

Report

Report to:	Planning Committee
Date of Meeting:	21 March 2023
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/22/1030
Planning proposal:	Erection of 18 Dwellinghouses and Associated Infrastructure

1 Summary application information

Application type:	Detailed planning application
Applicant:	C and S Partnership Homes
Location:	Site of Former Netherburn Primary School Draffan Road Netherburn Larkhall

2 Recommendation(s)

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

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

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) If planning consent is granted, the decision notice should be withheld until an appropriate obligation under Section 75 of the Planning Act and/or other appropriate agreement has been concluded between the applicant and the Council in respect of a financial contribution relating to:-

- a) the phasing, improvement and upgrading of community facilities.

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Planning Obligation or other 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 Planning Obligation or 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 Planning Obligation or alternative agreement.

All reasonable legal costs incurred by the Council in association with the above shall be borne by the developers.

3 Other information

- ◆ Applicant's Agent: Stuart Bishop
- ◆ Council Area/Ward: 20 Larkhall
- ◆ **South Lanarkshire Local Development Plan 2 (adopted 2021)**
 - Policy 1 - Spatial Strategy
 - Policy 2 – Climate Change
 - Policy 3 - General Urban Areas and Settlements
 - Policy 5 - Development Management and Place Making
 - Policy 7 - Community Infrastructure Assessment
 - 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

South Lanarkshire Council Residential Design Guide (2011)

National Planning Framework 4 (adopted 13 February 2023)

- Policy 1 - Tackling the climate and nature crises
- Policy 2 - Climate mitigation and adaptation
- Policy 3 – Biodiversity
- Policy 13 - Sustainable transport
- Policy 14 - Design, quality, and place
- Policy 15 - Local living and 20-minute neighbourhoods
- Policy 16 - Quality homes
- Policy 18 - Infrastructure first
- Policy 22 - Flood risk and water management

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team
Environmental Services
Roads Flood Risk Management
Scottish Water
Estates Services - Housing and Technical Resources
Community and Enterprise Resources
The Coal Authority Planning and Local Authority Liaison
Access Development Officer

Planning Application Report

1 Application Site

- 1.1 The application relates to an area of brownfield land associated with the former Netherburn Primary School, located on Draffan Road on the edge of Netherburn. The application site is relatively flat and extends to approximately 0.41 hectares. Immediately adjacent housing is 2 storey detached to the south and single storey detached to the east and north. To the north east, a modern development comprises of a mix of 2 and 2.5 storey houses. To the west there is an open aspect and outlook to the surrounding fields. To the north there is a farmer's track linking Draffan Road to the fields beyond.

2 Proposal(s)

- 2.1 This is a detailed planning application for the erection of 18 dwellinghouses and associated infrastructure. The site layout indicates four terraced blocks, two blocks of 5 and two blocks of 4 comprising 5 No. 2 bedroom dwellings and 13 No. 3 bedroom properties with associated garden ground, bin storage/lanes and 36 car parking spaces.
- 2.2 Amended plans were submitted following comments from the Planning and Roads Service. The main changes related to the proposed bins for blocks 3 and 4 which have been moved from the front of the properties to the rear of the properties, in the interests of amenity. This has resulted in a reconfiguration of rear gardens/access paths. The parking/road layout geometry has been altered to address Roads requirements to ensure that the internal roads should be 5.5m in width, with the footways being 2m in width. The footway along the developments frontage on Draffan Road has been increased to 2m in width. In addition, the applicant has omitted the path connection to the north of the site from the design. Given the minor nature of the changes, there was no requirement to reissue neighbour notification.
- 2.3 The submission also includes a Design Statement and a Coal Mining Risk Assessment.

3 Background

3.1 Local Plan Background

- 3.1.1 In terms of local plan policy, the application site is designated as a general urban area/settlement in the adopted South Lanarkshire Local Development Plan 2. The relevant policies in terms of the assessment of the application are Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 3 - General Urban Areas and Settlements, Policy 5 - Development Management and Place Making, Policy 7 - Community Infrastructure Assessment, 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 and Policy SDCC4 – Sustainable Transport of the adopted South Lanarkshire Local Development Plan 2. The content of the above policies and documents and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.2 Relevant Government Advice/Policy

- 3.2.1 The National Planning Framework 4 (NPF4) was approved by the Scottish Ministers on 13 February 2023 and now forms part of the Development Plan. The following NPF4 policies are of particular relevance in the assessment of this proposal:-

Policy 1 - Tackling the climate and nature crises
Policy 2 - Climate mitigation and adaptation
Policy 3 – Biodiversity

Policy 13 - Sustainable transport
Policy 14 - Design, quality, and place
Policy 15 - Local living and 20-minute neighbourhoods
Policy 16 - Quality homes
Policy 18 - Infrastructure first
Policy 22 - Flood risk and water management

In this instance, it is considered that the proposal accords with the general provisions of the policy context of NPF4.

3.3 **Planning Background**

3.3.1 There is no recent planning history in this instance.

4 **Consultation(s)**

4.1 **Roads and Transportation Services** – No objection subject to the imposition of planning conditions relating to parking, visibility, submission of a traffic management plan, driveway gradients and the undertaking of an invasive weed survey. It is also noted that each dwelling requires an electric vehicle charging point. A Road Construction Consent will be required for the development along with a road bond. A section 56 Road Opening Permit will also be required for the formation of the access and any other works which involve breaking into the public road.

Response: Noted. The imposition of planning conditions will achieve this.

4.2 **Environmental Services** – No objection subject to the imposition of a planning condition relating to piling noise.

Response: Noted. The imposition of a planning condition will achieve this.

4.3 **Scottish Water** – No objection.

Response: Noted.

4.4 **Estates Services - Housing and Technical Resources** - No objection.

Response: Noted.

4.5 **Community and Enterprise Resources** – Stated that £1500 would be required per unit to invest in local community provision / open space.

Response: The applicant has been advised of this and agree to pay the appropriate sum to the Council.

4.6 **Access Development Officer** – commented that the Council has no adopted core path or recorded right of way (or any mapped path) along the access track which is outwith the application boundary so should not be affected during works.

Response: Noted.

4.7 **Roads Flood Risk Management** – No objection commenting that a flood risk assessment shall be submitted for review together with all five appendices from their developer design guidance. It is noted from the drainage layout drawing that surface water discharging from the site drains to a system located within nearby Provost Crescent. The applicant is required to demonstrate that this receiving infrastructure can adequately accommodate additional flows.

Response: The imposition of planning conditions will achieve this.

4.8 **The Coal Authority** – No objection following the submission of a coal mining risk assessment subject to the imposition of a standard informative.

Response: Noted.

5 Representation(s)

5.1 Statutory neighbour notification procedures were undertaken, and six letters of representation have been received in relation to the application. The matters raised in the representations are summarised as follows: -

- (a) **Overlooking/loss of privacy to neighbouring properties rear gardens as houses will be opposite our house, as well as entrance/exit being right across from our living areas/bedrooms. It further appears that the ground levels of this site will be significantly raised which will further compound the issue of overlooking for both 50 and 52 Draffan Road.**

Response: The application site is a general urban area/settlement where a degree of mutual overlooking is commonplace. Consequently, the critical aspect is whether the proposal will materially intensify any overlooking/loss of privacy. It is considered that given the separation distances and in some instance the juxtaposition between the existing and proposed properties, the proposal would be within acceptable parameters, all aspects considered, and would not result in a material loss of privacy that would merit refusal of the application.

- (b) **The scale of the proposed development for 18 houses is not in keeping with the character of the village and will almost double the number of houses on Draffan Road. The type of housing is not in keeping with the surrounding areas. The finished heights of the dwellings are significantly higher than any surrounding property; most of the neighbouring properties are bungalows and the height of the development, and houses, is severely out of keeping with the character of the area. This will significantly adversely impact the visual amenity and character of the rural location. The finished look of the housing within the development is not in keeping with the overall character of surrounding property. The density of housing within the site is excessive and not in keeping with a rural location or the prevailing mature character of the village.**

Response: The surrounding area has various styles of properties that have been constructed in a variety of materials and therefore there is no uniformity of character in terms of external appearance. In addition, it is not a conservation area or other recognised environmentally sensitive location. The proposed design is considered to be acceptable and it is considered that the bespoke design and layout in itself does not provide sufficient grounds to refuse planning consent in this instance. The development is of a high-quality design incorporating a suitably high standard of materials.

- (c) **Inadequate/insufficient information is provided on the condition and potential contamination of the site. No site engineering or site investigation report/Contaminated Land Desktop or Intrusive Report has been submitted for public inspection.**

Response: Environmental Services have commented that historical land use data does not show any previous industrial contaminative previous uses to justify a site investigation.

- (d) **Has a traffic assessment been undertaken? Draffan Road is a relatively quiet road in the direction of Blackwood and there is a potential for significant increase in daily traffic movement, during and after construction and the access roads are already in poor condition. Is there an intention to divert construction traffic towards and through Netherburn Village in preference to allowing construction traffic to utilise the Draffan Road from the Blackwood direction.**

Response: Roads and Transportation Services have raised no objection to the proposal and have not requested a traffic assessment to be undertaken. They have requested that before any work starts, a Traffic Management Plan (TMP) for the construction phase, with information such as, but not limited to, construction phasing, site deliveries and routing/timings, construction compound layout, turning facilities, site car parking for visitors and site operatives and wheel washing facilities shall be submitted to and approved by the Council as Planning Authority. The TMP shall include a Travel Plan element to encourage less reliance on individual private car trips to the site for those personnel involved in construction activities on a routine basis and those attending through the course of site inspections and site meetings. The TMP shall be produced in consultation with the Council's Roads and Transportation Services, Police Scotland and Transport Scotland.

- (e) **I note the comment from Environmental Services makes reference to the control of piling activity. There is no document on the application portal that mentions piling activity. Can you confirm if piling operations are to be undertaken? I would, again, request a dilapidation survey be undertaken at my property prior to commencement of any piling activity. I believe allowing construction traffic to use the road directly outside my home may cause damage to my property due to road borne vibration. I would request that dilapidation reports are undertaken at my dwelling and other similarly affected dwellings.**

Response: Environmental Services have commented that there has been no suggestion that piling will be required, however, a condition will be applied as developers often choose piling as the most cost-effective method of stabilising ground. Should the developer wish to use piling methods, the consultants undertaking the piling method statement will determine on a property by property basis which properties (if any) require a dilapidation survey. It often takes many years for construction to start after planning is granted. For this reason, it's preferable that the piling method statement is undertaken shortly prior to works starting on site rather than years before so it's accurate to the local conditions at the time of the works.

- (f) **I note that a mature tree located within my neighbour's garden vanishes from the renderings of the site. Please explain this disappearing trick.**

Response: The applicant has advised that trees outwith the development site boundary will not be affected.

- (g) **There is other housing development elsewhere in Netherburn on a larger scale. This would seem to make this development unnecessary and overly burdensome upon the already challenged or lacking community facilities such as schools, nursery provision, shopping, community facilities, such as village halls, and public transport. Lack of infrastructure in village to support all these houses. e.g., shop, size of school and there is no provision for a children's' play area. This will necessitate that children play on the surrounding streets. This is not a safe space and there is no traffic calming measures on the approaches to the development. Additionally, concerns regarding the lack of off-road play/ recreational areas for children to use in this area of the village. Historically a play area in relation to Manorlane housing development was not provided and it is pleaded that this site is used as a play area. It is understood that a land owner (Duke of Hamilton) around 1900 gave the ground for the school and playground to the people of Netherburn (old). The District Council of that time built the school and playgrounds. In 2014**

the old school on Draffan Road was demolished which as the District Council had built the school, they were entitled to do but the playground for the school remains intact. Having demolished the school we are in the situation that the whole plot within the inclosing fence is the playground part of the original School and Playground, which was given in 1900 to the people of Netherburn.

Response: Given the size of the proposed development there is no requirement for the provision of a children's play area on site.

- (h) **Loss of outlook from neighbouring properties exacerbated by the raising of the ground level and the 2.5 storey design of the property.**

Response: Loss of outlook does not constitute a material planning consideration in the assessment of a planning application.

- (i) **Light intrusion will have a significant impact upon neighbouring properties. What lighting scheme/mitigation is proposed to minimise this impact of street lighting?**

Response: As detailed previously, Environmental Services have no objection to the proposal and have raised no objections in this regard.

- (j) **A constraint upon the site would appear to be the presence of overhead electricity network transmission cabling. What consideration has been given to the removal/repositioning of this infrastructure?**

Response: The applicant has commented that the existing overhead electric infrastructure is all outwith the site, albeit immediately adjacent. There are no proposals for any relocation of this infrastructure.

- (k) **What consideration has been given to the drainage of surface water from the site and why is there not a proposal for a SUDS scheme?**

Response: A drainage design has been submitted as part of the planning application, and the applicant has advised that further detail design will be carried out in accordance with statutory requirements. SUD's infrastructure is proposed, as shown within the application. The imposition of planning condition shall ensure 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. In addition, planning conditions will be imposed to ensure that prior to the commencement of works on site, a flood risk assessment is submitted and the applicant shall submit evidence to demonstrate that the receiving infrastructure can adequately accommodate surface water discharging from the site.

- (l) **I have noticed the presence of badgers and bats in this area. What consideration has been given to the preservation/protection of such species and the overall biodiversity of the area? Has a wildlife survey been undertaken?**

Response: The application site is a brownfield site which previously occupied a primary school which was demolished. In addition, there are no mature trees on the site. On this basis it is unlikely that the development of the site would raise any issues in this regard. Nevertheless, the imposition of a planning condition will ensure that prior to the commencement of works on site, a wildlife

and habitat survey shall be undertaken to determine whether any protected species occupy the site.

- (m) **Increased volume of traffic onto Draffan Road across from our house and entrance/exit very close to roundabout. Risk of more on street parking on Draffan Road and impact on other vehicles, access to properties and congestion with farm vehicles which use the road frequently. What additional provision has been made for visitor parking to the proposed development to avoid on street parking on Draffan Road itself. I note that Draffan Road is not on the bus route for Netherburn. Is it intended that a new bus route/stop will be created in the immediate vicinity?**

Response: As detailed previously Roads and Transportation Services have raised no objection to the proposal and have not requested a new bus stop.

- (n) **What control measures are proposed to prevent employees/contractors parking on Draffan Road during construction?**

Response: Roads have requested that before any works starts a Traffic Management Plan (TMP) shall be submitted to and approved by the Council as Planning Authority. The TMP shall include a Travel Plan element to encourage less reliance on individual private car trips to the site for those personnel involved in construction activities on a routine basis and those attending through the course of site inspections and site meetings. The TMP shall be produced in consultation with the Council's Roads and Transportation Services, Police Scotland and Transport Scotland.

- (o) **Has a radon survey been undertaken for the site?**

Response: Environmental Services have commented that geological data show the area to be Level 1 – Low risk for radon. Radon surveys are only requested at Level 3 and above. There is no level 3 geology anywhere near this development.

- (p) **I note from the documents that there is to be a retaining wall on the boundary of the site. Why is this necessary and that will mean that the finished heights of boundary fencing will be 1.8 metre. This would seem unnecessarily high for fencing in a rural location and will cause visual blight. What is the reason for the significant changes to the ground levels and has the issue of potential flooding to neighbouring property been considered at this point?**

Response: The applicant's agent has advised that the site levels are dictated by the existing drainage infrastructure. The raised levels within the site are necessary due to significant constraints imposed by the existing drainage infrastructure. The existing public sewer into which the proposed development connects has a fixed invert level. The new connections have been designed at as shallow a gradient as technically possible. These gradients then set the floor levels for each dwelling. This in turn sets the surrounding external ground levels, resulting in a requirement for some areas of the site to be raised. The design has been carefully considered to ensure the minimum amount of raised levels that are technically allowable. Flooding analysis will be carried out in due course in accordance with statutory requirements.

- (q) **I further note that the engineers report, pertaining to the retaining walls, is not published on the portal. Why is that and how can it be viewed?**

Response: An engineer's report pertaining to the retaining wall has not been submitted. The imposition of a planning condition will ensure that a geotechnical and structural design report shall be prepared and presented to the Council as Planning Authority for approval and such approval shall be obtained before any ground works commence. The report shall include all the necessary drawings, calculations and analysis to demonstrate that the earthworks, soil slopes and retaining walls will be stable.

- (r) **I note that there is an access road and public footpath along the northern boundary of the site. This road is utilised by the local farmers to gain access to his fields and livestock all year round. How will this access and right of way be preserved during construction?**

Response: The applicant has advised that access along this track will be maintained during the construction phase. Any temporary impact on this track will be agreed in advance with the landowner.

- (s) **If the level of the site is to be significantly increased then what measures will be taken to ensure that the imported fill materials are inert and can be verified as such during land-forming?**

Response: The applicant has commented that any imported material will be procured in accordance with statutory / legal processes.

- (t) **Noise and environmental pollution from increased housing and traffic.**

Response: Environmental Services have no objection to the proposal as detailed previously.

- (u) **Loss of sunlight/daylight to neighbouring properties**

Response: All forms of development will generate a shadow of some description and therefore it is the extent and size of shadow that is important. Given the position of the existing dwellings and the proposed properties, the size of gardens and the travel path of the sun, it is considered that there will not be a significant or material impact in terms of overshadowing/loss of daylight that would merit refusal of this application.

5.2 These letters are available for inspection on the planning portal.

6 Assessment and Conclusions

6.1 The applicant seeks detailed planning permission for the erection of 18 dwellinghouses and associated infrastructure. 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 general land use and policy terms, the principle of residential development at this location is considered to be acceptable as the application site is designated as a general urban area/settlement in the adopted South Lanarkshire Local Development Plan 2. The proposal involves the re-use of a former school site. It is, therefore, considered that the proposal is in accordance with national planning policy.

6.3 In terms of local plan policy, the relevant policies in terms of the assessment of the application are Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 3 - General Urban Areas and Settlements, Policy 5 - Development Management and Place Making, Policy 7 - Community Infrastructure Assessment, Policy 11 - Housing Land, Policy 15 - Travel and Transport, Policy 16 - Water Environment and Flooding, Policy DM1 - New Development Design, Policy DM15 - Water Supply, Policy SDCC2

- Flood Risk and Policy SDCC3 - Sustainable Drainage Systems of the adopted South Lanarkshire Local Development Plan 2.

- 6.4 As the application site is designated as a general urban area/settlement under the terms of Policy 3, therefore, the principle of the proposal is acceptable and the application conforms with the terms of Policy 3.
- 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. In line with these policies, the proposal involves the development of a previously developed site which is located on a former school site within Netherburn, and where the principle of residential use is considered to be acceptable.
- 6.6 In terms of the detailed design of the development, Policies 5 and DM1 generally require new development to have due regard to the layout, form, design and local context of the area and to promote quality and sustainability in its design. In this instance, it is considered that the proposed layout for the development is acceptable and that it generally meets the main standards set out in the Council's Residential Design Guide, particularly in relation to window to window distances, garden ground, and car parking. It is considered that the buildings have been designed and positioned within the site sufficiently to ensure that they should have no significant adverse impact on any adjacent existing dwellings in terms of loss of light and overshadowing and likewise, in terms of overlooking and loss of privacy. Sufficient levels of amenity space and car parking are being provided for the dwellings. The proposed design is considered to be acceptable and to some extent reflects the character of the immediate surrounding area. The proposed access arrangements have been assessed and are considered to be acceptable by the Council's Roads and Transportation Service. In view of the above, it is considered that the proposed development would relate satisfactorily to adjacent residential development in terms of its scale, design and materials and that the character and amenity of the area would not be impaired by reason of traffic generation, parking or visual intrusion. The proposal is, therefore, considered to be in accordance with the terms of Policies 5 and DM1.
- 6.7 With regard to Policy 7, the applicant has advised that the development is not intended to be constructed for affordable housing. Consequently, a contribution is required to be paid to the Council per unit, in order to invest in local community provision/open space. The applicant has agreed to make an appropriate contribution.
- 6.8 Policy 15 and SDCC4 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. The site is accessible, and the development would be integrated into transport walking networks. In this regard, Roads and Transportation Services are satisfied that the proposal raises no access, parking or road safety issues. It is, therefore, considered that the proposal complies with Policy 15.
- 6.9 The proposal has been assessed by the relevant consultees in terms of Policies 16, DM15, SDCC2 and SDCC3. With regard to flooding and surface water drainage, no adverse comments were raised by Roads and Transportation Services (Flooding) subject to the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied through the completion of the standard self-certification documents and the submission of a Flood Risk Assessment. Scottish Water have also confirmed that

they have no objections to the application and any consent granted would include a condition to ensure that no dwellings are occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards. It is, therefore, considered that the proposal is in accordance with the terms of the above policies.

- 6.10 The National Planning Framework 4 was adopted on 13 February 2023 and now forms part of the Development Plan. In this instance, having assessed the proposals against the policies contained therein, there are no provisions that would change the assessment of the proposal or the conclusions reached, in the context of the local development plan.
- 6.11 In summary, the proposal relates to the creation of a high quality housing development on a vacant site. The design, layout and general impact of the development is considered to be acceptable and the proposals comply with the relevant policies contained in the adopted Local Development Plan. In view of the above, it is recommended that planning consent be granted subject to conditions.

7 Reasons for Decision

- 7.1 The proposal raises no amenity, environmental or infrastructure issues and complies with Policies 1, 2, 3, 5, 7, 15, 16, DM1, SDCC2, SDCC3, SDCC4 and DM15 of the adopted South Lanarkshire Local Development Plan 2.

David Booth
Executive Director (Community and Enterprise Resources)

Date: 9 March 2023

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ National Planning Framework 4 (adopted 13th February 2023)
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 11.08.2022
- ▶ Press advert dated 25.08.2023
- ▶ Design statement
- ▶ Coal Mining Risk Assessment

- ▶ Consultations
 - Roads Development Management Team 22.02.2023
 - Environmental Services 15.08.2022
 - Roads Flood Risk Management 22.12.2022
 - Scottish Water 15.08.2022
 - Estates Services - Housing and Technical Resources 11.08.2022
 - Community and Enterprise Resources 01.12.2022

Access Development Officer 24.10.2022

The Coal Authority 14.12.2022

► Representations	Dated:
Mrs Elizabeth Rundell, 11 Draffan Road, Netherburn, Larkhall, ML9 3DE	20.08.2022
Ms Maureen Gray, Franorst, 9 Draffan Rd, Netherburn, ML9 3de	17.08.2022
Ms Carol Stewart, 52 Draffan Road, Netherburn, Larkhall, Glasgow, ML9 3DE	24.09.2022
Ms Maureen Gray, Franorst, 9 Draffan Rd, Larkhall, ML9 3DE	29.08.2022
Mrs Margaret Baillie, Bogside Farm, Ashgill, Larkhall, ML9 3DN	05.10.2022
Mr Philip Kelly, 52 Draffan Road, Netherburn, Larkhall, ML9 3DE	24.09.2022

Contact for further information

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

Bernard Darroch

Area Manager, Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA

Phone: 07557 541 360

Email: Bernard.Darroch@southlanarkshire.gov.uk

Conditions and reasons

01. The development to which this permission relates shall be begun no later than the expiration of three years beginning with the date of grant of this decision notice.

Reason: To comply with Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. 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.

03. 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.

04. 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 3, 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.

05. That no dwelling 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.

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. That before the development hereby approved is completed or brought into use, 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 as indicated in Drawing PL(90)003 Rev A of the approved plans 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.

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

Reason: In the interests of traffic and public safety.

09. That before the development hereby approved is completed or brought into use, all of the parking spaces shown in Drawing L(90) 05 of 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.

10. That before any work starts, a Traffic Management Plan (TMP) for that construction phase with information such as, but not limited to, construction phasing, site deliveries routing (HGV construction traffic will be advised to travel via B7078/Draffan Road), timings, construction compound layout, turning facilities, site car parking for visitors and site operatives and wheel washing facilities shall be submitted to and approved in writing by the Council as Planning Authority. The TMP shall include a Travel Plan element to encourage less reliance on individual private car trips to the site for those personnel involved in construction activities on a routine basis and those attending through the course of site inspections and site meetings. The TMP shall be produced in consultation with the Council's Roads & Transportation Service, Police Scotland and Transport Scotland.

Reason: In the interests of traffic and public safety.

11. The recommendations contained within the approved Traffic Management Plan shall be implemented and adhered to at all times. The developer shall notify the Council in writing, as soon as reasonably practical, of any changes in construction activities where these will have an impact on the approved TMP. The developer will consult with the Council, as Roads Authority, together with Police Scotland and Transport Scotland to agree in writing any changes to the TMP, and thereafter adhere to and implement the agreed changes to the satisfaction of the Council as Planning Authority.

Reason: In the interests of traffic and public safety.

12. That unless otherwise agreed, the applicant shall undertake an invasive weed survey, which shall include nuisance weeds such as Horsetail, and submit the findings of the survey along with their proposed remediation strategy, all for the written approval of the Council as Roads and Planning Authority, prior to commencement on site of any topsoil stripping or other earthworks. That no invasive weeds or nuisance weeds shall be permitted below or within influencing distance of the public road. Once approved, all works shall be progressed in accordance with the agreed remediation strategy.

Reason: To remove the presence of invasive weeds from the site and ensure the site is suitable for development.

13. That 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.

14. That prior to the commencement of any works on site, a wildlife and habitat survey shall be undertaken to determine whether any protected species occupy the site.

Reason: To ensure that any ecological species on site are protected and suitable mitigation measures are put in place.

15. That no piling works shall be carried out until a method statement has been submitted to and approved in writing by the Planning Authority. This statement shall include an assessment of the impact of the piling on surrounding properties, taking into account the guidance contained in BS 6472: 1992 'Evaluation of human exposure to vibration in buildings'. It shall detail any procedures which are proposed to minimise the impact of noise and vibration on the occupants of surrounding properties. This statement shall be prepared by a suitably qualified person, and the piling works shall thereafter be carried out in accordance with the approved method statement.

Reason: To ensure minimal noise, vibration and disturbance to neighbouring residents/occupants during construction.

16. That, unless otherwise agreed in writing and prior to works commencing on site, the applicant shall submit details to demonstrate the dwellinghouses have access to their own electric vehicle charging (EVC) point. Thereafter, the agreed EVC provision shall be installed, commissioned, and maintained in accordance with the approved plans and specifications prior to that property which it serves being occupied.

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

17. That prior to commencement of work on site, a Flood Risk Assessment with reference made to CIRIA C624 and in accordance with the Reporting Requirements for Flood Risk Assessments issued by the Scottish Environmental Protection Agency (SEPA) shall be submitted together with all five appendices from the developer design guidance to and approved in writing by the Council as Planning and Roads Authority.

Reason: To ensure that there will be no increased risk of flooding to land and properties due to increased surface water run off and/or reduction of flood storage capacity.

18. That the proposed dwellings shall not be occupied until the flood prevention measures required under Condition 17 (above) have been completed in accordance with the approved scheme.

Reason: To ensure that there will be no increased risk of flooding to land and properties due to increased surface water run off and/or reduction of flood storage capacity.

19. That prior to the commencement of works on site, the applicant shall submit evidence to demonstrate that the receiving infrastructure can adequately accommodate surface water discharging from the site for the written approval of the Council as Planning and Roads Authority.

Reason: To ensure that there will be no increased risk of flooding to land and properties due to increased surface water run off and/or reduction of flood storage capacity.

20. That within 3 months of the date of this permission, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include: (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

Reason: In the interests of amenity.

21. 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 amenity.

22. That a geotechnical and structural design report shall be prepared and presented to the Council as Planning Authority for approval and such approval shall be obtained before any ground works commence. The report shall include all the necessary drawings, calculations and analysis to demonstrate that the earthworks, soil slopes and retaining walls will be stable.

Reason: To ensure the stability of the site.

23. That before the development hereby approved is completed or brought into use, the entire access road and footpath network serving the development shown on Drawing No. L(90)05 shall be laid out and constructed in accordance with the specification of the Council as Roads and Planning Authority.

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

P/22/1030

Site of former Netherburn Primary School, Draffan Road, Netherburn



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1:2,500
Date:
21/12/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development