon the surrounding landscape nor affect the amenity of any sensitive receptors. Extensive survey work and discussions with the Council as Roads Authority have resulted in a suitable access arrangement being found that will not be to the detriment of road safety. It is, therefore, considered that the proposals, subject to the approval of the associated planning application P/19/1038, comply with the

development plan and other material considerations and, as such, it is recommended that planning permission be granted subject to conditions and a legal agreement.

## **7 Reasons for Decision**

- 7.1 The proposal is considered to be acceptable and would not be detrimental to the environment or road safety subject to the attached conditions. It complies with Policies 1, 3, 4, 15, 16, 17 and 18 of the adopted South Lanarkshire Local Development Plan 2015, Policy DM1 of Supplementary Guidance 3: Development Management, Placemaking and Design, Policies SDCC2 and SDCC3 of Supplementary Guidance 1: Sustainable Development and Climate Change and Policy MIN 10 of South Lanarkshire Council's Non-statutory Planning Guidance. Minerals 2017.

**Michael McGlynn**

**Executive Director (Community and Enterprise Resources)**

Date: 22 January 2020

### **Previous references**

- ◆ HM/09/0009
- ◆ P/19/1038

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification advert 12<sup>th</sup> January 2017

### **▶ Consultations**

Roads Development Management Team

SEPA West Region 06.03.2017  
and  
01.12.2017  
SP Energy Network 26.01.2017

Environmental Services 09.09.2019

RT Flood Risk Management Section 25.01.2017

Scottish Natural Heritage 21.12.2016

West Of Scotland Archaeology Service 22.12.2016

The Coal Authority Planning And Local Authority Liaison  
Dept. 16.01.2017

- ▶ Representations Dated:  
Mr & Mrs CK McGowan, 11 Dalton Hill, Earnock Estate,  
Hamilton, ML3 9DQ 06.01.2017

Margaret Clark, 3 Swift Bank, Earnock, Hamilton, ML3 8PX 08.01.2017

Margaret Clark, 3 Swift Bank, Earnock, Hamilton, ML3 8PX 08.01.2017

Brian J Wilshire, 15 Dalmellington Court, Earnock, Hamilton, ML3 9DA	09.01.2017
Norman and Helen Millard,	09.01.2017
Earnock Residents Association, 17 Durisdeer Drive, Hamilton, ML3 8XB	09.01.2017
Ms Gwen Moir, 5 Dalry Gardens, Hamilton, ML3 9ES	09.01.2017
James Pollock,	09.01.2017
Brian J Willshire, 15 Dalmellington Court, Earnock, Hamilton, ML3	09.01.2017
Jim Pollock, 142 Wellhall Road, Hamilton, ML3 9XW	09.01.2017
Cllr Graeme Horne, Hamilton West And Earnock	10.01.2017
John Clark, 3 Swift Bank, Hamilton, ML3 8PX	10.01.2017
Lynn Graham, 1 Aqua Avenue, Hamilton ML3 9BA	10.01.2017
Chris Bonnington, Earnock Builders	10.01.2017
K Nieson, 4 Swift Bank, Hamilton, ML3 8PX	10.01.2017
Earnock Residents Association, Margaret Clark (Secretary), 3 Swift Bank, Hamilton, ML3 8PX	10.01.2017
Isobel Ritchie, 5 Aqua Court, Hamilton, ML3 9BB	11.01.2017
Patricia and James Allan, 34 Dalton Hill, High Earnock, Hamilton, ML3 9DQ	25.01.2017

### **Contact for further information**

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

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

Phone: 01698 455903

Email: [james.wright@southlanarkshire.gov.uk](mailto:james.wright@southlanarkshire.gov.uk)

### Conditions and reasons

01. That no vehicular access shall be taken from Muttonhole Road.

Reason: In the interests of road safety.

02. That all operations authorised or required by this permission shall cease, and all plant, machinery equipment, structures and buildings shall be removed and the site restored in accordance with the conditions of this permission no later than 10 years from the date of this permission, unless otherwise approved in writing by the Council as Planning Authority.

Reason: In order to define the terms of the consent.

03. The site shall not operate outwith the hours stated below without the prior written approval of the Council as Planning Authority, and during these hours the site shall be adequately manned and supervised.

	Weekdays	Saturdays
Time of Opening	7.00 am	7.00 am
Time of Closing	6.00 pm	1.00 pm

There shall be no working on Sundays or local bank holidays (with the exception of essential maintenance work), unless otherwise agreed in writing by the Council as Planning Authority.

04. That no later than 3 months from the date of decision, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the Council as Planning Authority. Such guarantee must, unless otherwise approved in writing by the Council as Planning Authority;
- i) be granted in favour of the Council as Planning Authority
  - ii) be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
  - iii) be for a specified amount which covers the value of all site restoration and aftercare liabilities as agreed between the developer and the planning authority at the commencement of development
  - iv) either contain indexation provisions so that the specified amount of the guarantee shall be increased on each anniversary of the date of this consent by the same percentage increase in the General Index of Retail Prices (All Items) exclusive of mortgage interest published by on or behalf of HM Government between the date hereof and such relevant anniversary or be reviewable to ensure that the specified amount of the guarantee always covers the value of the site restoration and aftercare liabilities
  - v) come into effect on or before the date of commencement of development, and expire no earlier than 12 months after the end of the aftercare period unless other suitable multiple guarantee arrangements are agreed in writing by the Council as Planning Authority. For the avoidance of doubt, more than one guarantee may be agreed but any multiple guarantees shall cover the period from on or before

commencement and to 12 months after the end of the aftercare period without any break in cover.

No works shall begin at the site until (1) written approval of the Council as Planning Authority has been given to the terms of such guarantee and (2) thereafter the validly executed guarantee has been delivered to the Council as Planning Authority.

Reason: In order to ensure satisfactory restoration

05. That before any material is imported into the site, an Infill Strategy shall be submitted for the written approval of the Council, as Planning Authority in conjunction with SEPA. Once approved, the Infill Strategy shall be implemented as such and maintained for the lifetime of the operations, hereby approved. For the avoidance of doubt the Infill Strategy will detail all infill on the site and demonstrate that the infill shall not be detrimental to the water environment and in particular the groundwater regime.

Reason: In the interests of Hydrology.

06. That no more than 300,000 tonnes of material shall be imported in any one year. For the avoidance of doubt the date of commencement shall constitute the start of the first year and each subsequent year shall recur from this date.

Reason: In order to control the importation rate.

07. That before any material is imported into the site a Stage 2 Road Safety Audit shall be carried out and submitted to the Council, as Planning Authority for further approval. Once approved all details within this Stage 2 Road Safety Audit shall be implemented in full and maintained for the lifetime of the development, hereby approved.

Reason: In the interests of road safety.

08. That automatic traffic counters shall be installed within the site to ensure all vehicle movements are captured. The information gained from these traffic counters shall be made available within 2 weeks of any request for them by the Council as Planning Authority. For the avoidance of doubt weighbridge records shall also be made available within 2 weeks of any request by the Council, as Planning Authority.

Reason: In the interests of road safety.

09. That before any work is carried out on site a Construction Traffic Management Plan shall be carried out and submitted to the Council, as Planning Authority for further approval. Once approved all details within this Construction Traffic Management Plan shall be implemented in full and maintained for the lifetime of the development, hereby approved.

Reason: In the interests of road safety.

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

Reason: In the interests of amenity and air quality.

11. That before any work starts on site details of wheel wash facilities at the site to be provided for the duration of the infill and restoration activities shall be submitted to the Council as Planning Authority for approval. Thereafter all HGV's departing the site shall pass through the approved wheel wash facilities and shall be clear of mud and debris at all times before entering onto the public road network.

Reason: In the interests of road safety.

12. That the approved scheme for the mitigation of noise shown in the approved Noise Impact Assessment shall be implemented prior to the development being brought into use and where appropriate, shall be maintained in accordance with the approved scheme and maintained as such for the lifetime of the development, hereby approved.

Reason: In the interests of amenity.

13. That before any work starts on site the operator shall submit details for the approval of the Council of measures to address the deposit of mud and debris on the public road. Thereafter, those measures shall be implemented in full following the written approval of the Council, as Planning Authority, and maintained as such for the lifetime of the development hereby approved.

Reason: In the interests of road safety.

14. That before any work starts on site, compliance with the Council's Sustainable Drainage Systems (SuDs) design criteria guidance and inclusive sign off by the relevant parties carrying out the elements of work associated with the design criteria appendices 1 to 5 shall be submitted for the written approval of the Council, as Planning Authority and thereafter be carried out as approved for the lifetime of the development, hereby approved.

Reason: In the interests of drainage

15. The removal of any trees and the cutting of rough grasslands that could provide habitat for nesting birds will take place outside the bird breeding season (March to July inclusive), unless a survey to establish the presence or otherwise of nesting birds has been undertaken and, where required, appropriate mitigating measures have been carried out to the written approval of the Council as Planning Authority.

Reason: In the interests of protected species.

16. That within 5 years of the date of this permission, a final, full restoration and aftercare plan shall be submitted for the written approval of the Council as Planning Authority and thereafter the site shall be restored within the timescales as approved.

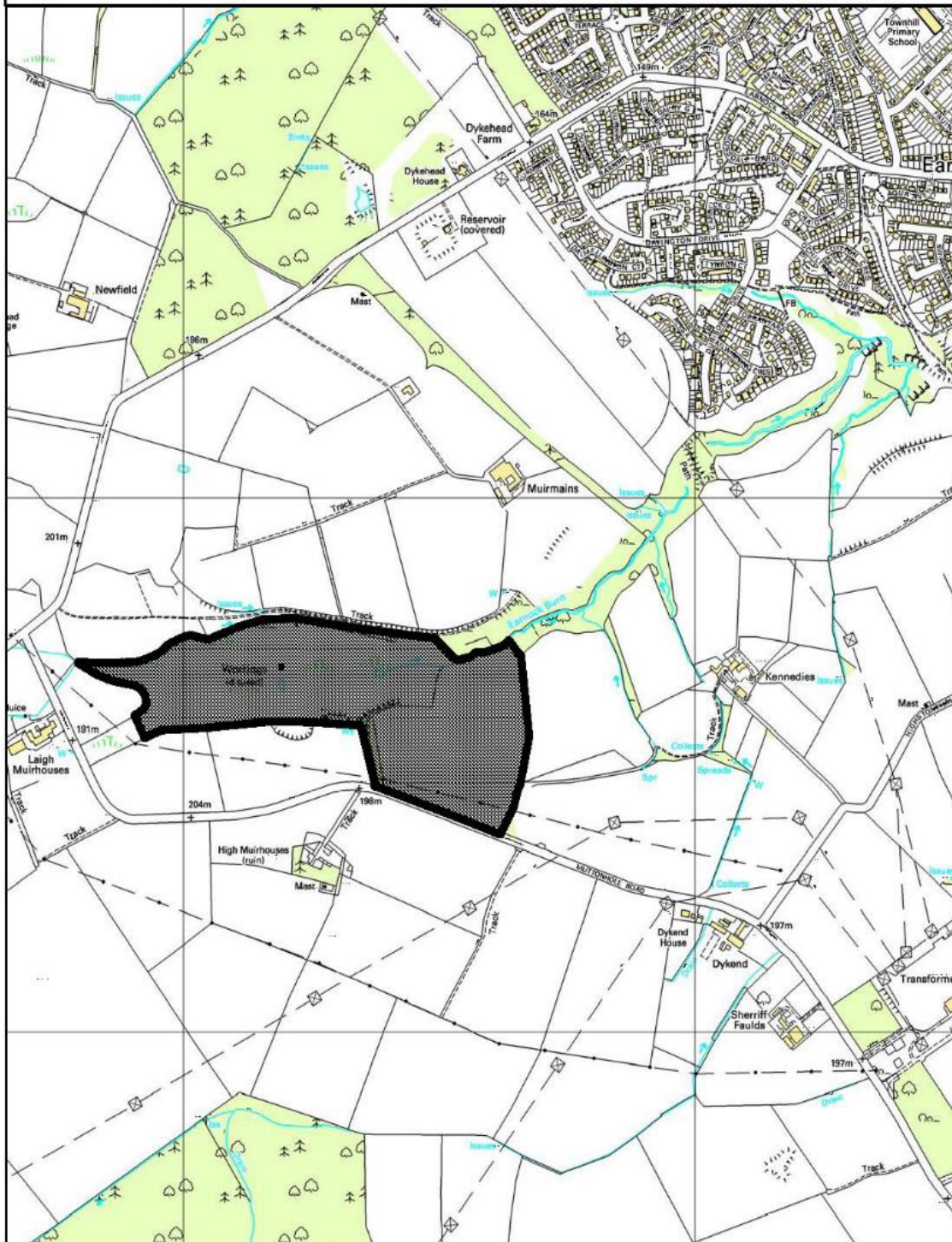
Reason: In order to define the terms of the consent.

17. That before any material is imported to the site, all screening bunds shall be formed as per the approved Noise Impact Assessment (December 2016) and maintained as such for the lifetime of the development, hereby approved.

Reason: In the interests of controlling noise.

HM/16/0541

Wilbrae Reservoir, Muttonhole Road, Hamilton



© Crown copyright and database rights 2019 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:  
1:10,000  
Date:  
09/09/2019



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development





# Report

4

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>11 February 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/19/1038
Planning proposal:	Installation of new access to public road and access track to serve proposed restoration of former reservoir to agricultural land (relating to planning application HM/16/0541)

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Advance Construction (Scotland) Limited
Location:	Wellbrae Reservoir Muttonhole Road Hamilton South Lanarkshire

## 2 Recommendation(s)

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

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

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) The Committee should note that the decision notice should not be issued until the following matters are concluded:

A Legal Agreement securing:

- A mechanism for financial compensation for the repair of any damage to roads arising from extraordinary wear and tear associated with the development.
- Provision of the road widening measures identified and proposed within the document titled 'Sydes Brae, South Lanarkshire – Review of Road Layout and Geometry – Nov 2019 (Transport Planning)

The applicant will be responsible for meeting SLC's reasonably incurred legal expenses in respect of the legal agreement and restoration guarantee quantum.

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Legal Agreement within 6 months of the date of the Committee, the proposed development may be refused on the basis

that, without the planning control/ developer contribution which would be secured by the Legal Agreement, the proposed development would be unacceptable.

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

### 3 Other information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 18 Hamilton West And Earnock
- Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**

Policy 1 Spatial Strategy  
Policy 3 Green Belt and Rural Area  
Policy 4 Development Management and Placemaking  
Policy 15 Natural and Historic Environment  
Policy 16 Travel and Transport  
Policy 17 Water Environment and Flooding  
Policy 18 Waste

#### **Supplementary Guidance**

1: Sustainable Development and Climate Change  
3: Development Management, Placemaking and Design  
9: Natural and Historic Environment

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

Policy 1 Spatial Strategy  
Policy 4 Green Belt and Rural Area  
Policy 5 Development Management and Placemaking  
Policy 14 Natural and Historic Environment  
Policy 15 Travel and Transport  
Policy 16 Water Environment and Flooding  
Policy 17 Waste

#### ◆ Representation(s):

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

#### ◆ Consultation(s):

Roads Development Management Team  
Roads Flood Risk Management

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site is a 0.45 hectare strip of farmland running south off Newhousemill Road to the south of Hamilton and down into the former Wellbrae Reservoir. This land would provide vehicular access into the application site of planning application HM/16/0541 which has been lodged for the restoration of the reservoir. This application is the subject of a separate report on the agenda for consideration at this Planning Committee meeting.

### **2 Proposal(s)**

- 2.1 Planning permission is sought for the installation of an access and haulage route between Newhousemill Road and Wellbrae Reservoir site in association with application HM/16/0541 which seeks planning permission for the restoration of the reservoir bowl through the importation of inert construction waste to be used for infilling to allow the site to be graded and levelled off in line with the surrounding farmland. The proposals also include the re-use, where possible, of any of the imported construction waste to be exported and re-used within the construction industry. As part of the infilling proposals, it is proposed to import a maximum of 300,000 tonnes of inert material into the site per annum with approximately 40% of this material being able to be reused and exported from the site. It is expected that the infill and subsequent restoration of the reservoir would take up to 8 years with the access and haul route being in situ for the duration of the works. The inert material would be imported by lorry and the maximum number of vehicles proposed on any one day is 60.
- 2.2 Originally, it was proposed to take direct access to the site from Muttonhole Road but Roads and Transportation Services highlighted road safety concerns about this proposal. Following discussions and the carrying out of a Road Safety Audit (RSA), the access arrangement is now to create a new access off Newhousemill Road. The land required is outwith the application boundary of HM/16/0541 and, therefore, this planning application has been submitted for the proposed new access. The proposed haulage route will be the only access and egress point for the vehicles importing the inert material to be either re-used or form part of the reservoir infilling proposals.
- 2.3 The vehicles would enter the site via the proposed access and haulage route, cross a weighbridge and then offload within a proposed area of hardstanding for sorting of reusable material. The weighbridge and hardstanding area are outwith the boundary of this application and are located within the application site relating to HM/16/0541.
- 2.4 Members will recall that this application, together with that relating to the access to the site, was originally reported to the Planning Committee meeting of 8 October 2019 with a recommendation to grant consent. Following discussion on the proposals, during which concerns were raised by members about the impact on road safety on the local road network, the application was deferred to allow further information regarding the routing of HGV traffic on Sydes Brae to the A725, proposals regarding preventing mud being deposited on the road and traffic management to be submitted. Members also requested further information regarding potential leaching from the site into the surrounding water table and water courses. The further information has been submitted and it described and assessed elsewhere in the report.

### **3 Background**

### **3.1 National Policy**

- 3.1.1 National Planning Framework 3 (NPF3) June 2014 sets out the long term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3 recognizes that waste can be considered a resource rather than a burden. NPF3 states that it expects Planning Authorities to work with the market to identify viable solutions to create a decentralized network of waste processing facilities and, through effective waste management, create a sustainable legacy for future generations.
- 3.1.2 Scottish Planning Policy sets out a series of policy principles for achieving the zero waste policy Scotland has adopted through the National Zero Waste Plan 2010 (ZWP). SPP promotes the delivery of waste infrastructure at appropriate locations and waste management should be prioritised through the Scottish Government's waste hierarchy. The hierarchy is: waste prevention, reuse, recycling, energy recovery and waste disposal.
- 3.1.3 Given the proposed access and haulage route relate to proposals for the management of inert, building waste either to be reused within the construction industry or to be recycled as infill material for the restoration of a former reservoir, it is, therefore, considered that the proposals meet the waste strategy set at a national level through SPP and NPF3. It is, therefore, considered that, at a national level, the proposals comply with waste policy and, therefore, do not require to be further assessed within this high level context.

### **3.2 Development Plan Status**

- 3.2.1 The approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) is a strategic plan with a strong focus on future growth with a broad spatial framework and a lesser focus on detailed area/site specific policy criteria. Nonetheless, the GCVSDP recognises its position within the Development Plan process relative to development management. As such, Policy 11 reiterates the Scottish Government's waste hierarchy of prevention, reuse, recycling, energy recovery and waste disposal.
- 3.2.2 Again, as with para 3.1.3 above, it is considered that the proposals are in line with the GCVSDP's strategic level waste policy and, therefore, there is no further requirement to be assessed against the GCVSDP.
- 3.2.3 The South Lanarkshire Local Development Plan (SLLDP) was adopted on 29 June 2015 and contains the following policies against which the proposal should be assessed:
- Policy 1 Spatial Strategy
  - Policy 3 Green Belt and Rural Area
  - Policy 4 Development Management and Placemaking
  - Policy 15 Natural and Historic Environment
  - Policy 16 Travel and Transport
  - Policy 17 Water Environment and Flooding
  - Policy 18 Waste

3.2.4 The following approved Supplementary Guidance documents support the policies in the SLLDP and also require assessment:

- Supplementary Guidance 1: Sustainable Development and Climate Change
- Supplementary Guidance 3: Development Management, Placemaking and Design
- Supplementary Guidance 9: Natural and Historic Environment

3.2.5 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 (LDP2) is now a material consideration. In this instance, the following policies are relevant:

#### Volume 1

- Policy 1 Spatial Strategy
- Policy 4 Green Belt and Rural Area
- Policy 5 Development Management and Placemaking
- Policy 14 Natural and Historic Environment
- Policy 15 Travel and Transport
- Policy 16 Water Environment and Flooding
- Policy 17 Waste

3.2.6 All these policies and guidance are examined in the assessment and conclusions section of this report. It should be noted that LDP2 policies are only referenced if they do not accord with the existing policy context in SLLDP.

### **3.3 Planning Background**

3.3.1 The reservoir was originally constructed circa the 1850s to serve the Hamilton District but after the district's water supply was upgraded it became redundant and it has not been used for that purpose since before the 1970's. In the 1970's Strathclyde Regional Council used the site for the deposition of materials from work arising from further upgrades of the surrounding water supply system. Following this, the site has lain vacant.

3.3.2 In 2009, planning permission (HM/09/0009) for the 'proposed restoration of former reservoir to provide rough grazing land with associated ecological improvements through the formation of earthworks by placement, processing and grading of imported materials' was refused due to a lack of information on the proposals' impact in terms of noise and the road network as well as the lack of provision of a restoration bond. This application was submitted by a waste disposal company that has since entered administration (circa 2014) and the current applicant has purchased the site from the administrators.

3.3.3 As referenced in section 1 and 2 above, this application relates to planning permission HM/16/0541 which seeks consent for the restoration of the reservoir bowl through the importation of inert construction waste to be used for infilling to allow the site to be graded and levelled off in line with the surrounding farmland. It is also proposed, as part of this application, to sort the imported material once on site to allow recycling of construction aggregate to be exported for reuse within the construction industry. Planning application HM/16/0541 is, therefore, associated to this proposal and it also requires to be assessed in conjunction with the 'access' application.

### 3.4 Update

- 3.4.1 Members may recall that this application was originally reported to the Planning Committee meeting of 8 October but deferred for further information regarding the routing of HGV traffic on Sydes Brae to the A725, proposals regarding preventing mud being deposited on the road and traffic management.
- 3.4.2 Following this deferral, the applicant has carried out a full review of the road layout and geometry of Sydes Brae. Swept path analysis was carried out for the full length of Sydes Brae and this analysis demonstrated that the full section of Sydes Brae that goes north from the crematorium roundabout is able to accommodate two way HGV traffic. In relation to the section of Sydes Brae to the south of the crematorium roundabout, the swept path analysis identified 2 bends and a further pinch point where there is currently potential that 2 HGVs could not pass each other. The 2 bends and pinch point were surveyed and there is adequate space by the roadside to allow 2 HGVs to pass subject to some small scale road surface widening. The applicant is content with carrying out the required works should planning permission be granted. Roads and Transportation Services are content that the road widening would ensure that the full length of Sydes Brae would, therefore, allow 2 HGVs to pass each other. The road widening works would form part of the obligations within the required legal agreement if planning permission were to be approved. The recommendation in Section 2.2 (2) above has been amended to reflect this.
- 3.4.3 With regard to wheel cleaning facilities and preventing mud being deposited on the road, whilst condition 13 of the recommendation required details of wheel cleaning facilities following permission being granted, the applicant has confirmed that they would provide adequate wheel cleaning facilities within the site to ensure that vehicles' wheels would be cleaned before exiting the site. Condition 15 of the recommendation required the applicant to ensure that mud would not be deposited on the public road and the applicant has confirmed that, as well as the wheel cleaning, they would ensure all laden lorries would be sheeted when travelling to or from the site. The applicant has also confirmed they would employ a road sweeper, if required. It should be noted that the only vehicles entering and exiting the site would be ones under the control and ownership of the applicant and, therefore, they would be able to adhere to the provisions of any Traffic Management Plan (TMP) approved by the Council under condition 10. All the vehicles have tracking systems and cameras to provide information on loads, routing and speeds. The applicant has also stated their intention to allow the crematorium to discuss details of traffic management with the site manager on any day where they expect a significant attendance for a service. This would also be incorporated within any approved TMP. Again, Roads and Transportation Services are content with these proposals, subject to them being incorporated within the information required by recommended conditions 10, 13 and 15.

## 4 Consultation(s)

- 4.1 **Roads Development Management Team** – had concerns regarding the original proposed access from Muttonhole Road for Planning Application HM/16/0541. Following discussions with the applicant and the subsequent submission of a stage 1 Road Safety Audit (RSA), a new proposed access and haul road from Newhousemill Road has been promoted. Roads and Transportation Services are content with the proposals subject to the proposed new access being created in line with the RSA. Conditions should also be imposed to control access drainage, maintenance of visibility splays and a Construction Traffic Management Plan. A legal agreement is also required to ensure that financial compensation is provided for any additional wear and tear of the public road network associated with these proposals. A condition for

the installation of an automatic traffic counter on the access road is also required in relation to the financial contribution.

**Response:** Noted. This application for the Newhousemill Road access has been submitted to meet Roads and Transportation Services requirements in order to provide an appropriate access for the proposed development relating to Planning Application HM/16/0541. On this basis, conditions relating to the provisions of the RSA, access drainage, a Construction Traffic Management Plan, visibility splays and traffic counters are recommended for both applications. The legal agreement would also require to be attached to both planning applications.

Following the deferral of the report to the earlier Planning Committee, the applicant has carried out a full review of the existing road layout and geometry of Sydes Brae. Swept path analysis demonstrates that the full section of Sydes Brae between its junction with the A725 and the access to South Lanarkshire crematorium is able to accommodate two way HGV traffic. A similar access for the stretch of road between the crematorium access and the access to the application site identified two bends and a further pinch point where there is currently potential that HGVs could not pass each other. Proposals have been submitted showing road surface widening. Roads and Transportation Services are content that the road widening would ensure that the full length of Sydes Brae would be capable of allowing 2 HGVs to pass each other. The road widening works would form part of the obligations within the required legal agreement if planning permission were to be approved.

With regard to addressing concerns about the deposit of mud on the public road, condition 11 on the paper apart requires details of wheel cleaning facilities to be agreed before work starts on site. The applicant has confirmed that they would provide adequate wheel cleaning facilities within the site to ensure that vehicles' wheels would be cleaned before exiting the site. Condition 13 requires the applicant to ensure that mud would not be deposited on the public road. The applicant has confirmed that, as well as the wheel cleaning required under condition 13, they would ensure all laden lorries are sheeted when travelling to or from the site. The applicant has also confirmed they would employ a road sweeper, if required. Condition 19 requires the submission of a Traffic Management Plan for approval before the site becomes operational. This can cover a range of matters including the above. The applicants have advised that all the vehicles have tracking systems and cameras to provide information on loads, routing and speeds. In addition, the TMP will include a commitment to liaise with the manager of the crematorium in order to discuss details of traffic management. In view of this Roads and Transportation Services are content with these proposals subject to them being incorporated within the information required by conditions 9, 11 and 13.

- 4.2 **Roads Flood Risk Management** – no objections subject to the imposition of conditions to comply with the Council's Design Criteria, complete the necessary forms and provide the required information prior to commencement on site.

**Response:** Noted. The required conditions form part of this recommendation.

## **5 Representation(s)**

- 5.1 The proposal was publicised as an application requiring advertisement due to the non-notification of neighbours in the Hamilton Advertiser on 17 July 2019. No representations have been made in relation to this application.

## **6 Assessment and Conclusions**

- 6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan

2017 (GCVSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance.

- 6.2 As noted in 3.2.2 above, the proposed changes are not of a strategic significance that requires any further assessment under the GCVSP. Also, as noted in 3.2.5 above, on 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 (LDP2) is now a material consideration. In terms of assessment, LDP2 is only referenced below if there is a change in policy context from the adopted SLLDP.
- 6.3 The SLLDP's overall strategic vision is 'to promote the continued growth and regeneration of South Lanarkshire by seeking sustainable economic and social development within a low carbon economy whilst protecting and enhancing the environment.' SLLDP Policy 1 'Spatial Strategy' states that developments that accord with the policies and proposals of the development plan will be supported. The application is located within land designated as Green Belt within the SLLDP and is, therefore, required to be assessed against Policy 3 'Green Belt and Rural Area'. Policy 3: states that the Green Belt and rural area functions primarily for agricultural, forestry, recreation and other uses appropriate for the countryside. In this instance, the proposals relate to the restoration of a disused reservoir. Given the relationship of these proposals to HM/16/0541, the proposal is considered acceptable in this instance. The proposed development relates to the restoration of a former reservoir which will be restored to agricultural land. Furthermore, the works are temporary in nature. It is, therefore, considered that, subject to permission being granted for HM/16/0541, this application is acceptable as it would not undermine the Green Belt strategy and, as such, would meet the development plan criteria under these circumstances.
- 6.4 Policy 4 'Development Management and Placemaking' states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design. The proposals are located within agricultural land and the topography of the haulage route descends into the reservoir site which would minimise its visual impact upon the surrounding landscape given it is not elevated. Whilst rural in nature, the surrounding area is urban fringe rural with a landscape that has public roads, farm access and other development throughout and is not a remote, undeveloped area. Therefore, it is considered that a new temporary, haulage route within the landscape would not create a significantly detrimental visual effect on the area. It is, therefore, considered that the proposals accord with the relevant development plan criteria in this regard.
- 6.5 Policy 15 'Natural and Historic Environment' sets out a 3 tier category of protected natural and historic designations. The nearest designated sites are over 1.4km and 1.8km away from the application site and it is considered that the proposals would have no effect on their designations. The proposed access and haulage route are through agricultural land that has been cultivated and therefore does not offer habitat of significant value. It is therefore considered that the proposals would not have an impact upon any natural or environmental assets and accord with the policy criteria.



- 6.6 SLLDP Policy 16 'Travel and Transport' states that new development must conform to South Lanarkshire Council's 'Guidelines for Development Roads'. It is proposed to import a maximum of 300,000 tonnes of inert material into the site per annum with approximately 40% of this material estimated to be reused and exported from the site. A Transport Assessment was submitted based on this maximum importation rate. However, it should be noted the importation rate is based on the applicant being able to source this amount of inert construction material every year and it is considered unlikely that this would be sourced at this level every year. Notwithstanding, all assessments have been made based on this maximum capacity.
- 6.7 The original proposals were to have an access coming off Muttonhole Road. Following discussions with Roads and Transportation Services, a local road survey and a Stage 1 Road Safety Audit being carried out, it was considered that the proposed access off Muttonhole Road was unsuitable in terms of road safety. The applicant then proposed taking access from the other side of the reservoir site, off Newhousemill Road with a 'ghost' right hand junction for vehicles turning into the site. As this access is outwith the current application site, a separate associated planning application (P/19/1038) has been submitted and an assessment of both applications has been carried out in tandem. A report on that application is on the agenda for this Planning Committee.
- 6.8 The Road Safety Audit (RSA) for this arrangement identified this access as being suitable in road safety terms. Roads and Transportation Services agree with the findings of the RSA and have no objections to the proposed Newhousemill Road access. Following discussion of the proposals at the Planning Committee in October last year, a swept path analysis has been carried out by the applicant which demonstrates that the full section of Sydes Brae between its junction with the A725 and the access to South Lanarkshire crematorium is able to accommodate two way HGV traffic. A similar access for the stretch of road between the crematorium access and the access to the application site identified two bends and a further pinch point where there is currently potential that HGVs could not pass each other. Proposals have been submitted showing localised road surface widening. Roads and Transportation are content that the road widening would ensure that the full length of Sydes Brae would be capable of allowing 2 HGVs to pass each other. The road widening works would form part of the obligations within the required legal agreement if planning permission were to be approved. On this basis, it is, therefore, considered that, subject to conditions, the proposals would not be to the detriment of road safety and would meet the relevant criteria of the development plan in this regard. A legal agreement is also proposed to ensure that the applicant provides financial compensation for any additional 'wear and tear' of the public road network associated with any vehicle movements linked to these proposals. This would require to be entered into before any decision notice could be issued.
- 6.9 Policy 17 'Water Environment and Flooding' states that, on sites where flooding or surface water may be an issue, development shall be the subject of a local flood risk management assessment. Development will only be supported if suitable flood management can be achieved. Further guidance on flood management and sustainable drainage is also provided within Supplementary Guidance Sustainable Development and Climate Change in Policies SDCC2 – Flood Risk and SDCC 3 – Sustainable Drainage Systems. South Lanarkshire Council's Flooding Team have no objections to the proposals subject to the use and maintenance of sustainable drainage of surface water for the access and haulage route and that the Council's documentation required under the terms of design criteria guidance is completed and submitted. It is, therefore, considered that, subject to conditions requiring the aforementioned criteria, the proposals comply with the relevant criteria of the Development Plan in this respect.

- 6.10 SLLDP Policy 18 'Waste' states that, in general, waste management facilities and transfer stations will be directed to employment land unless other material considerations indicate otherwise. As referenced in paragraphs 6.2.1 and 6.2.2, the proposals relate to the restoration of a former reservoir and the proposals require to be assessed in tandem with planning application HM/16/0541. If application HM/16/0541 is considered acceptable, then this application would also be acceptable. It is, therefore, considered that the location of the site is acceptable under these terms and, as such, is not in conflict with Policy 18.
- 6.11 Finally, the proposed development has also been considered against the relevant policies in the proposed South Lanarkshire Local Development Plan 2 and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. It is considered that the proposal also accords with the policies of the proposed plan.
- 6.12 In conclusion, the proposed development is considered acceptable and would not have an adverse impact on road safety or the amenity and rural character of the area. The proposed haulage road is required in association with proposals for restoration of a former reservoir and, subject to the imposition of the attached conditions, the proposed access would not be detrimental to road safety or the environment. It is, therefore, recommended that planning permission is granted subject to a legal agreement to ensure that financial compensation is provided for any additional wear and tear of the public road network associated with these proposals.

## **7 Reasons for Decision**

- 7.1 The proposal is considered to be acceptable and would not be detrimental to the environment or road safety subject to the attached conditions. It complies with Policies 1, 3, 4, 15, 16, 17 and 18 of the adopted South Lanarkshire Local Development Plan 2015, Policy DM1 of Supplementary Guidance 3: Development Management, Placemaking and Design, Policies SDCC2 and SDCC3 of Supplementary Guidance 1: Sustainable Development and Climate Change.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

Date: 22 January 2020

### **Previous references**

- ◆ HM/09/0009
- ◆ HM/16/0541

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification advert 17<sup>th</sup> July 2019
  
- ▶ Consultations
  - Roads Development Management Team 09.08.2019
  - Roads Flood Risk Management 14.08.2019

**Contact for further information**

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

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

Phone: 01698 455903

Email: [james.wright@southlanarkshire.gov.uk](mailto:james.wright@southlanarkshire.gov.uk)

### **Conditions and reasons**

01. The access and haulage road, hereby approved, by this permission shall be removed and the site restored in accordance with the condition 2 of this permission no later than 10 years from the date of this permission, unless otherwise approved in writing by the Council as Planning Authority.

Reason: In order to define the terms of the consent.

02. That within 5 years of the date of this permission, a final, full restoration and aftercare plan shall be submitted for the written approval of the Council as Planning Authority and thereafter the site shall be restored within the timescales as approved.

Reason: In order to define the terms of the consent.

03. That before the access, hereby approved, is brought into use a Stage 2 Road Safety Audit shall be carried out and submitted to the Council, as Planning Authority for further approval. Once approved all details within this Stage 2 Road Safety Audit shall be implemented in full and maintained for the lifetime of the development, hereby approved.

Reason: In the interests of road safety.

04. That automatic traffic counters shall be installed within the site to ensure all vehicle movements are captured. The information gained from these traffic counters shall be made available within 2 weeks of any request for them by the Council as Planning Authority. For the avoidance of doubt weighbridge records shall also be made available within 2 weeks of any request by the Council, as Planning Authority.

Reason: In the interests of road safety.

05. That before any work is carried out on site a Construction Traffic Management Plan shall be carried out and submitted to the Council, as Planning Authority for further approval. Once approved all details within this Construction Traffic Management Plan shall be implemented in full and maintained for the lifetime of the development, hereby approved.

Reason: In the interests of road safety.

06. That all areas of new hardstanding, including any works on the public road, shall be adequately drained in accordance with SuDS. Before any work starts on site, compliance with the Council's Sustainable Drainage Systems (SuDs) design criteria guidance and inclusive sign off by the relevant parties carrying out the elements of work associated with the design criteria appendices 1 to 5 shall be submitted for the written approval of the Council, as Planning Authority and thereafter be carried out as approved for the lifetime of the development, hereby approved.

Reasons: In the interests of drainage.

07. That before any work starts on site details of wheel wash facilities at the site to be provided for the duration of the infill and restoration activities shall be submitted to the

Council as Planning Authority for approval. Thereafter all HGV's departing the site shall pass through the approved wheel wash facilities and shall be clear of mud and debris at all times before entering onto the public road network.

Reason: In the interests of road safety.

08. That the visibility splays shown on drawing ACS-E-1000 shall be maintained for the lifetime of the development, hereby approved.

Reason: In the interests of road safety.

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

Reason: In the interests of amenity and air quality.

10. That no later than 3 months from the date of decision, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the Council as Planning Authority. Such guarantee must, unless otherwise approved in writing by the Council as Planning Authority;
- i) be granted in favour of the Council as Planning Authority
  - ii) be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
  - iii) be for a specified amount which covers the value of all site restoration and aftercare liabilities as agreed between the developer and the planning authority at the commencement of development
  - iv) either contain indexation provisions so that the specified amount of the guarantee shall be increased on each anniversary of the date of this consent by the same percentage increase in the General Index of Retail Prices (All Items) exclusive of mortgage interest published by on or behalf of HM Government between the date hereof and such relevant anniversary or be reviewable to ensure that the specified amount of the guarantee always covers the value of the site restoration and aftercare liabilities
  - v) come into effect on or before the date of commencement of development, and expire no earlier than 12 months after the end of the aftercare period unless other suitable multiple guarantee arrangements are agreed in writing by the Council as Planning Authority. For the avoidance of doubt, more than one guarantee may be agreed but any multiple guarantees shall cover the period from on or before commencement and to 12 months after the end of the aftercare period without any break in cover.

No works shall begin at the site until (1) written approval of the Council as Planning Authority has been given to the terms of such guarantee and (2) thereafter the validly executed guarantee has been delivered to the Council as Planning Authority.

Reason: In order to ensure satisfactory restoration

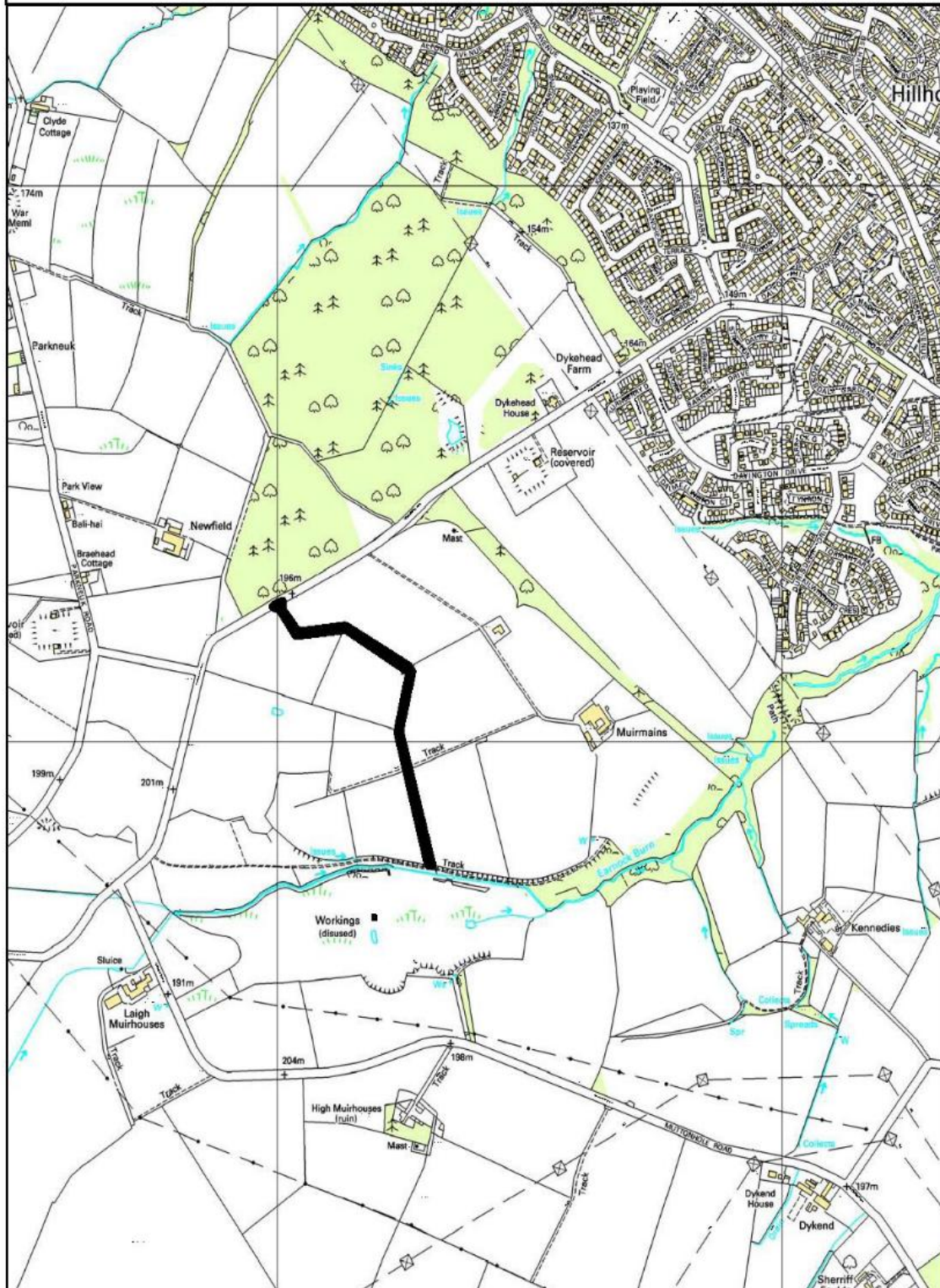
11. That before any work starts on site the operator shall submit details for the approval of the Council of measures to address the deposit of mud and debris on the public road. Thereafter, those measures shall be implemented in full following the written

approval of the Council, as Planning Authority, and maintained as such for the lifetime of the development hereby approved.

Reason: In the interests of road safety.

P/19/1038

Wellbrae Reservoir, Muttonhole Road, Hamilton



© Crown copyright and database rights 2019 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:  
1:10,000  
Date:  
09/09/2019



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development





# Report

**5**

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>11 February 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/19/1694
Planning proposal:	Section 42 application to vary condition 2 of appeal decision PPA-380-2080 to enable removal of restrictions affecting non construction vehicles

## 1 Summary application information

Application type:	Further application
Applicant:	Persimmon Homes
Location:	Land 140M Northwest Of 7 Muirhead Drive Muirhead Drive Law Carluke South Lanarkshire

## 2 Recommendation(s)

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

- (1) Grant the further application (subject to conditions) based on conditions attached

### 2.2 Other actions/notes

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

## 3 Other information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s): South Lanarkshire Local Development Plan:  
Policy 4 Development management and placemaking  
Policy 6 General urban area/settlements

Supplementary Guidance - Development Management and Placemaking

Proposed South Lanarkshire Local Development Plan 2  
Policy 3 General Urban Areas  
Policy 5 Development Management and Placemaking

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team

## Planning Application Report

### 1 Application Site

- 1.1 The application site relates to a new housing site currently under construction by Persimmon Homes at Muirhead Drive in Law. Approximately 15 dwellings have now been completed and are occupied. The site is bounded to the east by the West Coast Railway, to the south and west by existing housing and to the north by agricultural fields. Vehicular access to the site from the wider area is from Station Road which is the main route through the village and then via Muirhead Drive. Wallace Wynd branches off from Muirhead approximately halfway between its junction with Station Road and the entrance to the site. A total of 23 existing houses are served via this route.

### 2 Proposal(s)

- 2.1 The application has been made under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary condition 2 attached to appeal decision PPA-380-2080. It states:

No vehicle shall enter or exit the site outside the following times:

08:00 to 19:00 – Mondays to Fridays

08:00 to 13:00 – Saturdays, and at no time on Sundays and public holidays

Reason: To safeguard the living conditions of occupants of surrounding dwellings.

The applicant proposes varying the condition so that it reads as follows:

*Access to site for construction vehicles is strictly 08.00 to 19:00pm (Mon-Fri) & 08.00 to 13:00 (Sat). No construction vehicles should access the site at ANY time out with these hours.*

- 2.2 The applicant asserts that this condition is unreasonably restrictive and that it does not meet the following tests in Scottish Government Circular 4/1998 – The Use of Conditions in Planning Permissions:
- Necessary
  - Enforceable
  - Precise, and
  - Reasonable in all other respects.

They also state that as the wording of the existing condition does not differentiate between construction and other vehicles it prevents site personnel opening the site before 8.00am in preparation for the arrival of construction vehicles. The applicant also highlights that, as dwellinghouses within the site are now occupied, the enforceability of the condition is compromised by the difficulty in distinguishing between vehicles driven by residents and those by Persimmon personnel.

- 2.3 The applicant has submitted an updated Traffic Management Plan which specifies the range of personnel likely to enter the site before 08.00am and these are listed as Site Manager, Assistant Site Manager, Foreman/Foremen, Construction Director, Construction Manager(s), Banksman and Health and Safety advisors. They also make reference to the definition of what constitutes non-construction vehicles as defined by the European Commission directive 2007/46/EC which sets the classification on vehicle categories. This classification is also adopted by the Vehicle Registration Agency. Non-construction vehicles can be defined as:

*Category M: Vehicles designed and constructed for the carriage of passengers, comprising no more than eight seats in addition to the driver's seat, and having a maximum mass not exceeding 5 tonnes.*

### **3 Background**

#### **3.1 Local Plan Status**

- 3.1.1 The adopted South Lanarkshire Local Development Plan identifies much of the site as part of housing supply land and as lying within the settlement boundary of Law where Policies 6 - General Urban Area/Settlement and 12 - Housing Land apply respectively. Supplementary Guidance on Development Management, Place Making and Design is also relevant.

#### **3.2 Relevant Government Advice/Policy**

- 3.2.1 Circular 4/1998 – The Use of Conditions in Planning Permissions sets out Government policy on the use of conditions in planning permission and advises that the imposition of planning conditions needs to be exercised in a manner which is fair, reasonable and practicable. Six tests set out what must be met for a condition to be acceptable and these are

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

In circumstances where a condition is not necessary to enable grant of planning permission, there should be special and precise justification. Onerous requirements which place an unacceptable burden on the developer should be avoided. Of relevance to this application, in para 63, it states 'Planning conditions are not an appropriate means of controlling the right of passage over public roads'.

#### **3.3 Planning Background**

- 3.3.1 Planning Permission P/18/0603 for 157 dwellings was granted in January 2019 after the applicant had paid financial contributions towards roads, education, affordable housing and community facilities. The consent was subject to a condition (number 36) restricting construction traffic access to the site to between 08.00 to 9.30 and 15.00 to 17.00.

- 3.3.2 A further planning application P/19/0071 was submitted to delete condition 36 attached to Planning Permission P/18/0603. The application was refused by the Planning Committee on 26 March 2019. The applicant appealed this decision to the Scottish Ministers. A decision letter was issued on 11 September 2019 which upheld the appeal in part. The effect of the appeal decision was the issuing of a new permission and fresh conditions including that which is the subject of this application.

- 3.3.3 As well as the condition the subject of this application, other conditions imposed by the Reporter include the following

1. *The developer shall permit no construction vehicle to park, wait, load, or unload in Muirhead Drive, Station Road or Wallace Wynd in the settlement of Law.*

and

3. *During the construction phase of development, the Traffic Management Plan approved by the discharge of condition 31 attached to planning permission P/18/0603 and any subsequently agreed amendments thereto shall at all times be strictly adhered to.*

#### **4 Consultation(s)**

- 4.1 **Roads and Transportation Services Development Management Team** – The proposed wording on the condition will allow the site to be opened up prior to the arrival of staff and deliveries at 08.00. The proposal would also prevent queuing vehicles on the adjacent public road network awaiting access to the site at the same time. This also allows for the operation of a sentry to enforce the restriction on construction vehicles. No objections are offered.

**Response:** Noted.

#### **5 Representation(s)**

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

**a) Noise from early morning deliveries.**

**Response:** The condition, as proposed, would prevent deliveries to the site before 08.00am.

**b) Reversing wagons contradicts the Traffic Management Plan.**

**Response:** This issue is not relevant to the assessment of the current application. Nevertheless, incidences of this nature have been reported by local residents which is in contravention of the approved Traffic Management Plan. These incidents have been investigated separately.

**c) The reason for the condition is to safeguard the living conditions of the occupants of surrounding dwellings.**

**Response:** The application is seeking to allow non-construction traffic to access the site before 08.00am. The number of vehicles involved is likely to be relatively small. In addition residents now living within the development and in the future will have to use Muirhead Drive to access the wider road network. Construction vehicles have a significantly greater impact on amenity and the restriction on their movements will remain in place. In contrast, allowing other traffic will have a negligible impact on amenity. Overall, it is considered that the variation to the condition will not compromise living conditions.

**d) Site staff can walk to the site if they so wish.**

**Response:** It is not clear where the objector making this point expects employees to park and then walk to the site. Condition 1 on the appeal decision prevents construction vehicles parking on the public road, but no other vehicles so that cars etc can lawfully be parked in Muirhead Drive and Wallace Wynd. Preventing vehicles, used by site personnel to access the site before 08.00am would prevent on street parking within neighbouring streets.

**e) The banksmen are not entering Muirhead Drive, they should be stationed at the junction of Muirhead Drive and Station Road.**

**Response:** It is reasonable to allow the banksman to park in the site compound so that they can report to the site office before starting their shift.

- f) **If the passing place and turning area as per their Traffic Management Plan has been implemented on site there should be no queuing en masse to enter the site. If the construction/delivery companies are furnished with the Traffic Management Plan (TMP) they will know the rules and co-ordinate their deliveries accordingly, so no need to queue.**

**Response:** As noted previously, the applicants are proposing the retention of the restriction on construction vehicles entering the site before 08.00am. In addition, condition 1 prevents vehicles parking or waiting in the local streets.

- g) **It won't be difficult to distinguish site personnel from new residents. The residents will generally be leaving the site before 08.00 hours to get to work.**

**Response:** Currently, there are 15 occupied dwellings on site and by the end of the year this is anticipated to rise to 45. It will be difficult to distinguish between their vehicles and visitors to these properties and those of site personnel, therefore, the enforceability of the condition is extremely difficult. In addition, the number of employee vehicles entering the site as a proportion of overall 'normal' traffic will diminish over time as more houses are occupied within the new development.

- h) **The delays to staff entering the site is not justification to vary the condition.**

**Response:** The original condition in the decision issued by the Council did not include a restriction on non-construction traffic in terms of either entering the site before 08.00am or waiting/parking on the local road network. In contrast, delays in personnel entering the site will disrupt the construction timetable and cause congestion at the site impacting upon on site and neighbouring residents. The original condition was largely to protect schoolchildren from construction vehicles entering the site earlier than 08.00am. Nevertheless, it is considered the proposed new wording will continue to protect amenity.

- i) **The condition does comply with policy tests.**

**Response:** An assessment of the proposals against the tests in the circular is set out in section 6 of the report.

- j) **The condition was made by the Reporter (DPEA) and was based upon the wording of Persimmon's own Traffic Management Plan.**

**Response:** This application allows the issue of the appropriateness of the condition to be revisited in light of changing circumstances since the appeal decision.

- k) **The varying of the times is a totally unreasonable request as no works can commence prior to 8.00am**

**Response:** The restriction referred to relates to audible construction work within the site. It is not appropriate to restrict hours of construction through a planning condition however Environmental Services have powers to intervene in this respect. The applicants are seeking to allow a limited range of personnel to be allowed onto the site before 8am to allow the site to be opened and set up for the working day.

- l) **If they are unable to adhere to their own TMP, the lifting of the restriction is concerning.**

**Response:** As noted above, breaches of the TMP have been investigated and discussed with the developer. In many cases, the incidents did not relate to vehicles within their control. However, where it has been proven the developer was responsible, they have taken steps to address the issue. This is a variation of the restriction on non-construction vehicles which, in view of circumstances, is considered reasonable.

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

## **6 Assessment and Conclusions**

- 6.1 The application is made under Section 42 of the Town and Country Planning (Scotland) Act and seeks to vary Condition 2 attached to Appeal Decision PPA-380-2080 (ref P/19/0071). In this context, legislation is clear that the Planning Authority, in determining applications made under this part of the legislation, shall consider only the conditions attached to the original planning permission in the further application. The condition, as currently worded, prevents any vehicle entering or leaving the site between 8am to 7pm Monday to Friday, 8am to 1pm on Saturdays and at no time on Sundays or public holidays. The applicant wishes to vary the condition to allow non-construction vehicles to enter and leave the site outwith the prescribed times. The main issue in determining the application is whether the current condition meets the all tests for the attachment of conditions as outlined in Circular 4/1998 with particular emphasis on whether the residential amenity of local residents would be adversely affected by the variation of the wording proposed.
- 6.2 The principle of residential development on the site was established by the granting of planning application P/18/0603 by the Planning Committee in January 2019. That consent was subject to a condition limiting the hours during which construction vehicles can enter and leave the site. The reason given by the Planning Committee for the condition was to allow school children to travel to and from school safely. The developer subsequently sought to delete that condition through the submission of a further application but it was refused by the Planning Committee on 26 March 2019.
- 6.3 That decision was then the subject of an appeal to Scottish Ministers. The Reporter determining the appeal found that, based on their observations on observing traffic patterns and driver behavior on site, road conditions in Muirhead Drive had not become so unsafe that it was necessary to restrict the times at which construction vehicles may pass and repass in the terms set out in the condition. The Reporter found that the risk of vehicle/pedestrian conflict was not so high that it would be detrimental to road and pedestrian safety including school children using the public road. Nevertheless, the Reporter imposed a new condition that extended the restriction on vehicles entering and leaving the site to all vehicles. The reason given by the Reporter was to protect the living conditions of local residents, however, the decision letter provides little explanation for why the scope of the condition was widened to include all traffic.
- 6.4 The applicant has now started on site and has claimed that the restrictions imposed by the new condition are onerous and impractical for the reasons described in section 2.2 of the report. An application has been made to vary the condition that retains the restriction on construction vehicles but allows all other non-construction traffic used by site personnel and new residents within the development to enter and leave the site without any restriction. Further, the applicant considers that the existing condition is at odds with four of the tests in the Circular 4/1998.
- 6.5 An assessment of the appropriateness of the condition has been carried out in relation to each of these tests as follows.
- **Need for the condition**  
The Circular states that conditions should be tailored to tackle specific problems. In framing the condition under consideration the Reporter extended the scope of the time restriction from only construction vehicles, as per the condition in the

original planning permission to all vehicles but without clearly setting out a justification for this change. The reason for the condition is given as the need to protect residents' living conditions. However the impact of a relatively small number of non-construction vehicles on residential amenity is considered to be insignificant. In addition, the new wording has the effect of severely restricting the ability of new residents to enter and leave the estate both during the construction period and once the development is complete.

- **Relevance to planning**

The existing condition in question seeks to protect the general residential amenity of the surrounding area and, therefore, this test is met. However, the suggested wording would equally meet this test.

- **Relevance to the development permitted**

Similar to the above test, the proposed wording would protect the residential amenity of local residents

- **Enforceability**

As noted earlier, there are already 23 existing properties on Muirhead Drive and Wallace Wynd. Construction of the new development continues and the number of completed occupied dwellings currently stands at 15 with this number expected to rise to 45 by the end of the year. This creates obvious difficulties in distinguishing between the private vehicles of legitimate residents and visitors within the new development and those of Persimmon personnel.

- **Precision**

The condition, as currently worded, is precise in that it clearly refers to all vehicles. However, the proposed condition is equally precise as it would make specific reference to an accepted definition of non-construction traffic using the wording described in section 2 of the report.

- **Reasonable in all other aspects**

The condition, as currently worded, is considered unreasonable as it will cause unnecessary delays to site personnel who have to be on site for administrative, management and health and safety reasons prior to the arrival of construction vehicles as well as potentially causing inconvenience for new residents.

6.6 In view of the above, it is considered that the variation of the condition will provide more clarity by specifying that the restriction refers to construction vehicles only; will include a definition of what is meant by non-construction traffic; and, in doing so, prevent any undue restriction to residents of completed houses within the development site. In addition, delays and queues will be avoided as staff who have to be on site before the arrival of construction vehicles will be able to access the site before 08.00am. The updated Traffic Management Plan has listed the small number of staff who will be on site before 08.00am and the movement of their cars through Muirhead Drive will not adversely impact upon existing residents. The wording of the condition differs slightly from the wording suggested by the applicant to enable greater clarity on the restricted times. In addition, reference is made to the widely used definition of non-construction traffic. Overall, it is concluded that the current condition does not meet the tests in the circular. More importantly, the new wording set out in the paper apart meets those thresholds.

6.7 Nine letters of objection have been received from residents in the area who are concerned about the impact of allowing non-construction traffic to enter the site before 08.00am. However, for the reasons explained above, it is not considered the relatively



small number of vehicles involved will affect amenity. Other concerns about how the developer has managed the site are noted, however, they are outwith the scope of this application, nevertheless they will continue to be monitored and investigated.

6.8 In view of the above, it is recommend that the application be granted.

## **7 Reasons for Decision**

7.1 The variation of the condition will not have an adverse impact upon residential amenity or road safety. The proposal meets the tests set out in Circular 4/1998 and complies with Policies 4 and 6 of the adopted South Lanarkshire Local Development Plan together with the relevant Supplementary Guidance.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

Date: 22 January 2020

### **Previous references**

- ◆ P/19/0071
- ◆ PPA-380-2080
- ◆ P/18/0603

### **List of background papers**

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

### **▶ Consultations**

Roads Development Management Team	29.11.2019
-----------------------------------	------------

### **▶ Representations** Dated:

Stewart Hillier & Pamela Cornett, 10 Wallace Wynd, Law, Carluke, South Lanarkshire, ML8 5FD	25.11.2019
---	------------

Peter Crilley, 5 Muirhead Drive, Law, Carluke, South Lanarkshire, ML8 5FB	28.11.2019
---	------------

Miss Pamela Foster, 10 Muirhead Drive, Law, Carluke, South Lanarkshire, ML8 5FB	05.12.2019 05.12.2019
---	--------------------------

Paul McWhinnie, 12 Wallace Wynd, Law, Carluke, South Lanarkshire, ML8 5FD	05.12.2019
---	------------

Mr Thomas Todd, 4 Muirhead Drive, Law, Carluke, South Lanarkshire, ML8 5FB	05.12.2019
--	------------

Mrs Margaret Ann Todd, 4 Muirhead Drive, Law, Carluke, South Lanarkshire, ML8 5FB	27.11.2019
Mr Thomas Todd, 4 Muirhead Drive, Law, Carluke, South Lanarkshire, ML8 5FB	04.12.2019
Catherine Crilley, 5 Muirhead Drive, Law , Carluke , ML8 5FB	03.12.2019
Mrs Elizabeth Fraser, 6 Muirhead Drive, Law, Carluke, South Lanarkshire, ML8 5FB	27.11.2019

**Contact for further information**

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

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

Detailed planning application

Paper apart – Application number: P/19/1694

### Conditions and reasons

1. The developer shall permit no construction vehicle to park, wait, load, or unload in Muirhead Drive, Station Road or Wallace Wynd in the settlement of Law.  
**Reason:** To protect the living conditions of occupants of surrounding dwellings and in the interests of road and pedestrian safety.
2. Access to site for construction vehicles shall be restricted to 08.00 to 19:00pm (Mon-Friday) & 08.00 to 13:00 Saturdays, and at no time on Sundays and public holidays. No construction vehicles shall access the site at any time out with these hours. For the avoidance of doubt non-construction vehicle shall be as defined by the European Commission directive 2007/46/EC  
**Reason:** To safeguard the living conditions of occupants of surrounding dwellings.
3. During the construction phase of development, the Traffic Management Plan and any subsequently agreed amendments thereto shall at all times be strictly adhered to.  
**Reason:** In the interests of road and pedestrian safety.
4. Any vehicle transporting excavated material onto or off the site must be treated by a wheel washing facility prior to it re-joining the public road network. This facility must remain operative at all times during earth moving operations. A 'clean zone' shall be maintained between the end of the facility and the public road.  
**Reason:** In the interests of road safety.
5. Prior to the first occupation of any of the dwellings hereby permitted with windows that face the railway, all such windows shall be fitted with acoustic glazing, consisting of 10mm and 6mm thick panes of glass separated by a 12mm wide cavity.  
**Reason:** To protect the living conditions of future occupants.
6. Any fence or wall, the design and location details of which has been approved by the discharge of condition 2 attached to planning permission P/18/0603, shall be erected in accordance with the approved details prior to the first occupation of the dwelling hereby permitted for which they constitute an enclosure or other boundary treatment. All fences and walls so erected shall be retained and maintained in accordance with the approved details for the lifetime of the development.  
**Reason:** In the interests of visual amenity and to safeguard living conditions.
7. Prior to the completion of the development, the footway from no 57 Woodland Avenue shall be extended to tie into the cycle path.  
**Reason:** In the interests of securing public access.

8. Unless otherwise agreed in writing by the planning authority, pedestrian access along right of way unimpeded at all times and a deviated route of right of way SL3 from Dobbies Court to way SL4 from Ashfield Road to the north eastern corner of the site shall remain the north eastern corner of the site allowing unimpeded pedestrian access from the start point to the finish shall be facilitated.  
**Reason:** In the interests of securing public access.
9. Development shall be carried out in accordance with mitigation measures set down in section 6 'Conclusions and Recommendations' of the Preliminary Ecological Appraisal and Preliminary Roost Assessment (ITP Energised, November 2017).  
**Reason:** To protect wildlife.
10. The landscaping scheme approved by the discharge of condition 4 attached to planning permission P/18/0603 shall be fully implemented during the first planting, seeding or turfing season following the first occupation of the last of the dwellings hereby permitted to be occupied. If, within a period of 5 years from the date of its being planted, any tree, shrub, plant or area of seeding becomes defective, or is removed, uprooted, destroyed, seriously damaged, or dies, it shall be replaced with another of the same size and species within the next available planting, seeding or turfing season, unless the planning authority gives its written consent to any variation. All trees and shrubs planted adjacent to the railway boundary shall be positioned at a horizontal distance from the boundary that exceeds their predicted mature height.  
**Reason:** In the interests of visual amenity and to minimise leaf fall on to the railway.
11. (a) Remediation of the site shall be carried out in accordance with the remediation strategy approved by the discharge of condition 14 attached to planning permission P/18/0603 prior to the first occupation of any of the dwellings hereby permitted. Any amendments to the approved remediation strategy shall only be implemented once approved in writing by the planning authority.  
(b) Upon completion of all remediation works, the developer shall submit a completion report to the planning authority, confirming that the works have been carried out in accordance with the approved remediation strategy (and any amendment(s) thereto) and explaining how the works have reduced the identified risks to acceptable levels.  
(c) Any previously unsuspected contamination which becomes evident during the course of development shall be brought to the attention of the planning authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages shall then be submitted to and approved in writing by the planning authority.  
**Reason:** To ensure the site is free from contamination and suitable for development.
12. Prior to the first occupation of any of the dwellings hereby permitted, a sewerage scheme and water supply shall be constructed in accordance with a specification to be agreed by Scottish Water, and the agreed sewerage scheme and water supply shall be brought into operation.  
**Reason:** In the interests of public health.
13. The surface water drainage and sustainable urban drainage schemes approved by the discharge of conditions 9 and 21 attached to planning permission P/18/0603 shall be fully implemented in accordance with the approved details prior to the first occupation of the last of the dwellings hereby permitted to be occupied. The schemes shall thereafter be retained as approved for the lifetime of the development and maintained in accordance with the approved long-term maintenance plan.

**Reason:** To reduce the likelihood of flooding and to protect the stability of the adjacent railway cutting.

14. No dwelling hereby permitted shall be occupied until the access roads and footways leading thereto from the existing public road have been constructed to base course level.

**Reason:** In the interests of road and pedestrian safety.

15. All surface finishes to driveways, parking bays, parking courts and curtilage parking areas shall be laid out in accordance with the details approved by the discharge of condition 30 attached to planning permission P/18/0603. All approved final wearing course levels shall be implemented prior to the first occupation of the last of the dwellings hereby permitted to be occupied.

**Reason:** In the interests of road and pedestrian safety.

16. Any defect identified during the construction period which has not been identified in the dilapidation survey approved by the discharge of condition 26 attached to planning permission P/18/0603 shall be the responsibility of the developer to repair.

**Reason:** In the interests of road and pedestrian safety.

17. Prior to the first occupation of any of the dwellings hereby permitted, a visibility splay of 1.5 metres by 20 metres, as measured from the road channel, shall be provided on both sides of the vehicular driveway to Plot 145 and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas.

Thereafter, nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

**Reason:** In the interests of road and pedestrian safety.

18. Turning areas shall be provided in accordance with the most current advice contained within the National Roads Development Guide.

**Reason:** In the interests of road safety.

19. The section of road between plots 129 to 135 shall be widened to 5.5 metres.

**Reason:** In the interests of road safety.

20. All works required for the provision of the equipped play area shall be completed in accordance with the scheme approved by the discharge of condition 18 attached to planning permission P/18/0603 prior to the first occupation of the 25th dwelling of those hereby approved to be occupied. This area shall thereafter be used for no purpose other than an equipped play area.

**Reason:** To ensure the sustainable provision of a children's play facility.

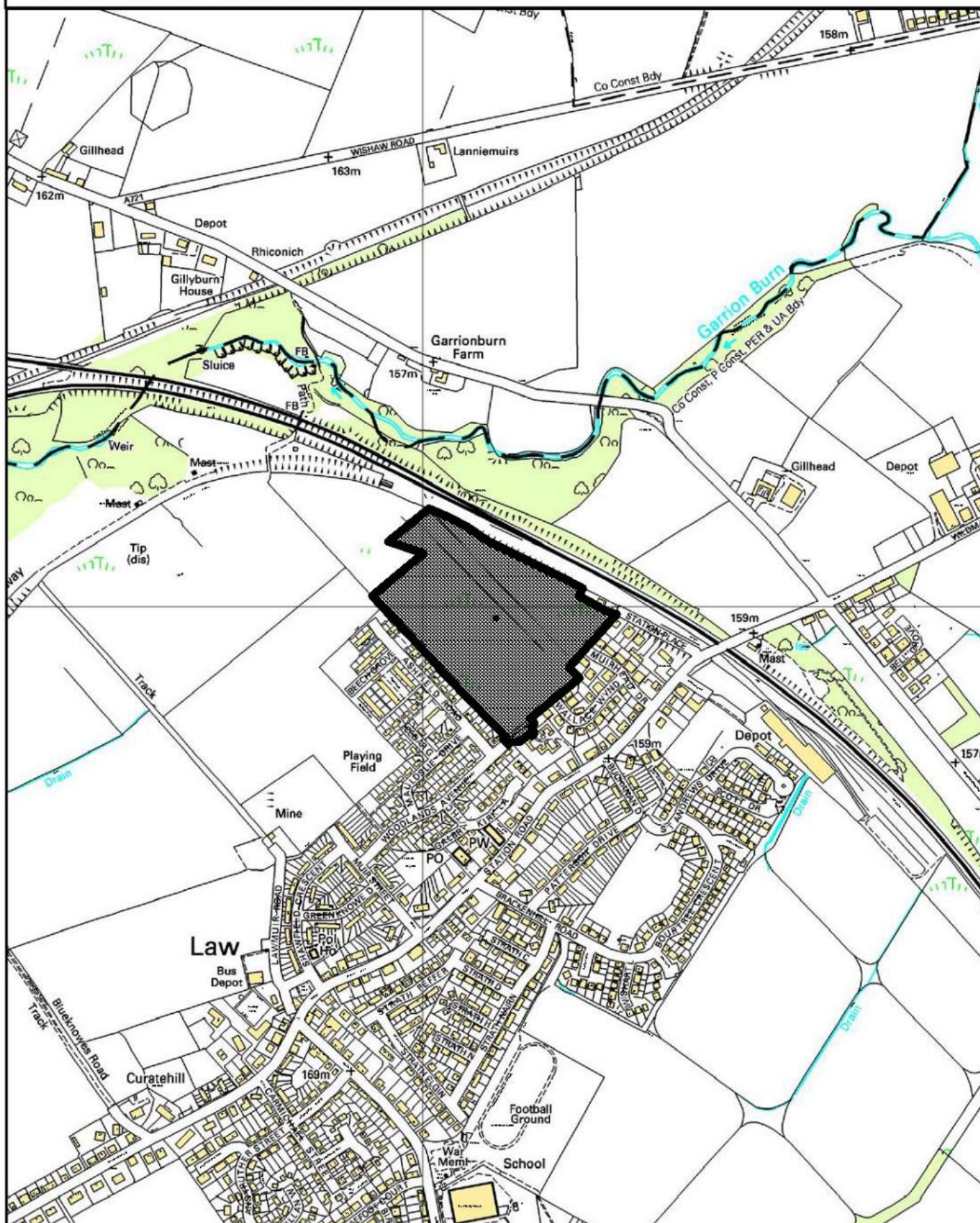
21. That no development shall take place within the development site as outline in red on the approved plans until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, this scheme to be submitted for approval by the Council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

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



P/19/1694

Land 140m Northwest of 7 Muirhead Drive, Muirhead Drive, Law



© Crown copyright and database rights 2019 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:  
1:8,000  
Date:  
13/01/2020



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development

# Report

6

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>11 February 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/19/1206
Planning proposal:	Residential development and associated works (Planning permission in principle)

## 1 Summary application information

Application type:	Permission in principle
Applicant:	Advance Construction Scotland Ltd
Location:	Land Surrounding Kilnhill Farm Limekilnburn Road Quarter Hamilton South Lanarkshire

## 2 Recommendation(s)

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

(1) Refuse planning permission in principle (for the reasons stated)

### 2.2 Other actions/notes

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

## 3 Other information

- ◆ Applicant's Agent: Graeme Laing
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**  
Policy 1 - Spatial Strategy  
Policy 2 - Climate Change  
Policy 3 - Green Belt and Rural Area  
Policy 4 - Development Management and Place Making  
Policy 16 - Travel and Transport  
Policy 17 - Water Environment and Flooding

**Development Management, Place Making and Design Supplementary Guidance (2015)**

## **Supplementary Guidance 2 – Green Belt and Rural Area (2015)**

### **Glasgow and Clyde Valley Strategic Development Plan (2017)**

Policy 8 – Housing Land Supply

Policy14 – Green Belt

### **Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) (2018)**

Policy 1 - Spatial Strategy

Policy 2 – Climate Change

Policy 4 - Green Belt and Rural Area

Policy 5 - Development Management and Place Making Policy

Policy 15 - Travel and Transport

Policy 16 - Water Environment and Flooding

Policy DM1 - New Development Design

Policy SDCC2 - Flood Risk

Policy SDCC3 - Sustainable Drainage Systems

Policy SDCC4 - Sustainable Transport

Policy DM15 - Water Supply

#### **◆ Representation(s):**

▶	59	Objection Letters
▶	5	Support Letters
▶	1	Comment Letter

#### **◆ Consultation(s):**

WOSAS

Roads Flood Risk Management

SEPA West Region

Roads Development Management Team

Environmental Services

Countryside and Greenspace

Scottish Water

Education Resources School Modernisation Team

Arboricultural Services

SNH



## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site is located directly to the south of Limekilnburn Road on the western edge of Quarter. The site extends to approximately 6.1 hectares, it is irregular in shape and comprises two grass fields enclosed by hedgerows. The site is bounded to the north by Limekilnburn Road and existing residential properties, to the south by farmland, to the east by existing residential properties and farmland and to the west by a minor road which provides access to Burnbrae Farm located to the south of the site. Enclosed by the site are existing residential properties at Kilnhill, comprising two large farmhouse buildings, a large outbuilding and gardens. These properties are bounded by mature mixed woodland. There is currently no vehicular access to the site.

### **2 Proposal(s)**

- 2.1 The applicant seeks planning permission in principle for residential development and associated works at the site. A Planning Statement has been submitted with the application as a supporting document which advises that there is a specific locational need to provide new homes in Quarter as the village has experienced significant population decline with a dramatically falling primary school roll in addition to the closure of its village store and post office. It goes on to say that there are no brownfield sites in Quarter that are capable of accommodating new residential development and the site at Limekilnburn Road is the most appropriate location to deliver new homes, lying immediately adjacent to existing residential areas and highly accessible by public transport. It advises that developing housing elsewhere will not deliver the regeneration benefits which Quarter needs and that it is critical for the future sustainability of the village that it attracts new residential development to reverse the impacts of population decline.
- 2.2 As the proposal is for planning permission in principle, no detailed drawings have been submitted with the application. However, an Indicative Framework Masterplan has been submitted that shows a development of up to 100 new dwellings within the site. The precise type and mix of housing would be determined at the detailed planning application stage, should planning permission in principle be granted. In terms of access, the masterplan indicates the formation of two new priority junctions onto Limekilnburn Road. As part of the development proposals, the applicant would seek to move the existing 30 mph limit to the north-western boundary of the site with footpaths and street lighting provided along the full site frontage.
- 2.3 The planning application is supported by a Planning Statement, Design and Access Statement, Transport Assessment, Landscape and Visual Impact Assessment, together with submissions in respect of drainage, ground conditions, services, utilities and ecology.

### **3 Background**

#### **3.1 Development Plan Status**

- 3.1.1 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP). The GCVSDP is committed to supporting new housing which creates high quality places and delivers the right type of housing in the right locations. Policy 14 (Greenbelt) states that local authorities are required to designate greenbelt in order to ensure that development is directed to the most appropriate locations and supports regeneration. Policy 8 of the GCVSDP requires local authorities to make

provisions within their LDPs for all-tenure housing land requirement as set out within Schedule 8; to allocate a range of effective residential sites; to provide a minimum of 5 years effective land supply at all times; to undertake an annual housing land audit to monitor completions; and to take steps to remedy any shortfalls that may exist. The updated assessment of private sector supply and demand has concluded that there is a surplus of land to meet the private housing land requirement. As the development does not support the vision, spatial development strategy and placemaking policy, and is not considered to be an acceptable departure, the proposal is deemed to be contrary to the proposed Clydeplan.

3.1.2 In terms of local plan policy, the site is located within Green Belt in the adopted South Lanarkshire Local Development Plan. The application site and associated proposal is affected by Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 3 - Green Belt and Rural Area, Policy 4 - Development Management and Place Making, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding. The Development Management Place Making and Design Supplementary Guidance (2015) is also relevant to the assessment of the application as is Supplementary Guidance 2: Green Belt and Rural Area. The content of the above policies and guidance and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.1.3 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policy 1 - Spatial Strategy, Policy 2 – Climate Change, Policy 4 - Green Belt and Rural Area, Policy 5 - Development Management and Place Making Policy, Policy 15 - Travel and Transport and Policy 16 - Water Environment and Flooding are relevant. Volume 2 of the Proposed Plan contains further policy guidance that will be used when assessing planning applications. In this instance, Policies DM1 - New Development Design, SDCC2 - Flood Risk, SDCC3 - Sustainable Drainage Systems, SDCC4 - Sustainable Transport and DM15 - Water Supply are relevant.

### 3.2 **Relevant Government Advice/Policy**

3.2.1 In terms of government guidance, Section 25 of the Town and Country Planning (Scotland) Act 1997 states that the determination of a planning application shall be in accordance with the development plan unless material considerations indicate otherwise.

3.2.2 Scottish Planning Policy (SPP) advises that a generous supply of land should be provided to meet identified housing needs. SPP also introduces a presumption in favour of development that contributes to sustainable development. However, it advises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and the presumption in favour of development that contributes to sustainable development will be a material consideration.

### 3.3 **Planning Background**

3.3.1 The proposal is classed as a major development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and a Proposal of

Application Notice was submitted to the Council on 24 April 2019 for residential development and associated works on the site in accordance with the above Regulations (P/19/0006/PAN). Following on from that submission, a public consultation event was held on Thursday 6 June 2019 at Quarter Bowling Club.

#### **4 Consultation(s)**

- 4.1 **Roads Development Management Team** – the submitted Transport Assessment demonstrates that the development traffic impact on the two existing Limekilnburn Road junctions would be insignificant. However, it is recommended that the decision be deferred until the submission of revised public transport proposals and a public transport strategy. Although the proposals do not include any public transport proposals, a significant number of houses in the south-east corner of the site would have a distance greater than 400 metres from the bus stops on Limekilnburn Road, east of Darngaber Gardens. There is one hourly bus service operating, and a limited offer of local facilities in Quarter, where there is no secondary school, few leisure facilities, and a lack of shops and other community facilities. As the proposals stand, the development would be unsustainable in terms of offering alternative modes of transport to the private car. Some of the proposed development would be remote from the existing bus stops and additional bus stops should be provided along the frontage of the site. A public transport strategy should be prepared, indicating how secondary school children would travel to school. Early dialogue with the current bus operator, McGills, is recommended along with Strathclyde Passenger Transport, with a view to improving the frequency of the existing hourly bus service.

**Response:** Noted.

- 4.2 **Roads and Transportation Services (Flood Risk Management Section)** – have no objections to the application subject to conditions requiring the submission of a Flood Risk/Drainage Assessment and the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied through the completion of a self-certification document.

**Response:** - Noted.

- 4.3 **Environmental Services** – have no objections to the application subject to conditions requiring the submission of a comprehensive risk assessment for radon gas and a detailed remediation strategy, if the risk assessment identifies unacceptable risks posed by radon gas, prior to any works commencing on site.

**Response:** - Noted.

- 4.4 **SEPA** - has no objections to the application. As SEPA holds no specific flood risk information and/or has local knowledge of this site it is recommended that additional information is sought from the applicant, which could take the form of a Flood Risk Assessment or site specific topographic survey data. Also, no built development should occur over any culvert and that contact is made with the Flood Risk Management Authority to obtain any information/local knowledge that they may hold.

**Response:** - Noted.

- 4.5 **Countryside and Greenspace** – should it be deemed that the site is appropriate for residential development the indicative spatial masterplan submitted should be amended. The Core Path network adjacent to and surrounding the site would be better linked into the development site by the establishment of new link paths through the identified greenspace areas and the creation of new routes linking the proposed service road network. The specification for the landscaping elements of the scheme including the open space, SUDS area and structural boundary treatment should be designed to maximise the biodiversity value of these features. A fully specified landscape masterplan would be required.

**Response:** Noted.

- 4.6 **Scottish Water** – have no objections to the application.

**Response:** Noted.

- 4.7 **West of Scotland Archaeology Service (WOSAS)** – a prior archaeological evaluation of the site should be carried out before the determination of the application through a trial-trenching programme conducted by an appropriate archaeological contractor. In the event that a prior evaluation is not carried out a suspensive condition should be attached to any consent granted requiring that no development takes place within the site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved by the Council and thereafter implemented with all recording and recovery of archaeological resources within the site undertaken to the satisfaction of the Council in consultation with West of Scotland Archaeology Service.

**Response:** Noted.

- 4.8 **Education Resources** – have no objections to the application subject to appropriate education contributions being made to the Council to provide for the additional children generated from the development.

**Response:** Noted.

- 4.9 **Arboricultural Services** – no response to date.

**Response:** Noted.

- 4.10 **SNH** – have no objections to the application.

**Response:** Noted.

## **5 Representation(s)**

- 5.1 Statutory neighbour notification procedures were undertaken and the application was advertised under the headings Development Contrary to the Development Plan and Non-Notification of Neighbours. Sixty-five letters of representation have been received. The matters raised in the representations are summarised as follows.

- (a) **The site is located outwith the Quarter settlement boundary and is contrary to the Green Belt policy of the South Lanarkshire Local Development Plan. There is no locational requirement for this development and there are far more parcels of land in Hamilton and surrounding areas that are brown field which would benefit housing development rather than Green Belt land. This development proposal is not required in the area, there is already major development in and around Quarter.**

**Response:** The application is considered to be contrary to local plan policy as the proposal would constitute new residential development in the Green Belt without appropriate justification. This matter is discussed in detail in Section 6 of this report.

- (b) **In terms of road safety, there are concerns regarding the increased volume of traffic from a new housing development of 100 houses. This traffic generation would cause additional safety concerns along what are already dangerous routes through the village. Sightlines onto Limekilnburn Road are extremely difficult. The roads are not suitable for additional traffic and pavements are not wide enough for pedestrians and prams at many points on Limekilnburn Road which is used by walkers/runners/dog walkers on a daily basis and is already a safety issue. The existing footpath on Limekilnburn Road from Kilnhill to Quarter Village is not a Safe Walking Route to school.**

**Response:** In terms of access, additional traffic and road safety, Roads and Transportation Services are satisfied with the findings of the submitted Transport Assessment which demonstrates that the development traffic impact on the two existing Limekilnburn Road junctions would be insignificant.

- (c) **The existing drainage and sewage system infrastructure in the village is inadequate for additional development and would have to be extensively upgraded as it can barely cope with the present housing waste. There would be huge disruption caused by the provision of electricity, water and gas supplies.**

**Response:** Subject to conditions, no adverse comments were raised by any of the consultees in relation to the above comments.

- (d) **The proposed development will not fit in with the current pleasant approach to Quarter from Limekilnburn and will cover an area that will increase the size of the village by around 25%. This is disproportionate and not required. The development proposes building 2 storey house but all the houses to the west of the village are single storey housing. This will not maintain a consistent appearance of this part of the village and may appear as if the village is being boxed in. The layout shown detracts from the character of Kilnhill House which had to be constructed to be in keeping with the neighbouring farmhouse. Both properties would look totally out of place stuck in the centre of the proposed development.**

**Response:** The application is considered to be contrary to local plan policy as the proposal would constitute new residential development in the Green Belt without appropriate justification. This matter is discussed in detail in Section 6 of this report.

- (e) **An increase in vehicle usage within the village will have dramatic noise and pollution impacts on both residents and wildlife. The development will also have an impact on wildlife habitats through the removal of hedgerows. The hedgerows that border Limekilnburn Road are important for the birds and local wildlife. There are lots of diverse animals that see this as home for periods throughout each year which should be maintained.**

**Response:** Whilst no adverse comments have been raised by any of the consultees in relation to noise and pollution, it is considered that the proposed development would result in an adverse impact on the natural environment at this Green Belt location.

- (f) **There are concerns regarding the impact on the school as the development will lead to many more pupils and possibly the need for a bigger school. Although Quarter Primary school could benefit from an increase in pupil numbers, there is no local secondary school and students have to go to Hamilton or Strathaven with the latter at capacity given the developments there. Buses will have to be laid on to provide transport to schools in increasing numbers if the population is increased by another housing development.**

**Response:** Education Resources raised no objections to the application subject to appropriate education contributions being made to provide for the additional children generated from the development.

- (g) **With few amenities, an increased population will put pressure on the social fabric of Quarter to its detriment. There is no shop in the village, no community hall and the local play park was only upgraded after local parent pressure and financial help from local residents.**

**Response:** The application is considered to be contrary to local plan policy as the proposal would constitute new residential development in the Green Belt without appropriate justification. The above points are noted and the merits of the application are discussed in detail in Section 6 of this report.

- (h) **People have paid a premium to live in Quarter for the views etc. It is unfair to introduce town life to our door step which will decrease valuation of houses.**  
**Response:** Loss of value is not a material planning consideration.
- (i) **The development will attract 'crime' where it is non-existent at present.**  
**Response:** There is no evidence to indicate that the proposal would introduce crime into the area.
- (j) **Telecommunications and electrical supply services in the area are already insufficient with regular cuts to power and interrupted phone line services a regular occurrence. It was suggested that this new development would be fitted with Fibre Broadband but the existing residents would not benefit from this and would remain on older infrastructure.**  
**Response:** The application is considered to be contrary to local plan policy as the proposal would constitute new residential development in the Green Belt without appropriate justification. The above points are noted and the merits of the application are discussed in detail in Section 6 of this report.
- (k) **Concerns regarding the lack of public transport. There is only one bus per hour, this coupled with a new housing development in the area will lead to increased car usage especially at peak times. There is virtually no local employment in Quarter and this development will increase the use of the village as a commuting location. National and local government are seeking to reduce carbon emissions and increase the use of public transport and an additional housing development in a rural environment isn't going to help with this.**  
**Response:** As the proposals stand, it is considered that the proposed development would be unsustainable in terms of offering alternative modes of transport to the private car.
- (l) **There are only two roads in and out of Quarter. If residents in the new development use the bottom twisty road there is going to be increased traffic passing the school and the roundabout at the end of Carscallan Road will become even more congested given the recent housing developments at that side of Hamilton. Strathaven Road struggles to cope with traffic volumes as it is without yet more pressure. The top road out of Quarter through Limekilnburn, which is the route most residents in the proposed new development will use will lead to dangerous traffic issues at the T junction. If those that use this road go down to Hamilton you're increasing the pressure on the roundabout at the aforementioned Carscallan Road as traffic meets the increased flow from the recent housing developments as you enter Hamilton.**  
**Response:** In terms of access, additional traffic and road safety, Roads and Transportation Services are satisfied with the findings of the submitted Transport Assessment which demonstrates that the development traffic impact on the two existing Limekilnburn Road junctions would be insignificant.
- (m) **As there are no shops there is likely to be an increase in delivery vehicles which will put pressure on two small country roads.**  
**Response:** In terms of access, additional traffic and road safety, Roads and Transportation Services are satisfied with the findings of the submitted Transport Assessment which demonstrates that the development traffic impact on the two existing Limekilnburn Road junctions would be insignificant.
- (n) **Families moved to the area for the privacy and quietness of village life. Both of these aspects will be negated if the proposal is granted. The proposed**

development, including two storey houses, would overlook bungalows and the church and manse, encroaching on their privacy. Height of buildings, if higher than one storey, will cause disturbance and impact privacy of neighbouring houses in the village.

**Response:** If the current application was approved the layout of any future detailed or matters specified in conditions application submitted would have to be designed to comply with the standards set out in the Council's Residential Design Guide, including the provision of appropriate window to window distances to ensure there would be no adverse impact on adjacent properties in terms of overlooking and loss of privacy.

- (o) **The plans don't state where the access will be.**

**Response:** The submitted Masterplan indicates the formation of two new priority junctions onto Limekilnburn Road.

- (p) **Pre Application Consultation Presentation to representatives of the Bully Inn Club states "representatives welcomed the proposals and expressed the view that Quarter requires investment" To my knowledge a majority of members reside outwith the village. I attended one of the consultation meetings in the Bowling club and left with the clear impression that few, if any, were in favour of this development.**

**Response:** Whilst the above comments are noted, the public consultation referred to is not something that the Council has any involvement in. However, the Planning Service is satisfied that the required Pre-Application Consultation has been undertaken in accordance with the Regulations.

- (q) **For the greater benefit of this small community there is a need for more people, particularly young families, to help stimulate the village economy, thus ensuring the village pub remains at the heart of the community.**

**Response:** The application is considered to be contrary to local plan policy as the proposal would constitute new residential development in the Green Belt without appropriate justification. The above concerns are noted and the merits of the application are discussed in detail in Section 6 of this report.

- (r) **Vacant, derelict and contaminated land should be used or redeveloped before using green field space. Unless all other avenues and areas have been exhausted then this application should not be allowed.**

**Response:** The application is considered to be contrary to local plan policy as the proposal would constitute new residential development in the Green Belt without appropriate justification. The above points are noted and the merits of the application are discussed in detail in Section 6 of this report.

- (s) **The Local Housing Strategy document lists Community Growth Areas within South Lanarkshire but makes no mention of Quarter village as being an area for development.**

**Response:** The proposal is considered to be contrary to local plan policy as it would constitute new residential development in the Green Belt without appropriate justification. This matter is discussed in detail in Section 6 of this report.

- (t) **The A723 is the main traffic link and at peak times this is a heavily used road. The recent roadworks at Low Waters Road are an indication of how poor the road system is with a lack of alternative routes. If this development was already part of the village, all traffic coming from Hamilton direction would not use Limekilnburn Rd but would use Carscallan Rd and traverse the village which would be the case of any traffic disruption on the A723 leaving Hamilton.**

**Response:** In terms of access, additional traffic and road safety, Roads and Transportation Services are satisfied with the findings of the submitted Transport Assessment which demonstrates that the development traffic impact on the two existing Limekilnburn Road junctions would be insignificant.

- (u) **The Developer report is very guesstimate in saying declining population which is not true. When my daughter first went to Nursery - Quarter Nursery had only 4 children in her class - 3 years later – the total number is 13. So it is triple the number.**

**Response:** The application is considered to be contrary to local plan policy as the proposal would constitute new residential development in the Green Belt without appropriate justification. The above points are noted and the merits of the application are discussed in detail in Section 6 of this report.

- (v) **The application site boundary appears to include land owned by adjacent properties.**

**Response:** This is a legal matter that requires to be addressed by the parties concerned.

- (w) **We would like to see new houses being built in Quarter as the village is dying.**

**Response:** The application is considered to be contrary to local plan policy as the proposal would constitute new residential development in the Green Belt without appropriate justification. The above points are noted and the merits of the application are discussed in detail in Section 6 of this report.

- (x) **We should be learning from our mistakes and not letting large companies destroy local habitat for profit. Companies like this care nothing for local interests it's purely about the bottom line. They can still make their profit by building on brown belt.**

**Response:** The application is considered to be contrary to local plan policy as the proposal would constitute new residential development in the Green Belt without appropriate justification. The above points are noted and the merits of the application are discussed in detail in Section 6 of this report.

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

## **6 Assessment and Conclusions**

- 6.1 The applicant seeks planning permission in principle for residential development and associated works at the site. A Planning Statement has been submitted with the application which advises that there is a specific locational need to provide new homes in Quarter as the village has experienced significant population decline with a dramatically falling primary school roll in addition to the closure of its village store and post office. It goes on to say that there are no brownfield sites in Quarter that are capable of accommodating new residential development and the site at Limekilnburn Road is the most appropriate location to deliver new homes, lying immediately adjacent to existing residential areas and highly accessible by public transport. It advises that developing housing elsewhere will not deliver the regeneration benefits which Quarter needs and that it is critical for the future sustainability of the village that it attracts new residential development to reverse the impacts of population decline. The determining issues in consideration of this application are its compliance with local plan policy and its impact on the visual amenity of the area and on the local road network.
- 6.2 In terms of government guidance, Section 25 of the Town and Country Planning (Scotland) Act 1997 states that the determination of a planning application shall be in



accordance with the development plan unless material considerations indicate otherwise.

- 6.3 Scottish Planning Policy (SPP) advises that a generous supply of land should be provided to meet identified housing needs. SPP also introduces a presumption in favour of development that contributes to sustainable development. However, it advises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and SPP and the presumption in favour of development that contributes to sustainable development will be material considerations. In this instance, and in view of the requirement to determine and assess all planning applications in terms of the provisions of the development plan, the proposal is considered to be contrary to local plan policy as it would constitute new residential development in the Green Belt without appropriate justification. As the proposals stand, the development would also be unsustainable in terms of offering alternative modes of transport to the private car. The proposal is, therefore, considered to be contrary to national planning policy.
- 6.4 In terms of local plan policy, the site is located within Green Belt in the adopted South Lanarkshire Local Development Plan. The application site and associated proposal is affected by Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 3 - Green Belt and Rural Area, Policy 4 - Development Management and Place Making, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding of the adopted South Lanarkshire Local Development Plan. The Development Management, Place Making and Design Supplementary Guidance (2015) is also relevant to the assessment of the application.
- 6.5 Policies 1 and 2 encourage sustainable economic growth and regeneration, a move towards a low carbon economy, the protection of the natural and historic environment and mitigation against the impacts of climate change. This will be achieved by supporting regeneration activities and maximising regeneration and local economic benefits; delivery of appropriate development proposals and development that accords with and supports the policies and proposals in the development plan and supplementary guidance.
- 6.6 As discussed, the submitted Planning Statement advises that it is critical for the future sustainability of Quarter that it attracts new resident population to reverse the impacts of population decline, that the economic benefits associated the proposal are significant and that there are no brownfield sites in Quarter which are capable of accommodating new residential development. Whilst noting all of the above, including the potential economic benefits that may be associated with the proposal, the application site is located in the Green Belt outwith the Quarter Settlement boundary and is not included in any of the development proposals identified in Table 3.1 and Appendix 3 of the Local Development Plan. It is considered that the proposed use of the site for residential development would not represent sustainable economic growth or regeneration in this instance as required by Policy 1 and would instead result in a significant and unwarranted intrusion into the Green Belt at this location resulting in an adverse impact on the natural environment. There are also concerns in terms of the scale of the development and the limited level of public transport serving the area in relation to the desire to a move towards a low carbon economy. As the proposals stand, the development would be unsustainable in terms of offering alternative modes of transport to the private car. For the above reasons, the proposal is considered to be contrary to the terms of Policies 1 and 2.

- 6.7 Policy 3 states that the Green Belt and the rural area function primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not require to locate in the countryside will be expected to be accommodated within the settlements identified on the proposals map, other than in the following circumstances:
- i. Where it is demonstrated that there is a specific locational requirement and established need for a proposal.
  - ii. The proposal involves the redevelopment of derelict or redundant land and buildings where significant environmental improvement can be shown.
  - iii. The proposal is for conversion of traditional buildings and those of a local vernacular.
  - iv. The proposal is for limited development within clearly identifiable infill, gap sites and existing building groups.
  - v. The proposal is for extension of existing premises or uses providing it is of a suitable scale and design. Any new built form should be ancillary to the main use.
- 6.8 The policy goes on to say that in both the Green Belt and rural area, isolated and sporadic development will not be supported.
- 6.9 In addition to the above, Policy 3 - Green Belt and Rural Area of the Supplementary Guidance 2 is relevant to the assessment of the application. Policy 3 repeats the wording set out in Paragraphs 6.5 above. It advises that, in the rural area, limited expansion of an existing settlement may be appropriate where the proposal is proportionate to the scale and built form of the settlement, it is supportive of the sustainability of the settlement and a defensible settlement boundary is maintained. However, it goes on to say that in both the Green Belt and the rural area, isolated and sporadic development will not be supported.
- 6.10 It is considered that the application for residential development on the site does not accord with Policy 3 - Green Belt and Rural Area of the adopted Local Development Plan as the proposal cannot be justified under any of the circumstances listed. It has not been demonstrated that there is a specific locational requirement and established need for the proposal, the proposal does not involve the redevelopment of derelict or redundant land, it is not for the conversion of traditional buildings nor is it for limited development within clearly identifiable infill, gap site and existing building groups and it does not relate to an extension of existing premises or uses. The site is not considered to be suitable for rounding off the settlement and its proposed use for residential development would represent a significant and unwarranted intrusion into the Green Belt at this location with subsequent adverse impacts on the natural environment. It is considered that the approval of the application and the development of the site for housing would be inappropriate and would also set an undesirable precedent leading to potential pressures for other incremental expansions further into the adjoining Green Belt land that would be harder to resist in future. There are no material considerations that outweigh the provisions of the development plan in terms of the site's Green Belt designation, therefore, it is considered that a departure from the development plan in this instance cannot be justified. The proposal is, therefore, clearly and irrefutably contrary to Policy 3.
- 6.11 Similarly, the proposal is clearly not considered to be in accordance with Policy 3 of Supplementary Guidance 2: Green Belt and Rural Area as the application site is located within the Green Belt and it cannot be justified under any of the circumstances listed.

- 6.12 Policy 16 states that new development proposals must consider, and where appropriate, mitigate the resulting impacts of traffic growth, particularly development related traffic, and have regard to the need to reduce the effects of greenhouse gas emissions and at the same time, support and facilitate economic recovery, regeneration and sustainable growth. Development of walking, cycling and public transport networks which provide a viable and attractive alternative to car travel, thus reducing the effects of transport on the environment, will be supported. As the proposals stand, the development would be unsustainable in terms of offering alternative modes of transport to the private car.
- 6.13 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policy 1 - Spatial Strategy, Policy 2 – Climate Change, Policy 4 - Green Belt and Rural Area, Policy 5 - Development Management and Place Making Policy, Policy 15 - Travel and Transport and Policy 16 - Water Environment and Flooding are relevant. Volume 2 of the Proposed Plan contains further policy guidance that will be used when assessing planning applications. In this instance, Policies DM1 - New Development Design, SDCC2 - Flood Risk, SDCC3 - Sustainable Drainage Systems, SDCC4 - Sustainable Transport and DM15 - Water Supply are relevant.
- 6.14 Notwithstanding the above, it should be noted that the applicant has also submitted a representation to the South Lanarkshire Local Development Plan 2 objecting to the current settlement boundary of Quarter and seeking the inclusion of the application site within the settlement boundary and an allocation for residential development. The representation argues that there is a shortfall in housing land and that the site should be released to meet this shortfall. However, the Council is satisfied that the supply of housing land meets the requirements set out by the Scottish Government and the Glasgow and Clyde Valley Strategic Development Plan (Clydeplan), therefore, there is no need for the release of further land. Scottish Planning Policy advises that a generous supply of land should be provided to meet identified housing needs. The Council has assessed its housing land supply and has concluded that it is robust and generous and that there is no requirement for housing release since there is no shortfall identified in the land supply. In addition, there is more than the requisite 15% generosity available. Given the above, there is no need for the site to be released since there is no shortfall in housing land requirement.
- 6.15 As discussed above, the site is not considered to be suitable for rounding off the settlement and its proposed allocation for residential development would represent a significant and unwarranted intrusion into the Green Belt at this location. If allocated, extensive structure planting would be required to establish a robust and effective settlement boundary. It is considered that the allocation and development of the site for housing would be inappropriate and would also set an undesirable precedent leading to potential pressures for other incremental expansions further into the adjoining Green Belt land that would be harder to resist in future.
- 6.16 Whilst noting that the representation considers that the site represents a modest extension to Quarter which will result in the organic growth of the settlement following the established pattern of development, the Planning Service disagrees with this assessment and considers that the site should remain undeveloped Green Belt. The Council prepared 'Schedule 4' documents of unresolved representations. These were submitted to the Planning and Environmental Appeals Division (DPEA) with a view to

a Reporter being assigned to carry out an examination. This site is subject to a Schedule 4 examination since it is an unresolved representation to Local Development Plan 2.

- 6.17 In summary and in view of all of the above and the legal requirement to determine and assess all planning applications in terms of the provisions of the development plan, it is considered that the proposal is contrary to the strategic development plan and local plan policy as it would constitute new residential development in the Green Belt without appropriate justification. There are no material considerations that outweigh the provisions of the development plan, therefore, a departure from the development plan in this instance cannot be justified. As such, it is considered that planning permission in principle should be refused for the reasons stated below.

## **7 Reasons for Decision**

- 7.1 The proposal raises significant amenity and environmental issues and fails to comply with Policy 8 Housing Land Supply and Policy 14 Green Belt of the Glasgow and Clyde Valley Strategic Development Plan (2017), Policy 1 – Spatial Strategy, Policy 2 – Climate Change, Policy 3 - Green Belt and Rural Area and Policy 16 – Travel and Transport of the adopted South Lanarkshire Local Development Plan (2015), Policy 3 of Supplementary Guidance 2: Green Belt and Rural Area (2015) in addition to Policy 1 – Spatial Strategy, Policy 2 – Climate Change, Policy 4 - Green Belt and Rural Area and Policy 15 – Travel and Transport of the Proposed South Lanarkshire Local Development Plan 2 (2018).

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

Date: 22 January 2020

### **Previous references**

- ◆ P/19/0006/PAN

### **List of background papers**

- ▶ Application form
- ▶ Application plans and supporting documents
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Development Management, Place Making and Design Supplementary Guidance (2015)
- ▶ Supplementary Guidance 2 – Green Belt and Rural Area (2015)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Glasgow and Clyde Valley Strategic Development Plan (Clydeplan)
- ▶ Neighbour notification letter dated 14.08.2019
- ▶ Press Advertisement, Hamilton Advertiser dated 22.08.2019
  
- ▶ Consultations
  - WOSAS 29.08.2019
  
  - Roads Flood Risk Management 24.09.2019
  - SEPA West Region 28.08.2019
  - Roads Development Management Team 15.01.2020

Environmental Services	15.08.2019
Countryside And Greenspace	21.08.2019
Scottish Water	15.08.2019
Education Resources School Modernisation Team	22.08.2019
SNH	26.08.2019
► Representations	Dated:
Owner/Occupier, 26 Darngaber Gardens, Quarter, Hamilton, South Lanarkshire, ML3 7XX	30.08.2019
John A MacInnes, 27 Merrick Gardens, Quarter, Hamilton, South Lanarkshire, ML3 7XS	30.08.2019
Anthony Doherty, 74 Limekilnburn Road, Quarter, Hamilton, South Lanarkshire, ML3 7XA	30.08.2019
Mr Alan MacGlade, 15 Silverbirch Grove, Quarter, Hamilton, South Lanarkshire, ML3 7XZ	31.08.2019
Mrs Lesley Johnston, 22 Darngaber Gardens, Quarter, Hamilton, South Lanarkshire, ML3 7XX	27.08.2019
Mr Stewart McLachlan, 25 Castle Wynd, Quarter, Hamilton, South Lanarkshire, ML3 7XD	03.09.2019
Mr Kevin McMurray, Kilnhill House, Limekilnburn Road, Quarter, Hamilton, ML3 7XG	20.08.2019
Sheila Falconer, 28 Darngaber Gardens, Quarter, Hamilton, ML3 7XX	21.08.2019
William And Anne Collins, 15 Darngaber Gardens, Quarter, Hamilton, ML3 7XX	03.09.2019
Colin T Preston, By Email	26.08.2019
Janice Young, 1 Darngaber Road, Quarter, Hamilton, ML3 7QB	26.08.2019
Mr Charles R Smith, 8 Darngaber Gardens, Quarter, Hamilton, ML3 7XX	26.08.2019
Mr George Foster, 8 Foinavon Road, Quarter, Hamilton, South Lanarkshire, ML3 7XT	02.09.2019
Miss Lynne Paterson, 27 Arbroath Grove, Hamilton, South Lanarkshire, ML3 8PF	30.08.2019
Mr Brian Hamilton, 22 Castle Wynd, Quarter, Hamilton, South Lanarkshire, ML3 7XD	30.08.2019

Mr Douglas Gibbons, 22 Darngaber Gardens, Quarter, Hamilton, South Lanarkshire, ML3 7XX	02.09.2019
Siobhan & Mark Hamilton, 10 Denholm Gardens, Quarter, ML3 7XY	02.09.2019
Mrs anne mcewan, North Crookedstone Farm, Limekilnburn Road, Limekilnburn Hamilton, South Lanarkshire, ML3 7XG	02.09.2019
Mr ROSS NELSON, 12 Merrick Gardens, Quarter, Hamilton, South Lanarkshire, ML3 7XS	02.09.2019
Mr Chris Baxendale, 70 Limekilnburn Road, Quarter, Hamilton, South Lanarkshire, ML3 7XA	04.09.2019
Marian M Preston, Avalon, 4 Denholm Gardens, Quarter, Hamilton, ML3 7XY	02.09.2019
Colin T Preston BSc ACII CIP, 4 Denholm Gardens, Quarter, ML3 7XY	26.08.2019
Mrs Janet Paterson, 4 Foinavon Road, Quarter, Hamilton, South Lanarkshire, ML3 7XT	26.08.2019
Phyllis Scott, 16 Merrick Gardens, Quarter, ML3 7XS	23.08.2019
Mr Robert Kirkland, Burnbrae Farm, Quarter, Hamilton	04.09.2019
Mrs Lorraine McCluskey, 11 Silverbirch Grove, Quarter, Hamilton, South Lanarkshire, ML3 7XZ	04.09.2019
Mrs Hannah McKitting, Burnbrae Bungalow, Limekilnburn Road, Limekilnburn Hamilton, South Lanarkshire, ML3 7XG	04.09.2019
Mr Andrew McKitting, Burnbrae Bungalow, Limekilnburn Road, Limekilnburn Hamilton, South Lanarkshire, ML3 7XG	04.09.2019
Mr Billy McKnight, 52 Limekilnburn Road, Quarter, Hamilton, South Lanarkshire, ML3 7XA	04.09.2019
Isobel Hannen, Received Via E-mail	05.09.2019
Mr A McKitting, Burnbrae Bungalow, Quarter, ML3 7XG	05.09.2019
Hannah McKitting, Received Via E-mail	05.09.2019
Ross & Robyn Dunn, Received Via Email	05.09.2019
Ian Guttridge, 26 Baltersan Gardens, Quarter, Hamilton, South Lanarkshire, ML3 7QW	05.09.2019
Phyllis Kudla, 16 Silverbirch Grove, Quarter, Hamilton, South Lanarkshire, ML3 7XZ	05.09.2019

Joseph Kudla, 16 Silverbirch Grove, Quarter, Hamilton, South Lanarkshire, ML3 7XZ	05.09.2019
Susan Kudla, 16 Silverbirch Grove, Quarter, Hamilton, South Lanarkshire, ML3 7XZ	05.09.2019
Mr John Thomson, 78 Limekilnburn Road, Quarter, Hamilton, ML3 7XA	21.08.2019
Peter Teyham, 10 Darngaber Gardens, Quarter, Hamilton, South Lanarkshire, ML3 7XX	29.08.2019
James And Valerie Dearie, 6 Darngaber Gardens, Quarter, Hamilton, ML3 7XX	02.09.2019
Mrs Lee McMurray, Kilnhill House, Limekilnburn Road, Quarter, Hamilton, ML3 7XG	20.08.2019
Mr & Mrs Jack, 79 Limekilnburn Road, Quarter, Hamilton, ML3 7XA	03.09.2019
George Lindsay And Janette Lindsay, 77 Limekilnburn Road, Quarter, Hamilton, South Lanarkshire, ML3 7XA	03.09.2019
Nan And Norman Bartlett, 2 Darngaber Gardens, Quarter, Hamilton, ML3 7XX	02.09.2019
Stephen Borland, Parkneuk Cottage, Limekilnburn Road, Limekilnburn, Hamilton, South Lanarkshire, ML3 7XG	29.08.2019
Mr Ron Whitelock, Received Via Email	29.08.2019
Mr & Mrs McDonald, 4 Darngaber Gardens, Quarter, Hamilton, South Lanarkshire, ML3 7XX	29.08.2019
Ross And Elaine McMenemy, 63 Limekilnburn Road, Quarter, Hamilton, ML3 7XA	27.08.2019
Mr Ewan McMurray, Kilnhill House, Limekilnburn Road, Quarter Hamilton, South Lanarkshire, ML3 7XG	20.08.2019
Mr James Paterson, 4 Foinavon Road, Quarter, Hamilton, South Lanarkshire, ML3 7XT	24.08.2019
Mrs Yvonne Milne, 26 Limekilnburn Road, Quarter, Hamilton, South Lanarkshire, ML3 7XA	28.08.2019
Gillian Nelson, 12 Merrick Gardens, Quarter, Hamilton, South Lanarkshire, ML3 7XS	02.09.2019
James & Claire Shirazi, 21 Silverbirch Grove, Quarter, Hamilton, ML3 7XZ	03.09.2019
Stuart Sinclair, 4 Merrick Gardens, Quarter, Hamilton, ML3 7XS	03.09.2019

Mr James Hill, 39 Limekilnburn Road, Quarter, Hamilton, South Lanarkshire, ML3 7XA	02.09.2019
Mrs GILLIAN NELSON, 12 Merrick Gardens, Quarter, Hamilton, South Lanarkshire, ML3 7XS	02.09.2019
Mr George Baxter, 2 Merrick Gardens, Quarter, Hamilton, South Lanarkshire, ML3 7XS	29.08.2019
Ms Kirstin McEwan, 60 Rampart Avenue, Knightwood, Glasgow, G13 3HS	04.09.2019
Mrs Joyce Aitkenhead, 11 Elm Court, Quarter, Hamilton, ML3 7FB	04.09.2019
Alan Simpson, 20 Silverbirch Grove, Quarter, Hamilton, South Lanarkshire, ML3 7XZ	29.08.2019
Mrs Joan Brown, 20 Darngaber Gardens, Quarter, Hamilton, ML3 7XX	29.08.2019
Louise McCluskey, 1 Elm Court, Quarter, ML3 7FB	05.09.2019
Mr John Lawson, 6 Sunnyside Road, Quarter, Hamilton, South Lanarkshire, ML3 7XH	11.09.2019
C McGuire-Smith, The Bully Inn, 2 Store Row, Limekilnburn Road, Quarter, Hamilton, South Lanarkshire, ML3 7XU	05.09.2019
Owner/Occupier, 14 Merrick Gardens, Quarter, Hamilton, South Lanarkshire, ML3 7XS	05.09.2019

### **Contact for further information**

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

Jim Blake, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Phone: 01698 453657  
Email: [jim.blake@southlanarkshire.gov.uk](mailto:jim.blake@southlanarkshire.gov.uk)

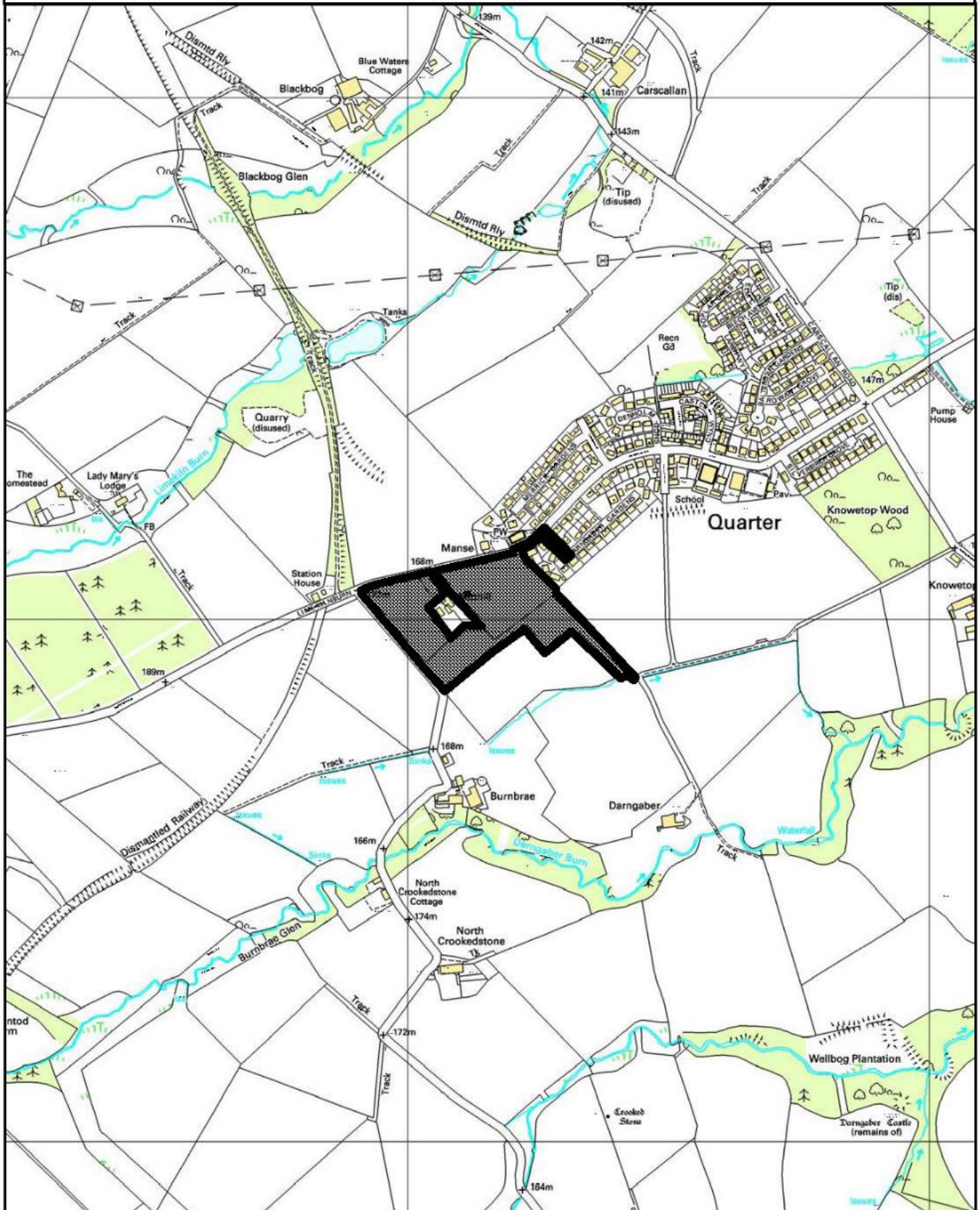


**Reasons for refusal**

01. The site is in the green belt and is not in accordance with the Spatial Development Strategies of the approved Glasgow and the Clyde Valley Strategic Development Plan (2017).
02. The proposal is contrary to Policy 1 – Spatial Strategy, Policy 2 – Climate Change, Policy 3 - Green Belt and Rural Area and Policy 16 – Travel and Transport of the adopted South Lanarkshire Local Development Plan (2015) as it is an inappropriate location for housing development and would constitute new residential development in the Green Belt without appropriate justification.
03. The proposal is contrary to Policy 3 of Supplementary Guidance 2: Green Belt and Rural Area (2015) as it is an inappropriate location for housing development and would constitute new residential development in the Green Belt without appropriate justification.
04. The proposal is contrary to Policy 1 – Spatial Strategy, Policy 2 – Climate Change, Policy 4 - Green Belt and Rural Area and Policy 15 – Travel and Transport of the Proposed South Lanarkshire Local Development Plan 2 (2018) as it is an inappropriate location for housing development and would constitute new residential development in the Green Belt without appropriate justification.

P/19/1206

Land surrounding Kilnhill Farm, Limkilburn Road, Quarter



© Crown copyright and database rights 2019 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:  
1:10,000  
Date:  
13/01/2020



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
**Planning and Economic Development**

# Report

7

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>11 February 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/19/1631
Planning proposal:	Erection of 167 residential dwellings comprising 78 dwellinghouses and 89 flats with associated infrastructure (approval of matters specified in conditions 1 (a to r), 3, 4, 6, 7, 8, 9, 10 and 12 of planning permission in principle EK/09/0218).

## 1 Summary application information

Application type:	Approval of matters specified in conditions
Applicant:	Cala Management Limited
Location:	Land 85M ENE Of Jackton Cottage Eaglesham Road Jackton South Lanarkshire

## 2 Recommendation(s)

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

(1) Grant matters specified in conditions based on conditions attached

### 2.2 Other actions/notes

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

## 3 Other information

- ♦ Council Area/Ward: 06 East Kilbride South
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
  - Policy 1 – Spatial strategy
  - Policy 2 – Climate change
  - Policy 4 – Development management and placemaking
  - Policy 5 - Community infrastructure assessment
  - Policy 12 – Housing land
  - Policy 13 – Affordable housing and housing choice
  - Policy 14 – Green network and greenspace
  - Policy 17 - Water environment and flooding

**Development Management, Placemaking and Design Supplementary Guidance**

## **Green Network and Greenspaces Supplementary Guidance**

## **Affordable Housing Supplementary Guidance**

## **Community Infrastructure Assessment Supplementary Guidance**

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

Policy 1 - Spatial Strategy

Policy 2 – Climate change

Policy 5 – Development Management and  
Placemaking

Policy 7- Community infrastructure assessment

Policy 11 – Housing

Policy 12 – Affordable housing

Policy 13 – Green Network and Greenspace

Policy 16 – Water Environment and Flooding

Policy SDCC2 – Flood Risk

Policy SDCC3 – Sustainable Drainage Systems

Policy DM1 – New Development Design

## **South Lanarkshire Council Residential Development Guide (2011)**

### **◆ Representation(s):**

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

### **◆ Consultation(s):**

Roads Development Management Team

Roads Flood Risk Management

Environmental Services

Arboricultural Services

SEPA West Region

SNH

Scottish Water

West of Scotland Archaeology Service

Jackton and Thorntonhall Community Council

SP Energy Network

## **Planning Application Report**

### **1 Application Site**

- 1.1 This planning application relates to a proposed residential development of 167 units comprising 78 dwellinghouses and 89 flats on land situated within the East Kilbride Community Growth Area (CGA). The site lies immediately east of Eaglesham Road and north of Jackton Road on the southern edge of East Kilbride. The site lies on the western edge of the masterplan approved as part of Planning Permission in Principle application EK/09/0218 for a “mixed use development comprising residential, retail and education uses and associated engineering works for site infrastructure, new access and distributor road, formation of open space framework with landscaping work.”
- 1.2 The site is primarily agricultural land, including a small number of trees and hedgerows on field boundaries. The site has varied topography and gently undulates throughout. The site is bounded to the west by Eaglesham Road, to the south by Jackton Road and to the north and south by areas of the CGA that are, as yet, undeveloped. The application site covers an area of approximately seven hectares.

### **2 Proposal(s)**

- 2.1 The application seeks to discharge various conditions imposed on Planning Permission in Principle application EK/09/0218 for the development of East Kilbride Community Growth Area. Condition 1 specifies that all relevant matters such as layout, siting, design, landscaping, drainage etc. are submitted to and approved by the Planning Authority. The other conditions to be discharged specify in further detail what information requires to be submitted to deal with the relevant matters listed in Condition 1.
- 2.2 The proposed layout includes a single vehicular access point from Eaglesham Road which will form the spine road through the CGA. The proposed residential development would then be accessed via four separate spur roads which would link to the spine road. A number of pedestrian links to further phases of development within the CGA area and to Jackton Road would also be provided, in line with the principles established in the masterplan. The proposal includes extensive landscaping, open space areas, play provision and a SUDS pond to serve the development. The proposal has been broadly designed in accordance with Designing Streets principles and includes a variety of surface materials differentiating between parts of the proposed layout and with dwellings fronting public areas and the spine road.

### **3 Background**

#### **3.1 Local Plan Status**

- 3.1.1 In land use terms, the site is identified within the adopted South Lanarkshire Local Development Plan 2015 (LDP) as forming part of the designated East Kilbride Community Growth Area (Policy 1 - Spatial Strategy) and is allocated as a Proposed Housing Site (Policy 12 - Housing Land). Appendix 3 (Development priorities), relative to Policy 1, sets out the requirements for the CGA in greater detail.
- 3.1.2 In addition to the above policy designation, which provides the overarching local plan policy direction for the CGA, the proposed development is affected by a number of additional policies within the Local Plan, as follows:
- Policy 2 – Climate change
  - Policy 4 – Development management and placemaking

- Policy 5 – Community infrastructure assessment
- Policy 13 – Affordable housing
- Policy 14 – Green network and greenspace
- Policy 17 – Water environment and flooding

3.1.3 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, the following policies are relevant:

- Policy 1 - Spatial Strategy
- Policy 2 – Climate change
- Policy 5 – Development Management and Placemaking
- Policy 7 – Community infrastructure assessment
- Policy 11 – Housing
- Policy 12 – Affordable Housing
- Policy 13 – Green Network and Greenspace
- Policy 16 – Water Environment and Flooding
- Policy SDCC2 – Flood Risk
- Policy SDCC3 – Sustainable Drainage Systems
- Policy DM1 – New Development Design

## 3.2 Relevant Government Advice/Policy

3.2.1 Relevant Government guidance is set out within the consolidated Scottish Planning Policy (SPP) 2014 and National Planning Framework 3 (NPF3). NPF3 aims to facilitate new housing development, particularly in areas where there is continuing pressure for growth. SPP introduces a presumption in favour of development that contributes to sustainable development. Furthermore, SPP states that the planning system should enable provision of a range of attractive, well-designed, energy efficient, good quality housing that contributes to the creation of successful and sustainable places.

## 3.3 Planning Background

3.3.1 Planning application EK/09/0218 was originally approved by the Planning Committee in December 2011, subject to the conclusion of a legal agreement to cover matters relating primarily to developer contributions. A revised masterplan was submitted in October 2016 and subsequently approved by the Planning Committee in June 2018, subject to the conclusion of a legal agreement. This legal agreement has now been concluded and registered allowing planning permission EK/09/0218 to be issued in October 2019.

## 4 Consultation(s)

4.1 **Roads Development Management Team** – following discussions with the applicant and the submission of additional details, Roads and Transportation Services have advised that they have no objections, subject to compliance with conditions and roads construction consent requirements.

**Response:** Noted. Appropriate conditions and advisory notes can be added to any consent granted.

4.2 **Roads and Transportation Services (Flood Risk Management Team)** – advised that they have no objections subject to the applicants satisfying the Council's design criteria and conditions relating to Sustainable Urban Drainage Systems and flood risk.

**Response:** Noted. Appropriate conditions can be attached to any consent granted.

- 4.3 **Environmental Services** – offered no objections subject to conditions relating to noise, land remediation and dust management on site.

**Response:** Noted. Appropriate conditions can be added to any planning permission issued.

- 4.4 **Arboricultural Services** – have requested further information.

**Response:** It is noted that the tree survey previously undertaken in respect of the wider CGA site would remain applicable to this phase of the development. The principle of this development has been established and any tree loss is minimised predominately to field boundaries. Mitigation in the form of landscaping and tree planting is proposed.

- 4.5 **SEPA** – have advised that they have no objections but have noted that a Construction and Environmental Management Plan (CEMP) has not been submitted, in accordance with the requirements of condition 1(q). SEPA subsequently confirmed that retention of this requirement to submit a CEMP by condition of this consent would be acceptable.

**Response:** Noted. The requested condition would be attached to any consent issued.

- 4.6 **Scottish Water** – offered no objections to the proposed development.

**Response:** Noted.

- 4.7 **SP Energy Networks** – offered no objections to the proposed development.

**Response:** Noted.

- 4.8 **Scottish Natural Heritage** – no response to date, however, SNH has advised that a consultation response will only be provided where the need for general advice or advice on whether a species licence is likely to be granted is not covered by standing advice provided by SNH. In this case, it is noted that a protected species licence has already been granted to deal with matters identified by an ecological survey, therefore, it is considered that all matters have been addressed in accordance with SNH advice.

**Response:** Noted.

- 4.9 **West of Scotland Archaeology Service** – offered no objections but have noted that a condition was imposed on EK/09/0218 requiring archaeological investigations to be carried out.

**Response:** Noted. Condition 16 of EK/09/0218, which requires the submission and implementation of a program of archaeological works, remains applicable to this development.

- 4.10 **Jackton and Thorntonhall Community Council** – no response to date.

**Response:** Noted.

## **5 Representation(s)**

- 5.1 Statutory neighbour notification was undertaken and the application was advertised in the local press for neighbour notification purposes. However, no letters of representation have been received in relation to this application.

## **6 Assessment and Conclusions**

- 6.1 The applicant, Cala Management Limited, seeks consent for the erection of 167 residential dwellings comprising 78 houses and 89 flats with associated infrastructure works on land forming part of the East Kilbride Community Growth Area (CGA). The site benefits from planning permission in principle (EK/09/0218). As such, the principle



of the development, including access from Eaglesham Road, has already been established and this assessment relates to the details of the housing layout and associated works. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all planning applications are determined in accordance with the development plan, unless other material considerations indicate otherwise. The main determining issues, therefore, in the assessment of this application are whether the proposed development is in compliance with local development plan policy.

- 6.2 The adopted South Lanarkshire Local Development Plan 2015 (LDP) identifies the site, in land use terms, as being within a community growth area (as defined by Policy 1 – Spatial strategy). The site is also allocated as proposed housing land (Policy 12 – Housing land) to reflect the designation of the CGA. It is, therefore, noted that the principle of housing development on this site is supported by Policies 1 and 12 of the LDP. In respect of Policy 5 (Community Infrastructure Assessment), it is noted that the legal agreement associated with planning permission EK/09/0218 sets out the requirement for developer contributions applicable to this site to cover infrastructure impacts associated with education, roads and transportation, affordable housing and community facilities. The proposed development under consideration does not include any on-site affordable housing provision, however, the provision of affordable housing associated with the CGA has been dealt with holistically as part of the approved masterplan and the legal agreement associated with EK/09/0218. This approach has been agreed with Housing Services and, as such, the proposal is considered to be in accordance with Policy 13 (Affordable Housing and Housing Choice) of the LDP.
- 6.3 It is considered that the submitted layout (in the context of the wider masterplan and identified developer contribution requirements) has addressed the amenity, play provision and community facility requirements identified within the Council's Residential Design Guide. The educational and transportation related requirements associated with this proposal have also been assessed on a cumulative basis, across the CGA as a whole, as part of planning permission EK/09/0218. Taking the above into account, it is considered that the proposal is acceptable with regard to the requirements of Policy 5 of the LDP.
- 6.4 In terms of the detail of the proposal, Policy 4 of the LDP states that all planning applications should take fully into account the local context and built form, while Policy 2 seeks to ensure that proposed developments, where possible, seek to minimise and mitigate against the effects of climate change. Furthermore, any proposal should not result in significant adverse environmental or amenity impacts. Further guidance on design matters is contained in the Council's Residential Design Guide (2011). In terms of the submitted layout, it is noted that the proposal is for 167 residential properties, served by four spur roads linking the development with the main spine road which would traverse the site. The proposed mix of house and flat styles, external materials, size of properties and development layout (including connections) are considered to be acceptable and in compliance with the principles of the approved masterplan. Additionally, it is noted that the development would fit in adequately with surrounding residential developments in this part of East Kilbride and would not result in adverse landscape impacts due to the topography of the CGA site. It is noted that the proposals incorporate appropriate design features, including variation of surface materials, a permeable layout and junction treatment to slow traffic. In general, the layout has been designed to provide attractive streets and to ensure that public areas and connections are overlooked by dwellings to encourage pedestrian movement.
- 6.5 With regard to potential amenity and road safety impacts, following discussion with the Planning Service, the layout has been adjusted slightly to ensure that the proposed parking and access specifications are in compliance with the Council's standards and



to ensure that sufficient pedestrian connectivity is provided throughout the development. Given the above, it is considered that there would be no significant road safety impacts and, additionally, it is considered that there would not be any significant impact on the amenity enjoyed by adjacent dwellinghouses on Jackton Road as a result of the development, as proposed. Taking all relevant matters into account, it is considered that the proposal is in compliance with Policies 2 and 4 of the LDP. In terms of flood risk and impact on the water environment (Policy 17 of the LDP), it is noted that the proposal includes sustainable drainage features. In this regard, it is noted that no objections have been received from the Council's Flood Risk Management team or SEPA, subject to conditions which would be attached to the consent issued.

- 6.6 The application site also lies partially in an area designated as green network, where Policy 14 (Green Network and Greenspace) of the LDP applies. This policy seeks to safeguard the local green network and identify opportunities for enhancement and/or extension to contribute towards objectives including promoting active travel, placemaking and supporting biodiversity. In this regard, it is noted that the majority of the proposed development will be on agricultural grazing land, with tree loss minimised primarily to field boundaries. It is noted that suitable areas of amenity and play space (including play equipment) are proposed to be provided within the site. Given the above, it is considered that the proposal would not result in a significant change to quality or volume of green network land on the site and that access to a connected green network would be available for residents, in compliance with Policy 14 of the LDP.
- 6.7 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposal accords with the relevant policies detailed in section 3.1.3 above.
- 6.8 In summary, it is noted that the principle of residential development of this site is supported by development plan policies and the existing Planning Permission in Principle consent, including the masterplan associated with the site. Furthermore, given that the proposal will not result in adverse amenity, environmental or safety impacts, it is considered that the proposed development is in compliance with Policies 1, 2, 4, 5, 12, 13, 14 and 17 of the adopted South Lanarkshire Local Development Plan, as detailed above, and with all relevant policy and guidance set out in associated supplementary guidance and in the Proposed South Lanarkshire Local Development Plan 2. It is, therefore, recommended that the relevant conditions outlined above can be discharged, subject to the additional conditions listed.

## **7 Reasons for Decision**

- 7.1 The proposal would have no significant adverse impact on amenity, public safety or the local environment and complies with the provisions of Policies 1, 2, 4, 5, 12, 13, 14 and 17 of the South Lanarkshire Local Development Plan 2015, its associated Supplementary Guidance and Policies 1, 2, 5, 7, 11, 12, 13, 16, SDCC2, SDCC3 and DM1 of the Proposed South Lanarkshire Local Development Plan 2 2018.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

Date: 23 January 2020

### **Previous references**

◆ EK/09/0218

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 12 November 2019
- ▶ Consultations

Roads Flood Risk Management	21.11.2019
Arboricultural Services	13.11.2019
SEPA West Region	24.12.2019
Environmental Services	13.01.2020
Roads Development Management Team	20.12.2019
Scottish Water	25.11.2019
WOSAS	19.12.2019
SP Energy Network	13.11.2019

### **Contact for further information**

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

Declan King, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455049

Email: [declan.king@southlanarkshire.gov.uk](mailto:declan.king@southlanarkshire.gov.uk)

### **Conditions and reasons**

01. That no development shall commence until drainage and flood risk details to include signed appendices 1 to 5 are submitted to and approved in writing by the Planning Authority. The development shall not be occupied until the surface drainage works and any required flood mitigation works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

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

02. That, before the development hereby approved is completed or brought into use, at all road junctions a visibility splay of 2.4 metres by 43 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

03. That, before the development hereby approved is completed or brought into use, at all driveway accesses a visibility splay of 2 metres by 20 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

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

Reason: In the interests of public safety.

05. That, before any dwellinghouse or flatted dwelling hereby approved is completed or brought into use, the parking spaces associated with the dwellinghouse or flatted dwelling shall be put in place to the specification and satisfaction of the Council as Roads and Planning Authority in accordance with the approved plans and shall thereafter be maintained to the satisfaction of the Council.

Reason: In the interests of road safety.

06. That, before any dwellinghouse within the development hereby approved is completed or brought into use, the first two metres of the associated driveway shall be surfaced, trapped and sealed to prevent any deleterious material or water from leaving the carriageway and entering the driveway, to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of road safety.

07. That, prior to the occupation of any of plots 1 to 14 of the development as shown on the approved plans, a remote footpath link from the proposed development to Jackton Road shall be provided in accordance with the details shown on the approved drawings. At its junction with Jackton Road a footway, 2m in length, either side of the footpath and a pedestrian barrier shall be provided. Where the required footpath connects the development to Jackton Road, a visibility splay of 2m x 35m (measured from the edge of the carriageway) shall be provided. Within these splays nothing over 900mm in height, i.e. trees, shrubs walls etc. is permitted. All of the above shall be provided and thereafter maintained to the specification and satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of public safety.

08. That unless otherwise agreed in writing with the Planning Authority, all construction vehicles associated with the development hereby approved shall access the site from the spine road only.

Reason: In the interests of road safety.

09. That, during the construction phase associated with the development hereby approved:

- appropriate cleaning systems shall be put in place within the site to ensure mud and debris is not deposited on the public road.
- appropriate wheel wash facilities/road cleaning regime shall be provided.
- all vehicles shall be able to access and exit the site in forward gears, therefore a turning area shall be provided
- sufficient parking shall be provided within the site boundary to accommodate all site staff/operatives parking requirements.

Before the commencement of works on site full details and plans detailing the above requirements shall be submitted to and approved by the Council as Roads and Planning Authority. Thereafter, the approved details shall be implemented on site to the satisfaction of the Council throughout the construction phase.

Reason: In the interests of road safety.

10. That, before the development hereby approved is completed or brought into use, an appropriate system of site drainage shall be provided to the specification and satisfaction of the Council as Roads and Planning Authority to prevent surface water flowing onto the public road.

Reason: In the interests of road safety.

11. That, prior to the commencement of development on site, a Construction Method Statement and an Environmental Management Plan, including reference to the Water Environment (Controlled Activities) (Scotland) Regulations 2011 and SEPA's Pollution Prevention Guidance Notes, or any subsequent regulations or guidance shall be submitted to and approved by the Council as Planning Authority. The works shall thereafter be carried out in accordance with the approved details to the satisfaction of the Council as Planning Authority.

Reason: To safeguard the amenity of the area.

12. That, prior to the commencement of works on site, the applicant shall undertake a noise assessment to determine the impact of noise from the various commercial/industrial businesses surrounding the proposed development using the principles set out in British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound, or a method agreed by the Planning Authority. The assessment shall be submitted to and approved by the Planning Authority and shall identify-

1- the maximum Rating Levels (Including penalties either subjective or objective as appropriate)

2- the statistical average Background Noise Level to which any part of the development will be exposed.

3-Details of uncertainty shall be provided accompanied with meteorological data for the measurement period

Where the Level of Significance as described within the Scottish Government Document: Technical Advice Note Assessment of Noise, identifies changes in noise as moderate or greater (assessed with windows open), a scheme for protecting the proposed dwelling(s) from the noise shall be submitted to, and approved by, the Planning Authority. The approved scheme for the mitigation of noise shall be implemented prior to the development being brought into use and where appropriate, shall be retained in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.

(The Background Noise Level for the most sensitive period that the source could operate should be used for this assessment. Any survey submitted should assess the noise effects of commercial vehicle deliveries on adjacent dwellings and noise-sensitive premises).

Reason: To safeguard the amenity of the area.

13. (a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.
- (b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.
- (c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning

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

Reason: To safeguard the amenity of the area.

14. That the recommendations and procedures set out in the habitat and greenspace management plan submitted in support of the proposed development, produced by JDC ecology and dated October 2019 shall be adhered to at all times on site to the satisfaction of the Council as Planning Authority.

Reason: To ensure the appropriate protection and management of species and green spaces within the site.

15. That notwithstanding the plans hereby approved and prior to the start of development, details of proposed site levels, planting specification and fencing/boundary treatment for the equipped play area shall be submitted to and approved in writing by the Planning Authority.

Reason: To ensure the play area is acceptable for purpose and does not have an adverse impact on amenity.

16. That, unless otherwise agreed in writing with the Planning Authority, the play area and associated equipment shall be provided in accordance with the phasing details as per approved drawing (Phase 1 Route of build/phasing plan Drg No.PL-005 Rev B).

Reason: To ensure that the approved play facilities are provided within an appropriate timescale.

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

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

18. Prior to commencement of the development hereby approved, details of measures to facilitate the provision of full fibre broadband to serve the development, including details of appropriate digital infrastructure and a timescale for implementation, shall be submitted to and approved in writing by the Council as Planning Authority, unless otherwise agreed in writing with the applicant. The approved measures shall thereafter be carried out in accordance with the agreed implementation timescale.

Reason: To ensure the provision of digital infrastructure to serve the development.

19. That notwithstanding the plans hereby approved and prior to the commencement of development, details of existing and proposed site levels, to include spot levels, sections and finished floor levels, shall be submitted to and approved in writing by

the Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To safeguard the amenity of the area.

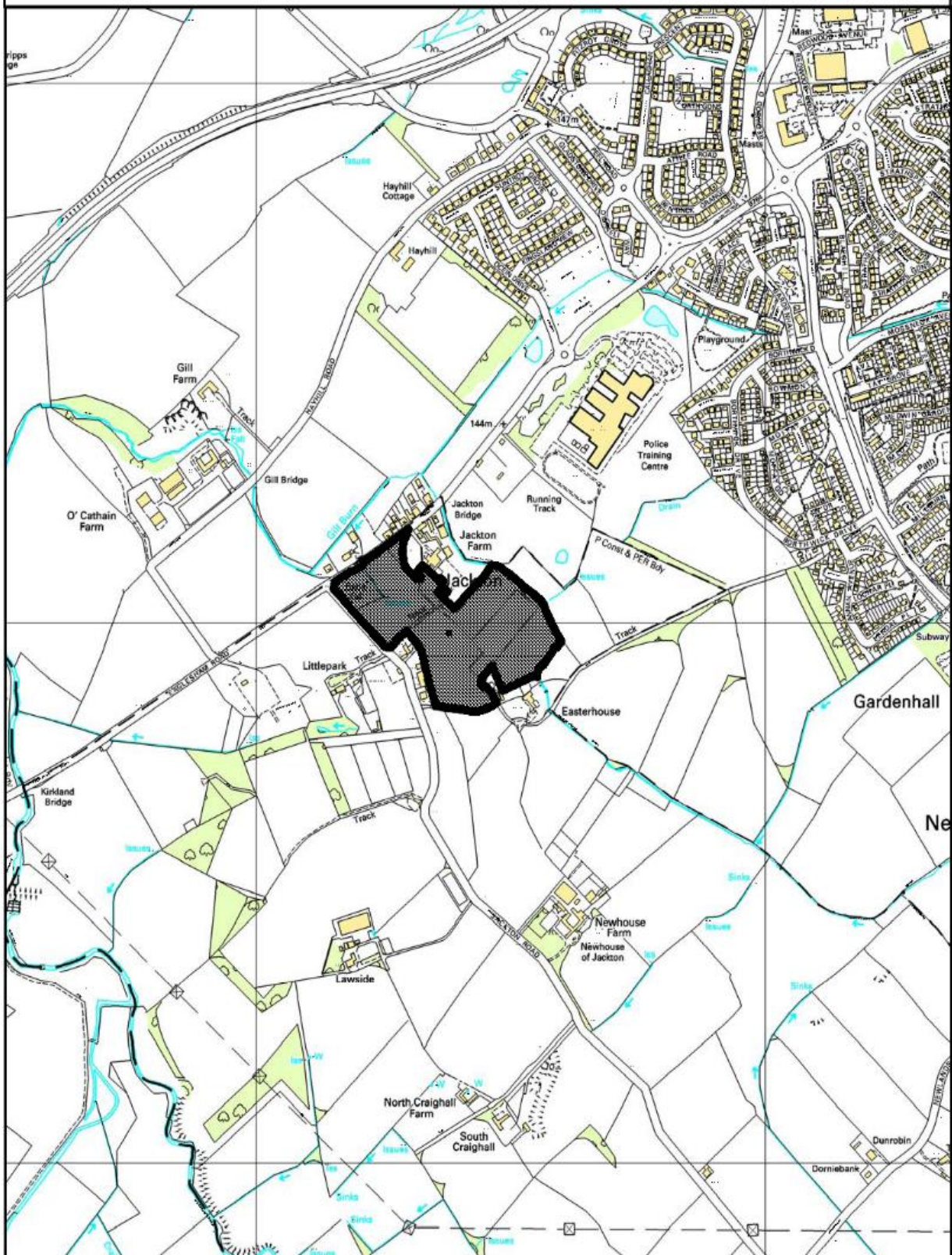
20. That prior to the commencement of development, details of all external materials for the proposed development shall be submitted to and approved in writing by the Planning Authority.

Reason: in the interests of visual amenity.



P/19/1631

Land 85m ENE of Jackton Cottage, Eaglesham Road, Jackton



© Crown copyright and database rights 2019 OS 100020790. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:  
1:10,000  
Date:  
18/01/2020



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development



# Report

8

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>11 February 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/19/1315
Planning proposal:	Erection of flatted development (25 units) with associated parking, access, bicycle and bin stores.

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Rosewood Homes and Properties Ltd.
Location:	Press Buildings Campbell Street Hamilton ML3 6AS

## 2 Recommendation(s)

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

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

### 2.2 Other actions/notes

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

## 3 Other information

- ◆ Applicant's Agent: Kevin Crawford
- ◆ Council Area/Ward: 17 Hamilton North And East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan**  
Policy 1 – Spatial Strategy  
Policy 2 – Climate Change  
Policy 4 – Development Management and Place Making  
Policy 6 – General Urban Area/Settlements  
Policy 12 – Housing Land  
Policy 13 – Affordable Housing and Housing Choice  
Policy 15 – Natural and Historic Environment  
Policy 16 – Travel and Transport

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

Policy DM1 – Design  
 Policy DM7 – Demolition and Redevelopment for Residential Use  
 Policy DM 13 – Development within General Urban Area/Settlements

### **Sustainable Development and Climate Change SG**

Policy SDCC3 – Sustainable Drainage System  
 Policy SDCC4 – Water Supply  
 Policy SDCC5 – Foul Drainage and Sewerage  
 Policy SDCC10 – Sustainable Transport

### **Residential Design Guide**

### **South Lanarkshire Local Development Plan 2 (proposed)**

Policy 1 – Spatial Strategy  
 Policy 2 – Climate Change  
 Policy 3 – General Urban Areas/Settlements  
 Policy 5 – Development Management and Place Making  
 Policy 11 – Housing  
 Policy 14 – Natural and Historic Environment  
 Policy 15 – Travel and Transport  
 Policy DM1 – New Development Design  
 Policy DM7 – Demolition and Redevelopment for Residential Use  
 Policy DM15 – Water Supply  
 Policy DM16 – Foul Drainage and Sewerage  
 Policy SDCC3 – Sustainable Drainage Systems  
 Policy SDCC4 – Sustainable Transport

#### **◆ Representation(s):**

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

#### **◆ Consultation(s):**

Roads Development Management Team

Environmental Services

Scottish Water

WOSAS

CER (Play Provision/Community Contributions)

Education Resources – School Modernisation Team

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site relates to the former press offices/buildings located at the junction of Campbell Street and Postgate, Hamilton. The existing buildings on site occupy the entire site, with the exception of a pend access to a parking court associated with other properties adjoining the site. The pend access requires to be retained within any new development proposals. The existing property has lain vacant for a number of years, following the relocation of the previous business, and consists of a combination of single and 2 storey structures.
- 1.2 The properties surrounding the application site are predominately residential in character, however, a public car park, offices, retail, public houses and café/restaurants are found in the immediate vicinity of the site. The site also lies within close proximity to Hamilton Town Centre and Palace Grounds Retail Park. Given its location, the application site has good access to public transportation links (Hamilton Bus Station, Hamilton Central Rail Station and bus routes) and public amenity spaces (Cadzow Glen and Palace Grounds).

### **2 Proposal(s)**

- 2.1 The applicants propose the demolition of all existing buildings within the site and, thereafter, to redevelop the site for residential purposes, in the form of a flatted development, on behalf of Clyde Valley Housing Association.
- 2.2 It was the applicants' initial intention to provide a four storey flatted development comprising 24 units. This scheme also proposed separate vehicle access to the proposed development from both Campbell Street and Postgate, with parking (for 24 vehicles) and bin storage facilities provided centrally within the site. However, following discussions with the Planning Services, the proposed scheme has been revised to address design and layout concerns.
- 2.3 The amended scheme now proposes a single vehicular access/egress point on Campbell Street, within the area of the current pend access. This change has allowed for the redesign/re-positioning of the proposed building within the site. The proposed building will now be a combination of 3 storey (fronting onto Campbell Street) and 4 storeys (at the corner of Campbell Street/Postgate and on Postgate itself). The proposed building will be finished externally in a combination of buff stonework, red brick and white render, with contrasting smooth render bands around windows. The revisions to the design of the proposed building have also allowed for the addition of a further flatted unit within the development, 25 units in total. An area of amenity space, to the front of the site on Postgate, has been incorporated within the revised layout and the existing footpaths will be renewed along the frontage of the site.
- 2.4 The amendment to the site layout has resulted in an overall reduction in parking provision, down to 20 spaces. However, the applicants are of the view that this can be justified given the site's proximity to the town centre. Furthermore, the current proposals incorporate secure bicycle storage (25 spaces) within the site. It is also noted that the bin storage has been split into two areas located adjacent to Campbell Street and Postgate. In addition, a pedestrian access will also be provided onto Postgate. The Campbell Street access point will serve the parking court of the adjacent properties served by the existing pend access. A sustainable urban drainage system, to serve the development, will be incorporated within the design of the parking court area, which will include the use of permeable pavements.

- 2.5 A revised Design and Access Statement was submitted in support of the amended scheme, which identifies that the development is being undertaken on behalf of Clyde Valley Housing Association. In September 2019, the development was allocated £300,000 from the Town Centre Capital Grant Fund.
- 2.6 It is noted that both the approval of a “Prior Notification for Demolition” (application no.: P/19/1263) and a Warrant for the demolition of the buildings (Warrant no.: B/19/1729) have previously been granted by the Council.

### **3 Background**

#### **3.1 Local Plan Policy**

- 3.1.1 In determining planning applications, the Council must assess the proposal against the policies contained within the adopted South Lanarkshire Local Development Plan (SLLDP) and associated Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.1.2 Given the nature of the application, it is considered that Policies 1 – Spatial Strategy, 2 – Climate Change, 4 – Development Management and Place Making, 6 – General Urban Area/Settlements, 12 – Housing Land, 13 – Affordable Housing and Housing Choice, 15 – Natural and Historic Environment and 16 – Travel and Transport are appropriate to the determination of this application. In addition, the Policies and Guidance within the Council’s adopted Supplementary Guidance are of relevance; namely Development Management, Place Making and Design SG (Policies DM1 – Design, DM7 – Demolition and Redevelopment for Residential Use and DM 13 – Development within General Urban Area/Settlements), Sustainable Development and Climate Change SG (Policies SDCC3 – Sustainable Drainage System, SDCC4 – Water Supply, SDCC5 – Foul Drainage and Sewerage, SDCC4 – Sustainable Transport and SDCC10 – Sustainable Transport) and the Council’s approved Residential Design Guide.
- 3.1.3 In addition, on 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) (SLLDP2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policies 1 – Spatial Strategy, 2 – Climate Change, 3 – General Urban Areas/Settlements, 5 – Development Management and Place Making, 11 – Housing, 14 – Natural and Historic Environment, 15 – Travel and Transport, DM1 – New Development Design, DM7 – Demolition and Redevelopment for Residential Use, DM15 – Water Supply, DM16 – Foul Drainage and Sewerage, SDCC3 – Sustainable Drainage Systems and SDCC4 – Sustainable Transport are relevant.
- 3.1.4 The aim of the above policies and guidance is to seek a development that is appropriately designed, located, serviced and results in no adverse impact on the surrounding area. 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 **Planning Background**
- 3.2.1 As previously noted, the proposed demolition of the buildings on site were the subject of applications for the “Prior Notification for Demolition” (application no.: P/19/1263) and a Warrant for the demolition of the buildings (Warrant no.: B/19/1729) both of which were approved by the Council.

#### **4 Consultation(s)**

- 4.1 **Roads (Development Management)** – have advised that they have no objections to the proposal, subject to conditions relative to visibility splays, access standards and site staff/operative parking provision during demolition and construction works.  
**Response:** - Appropriately worded conditions can be incorporated into any consent to address the matters raised.
- 4.2 **Environmental Services** – have confirmed that they have no objection to the proposal subject to the inclusion of an informative relative to noise and contamination.  
**Response:** - Appropriately worded informatives can be attached to any consent to address this matter.
- 4.3 **Scottish Water** – have offered no objections to the proposed development.  
**Response:** - Noted.
- 4.4 **WOSAS** – have advised that no significant archaeology issues are raised in this instance as the site does not include any recorded remains and the area has been heavily developed already.  
**Response:** - Noted.
- 4.5 **CER (Play Provision)** – have offered no comments to date.  
**Response:** - Noted.
- 4.6 **Education Resources (School Modernisation)** – have offered no comments to date.  
**Response:** - Noted.

#### **5 Representation(s)**

- 5.1 Neighbour notification procedures were undertaken in respect of the initial submission. Three letters of representation were received following the undertaking of this process. The grounds of objection are summarised as follows:

**a) Road safety concerns – increased traffic**

**Response:** It is accepted that there will be an increase in the volume of traffic associated with the site than was previously the case. However, it is considered that there will be no significant impact in terms of road safety as a result of the development. Access/egress arrangements to the site have been designed in accordance with road guidance and are acceptable in this regard. The proposed parking provision within the site is considered sufficient to serve the development given its proximity to Hamilton Town Centre, which provides access to bus and rail links, and public parking within the immediate area.

**b) Impact on rights of vehicular access over site**

**Response:** The applicants are aware of this requirement and have retained access to the adjacent parking areas within their proposal. However, any issues or concerns in relation to its operation would be a private matter between the parties involved and would be outwith the control of the Council.

**c) Misuse of existing private parking areas**

**Response:** As with the response at 5.1(b) above, any issues or concerns in this regard would be a private matter between the parties involved and would be outwith the control of the Council.

**d) Overdevelopment of site**

**Response:** It is considered that the proposed development, as amended, accords with the aims of the relevant policies and guidance of both the adopted and proposed South Lanarkshire Local Development Plans, against which any new development should be considered. As such, it is not considered to result in an overdevelopment of the site. An assessment of the proposal is addressed within Section 6 below.

**e) Overlooking, loss of privacy, overshadowing and loss of views**

**Response:** Within town centre locations, such as the development site, and the proximity of neighbouring properties to one another, there is often a difficult balance to achieve with regard to such concerns. It is considered that the proposed development, as amended, has been designed in an effort to limit any impact on neighbouring properties and is in accordance with the general aims of applicable policies and guidance, in this instance. Overall, it is not considered that the development will result in any unacceptable overlooking or privacy issues arising.

**f) Potential security concerns**

**Response:** These concerns relate to the fact that the existing buildings within the site extended to the common boundary with neighbouring properties and formed an effective barrier. The proposed boundary treatments are common features within such residential developments and residential areas in general. Whilst neighbouring properties have benefited from the application site being enclosed, there is no justification from a planning perspective for an increase in the height of the proposed boundary fencing.

**g) Concerns over the introduction of social housing within area – potential anti-social behaviour, disturbance, etc.**

**Response:** The Council is committed to providing a range of house types and tenures to meet the increasing number and variety of households within its area. The provision of social housing on this site, in association with Clyde Valley Housing Association, would assist in achieving these aims. The proposed development is acceptable within this established residential area.

**h) Reduction in property values due to provision of social housing within area.**

**Response:** The impact of a development on property values is not a material consideration in the determination of a planning application. Such concerns should not, therefore, influence the determination of this application.

**i) Potential impact on Council Tax banding due to proximity of social housing to existing properties.**

**Response:** Again this is not a material planning consideration and should not, therefore, influence the determination of this application.

**j) Impact on listed buildings and conservation area which lie in close proximity to application site**

**Response:** It is noted that the application site, and buildings, are neither within a designated conservation area nor listed structures. Furthermore, whilst such designations may be found in close proximity to the application site, it does not immediately adjoin these features. On this basis, it is considered that the re-development of the site, in the manner proposed, would have no adverse impact on these designations.

5.2 Following the submission of the revised proposal, neighbour notifications were undertaken again. In response, a further letter of representation was received. The grounds of objection can be summarised as follows:

**a) Concerns over the details provided within the Design and Access Statement.**

**Response:** These concerns relate to the classification, i.e. commercial rather than mixed including housing, of surrounding uses on the site plan within the document and omission of adjacent parking areas. It is advised that information has been provided to give an indication of the surrounding uses and is not intended as a detailed account of all surrounding uses. On this basis, presentation of the information within the document is considered acceptable in terms of the assessment of the application.

**b) Concerns over the loss of privacy due to the height of the proposed building.**

**Response:** This matter has been responded to at 5.1 (e) above.

**c) Concerns over the scale of development and its impact on adjacent properties.**

**Response:** This matter has been responded to at 5.1 (a) above.

**d) Concerns over the potential for future residents to use neighbouring land for access to the development.**

**Response:** Any issues or concerns in this regard would be a private matter between the parties involved and would be outwith the control of the Council.

**e) Unauthorised parking within neighbouring parking courts.**

**Response:** Again any issues or concerns in in this regard would be a private matter between the parties involved and would be outwith the control of the Council.

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

## **6 Assessment and Conclusions**

6.1 This application proposes the erection of a flatted residential development, with associated parking and amenity space within land associated with a former press office/commercial building, comprising a variety of structures.

6.2 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all planning applications are determined in accordance with the development plan, unless other material considerations indicate otherwise. The main determining issues, therefore, in the assessment of this application are whether the proposed development is in compliance with local plan policy and its impact on the amenity of adjacent properties and on the local road network.

6.3 The adopted South Lanarkshire Local Development Plan (SLLDP) seeks to ensure that future development takes place in a sustainable way whilst recognising the need for economic growth and regeneration (Policies 1 – Spatial Strategy and 2 – Climate Change). The proposal accords with these aims as it relates to the redevelopment of a site within an established urban area with good links to public transport, with the site itself providing reduced on-site parking provision, the capability for electrical vehicle charging points and facilities for bicycle storage. Within the adopted plan, the site is designated as within a general residential zoning (Policy 6). Furthermore, the site is included within the Council's Housing Land Supply (ref. HM3397) and within the 2019

South Lanarkshire Strategic Housing Investment Plan for public sector housing. Policy 12 of the SLLDP supports development of sites included within the Housing Land Audit. The principle of use of the site for residential purposes is acceptable in this regard, subject to compliance with normal development management criteria.

- 6.4 The matters considered appropriate in the determination of this application are set out within Section 3.1.3 above. Principally, the stated policies and guidance seek to ensure that any development does not adversely impact on the amenity of such areas, can be adequately serviced and has been designed in a manner which takes cognisance of appropriate guidance and the area within which it is located. Having considered the design and layout of the revised proposal, it is considered that the scheme is capable of being developed, subject to conditions, without conflict with the general requirements of the applicable policies and guidance.
- 6.5 With regard to the detailed design of the development, it is considered that the proposal, as amended, is acceptable and will be in keeping with the existing development in the surrounding area, which contains a mix of building styles. The proposed scheme has been amended, following discussions with the Planning Service, to enable a better integration with the existing streetscape. Given the design and layout of the proposed development, and its relationship with existing properties adjoining the site, it is also considered that there would be no significant detrimental impact to the amenity or overlooking issues, as a result of the introduction of this development. The removal of existing buildings on site, which have lain vacant for a number of years, and the subsequent redevelopment of the site for residential purposes will bring the area back into beneficial use and enhance the overall amenity at this location, including the introduction of amenity space along part of the Postgate frontage. The proposed external material finishes raise no issues given the current mix within the area. The proposed development raises no road safety, amenity or privacy concerns and, therefore, accords with aims of Policies 4, 15, DM 1, DM7, DM13 of the SLLDP and supporting supplementary guidance.
- 6.6 The application site is within an urban location where sewerage and water infrastructure connections can be easily accessed. In addition, the site will incorporate a suitably designed urban drainage system, to be conditioned should consent be given, to serve the development. On this basis, it is considered that the proposal raises no issues in terms of Policies SDCC3, SDCC 4 and SDCC 5 within the adopted SLLDP's supplementary guidance on Sustainable Development and Climate.
- 6.7 In terms of Policies 16 and SDCC10, which relate to the promotion of sustainable travel, the Council requires that new development schemes recognise the needs of cyclists and incorporate electric vehicle charging points within the development. In this regard, it is noted that a secure storage facility for 25 bicycles has been provided within the revised scheme. The incorporations of vehicle charging points can be addressed through the use of an appropriately worded condition.
- 6.8 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. It is considered that the proposal accords with Policies 1, 2, 3, 5, 11, 14, 15, DM1, DM7, DM15, DM16, SDCC3 and SDCC4, – Sustainable Transport contained in the proposed plan.



- 6.9 Whilst third party representations have been received, it is considered that the issues raised are not of sufficient weight or merit, either individually or collectively, to justify the refusal of the application in this instance. No specific concerns, subject to the inclusion of conditions and/or informatives, have been raised by the various consultees. Any requirements can be addressed through the use of conditions and/or informatives, where appropriate.
- 6.10 In conclusion, and having considered all of the above, it is considered that the proposal accords with the policies contained in both the adopted South Lanarkshire Local Development Plan, and its Supplementary Guidance, and emerging South Lanarkshire Local Development Plan 2.
- 6.11 On the basis of the above, it is recommended that planning permission be granted, subject to the conditions listed.

## **7 Reasons for Decision**

- 7.1 The proposal accords with the policies of the South Lanarkshire Local Development Plan and Supplementary Guidance (namely Policies 1 – Spatial Strategy, 2 – Climate Change, 4 - Development Management and Placemaking, 6 – General Urban Area/Settlements, 12 – Housing Land 13 – Affordable Housing and Housing Choice, 15 – Natural and Historic Environment Travel and Transport, DM1 – Design, DM7 – Demolition and Redevelopment for Residential Use, DM 13 – Development within General Urban Area/Settlements, SDCC3 – Sustainable Drainage System SDCC4 – Water Supply, SDCC5 – Foul Drainage and Sewerage and SDCC10 – Sustainable Transport).

Furthermore, the proposal accords with the requirements of the policies and guidance within the proposed South Lanarkshire Local Development Plan 2 (namely Policies 1 – Spatial Strategy, 2 – Climate Change, 3 - General Urban Areas, 5 - Development Management and Place Making, 11 – Housing, 14 – Natural and Historic Environment, 15 – Travel and Transport, DM1 – Design, DM7 – Demolition and Redevelopment for Residential Use, DM15 – Water Supply, DM16 – Foul Drainage and Sewerage, SDCC3 – Sustainable Drainage Systems and SDCC4 – Sustainable Transport).

There are no other material considerations that would justify the refusal of consent.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

Date: 22 January 2020

### **Previous references**

- ◆ None

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 6 September 2019 and 15 January 2020
  
- ▶ Consultations

Roads Development Management Team	22.11.2019
Environmental Services	18.09.2019
Scottish Water	11.09.2019
WOSAS	17.09.2019

► Representations	Dated:
Ms J Gale, 30 Cadzow Street, Hamilton, South Lanarkshire, ML3 6DG	08.10.2019 20.01.2020
Derick Wemyss, Received Via Email	18.11.2019
Gavin Osprey, Received Via Email	12.09.2019

### **Contact for further information**

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

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

Phone: 01698 454970

Email: [james.watters@southlanarkshire.gov.uk](mailto:james.watters@southlanarkshire.gov.uk)

### **Conditions and reasons**

01. That, unless otherwise agreed in writing with the Council as Planning Authority, the proposed external finishes shall be as per the details provided within the submitted Design and Access Statement (Rev. A) (Prepared by Crawford Architecture, dated 19<sup>th</sup> December 2019) and drawing AL(00)00 Revision B, dated November 2019.

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

02. 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.

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

03. That before the development hereby approved is completed or brought into use, the new vehicular access so far as it lies within the boundaries of the road abutting the site, shall be constructed in accordance with the specification of the Council as Roads and Planning Authority. This shall include dropped kerb footway crossings both side of the private access and ensure that no fencing, vegetation, shrubs, trees, etc. above the height of 900mm are located within the sightlines.

Reason: In the interests of traffic and public safety.

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

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

05. That prior to any works commencing on site, unless otherwise agreed in writing with the Council as Planning Authority, a plan showing a turning area and number of parking spaces for site staff/operatives within the site shall be submitted to and agreed, in writing with the Council as Planning Authority. Thereafter the agreed scheme shall be fully implemented and maintained to the satisfaction of the Council as Planning Authority.

Reason: To ensure the provision of appropriate facilities on site.

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

completed in accordance with the details submitted to and approved by the Council as Planning Authority.

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

07. Prior to commencement of the development hereby approved, details of measures to facilitate the provision of full fibre broadband to serve the development, including details of appropriate digital infrastructure and a timescale for implementation, shall be submitted to and approved in writing by the Council as Planning Authority, unless otherwise agreed in writing with the applicant. The approved measures shall thereafter be carried out in accordance with the agreed implementation timescale.

Reason: To ensure the provision of digital infrastructure to serve the development.

08. That, unless otherwise agreed in writing with the Council as Planning Authority, provision shall be made for electrical charging points within the development for motor vehicles and mobility scooters. Prior to any works commencing on site details of the proposed arrangements shall be submitted, and agreed in writing with the Council as Planning Authority. Thereafter the scheme shall be implemented and maintained to the satisfaction of the Council as Planning Authority.

Reason: To ensure the provision of appropriate facilities on site.

09. That before any of the flatted units hereby approved are occupied, unless otherwise agreed in writing with the Council as Planning Authority, details of the storage and collection of refuse within the development shall be submitted to and approved by the Council as Planning Authority. Thereafter, prior to the occupation of any dwelling, the approved scheme shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.

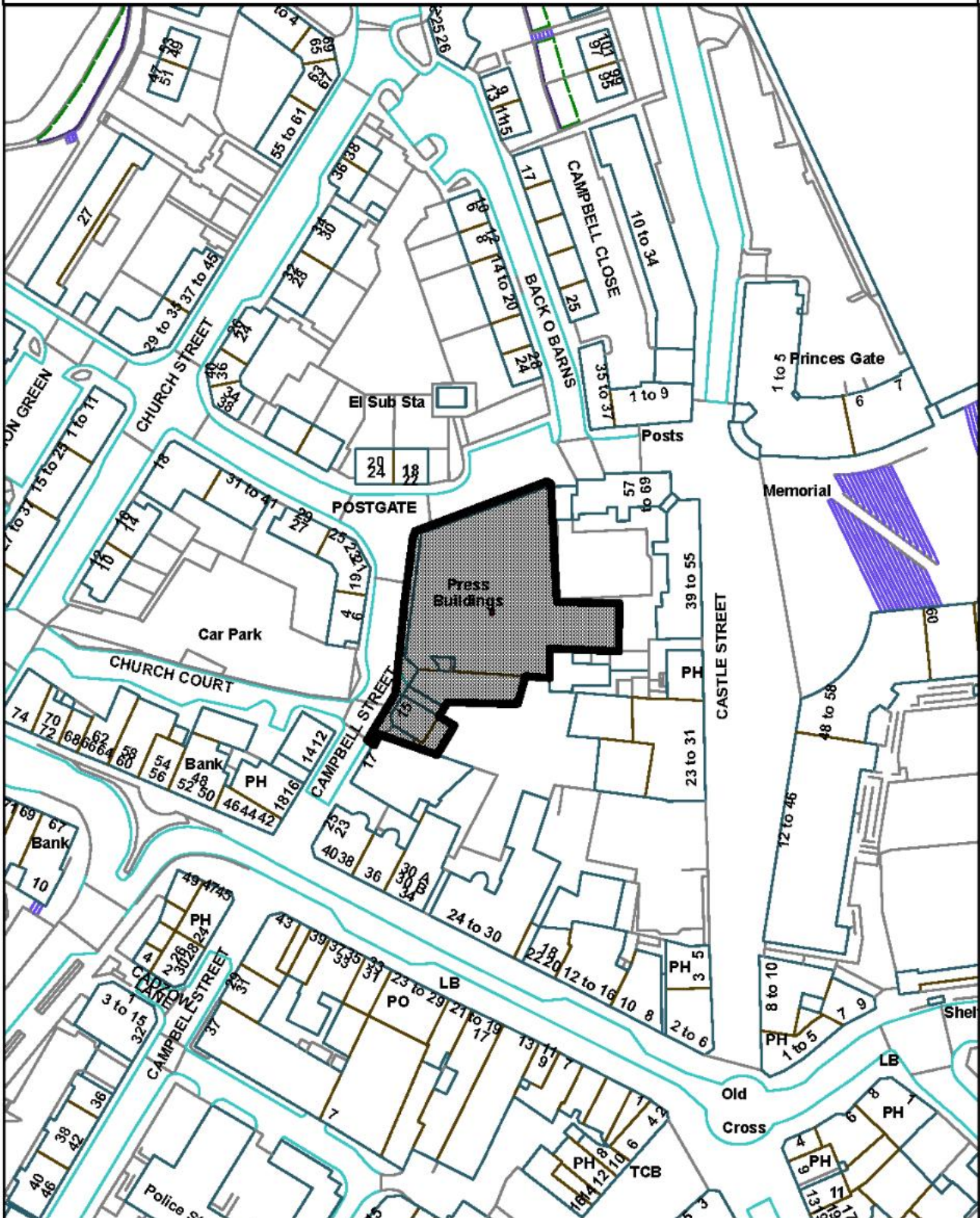
Reason: To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to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

10. That before any of the flatted properties hereby approved are occupied, unless otherwise agreed in writing with the Council as Planning Authority, details of the cycle storage facility within the development shall be submitted to and approved by the Council as Planning Authority. Thereafter, prior to the occupation of any dwelling, the approved scheme shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of amenity and to ensure that a satisfactory external appearance is achieved.

P/19/1315

Press Buildings, Campbell Street, Hamilton



© Crown copyright and database rights 2019 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:  
1:1,250  
Date:  
13/01/2020



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development



# Report

9

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>11 February 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/19/0964
Planning proposal:	Change of use of land from yard area to form aggregate recycling and storage with ancillary crushing and wash plant and associated vehicle storage yard.

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Bedrock Plant Ltd
Location:	Waterbank Farm Westerfield Road Carmunnock G76 9HS

## 2 Recommendation(s)

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

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

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) The Committee should note that the decision notice should not be issued until the following matters are concluded:

A Legal Agreement securing:

- A mechanism for financial compensation for the repair of any damage to roads arising from extraordinary wear and tear associated with the development.
- Provision of a vehicle routing agreement ensuring HGVs do not travel through the village of Carmunnock
- The provision of junction improvements to the Waterbank Road/ Waterside Road priority junction

The applicant will be responsible for meeting SLC's reasonably incurred legal expenses in respect of the legal agreement and restoration guarantee quantum.

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Legal Agreement within 6 months of the date of the Committee, the proposed development may be refused on the basis



that, without the planning control/ developer contribution which would be secured by the Legal Agreement, the proposed development would be unacceptable.

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

### 3 Other information

- ◆ Applicant's Agent: AED Planning And Development
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**

Policy 1 – Spatial Strategy

Policy 2 – Climate Change

Policy 3 - Green Belt and Rural Area

Policy 4 - Development Management and Placemaking

Policy 16 - Travel and Transport

Policy 17 - Water Environment and Flooding

Policy 18 – Waste

Supplementary Guidance 1: Sustainable Development and Climate Change

Supplementary Guidance 3: Development Management, Placemaking and Design

Supplementary Guidance 9: Natural and Historic Environment

Minerals Non Statutory Planning Guidance 2017

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

Policy 1 Spatial Strategy

Policy 4 Green Belt and Rural Area

Policy 5 Development Management and Placemaking

Policy 14 Natural and Historic Environment

Policy 15 Travel and Transport

Policy 16 Water Environment and Flooding

Policy 17 Waste

#### ◆ Representation(s):

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

#### ◆ Consultation(s):

Roads Flood Risk Management

Carmunnock Community Council



Roads Development Management Team

Environmental Services

SEPA West Region

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site is an area of 1.4ha of developed land at Waterbank Farm some 720m to the northwest of East Kilbride and some 560m to the south of Carmunnock. The site is currently split into two sections. The first section comprises an existing storage yard with associated storage shed buildings that has an extant use for the storage of construction vehicles/ plant hire including their maintenance and also includes an ancillary modular office building. The second part of the site which takes up the eastern half of the application site is currently in agricultural use with a large agricultural shed on this portion of the site. The whole site is accessed from an existing access directly onto Waterside Road. The site is bounded to the southeast by Scottish Water sewerage treatment works with the remainder of the site bounding farmland. A man made bund forms the southern boundary of the second section of the application site but is wholly outwith the boundary of this application site.

### **2 Proposal(s)**

- 2.1 Planning permission is sought for the change of use of the site from agricultural use to a facility for aggregate recycling and storage together with ancillary crushing and wash plant and an associated vehicle storage yard. The established plant hire company would be retained and run in parallel with the proposed additional use.
- 2.2 The proposals comprise the importation of up to 100,000 tonnes per annum of inert waste to be crushed and screened on site. It is intended that most of the material will be exported off site to then be reused within the construction industry. Any residual material not suitable for reuse will be exported for off-site disposal and not kept within the site.
- 2.3 The proposals involve the use of a mobile screening unit, a mobile crushing unit and a wash plant. It is also proposed to use the existing weighbridge on site that is located within the plant hire portion of the site. It is proposed to operate the screening, crushing and wash plant upon the existing hardstanding yard area located next to the large agricultural shed in the eastern portion of the site. It is also proposed to temporarily store the recycled material within the agricultural shed on site prior to dispatch.
- 2.4 The proposals are for the importation of a maximum of 100,000 tonnes of material a year which equates to approximately 2,000 tonnes per week. The proposed operating hours are 7am to 6pm Monday to Friday and 7am to 2pm on a Saturday. Overall, the proposal in isolation would generate around 20 additional daily HGV movements to the site. However, the applicant has advised that vehicles associated with the plant hire business would be used and, as a result, estimates that only three additional HGV movements would be generated above the existing level (as generated by the plant hire use on its own).

### **3 Background**

#### **3.1 National Policy**

- 3.1.1 National Planning Framework 3 (NPF3) June 2014 sets out the long term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3 recognizes that waste can be

considered a resource rather than a burden. NPF3 states that it expects Planning Authorities to work with the market to identify viable solutions to create a decentralized network of waste processing facilities and, through effective waste management, create a sustainable legacy for future generations.

3.1.2 Scottish Planning Policy sets out a series of policy principles for achieving the zero waste policy Scotland has adopted through the National Zero Waste Plan 2010 (ZWP). SPP promotes the delivery of waste infrastructure at appropriate locations and waste management should be prioritised through the Scottish Government's waste hierarchy. The hierarchy is: waste prevention, reuse, recycling, energy recovery and waste disposal. Paragraph 186 of SPP states that suitable sites for waste 'will include those that have been identified for employment, industry or storage or distribution'.

3.1.3 The proposals are for the management of inert, building waste to be reused within the construction industry and, therefore, it is considered that the proposals meet the waste strategy set at a national level through SPP and NPF3. It is, therefore, considered that, at a national level, the proposals comply with waste policy and, therefore, do not require to be further assessed within this high level context.

### 3.2 **Development Plan Status**

3.2.1 The South Lanarkshire Local Development Plan (SLLDP) was adopted in 29 June 2015 and contains the following policies against which the proposal should be assessed:-

- Policy 1 Spatial Strategy
- Policy 2 Climate Change
- Policy 3 Green Belt and Rural Area
- Policy 4 Development Management and Placemaking
- Policy 16 Travel and Transport
- Policy 17 Water Environment and Flooding
- Policy 18 Waste

3.2.3 The following approved Supplementary Guidance documents support the policies in the SLLDP and also require assessment:-

- Supplementary Guidance 1: Sustainable Development and Climate Change
- Supplementary Guidance 3: Development Management, Placemaking and Design
- Minerals Non Statutory Planning Guidance 2017

3.2.4 All these policies and guidance are examined in the assessment and conclusions section of this report.

3.2.5 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 (LDP2) is now a material consideration. In this instance, the following policies are relevant:-

#### Volume 1

- Policy 1 Spatial Strategy
- Policy 4 Green Belt and Rural Area
- Policy 5 Development Management and Placemaking

- Policy 15 Travel and Transport
- Policy 16 Water Environment and Flooding
- Policy 17 Waste

3.2.6 All these policies and guidance are examined in the assessment and conclusions section of this report. It should be noted that LDP2 policies are only referenced if they do not accord with the existing policy context in SLLDP.

### 3.3 **Planning Background**

3.3.1 The application site comprises 2 separate parcels both of which are access from Waterside Road. The western side of the site currently operates as a plant hire business with plant stored and repaired on site. This part of the site comprises a modular office building, garage shed and plant and staff parking. This business has been in operation for over ten years and has an established use. There are currently no restrictions with regard to noise or vehicles for these operations.

3.3.2 The eastern part of the site is accessed from Waterside Road over an internal road from the western portion and is currently in agricultural use. Planning permission was granted for the landfilling to form ground for erection of a cattle shed and feeding area on 21 October 1997 (CL/97/0330). A Section 96 legal agreement between the applicant and the Council was completed, enabling the Council to recover expenses resulting from the extraordinary wear and tear of the public road as a result of the operation.

3.3.3 A further planning permission was granted to extend the infilling with clean fill material on 26 November 2004 (EK/03/0183), following a report to Planning Committee on 12 October 2004. A Section 96 legal agreement between the applicant and the Council was also completed for this development.

3.3.4 On 10 July 2009, planning permission (CL/08/0419) was granted for the formation of new access road and associated drainage and landscaping works, which amended provisions contained with EK/03/0183.

3.3.5 Planning permission (EK/10/0317) was granted on 13 December 2010 for an amendment of condition 2 of planning permission EK/03/0183 to allow time period for completion of works and restoration of site to be extended until 09/09/2011.

3.3.6 In 2011, an application for the formation of a materials recycling yard including further infilling of the adjacent bund was applied for, firstly on a permanent basis (Ref: EK/11/0230) and then on a temporary 5 year basis (EK/12/0241). Both of these applications were refused as the proposals were considered to be inappropriate development within the Green Belt due to the proposed further infilling of the adjacent bund. It should be noted that both these applications were for large scale infill of the bund and land outwith the current application site and did not include the established plant hire portion of the current site.

3.3.7 In 2017, the applicant confirmed that all infilling works associated with the previous permissions (as noted in paras 3.3.2 to 3.3.5) had been completed and that further works to the bund created by these permissions had ceased.

3.3.8 Due to the proposals involving the importation of over 25,000 tonnes of inert waste (building aggregate) a year, the application constitutes a 'Major' development within the Planning Hierarchy and, as such, required formal public consultation prior to this application being submitted. The applicant carried out the required pre-application

consultation (P/19/0002/PAN) and accordingly a Pre-Application Consultation (PAC) Report has been submitted as part of this application.

#### **4 Consultation(s)**

- 4.1 Roads and Transportation Services (Development Management)** – Note the applicants estimate that three additional HGV movements would be generated by this proposal. They seek automatic traffic count data to be provided to verify these levels. Accept the conclusion of a Transport Statement submitted with the application that improvements are required at the Waterbank Road/ Waterside Road priority junction. This will require further details to be provided for approval and accompanied by a Road Safety Audit. Note that the TS also outlines a delivery route to avoid vehicles passing through Carmunnock. Wheel washing facilities should also form part of any permission if granted.

**Response:** Noted. A legal agreement is proposed to ensure provision of the junction improvements and the proposed routing agreement. The legal agreement would also require the applicant to pay for any additional wear and tear of the public highway that their vehicles may cause, should approval be given. Conditions requiring traffic counters, wheel washing facilities and an RSA all form part of the recommendation.

- 4.2 Environmental Services** – have no objections to the proposals subject to noise limits being imposed and a dust management scheme being implemented.

**Response:** Noted. Conditions relating to noise levels and the provision of a dust management scheme are included within the recommendation. It is also noted that Environmental Services recommend the hours of operation as 8am to 7pm Monday to Friday and 8am to 1pm on a Saturday which differ from the hours proposed (7am to 6pm Monday to Friday and 7am to 2pm on a Saturday). It is considered that these hours of operation are more suitable to avoid potential early morning activity whilst still allowing 11 hours of operations on a week day with only the loss of 2 operating hours on a Saturday. The Environmental Services operating hours, therefore, form part of the noise condition in the paper apart.

- 4.3 SEPA** – have no objections to the application and provide general guidance on the requirement of their authorisation under The Waste Management Licensing (Scotland) Regulations 2011 and other regulatory requirements outwith the Planning process.

**Response:** Noted. Should planning permission be granted, the applicant will also be required to ensure all other relevant authorisations for operations of this nature are in place before works starts on site.

- 4.4 Roads and Transportation (Flood Risk Unit)** – no objections subject to the imposition of conditions to comply with the Council's Design Criteria

**Response:** Noted. The required conditions form part of this recommendation.

- 4.5 Carmunnock Community Council** – do not object to the application but wish for the following concerns to be addressed or assessed as part of the application process;

- Take account of the Green Belt designation and siting of the proposals outwith an industrial estate
- Road Safety including traffic management in Carmunnock
- Support the applicant, as a local business, subject to ensuring the amenity of residents within the locale are protected.

**Response:** The planning assessment in section 6, below takes account of the Green Belt designation and siting of the proposals. Road safety has been taken account of as part of the planning assessment and, as noted above, Roads and Transportation Services are content that the proposals are acceptable in regard to road safety subject to conditions and a legal agreement regarding junctions, access, wear and tear of the

public road and routing of all vehicles to avoid Carmunnock. Residential amenity has also been taken account of and, as noted above, Environmental Services are content with the proposals subject to conditions relating to noise limits and dust management.

## **5 Representation(s)**

- 5.1 Following the carrying out of statutory neighbour notification and advertisement of the application in the local press due to the non-notification of neighbours and the proposals comprising a bad neighbour development, one letter of objection has been received with the following concerns:-

**a) Ensure the protection of any wildlife on site.**

**Response:** The proposals do not involve the loss of any natural habitat.

**b) No trees should be felled without a bat survey**

**Response:** There are no trees on site and, therefore, felling is not required.

- 5.2 This letter is available for inspection in the usual manner and on the Planning Portal.

## **6 Assessment and Conclusions**

- 6.1 The proposals involve the formation of a waste recycling operation at Waterbank Farm near Carmunnock. The main considerations in determining the application are whether the proposals accord with the development and the impact on amenity, road safety and the wider environment.
- 6.2 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan, comprises the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance. Whilst not part of the development plan the Council's Non-statutory Planning Guidance on Minerals, 2017 is a material consideration in the assessment of this application. Finally, on 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 (LDP2) is now a material consideration. Again, it is noted that LDP2 is only referenced if there is a change in policy context from the adopted SLLDP.
- 6.3 The SLLDP's overall strategic vision is 'to promote the continued growth and regeneration of South Lanarkshire by seeking sustainable economic and social development within a low carbon economy whilst protecting and enhancing the environment.' The relevant, specific policies relating to this application are taken in turn below. Policy 1 'Spatial Strategy' states that developments that accord with the policies and proposals of the development plan will be supported.
- 6.4 In land use terms, the application site is located within land designated as Green Belt within the SLLDP and is, therefore, required to be assessed against Policy 3 -Green Belt and Rural Area. Firstly, the SLLDP states that its aim through Policy 3 is to control, not prohibit, development within the Green Belt. Policy 3 states that the Green Belt and rural area functions primarily for agricultural, forestry, recreation and other uses appropriate for the countryside. Guidance on what is meant by appropriate uses is found in the Supplementary Guidance on Green Belt and Rural Area. In addition, Policy goes on to advise that exceptionally new development in the Green Belt may

be appropriate in a number of scenarios including where a specific locational requirement and established need is shown; where the proposal involves the redevelopment of derelict or redundant land and buildings where significant environmental improvements can be shown; or if the proposal is for limited development of existing premises or uses providing it is of a suitable scale and design

- 6.5 In general terms, the proposals involve development of a scale that could not easily be accommodated within an urban location particularly in terms of the area required and the likely adverse impact on amenity and traffic generation. In addition, in this case, the applicant already operates an established plant hire business adjacent to the site and the area of land that would be used has already been partly developed as hardstanding and the existing agricultural shed would be re-used for storage. The proposals would also involve the reuse of the existing infrastructure. The proposals would consolidate the applicant's existing operations and the site is self-contained so that the proposal would not have an adverse effect on the character of the surrounding area.
- 6.6 As noted in 3.3.3 to 3.3.7 above, planning permission was previously granted (EK/03/0183) to allow a similar operation in terms of material importation for land raising and resulted in the formation of the existing adjacent bund that is outwith the application site. The applicant subsequently applied to continue this land raising but the application also included the recycling of materials, where possible, firstly on a permanent basis (EK/11/0230) and then for a temporary period of 5 years (EK/12/0241). Both these applications were refused solely on the grounds that the further land raising would have an adverse impact on the Green Belt. The recycling activities were considered acceptable. This current application, therefore, takes cognizance of these previous decisions and has removed the land raising element from the proposals. This has reduced the site area to only cover previously developed land within the Green Belt and, therefore, the proposals do not conflict with the principle of new development the Green Belt. Overall, therefore, it is considered that the principle of the development meets with the relevant criteria of Green Belt policy without undermining the main objectives of the Green Belt. The proposals, therefore, comply with Policy 1 and 3 of the SLLDP subject to meeting other development management criteria as assessed below.
- 6.7 SLLDP Policy 18 - Waste states that, in general, waste management facilities and transfer stations will be directed to employment land unless other material considerations indicate otherwise. As referenced above, the proposals are linked to a similar established business operated by the applicant, would make use of existing infrastructure and do not involve the creation of new built development. Policies SDCC11 and SDCC12 provide further guidance in support of SLLDP Policy 18. SDCC12 in particular sets buffer zones for specific types of waste management facilities. In this instance, it is considered that the closest type of waste management facility these proposals relate to in the SDCC12 criteria is for recycling which sets a minimum distance of a 100m from the site to any sensitive receptor. In this instance, the nearest sensitive receptor is over 200m from the site boundary and, therefore, the buffer zone criterion is not breached in this instance. It is therefore considered that the location of the site is considered acceptable under these terms and, as such, is not in conflict with Policy 18.
- 6.8 SLLDP Policy 4 - Development Management and Placemaking states that development proposals should, among other things, have no significant adverse impacts on amenity as a result of light, noise, odours, dust or particulates. Policy 4 also states that development proposals should take account of and be integrated within the local context and landscape character, and where possible, should include

measures to enhance the environment. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design. The application submission contains information regarding proposed noise levels associated with the proposals. The rural location of the site and the adjacent landscaped bund would mitigate any potential noise or visual impact of the proposals. Environmental Services agree with the findings of the noise information subject to conditions ensuring noise levels are not breached. Conditions requiring further details of lighting and dust management form part of the recommendation to ensure light or air pollution is controlled. It is, therefore, considered that, subject to mitigation conditions, the proposals accord with the development plan criteria in this instance.

- 6.9 SLLDP Policy 16 ‘Travel and Transport’ states that new development must conform to South Lanarkshire Council’s ‘Guidelines for Development Roads’. It is proposed to import a maximum of 100,000 tonnes of inert material into the site per annum. This, in isolation, would generate approximately 20 HGV trips into the site daily. Following discussions with Roads and Transportation Services, a Transport Statement (TS) was submitted further detailing proposed road movements and routes. The TS sets out the current levels of HGV movements associated with the plant hire operation but notes that this is currently unrestricted and could, therefore, operate at higher levels of HGV movement. The TS then assesses the HGV trips associated with the proposed aggregate operations in association with the current trips generated by the hire plant business. The TS notes that maintaining the current HGV trips associated with the proposed aggregate operations would result in an additional 3 HGV trips a day to and from the site.
- 6.10 The TS also outlines a vehicle route whereby vehicles entering or exiting the site would only use the north section of Waterbank Road and the Carmunnock bypass to ensure that vehicles do not travel through the village of Carmunnock. The TS also proposes that the applicant provides improvement works at this junction for the additional HGV use. Roads and Transportation Services agree with these outcomes and it is intended to ensure these measures are implemented before the use comes into operation through a legal agreement. Roads have also requested that traffic counters be installed to ensure that the scale of HGV trips can be verified while also allowing an assessment of any additional wear and tear on the public road that these proposals may create. Any financial contribution to address damage to the road would be secured via the legal agreement. Conditions requiring a Traffic Management Plan, including a wheel cleaning facilities and the carrying out of a Road Safety Audit have also been recommended by Roads and Transportation Services and form part of the recommendation of approval. It is also considered that this application allows the full site operated by the applicant to be controlled by suitable planning conditions and obligations which are not currently in place for the existing plant hire portion of the site. The TS acknowledges this and notes that the applicant is prepared to lose the unrestricted nature of the plant hire company, should these proposals be approved. It is therefore considered that the proposals, subject to the above legal agreement and conditions address road safety issues.
- 6.11 SLLDP Policy 2 Climate Change states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change by, among other things, maximising the reuse of vacant and derelict land, avoiding areas of medium to high flood risk, having no significant adverse impacts on the water and soils environment, air quality and biodiversity and green networks, and minimizing waste. It is considered that the proposed change of use allows maximising the existing hardstanding, plant and site infrastructure to be used for the reuse of construction materials, which is a use supported through the waste hierarchy and, therefore, contributes to sustainable development. The site is already developed and, therefore,



there would be no impact upon the environment or habitats. It is, therefore, considered that the proposals are intrinsically sustainable and meet the required criteria of Policy 2.

- 6.12 With regard the water environment, as well as SLLDP Policy 2, SLLDP Policy 17 'Water Environment and Flooding' provides further guidance and states that, in relation to the water environment, development proposals outwith flood risk areas must accord with supplementary guidance. Supplementary Guidance on Sustainable Development and Climate Change supports the objectives of SLLDP Policies 2 and 17, and provides further guidance on a number of environmental issues, including the water environment, flooding and drainage. Policies SDCC 2, Flood Risk, and SDCC 3 Sustainable Drainage Systems are also considered relevant in relation to this proposal. Policy SDCC2 Flood Risk states that, in accordance with the precautionary principle and the risk framework set out within the SPP, South Lanarkshire Council will seek to prevent any increase in the level of flood risk by refusing permission for new development where it would be at risk from flooding or increase the risk of flooding elsewhere. Policy SDCC3, Sustainable Drainage Systems, states that any new development should be drained by an appropriately designed sustainable drainage system.
- 6.13 The application site is not on a known flood plain. The concrete pad to be used for crushing and sorting of material would be on existing built ground and, therefore, there would not be an additional impact on the surface water drainage of the site. SEPA have not raised any objection in relation to flooding. The Council's Flooding Team have no objections to the proposals subject to the use of sustainable drainage on site for surface water. It is considered that subject to the aforementioned conditions the proposals comply with the criteria of the development plan in this instance.
- 6.14 The South Lanarkshire Non-statutory Planning Guidance on Minerals, 2017 (NSPGM) whilst not part of the development plan is a material consideration in the assessment of this application. Policy MIN 10 relates to aggregate recycling and re-use and is, therefore, relevant to these proposals. It states that the Council will support proposals for the recycling and re-use of, among other things, mineral, demolition and construction material providing that the operations do not prejudice the reclamation or improvement of the site, there would be no significant adverse effect on local communities or the environment, the site is not too remote from the source of the material and that the proposals will not have an adverse impact on the local road network. As outlined above, the proposals are to screen and crush inert building material to allow it to be re-used within the construction industry, do not prejudice any site reclamation, will have no significant adverse effect on local communities or the road network and are located with good transport links near urban areas for sourcing of material. It is, therefore, considered that the proposals would accord with Policy MIN 10 of the NSPGM.
- 6.15 In conclusion, it is considered that the proposal meet the Scottish Government's planning policy on waste as they involve the re-use of building material. In terms of local planning policy the aggregate re-use operations are seen as an extension to an existing operations carried out by the applicant and involve the re-use of previously developed land. The site is screened from view and the operations will, therefore, not have a detrimental impact upon the surrounding landscape nor affect the amenity of any sensitive receptors. It is, therefore, considered that the proposals comply with the development plan and other material considerations and, as such, approval subject to conditions and a legal agreement is recommended.

## **7 Reasons for Decision**

- 7.1 The proposal is considered to be acceptable and would not be detrimental to the environment or road safety subject to the attached conditions. It complies with SPP and Policies 1, 2, 3, 4, 16, 17 and 18 of the adopted South Lanarkshire Local Development Plan 2015, Policy DM1 of Supplementary Guidance 3: Development Management, Placemaking and Design, Policies SDCC2 and SDCC3 of Supplementary Guidance 1: Sustainable Development and Climate Change and Policy MIN 10 of South Lanarkshire Council's Non-statutory Planning Guidance Minerals 2017.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

Date: 22 January 2020

**Previous references**

- ◆ CL/97/0330
- ◆ EK/03/0183
- ◆ EK/08/0419
- ◆ EK/10/0317
- ◆ EK/11/0230
- ◆ EK/12/0241

**List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 18 June 2019
  
- ▶ Consultations
  - Roads Flood Risk Management 08.07.2019
  - Carmunnock Community Council 19.07.2019
  - Roads Development Management Team 26.08.2019
  - Environmental Services 30.08.2019
  - SEPA West Region 20.09.2019
  
- ▶ Representations Dated:
  - Mr J Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS 27.06.2019

**Contact for further information**

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

James Wright, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Phone: 01698 455903  
Email: james.wright@southlanarkshire.gov.uk

### Conditions and reasons

01. That the change of use, hereby approved, solely relates to activities within the planning application boundary as delineated in red on the plan titled 'Site Boundary' and referenced as Drawing No. BPW-2 and that no activities or operations, with the exception of importation and exportation of material via public road, relating to this permission shall be carried out anywhere out with this boundary. Any storage of material on site shall be of a temporary nature and stored solely within the delineated red boundary within the afore noted plan only.

Reason: In the interests of controlling the consent.

02. That before the change of use, hereby approved, is implemented compliance with the Council's Sustainable Drainage Systems (SuDs) design and Flood Risk criteria guidance and inclusive sign off by the relevant parties carrying out the elements of work associated with the design criteria appendices 1 to 5 shall be submitted for the written approval of the Council, as Planning Authority and thereafter be carried out as approved for the lifetime of the development, hereby approved.

Reason: In the interests of drainage

03. That before the change of use, hereby approved, is implemented, a dust management and monitoring scheme shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority. Monitoring results shall be readily available to Officers of the Council investigation adverse comments.

Reason: In the interests of amenity and air quality.

04. That with respect to the control of noise resulting from the operations at the site, the developer shall comply with the following:

That during the working week (0800 to 1900 hrs Monday to Friday inclusive, and 0800 hrs to 1300 hrs on Saturday) the nominal noise limit from site operations at all noise sensitive premises in the vicinity of the site, shall not exceed 45dB(A) LAeq, over any 1 hour period. As the site is to be operational only during daytime there shall be no audible noise from the site at noise sensitive properties between the hours of 1900 hrs and 0800 hrs Monday to Friday inclusive or from 1600 hrs on Saturday until 0800 hrs on Monday.

Reason: In the interests of amenity.

05. That before the change of use, hereby approved, is implemented details of all proposed lighting shall be submitted for the written approval of the Council, as Planning Authority. Once approved the lighting details shall be maintained as such for the lifetime of the change of use, hereby approved.

Reason: In the interests of amenity.

06. That, in line with the noise limits set out in condition 4 above, the hours of operation for the processing of aggregate on site shall be limited to the following only:-  
8.00 to 19.00 Monday to Friday  
08.00 to 13.00 on Saturday

There shall not be any processing of aggregate on site at any other time.

Reason: In the interests of amenity.

07. That before any work starts on site and prior to any material being imported onto site, details of junction improvements at the junction of Waterside Road and Waterbank Road shall be submitted for the approval of the Council as Planning Authority. This shall include a Road Safety Audit. Once approved the details shall be implemented in full before the importation of any material and maintained for the lifetime of the development, hereby approved.

Reason: In the interests of road safety.

08. That automatic traffic counters shall be installed within the site to ensure all vehicle movements are captured. The information gained from these traffic counters shall be made available within 2 weeks of any request for them by the Council as Planning Authority. For the avoidance of doubt weighbridge records shall also be made available within 2 weeks of any request by the Council, as Planning Authority.

Reason: In the interests of road safety.

09. That wheel wash facilities shall be retained on site for the lifetime of the development hereby approved. All HGV's departing the site shall pass through the wheel wash facilities and shall be clear of mud and debris at all times before entering onto the public road network.

Reason: In the interests of road safety.

10. That the operator shall, if requested in writing by the Council, submit details for the approval of the Council of further measures to address the deposit of mud and debris on the public road. Thereafter, those measures shall be implemented in full following the written approval of the Council, as Planning Authority, and maintained as such for the lifetime of the development hereby approved.

Reason: In the interests of road safety.

11. That for the lifetime of the development, hereby approved, any vegetation along the access sightline to the south of the development access, towards the bridge, shall be maintained at a height of no more than 900mm above the ground.

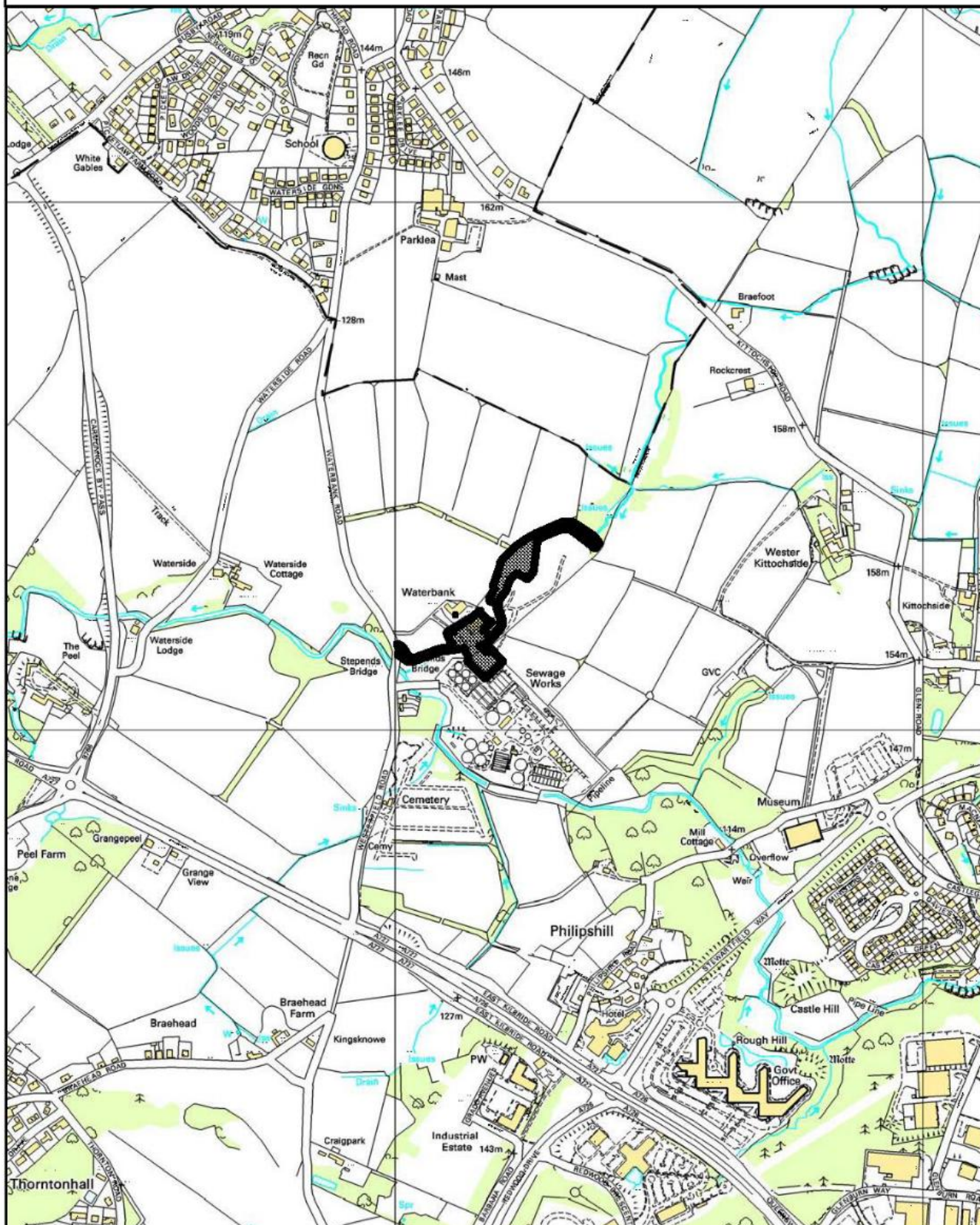
Reason: In the interests of road safety.

12. That before the development hereby approved commences, the existing linear channel across the width of the site access shall be cleared and maintained as such for the lifetime of the development. For the avoidance of doubt, the unblocking of this drain and subsequent drainage shall be in compliance with the SuDS design required by condition 2 above.

Reason: In the interests of road safety.

P/19/0964

Waterbank Farm, Westerfield Road, Camunnock



© Crown copyright and database rights 2019 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:  
1:10,000  
Date:  
16/01/2020



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development





# Report

10

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>11 February 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/19/1526
Planning proposal:	Erection of primary school and nursery with associated infrastructure to include access, parking, landscaping, floodlit 3G pitch and playground area (approval of matters specified in conditions 1 (a to r), 3, 4, 6, 8, 9, 10 and 12 of EK/09/0218).

## 1 Summary application information

Application type: Approval of matters specified in conditions.

Applicant: South Lanarkshire Council  
 Location: Proposed School  
 Jackton Road  
 Jackton  
 South Lanarkshire  
 G75 8RR

## 2 Recommendation(s)

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

(1) Grant matters specified in conditions based on conditions attached.

### 2.2 Other actions/notes

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

## 3 Other information

- ◆ Applicant's Agent: South Lanarkshire Council
- ◆ Council Area/Ward: 06 East Kilbride South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
  - Policy 1 – Spatial strategy
  - Policy 2 – Climate change
  - Policy 4 – Development management and placemaking
  - Policy 12 – Housing land
  - Policy 14 – Green network and greenspace
  - Policy 16 – Travel and transport
  - Policy 17 - Water environment and flooding

**Development Management, Placemaking and Design Supplementary Guidance**

## Green Network and Greenspaces Supplementary Guidance

### South Lanarkshire Local Development Plan 2 (Proposed Plan 2018)

Policy 1 - Spatial strategy

Policy 2 – Climate change

Policy 5 – Development management and  
placemaking

Policy 11 – Housing

Policy 13 – Green network and greenspace

Policy 15 – Travel and transport

Policy 16 – Water environment and flooding

Policy SDCC2 – Flood risk

Policy SDCC3 – Sustainable drainage systems

Policy DM1 – New development design

#### ◆ Representation(s):

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

#### ◆ Consultation(s):

Roads Development Management Team

Roads Flood Risk Management

Environmental Services

SEPA West Region

SNH

Scottish Water

West of Scotland Archaeology Service

Jackton and Thorntonhall Community Council

Countryside and Greenspace

SP Energy Networks



# Planning Application Report

## 1 Application Site

- 1.1 This planning application relates to a proposed primary school and nursery on land situated within the East Kilbride Community Growth Area (CGA). The site lies east of Eaglesham Road and north of Jackton Road on the southern edge of East Kilbride. The site lies on south-western portion of the masterplan approved as part of Planning Permission in Principle application EK/09/0218 for a “mixed use development comprising residential, retail and education uses and associated engineering works for site infrastructure, new access and distributor road, formation of open space framework with landscaping work.”
- 1.2 The site is currently agricultural land and includes a small number of trees and hedgerows on field boundaries. The site is generally flat, with the northern part of the site rising slightly towards a residential property (Easterhouse), to the north. The site is bounded to the north by an access route to Easterhouse, to the west by Jackton Road, and to the south and east by agricultural fields that fall within the CGA. The application site covers an area of just over 2 hectares.

## 2 Proposal(s)

- 2.1 The application seeks to discharge various conditions imposed on Planning Permission in Principle application EK/09/0218 for the development of East Kilbride Community Growth Area. Condition 1 specifies that all relevant matters such as layout, siting, design, landscaping, drainage etc. are submitted to and approved by the Planning Authority. The other conditions to be discharged specify in further detail what information requires to be submitted to deal with the relevant matters listed in Condition 1. It is noted that the proposed primary school and nursery is designed to serve primarily the new housing associated with the CGA, which is projected to be approximately 2350 housing units in total. This is split between approximately 1950 housing units approved by planning permission in principle EK/09/0218 and approximately 400 proposed housing units to the north of Eaglesham Road that are subject to a separate planning permission in principle application (EK/11/0202).
- 2.2 The proposed layout includes separate access and egress points off a spur road that will connect to the main spine road proposed to run east to west through the CGA. It is noted that the site will link with the cycle and pedestrian network to be formed to serve the residential areas and open space within the CGA, in line with the principles established in the masterplan. Along with the school building, the proposal includes a floodlit, 3G sports pitch, landscaping, car parking and playground areas. The layout includes car parking for staff and pick up/drop off facilities. The proposed school building is a flat-roofed, two-storey building, with the attached nursery at single storey level. Both the nursery and school are designed with an open courtyard area within the central part of the buildings. The proposed school design is a contemporary, flat-roofed style with a mixture of white concrete, grey brick and corten effect (rust coloured) cladding. The proposal includes large glazing panels with vertical emphasis and varied external elevations to provide visual interest. The gross floor area of the building is 3780 square metres and the overall height approximately 9.5 metres.

## 3 Background

### 3.1 Local Plan Status

- 3.1.1 In land use terms, the site is identified within the adopted South Lanarkshire Local Development Plan (2015) as forming part of the identified East Kilbride Community

Growth Area (Policy 1 Spatial Strategy) and is allocated as a Proposed Housing Site (Policy 12 Housing Land). Appendix 3 (Development priorities), relative to Policy 1, sets out the requirements for the site, as follows:

- Definition of new landscape measures to consolidate new green belt edges and establish green networks within the development.
- Improved public transport services through the development area.
- Contribution to the improvement of park and ride facilities at Hairmyres Station.
- Local road network improvements and walking/cycling network through the development area.
- Provision of a new primary school and pre-5 nursery school.
- Contribution to the extensions of local secondary schools.
- Provision of local retail facility of a scale appropriate to serve the community growth area.
- The provision of one grass sports pitch or equivalent provision locally.
- Assess and consider the impact of development on the setting of listed buildings and other prominent buildings, including the police college, Newhouse of Jackton.
- Provision of housing types to accord with Local Development Plan policies including affordable housing.
- Upgrade or contributions towards trunk road improvements as required.

3.1.2 In addition to the above policy designation, which provides the overarching local plan policy direction for the CGA, the proposed development is affected by a number of additional policies within the Local Plan, as follows:

- Policy 2 – Climate change
- Policy 4 – Development management and placemaking
- Policy 14 – Green network and greenspace
- Policy 16 – Travel and transport
- Policy 17 – Water environment and flooding

3.1.3 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, the following policies are relevant:

- Policy 1 - Spatial Strategy
- Policy 2 – Climate change
- Policy 5 – Development Management and Placemaking
- Policy 11 – Housing
- Policy 13 – Green Network and Greenspace
- Policy 15 – Travel and Transport
- Policy 16 – Water Environment and Flooding
- Policy SDCC2 – Flood Risk
- Policy SDCC3 – Sustainable Drainage Systems
- Policy DM1 – New Development Design

## 3.2 Relevant Government Advice/Policy

3.2.1 Relevant Government guidance is set out within the consolidated Scottish Planning Policy (SPP) 2014 and National Planning Framework 3 (NPF3). NPF3 aims to facilitate

new housing development, particularly in areas where there is continuing pressure for growth. SPP introduces a presumption in favour of development that contributes to sustainable development. Furthermore, SPP states that the planning system should enable provision of a range of attractive, well-designed, energy efficient, good quality housing that contributes to the creation of successful and sustainable places. In this regard, it is noted that the proposed school and nursery is essential infrastructure to serve the proposed housing within the CGA.

### 3.3 Planning Background

3.3.1 Planning application EK/09/0218 was originally approved by the Planning Committee in December 2011, subject to the conclusion of a legal agreement to cover matters relating primarily to developer contributions. A revised masterplan was submitted in October 2016 and subsequently approved by the Planning Committee in June 2018, subject to the conclusion of a legal agreement. This legal agreement has now been concluded and registered which allowed planning permission EK/09/0218 to be issued in October 2019. The legal agreement covers matters relating to the delivery of a new primary school and nursery at this site, in addition to the provision of developer contributions related to off-site road and transportation works, affordable housing and community facilities.

3.3.2 Detailed planning permission has previously been granted for the main spine road through the site (EK/17/0305), which will link Lindsayfield Road to Eaglesham Road. A separate planning application (P/19/1233) has been submitted for the formation of an access road to the proposed new primary school and nursery.

## 4 Consultation(s)

4.1 **Roads Development Management Team** – following discussions with the applicant and the submission of revised access details, Roads and Transportation Services have advised that they have no objections, subject to compliance with conditions advisory notes.

**Response:** Noted. Appropriate conditions and advisory notes can be added to any consent granted.

4.2 **Roads and Transportation Services (Flood Risk Management Team)** – have advised that they have no objections subject to the applicants satisfying the Council's design criteria and conditions relating to Sustainable Urban Drainage Systems and flood risk.

**Response:** Noted. Appropriate conditions can be attached to any consent granted.

4.3 **Environmental Services** – have no objections, subject to conditions.

**Response:** Noted. Appropriate conditions can be added to any planning permission issued.

4.4 **SEPA** – have advised that they have no objections to the discharge of the relevant conditions, however, they have noted that a Construction and Environmental Management Plan has not been submitted.

**Response:** Noted. A condition can be imposed to ensure that the relevant details are submitted for approval.

4.5 **Scottish Water** – offered no objections to the proposed development.

**Response:** Noted.

4.6 **SP Energy Networks** – offered no objections to the proposed development.

**Response:** Noted.

- 4.7 **Scottish Natural Heritage** – have advised that a consultation response will only be provided where the need for general advice or advice on whether a species licence is likely to be granted is not covered by standing advice provided by SNH. In this case, it is noted that a protected species licence has already been granted to deal with matters identified by an ecological survey, therefore it is considered that all matters have been addressed in accordance with SNH advice.  
**Response:** Noted. A planning condition can be imposed to ensure that prior to construction work commencing, all necessary protection measures are in place.
- 4.8 **West of Scotland Archaeology Service** – offered no objections but have noted that a condition was imposed on EK/09/0218 requiring archaeological investigations to be carried out.  
**Response:** Noted. Condition 16 of EK/09/0218, which requires the submission and implementation of a program of archaeological works, remains applicable to this development.
- 4.9 **Jackton and Thorntonhall Community Council** – have objected to the application as it is deemed to be premature. In particular, it is commented that there is no demonstratable need for the development in terms of housing demand and that the application site area should be returned to green belt land. The proposed school should be relocated to land north of the proposed spine road. Additionally, the application should not be determined until the Local Development Plan 2 examination by the Scottish Government Reporter is concluded. Comments have also been provided that the proposed site is not suitable as it is susceptible to flooding and, therefore, any new hard surfaces would have an adverse impact on surrounding areas due to increased run off.  
**Response:** Noted. The principle of the development of the CGA, primarily for housing, has been established through the grant of planning permission in principle EK/09/0218. This approval includes a masterplan, which sets out the key design principles, including the school location. It is, therefore, considered that the principle of a primary school and nursery to serve the residential development within the CGA has been established and the current application is in accordance with these principles. The comments on flood risk and drainage are noted. The approach to drainage within the CGA has been designed holistically across the CGA site and is supported by appropriate technical information. The proposals include on-site storm water storage facilities and Roads and Transportation have no objections to the proposal, subject to compliance with standard design criteria.
- 4.10 **Countryside and Greenspace** – have advised that an arboricultural assessment should be undertaken to evaluate trees and hedgerows within the site with a view to undertaking mitigation planting. Structural landscaping is also recommended around the perimeter of the site.  
**Response:** It is noted that an arboricultural assessment of the entire CGA site has been undertaken and submitted to support application EK/09/0218. It is considered that any tree loss within the application site will not be significant and the landscaping planting can satisfactorily mitigate the impacts. A planning condition requiring submission and approval of detailed landscaping plan can be imposed.

## **5 Representation(s)**

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the East Kilbride News for non-notification of neighbours and nature or scale of development. Two representations have been received in relation to the application. The grounds of objection/comment are summarised as follows:

**a) Concerns over potential loss of wildlife and adverse impacts on flora and fauna.**

**Response:** The applicant has submitted an ecological report relating to impacts on the existing vegetation within the site. A planning condition can be imposed to ensure that the correct procedures and licensing requirements are adhered to.

**b) Concerns over potential flooding due to historic flooding in this area.**

**Information on the proposed location of suds is also sought.**

**Response:** The approach to drainage within the CGA has been designed holistically across the site and is supported by technical assessments. The proposals include on-site storm water storage facilities and Roads and Transportation Services have no objections to the proposal, subject to compliance with standard design criteria. No objections have been received from SEPA in relation to flood risk.

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

## **6 Assessment and Conclusions**

6.1 The applicant, South Lanarkshire Council, seeks consent for the erection of a primary school and nursery with associated infrastructure to include access, parking, landscaping, floodlit 3G pitch and playground area on land forming part of the East Kilbride Community Growth Area (CGA). The site benefits from planning permission in principle (EK/09/0218). As such, the principle of the development, including access from Eaglesham Road, has already been established and this assessment relates to the details of the proposed school building and associated works. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all planning applications are determined in accordance with the development plan, unless other material considerations indicate otherwise. The main determining issues, therefore, in the assessment of this application are whether the proposed development is in compliance with local development plan policy.

6.2 The adopted South Lanarkshire Local Development Plan 2015 (LDP) identifies the site, in land use terms, as being within a community growth area (as defined by Policy 1 – Spatial strategy). The site is also allocated as proposed housing land (Policy 12 – Housing land) to reflect the designation of the CGA. The principle of a primary school and nursery at this site is, therefore, considered to be acceptable given that planning permission in principle has been granted and Policy 1 states that the requirements of the CGA are to include a primary school and nursery. In relation to Policy 2 (Climate change), it is noted that the CGA has been planned in a holistic manner, with an approved masterplan setting out the design and development principles to support this large scale development. The school and surrounding routes have been designed to ensure that the site is easily accessible by pedestrians and cyclists and it is further noted that the provision of affordable housing, connections to surrounding areas and bus routes have been incorporated into the CGA proposals. The provision of the proposed school and nursery at this site is, therefore, considered to be in compliance with the objectives set out in Policy 2.

6.3 In terms of the detail of the proposal, Policy 4 of the LDP states that all planning applications should take fully into account the local context and built form. Furthermore, any proposal should not result in significant adverse environmental or amenity impacts. In terms of the submitted proposal, it is noted that the school is to be located on land between Jackton Road to the south and the proposed new spine road

to the north. The land is generally flat with open countryside lying immediately to the south. In relation to longer distance views into the site from the south, it is noted that the land covered by the CGA has a varied topography with several ridges to be developed that will be clearly visible at a higher position than the school site. Therefore, while it is noted that the school will be a fairly prominent feature in this area, especially when viewed from the south, given the future development of surrounding areas, the position of the school on the southern edge of the CGA is considered acceptable in visual terms. Additionally, landscape planting to the southern boundary of the school site is proposed to provide a softer edge to the site. In terms of the proposed school design, it is noted that the building is to be a two-storey, flat roofed building with contemporary design features. Given the modern context of the surrounding CGA development, including the provision of flatted developments, it is considered that the scale and design of the proposed building is acceptable and it will fit in adequately with the proposed future form of development in the surrounding area and the current countryside edge.

- 6.4 With regard to potential amenity and road safety impacts, following discussions with Roads and Transportation Services, the access arrangements and pedestrian/cycle connections have been adjusted to ensure that the proposed parking and access specifications are in compliance with the Council's standards and that pedestrian and vehicular traffic can enter and exit the site safely. Given the above, it is considered that there would be no significant road safety impacts and adequate pedestrian and cycle facilities are provided. In amenity terms, it is noted that the closest residential properties at present are Viewfield, to the north of the site and Easterhouse, to the north-east. In respect of Easterhouse, it is noted that the intervening land between the application site includes the proposed spine road and a substantial tree belt. Viewfield lies over 80 metres from the proposed school building and approximately 30 metres from the proposed playground. Given the above, it is considered that the proposal will have no adverse amenity impact on surrounding properties. In respect of ecological impacts, it is noted that a limited number of trees and hedgerows will be removed to accommodate the development. The applicant is aware of the requirements to adhere to protected species and wildlife legislation and a planning condition can be imposed to ensure compliance.
- 6.5 Taking all relevant matters into account, it is considered that the proposal is in compliance with Policy 4 of the LDP. In terms of flood risk and impact on the water environment (Policy 17 of the LDP), it is noted that the proposal includes sustainable drainage features and supporting flood risk and drainage assessments have been undertaken, which have informed a design solution. In this regard, it is noted that no objections have been received from the Council's Flood Risk Management team or SEPA, subject to conditions which would be attached to the consent issued.
- 6.6 The application site also lies partially in an area designated as Green network, where Policy 14 (Green network and greenspace) of the LDP applies. This policy seeks to safeguard the local green network and identify opportunities for enhancement and/or extension to contribute towards objectives including promoting active travel, placemaking and supporting biodiversity. In this regard, it is noted that the majority of the proposed development will be on agricultural grazing land, with tree loss minimised primarily to field boundaries. It is noted that a substantial area within the site will be available for playground and a 3G sport pitch, which can be made available outwith school hours. Given the above, it is considered that the proposal would not result in a significant change to quality or volume of green network land on the site and that the site will accommodate necessary community and education facilities to support the development of the CGA, which is considered to be in compliance with the principles of Policy 14 of the LDP.

- 6.7 With regard to road safety, Policy 16 - Travel and Transport - requires all new development proposals to consider the resulting impacts of traffic growth and compliance with sustainable transport principles. The site has been fully assessed by Roads and Transportation Services who have offered no objections, subject to conditions. The proposal can therefore be considered acceptable in transportation terms.
- 6.8 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposal accords with the relevant policies detailed in section 3.1.3 above.
- 6.9 In summary, it is noted that the principle of a school and nursery at this site is supported by development plan policies and the existing Planning Permission in Principle consent, including the masterplan associated with the site. Furthermore, given that the proposal will not result in adverse amenity, environmental or safety impacts, it is considered that the proposed development is in compliance with Policies 1, 2, 4, 12, 14, 16 and 17 of the adopted South Lanarkshire Local Development Plan, as detailed above, and with all relevant policy and guidance set out in associated supplementary guidance and in the Proposed South Lanarkshire Local Development Plan 2. It is, therefore, recommended that the relevant conditions outlined above can be discharged, subject to the additional conditions listed.

## **7 Reasons for Decision**

- 7.1 The proposal would have no significant adverse impact on amenity, public safety or the local environment and complies with the provisions of Policies 1, 2, 4, 12, 14, 16 and 17 of the South Lanarkshire Local Development Plan 2015, its associated Supplementary Guidance and Policies 1, 2, 5, 11, 13, 15, 16, SDCC2, SDCC3 and DM1 of the Proposed South Lanarkshire Local Development Plan 2 2018.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

Date: 24 January 2020

### **Previous references**

- ◆ EK/09/0218

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated
  
- ▶ Consultations  
SEPA Flooding

24.12.2019

Roads Flood Risk Management	20.11.2019
Roads Development Management Team	30.01.2020
Environmental Services	23.01.2020
Scottish Water	25.11.2019
WOSAS	25.10.2019
SP Energy Network	25.10.2019
Countryside And Greenspace	05.11.2019
Jackton And Thorntonhall Community Council	13.11.2019
SNH	13.12.2019
► Representations	Dated:
Mrs Carolyn Haddow, 21 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	23.10.2019
Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS	15.11.2019

### **Contact for further information**

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

Alan Pepler, Planning Team Leader, Montrose House, 154 Montrose Crescent, Hamilton,  
ML3 6LB  
Phone: 01698 455043  
Email: [alan.pepler@southlanarkshire.gov.uk](mailto:alan.pepler@southlanarkshire.gov.uk)



### Conditions and reasons

01. That no development shall commence until drainage and flood risk details to include signed appendices 1 to 5 are submitted to and approved in writing by the Planning Authority. The development shall not be occupied until the surface drainage works and any required flood mitigation works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

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

02. That unless otherwise agreed in writing with the Planning Authority, all construction vehicles associated with the development hereby approved shall access the site from the spine road only.

Reason: In the interests of road safety.

03. That, during the construction phase associated with the development hereby approved:

- appropriate cleaning systems shall be put in place within the site to ensure mud and debris is not deposited on the public road.
- appropriate wheel wash facilities/road cleaning regime shall be provided.
- all vehicles shall be able to access and exit the site in forward gears, therefore a turning area shall be provided
- sufficient parking shall be provided within the site boundary to accommodate all site staff / operatives parking requirements.

Before the commencement of works on site full details and plans detailing the above requirements shall be submitted to and approved by the Council as Roads and Planning Authority in the form of a traffic management plan, to include routing of construction vehicles. Thereafter, the approved details shall be implemented on site to the satisfaction of the Council throughout the construction phase.

Reason: In the interests of road safety.

04. That, prior to the commencement of development on site, a Construction Method Statement and an Environmental Management Plan, including reference to the Water Environment (Controlled Activities) (Scotland) Regulations 2011 and SEPA's Pollution Prevention Guidance Notes, or any subsequent regulations or guidance shall be submitted to and approved by the Council as Planning Authority. The works shall thereafter be carried out in accordance with the approved details to the satisfaction of the Council as Planning Authority.

Reason: To safeguard the amenity of the area.

05. That no trees felling works shall commence until a further protected species survey to determine the presence of bat roosts/protected species has been submitted to and approved in writing by the Planning Authority. Should evidence of bat roosts be

found, no tree works shall begin until the Planning Authority receives written confirmation that a license has been obtained from the Scottish Government to deal with the presence of protected species within the site.

Reason: To ensure that any identified protected species and wildlife interests are protected adequately.

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

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

07. That the 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.

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

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

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

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

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

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 9 shall be erected and thereafter maintained to the satisfaction of the Council.

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

11. The applicant must provide written details of the proposed floodlighting scheme to the Planning Authority. Submissions shall include, where appropriate:

A statement setting out why a lighting scheme is required, the proposed users, and the frequency and length of use in terms of hours of illumination;  
The type of lights, performance, height and spacing of lighting columns;  
A site survey showing the area to be lit relative to the surrounding area, the existing landscape features together with proposed landscaping features to mitigate the impacts of the proposed lighting.

The approved scheme shall be implemented prior to the development being brought into use and shall thereafter be operated in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.

Reason: In order to protect surrounding properties for significant loss of amenity from illumination.

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

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

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

The remediation plan will consider guidance contained in:

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

Reason: In order to protect residents and occupiers adverse impacts.

13. That notwithstanding the plans hereby approved and prior to the commencement of development, a tracking drawing showing a bus accessing/exiting the site in forward gears shall be submitted to and approved in writing by the Planning Authority.

Reason: To ensure that there is adequate provision for bus turning within the site.

14. That prior to the commencement of development, details of measures to mitigate air quality impacts associated with the development shall be submitted to and approved in writing by the Planning Authority.

Reason: To ensure that the development seeks to minimise the potential for adverse air quality impacts.

15. That notwithstanding the plans hereby approved and prior to the commencement of development, finalised details of road levels, a 3m wide cycle/pedestrian connection and traffic calming shall be submitted to and approved in writing by the Planning Authority.

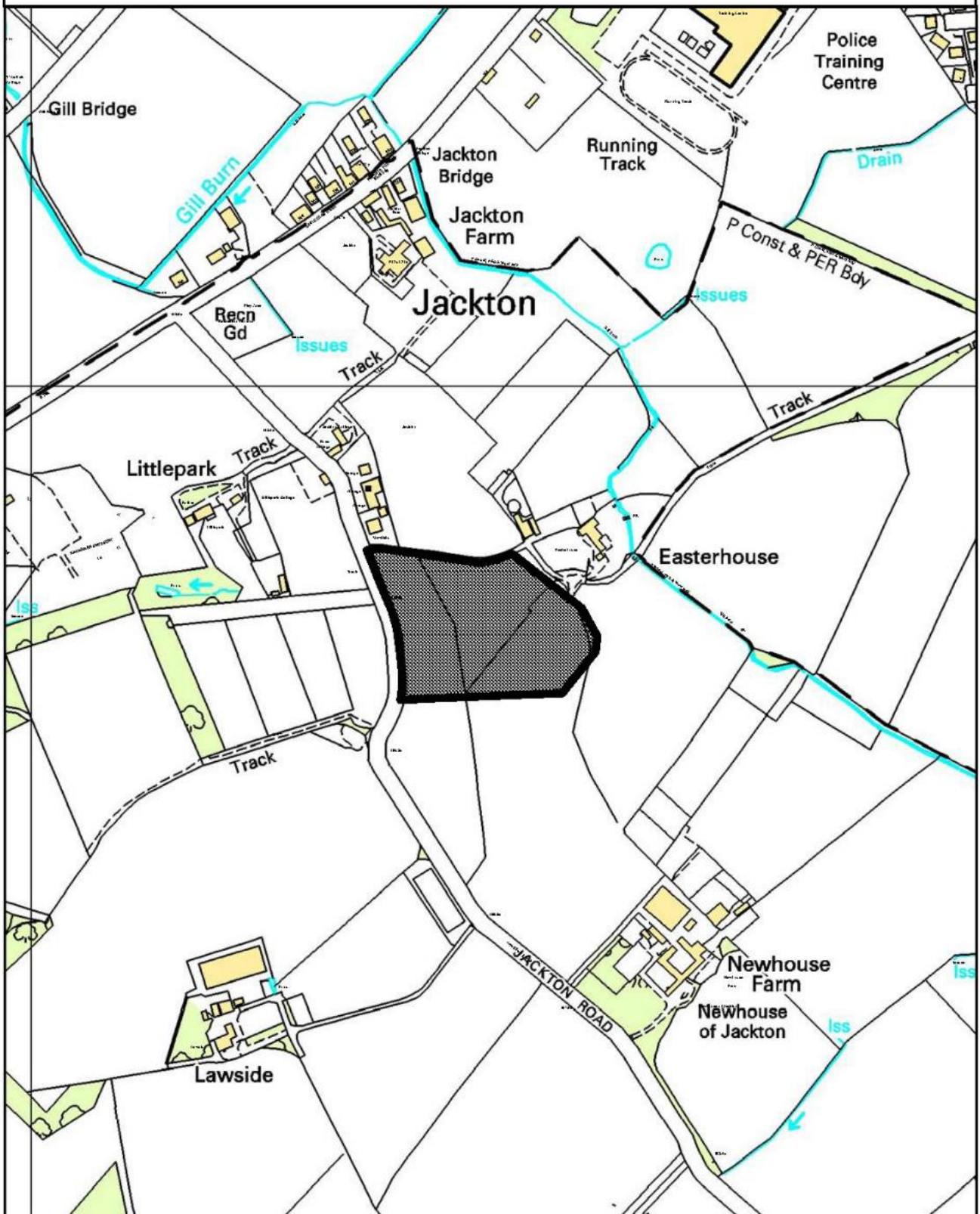
Reason: In the interests of road safety.

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

Reason: To ensure that environmental disturbance is minimised.

P/19/1526

Jackton Road, Jackton



© Crown copyright and database rights 2019 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:  
1:5,000  
Date:  
16/01/2020



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development



# Report

11

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>11 February 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/19/1554
Planning proposal:	Erection of 20 dwellinghouses (cottage flats) with associated parking and landscaping.

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	South Lanarkshire Council Housing and Technical Resources
Location:	Drumgray Avenue Uddingston G71 7FD

## 2 Recommendation(s)

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

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

### 2.2 Other actions/notes

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

## 3 Other information

- ◆ Applicant's Agent: Richard Barclay
- ◆ Council Area/Ward: 16 Bothwell And Uddingston
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**  
Policy 1 - Spatial strategy  
Policy 2 - Climate change  
Policy 4 - Development Management and Place Making  
Policy 12 - Housing  
Policy 14 - Green Network and Greenspace  
Policy 16 - Travel and Transport  
Policy 17 - Water Environment and Flooding

**Development Management Place Making and Design Supplementary Guidance (2013)**

**Residential Design Guide (2011)**

## Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) (2018)

Policy 1 - Spatial Strategy  
 Policy 2 – Climate Change  
 Policy 5 - Development Management and Place Making  
 Policy 11 – Housing  
 Policy 13 - Green Network and Greenspace  
 Policy 15 - Travel and Transport  
 Policy 16 - Water Environment and Flooding  
 Policy DM1 - New Development Design  
 Policy DM15 - Water Supply  
 Policy SDCC2 - Flood Risk  
 Policy SDCC3 - Sustainable Drainage Systems  
 Policy SDCC4 - Sustainable Transport

### ◆ Representation(s):

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

### ◆ Consultation(s):

Roads Development Management Team

Environmental Services

Scottish Water

Bothwell Community Council

CER Play Provision Community Contributions



## **Planning Application Report**

### **1 Application Site**

- 1.1 The application relates to an area of previously developed land located off Bothwell Road at the southern side of Uddingston. The site was formerly utilised as part of a gas works and has been vacant since the mid 1990s. The site is fairly regular in shape, mainly flat and extends to approximately 0.68 hectares. The site comprises open ground with unmaintained grass throughout. The site is mainly bounded to the north and west by residential properties and to the south and east by commercial properties and open space. Access to the site is via Drumgray Avenue.

### **2 Proposal(s)**

- 2.1 The applicant seeks detailed planning permission for the erection of 20 dwellinghouses (cottage flats) with associated parking and landscaping. The 20 cottage flats proposed would be contained within five blocks of two storey buildings. The buildings would incorporate traditional pitched roofs. The proposed finish materials for the dwellings are render and brick walls, grey concrete roof tiles and UPVC windows and doors. The dwellings would be located on both sides of Drumgray Avenue with car parking provision provided at the front and side of the properties.
- 2.2 An area of open space would be provided along the south western area of the site. A Noise Assessment and Preliminary Ecological Appraisal were submitted with the application as supporting documents.

### **3 Background**

#### **3.1 Local Plan Status**

- 3.1.1 In terms of local plan policy, the application site is located within the general urban area and is covered by Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 4 - Development Management and Place Making, Policy 12 - Housing, Policy 14 - Green Network and Greenspace, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding of the adopted South Lanarkshire Local Development Plan. The Development Management Place Making and Design Supplementary Guidance relating to 'Design' is also relevant to the assessment of the application. The content of the above policies and guidance and how they relate to the proposal is assessed in detail in Section 6 of this report.
- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policy 1 - Spatial Strategy, Policy 2 – Climate Change, Policy 5 - Development Management and Place Making Policy, Policy 11 – Housing, Policy 13 - Green Network and Greenspace, Policy 15 - Travel and Transport and Policy 16 - Water Environment and Flooding are relevant. Volume 2 of the Proposed Plan contains further policy guidance that will be used when assessing planning applications. In this instance, Policies DM1 - New Development Design, DM15 - Water Supply, SDCC2 - Flood Risk, SDCC3 - Sustainable Drainage Systems and SDCC4 - Sustainable Transport are relevant.

#### **3.2 Relevant Government Advice/Policy**

- 3.2.1 In terms of residential development, Scottish Planning Policy (SPP) requires Councils to maintain a five year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by directing development towards sites

within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity.

### 3.3 **Planning Background**

- 3.3.1 An application (P/18/1619) was submitted by Barratt West Scotland for the modification of the Section 75 Obligation associated with planning permission HM/05/0571 in relation to the provision of affordable housing, on 8 November 2018. This application is pending a decision.
- 3.3.2 A detailed planning application (P/18/1543) was submitted by BDW Trading Ltd for a residential development (21 units) with associated infrastructure on the site on 30 October 2018. This planning application is pending a decision.
- 3.3.3 Planning permission was granted to Barratt West Scotland on 12 February 2014 for residential development comprising 76 dwellinghouses and associated roads, infrastructure and landscaping (Matters Specified in Conditions Application relating to HM/05/0571). The application site included the area of land associated with the current planning application.
- 3.3.4 Planning permission was granted to Birch Sites Ltd (National Grid) on 16 January 2014 for a Modification of a Section 75 Obligation relating to Planning Permission HM/05/0571 for residential development with associated infrastructure, open space and landscaping (Amendment to Boundary of Social Housing Area) (HM/13/0505). The application involved a relatively minor amendment to the area of land designated for the provision of 21 affordable housing units under the Section 75 Obligation associated with planning permission in principle HM/05/0571.
- 3.3.5 Planning permission in principle was granted to Second Site Property Holdings Ltd on 12 October 2011 for residential development with associated infrastructure, open space and landscaping on this site and additional land bounding the site (HM/05/0571). The application was approved subject to the conclusion of a Section 75 Obligation which required the provision of 15% social housing and a financial contribution to upgrade community facilities in the area.

## 4 **Consultation(s)**

- 4.1 **Environmental Services** – have no objections to the application provided the remediation strategy undertaken by Johnson, Poole & Bloomer dated July 2015 is adhered to, the proposed protection measures are implemented and a completion report is provided. Conditions and informatives should also be attached to any consent granted in relation to noise levels, waste, demolition and pest control.  
**Response:-** Noted. Any consent granted would incorporate appropriately worded conditions and informatives to address the matters raised.
- 4.2 **Roads Development Management** – have no objections to the application subject to conditions requiring the submission of a vehicle swept path analysis for the Council's approval, the provision of adequate surfacing and driveways and the relocation of any street furniture (e.g. lighting columns and traffic signs).  
**Response:-** Noted. Any consent granted would incorporate appropriately worded conditions to address the matters raised.
- 4.3 **Scottish Water** – have no objections to the application.  
**Response:-** Noted. Any planning consent granted would be conditioned to ensure that no dwellings are occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards.

4.4 **Uddingston Community Council** - no response to date.

**Response:** - Noted.

4.5 **CER Play Provision Community Contributions** – no response to date.

**Response:** - Noted. As the application is for social housing there would be no requirement for the provision of financial contributions towards community facilities in this instance.

## **5 Representation(s)**

5.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the Hamilton Advertiser under the heading Non-Notification of Neighbours. One letter of representation was received in relation to the application. The grounds of objection are summarised as follows:

a) **The Roads leading into Drumgray Avenue from Lidl are used as an overflow carpark for Scottish gas at present. This has been an ongoing issue with residents as Scottish Gas staff used to park at the other road into the site from Horal Road/Maggie Lawson. The concern with the erection of these houses is where Scottish Gas will direct their staff to park as they have admitted their car park is full on certain days and staff have nowhere else to park.**

**Response:** Whilst the above points are noted, the matters raised are not relevant to the assessment of this planning application. Subject to the conditions discussed in Paragraph 4.2 above, Roads and Transportation Services are satisfied that the proposal raises no access, parking or road safety issues.

b) **The roads have yet to be adopted as it approaches nearly 2 years since Barratt moved off site and with Scottish Gas staff parking their cars and mounting the pavements they may damage the kerbs and the grass and the roads will fail any inspection made to pass any adoption criteria. There are no yellow lines or restrictions to stop this and even with the erection of these homes there is no promise the roads will be adopted or any traffic management put in place to stop Scottish Gas staff from causing further frustration during or after the erection of these homes.**

**Response:** Whilst the above points are noted, these are matters that are being addressed separately by Roads and Transportation Services through the roads construction consent (RCC) process.

c) **There is also the question of the un-adopted green areas that we currently pay a property management company to maintain which is open to any member of the public to utilise but we, as residents, pay for the upkeep on top of already paying inflated council tax. Will these new homes pay the same factor to maintain these areas or will they get to use them and we pay for it?**

**Response:** The tenants of the proposed Council houses would not pay factor fees for areas outwith the application site. However, the Council would be responsible for the maintenance of the open communal areas within the application site.

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

## **6 Assessment and Conclusions**

- 6.1 The applicant seeks detailed planning permission for the erection of 20 dwellinghouses (cottage flats) with associated parking and landscaping. The determining issues in consideration of this application are its compliance with national and local plan policy and its impact on the amenity of adjacent properties and on the local road network.
- 6.2 In terms of national planning policy, SPP requires Councils to maintain a five year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity. In this instance, the application involves the re-use of a previously developed site for housing and the application site would be easily accessible by public transport, with bus stops located within close proximity of the site on Bothwell Road, and would be well integrated into existing walking and cycling networks. It is, therefore, considered that the proposal is in accordance with national planning policy.
- 6.3 In terms of local plan policy, the application site is designated for residential use in the adopted South Lanarkshire Local Development Plan where it is identified as part of the 2014 Housing Land Supply. The site also forms part of the Green Network. The relevant policies for the assessment of the application are Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 4 - Development Management and Place Making, Policy 12 - Housing Land, Policy 14 - Green Network and Greenspace, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding.
- 6.4 Policies 1 and 2 encourage sustainable economic growth and regeneration, a move towards a low carbon economy, the protection of the natural and historic environment and mitigation against the impacts of climate change. In line with these policies and as highlighted above, the proposal involves the reuse of an area of vacant land on a previously developed site located within a sustainable location within Uddingston. The development includes opportunities for active travel routes and trips by public transport, with bus stops located within close proximity of the site. In addition, the development would be well integrated into existing walking and cycling networks. The proposal is, therefore, considered to be in accordance with the terms of Policies 1 and 2.
- 6.5 As the application site is designated for residential use under the terms of Policy 12 and the site benefits from a planning permission in principle for residential development, the proposal raises no land use issues and conforms with Policy 12.
- 6.6 Policy 14 states that development proposals should safeguard the local green network, identified on the proposals map, and identify opportunities for enhancement and/or extension which can contribute towards:
- i placemaking,
  - ii mitigating greenhouse gases,
  - iii supporting biodiversity,
  - iv enhancing health and quality of life,
  - v providing water management including flood storage, and buffer strips,
  - vi providing areas for leisure activity, and
  - vii promoting active travel.
- 6.7 It is considered that the design and layout of the residential development would increase the sense of place and the area of amenity space. In addition, to the significant area of open space and flood storage proposed for the wider residential

development approved under HM/05/0571, would ensure the enhancement of biodiversity and leisure opportunities within the site and the surrounding area. Furthermore, it is considered that the re-development of this vacant and untidy site would have a positive impact on the environment and the quality of life for those living in the surrounding area. In view of the above, it is considered that the proposal meets the aims of Policy 14.

- 6.8 Policy 16 - Travel and Transport seeks to ensure that development considers and, where appropriate, mitigates the resulting impacts of traffic growth and encourages sustainable transport options that take account of the need to provide proper provision for walking, cycling and public transport. In this regard, Roads and Transportation Services consider the proposal to be acceptable and are satisfied that it raises no access, parking or road safety issues. As discussed, the site is accessible by public transport and the development would be well integrated into existing walking and cycling networks. It is, therefore, considered that the proposal would not have an adverse impact on traffic flows or road safety and that the proposal complies with Policy 16.
- 6.9 In terms of the detailed design of the development, Policy 4 is relevant to the assessment of the application. This policy generally requires that new development has due regard to the layout, form, design and local context of the area and that it promotes quality and sustainability in its design. It is considered that the proposed layout for the development is acceptable and that it meets the main standards set out in the Council's Residential Design Guide, particularly in relation to road layout, house to plot ratios, window to window distances, rear garden depths and car parking provision. The proposed houses are of modern high quality design with a suitably high standard of finishing materials and it is considered that the development will be in keeping with the existing residential development in the surrounding area. The density of the proposal is similar to that of recent neighbouring residential developments and the proposed access arrangements have been assessed and are considered to be acceptable. In view of the above, it is considered that the proposal will relate satisfactorily to adjacent development and that the character and amenity of the area will not be impaired to a significant degree by reason of traffic generation, parking or visual intrusion. It is considered that the proposal represents a sensitive re-use of a vacant site and that the re-development of the site will improve the visual and environmental quality of the area. The proposal is, therefore, considered to be in accordance with the terms of Policy 4.
- 6.10 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policy 1 - Spatial Strategy, Policy 2 – Climate Change, Policy 5 - Development Management and Place Making Policy, Policy 11 – Housing, Policy 13 - Green Network and Greenspace, Policy 15 - Travel and Transport and Policy 16 - Water Environment and Flooding are relevant. Volume 2 of the Proposed Plan contains further policy guidance that will be used when assessing planning applications. In this instance, Policies DM1 - New Development Design, DM15 - Water Supply, SDCC2 - Flood Risk, SDCC3 - Sustainable Drainage Systems and SDCC4 - Sustainable Transport are relevant.
- 6.11 In summary, it is considered that the application conforms with both national and local plan policy and that the proposal raises no significant environmental or infrastructure

issues. It is, therefore, recommended that detailed planning permission be granted subject to the conditions listed.

## **7 Reasons for Decision**

- 7.1 The proposal has no adverse impact on residential or visual amenity nor raises any environmental or infrastructure issues and complies with Policies 1, 2, 4, 12, 14, 16 and 17 of the adopted South Lanarkshire Local Development Plan and the supplementary guidance of the Proposed Development Management, Place Making and Design Supplementary Guidance relating to 'Design.' The proposal also complies with Policies 1, 2, 5, 11, 13, 15 and 16 and Policies DM1, DM15, SDCC2, SDCC3 and SDCC4 of the Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2).

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

Date: 22 January 2020

### **Previous references**

P/18/1619  
P/18/1543  
HM/05/0571  
HM/13/0505

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Development Management Place Making and Design Supplementary Guidance (2013)
- ▶ Residential Design Guide (2011)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 22.10.2019 & 05.12.2019
- ▶ Press Advertisement, Hamilton Advertiser dated 31.10.2019
  
- ▶ Consultations
  - Roads Development Management Team 15.01.2020
  - Environmental Services 24.12.2019
  - Scottish Water 01.11.2019
  
- ▶ Representations Dated:
  - Mr Jonathan Busby, 17 Maggie Lawson Court, Uddingston, Glasgow, South Lanarkshire, G71 7FB 09.11.2019

### **Contact for further information**

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

Jim Blake, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Phone: 01698 453657  
Email: [jim.blake@southlanarkshire.gov.uk](mailto:jim.blake@southlanarkshire.gov.uk)

### **Conditions and reasons**

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

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

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

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

03. That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 2, shall be erected and thereafter maintained to the satisfaction of the Council.

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

04. That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:

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

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

05. 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.

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

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

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

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

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

08. That before the development hereby approved is completed or brought into use, the new vehicular access so far as it lies within the boundaries of the road abutting the site, shall be constructed in accordance with the specification of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

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

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

10. That before any development commences on site a vehicle swept path analysis shall be submitted to and approved by the Council as Planning and Roads Authority. The first 2 metres (min) length of each of the proposed parking bays shall be surfaced across their full width. Thereafter, the approved details shall be implemented to the Council's satisfaction.

In the interests of public safety.

11. That prior to the relocation of any street furniture (e.g. lighting columns and traffic signs) their final locations shall be agreed with the Council as Planning and Roads Authority.

In the interests of public safety.

12. Part 1

Between the hours of 08:00 and 20:00 the measured noise rating level emitted from any local industrial or commercial noise source (LAeq,1hr) shall not exceed the pre-existing background noise level (LA90,30 min) by more than 4dB when measured in



accordance with British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound at the proposed development.

Between the hours of 20:00 and 08:00 the noise rating level emitted from any local industrial or commercial noise source (LAeq,15 min) shall not exceed the pre-existing background noise level (LA90,30min) by more than 4dB when measured in accordance with BS4142:2014 at the proposed development.

The condition above is based on The Charlie Fleming Associates Report on Supermarket Sound for Barrat West Scotland at Hornal Road, Uddingston dated 29 October 2018.

In order to comply with this condition an acoustic barrier in keeping with section 5.10 shall be constructed along the south-western boundary of the development. The details of the barrier shall be agreed with the Planning Authority prior to the site becoming occupied.

## Part 2

The internal noise levels shall comply with BS 8233:2014 Guidance on sound insulation and noise reduction for buildings as follows-

The scheme shall ensure that-

- a) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an LAeq,16hr of 40dB daytime (07:00 - 23:00)
- b) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an LAeq,8hr of 30dB night-time (23:00 - 07:00).
- c) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an LA,max of 45dB night-time (23:00 - 07:00).
- d) The external levels shall not exceed an LAeq,16hr of 50dB daytime in any garden areas, when measured free-field

With a view to complying with the above condition, a suitable glazing specification shall be submitted to and agreed with the Council as Planning Authority prior to the development becoming occupied. This shall include details of ventilation.

## Part 3

The Internal Noise Rating Values, within any residential property and resultant from the development, shall not exceed -

NR25 between 23.00hrs and 08.00hrs

NR35 between 08.00hrs and 23.00hrs

Reason: In the interests of amenity.

13. (a) Remediation of the site shall be carried out in accordance with the approved remediation plan, Johnson, Poole & Bloomer Remediation Strategy document dated July 2015, prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.

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

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

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

14. That before any development commences on site, details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwelling unit shall be occupied until these facilities have been provided in accordance with the approved scheme or such alternative as may be agreed in writing with the Council as Planning Authority.

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

15. That no further changes in ground levels within the site shall take place without the prior written consent of the Council as Planning Authority.

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

16. That the first 2 metres (min) length of each of the proposed parking bays shall be surfaced across their full width to the satisfaction of the Council as Planning and Roads Authority.

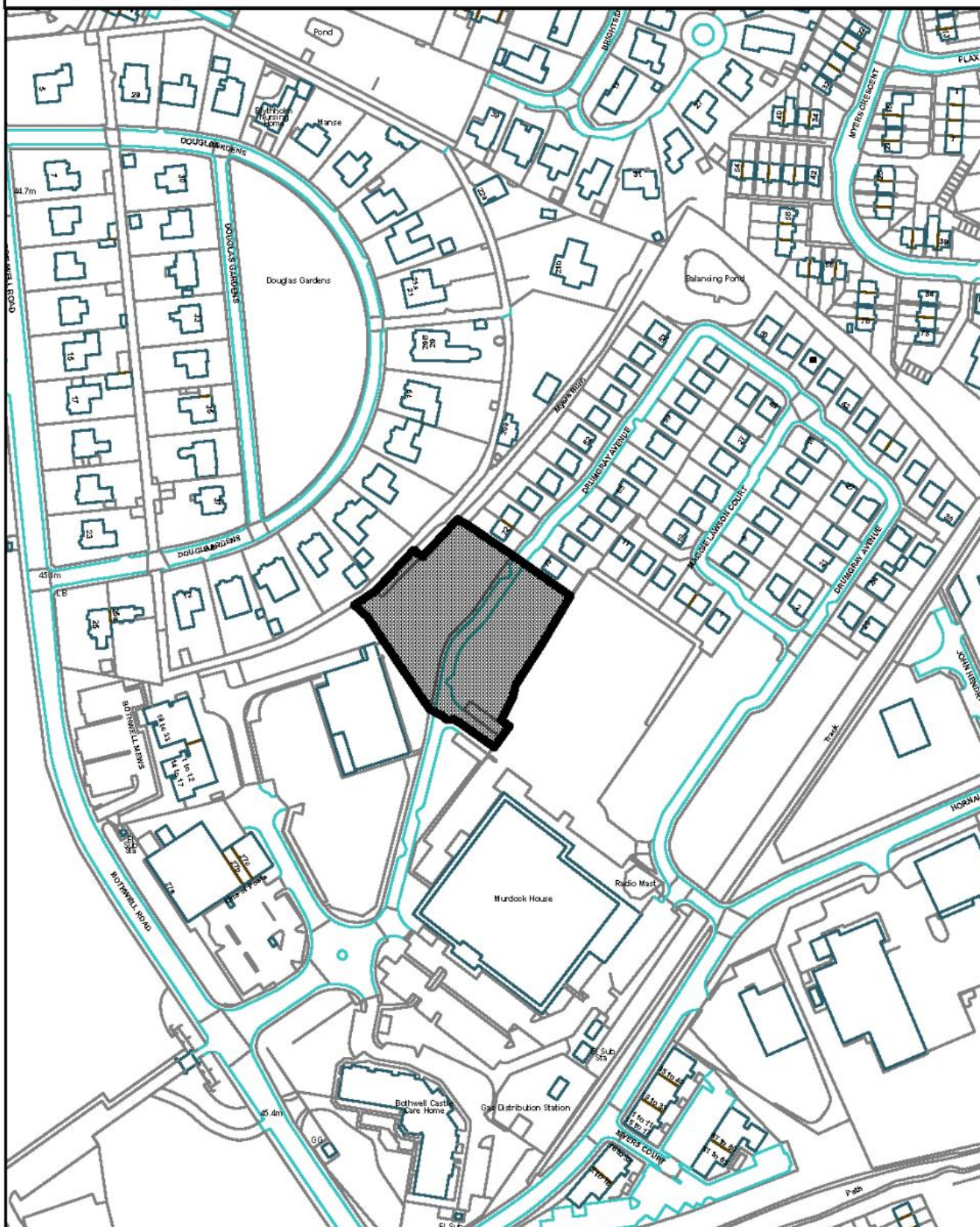
Reason: To prevent deleterious material being carried onto the highway.

17. That the recommendations of the Preliminary Ecological Appraisal by Applied Ecology Ltd and dated 24 July 2019 be followed to the satisfaction of the Council as Planning and Roads Authority.

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

P/19/1554

Drumgray Avenue, Uddingston



© Crown copyright and database rights 2019 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:  
1:2,500  
Date:  
15/01/2020



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development



# Report

12

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>11 February 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/19/1625
Planning proposal:	Erection of 48 new build houses for social rent with associated drainage and landscaping works

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Cruden Building and Renewals
Location:	Land 100M ESE Of 208 Woodland Crescent Auld Kirk Road Cambuslang South Lanarkshire

## 2 Recommendation(s)

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

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

### 2.2 Other actions/notes

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

## 3 Other information

- ◆ Applicant's Agent: Rachel Houghton
- ◆ Council Area/Ward: 14 Cambuslang East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan**  
Policy 1 Spatial strategy  
Policy 4 Development management and placemaking  
Policy 5 Community infrastructure assessment  
Policy 6 General urban area/settlements  
Policy 13 Affordable housing and housing choice  
Policy 14 Green network and green space  
Policy 16 Travel and transport  
Policy 17 Water environment and flooding

**Supplementary Guidance 1: Sustainable development and climate change**  
Policy SDCC2 Flood risk

Policy SDCC3 Sustainable drainage systems  
Policy SDCC4 Water supply  
Policy SDCC5 Foul drainage and sewerage

**Supplementary Guidance 3: Development Management, Placemaking and Design**  
Policy DM1 Design

**Proposed South Lanarkshire Local Development Plan 2**  
Policy 1 Spatial Strategy  
Policy 3 General Urban Areas  
Policy 5 Development Management and Placemaking  
Policy 11 Housing  
Policy 12 Affordable Housing  
Policy 13 Green Network and Greenspace

◆ **Representation(s):**

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

◆ **Consultation(s):**

SEPA Flooding

Roads Flood Risk Management

Roads Development Management Team

Environmental Services

Scottish Water

Estates Services

Countryside and Greenspace

Arboricultural Services

Coal Authority Planning Local Authority Liaison Dept

Halfway Community Council



## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site relates to a vacant area of ground located between Gilbertfield Road and Woodland Crescent in Cambuslang. The site covers an area of approximately 1.84 hectares. To the north is established post-war dwellings and to the south is a modern residential estate currently under construction, both flatted units and two-storey dwellings. Semi mature woodland exists to the east and west of the site with established remote footpaths existing which connect to a wider footpath network and surrounding residential area. The site is predominantly flat, however the northerly, roughly wooded section, slopes downwards towards Woodland Crescent. The site sits at a slightly raised level than Gilbertfield Road. Mature non-managed hawthorn and beech exists along Gilbertfield Road adjacent to the application site.
- 1.2 Residential units which formerly sat on the eastern portion of the site were demolished several years ago resulting in the site becoming overgrown, unkempt and suffering from litter and fly-tipping.

### **2 Proposal(s)**

- 2.1 The applicants, Cruden Building and Renewals, seek consent for 48 dwellinghouses together with associated Suds drainage and landscaping works. The application has been submitted on behalf of the Housing Service of South Lanarkshire Council. Once complete, the houses will be available for social rent.
- 2.2 The submitted plans show that the dwellings would be accessed from Trinity Drive which connects Woodland Crescent and Gilbertfield Road. The housing mix consists of two storey terraced dwellings, cottage flats, detached dwellings and bungalows. Predominantly, the layout shows two rows of units with a central access road and turning area. Additionally, two pairs of semi-detached dwellings are proposed on the western section of the site, accessing directly onto Trinity Drive.
- 2.3 A Suds area would be formed to serve the new development in the western section of the site, together with a 3.5 metre wide grass/gravel access track. New footways are to be formed at either end of the site and both will link the new layout with the established surrounding footpath network.

### **3 Background**

#### **3.1 Local Plan Status**

- 3.1.1 In determining this planning application the Council must assess the proposed development against the policies contained within both the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.1.2 In land use terms, the application site is identified within the adopted SLLDP as being within the general residential area (Policy 6). A small part of the site falls within the Green Network where Policy 14 Green network and green space applies.
- 3.1.3 A number of other development management criteria contained within SLLDP are considered appropriate to the determination of this application, namely, Policy 1 Spatial Strategy, Policy 4 Development Management and Placemaking, Policy 5 Community Infrastructure Assessment, Policy 6 General urban area/settlements,

Policy 13 Affordable Housing and Housing Choice, Policy 14 Green network and green space, Policy 16 Travel and Transport and Policy 17 Water Environment and Flooding.

- 3.1.4 These principal policies are supported by specific policy guidance contained in the approved SG on the following topics:

Policy DM1 Design  
Policy SDCC2 Flood risk  
Policy SDCC3 Sustainable drainage systems  
Policy SDCC4 Water supply  
Policy SDCC5 Foul drainage and sewerage

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

- 3.1.5 In addition, the Council has prepared a Residential Design Guide. An assessment of the proposal against the guide is contained in Section 6 of this report.

- 3.1.6 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted SLLDP. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policies 1, 3, 5, 11, 12 and 13 are all relevant.

## 3.2 **Relevant Government Advice/Policy**

- 3.2.1 Scottish Planning Policy (SPP) confirms the requirement for the Council to maintain a five year supply of effective housing land. Planning authorities are required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity.

- 3.2.2 In terms of residential development, the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements across all tenures. New housing developments should be integrated with public transport and active travel networks, such as footpaths and cycle routes, rather than encouraging dependence on the car. New streets should connect well with existing streets and with walking and cycling networks, and allow for links into future areas of development.

- 3.2.3 The SHIP (Strategic Housing Investment Plan) is a key part of South Lanarkshire Council's Local Housing Strategy (LHS) process which links the strategic priorities and outcomes in the LHS to a strategic plan for the delivery of new affordable housing. The Scottish Government has identified the SHIP as the key document for identifying strategic housing projects to assist the achievement of the Scottish Government's target of 50,000 new affordable homes during the life of the current Parliament. The Council has a target to deliver 1000 additional homes by 2021, and has a range of Services working together to identify opportunities to increase housing stock. The application site is identified as a site within the SHIP that will contribute towards the Council New Build Programme.



### 3.3 Planning Background

#### 3.3.1 None

## 4 Consultation(s)

### 4.1 **SEPA Flooding** – offer no objections.

**Response:** Noted. A condition will be attached to ensure the adequate provision of water and sewerage infrastructure.

### 4.2 **Roads Flood Risk Management** – offer no objections subject to conditions in relation to the implementation of a Sustainable Urban Drainage designed and independently checked in accordance with the Council's SUDS Design Criteria Guidance. In terms of flood risk, a Flood Risk/Drainage assessment is requested. All above ground maintenance of the SUDS features shall be factored for maintenance in perpetuity.

**Response:** Noted. Relevant conditions can be attached to any consent granted in respect of these issues.

### 4.3 **Roads Development Management Team** – no objections to the proposals subject to conditions relating to footway provision, submission of a traffic management plan, and suitable drainage. The proposal will be subject to a further Roads Construction Consent.

**Response:** Noted. Relevant conditions can be attached to any consent granted in respect of these issues.

### 4.4 **Environmental Services** – no objections subject to a conditions requiring the submission of a noise assessment to determine the impact of road traffic noise on the proposed development, refuse storage arrangements, and dust mitigation. They also request a number of informatives are attached to any consent granted relating to construction noise and contamination.

**Response:** Noted. The relevant conditions and informatives can be attached to any consent granted.

### 4.5 **Scottish Water** – offer no objection.

**Response:** Noted.

### 4.6 **Estates Services** – offer no objection.

**Response:** Noted.

### 4.7 **Countryside and Greenspace** – no response to date.

**Response:** Noted.

### 4.8 **Arboricultural Services** – request that additional tree survey, impact assessment and tree protection information is submitted.

**Response:** The applicant subsequently provided further information including a tree survey, protection and constraints plan, tree retention and removal information, soft landscape design, including species, and location of new tree planting, and an Arboricultural Impact Assessment. This has allowed a full assessment of the site in terms of existing trees and hedgerows at the site and I am satisfied that trees and hedgerows identified to be retained can be protected during construction. Appropriate conditions/informatives can be imposed to any planning consent.

### 4.9 **Coal Authority** – requested that a Coal Mining Risk Assessment, or similar be submitted.

**Response:** The applicant subsequently provided the relevant information. The Coal Authority confirm that they have no objection to the proposed development and no specific mitigation measures are required.

4.10 **Halfway Community Council** – no response to date.

**Response:** Noted.

## **5 Representation(s)**

5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the press as Development Contrary to the Development Plan and for Non-notification of neighbours. Following this, one letter of representation was received. The points raised are summarised below:

a) Concerns about the increase in traffic within the area due to new development and traffic safety concerns with schools and park in the area. Lack of traffic calming measures.

**Response:** The Roads Service of the Council was consulted and has raised no objection to the proposal.

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

## **6 Assessment and Conclusions**

6.1 The applicants propose the erection of a residential development of 48 dwellinghouses for social rent, on land to the north of Gilbertfield Road, Cambuslang. The main determining issues in assessing this proposal are whether it accords with local plan policy, its impact on amenity and road safety matters.

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

6.3 Scottish Planning Policy (2014) highlights that development proposals which accord with up-to-date plans should be considered acceptable in principle. The application site consists of a vacant area of ground within the settlement boundary of Cambuslang and raises no issues in this regard. It is, therefore, considered that the proposal is in accordance with national policy.

6.4 With regard to the adopted South Lanarkshire Local Development Plan (2015) (SLLDP) and associated Supplementary Guidance (SG), the application site, as stated above, is located within a general residential area where Policy 6 applies.

6.5 The issues considered relevant from a development management perspective, are set out within Section 3.1 above. Principally, these policies 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. The overall design and layout is considered to provide a high quality residential area which complies with the relevant planning policies. I am, therefore, satisfied that the scheme is capable of being developed, subject to conditions, without conflict with the general requirements of the applicable policies and guidance. The layout complies with the Council's approved Residential Design Guide in terms of window to window distances, plot size and permeability.

- 6.6 Given the site's location, it is considered that the site can be appropriately serviced in terms of water and sewerage. No objections have been received from consultees in this regard. The site has been assessed by SEPA and the Council's Flood Risk Management Team who are satisfied subject to a number of conditions in relation to the proposed SUDs scheme, the level of treatment proposed and maintenance. In addition, the development will require to comply with the Council's sustainable drainage criteria and associated requirements. This can be achieved through the use of appropriately worded conditions. The proposal is, therefore, acceptable when assessed against Policy 17 - Water Environment and Flooding of the SLLDP and Policies SDCC 2 - Flood Risk and SDCC 3 - Sustainable Drainage Systems of the Sustainable Development and Climate Change SG (December 2014).
- 6.7 With regard to road safety, Policy 16 - Travel and Transport - requires all new development proposals to consider the resulting impacts of traffic growth. The site has been fully assessed by Roads and Transportation Services who have offered no objections, subject to conditions. The proposal can, therefore, be considered acceptable in transportation terms.
- 6.8 The Council's adopted policy on Community Infrastructure Assessment (Policy 5) advises that a financial contribution from the developer will be sought where it is considered that a development requires capital or other works or facilities to enable the development to proceed. Given that this is a proposal for social rented housing, a financial contribution would not be required in this instance. The proposal, therefore, complies with both Policy 5 and the relevant affordable housing policy - Policy 13.
- 6.9 With regard to a small eastern section of the site being identified as Green Network (Policy 14), the loss of such areas will generally not be supported, however, policy guidance advises that the partial loss may be acceptable where it is considered that the enhancement of the environment can best be achieved by the redevelopment of part of the site which would not affect its function and that there is no significant adverse impact on the character and amenity of the surrounding area. This is the case in this instance, with the site being largely unkempt 'brownfield', having accommodated residential units which were demolished several years ago. The proposed development includes enhanced amenity with the introduction of soft landscaping, the formation of adequate pockets of open space, native hedge planting, a large Suds area in the western section of the site and gardens associated with standard suburban style housing. In addition, the site links to the existing pedestrian paths, at the eastern and western ends of the site. New footpath links will be formed to connect with the wider pedestrian network within the immediate surrounding area. The site is considered acceptable in terms of this principal land use designation within the adopted SLLDP.
- 6.9 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policies 1 – Spatial Strategy, 3 – General Urban Area Settlement, 5 – Development Management and Placemaking, 11 – Housing, 12 – Affordable Housing and Policy 13 Green Network and Greenspace are all relevant and all have similar aims to those in the existing plan. I am, therefore, satisfied that the proposal also complies with these policies.

- 6.10 One letter of representation has been received which has been addressed in Section 5 above. The requirements of the statutory consultees can be addressed through the use of conditions, where appropriate.
- 6.11 As noted above the application was advertised in the local press as development contrary to the development plan as a precaution. However after assessment of the proposal as detailed above, the proposal is not considered to be contrary to the development plan.
- 6.12 In summary, it is considered that the application conforms to both national and local plan policy and that the proposal raises no significant environmental or infrastructure issues. Therefore, I am satisfied that the proposal fully complies with the South Lanarkshire Local Development Plan and recommend that planning permission be granted subject to the conditions listed.

## **7 Reasons for Decision**

- 7.1 The proposal has no adverse impact on residential or visual amenity and raises no road safety concerns. The development complies with the provisions of the adopted South Lanarkshire Local Development Plan (adopted 2015) namely (Policies 1 - Spatial Strategy, 4 - Development Management and Placemaking, 5 - Community Infrastructure Assessment, 6 - General Urban Area /Settlements, 13 - affordable Housing and Housing Choice, 14 - Green Network and Greenspace, 16 - Travel and Transport and 17 - Water Environment and Flooding). In addition, the proposal accords with the relevant Development Plan Supplementary Guidance. In addition, the proposal also complies with Policies 1 - Spatial Strategy, 3 - General Urban Area Settlement, 5 - Development Management and Placemaking, 11 - Housing, 12 - Affordable Housing and 13 - Green Network and Greenspace in the Proposed South Lanarkshire Local Development Plan 2.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

Date: 22 January 2020

### **Previous references**

- ◆ None

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 01.11.2019
  
- ▶ Consultations
 

SEPA Flooding	18.11.2019
Roads Flood Risk Management	19.11.2019
Roads Development Management Team	10.01.2020
Environmental Services	14.11.2019
Scottish Water	06.11.2019

Estates Services - Housing And Technical Resources	05.11.2019
Arboricultural Services	04.11.2019
Coal Authority Planning Local Authority Liaison Dept	13.01.2020

► Representations	Dated:
Mrs Margaret Gillespie, 36 Cairns Road, Cambuslang, Glasgow, South Lanarkshire, G72 8PT	04.11.2019

### **Contact for further information**

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

Maud McIntyre, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
 Phone: 01698 455043  
 Email: [maud.mcintyre@southlanarkshire.gov.uk](mailto:maud.mcintyre@southlanarkshire.gov.uk)

### Conditions and reasons

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

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

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

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

3. That prior to the occupation of the first dwellinghouse, the footway on Trinity Drive shall be reconstructed and extended to the entrance to the Suds device on Gilbertfield Road, all to the satisfaction of the Council as Planning and Roads Authority.

Response: In the interests of public safety.

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

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

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

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

6. That before any of the dwellinghouses situated on the site upon which a fence/wall is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 5. above, shall be erected and thereafter maintained to the satisfaction of the Council.

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

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

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

8. That all new residents within the approved site shall be issued by the developer with a Residential Travel Pack.

Reason: In the interests of public safety and sustainability.

9. That the applicant shall provide a Traffic Management Plan (TMP), including details of the site compound, show where all vehicles and deliveries will be located, on-site parking and wheel washing facilities. The TMP should restrict all site work (incl. vehicle movements) from operating within the school opening and closing times, unless otherwise agreed. No work shall commence until the TMP has been approved in writing by the Council as Planning Authority.

Reason: In the interests of road and public safety.

10. The applicant shall undertake a noise assessment to determine the impact of road traffic noise on the proposed development using the principles set out in "Calculation of Road Traffic Noise" (DoT/Welsh Office, HMSO, 1988) or by a method to be agreed by the Planning Authority such as the shortened daytime measurement method. The survey shall take cognisance of the Scottish Government Document: Technical Advice Note Assessment of Noise. The survey shall be submitted to and approved by the Planning Authority and where potential noise disturbance is identified, it shall include a scheme for protecting the proposed dwellings from road traffic noise.

The scheme shall ensure that the internal levels with windows open (or under exceptional circumstances closed) do not exceed an  $L_{Aeq,16hr}$  of 40dB daytime and an  $L_{Aeq,8hr}$  of 30dB night-time. The external levels shall not exceed an  $L_{Aeq,16hr}$  of 50dB daytime in any rear garden areas, when measured free-field. The approved scheme for the mitigation of noise shall be implemented prior to the development being brought into use and where appropriate, shall be retained in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.

Reason: In the interests of residential amenity.

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

Reason: In the interests of amenity.

12. That all the tree works relating to the site shall to be in accordance with the submitted arboricultural impact assessment, tree constraints plan, method statement, tree protection plan and tree retention/removal plan.

Reason: In the interests of amenity and to minimise loss of existing trees and hedgerows.

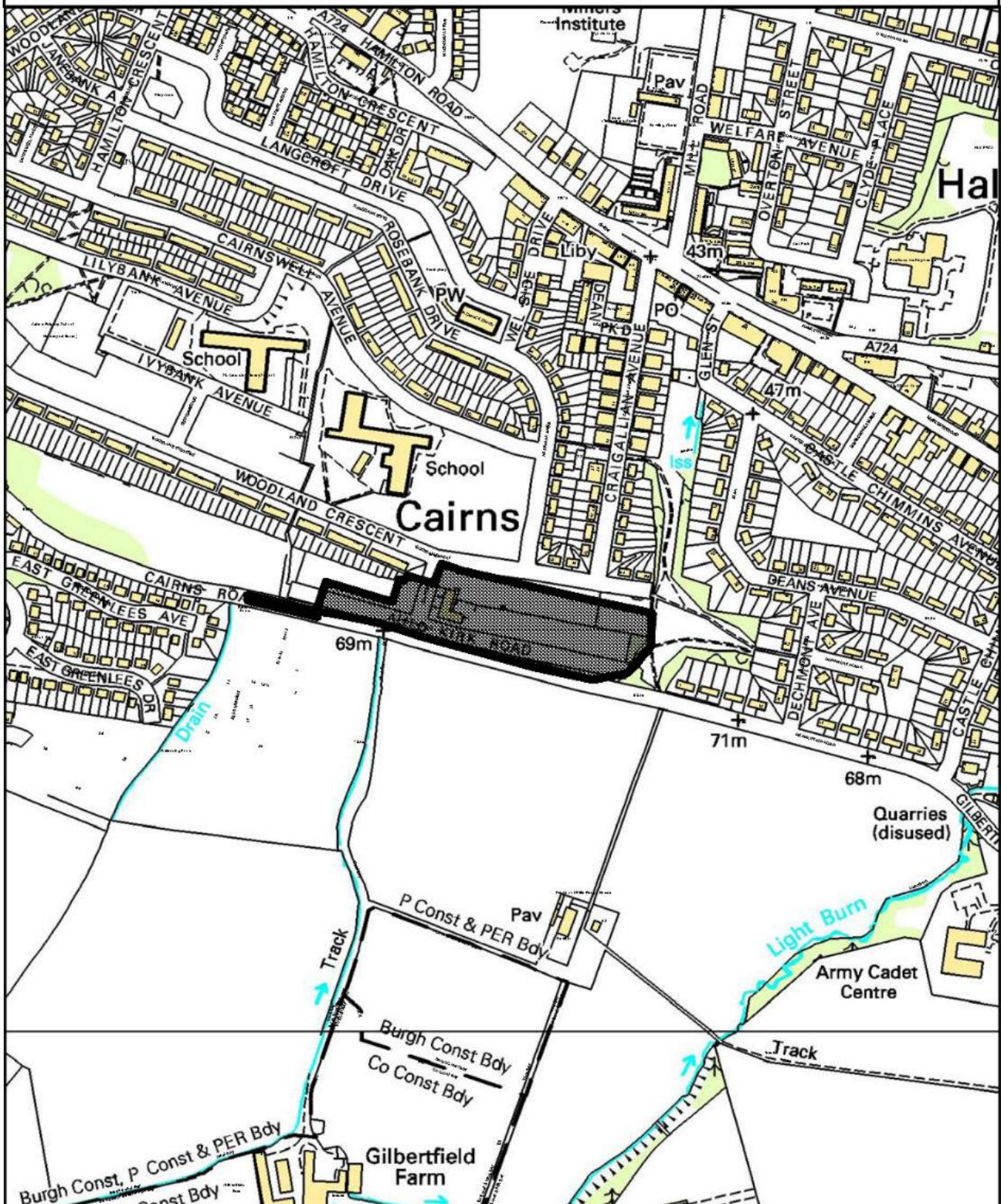
13. That the footways shaded brown on the approved plan shall be retained and a plan shall be submitted to show the exact position, specification and makeup of the footway links at the eastern and western end of the application site. Works to be carried out to the satisfaction of the Council as Planning Authority prior to the occupation of the first dwellinghouse.

Reason: To ensure connectivity from the site to the surrounding existing footpath network.



P/19/1625

Land 100m ESE of 208 Woodland Crescent, Auld Kirk Road, Cambuslang



© Crown copyright and database rights 2019 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:  
1:5,000  
Date:  
16/01/2020



South Lanarkshire Council  
Community and Enterprise Resources  
Planning and Economic Development



# Report

13

Report to: **Planning Committee**  
 Date of Meeting: **11 February 2020**  
 Report by: **Executive Director (Community and Enterprise Resources)**

Subject **Scottish Government Consultation on Planning Performance and Fees**

## 1. Purpose of Report

1.1 The purpose of the report is to:-

- Seek approval of the Council's response to the Scottish Government consultation on planning performance and fees.

## 2. Recommendation(s)

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

- (1) That the response contained in the appendix to this report is submitted as the Council's response to the Scottish Minister's consultation on planning performance and fees.
- (2) That the Head of Planning and Economic Development be authorised to make drafting and technical changes to the response prior to its submission.

## 3 Background

3.1 The Planning (Scotland) Act 2019 received Royal Assent in July 2019. During consultation on the likely provisions of the Act, the Scottish Government highlighted that it sees the planning system as being central to support the objective of creating a more successful country with opportunities for all to flourish through increased wellbeing and sustainable and inclusive economic growth. The planning system has a key role in achieving this goal and the new legislation puts in place a range of new statutory duties and measures to make it more efficient and effective and ensure it is capable of providing a high quality service. Among other things, the Act places annual performance reporting by planning authorities on a statutory basis and introduces the role of a National Planning Improvement Co-ordinator. The Government has also recognised that resourcing is an important element in improving performance and service quality and the Act introduces powers to widen the scope of services for which fees can be charged. At the same time, a commitment was given to reviewing the existing fee structure for planning applications.

- 3.2 Resourcing of the planning system has been a key issue since the economic downturn. This led to the Government increasing the maximum fee for a planning application to £125,000 in 2017. However, the paper states that, at present, planning application fees account for, on average, only 63% of the cost of determining an application. In response to this issue, the Government launched a consultation paper on Planning Performance and Fees on 18 December 2019. The aim is to close the gap between fee income and costs which, in turn, should free up resources for the remainder of the planning service. Critically, the paper states that it is not the role of planning fees to cover the cost of the new duties introduced by the Act unless they relate specifically to the determination of an application. This could involve the recruitment of additional staff to address new themes emerging from the Act and the Government's Programme for Scotland 2019/20, training and investment in digital systems.
- 3.3 Members will be aware that the planning service is responsible for other statutory duties that do not attract fees. These include:-
- the preparation of a Local Development Plan
  - the planning enforcement function
  - input into strategic development planning at a City Region level

It is also involved in providing a wide range of advice and guidance to members of the public, elected members, other parts of the Council and outside organisations and is at the forefront of helping deliver Council projects and priorities. In addition, the Act introduces a particular requirement for spatial and community planning to work more closely; moreover, it is clear that the planning system will be at the forefront of delivering on climate change issues. It is a concern that the Scottish Government does not support the full cost recovery for the planning service as a whole rather than just the development management function which deals with applications.

- 3.4 In his foreword to the consultation paper Kevin Stewart the Minister for Local Government and Housing states that it is fundamental that the planning system is appropriately resourced to deliver on the Government's ambitions. As a result, increases in planning fees should be matched by continuing improvements to performance. This is to be achieved through an effective reporting regime that ensures priorities of all users of the service are delivered.

## **4 Planning Performance**

- 4.1 Since 2012, planning authorities have been responsible for producing an annual Planning Performance Framework (PPF) which is used to show commitment to continuous improvement in the delivery of the planning service. The report is submitted to Scottish Ministers and markings are awarded in 15 key markers. The Council's overall markings have seen a year on year improvement from 7 Red, 4 Amber and 4 Green in 2012/13 to 0 Red, 3 Amber and 10 Green in 2017/18. The consultation paper states that the PPF is a starting point for reviewing the way in which performance is measured.
- 4.2 Firstly, the consultation proposes that a statement about the performance of the system should be developed to sit alongside the purpose of planning defined in the Act i.e. 'to manage the development and use of land in the long term public interest.' The following wording in relation to performance is suggested:

*‘The Planning system must provide certainty, consistency and clarity to all those who participate in it, through effective engagement, policy, decision making and communication’*

Overall, it is considered that the incorporation of such a statement is a useful and positive step forward to focus attention on achieving performance improvements. The paper goes on to list a series of areas that the annual performance report should cover including statistics, customer service, engagement, case studies, outcomes, improvement and resources. The continued move away from a purely statistical approach to performance outcome measurements is welcomed and helps demonstrate the added value the planning system can achieve; for example in terms of high quality places and design, support the delivery of sustainable economic growth, addressing climate change issues and facilitate greater community participation in the system. Nevertheless, the time taken to make decisions on applications will remain the focus of the service as it is recognised delays have an impact on the development industry and create uncertainty within communities. It is considered that this focus on timescales is appropriate, provided it is viewed in the context of wider qualitative measures.

- 4.3 The consultation proposes targeted customer engagement in the preparation of the annual report. The planning service recently retained its Customer Service Excellence award for a 6<sup>th</sup> year and its commitment to customer focus and insight was highlighted as a particularly strong point in the submission. Further extending this area is considered appropriate and would build on the engagement work already carried out by the service.
- 4.4 The Act also introduces a power for Scottish Ministers to appoint a National Planning Improvement Co-ordinator to monitor and provide advice to planning authorities on the performance of their planning functions. The definition of this role is to be developed in collaboration with stakeholders so it is unclear at the moment what range of powers will be available if performance levels are not satisfactory. The consultation seeks views on the role and responsibility of this post and, in that respect, it is important to ensure that it includes opportunities to benchmark and share best practice with other planning authorities. It is also hoped that different ways of working between authorities be explored to enable expertise to be shared, where appropriate.

## **5 Planning Fees**

- 5.1 As noted above, the Government has not committed to full cost recovery of the Planning Service as a whole nor particularly in relation to the processing of applications, although they expect to move closer to that outcome as a result of the proposed changes. The paper states that the overall resourcing of the planning service is the responsibility of the Council and it is expected that it continues to be financed through its budget as well as fee income. It goes on to state that any increase in fees must be linked to sustained improvement in performance although what this may mean in practice (for example potential sanctions) is not set out. Nonetheless, the consultation paper is explicit that the additional income must be re-invested directly into the planning service. Given that fee income is directly related to the performance of the economy and, in turn, the development sector, this can vary year on year. As such, how this re-investment will be implemented in practice will require to be carefully considered to ensure that future funding pressures are not created.
- 5.2 The proposals set out in the paper include both changes to the current fee structure and the introduction of a range of additional and discretionary charges.



### Review of existing fee categories

In terms of fees for planning applications, significant increases are proposed in relation to both the amount per house or floor space as appropriate and the maximum fee that can be charged. For example:

- the fee for a single house would increase from £401 to £600 (50% increase)
- for 100 houses from £30,050 to £36,300 (20% increase) and
- the maximum fee from £124,850 to £150,000 (20% increase)
- The fees for householder applications would rise from £202 to £300 (49% increase).

Based on applications received in 2019, the proposed increase in fees for householder developments would result in an upturn in income from £149,000 to around £197,000. Similar figures for residential developments would see an increase from approximately £772,000 to £1,000,000. As a result, the uplift for these two categories alone amounts to around £276,000. Overall, the range of increased charges are considered appropriate and proportionate and would go some way to addressing the current under recovery of costs and the work involved in what is an increasingly complex assessment of even more minor applications.

### New charges

The proposals also seek views on the introduction of fees for applications for development in conservation areas and for listed building consent. In broad terms, these types of application involve detailed assessment so that their impact on the built environment is appropriately managed. The payment of a fee in these instances is, therefore, considered reasonable.

### Discretionary charges

Proposals for discretionary charges in the consultation paper cover a range of areas and include:-

- Pre-application discussions
- Processing agreements – which set out timescales agreed between the Council and applicant for determining an application
- Non-material variations – changes to approved plans that don't require a further application
- The discharge of planning conditions
- Planning appeals and local reviews

All of the above activities can involve significant input by officers and draw resources away from the processing of applications which have been the subject of a fee. In general, the introductions of fees for these areas of work is considered appropriate and reflects the wide array of tasks carried out by the service. It is considered that the scope for authorities to use discretion in applying and setting the fees to these activities is not correct and that it would be more appropriate for either these types of charges to become mandatory or at least for the levels of fees to be set at a national level. It has been estimated that charging for this service alone could generate around £50,000 a year for the Council. Feedback from developers has shown that they are willing to pay for this service provided relevant issues are raised at this stage and it helps the decision-making process post-submission.

### Retrospective applications

These types of applications are often more controversial than others and there is frequently community concern that developers are seen to be doing what they want without a penalty being imposed. At the same time, unauthorised development may

be as a result of ignorance of the need for permission and that is often the case with homeowners. The 2019 Act establishes that the surcharge may be no more than the normal fee for the development. The consultation suggests that discretion be used if the planning authority believes the developer has made a mistake. However, it is considered that it would be very difficult to make a judgement on whether this is the case and, therefore, the use of discretion is not considered appropriate.

### Refunds

Views are sought on whether an applicant would be entitled to a refund where there has been an unreasonable delay in determining an application. It is considered this would not be fair as delays could be due to delays in responses from consultees or the failure of applicants to submit additional information or make changes to proposals. It would also be difficult to arbitrate over the responsibility for delays.

5.3 In summary, the proposed fee increases are welcome and will have a significant impact on closing the gap between the fees received and the cost of determining an application as described in 3.2 above. However, the role of the planning service involves more than the processing of planning applications in terms of existing statutory duties and this will be extended as a result of the new legislation. In addition, expectations in terms of non-statutory tasks such as customer engagement and other matters that will form part of the annual reporting framework as well as planning's role in community planning and climate change are high and will require additional resources. It is, therefore, disappointing that full cost recovery for the entire remit of the service is not addressed in the consultation. It is considered that this issue be raised in the response to the Government.

5.4 Notwithstanding this, the consultation paper makes it clear that any fee increases must be accompanied by performance improvements. This applies not just in relation to the time taken to make decisions on applications but also the areas likely to be covered in the revised performance reporting framework, e.g. customer service and engagement with stakeholders, as mentioned above. However, it is recognised that any investment of the additional income in the planning service will continue to be considered alongside budgeting for other Council services and priorities. It would not be appropriate to 'ringfence' this money within the Planning Service but rather the needs of the Service will be considered at the time.

## **6. Employee Implications**

6.1 Investment in the Planning Service will likely be predominantly in terms of the retention and/or recruitment of staff and the procurement of specialist advice, where appropriate.

## **7. Financial Implications**

7.1 The increase in fees for planning applications for householder developments and residential developments alone would result in additional income of approximately £276,000 if the proposals are applied to applications received in 2019. In addition, it is estimated that charging for pre-application discussions would generate an income of around £50,000 a year. These are, of course estimates based on last year and the sum could rise or fall, depending on performance of the economy and applications submitted.

## **8. Climate Change, Sustainability and Environmental Implications**

8.1 The planning system will have an increasingly key role in addressing the climate change agenda. Investing additional income in resources within the planning service will contribute to meeting these aims.

## **9. Other Implications**

- 9.1 The Minsters have requested all interested parties to submit their views on the White Paper. There would be reputational risk if the Council did not respond.

## **10. Equality Impact Assessment and Consultation Arrangements**

- 10.1 The Scottish Minsters are undertaking the consultation on the Scottish planning system. Any resulting changes would, thereafter, be the subject of assessment and consultation by the Scottish Ministers.

**Michael McGlynn**

**Executive Director (Community and Enterprise Resources)**

**30 January 2020**

### **Link(s) to Council Objectives/Values/Ambitions**

- Demonstrating governance and accountability
- The efficient and effective use of resources and managing and improving performance

### **Previous References**

- None

### **List of Background Papers**

- Planning (Scotland) Act 2019
- Scottish Government consultation on Planning Performance and Fees.

### **Contact for Further Information**

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

Tony Finn, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB

Ext:5105 (Tel: 01698 455105)

E-mail: [tony.finn@souythlanarkshire.gov.uk](mailto:tony.finn@souythlanarkshire.gov.uk)



## **Scottish Government Consultation on Planning Performance and Fees**

### **Appendix**

#### **Planning Performance Reporting**

##### **Purpose of Planning**

*Should we set out a vision for the Planning Service in Scotland?*

- Yes

*Do you agree with the vision proposed in this consultation paper?*

- Yes

*Do you have any comments about the proposed vision?*

Overall it is considered that the incorporation of such a statement is a useful and positive step forward to focus attention on achieving performance improvements across the planning system. It is suggested greater clarity on the themes identified in the consultation paper be provided in National Planning Framework 4. In addition, this is an opportunity to ensure that the role of all parties who participate in the planning system is defined in order to make it more effective and participatory. This would include the development industry, housebuilders, community bodies, stakeholders and infrastructure providers.

##### **Preparation and Content of reports**

*Is the proposed approach to the content correct?*

- Yes

*Do you have any comments on the proposed content of Planning Performance Reports?*

The paper lists a series of areas that the annual performance report should cover including statistics, customer service, engagement, case studies, outcomes, improvement and resources. The continued move away from a purely statistical approach to performance outcome measurements is welcomed and helps demonstrate the added value the planning system can achieve; for example in terms of high quality places and design, support the delivery of sustainable economic growth, addressing climate change issues and facilitate greater community participation in the system. Nevertheless, the time taken to make decisions on applications should remain the focus of the service as it is recognised delays have an impact on the development industry and creates uncertainty within communities. It is considered that this focus on timescales is appropriate, provided it is viewed in the context of wider qualitative measures.

*Do you have any comments or suggestions as to how reports should be prepared?*

The consultation proposes targeted customer engagement in the preparation of the annual report. The planning service has held a Customer Service Excellence award for 6 years and its commitment to customer focus and insight is regularly highlighted as a particularly strong point in the feedback from assessors. Comments from stakeholders has been used to identify and implement service improvements. Further extending this area is considered appropriate and would build on the engagement work already carried out by the service. The service holds annual stakeholder forums together with colleagues in Building Standards which are used to provide updates on legislation and processes as well gather comments on how it is performing and suggestions for improvement.

*What statistical information would be useful/valuable to include and monitor?*

Discussion should take place on the data required to evidence key themes such as the contribution planning makes to tackling climate change and working together to deliver community planning objectives (in particular in relation to disadvantage and inequality) would be useful.

*What are the key indicators which you think the performance of the system and authorities should be measured against?*

In general the key indicators should be linked to the six main outcomes for planning to be set out in NPF4. The goals that are set out in the RTPI Wales Value of Planning document are a good starting point for defining the key objectives.

*Do you have any other comments to make with regards to how the Performance of the Planning System and Authorities is measured and reported?*

The performance of other participants in the planning system should be measured and reported on. This will recognise the need for partnership working across all areas of planning and set out how they will contribute to the vision statement and key objectives of the system. The delivery of sustainable economic growth is a matter for parties with a role in the system and cannot be confined to the public sector.

*Do you have any suggestions about how we could measure the outcomes from planning such as:*

- Placemaking
  - Remediation of vacant and derelict land
  - Delivery of mix of range of housing including size and affordability and accessibility
  - Access to services including health and social care and education
  - Surveys of users of the place to identify satisfaction
  - Involving stakeholders and communities in decision making about their place
- Sustainable Development
  - Remediation of vacant and derelict land
  - Proportion of development served by a heat network
  - Reduction on carbon dioxide emissions from buildings
  - Proportion of new buildings with low and zero carbon generation technologies
  - Improvements in air quality
- Quality of decisions
  - Surveys of communities to measure impact on local area

### **National Planning Improvement Co-ordinator**

*Do you have any comments/suggestions about the role and responsibilities of the National Planning Improvement Co-ordinator?*

The definition of this role should be developed in collaboration with stakeholders to agree the range of powers that will be available if performance levels are not satisfactory. The consultation seeks views on the role and responsibility of this post and in that respect it is important to ensure that it includes opportunities to benchmark and share best practice with other planning authorities. It is also hoped that different ways of working between authorities be explored to enable expertise to be shared where appropriate.

The link between fee increase and performance improvements is noted and understood. The starting point for measuring the relationship between fees and performance should be tailored to reflect the situation each planning authority finds itself at the start of this process and appropriate and proportionate targets are set.

## **PLANNING FEES**

### **Category 1 – Residential Development**

*Do you agree with the proposed planning fees?*

- Yes. The general approach of using a sliding scale so that the fee per unit decreases as the number of units within a scheme rises is reasonable. The fee suggested of £250 per unit on proposals with over 50 units seems low and it is suggested this be increased to £300. The increase in the maximum fee payable is appropriate. In terms of applications for Permission in Principle it is noted that the amount per 0.1ha is lower than that for other categories of development. It is considered the same amount should apply across all categories to provide consistency.

*Is the proposed method for calculating the planning fee correct?*

- Yes. *The setting of a round figure per unit will help calculate fees in general. This comment also applies to the other categories of development.*

### **Categories 2, 3, 4 and 5 – Extensions and Alterations to Existing Dwellings**

*Do you agree with the proposed planning fees?*

- No. The differentiation between enlarging an existing dwellinghouse and other ancillary development within the curtilage of a house fails to recognise that some of the categories in the latter group can often prove to be sensitive and generate representations. This includes proposals for fences, garages and sheds as well as detached decking which isn't listed. It may be appropriate to charge a lower fee by reference to classes in the General Permitted Development Order to provide clarity. This could include classes 1C, 2A, 2B and 3C.

*Is the proposed method for calculating the planning fee correct?*

- Yes

### **Category 6 – Retail and Leisure including extensions**

*Do you agree with the proposed planning fees?*

- Yes. The overall increase in fee levels is appropriate. The comment made in category 1 above regarding PPP applications is relevant however.

*Is the proposed method for calculating the planning fee correct?*

- No. The introduction of four fee levels across different increases in floor levels is overly complicated and consideration should be given to simplifying the means of calculating the fee in this category by reducing the number of levels.

### **Category 7 – Business and Commercial including extensions**

*Do you agree with the proposed planning fees?*

- Yes. The overall increase in fee levels is appropriate and recognises the contribution this category of development makes to economic growth. The comment made in category 1 above regarding PPP applications is relevant however

*Is the proposed method for calculating the planning fee correct?*

- Yes. The number of fee levels is appropriate.

## **Category 8, 9 and 10 – Agricultural Buildings, Glasshouses and Polytunnels**

*Do you agree with the proposed planning fees?*

- No. The absence of a fee for agricultural buildings up to 465 sqm is an anomaly and should be removed. A lower amount of £500 for such proposals would be appropriate.

*Is the proposed method for calculating the planning fee correct?*

- Yes

*Should a separate category be established for erection of glasshouses on land that is not agricultural land?*

- No. It is considered the fee levels that apply to agricultural buildings are appropriate including the removal of the anomaly referred to above. The maximum fee should also be the same.

*Should a separate category be established for erection of polytunnels on land that is not agricultural land?*

- No. It is considered the fee levels that apply to agricultural buildings are appropriate including the removal of the anomaly referred to above. The maximum fee should also be the same.

## **Category 11 – Windfarms – access tracks and calculation**

*Do you agree with the proposed planning fees?*

- In general yes. However it is not considered that a fee for a PPP application is necessary in this category of development.

*Is using site area the best method of calculating fees for windfarms of more than 3 turbines?*

- Yes. Access tracks and other infrastructure are a key element in determining these types of applications.

## **Category 12 – Hydro Schemes**

*Do you agree with the proposed planning fees?*

- Yes

*Is the definition and the proposed method for calculating the planning fee correct?*

- No. The maximum fee cap of £25,000 is considered low given the potential issues that could arise when determining applications. Extensive consultation is also normally required when assessing applications.

*Could the planning fee be set using site area for the generating station and equipment with a separate calculation used for pipework? This could be similar to the fee for Fish Farms where the surface area is subject to a different fee to the seabed.*

- No. The consideration of an application involves assessing pipework proposals. Increasing the maximum fee would address this issue.

## **Category 13 – Other energy generation projects**

*Is the definition and the proposed method for calculating the planning fee correct?*

- Yes.

*Should a category be created for Solar Farms?*

- Yes. The fee level should be based on the site area.

*Should a category be created for energy storage developments?*

- No

*Should a category be created for Heat Networks?*

- Yes. Heat networks can be considered to be urban infrastructure and will in most cases be dealt with in the context of the applications of the development to which they relate if they form part of a larger application.

#### **Category 14 – Exploratory Drilling for Oil and Natural Gas**

*Do you agree with the proposed planning fees?*

- Yes

*Is the proposed method for calculating the planning fee correct?*

- Yes

#### **Category 15 and 16 – Placing or Assembly of Equipment on Marine Waters for Fish Farming**

*Do you agree with the proposed planning fees?*

- Yes

*Is the proposed method for calculating the planning fee correct?*

- Yes

#### **Category 17 – Plant and Machinery**

*Do you agree with the proposed planning fees?*

- Yes

*Is the proposed method for calculating the planning fee correct?*

- Yes

#### **Category 18 – Access, Car Parks etc. for Existing Uses**

*Do you agree with the proposed planning fees?*

- Yes

*Is the proposed method for calculating the planning fee correct?*

- Yes

#### **Category 19 – Winning and Working of Minerals**

*Do you agree with the proposed planning fees?*

- Yes

*Is the proposed method for calculating the planning fee correct?*

- Yes

#### **Category 20 – Peat**

*Do you agree with the proposed planning fees?*

- No. The maximum fee that is proposed is low especially given the need to assess carbon capture issues as part of the climate emergency agenda.

*Is the proposed method for calculating the planning fee correct?*

- Yes

*In light of the climate emergency do you agree that fees for applications relating to the winning and working of peat should continue to be considered separately from other mineral operations?*

The winning of peat deposits is less intensive than other forms of extraction and therefore a separate fee category is appropriate.

### **Category 21 – other operations**

*Do you agree with the proposed planning fees?*

- No. Development proposals in this category can often involve significant scales development. It is suggested the amount per 0.1ha is increased to £600 and the maximum fee payable increased to £25,000

*Is the proposed method for calculating the planning fee correct?*

- Yes

### **Categories 22 and 23 – Waste Disposal and Minerals Stocking – does not cover waste management (recycling)**

*Do you agree with the proposed planning fees?*

- Yes

*Is the proposed method for calculating the planning fee correct?*

- Yes

### **Category 24 – Conversion of Flats and Houses**

*Do you agree with the proposed planning fees?*

- Yes. See comments under category 1 above

*Is the proposed method for calculating the planning fee correct?*

- Yes. See comments under category 1 above

### **Category 25 – Change of Use of a building**

*Do you agree with the proposed planning fees?*

- No. Some changes of use of buildings can be sensitive within a local community and generate complex issues that require to be assessed for example those involving hot food take aways, amusement arcades and betting shops. Such proposals may also require consultation and detailed assessment of ancillary development such as flues. The scale of some proposals can also be significant based on for example the floor space the existing building and traffic generated by a proposal. Consideration should be given to charging a higher level of fee for proposed uses within a defined use class. In addition there may be justification for introducing a fee level per floorspace where the area of a building exceeds a defined threshold.

*Is the proposed method for calculating the planning fee correct?*

- No see above

### **Category 26 – Change of Use of Land**

*Do you agree with the proposed planning fees?*

- Yes

*Is the proposed method for calculating the planning fee correct?*

- Yes

## **OTHER FEES**

### **AMSC Applications**

*How should applications for planning permission in principle and Approval of Matters Specified in Conditions be charged in future?*

While the consultation states that the total fee for the PPP and subsequent AMSC applications should not exceed 150% of the planning fee paid this in effect means that it is anticipated that AMSC applications require lower levels of assessment than the PPP. However conditions attached to PPP can involve a wide range of issues to be addressed at the later stage in the process and significant levels of detail need to be consulted on and assessed. Consideration should therefore be given to reviewing this general position.

*How should the fee for AMSC applications be calculated?*

The fee levels should be calculated on the basis of the development category to which the application relates.

*Should the maximum fee apply to the individual developers/applicants or applied to the whole development with applicants (if number is known) paying an equal share of the max fee?*

It is unlikely the number of developers will be known at the start of the AMSC process. Any maximum fee should therefore apply to individual developers.

### **Cross boundary Applications – Allocation of the fee**

*Should the fee for cross boundary applications be split between the respective authorities?*

- The allocation of the fee should be based on the site area of the proposed built development within each authority.

### **Conservation Areas**

*Do you agree or disagree with the proposal that where applications are required because permitted development rights for dwellings in conservation are restricted, then a reduced fee should be payable?*

- Disagree. The work involved in assessing an application for works in a conservation area can be considerable and require lengthy negotiations. Some of these applications are also required to be advertised if they affect the setting of the conservation area but at the moment the cost of the advert cannot be recovered.

### **Listed Building Consent**

*Is the introduction of a fee for applying for Listed Building Consent appropriate?*

- Yes.

*How should that fee be set?*

There should not be a differentiation between whether an application for LBC is accompanied by a detailed application or whether it involves proposals that would otherwise be permitted development or not development at all. A flat fee of £500 is suggested.

### **Hazardous Substances Consent**

*Should the fees for Hazardous Substances Consent be increased?*

- Yes

*What levels do you think are appropriate?*

The fee levels should be increased to £1,000, £1500, £2,000 and £5,000.

## **Other types of Applications**

*Are the proposed increases in fees for the categories above appropriate?*

CLUDS

- Yes

*Advertisement*

- Yes

*Prior Approval*

- Yes

*Should the fee for Alternative Schemes remain as it is?*

- Yes

*Are there other fees which have not been considered?*

The nominal fee required for the submission of a section 42 application is often disproportionate the level of scrutiny required to determine the application. Consideration should be given setting a fee level that is relevant to the scale and type of proposal.

## **DISCRETIONARY CHARGING**

*Do you think we should set out the range of services which an authority is allowed to charge for?*

- Yes. The range of services should be set out in secondary legislation or guidance to provide certainty on what authorities can charge for. However it is important to ensure that this list is kept under review to allow other areas to be subject of charging..

## **Pre-application Discussions**

*How should the fee for pre-application discussions be set?*

It is considered that a common approach be applied across Scotland in terms of what the pre-application discussion should involve, what the customer can expect to receive in return and a cap on the maximum fee that can be charged. However the fee levels should be set locally to allow discretion to reflect local circumstances.

*Should the fees for pre-application discussions be subtracted from the full fee payable on submission of an application?*

- No. The pre-application service can involve significant officer time and discussion with other parties. It is not guaranteed that an applicant will take on board the advice provided which could result in delays in processing the application.

## **Processing Agreements**

*Do you think that there should be an additional charge for entering into a processing agreement to reflect the additional resource required to draft and agree the timescales to be included?*

- No. The amount of time required to prepare a processing agreement is limited and the payment of a fee would be unreasonable.

*Should we set the fee for that or an upper limit allowing authorities the flexibility to set their fee within clear parameters?*



N/A.

## **Non-material variations**

*Where a non-material variation is required should an authority be able to charge for each change which is made? Or per request?*

- Per Request

*Should regulations set the fee for that or an upper limit allowing authorities the flexibility to set their fee within clear parameters?*

If Scottish Ministers decide to introduce fees for this then it is considered authorities should be given the flexibility to set levels to reflect local circumstances.

## **Monitoring Conditions**

*Should authorities be able to charge for carrying out the monitoring of conditions?*

- Yes. However it should be noted that South Lanarkshire has a process in place whereby Planning Monitoring Officers are employed at the expense of the developer to monitor development on site through a section 75 agreement. This has been confined to windfarms and mineral extraction to date.

*Should a fee for monitoring be limited to certain types of monitoring requirements?*

- Yes

*What should this be limited to?*

It could be limited to proposals that fall outwith the Council's scheme of delegation. For example in South Lanarkshire 10 or more houses.

*How should the fee be set?*

The fee should be charged per condition.

## **Discharge of Conditions**

*Do you think there should be a fee payable for the discharge of conditions?*

- Yes. Often conditions are imposed because an applicant has failed to provide additional information that could have avoided the use of a condition. Dealing with the discharge of conditions can also result in site visits and consultation. It is considered appropriate to charge by condition rather than per request. A refund should not be payable as failure to respond may be due to a number of factors including full details not being provided by the applicant at the time the request to discharge the condition is made.

## **Planning Agreements**

*Do you think that Planning Authorities should be able charge for the drafting of planning agreements?*

- No. The increase in fees for applications is expected to cover the time involved in preparing agreements. In addition the Councils Legal services recoup their own costs from applicants before the agreement is signed.

## **Masterplan Consent Areas**

*Should an authority be able to charge for development within a MCA (building, or changes or use) in order to recoup the costs involved in setting one up?*

- Yes.

*Should we set the fee or an upper limit in the regulations?*

The work involved in establishing a MCA scheme could be an intensive as assessing a PPP application. The fees to be charged should therefore reflect the proposed fees for PPP applications as per the residential development category.

### **Enhanced Project Managed Applications**

*Should the ability to offer and charge for an enhanced project managed service be introduced?*

- Yes

*How should this process work?*

It is difficult to comment on fee level that could be charged in the absence of details on what this process would involve.

*What, if anything, should happen in the event of failure to meet timescales?*

The reasons for failing to meet the timescales would need to be understood and responsibility for this agreed.

### **Self/Custom Build Registers**

*Do you think charging for being added or retained on the register of interested people should be included in the list of services which Planning Authorities should be allowed to charge for?*

- No. The cost of setting up and maintaining the register appears to be minimal and therefore charging a fee appears unreasonable.

### **Charging for Appeals**

*Do you think that, in principle, fees should be charged for appeals to DPEA?*

- Yes. Appeals generate additional administrative work as well further input from the case officer and possibly internal consultees.

*Should we limit the circumstances in which a fee can be charged for lodging an appeal?*

No

*In what circumstances do you think a fee should be paid for lodging an appeal?*

All circumstances

*Do you think that the fee should be refunded in the event of a successful appeal?*

- No. However a link could be made to circumstances where a Reporter judges that the planning authority has acted unreasonably in its decision making.

*If so, should this follow the same process as is currently set out for awarding costs?*

Yes

*What categories of appeals should be considered for charging?*

All types of appeal will generate additional work and resources. To make sure the fee is proportionate the level could be related to a percentage of the original planning application fee.

*Do you think that a fee scale should be provided in relation to appeals to Local Review Bodies and, if so, should the arrangements differ from appeals to DPEA?*

Yes the same principles apply as above.

### **Reducing And Waiving Fees**

*Do you have any suggestions as to the circumstances in which they could use this power?*

The Council is not convinced of the argument that reducing or waiving fees is appropriate.

### **OTHER ISSUES**

#### **Retrospective Applications**

*Should the surcharge be set at 100%?*

- Yes. The Act does not permit the surcharge to be any greater than 100% of the fee that would be required for the unauthorised development. Setting the fee at this level would be a useful deterrent.

*If not what level should it be set at?*

N/A

*Authorities will need to apply discretion when applying this surcharge. Should authorities need to clearly set out the reasons why the surcharge has been applied or not in each individual case?*

- No. These types of applications are often more controversial than others and there is frequently community concern that developers are seen to be doing what they want without a penalty being imposed. At the same time unauthorised development may be as a result of ignorance of the need for permission and that is often the case with homeowners. The 2019 Act establishes that the surcharge may be no more than the normal fee for the development. The consultation suggests that discretion be used if the planning authority believes the developer has made a mistake. However it is considered that it would be very difficult to make a judgement on whether this is the case and therefore the use of discretion is not considered appropriate.

#### **Incentives**

*Do you consider the use of rebates, discounts or other incentives, a useful tool in delivering a more efficient service? If so what would you consider to be an effective discount, rebate or other incentive?*

Views are sought on whether an applicant would be entitled to a refund where there has been an unreasonable delay in determining an application. It is considered this would not be fair as delays could be due to delays in responses from consultees or the failure of applicants to submit additional information or make changes to proposals. It would also be difficult to arbitrate over the responsibility for delays.

*Given the success of ePlanning, the continuing increase in its use and the savings which are made to both an applicant and authority in submitting an application electronically, do you think it is appropriate to apply an increased fee for submitting a paper application due to the additional work involved?*

- Yes. The proportion of applications made online has plateaued and it is considered further measures are needed to increase this. In the longer term consideration should be given to removing the ability to make paper applications as has happened in many other areas of government. It is recognised that some applicants will not have the confidence or expertise

to use ePlanning. A financial penalty may also affect their ability to make an application or employ an agent. As a result provision should be made to provide technical assistance.

### **Advertising Fee**

*Do you consider there should be a single fee?*

- Ideally a single fee would resolve the issues that arise in terms of recovering the advertising costs. A downside is that spreading the cost across all applications would penalise the large number of applicants whose proposals do not need to be advertised. However administratively this is the best solution.

*How do you think the cost of advertising should be recovered?*

As above

### **Environmental Impact Assessments ( EIA)**

*Do you consider that submission of an EIA should warrant a supplementary fee in all cases?*

- No in general. However a supplementary fee is considered appropriate in cases where a section 42 application requires an EIA. The charge should be equal to the category of fee that the proposal would have generated if a detailed application had been submitted.

### **Hybrid Applications**

*Do you think that applications for planning permission in principle should continue to be charged at half the standard fee?*

- Yes

Should there be a different fee for 'hybrid applications' as described here?

- No

### **Charging for SG services**

*Should the Scottish Government introduce a service charge for submitting an application through eDevelopment (ePlanning and eBuilding Standards)?*

- No. This links to the question about incentives to increase the number of online applications. Introducing a service charge would dissuade applicants making use of eDevelopment to submit applications.

### **General comments**

In summary, the proposed fee increases are welcome and will have a significant impact on closing the gap between the fees received and the cost of determining an application. However the role of the planning service involves more than the processing of planning applications in terms of existing statutory duties and this will be extended as a result of the new legislation. In addition, expectations in terms of non-statutory tasks such as customer engagement and other matters that will form part of the annual reporting framework as well as planning's role in community planning and climate change are high and will require additional resources. It is therefore disappointing that full cost recovery for the entire remit of the service is not addressed in the consultation.

Notwithstanding this the consultation paper makes it clear that any fee increases must be accompanied by performance improvements. This applies not just in relation to the time taken to make decisions on applications but also the areas likely to be covered in the revised performance reporting framework e.g. customer service and engagement with stakeholders as mentioned above. However it is recognised that any investment of the additional income in the planning service will continue to be considered alongside budgeting for other Council

services and priorities. It would not be appropriate to 'ringfence' this money within the planning service but rather the needs of the service will be considered at the time.

