



Council Offices, Almada Street
Hamilton, ML3 0AA

Wednesday, 21 March 2018

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, 19 December 2017

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.

Members are reminded to bring their fully charged tablets to the meeting

Yours sincerely

Lindsay Freeland
Chief Executive

Members

Alistair Fulton (Chair), Isobel Dorman (Depute Chair), John Ross (ex officio), Alex Allison, John Bradley, Walter Brogan, Archie Buchanan, Stephanie Callaghan, Margaret Cowie, Maureen Devlin, Mary Donnelly, Fiona Dryburgh, Mark Horsham, Ann Le Blond, Martin Lennon, Richard Lockhart, Katy Loudon, Julia Marrs, Kenny McCreary, Richard Nelson, Carol Nugent, Graham Scott, David Shearer, Bert Thomson, Jim Wardhaugh, Sheena Wardhaugh

Substitutes

John Anderson, Jackie Burns, Janine Calikes, Gerry Convery, Margaret Cooper, Allan Falconer, Catherine McClymont, Colin McGavigan, Mark McGeever, Davie McLachlan, Lynne Nailon, Collette Stevenson, Jared Wark, Josh Wilson

BUSINESS

1 Declaration of Interests

2 Minutes of Previous Meeting

5 - 12

Minutes of the meeting of the Planning Committee held on 21 November 2017 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision	
3 Application CL/17/0436 - Erection of Detached House (Amended Planning Application) at Holm Road, Crossford	13 - 26
Report dated 11 December 2017 by the Executive Director (Community and Enterprise Resources). (Copy attached)	
4 Application HM/17/0510 - Erection of 118 Bedroom Hotel and Associated Parking at Hamilton Park Racecourse, Bothwell Road, Hamilton	27 - 40
Report dated 11 December 2017 by the Executive Director (Community and Enterprise Resources). (Copy attached)	
5 Application EK/17/0346 - Erection of 30 Residential Units (1 and 2 Bedroom) with Associated Open Space, 45 Parking Spaces and New Road at Vancouver Drive, East Kilbride	41 - 52
Report dated 11 December 2017 by the Executive Director (Community and Enterprise Resources). (Copy attached)	
6 Application HM/17/0392 - Erection of 14 Flats with Associated Roads and Infrastructure at Stonefield Road, Blantyre	53 - 68
Report dated 11 December 2017 by the Executive Director (Community and Enterprise Resources). (Copy attached)	
7 Application CL/17/0150 - Formation of Horse Trotting Track, Equestrian Centre, Restaurant/Bar, Participants' Stables, 8 Residential Units for Participants, Owner's/Manager's House, Parking Area, Access Road, Associated Earthworks and Land Filling (Amendment to CL/14/0112) at High Netherfauld House Farm, Douglas, Lanark	69 - 82
Report dated 11 December 2017 by the Executive Director (Community and Enterprise Resources). (Copy attached)	
8 Application HM/17/0446 - Change of Use of House to 3 Flats at 36 Church Street, Larkhall	83 - 90
Report dated 5 December 2017 by the Executive Director (Community and Enterprise Resources). (Copy attached)	
9 Application CL/17/0457 - Demolition of Offices and Garage and Erection of 18 Flats, Formation of 18 Car Parking Spaces and Landscaping at 11 Kirkton Street and 9 Union Street, Carluke	91 - 102
Report dated 11 December 2017 by the Executive Director (Community and Enterprise Resources). (Copy attached)	
10 Application CL/17/0467 - Permanent Siting of Portable Building for Use as a Hot Food Takeaway at 6A Strawfrank Road, Carstairs Junction, Lanark	103 - 112
Report dated 11 December 2017 by the Executive Director (Community and Enterprise Resources). (Copy attached)	
11 Application EK/17/0161 - Residential Development of 155 Houses, Associated Access Roads, Footpaths and Landscaping (Approval of Matters Specified in Conditions Relating to EK/12/0003) at Land at East Overton, Glassford Road, Strathaven	113 - 128
Report dated 11 December 2017 by the Executive Director (Community and Enterprise Resources). (Copy attached)	

- 12 Application EK/17/0325 - Erection of Upper Storey Front Extension, Two Storey and Single Storey Side Extensions and Rear Upper Storey Balcony at 7 Tulliallan Place, East Kilbride** 129 - 140
Report dated 11 December 2017 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 13 Tree Preservation Order – Muirkirk Road, Strathaven** 141 - 144
Report dated 5 December 2017 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

PLANNING COMMITTEE

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Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 21 November 2017

Chair:

Councillor Alistair Fulton

Councillors Present:

Alex Allison, John Bradley, Walter Brogan, Archie Buchanan, Margaret Cowie, Maureen Devlin, Mary Donnelly, Isobel Dorman (Depute), Fiona Dryburgh, George Greenshields, Mark Horsham, Ann Le Blond, Richard Lockhart, Kenny McCreary, Julia Marrs, Richard Nelson, Graham Scott, David Shearer, Collette Stevenson (*substitute for Councillor Nugent*), Bert Thomson, Jim Wardhaugh

Councillors' Apologies:

Stephanie Callaghan, Katy Loudon, Carol Nugent, John Ross (ex officio), Sheena Wardhaugh

Attending:

Community and Enterprise Resources

G Cameron, Headquarters Manager, Planning and Building Standards Services; L Campbell, Area Manager, Planning and Building Standards Services (Hamilton); P Elliott, Head of Planning and Economic Development; T Finn, Area Manager, Planning and Building Standards Services (Clydesdale); S Laird, Traffic and Transportation Engineer; T Meikle, Area Manager, Planning and Building Standards Services (Cambuslang/Rutherglen and East Kilbride); I Morton, Planning Officer, Planning and Building Standards Services (Cambuslang/Rutherglen and East Kilbride)

Finance and Corporate Resources

J Davitt, Media Officer; K McLeod, Administration Assistant; K Moore, Legal Services Adviser; T Slater, Administration Officer

1 Declaration of Interests

The following interest was declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
Allison	Application CL/17/0234 – Extension of Sand and Gravel Quarry and Restoration of Working Area (Section 42 Application to amend conditions of Planning Permission Ref: CL/98/0432) at Garvald Quarry, Dolphinton, West Linton	Use of land within boundary of site

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 10 October 2017 were submitted for approval as a correct record.

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

3 Application EK/17/0192 - Erection of Community Stadium With Associated Changing Rooms, Stands, Ancillary Fitness Suite and Gyms, Offices, Function Suite, Caretaker's Flat, Access and Parking at Land to the South and East of Hurlawcrook Road, East Kilbride

A report dated 7 November 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/17/0192 by East Kilbride Community Trust for the erection of a community stadium with associated changing rooms, stands, ancillary fitness suite and gyms, offices, function suite, caretaker's flat, access and parking at land to the south and east of Hurlawcrook Road, East Kilbride.

The Committee decided:

that planning application EK/17/0192 by East Kilbride Community Trust for the erection of a community stadium with associated changing rooms, stands, ancillary fitness suite and gyms, offices, function suite, caretaker's flat, access and parking at land to the south and east of Hurlawcrook Road, East Kilbride be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ a revised Condition 19 as follows:-
"That, prior to development commencing, the applicants shall submit a phasing plan with details of the proposed parking for each phase of the stadium for the written approval of the Council as Planning Authority. The parking shall, thereafter, be constructed in accordance with the agreed phasing plan"

[Reference: Minutes of 24 May 2016 (Paragraph 5)]

Councillor Le Blond entered the meeting during this item of business

4 Application HM/17/0167 - Residential Development With Landscaping and Associated Works (Planning Permission in Principle) at Former Daks Simpson Site, Strutherhill/Borland Drive, Larkhall

A report dated 13 November 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0167 by Patersons of Greenoakhill Limited for a residential development with landscaping and associated works (planning permission in principle) at the former Daks Simpson Site, Strutherhill/Borland Drive, Larkhall.

The application had been assessed against the relevant policies and criteria contained in the Adopted South Lanarkshire Local Development Plan and Supplementary Guidance and government advice/policy. 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 all the other criteria listed in Policy ICD2
- ◆ the application site related to a previously developed site and the redevelopment of this vacant and untidy site would have a positive impact on the environment
- ◆ there were no infrastructure or road safety implications associated with the proposal
- ◆ part of the application site already had consent for residential use

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Planning Obligation. If approved, the application would be the subject to a Section 75 Planning Obligation and/or other agreement and the approved procedure would apply.

The Committee decided:

- (1) that planning application HM/17/0167 by Patersons of Greenoakhill Limited for a residential development with landscaping and associated works (planning permission in principle) at the former Daks Simpson Site, Strutherhill/Borland Drive, Larkhall be granted subject to:-
 - ♦ the conditions specified in the Executive Director's report
 - ♦ prior conclusion of a Section 75 Planning Obligation and/or other appropriate agreement between the Council, the applicants and the site owners to ensure that appropriate financial contributions were made at appropriate times during the development towards the following:-
 - ♦ additional nursery, primary and secondary accommodation
 - ♦ appropriate community facilities either on/off site
 - ♦ affordable housing provision on site or by way of a commuted sum
 - ♦ the applicants meeting the Council's legal costs associated with the Section 75 Obligation and/or other legal agreement
- (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 Planning Obligation 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 would be secured by the Planning Obligation, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Planning Obligation 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 Planning Obligation.

[Reference: Minutes of 26 August 2014 (Paragraph 5) and 7 July 2015 (Paragraph 15)]

5 Application CR/17/0165 - Erection of 123 Houses and Associated Roads and Landscaping at Newton 2G, Cambuslang

A report dated 8 November 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CR/17/0165 by Miller Homes Limited for the erection of 123 houses and associated roads and landscaping at Newton 2G, Cambuslang.

The Area Manager, Planning and Building Standards Services (Cambuslang/Rutherglen and East Kilbride) advised that Halfway Community Council had not received the consultation, due to out of date contact information, however, several discussions had since been held with the Community Council.

Members raised concerns in relation to infrastructure issues associated with large scale developments.

The Committee decided: that planning application CR/17/0165 by Miller Homes Limited for the erection of 123 houses and associated roads and landscaping at Newton 2G, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 24 March 2015 (Paragraph 18)]

6 Application CL/17/0234 - Section 42 Application to Amend Conditions of Planning Consent CL/98/0432 for the Extension of Sand and Gravel Quarry and Restoration of Working Area at Garvald Quarry, Dolphinton, West Linton

A report dated 7 November 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0234 by Tarmac Trading Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act to amend Conditions of planning consent CL/98/0432 for the extension of the sand and gravel quarry and restoration of working area at Garvald Quarry, Dolphinton, West Linton.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Planning Obligation. If approved, the application would be subject to a Section 75 Planning Obligation and/or other agreement and the approved procedure would apply.

The Committee decided:

- (1) that planning application CL/17/0234 by Tarmac Trading Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act to amend Conditions of planning consent CL/98/0432 for the extension of the sand and gravel quarry and restoration of working area at Garvald Quarry, Dolphinton, West Linton be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Section 75 Planning Obligation, Section 96 Planning Obligation and/or other agreement between the Council and the applicant to ensure:-
 - ◆ contributions to the South Lanarkshire Rural Communities Trust Fund
 - ◆ the provision of a right hand turn lane on A702
 - ◆ a routing agreement to ensure vehicles use the A702
 - ◆ financial contributions to cover extraordinary wear and tear on the public road network
 - ◆ the applicant meeting the Council's legal costs associated with the Section 75 Planning Obligation, Section 96 Planning Obligation and/or other agreements
- (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 Planning Obligation 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 would be secured by the Planning Obligation, the proposed development would be unacceptable; and

- (3) that it be noted that, if the Planning Obligation 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 Planning Obligation.

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

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

7 Application HM/17/0447 - Erection of 20 Houses with Associated Amenity Open Space and Car Parking at Former Site of St Blane's Primary School, Blantyre

A report dated 7 November 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0447 by South Lanarkshire Council for the erection of 20 houses with associated amenity open space and car parking at the former site of St Blane's Primary School, Blantyre.

The Committee decided: that planning application HM/17/0447 by South Lanarkshire Council for the erection of 20 houses with associated amenity open space and car parking at the former site of St Blane's Primary School, Blantyre be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 19 June 2007 (Paragraph 6)]

8 Application EK/17/0307 - Erection of 16 Houses (4 Semi-detached Houses and 12 Flats) at Former Heathery Knowe Primary School, Whitehills Terrace, East Kilbride

A report dated 6 November 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/17/0307 by South Lanarkshire Council for the erection of 16 houses (4 semi-detached houses and 12 flats) at the former site of Heathery Knowe Primary School, Whitehills Terrace, East Kilbride.

The Committee decided: that planning application EK/17/0307 by South Lanarkshire Council for the erection of 16 houses (4 semi-detached houses and 12 flats) at the former site of Heathery Knowe Primary School, Whitehills Terrace, East Kilbride be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ the following additional conditions:-
 - "16 That no construction vehicles associated with the development hereby approved shall access the site between the hours of 08.00 to 09.15 and 14.45 to 15.30. Furthermore, no construction vehicles shall be parked up waiting for the access to open, or for any other reason on the public road network.

17 That before any development commences on site, a Traffic Management Plan (TMP) shall be submitted to and approved by the Council as Planning Authority and, thereafter, shall be maintained to the satisfaction of the Council. The TMP shall include time restrictions for incoming and outgoing vehicular site traffic (08.00 hours to 09.15 hours and 14.45 hours to 15.30 hours).

Reason

16 In the interest of public safety

17 In the interest of public safety”

9 Application EK/17/0309 - Change of Use from Restaurant with Ancillary Takeaway to Form Takeaway with Ancillary Seating Area at 12 Green Street, Strathaven

A report dated 7 November 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/17/0309 by M Ali for a change of use from restaurant with ancillary takeaway to a takeaway with ancillary seating area at 12 Green Street, Strathaven.

The Committee decided: that planning application EK/17/0309 by M Ali for a change of use from a restaurant with ancillary takeaway to a takeaway with ancillary seating at 12 Green Street, Strathaven be granted subject to the conditions specified in the Executive Director's report.

10 Review of the Planning Application Decision Making Process Guidance

A joint report dated 13 November 2017 by the Executive Directors (Finance and Corporate Resources) and (Community and Enterprise Resources) was submitted on a review of the Council's Planning Application Decision Making Process guidance.

Following the implementation in 2009 of parts of the Planning etc (Scotland) Act 2006, the Council's Executive Committee at its meeting on 10 June 2009, approved a revised Scheme of Delegation and Planning Application Decision Making Process guidance.

A review of the current guidance, which was attached as Appendix 2 to the report, had recently been undertaken by the Head of Administration and Legal Services and the Head of Planning and Economic Development. This had highlighted amendments which were required to reflect changes in current working practice and statutory legislation.

Information was provided on the amendments required, the specifics of which were detailed in Appendix 1 to the report.

Following discussion, it was proposed that the Head of Planning and Economic Development, having taken into consideration members' comments, revisit the proposed amendments to the guidance and report back to a future meeting of this committee.

The Committee decided: that consideration of the review of the Council's Planning Application Decision Making Process guidance be continued to a future meeting of this committee.

[Reference: Minutes of the Executive Committee of 10 June 2009 (Paragraph 13)]

Councillor Stevenson left the meeting during this item of business

11 Urgent Business

There were no items of urgent business.

Report

3

Report to:	Planning Committee
Date of Meeting:	19 December 2017
Report by:	Executive Director (Community and Enterprise Resources)

Application No	CL/17/0436
Planning Proposal:	Erection of Detached Dwellinghouse (Amended Planning Application)

1 Summary Application Information

- Application Type : Further applications
- Applicant : Mr Neil Pringle
- Location : Holm Road
Crossford

2 Recommendation(s)

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

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

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) If Committee are minded to grant planning permission, it should be noted that consent cannot be granted and issued at present. As SEPA has advised against the grant of planning permission by objecting in principle on the basis of potential flood risk, in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 the application must be formally notified to Scottish Ministers for Scottish Ministers the opportunity to consider whether to call in the application for their own determination.

3 Other Information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**

Policy 2 - Climate Change
 Policy 3 - Green Belt and Rural Area
 Policy 4 - Development management and placemaking
 Policy 14 - Green Network and Greenspace
 Policy 15 - Natural and Historic Environment
 Policy 17 - Water Environment and Flooding

**Development management, Placemaking
and Design Supplementary Guidance (2015)**

**Green Belt and Rural Area
Supplementary Guidance**

**Natural and Historic Environment
Supplementary Guidance**

**Green Network and Greenspaces
Supplementary Guidance**

**Sustainable Development and Climate
Change Supplementary Guidance**

◆ Representation(s):

▶	1	Objection Letters
▶	0	Support Letters
▶	0	Comments Letters

◆ Consultation(s):

Roads & Transportation Services (Flood Risk Management Section)

The Coal Authority - Planning and Local Authority Liaison Department

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

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site (0.625 hectares) is situated on agricultural land to the north of Crossford at the confluence of the Clyde and Nethan Rivers. It is accessed from a track which connects to Holm Road via a gap between existing houses and other houses currently under construction. The site is bounded to the north by the Clyde (on the northern side of the river is the route of the Clyde Walkway), to the west by the Nethan (beyond is a promontory of semi natural marshland and scrub which adjoins a residential estate) whilst to the south is other agricultural land in the applicants ownership. A large pond has been formed within this area.

2 Proposal(s)

- 2.1 Detailed planning permission is sought for the erection of a detached dwellinghouse on the site together with the formation of a new access road. The proposed house is an innovative design which in terms of the locality is unique in appearance and concept. It is single storey and octagonal shaped with six projecting pods containing bedrooms and outside decking – three of these pods are partially cantilevered over the adjacent river banks. The core of the house is open plan with dining and sitting areas orientated around a central kitchen with linked access to a separated lounge with associated outside decking overlooking the Clyde and Nethan. The centre of the roof is topped by a circular cupola (which functions as a light well) from which the multiple sided roof slopes down to the eaves except the pods which have separate roof pitches. The exterior would be finished in slate and rock paneling although the roof of the pods which would contain solar panels and be finished in grass. Access would be taken via a new private road from Holm Road and three parking spaces would be laid out to the front of the curtilage.
- 2.2 This current proposal represents an amendment on a previous application CL/17/0090 which was refused by the Planning Committee on 15 August 2017 on the grounds of perceived flood risk. The officer recommendation in the report to committee had been to grant planning permission. The applicant subsequently lodged an appeal against the Council's decision however the appeal was subsequently withdrawn. The current application is similar to the previous application the only difference being minor material changes involving the re-orientation of the house so that lounge now fronts the river Clyde and the master bedroom facing down the river. In addition the applicant proposes to raise a small area of land adjoining the River Nethan beyond the levels that were the subject of the earlier proposal.

3 Background

3.1 Relevant Government Advice

- 3.1.1 SPP advises that the planning system should identify a generous supply of land to support the achievement of housing land requirements and maintaining at least a 5 year supply of land at all times. It should also enable the development of well designed, energy efficient, good quality housing in sustainable locations and focus on the delivery of allocated sites. In terms of development in the rural area, SPP states that most new development should be guided to locations within or adjacent to settlements. Planning should take every opportunity to create high quality places and direct development to the right places, in particular by encouraging the re-use of brownfield sites.
- 3.1.2 The SPP states that the purpose of the Green Belt designation is to;
- Direct planned growth to the most appropriate locations and support regeneration

- Protect and enhance the quality, character, landscape setting and identity of towns and cities
- Protect and give access to open space within and around towns and cities.

3.1.3 In terms of flood risk SPP states that the planning system should promote a precautionary approach by preventing development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. Piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity. Land raising should only be considered in exceptional circumstances where it is shown to have a neutral or better effect on flood risk outside the raised area.

3.2 **Local Plan Status**

3.2.1 The application site is identified in the adopted South Lanarkshire Local Development Plan as being outwith the settlement boundary of Crossford and within the Green Belt where Policy 3 - Green Belt and Rural Area applies. Policies 2 – Climate Change, 4 - Development Management and Place Making, 14 Green Network and Greenspace, and Policy 15 -Natural and Historic Environment Natural are also relevant as is Policy 17 - Water Environment and Flooding. The associated Supplementary Guidance on Development Management, Placemaking and Design, Green Belt and Rural Area, Natural and Historic Environment, Green Network and Greenspace and Sustainable Development and Climate Change are also applicable.

3.3 **Planning History**

3.3.1 Planning application CL/17/0090 for the erection of a dwellinghouse on the site was refused by the Planning Committee on 15 August 2017 on grounds that the proposal represented a flood risk. A subsequent appeal was lodged by the applicant however this was withdrawn by letter dated 29 November 2017.

3.3.2 Other land in the applicants ownership in this part of Holm Road has been the subject of the following decisions.

- CL/15/0040 – Planning Permission for the formation of 4 house plots on the frontage of Holm Road was refused in March 2015 on the grounds that the proposed development would encroach into the floodplain. A subsequent appeal to Scottish Ministers was upheld and planning permission granted by decision letter in June 2015. It should be noted three of the houses are completed and the fourth is under construction.
- CL/15/0393 – Planning permission for the extension of the garden areas of the 4 plots the subject of the above decision was refused in February 2016 on the grounds that that the proposed development would encroach upon a flood plain, reduce flood storage capacity and potentially transfer the flood risk elsewhere. A subsequent appeal to Scottish Ministers was upheld and planning permission granted by decision letter in September 2016.
- CL/15/0426 – Planning Permission for the formation of 2 house plots on land adjacent to the River Nethan refused in February 2016 on the grounds that the proposed development would encroach upon the functional flood plain and reduce its flood storage capacity and therefore increase the flood risk elsewhere. A subsequent appeal to Scottish Ministers was upheld and planning permission granted by decision letter in September 2016. It should be noted that both houses are under construction.

3.3.3 In addition the applicant has previously operated an agricultural business from his landholding. As a result of the agricultural status of the site the applicant has carried out extensive groundworks, including raising ground levels, without the need to make

a planning application as the works are permitted development under the terms of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Flood Management)** – No objection subject to conditions recommended for the original application.

Response: Noted. The recommended conditions have been attached.

- 4.2 **Roads Development Team** – no objections subject to conditions relating to access, sightlines and parking.

Response: Appropriate conditions could be attached in the event that the application is approved.

- 4.3 **Coal Authority** – Following the submission of a Coal Mining Risk Assessment advise that they have no objections to the application.

Response: Noted.

- 4.4 **SEPA** - Their consultation response on the previous application (CL/17/0090) raised objections to those proposals on the grounds that the application site was in the functional flood plain and therefore buildings within the site would be at risk of flooding. In addition they objected to the associated landraising and re-profiling of land within the floodplain.

In response to the consultation on this latest application the objection is maintained. SEPA has clarified that, as a result of the increase in levels by 1m as proposed in this application, they now consider that the application site has been raised outwith the functional floodplain of the Nethan and Clyde rivers. However they remain concerned that the landraising that has taken place will result in water levels being increased on the Clyde upstream of the site by approximately 300mm which will increase the flood risk to existing property upstream. They have reiterated their concerns that the site is now to be used for residential purposes rather than agricultural.

They have taken cognisance of previous appeal decisions on Plots 1-5 along Holm Road however the new proposals are viewed as distinct planning applications and are therefore subject to Scottish Planning Policy (SPP) principles. The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance. On that basis they object in principle to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy. In addition the proposals do not meet the aims of the Flood Risk Management (Scotland) Act 2009.

Response: The concerns raised by SEPA are noted. However the applicant has relied on permitted development rights available under current legislation (in relation to agricultural activities) to undertake landraising within the land he owns. In the case of the land at Holm Road the Council has previously accepted that an agricultural business has been carried out on the applicant's entire landholding and therefore as a result it is considered that the permitted rights apply across all of the landholding. In addition, while it appears that agricultural activities are not currently being carried out on the land the lawful use in planning terms is still considered to be agriculture and will remain so until planning permission for an alternative use is granted or until such time as the use is considered to be abandoned. Even in the latter event there is no requirement within current legislation to require the work to be reversed i.e. the land reinstated to its original levels and accordingly it is considered that any land raising that has occurred on the landholding is permitted development.

Three previous planning applications made by the applicant for development on other land in his ownership at Holm Road were refused on flood risk grounds. In consultation responses on each of the applications SEPA had objected on a similar basis to that on the current application and the Council refused them based on the advice received from SEPA. All three of these decisions were subject of an appeal to Scottish Ministers with the Reporter in each case upholding the appeal and granting planning permission after being satisfied that the land raising had been carried out using permitted development rights by excavating material within the agricultural unit.

Throughout the consideration of various applications for residential development the Council took into consideration SEPAs concerns about the impact of the proposals on flood risk due to the development being proposed on functional floodplain. However this stance has not been supported by the Reporters who considered the related appeals. The updated Flood Risk Assessment submitted with this application includes clarification on how the change in predicted water levels at the site has occurred. Following a review of this information the Councils Flood Risk Management team have confirmed that the information satisfactorily addresses their concerns and that as a result they consider it has been demonstrated the land at Holm Road does not now form part of the functional flood plain, a stance now adopted by SEPA. They are satisfied that the proposed development of this land at Holm Road will not impact upon the flood risk of neighbouring lands. In addition, the Flood Management Team do not have evidence that flooding has occurred elsewhere as a result of the previous landraising on the site.

The current application includes proposals for further landraising involving raising levels from 46.7OD to 47.5 OD within a small part of the site adjacent to the River Nethan. The impact of these works on the overall floodplain would be negligible. The most up to date FRA confirms to the Council's satisfaction that the landholding of the applicant is not within the floodplain. Again this point has been acknowledged by SEPA.

5 Representation(s)

- 5.1 In response to the carrying out of neighbor notification and the advertisement of the application in the local press for the non-notification of neighbours, 1 letter of objection was received. The issues raised are summarised below:

(a) The Upper Clyde Angling Protective Association holds the Salmon lease on the River Clyde including the River Nethan. As holder of the lease they are entitled, by law, to have access for policing of the river through Scottish Minister appointed Crown Bailiffs. This currently is a very popular angling stretch being the confluence of the River Nethan and the River Clyde. As such, it is a resting point for migrating salmon thus favouring the efforts of the anglers and the proposed structure would inhibit those efforts.

Response: The applicant has been made aware of the matters raised however they are a private legal matter and not a material consideration in determining the application. The structure of the proposed house would not impede access to the river bank.

- 5.2 This letter of representation 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 consent for the erection of a detached dwellinghouse on land at the confluence of the Clyde and Nethan to the north of

Crossford. The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan (and associated Supplementary Guidance), and national planning Policy with particular reference to its impact on flood risk, amenity and road safety.

- 6.2 The proposals the subject of this report are broadly similar to those that were subject of a separate on planning application CL/17/0090 that was presented to the Planning Committee on 15 August 2017. Members will recall that the officer recommendation in that case was to grant planning permission contrary to SEPA advice who objected to that application on flood risk grounds. Following consideration of the report Members decided to refuse planning permission due to concerns about the potential flood risk associated with the proposed development. A subsequent appeal against that decision was recently withdrawn. The changes to the earlier application are minor in nature. Nevertheless a full assessment of the application has been carried out against national and local planning policy as detailed below.
- 6.3 The site is identified in the South Lanarkshire Local Development Plan as being outwith the settlement boundary for Crossford and falls within the designated Green Belt where Policy 3 - Green Belt and Rural Area applies. This states that development which does not require to locate in the countryside will be expected to be accommodated within settlements. The policy states that a number of exceptions apply to this general approach and further detailed guidance is set out in associated Green Belt and Rural Supplementary Guidance. Policy GBRA8 – New Clusters of Houses/Isolated Dwellinghouses in the SG includes circumstances involving individually designed houses which are of an exceptional and innovative design quality. To accord with policy proposals should reflect the highest standards in contemporary architecture, enhance the immediate setting of the site and be sensitive to the defining characteristics of the area. In terms of national planning policy on development in the Green Belt Scottish Planning Policy states that the purpose of the Green Belt designation is to;
- Direct planned growth to the most appropriate locations and support regeneration
 - Protect and enhance the quality, character, landscape setting and identity of towns and cities
 - Protect and give access to open space within and around towns and cities.
- 6.4 The key considerations in determining whether the principle of the proposed house on this site is in accordance with land use policy are whether its siting conflicts with the bullet points described above and whether an exception to policy in terms of the design quality of the proposed house can be demonstrated. The application site is located approximately 200 metres north of the current settlement edge of Crossford (namely the four house plots granted on appeal in 2015) in a field bounded on two sides by the Clyde and the Nethan. One of purposes of the Green Belt is to manage growth of settlements and prevent merging of nearby towns and villages. In this case the proposal involves a single house on land which has defensible boundaries on two sides and beyond by extensive woodland and therefore there is no potential for the inappropriate merging of settlements to occur. The separation distance between Crossford and the application site will be maintained thereby ensuring the setting of Crossford will be unaffected. The character and landscape setting of Crossford is provided by the river corridors and wooded areas which would be unaffected by these proposals. In contrast the applicants landholding comprises an open field whose character has been changed by the works carried out under permitted development rights. This land is in private ownership and there are no amenity/recreational facilities within it nor is it part of the Core Path Network. Overall it is considered that the objectives of Green Belt designation would not be compromised.

- 6.5 For the proposals to comply with Supplementary Guidance on development in the Green Belt and Rural Area the applicant has to show that the proposed house is of an exceptional and innovative design quality. This requires the house to exhibit the highest standards in contemporary architecture through the use of materials or method of construction. The proposed house is unique in appearance and concept comprising a single storey structure which is octagonal shaped with six projecting pods three of which would be partially cantilevered over the adjacent river banks. The centre of the roof is topped by a circular cupola (which functions as a light well) from which the multiple sided roof slopes down to the eaves except the pods which have separate roof pitches. The exterior would be finished in slate and rock panelling although the roof of the pods which would contain solar panels and be finished in grass. Overall the design and scale of the house takes advantage of the characteristics of the site and its setting and the unique and innovative style of dwelling will enhance the character of the area adding to visual interest while ensuring it would not become a dominant feature in the landscape. It is noted that when viewed from Crossford it would have a backdrop of mature woodland. As a result it is considered that an exception to policy on Green Belt development has been shown and therefore the principle of the proposal complies with the adopted Local Development Plan.
- 6.6 A further key issue in determining the application is the impact of the proposals on flood risk. Policy 17 - Water Environment and Flooding states that any development where flood risk cannot be appropriately managed to prevent a significant adverse increase in the risk of flooding either on the site or elsewhere will not be permitted. The avoidance principle of flood risk management must be met. The Council will not support any development in the functional floodplain except where a specific locational need is identified. Policy 2 - Climate Change states proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change by avoiding areas of medium to high flood risk. Policy SDCC2 in the associated Sustainable Development and Climate Change Supplementary Guidance states that the storage capacity of the functional floodplain should be safeguarded. Avoidance of development within it is the most sustainable option for the long term management of flood risk.
- 6.7 As with the earlier application SEPA has objected in principle to the application on the grounds described in section 4.4 of the report namely the development would put land and buildings at risk of flooding as a result of the landraising that has been carried out to form the development platform. However crucially SEPA now accepts that the site is not in the functional floodplain. As described earlier in the report at 4.4 the levels of the site and the other land in the applicants ownership have been altered and raised over a number of years through the groundworks carried out without the need for planning permission to be sought. This has had the effect of the land falling out of the functional flood plain. In land use terms the land in question continues to be considered as agricultural; even if this use were to be abandoned there is no legislative requirement to reinstate the original levels. This situation has arisen as a result of an anomaly in current legislation nonetheless the assessment of the application has to take account of the existing circumstances. The Council's Flood Management Team are satisfied that it has been demonstrated the land at Holm Road does not now form part of the functional flood plain (a point now acknowledged by SEPA) and that the proposed development of this discrete part of the applicants landholding will not impact upon the flood risk of neighbouring lands. Notwithstanding SEPA's response it is concluded that the proposals accord with planning policy on flood risk.

- 6.8 Policy 4 - Development Management and Place Making along with supplementary guidance on Development Management, Placemaking & Design requires the Council to seek well designed proposals which integrate successfully with their surroundings, take account of the local context and built form and to be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. In addition development should be well related to existing development, public transport, local services and facilities. The proposed dwelling is unique in appearance and will integrate with and enhance its riverside setting. There would not be an adverse impact on the amenity or landscape character. The Roads Development Team have not raised any road safety concerns. In view of this, the proposal is considered to be compliant with Policy 4 and associated Supplementary Guidance.
- 6.9 Policy 15 – Natural and Historic Environment and the associated Natural and Historic Environment Supplementary Guidance seeks to conserve those features which contribute to local distinctiveness. In this respect, the proposal will not impact upon the established field pattern, trees, hedgerows or distinctive boundary features. The setting of Crossford relative to the corridor of the Rivers Clyde and Nethan will remain largely unchanged. The policy also aims to ensure that the conservation status of protected species is not undermined. The Rivers Clyde and Nethan are a potential habitat for otters which are a European Protected Species. An otter survey has been carried out which found no field signs of this species.
- 6.10 Policy 14 - Green Network and Greenspace states partial loss will only be considered where landscape enhancement can be achieved, there is no significant adverse impact upon natural/built heritage resources and compensatory provision can be provided elsewhere. The proposed development will result in the creation of a landmark feature along the riverside whilst the formation of a large pond in the remaining field area to the south within the applicant's ownership benefits wildlife and has added to the amenity value of the greenspace. Therefore the proposal will not compromise the policy objectives.
- 6.11 It is considered that the proposal in land use terms is an appropriate form of development for the site and that design and scale of the proposed house complies with policy and supplementary guidance on development in the Green Belt. As with the earlier application that was refused by the Council an objection has been received from SEPA on grounds of the potential flood risk. Consideration has again been given to their concerns as well as the views of the Council's Flood Management team and the previous appeal decisions on applications elsewhere in the applicant landholding in Holm Road. Careful professional judgment has been applied to the circumstances of the case and it has been concluded overall that the proposals comply with the adopted South Lanarkshire Local Development Plan and Scottish Planning policy on flood risk. Therefore it is recommended that planning permission be granted. Although the reasons for SEPA's objection have not been supported in previous appeals and are not supported by the Council's Flood Risk Management team in respect of this application, SEPA has not withdrawn the objection. Accordingly, if Committee agree to this recommendation and propose to grant Consent, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 will apply and the Council must notify the application to the Scottish Ministers to allow them to consider whether to call in the application for their own determination.

7 Reasons for Decision

- 7.1 The proposal accords with Policies 2, 3, 4, 14, 15 and 17 of the adopted South Lanarkshire Local Plan and associated Supplementary Guidance: Natural and Historic Environment; Development Management, Place Making and Design; Green

Belt and Rural Area and; Green Network and Green Spaces. The proposal will have no adverse impact on residential or visual amenity of the area and also raises no road safety or flood risk issues.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

11 December 2017

Previous References

- ◆ CL/17/0436

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Neighbour notification letter dated 05/10/2017

- ▶ Consultations
 - Roads & Transportation Services (Flood Risk Management Section) 17/10/2017
 - The Coal Authority - Planning and Local Authority Liaison Department 18/10/2017
 - The Coal Authority - Planning and Local Authority Liaison Department 18/10/2017
 - S.E.P.A. (West Region) (Flooding) 27/10/2017

- ▶ Representations
 - Representation from : United Clyde Angling Protective Association, Felview
101 Glenmore
Whitburn
West Lothian
EH47 8NP, DATED 19/10/2017

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
Ext 5174, (Tel : 01698 455174)
E-mail: ian.hamilton@southlanarkshire.gov.uk

CONDITIONS

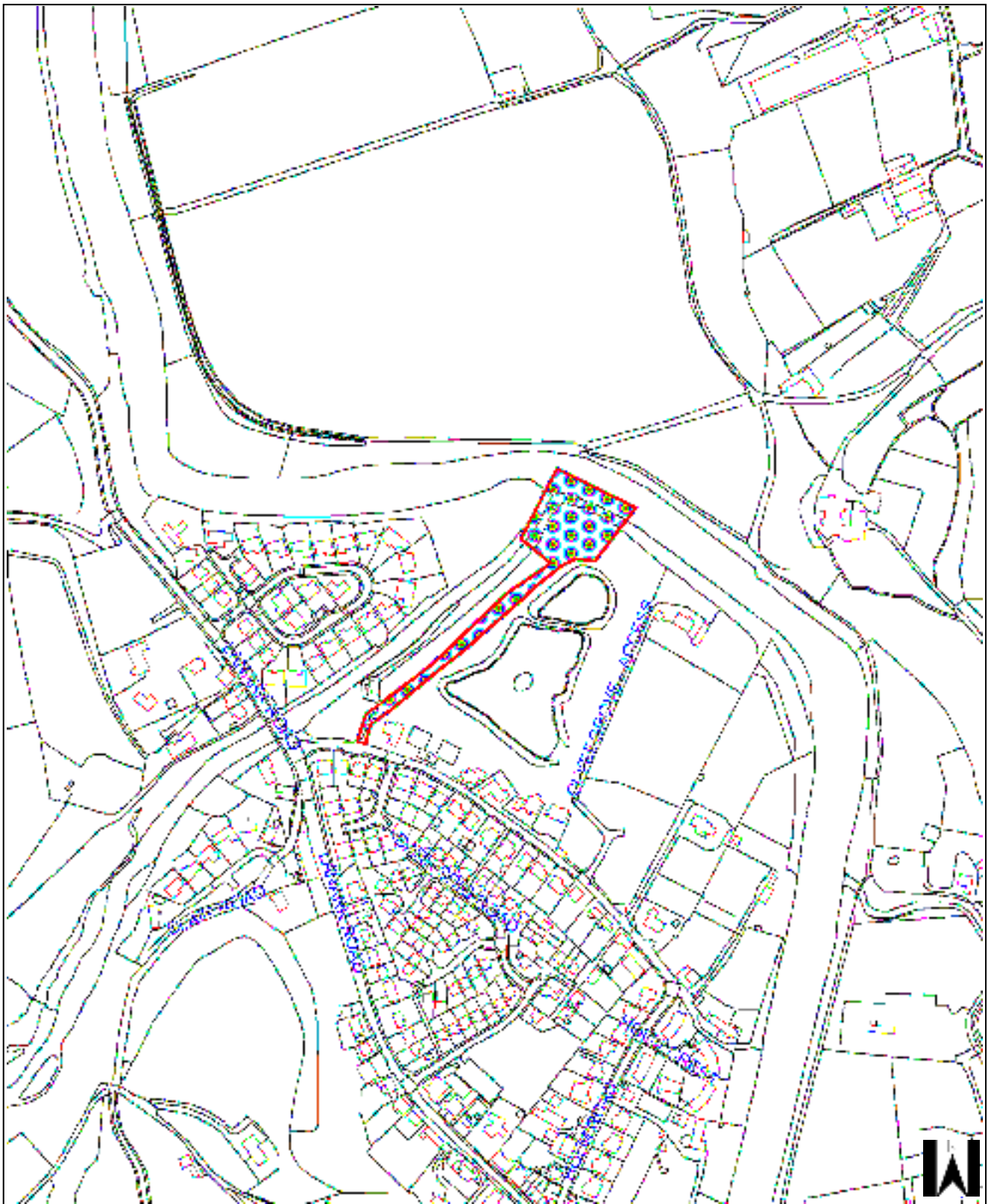
- 1 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 2 That before development starts, 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.
- 3 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 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 4 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.
- 5 That the dwellinghouse shall not be occupied until the developer provides a written agreement from Scottish Water that the site can be served by a water and sewerage scheme constructed to the specification and satisfaction of Scottish Water as the Water and Sewerage Authority.
- 6 That before the development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 35 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.
- 7 That before the development hereby approved is brought into use, a 3 metre wide dropped kerb footway crossing, with the first 4 metres of the access hardsurfaced from the edge of the public road, shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.
- 8 Traffic management proposals for all construction adjacent to the carriageway shall be submitted and approved by the Councils as Planning and Roads Authority.
- 9 The development shall adhere to recommendations outlined in para 5.2 of the Flood Risk Assessment (Terrenus, 29 September 2017) in particular that the final floor levels shall be 48.4m OD and that access to the approved dwelling shall be formed at a level of 48.0m OD.

- 10 The development shall adhere to recommendations outlined in the Otter Survey (Wild Surveys Ltd, March 2017).
- 11 That before any work commences on the site, a scheme of landscaping for the area within the application site along the rivers Clyde and Nethan 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.
- 12 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.

REASONS

- 1.1 In the interests of amenity and in order to retain effective planning control.
- 2.1 These details have not been submitted or approved.
- 3.1 In order to retain effective planning control
- 4.1 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.
- 5.1 To ensure that the development is served by a water supply and sewerage system.
- 6.1 In the interest of road safety
- 7.1 In the interest of public safety.
- 8.1 In the interest of road safety.
- 9.1 To achieve a flood risk freeboard of 1.0 metres above the peak 1:200 years plus climate change water level.
- 10.1 In the interests of wildlife.
- 11.1 To promote vegetation growth along river banks in order to bind soil and prevent erosion.
- 12.1 In the interests of amenity.

For information only



For information only

Report

4

Report to: **Planning Committee**
 Date of Meeting: **19 December 2017**
 Report by: **Executive Director (Community and Enterprise Resources)**

Application No HM/17/0510
 Planning Proposal: Erection of 118 Bedroom Hotel and Associated Parking

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Hamilton Park Racecourse Co Ltd
- Location : Hamilton Park Racecourse
Bothwell Road
Hamilton
ML3 0DW

2 Recommendation(s)

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

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

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: ICA
- ◆ Council Area/Ward: 17 Hamilton North and East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
 Policy 4 - Development Management and Place Making
 Policy 6 - General urban area/settlements
 Policy 14 - Green Network and Greenspace
 Policy 15 - Natural and Historic Environment
 Policy 16 - Travel and Transport
 Policy 17 - Water Environment and Flooding

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

- ◆ Representation(s):
 - ▶ 2 Objection Letters
 - ▶ 1 Support Letters

◆ Consultation(s):

Roads & Transportation Services (Flood Risk Management Section)

Scottish Water

West of Scotland Archaeology Service

SP Energy Network

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

National Grid UK Transmission

Access Panel

Economic Development

Environmental Services

Historic Environment Scotland

Roads Development Management Team

Arboricultural Services

Planning Application Report

1 Application Site

- 1.1 The application relates to an area of land located within the Hamilton Park Racecourse to the north-east of Hamilton Town Centre. The site is predominantly flat, it extends to approximately 0.75 hectares and is essentially a mix of hard landscaping and gravel finish. The site is bounded to the north by the racecourse grandstand and paddock area, to the south by a grassed area and adjacent residential flatted development, to the east by the race track and to the west by Bothwell Road.
- 1.2 A stone boundary wall and fencing on Bothwell Road forms the west enclosure of the site and a number of mature trees are sited in a variety of locations throughout the site. The site lies partly within the confines of the area defined by Historic Environment Scotland in their Battlefields Inventory in relation to the Battle of Bothwell Bridge and wholly within the Hamilton Palace Designed Landscape.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the erection of a 118 bedroom hotel and associated parking. The proposed hotel would be positioned within the gravelled hardstanding area to the south of the existing paddock and grandstand which is currently utilised as spectator parking during events. The proposed hotel would be positioned parallel to the line of the racecourse and an existing retaining wall and reflects the position of the now demolished spectator stands. The retaining wall is to be reduced to a height to enable views from the ground floor public areas of the hotel directly onto the course and Hamilton Park beyond. The building would be approached along the existing internal road with the main entrance, vehicle drop off and forecourt located at the eastern end of the site. A self contained dedicated car park for 94 hotel guest cars would be provided with landscaped boundary treatment as a privacy and security buffer to the remaining spectator car park areas.
- 2.2 The proposed building would have a pitched roof to reflect the grandstand building and would incorporate twin gables on the end elevations. The majority of the bedroom accommodation is located on the first to third floor levels creating a plinth of public accommodation to the ground floor. A slate roof is proposed which would be extended down the façade to a string course at third floor level, creating a tri-part elevation of base, middle and top. The finish materials for the exterior walls would be predominantly white render with pre-cast reconstituted stone detailing.
- 2.3 Pedestrian access to the hotel would be from Bothwell Road. The existing pedestrian access points would be retained and the existing stone wall would remain along the Bothwell Road boundary. Bus stops located directly adjacent to the site on Bothwell road would allow direct pedestrian access to the hotel through the new car park and pedestrian paths. The private car park would utilise a method of vehicle access control to restrict access by non-hotel guests. Five disabled parking spaces are proposed in close proximity to the main entrance. An electric vehicle charging point would be provided for guest use in addition to eighteen cycle stands. The car park has been designed as a one-way system loop with a dedicated drop off zone provided adjacent to the main entrance, for car and minibus use.
- 2.4 A Design and Access Statement, Transport Assessment, Noise Impact Assessment, Tree Survey and a Heritage Impact Assessment were submitted with the application as supporting information.

3 Background

3.1 Local Plan Policy

- 3.1.1 In terms of local plan policy, the application site is located within the general urban area in the adopted South Lanarkshire Local Development. The relevant policies for the assessment of the application are Policy 4 - Development Management and Place Making, Policy 6 - General Urban Area/Settlements, Policy 15 – Natural and Historic Environment, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding. An assessment of the proposal against the above policies is contained in Section 6 of this report.

3.2 Relevant Government Advice/Policy

- 3.2.1 SPP states that planning authorities should seek to protect, conserve and, where appropriate, enhance the key landscape characteristics and special qualities of sites in the Inventory of Historic Battlefields. In terms of designed landscapes SPP states that planning authorities should protect and, where appropriate, seek to enhance gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes and designed landscapes of regional and local importance.
- 3.2.2 Historic Environment Scotland's Inventory of Historic Battlefields contains a record for each site and the Inventory records include a detailed report on the battle. It describes the battlefield and the reasons for its national importance. This information helps to: raise awareness of the significance of the battlefield; assist in the sustainable management of change through the planning system and through land management; and inform the wider enjoyment, research, interpretation, education and commemoration of sites.

3.3 Planning Background

- 3.3.1 There is no recent planning history relevant to the application site.

4 Consultation(s)

- 4.1 **Environmental Services** – have no objections to the application subject to conditions restricting noise levels on site to an acceptable level and requiring the submission of a scheme for the control and mitigation of dust for the Council's further approval. Informatives advising the applicant of acceptable hours for audible construction activities at the site and matters relating to health and safety, food preparation, contamination and smoke control should also be attached to any consent granted.
Response:- Noted. Any consent granted would incorporate appropriately worded conditions and informatives to address the matters raised.
- 4.2 **Roads Development Management** – raised no objections subject to conditions.
Response:- Noted. Any consent granted would incorporate appropriately worded conditions and informatives to address the matters raised
- 4.3 **Roads and Transportation Services (Flood Risk Management)** – have no objections to the application subject to conditions requiring the submission of a flood risk/drainage assessment for the Council's approval and the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied through the completion of a self certification document.
Response:- Noted. Appropriately worded conditions would be attached to any consent granted to address the above matters.
- 4.4 **West of Scotland Archaeology Service** – due to the position of the development within the Inventory battlefield, it would be necessary to consider the impact of the proposal on the setting of the battlefield, however, this does not appear to raise a

particularly significant issue. The proposed development site is located towards the southern fringe of the area defined in the Inventory in relation to the battlefield, meaning that it would be necessary to give some consideration to the potential for material associated with the fighting to be present within the plot, in addition to the impact of the proposal on the overall character of the battlefield, and on the ability of the viewer to understand and appreciate the nature of the action. Although it remains possible that stray artefacts could still be present in this area, this potential does not appear to be particularly high as a result of this more recent disturbance. As a result, archaeological work is not considered to be necessary in relation to the potential for the proposal to have a direct impact on buried archaeological material. In a similar vein, the modern structures that are already in place in the area surrounding the proposed development site suggests that construction of the hotel is unlikely to have a major impact on the remaining elements of the designed landscape associated with Hamilton Palace. Given the scale of modern development already present in the area surrounding it, it appears unlikely that construction of the hotel would have a significant additional detrimental impact on the surviving elements of the landscape.

Response:- Noted.

- 4.5 **Historic Environment Scotland** – have no objections to the application and have advised that they do not have any comments to make on the proposals.

Response:- Noted.

- 4.6 **Scottish Water** – have no objections to the application and have advised that there is currently sufficient capacity to facilitate the development at the Hamilton Waste Water Treatment Works.

Response:- Noted.

- 4.7 **SP Energy Networks** – have no objection to the proposals.

Response:- Noted.

- 4.8 **SEPA (West Region)** – have no objections to the application. Whilst there is no need to include SUDS if Scottish Water accept the entire surface flows from the development, should Scottish Water be unable to accept the surface water to their system SEPA would advise that any proposed discharge of surface water to the water environment must be in accordance with the principles of the SUDS Manual (C753) and comply with the terms of CAR. Construction/demolition works associated with the development of the site must be carried out with due regard to the guidelines on avoidance of pollution.

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

- 4.9 **Economic Development** – are supportive of the proposal which will not only underpin the racecourse's future for many years to come but will secure this major asset for the town and the wider economic benefit which can be derived from its success.

Response:- Noted.

- 4.10 **Arboricultural Services** – would resist the loss of trees within the site.

Response:- Noted. The Planning Service has had detailed discussions with the applicant in relation to the trees within the site. Whilst there will be a small number of trees which will require to be removed to allow the development, both the Council and the applicant wish to keep this to a minimum and any consent granted would incorporate appropriately worded conditions and informatives to ensure that any trees that can be retained will be retained through the minor alterations to the car park layout and through the use of modern technologies.

4.11 **National Grid** – no response to date.

Response:- Noted.

4.12 **Access Panel** – no response to date.

Response:- Noted.

5 Representation(s)

5.1 Statutory neighbour notification procedures were undertaken and the application was advertised as a Schedule 3 Development and under the heading Non-Notification of Neighbours in the Hamilton Advertiser. Three letters of representation were received in relation to the application. The grounds of objection are summarised below:

(a) Proximity to the property at 31 The Paddock. The hotel is only 42 metres from our boundary fence which is far too close for a domestic dwelling and will impact on the privacy of the residents.

Response: The proposed hotel would be located approximately 38 metres from the above flatted development. It is considered that this is an acceptable distance to ensure that the development has no adverse impact on residential amenity, particularly in relation to loss of privacy.

(b) Noise and dirt disruption during the construction phase.

Response: No adverse comments were raised by Environmental Services in this regard. However, any consent granted would incorporate conditions restricting noise levels on site to an acceptable level and requiring the submission of a scheme for the control and mitigation of dust for the Council's further approval. In addition, an informative would be attached advising the applicant of acceptable hours for audible construction activities at the site.

(c) There will also be noise pollution once the development is complete. Air conditioning/heating systems are usually placed outside the building to minimise noise inside which will mean a noise nuisance for us. There will be noise from vehicular traffic arriving and leaving at all hours of day or night and noise from people using the hotel. Who will police this? There is a long history of noise pollution from the racecourse.

Response: Again, no adverse comments were raised by Environmental Services in this regard. Any consent granted would incorporate conditions restricting noise levels on site to an acceptable level and requiring the submission of a scheme for the control and mitigation of dust for the Council's further approval. In addition, an informative would be attached to any consent granted advising the applicant of acceptable hours for audible construction activities at the site.

(d) Is there a need for a hotel at the racecourse? There has been racing at Hamilton for decades without the need for a hotel. Is it usual for a racecourse to have a hotel on site?

Response: The need for a hotel on the site is not a material planning consideration.

(e) I am in support of this planning application for the proposed hotel and feel that the hotel will bring much needed income to Hamilton to boost tourism and help improve the area. However, we live in the new housing estate off the Furlongs and find it very difficult during peak times to get out of the estate because of the traffic from Bothwell Road. Would this development add to congestion here and make access to the properties more difficult.

Response: Roads and Transportation Services are satisfied that the proposal raises no access, parking or road safety issues.

(f) A hotel forms part of the proposed development at the old University of the West of Scotland site. Would that proposal supersede this hotel proposal or would they both be considered.

Response: The proposal referred to is an application for planning permission in principle for a mixed use development incorporating a hotel on the site of the University of the West of Scotland. This application is currently being assessed by the Council and like all planning applications requires to be assessed on its own merits.

- 5.2 These letters are available for inspection in the usual manner and on the Councils Planning Portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning permission for the erection of a 118 bedroom hotel and associated parking. 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 relative to the historic environment, SPP states that planning authorities should seek to protect, conserve and, where appropriate, enhance the key landscape characteristics and special qualities of sites in the Inventory of Historic Battlefields. In relation to designed landscapes SPP states that planning authorities should protect and, where appropriate, seek to enhance gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes and designed landscapes of regional and local importance.
- 6.3 In this instance, the application site is partly located within the area defined by Historic Environment Scotland in their Battlefields Inventory in relation to the Battle of Bothwell Bridge and wholly within the Hamilton Palace Designed Landscape. On this basis, Historic Environment Scotland and West of Scotland Archaeology Service (WOSAS) were consulted on the application. It is noted that Historic Environment Scotland raised no adverse comments in relation to the application and that WOSAS have considered the impact of the proposal on the setting of the battlefield and have concluded that the proposal raises no significant issues. Due to the scale of modern development already present in the surrounding area WOSAS also consider that it is unlikely that the proposed hotel would have a significant detrimental impact on the surviving elements of the designed landscape associated with Hamilton Palace. It is, therefore, considered that the proposal is in accordance with national planning policy.
- 6.4 In terms of local plan policy, the application site is located within the general urban area in the adopted South Lanarkshire Local Development Plan. The relevant policies for the assessment of the application are Policy 4 - Development Management and Place Making, Policy 6 - General Urban Area/Settlements, Policy 14 – Green Network and Greenspace, Policy 15 - Natural and Historic Environment, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding.
- 6.5 With regard to the principle of the proposal, the application site is located within the general urban area and there are no amenity, environmental or access issues which would prevent the development of the site for a hotel, therefore, the principle of the proposal is considered to be acceptable. As the application raises no policy issues it is considered that the proposal conforms with the terms of Policy 6.
- 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 The racecourse is actively managed to maintain its mature trees and landscaping and whilst there will be some loss of trees to allow the development to proceed, this will be kept to a minimum. The applicants have reconsidered the layout of the car park and the use of modern technologies to allow the retention and protection of trees and a condition will be attached to ensure that all trees to be retained are suitably and permanently protected. The proposed layout incorporates several areas of structured landscaping and open space. It is considered that the application site, the surrounding area and the Green Network as a whole will benefit from the enhanced leisure and ecological opportunities that the proposal provides. Any consent granted would be conditioned to ensure the submission of a landscaping scheme for the Council's further approval which could incorporate the use of native species or those with known benefits to biodiversity to ensure continued opportunities for biodiversity and leisure within the site and the surrounding area. Given the above, it is considered that the development of the site will not have a detrimental impact on the environment and will not adversely affect the quality of life for those living in the surrounding area. It is, therefore, considered that the proposal meets the aims of Policy 14.
- 6.8 Given the site's location within Historic Environment Scotland's Battlefields Inventory in relation to the Battle of Bothwell Bridge and within the Hamilton Palace Designed Landscape, Policy 15 is relevant to the assessment of the application. This policy states that the Council will assess all development proposals in terms of their effect on the character and amenity of the natural and built environment. The Council will seek to protect important natural and historic sites and features from adverse impacts resulting from development, including cumulative impacts. As discussed above, neither Historic Environment Scotland nor West of Scotland Archaeology Service raised any adverse comments in relation to the application and they are satisfied that the proposal raises no significant issues in terms of any potential impact on the setting of the battlefield or the surviving elements of the designed landscape associated with Hamilton Palace. It is, therefore, considered that the proposal meets the terms of Policy 15.
- 6.9 In terms of the detailed design of the development, Policy 4 and Policy 6 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. It is considered that the proposed layout for the development is acceptable and that it will be in keeping with the mix of residential, commercial and industrial development in the surrounding area. It is considered that the proposed hotel is of a high quality design incorporating a suitably high standard of finish materials and that it will be in keeping with the existing development in the surrounding area. Furthermore, the hotel would be located approximately 38 metres from the closest residential properties which would ensure that the proposal has no adverse impact on the amenity of those properties in terms of overlooking and loss of privacy. The proposal is, therefore, considered to be in accordance with Policy 4.
- 6.10 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, a Transport Assessment (TA)

was submitted with the application which assessed the impact on the local road network. Having assessed the application and the supporting TA, Roads and Transportation Services are satisfied that the proposal would not have an adverse impact on traffic flows or road safety and that a sufficient amount of car parking is being provided for the development. Furthermore, the site is easily accessible by public transport and the development would be well integrated into existing walking and cycling networks. On this basis, it is considered that the proposal complies with the terms of Policy 16.

- 6.11 The proposal has been assessed by the relevant consultees in terms of Policy 17. With regard to flooding and surface water drainage no adverse comments were raised by Roads and Transportation subject to the inclusion of a condition requiring the provision of a sustainable urban drainage system (SUDS) within the site. Scottish Water have also confirmed that they have no objections to the application and any consent granted would include a condition to ensure that the hotel is not 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 Policy 17.
- 6.12 In summary, the application to develop the site for a hotel is considered to be acceptable as the application conforms with local plan policy and the proposal raises no significant environmental or infrastructure issues. It is, therefore, recommended that detailed planning permission should 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 4, 6, 14, 15, 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.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

11 December 2017

Previous References

None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development Management Place Making and Design Supplementary Guidance (2015)
- ▶ Neighbour notification letter dated 27.0.2017
- ▶ Press Advertisement, Hamilton Advertiser 09.11.2017

- ▶ Consultations
 - S.E.P.A. (West Region) 31/10/2017
 - Scottish Water 07/11/2017

SP Energy Network	02/11/2017
Economic Development	05/12/2017
Roads & Transportation (Flood Risk Management)	05/12/2017
West of Scotland Archaeology Service	31/10/2017
Environmental Services	31/10/2017
Historic Environment Scotland	28/11/2017

► Representations

Representation from : Christopher Newlands, 30 Tom McCabe Gardens
Hamilton
ML3 6LW, DATED 02/11/2017 12:18:30

Representation from : Lewis and Margaret Graham, 45 The Paddock
Hamilton
ML3 0RF, DATED 14/11/2017

Representation from : David Blore, 31 The Paddock.
Claremont Court
Hamilton
ML3 0RF
, DATED 13/11/2017

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
Ext 3657 (Tel : 01698 453657)
E-mail: jim.blake@southlanarkshire.gov.uk

CONDITIONS

- 1 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.
- 2 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.
- 3 That before the development hereby permitted is occupied or brought into use, all the fences or walls for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 2 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 4 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.
- 5 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.
- 6 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.
- 7 That the hotel shall not 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.
- 8 Between the hours of 0800 and 2000 the measured noise level emitted from the premises (LAeq (1hour)) shall not exceed the pre-existing background noise level (LA90 (1/2hour)) by more than 4dB (A) when measured in accordance with

BS4142:1997 at buildings where people are likely to be affected. Between the hours of 2000 and 0800 the noise emitted from the premises (LAeq (5mins)) shall not exceed the pre-existing background noise level (L A90 (1/2hour)) by more than 4dB(A) when measured in accordance with BS4142:1997 at buildings where people are likely to be affected.

- 9 Prior to any 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.
- 10 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.
- 11 That no development, including tree works or tree removal, shall take place until full details of both soft and hard landscape works have been submitted to and approved in writing by the Council as Planning Authority and these works shall be carried out as approved. These details shall include a monitoring and implementation programme [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting, etc) ; proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration where relevant). Soft landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].
- 12 That all approved hard and soft landscape works shall be carried out in accordance with the implementation and monitoring programme agreed with the Council as Planning Authority and in accordance with the relevant recommendations of the appropriate British Standards. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the substantial completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 13 That no development, tree works or site clearance shall take place until details of earthworks have been submitted to and approved by the Council as Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing trees Root Protection Area, vegetation and surrounding landform; and any retaining walls with structural calculations verified by a qualified company. Development shall be carried out in accordance with the approved details.
- 14 That all existing trees on site shall be retained until a tree retention and removal

plan has been submitted to and approved by the Council as Planning Authority. "Retained tree" are all existing trees on site; and paragraphs (a) and (b) below shall have effect until the expiration of (10 years) from the date of the (occupation of the building/commencement of use of the approved development) for its permitted use.

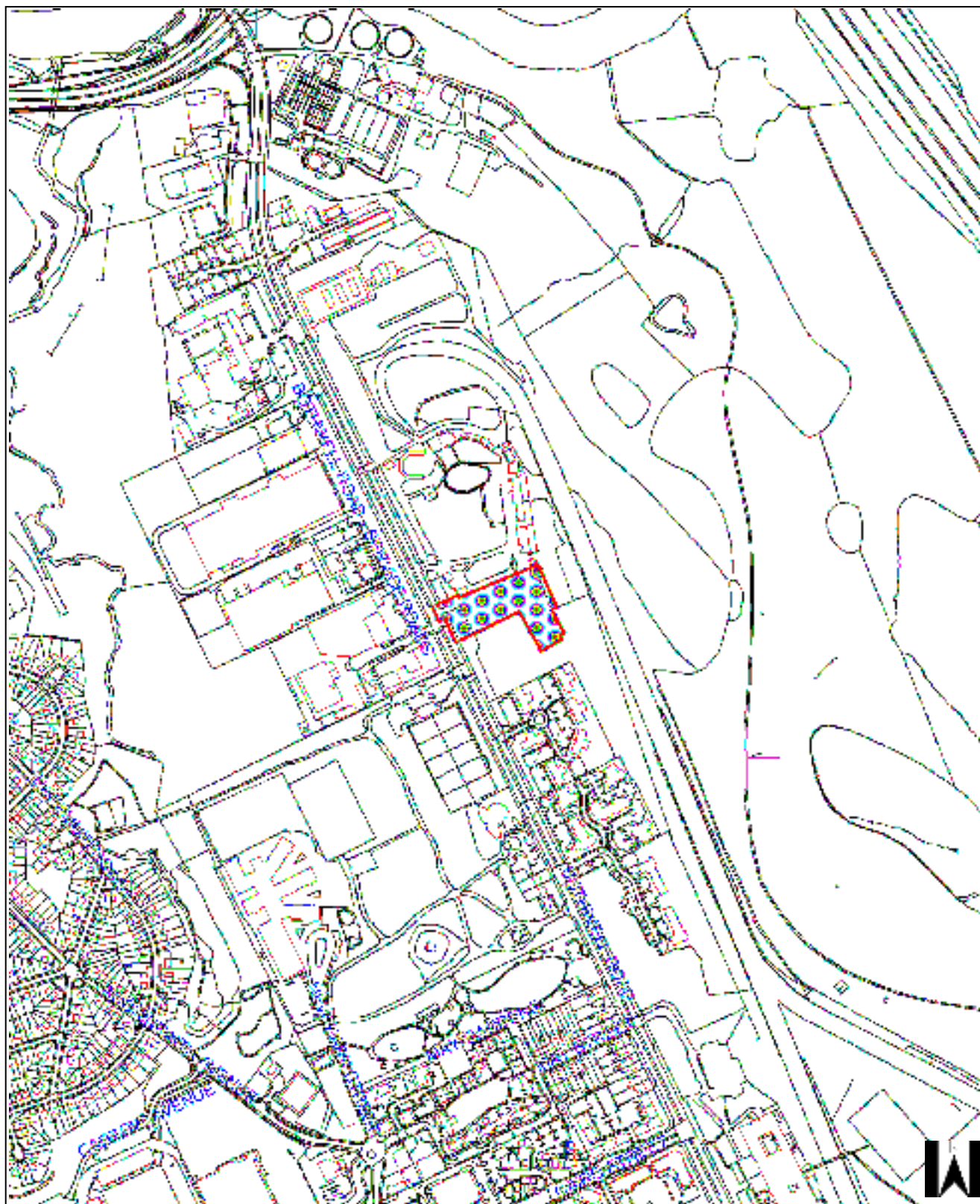
(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998.

(b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

REASONS

- 1.1 In the interests of amenity and in order to retain effective planning control.
- 2.1 These details have not been submitted or approved.
- 3.1 In the interests of amenity and in order to retain effective planning control.
- 4.1 In the interests of the visual amenity of the area.
- 5.1 In the interests of amenity.
- 6.1 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.
- 7.1 To ensure the provision of a satisfactory sewerage system
- 8.1 To safeguard the amenity of the area.
- 9.1 In the interests of amenity and in order to retain effective planning control.
- 10.1 In the interest of public safety
- 11.1 In the interest of the visual amenity of the area.
- 12.1 In the interests of amenity.
- 13.1 To ensure the protection and maintenance of the existing woodland within the area.
- 14.1 In order to retain effective planning control.

For information only



For information only

Report

5

Report to: **Planning Committee**
 Date of Meeting: **19 December 2017**
 Report by: **Executive Director (Community and Enterprise Resources)**

Application No: **EK/17/0346**
 Planning Proposal: **Erection of 30 No. Residential Units for Social Rent (1 and 2 Bedroom) With Associated Open Space, 45 Parking Spaces and New Road**

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : South Lanarkshire Council
- Location : East Milton Primary School
Vancouver Drive
East Kilbride
G75 8LF

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: Smith Scott Mullan Associates
- ◆ Council Area/Ward: 07 East Kilbride Central South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 - Development management and placemaking
Policy 6 - General urban area/settlements

Development management, placemaking and design supplementary guidance (2015)
Policy DM13 - Development within general urban area/settlement

- ◆ Representation(s):
 - ▶ 1 Objection Letter
 - ▶ 0 Support Letters

◆ Consultation(s):

Roads & Transportation Services (Flood Risk Management Section)

Transport Scotland

Environmental Services

Community - play provision/community contributions

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site relates to an area of land adjacent to the new East Milton Primary School located within Westwood, East Kilbride in an established residential area. The site, which is 'L' shaped and extends to approximately 1.77 hectares, wraps around the existing school playground and MUGA pitch. The site was surplus to the Education Service's requirements after the construction of the new school and associated play areas.
- 1.2 The site is accessed from Ontario Park and is adjacent to a group of 10 houses to the west on Sudbury Crescent. There are footpath connections around the perimeter of the site to the north, west and east. And beyond a tree belt to the north is the A726 Queensway.

2 Proposal(s)

- 2.1 The applicant, South Lanarkshire Council Housing Services, seeks detailed planning consent for the construction of a residential development comprising 30 dwellings for social rent with associated access, 45 parking spaces and landscaping provision. The proposed units would comprise five blocks of three storey flats of two design types. The flats will be a mixture of one and two bedrooms.
- 2.2 Four of the blocks would be set out to the south of the vehicular access with the remaining block at the end of a hammer head to the east of the site. In terms of materials, the flats will be finished in brick and dark render which, while modern, are proposed to integrate with the surrounding area. The properties would also be designed to reflect sustainability through the inclusion of solar PV panels where appropriate. A Sustainable urban drainage system (SUDs) is also proposed.
- 2.3 The applicants are proposing 45 parking spaces and in addition 5 spaces will be relocated and improved from Ontario Park. These will be directly adjacent to the terraced housing to the west.

3 Background

- 3.1 With regard to the South Lanarkshire Local Development Plan (adopted 2015) the site falls within the general urban area as defined by Policy 6. Policy 4 – Development Management and Placemaking is also of relevance to the proposal. In addition, the guidance contained within the supplementary guidance document relating to development management, placemaking and design is of relevance to the proposed development. South Lanarkshire Council's Residential Development Guide also provides additional advice of relevance and sets out the criteria against which new housing development proposals should be assessed.

3.2 Relevant Government Advice/Policy

- 3.2.1 Relevant Government guidance is set out within the Scottish Planning Policy (SPP) which 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, 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 Planning permission was granted in 2013 for a new primary school (EK/13/0028). The surplus land left over from the new school represents the application site.

4 **Consultation(s)**

- 4.1 **Environmental Services** – request details of investigation, radon and noise from the Queensway.

Response: Noted. The site investigation and radon report have been submitted. I am satisfied that the existing tree belt to the north of the site will provide adequate noise protection to the properties from traffic on the Queensway.

- 4.2 **Transport Scotland** – no response received to date.

Response: Noted.

- 4.3 **Community Resources** – the proposal is acceptable in principle in terms of community/play provision. As the proposal relates to social housing, no contribution will be sought.

Response: Noted.

- 4.4 **Roads and Transportation Services (Flood Risk Management)** – no objections subject to the provisions of SUDs drainage.

Response: Noted. These details have been conditioned.

- 4.5 **Roads and Transportation Services (Development Management)** – no objections subject to conditions relating to visibility, parking and surfacing.

Response: Noted. These details have been conditioned. A Roads Construction Consent (RCC) has been submitted and will deal with matters such as adoption and traffic calming.

5 **Representation(s)**

- 5.1 Following statutory neighbour notification and advertisement in the East Kilbride News for Non-notification of neighbours, one letter of representation and one letter of comment have been received the points of which are summarised below:

(a) By relocating the parking spaces on Ontario Park into the site, it has deprived a property of having a driveway. This is desperately required by the resident.

Response: Whilst the space is being relocated it will still be easily accessible to the property in question.

(b) What will be done with the existing rusty fence and will the flats be for sale or rent?

Response: The applicants will remove the old fence and replace it with a new timber fence behind all flats. The flats are for social rent and will be constructed and managed by South Lanarkshire Council Housing Services.

(c) Currently the front gardens of the adjacent houses flood when it rains. How will this be improved?

Response: As part of the development, a new drainage system will be installed and will ensure that there is no flood risk.

(d) The Council should ensure that all wildlife is protected appropriately.

Response: The application has generous open space and no trees are being removed to facilitate the development. In addition, the applicants have carried out an ecological survey and have found no protected species on site.

These letters are available for inspection on the planning portal.

6 Assessment and Conclusions

- 6.1 Planning consent is sought by South Lanarkshire Council Housing Services for a residential development of 30 flatted dwellings for social rent with associated access, parking and landscaping on land to the north of East Milton Primary School, East Kilbride. The proposed flats are five, three storey blocks. The proposed development would be accessed from Ontario Park to the north-west corner of the primary school. The natural screening from the existing trees to the north of the site will be retained to provide noise protection and a landscape buffer.
- 6.2 The determining issues in the assessment of this application are its compliance with local plan policy as well as its impact on surrounding amenity. 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 framework against which the proposal requires to be assessed comprises the South Lanarkshire Local Development Plan (adopted 2015) and it's associated supplementary guidance.
- 6.3 In terms of the adopted local development plan it is noted that the site is located in an area which forms part of the general urban area as designated by Policy 6. As such, the principle of the use of the site for residential purposes is considered to be acceptable. With regard to the specific design and layout of the proposed development Policy 4 – Development Management and Placemaking requires all proposals to take account of and be integrated with the local context and built form. The policy states that development proposals should have no significant adverse impacts on the local community and, where appropriate, should include measures to enhance the environment and the quality of placemaking. These requirements are further supported by Policy DM13 of the associated supplementary guidance relating to development management, placemaking and design.
- 6.4 It is considered that the proposed development would be appropriate to the site in question in terms of design and layout and would comply with the standards set out in

the Council's Residential Development Guide, particularly in relation to road layout, the density of the development, car parking provision and provision of amenity space. The proposed development of modern flats would be in keeping with the settlement pattern of development in the surrounding area. This specific area of Westwood is characterised by high density flatted dwellings. The proposed flats are orientated in such a way that there are no privacy issues, overshadowing and no loss of daylight or sunlight. A significant portion of the site will be retained as open space. In addition, the applicants are proposing additional planting of trees, shrubs and hedging to supplement those already on site. This will help to integrate the site with the wider environment. The application site is identified as a site within the SHIP that will contribute towards the Council New Build Programme, and will provide a welcome addition to social housing provision within the East Kilbride area.

- 6.5 The Council's Roads and Transportation Services have advised that, subject to conditions relating to access, parking and provision of visibility splays, they have no objections to the proposed development. Subject to the required conditions it is considered that the proposal would have no adverse amenity impact and would comply with Policy 4 of the adopted local development plan and with all relevant policy and guidance as set out in associated supplementary guidance.
- 6.6 In addition to the standard neighbour notification procedure carried out by the Council the application was also advertised in the East Kilbride News. One letter of objection and one letter of comment have been received in relation to the proposed development. The points raised are addressed in detail in Section 5 above. It is not considered appropriate for the application to be refused planning consent based on the points of objection raised.
- 6.7 In conclusion it is considered that the proposed development would be appropriate to the site in question in terms of design and layout, would not adversely affect surrounding amenity and would be compliant with the provisions of the relevant policies of the South Lanarkshire Local Development Plan, specifically Policies 4 and 6 as well as with all relevant policy and guidance contained within associated supplementary guidance. I would therefore recommend that planning permission is granted for the proposed development subject to the attached conditions.

7 Reasons for Decision

- 7.1 The proposal would have no adverse amenity impact and is compliant with Policies 4 and 6 of the South Lanarkshire Local Development Plan (adopted 2015) and with all relevant associated supplementary guidance.

Micheal McGlynn
Executive Director (Community and Enterprise Resources)

11 December 2017

Previous References

- ◆ EK/13/0028

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Neighbour notification letter dated 09.10.2017
- ▶ Consultations

Environmental Services [e-consult]	19/10/2017
Roads & Transportation Services (Flood Risk Management Section)	26/10/2017
Community - play provision/community contributions	06/11/2017
Roads Development Management Team	03/11/2017
- ▶ Representations

Representation from :	L Silvers, 99 Ontario Park G75 8NA, DATED 02/11/2017
Representation from :	Joe Allan, 94 Franklin Place Westwood East Kilbride G74 8LS, DATED 17/11/2017

Contact for Further Information

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

Iain Morton, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
 Ext 5048 (Tel : 01698 455048)
 E-mail: iain.morton@southlanarkshire.gov.uk

CONDITIONS

- 1 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.
- 2 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.
- 3 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 4 That 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.
- 5 That before the development hereby approved is completed or brought into use, the vehicular access or driveway of at least 5.5 metres in width shall be provided and the first 2 metres of this access from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.
- 6 That before the dwellinghouses hereby permitted are occupied; the car parking spaces hereby approved shall be provided outwith the public road or footway and shall thereafter be maintained to the specification of the Council as Planning Authority.
- 7 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 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.

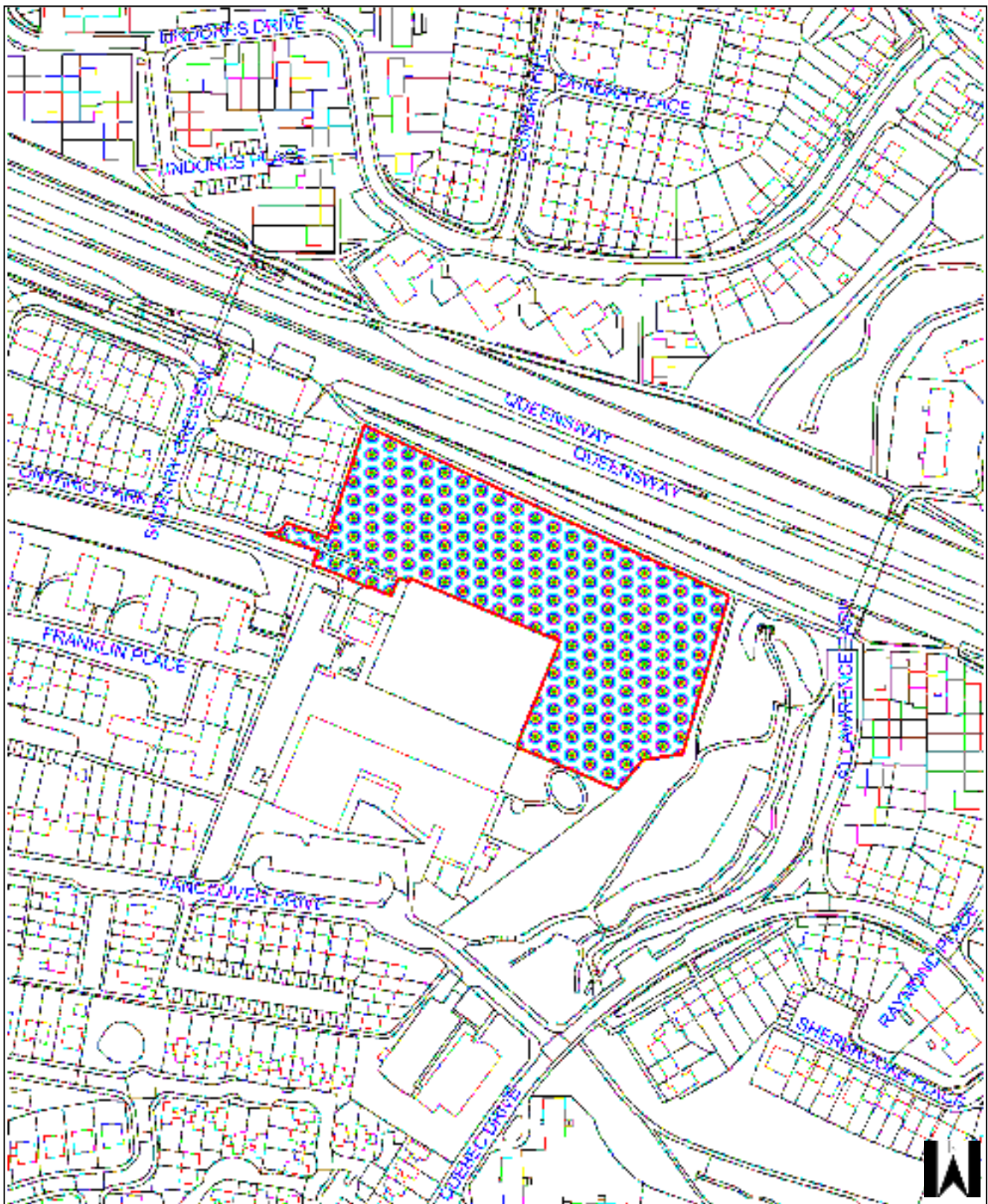
- 8 That before the development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 2.4 metres measured from the heel of the footway shall be provided on both sides of the vehicular access and everything exceeding 0.6 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.6 metres in height shall be planted, placed or erected within these sight lines.
- 9 The surface of the vehicular access shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the highway.
- 10 That no construction vehicles associated with the development hereby approved shall access the site between the hours of 08.00 to 09.15 and 14.45 to 15.30. Furthermore, no construction vehicles shall be parked up waiting for the access to open or for any other reason on the public road network.
- 11 That before any development commences on site a Traffic Management Plan (TMP) shall be submitted to and approved by the Council as Planning Authority and thereafter shall be maintained to the satisfaction of the Council. The TMP shall include time restrictions for incoming and outgoing vehicular site traffic (08.00 hrs to 09.15 hrs and 14.45 hrs to 15.30 hrs).
- 12 That no trees within the application site shall be lopped, topped, pollarded or felled, and no shrubs or hedges shall be removed from the application site without the prior written consent of the Council as Planning Authority.
- 13 That all trees to be retained within the site shall be fully protected during the period of construction and prior to any work commencing on the site, written details specifying the nature of such measures shall be submitted to and approved by the Council as Planning Authority.

REASONS

- 1.1 In the interests of the visual amenity of the area.
- 2.1 In the interests of amenity.
- 3.1 In the interests of amenity and in order to retain effective planning control.
- 4.1 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.
- 5.1 To prevent deleterious material being carried into the highway.
- 6.1 To ensure the provision of adequate parking facilities within the site.
- 7.1 In the interest of road safety
- 8.1 In the interest of public safety

- 9.1 In the interest of public safety
- 10.1 In the interest of public safety
- 11.1 In the interest of public safety
- 12.1 To ensure the protection and maintenance of the existing trees and other landscape features within the site.
- 13.1 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.

For information only



For information only

Report

6

Report to:	Planning Committee
Date of Meeting:	19 December 2017
Report by:	Executive Director (Community and Enterprise Resources)

Application No	HM/17/0392
Planning Proposal:	Erection of 14 Flatted Dwellings With Associated Roads and Infrastructure

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Clyde Valley Housing Association and Wilson Developments (Scotland) Ltd
- Location : Stonefield Road, Blantyre, G72 9SA

2 Recommendation(s)

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

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

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: Crawford Architectural
- ◆ Council Area/Ward: 15 Blantyre
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 - Development Management and Place Making
Policy 12 - Housing Land
Policy 16 - Travel and Transport
Policy 17 - Water Environment and Flooding

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

Residential Design Guide (2011)

- ◆ Representation(s):

▶ 7

Objection Letters

- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Roads & Transportation Services (Flood Risk Management Section)

Scottish Water

Environmental Services

Community Services

Roads Development Management Team

Housing Services

Planning Application Report

1 Application Site

- 1.1 The application relates to an area of previously developed land located off Stonefield Road to the south west of Blantyre town centre. The site was formerly utilised as a gas works and a bus depot and has been vacant for a number of years. The site is irregular in shape, mainly flat and extends to approximately 0.54 hectares. The site is currently fenced off with ongoing construction works relating to a recent planning permission granted to Clyde Valley Housing Association and Wilson Developments (Scotland) Ltd for the erection of 18 flatted dwellings (HM/16/0144). The site is essentially bounded on all sides by residential development. Access to the site is via Stonefield Road.

2 Proposal(s)

- 2.1 This is a detailed planning application by Clyde Valley Housing Association and Wilson Developments (Scotland) Ltd for the erection of fourteen flatted dwellings with associated roads and infrastructure. Detailed planning permission was previously granted to the applicants on 21 June 2016 for the erection of eighteen flatted dwellings with associated car parking and landscaping on the north-eastern area of the site under planning application HM/16/0144. Minor amendments have been made to the layout of the previously approved proposal and it has been incorporated into this larger development which would result in a total of thirty dwellings within the overall site.
- 2.2 The fourteen dwellings would be two storeys in height and would be incorporated within four separate blocks. The proposed finish materials for the flats are brick walls, concrete roof tiles and UPVC windows and doors similar to those previously approved. Twelve of the dwellings would access the site from the previously approved access road off Stonefield Road and two dwellings would be accessed via driveways located directly off Stonefield Road. Car parking within the development would be located to the front of the buildings and within a parking court.
- 2.3 A supporting letter has been submitted from Clyde Valley Housing Association which confirms that the proposed dwellings are for social rent and that they will remain in the ownership of the Housing Association in perpetuity.

3 Background

3.1 Local Plan Policy

- 3.1.1 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 relevant policies for the assessment of the application are Policy 4 - Development Management and Place Making, Policy 12 - Housing Land, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding. An assessment of the proposal against the above policies is contained in Section 6 of this report.

3.2 Relevant Government Advice/Policy

- 3.2.1 In terms of residential development, 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 Detailed planning permission was granted to Clyde Valley Housing Association and Wilson Developments (Scotland) Ltd on 21 June 2016 for the erection of 18 flatted dwellings with associated car parking and landscaping (HM/16/0144) within the north-eastern area of the application site.
- 3.3.2 Detailed planning permission was granted to MTS Residential (Scotland) Ltd on 7 July 2010 for an amendment to HM/02/0099 altering house types at plots 1, 2 and 3 and minor alterations to the site layout including changes to the car parking (HM/07/0727).
- 3.3.3 Detailed planning permission was granted to WKG Developments Ltd on 28 August 2002 for the erection of 11 dwellinghouses on the site (HM/02/0099).

4 **Consultation(s)**

- 4.1 **Environmental Services** – have no objections to the application subject to conditions requiring the submission of a contaminated land site investigation, and subsequent remediation of the site, details for the control and mitigation of dust and details for the storage and collection of refuse within the site. Informatives relating to noise levels, demolition and pest control should also be attached to any consent granted.
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 provision of adequate visibility splays and sustainable urban drainage (SUDS) within the site. Changes should be made to the design of the proposed access and car parking to comply with the Council's guidance.
Response:- Noted. The requested changes have been made to the layout submitted to the Council's satisfaction and any consent granted would incorporate appropriately worded conditions to ensure the provision of adequate visibility splays and surface water drainage.
- 4.3 **Roads and Transportation Services (Flood Risk Management)** - have no objections to the proposal subject to the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied.
Response: Noted. Any consent granted would incorporate an appropriately worded condition to address the above matter.
- 4.4 **Scottish Water** – have no objections to the application.
Response:- Noted.
- 4.5 **Housing Services** – no response to date.
Response: - Noted.
- 4.6 **Community Services** - If any open spaces/play areas were to be progressed as part of the development it should be noted that the Council's Grounds Services would not adopt any of the areas for future maintenance and as such consideration of a factoring arrangement or similar would be required. The proposal is considered to be acceptable on the assumption the Council's Residential Design Guide is used throughout the application process.
Response:- The above comments are noted.

5 **Representation(s)**

- 5.1 Statutory neighbour notification procedures were undertaken and seven letters of representation have been received in relation to the application. The grounds of objection are summarised below:

(a) The closeness of the blocks to existing properties will result in overlooking and loss of privacy particularly to those at 34A, 34B and 34C Winton Crescent. Even the ground floor will be above us and will be able to look straight into our houses. The windows of the flats will be looking down into our bedrooms, living rooms and the full garden. Surely this can't be seen as reasonable.

Response: The above comments relate to one of three blocks of flatted dwellings which were previously approved under planning permission HM/16/0144. Whilst the approved two storey dwellings sit higher than the existing properties to the rear of the site the distance between the approved dwellings located closest to the above properties is approximately 25 metres which exceeds the minimum distance required between directly facing habitable windows. On this basis it is considered that the proposal will have no significant adverse impact on that property in terms of overlooking and loss of privacy.

(b) Why was the ground cleared, prepared and foundations laid prior to residents being notified of the changes.

Response: The works which are currently taking place on site relate only to planning application HM/16/0144 for the erection of 18 flatted dwellings with associated car parking and landscaping which was granted planning permission on 21 June 2016.

(c) These flats will tower above our houses and result in a loss of sunlight to the existing properties at 34A and 34B Winton Crescent. With 2 blocks right at the back of our houses our light will be gone and the houses and gardens will be in the shadow pretty much the full day.

Response: Again, the above comments relate to the flatted dwellings previously approved under planning permission HM/16/0144. Given the distance between the existing and proposed dwellings and the orientation of the buildings it is considered that the development will have no significant adverse impact on adjacent properties in terms of loss of light and overshadowing.

(d) Our gardens already lie on an upward slope. We've had no information as to how the development will look when finished so we have no idea what will be directly behind our fence. A wall to hold back the soil or another fence? Will there be drainage close to our boundary to save water running down through the gardens?

Response: The owner of the above property was advised that all plans and supporting information is available to view on the Council's website. The applicant has agreed to install a field drain along the boundary with the existing properties on Tennyson Gardens, Winton Crescent and Kinnoul Place. This matter is currently being addressed by the applicant in order to discharge the terms of Condition 18 of planning permission HM/16/0144 in relation to land drainage. The same condition would be attached to any consent granted for this current planning application.

(e) My biggest concern is with a mast being erected so close to my property, I strongly object to this being built. I cannot see any information on the mast on the online plans, only on the notification letter posted to me. What type of mast is it? Can it be harmful and a health risk?

Response: No mast has been proposed as part of the current or previous planning application. The reference to a mast on the plan which accompanied the Council's neighbour notification letter is purely a historic reference included on the Ordnance Survey maps that are used for neighbour notification purposes.

(f) There appears to be a height difference of around 1.5 metres between the ground level of the new development and existing properties, including that at 24 Kinnoull Place. There are concerns that there may be an ingress of water from the new development to the existing properties if the drainage in the new development is inadequate.

Response: Again, the applicant has agreed to install a field drain along the boundary with the existing properties on Tennyson Gardens, Winton Crescent and Kinnoull Place. This matter is currently being addressed by the applicant in order to discharge the terms of Condition 18 of planning permission HM/16/0144 in relation to land drainage. The same condition would be attached to any consent granted for this current planning application.

(g) The existing tenants have a concern as to the height of the proposed boundary and the type of boundary due the ground level difference between the new development and the existing properties.

Response: Whilst the ground levels of the application site are higher than the those of the existing adjacent properties it is considered that the overall height difference will not have a significant adverse impact on the amenity of the existing residents. The applicants have stated that a 1.8m high will be provided at this location.

(h) During the early stages of construction there has been extensive piling work which has been felt by the residents and concerns were also raised by residents across the opposite side of Kinnoull Place. The concern the residents are expressing is the possibility of future property damage due to any underlying fault caused by the piling vibrations, this damage could be dormant and not show up until a later date. This concern is borne out of the fact that the estate and surrounding estates are built on top of mine workings.

Response: The application site is not located within a Coal Authority high risk area and does not have any mine entries listed in The Coal Authority's records. Whilst excessive vibration is a matter that can be investigated by the Council's Environmental Services in terms of safeguarding the amenity of the area any damage to existing properties as a result of the construction works on site would be a legal matter which requires to be resolved between the parties concerned. The applicant is aware of these concerns.

(i) Concerns regarding privacy and the height difference between the new development and existing properties. The new development will be looking into the back garden, kitchen and bedrooms of the existing property at 24 Kinnoull Place.

Response: The distance between the approved dwelling located closest to the above property is approximately 17 metres. The windows proposed for the side elevation of the dwelling facing 24 Kinnoull Place relate to hall and bathroom windows and incorporate obscure glazing and a condition would be included in any consent granted ensuring the use of the obscure glazing. A standard 1.8 metre high timber fence is proposed along the boundary of the two properties. On this basis it is considered that the proposal will have no significant adverse impact on that property in terms of overlooking and loss of privacy.

(j) It should be noted that at the proposed rear garden of block 5 there is Japanese Knotweed growing uncontrolled and I have an annual battle to keep this from entering my boundary.

Response: Whilst it was not apparent that there was any Japanese Knotweed on the site during the site inspection undertaken a condition would be attached to any consent granted requiring the submission of an eradication plan for the removal of any Japanese Knotweed uncovered on site.

(k) The layout and density has changed to the detriment of the residents.

Response: The layout and density of the development is considered to be acceptable and not out of keeping with development in the surrounding area.

(l) Given the history of the sub terrain at this location, I am led to believe the actual site was where the mine head and shaft were located, the obvious and visible subsidence on dwellings immediately facing Stonefield Road at this location suggests there is a danger of further damage occurring to existing properties from the piling vibrations at multiple parts of this site.

Response: The application site is not located within a Coal Authority high risk area and does not have any mine entries listed in The Coal Authority's records. Notwithstanding this, any damage caused to existing properties would be a legal matter that would have to be resolved by the parties concerned.

(m) I am more than a little concerned that my property was omitted from the original neighbour notification notice list, had I not been added to the revised application I would not have been aware of the substantial change to the original consent for this part of the site, a failure of the architect I assume, hopefully the only one to be made on this project.

Response: The above property did not require to be neighbour notified under the original planning application as the property is located more than 20 metres away from the application site boundary which is the distance for neighbour notification purposes.

(n) When was the decision reached to raise the ground levels on the site to a much higher level than shown thus causing privacy problems to residents.

Response: The ground levels on site are consistent with the information shown on the plans submitted with and subsequently approved under planning application HM/16/0144.

(o) Why was the requisite 65 metre boundary distance suddenly changed to 18 to 20 metres.

Response: The Council's Residential Design Guide requires a minimum distance of 20 metres between windows of directly facing habitable rooms. There has never been a requirement to provide a distance of 65 metres.

(p) The proposed dwelling and car parking on Plot 7 will overdominate and overshadow the existing house at 73 Stonefield Road and will look out of place with the existing house in terms of its design and materials.

Response: Whilst the existing property at 73 Stonefield Road is a traditional sandstone dwelling it is considered that the proposed dwellings will not be out of keeping with dwellings in the surrounding area in terms of their design and finish materials or overdominant in terms of their scale and design. With regard to overshadowing, the dwelling on Plot 7 would be positioned to the north of 73 Stonefield Road, therefore, there would be no adverse impact on the existing property in terms of overshadowing.

(q) The vehicles parked on the parking bays on Plot 7 could block visibility from adjacent driveways and impact on road safety due to their location almost directly adjacent to Stonefield Road and the absence of turning facilities.

Response: Roads and Transportation Services are satisfied that the proposal raises no access, parking or road safety issues.

(r) I will not be able to maintain the outer face of my existing boundary wall without accessing the land associated with Plot 7.

Response: In planning terms, the applicant is entitled to develop up to the legal boundary. Obtaining access for the maintenance of the wall is a legal matter that would require to be resolved by the parties concerned.

(s) Given the close proximity involved noise and fumes from the proposed parking areas and refuse bins will have an adverse impact on the amenity of the existing property at 73 Stonefield Road.

Response: No adverse comments were raised by Environmental Services in this regard. However, the parking area would be located approximately 8.5 metres from the existing property when measured at its closest point and the refuse bins would be located approximately 7 metres away. It is considered that these distances are acceptable and that the proposed parking and refuse areas should not adversely affect the amenity of the adjacent property to a significant degree.

- 5.2 These letters are available for inspection in the usual manner and on the Council's Planning Portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning permission for the erection of 14 flatted dwellings with associated roads and infrastructure. As discussed, detailed planning permission was previously granted to the applicants in 2016 for the erection of 18 flatted dwellings with associated car parking and landscaping on the north-eastern area of the site under planning application HM/16/0144. Minor amendments have been made to the layout of the previously approved proposal and it has been incorporated into this larger development which would result in a total of thirty dwellings within the overall site. A supporting letter has been submitted from Clyde Valley Housing Association which confirms that the proposed dwellings are for social rent and that they will remain in the ownership of the Housing Association in perpetuity. 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. The site has been lying vacant and in an untidy condition for some time and it is considered that its redevelopment would have a positive impact on the built and natural environment. Furthermore, the site would be easily accessible by public transport and 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 relevant policies for the assessment of the application are Policy 4 - Development Management and Place Making, Policy 12 - Housing Land, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding.
- 6.4 As the application site is designated for residential use under the terms of Policy 12 the proposal raises no policy issues and therefore conforms with this policy. In terms of the detailed design of the development, Policy 4 requires 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. 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 window to window distances, garden depths and car parking. It is considered that the development is of a high quality design incorporating a suitably high standard of finish materials and that it will be in keeping with the existing residential development in the surrounding area. The proposal represents a sensitive re-use of a previously developed site and it is considered that the re-development of this vacant and untidy site would improve the visual and environmental quality of the area.

- 6.5 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, the site is accessible by public transport and the development would be well integrated into existing walking and cycling networks. Furthermore, 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 16.
- 6.6 The proposal has been assessed by the relevant consultees in terms of Policy 17. With regard to flooding and surface water drainage no adverse comments were raised by Roads and Transportation subject to the inclusion of a condition requiring the provision of a sustainable urban drainage system (SUDS) within the site. 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 Policy 17.
- 6.7 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. I would, therefore, raise no objection to the application 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 nor raises any environmental or infrastructure issues and complies with Policies 4, 12, 16 and 17 of the adopted South Lanarkshire Local Development Plan and the supplementary guidance of the Development Management, Place Making and Design Supplementary Guidance relating to 'Design.'

Michael McGlynn
Executive Director (Community and Enterprise Resources)

11 December 2017

Previous References

HM/16/0144
HM/07/0727
HM/02/0099

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (Adopted 2015)
- ▶ Development Management, Place Making and Design Supplementary Guidance
- ▶ Residential Design Guide (2011)
- ▶ Neighbour notification letters dated 14.08.2017 and 12 October 2017

- ▶ Consultations
 - Environmental Services 29/08/2017
 - Roads Development Management Team 12/10/2017
 - Community Services 26/09/2017
 - Scottish Water 01/09/2017
 - Roads & Transportation Services (Flood Risk Management) 30/11/2017

- ▶ Representations
 - Representation from : Mrs Mary Gibson, 34C Winton Crescent
Blantyre
G72 0BJ, DATED 07/09/2017
 - Representation from : Adrian Russo, 73 Stonefield Road
Blantyre
G72 9SA, DATED 08/09/2017
 - Representation from : Alec White., DATED 31/08/2017
 - Representation from : Debbie Corrigan, 34B Winton Crescent
Blantyre
G72 0BH, DATED 23/08/2017
 - Representation from : Douglas Scholes, 77 Stonefield Road
Blantyre
G72 9SA, DATED 23/10/2017
 - Representation from : Colin Jamieson , 34a Winton Crescent
Blantyre
Glasgow
G72 0BH, DATED 26/08/2017 11:02:23
 - Representation from : Adrian Russo, 73 Stonefield Road
Blantyre
G72 9SA, DATED 25/10/2017

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
Ext 3657 (Tel : 01698 453657)

E-mail: jim.blake@southlanarkshire.gov.uk

CONDITIONS

- 1 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.
- 2 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.
- 3 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 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 4 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.
- 5 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.
- 6 That before the development hereby approved is completed or brought into use, the entire access road and footpath network serving the development shall be laid out and constructed in accordance with the specification of the Council as Roads and Planning Authority.
- 7 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.
- 8 The surface of the access road and all parking areas shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the highway.
- 9 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; (g) an eradication plan for any Japanese Knotweed located within the site; and no work shall be undertaken on the site until approval has been given to these details.

- 10 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.
- 11 That before the development hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 90 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.
- 12 That wheel washing facilities or a cattle grid shall be installed at the entrance/exit to the site, in order that all vehicles leaving the site are kept clear and free of debris. The applicant or subsequent operator(s) shall at all times be responsible for the removal of mud or other materials deposited on the public highway by vehicles entering or leaving the site.
- 13 (a) A comprehensive site investigation, carried out to the appropriate Phase level, shall be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:
 - (i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
 - (ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;
 - (iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.(b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.

(c) If the risk assessment identifies any unacceptable risks, 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.
- 14 (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.

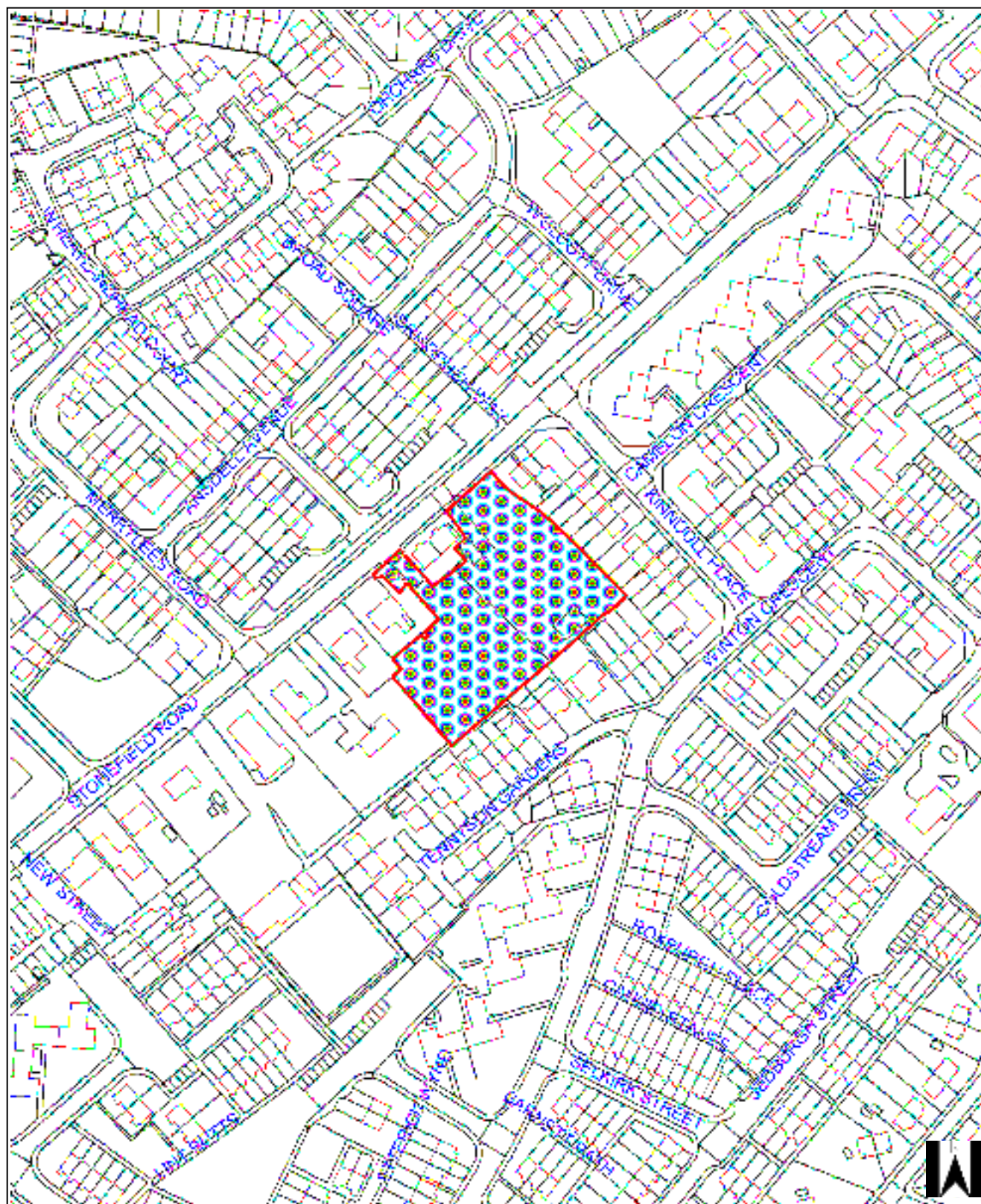
- 15 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any such order revoking or re-enacting that order), no gates, fences, walls or other means of enclosure shall be erected between the front of the dwellinghouse and the adjoining road.
- 16 That before any of the dwellinghouses hereby approved are occupied, 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.
- 17 That prior to the commencement of development, details of the land drainage works shall be submitted to and approved by the Council as Planning Authority.
- 18 That the windows on the side elevations of the dwellings hereby approved shall be glazed in obscure glass and thereafter shall be maintained as such to the satisfaction of the Council as Planning Authority.
- 19 Prior to any 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.

REASONS

- 1.1 In the interests of amenity and in order to retain effective planning control.
- 2.1 These details have not been submitted or approved.
- 3.1 In order to retain effective planning control
- 4.1 To ensure the provision of a satisfactory sewerage system
- 5.1 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.

- 6.1 To ensure satisfactory vehicular and pedestrian access facilities to the site.
- 7.1 To ensure the provision of adequate parking facilities within the site.
- 8.1 In the interest of public safety
- 9.1 In the interests of the visual amenity of the area.
- 10.1 In the interests of amenity.
- 11.1 In the interest of road safety
- 12.1 In the interest of traffic and public safety.
- 13.1 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 14.1 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 15.1 In the interests of amenity and in order to retain effective planning control.
- 16.1 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.
- 17.1 To ensure the provision of a satisfactory land drainage system.
- 18.1 In the interests of amenity.
- 19.1 To safeguard the amenity of the area.

For information only



For information only

Report

7

Report to:	Planning Committee
Date of Meeting:	19 December 2017
Report by:	Executive Director (Community and Enterprise Resources)

Application No	CL/17/0150
Planning Proposal:	Formation of Horse Trotting Track, Equestrian Centre, Restaurant/Bar, Participants Stables, 8 Residential Units for Participants, Owners/Managers House, Parking Area, Access Road, Associated Earth Works and Land Filling (Amendment to CL/14/0112).

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr Mark Kelly
- Location : High Netherfauld House Farm
Douglas
Lanark
ML11 0RL

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 Listed

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: Sconaplans Limited
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 2 - Climate Change
Policy 3 - Green Belt and Rural Area
Policy 4 - Development management and placemaking
Policy 17 - Water Environment and Flooding
Policy 18 - Waste

Non-Statutory Planning Guidance – Minerals 2017 (NSPG)
MIN 10 - Aggregate recycling

**Development Management, Placemaking
and Design Supplementary Guidance (2015)**

**Green Belt and Rural Area Supplementary
Guidance**

**Sustainable Development and Climate
Change Supplementary Guidance**

◆ Representation(s):

- ▶ 0 Objection Letters
- ▶ 0 Support Letters

◆ Consultation(s):

Roads & Transportation Services (Flood Risk Management Section)

Transport Scotland

Environmental Services [e-consult]

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

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site extends to 5.58 hectares in area and forms part of the Netherfauldhouse Farm which is located immediately to the east of the M74 motorway, north east of Junction 11 (Poniel). The Poniel Water runs west to east to the south of the application site the opposite side of which is Thorniehall Farm an equestrian facility formed following infilling works. To the east of the site lies agricultural land associated with Baillishall Farm. The site is accessed from the B7078 via an un-named road which crosses the M74 motorway via an over bridge. The land on the other side of the road is also in the applicant's ownership. The site entrance to Broken Cross lies several hundred metres to the east.
- 1.2 The site was formerly used as grazing ground although it has previously been in use as an informal quad bike track. A farm steading is located in the north western corner of the site and it is understood the farmhouse is occupied by a member of the applicant's family. Prior to the infilling works that comprise part of this application proposal, the original ground levels were created by excavations carried out during the construction of the M74. The land at that time dropped from a high point at the access to the site down to the Poniel Water with topographical information provided by the applicant indicating a difference in levels of 17m between the steading and the watercourse. The levels also sat below the level of the adjacent M74. A more generally level area of ground is located to the east of the steading.

2 Proposal(s)

- 2.1 This application represents an amendment to a previous planning application CL/14/0112 for a similar proposal for infilling works and the formation of equestrian facilities. Part of the infilling had been carried out at the time the application was made. The application was refused permission in October 2015 on the grounds that the development would encroach into the functional floodplain of Poniel Water and appropriate mitigation measures to address the principles of flood risk management had not been provided. A subsequent appeal against that decision was dismissed. The Reporter who considered the appeal concluded that the encroachment of the landfill into the functional floodplain that had been carried out without consent could only be addressed by the reinstatement of the original lost flood plain.
- 2.2 The encroachment into the flood plain has now been removed through excavations carried out by the applicant following the appeal decision. Therefore other than the reduced area of infilling the current proposal is similar in scale and purpose to the original and comprises two distinct but related elements. Firstly consent is sought retrospectively for the infilling of an extensive area of land between the steading and the Poniel Water to create a level platform. Information provided the applicant shows the infilling would result in an increase in levels of up to 13m in the southern part of the site next to the watercourse at a gradient of 1:1. In addition a 3m bund would be created around the edge of the infilled area. The works that have been carried out come to within 10m and 15m of the watercourse. The applicant has advised that the infilling has used inert material from various construction sites but the principal source emanated from the construction of the spirit bonded warehouses nearby on the opposite side of the M74. A further currently undeveloped area in the eastern part of the site is also proposed to be infilled using a similar source of materials..
- 2.3 The second element of the proposal involves the formation of a 600m outdoor trotting track on the land that has been infilled; a small spectator stand; additional stabling to accommodate around 40 horses; the conversion and extension of the existing

steading to create a bar/restaurant; the erection of 8 units to be occupied by participants at the facility; managers accommodation and the formation of a car park. The existing access track from the public road would be upgraded.

- 2.4 In support of the application a Flood Risk Assessment was provided together with drawings showing existing and proposed levels and sections, a Noise Impact Assessment and a Transport Statement.

3 Background

3.1 Local Development Plan Status

- 3.1.1 The application site is identified as lying in the Rural Area in the adopted South Lanarkshire Local Development Plan where Policy 3 – Green Belt and Rural Area applies. In addition, Policies 2 – Climate Change, 4 – Development Management and Placemaking, 17 – Water Environment and Flooding and 18 – Waste are relevant. Supplementary Guidance on Development Management, Placemaking and Design; Green Belt and Rural Area; and Sustainable Development and Climate Change will be used to assess the proposal. Finally Policy MIN 10 – Aggregate Recycling of the Non-Statutory Planning Guidance – Minerals 2017 (NSPG) is relevant.

3.2 Government Advice/Policy

- 3.2.1 Scottish Planning Policy (SPP) states that in relation to managing flood risk a precautionary approach should be promoted taking account of the predicted effects of climate change. Flood avoidance is crucial by safeguarding flood storage and conveying capacity and locating development away from functional floodplains and medium to high risk areas. The planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. Flood Risk Assessments should be required for development in the medium to high risk areas identified in SEPA's flood maps.

3.3 Planning History

- 3.3.1 Detailed planning consent was granted to the applicant in February 2014 for the importation and stockpiling of inert waste material (CL/12/0316). The material was intended to be stored to a height of 5m above the then existing ground levels in a limited part of the site and be used in association with the equestrian facility the subject of the current application. Conditions were attached to the consent requiring the completion of the importation by 1 February 2015; the removal of the stockpile and the return of the land to the former ground levels by 30 September 2016; the reinstatement of the land to a grass field suitable for agricultural use; no material being stored within 10m of the western boundary; and a limit on the height of the stockpile of a maximum of 5m above ground level. Planning application CL/14/0112 for retrospective infilling and equestrian facilities was refused and subsequently dismissed on appeal PPA-380-2067 as the infilling encroached onto a functional flood plain creating a potential flood. The equestrian facility and other ancillary development were considered to be acceptable in principle.
- 3.3.2 The proposed development falls within the definition of a major development as set out in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the site area exceeds 2 hectares. As a result the applicant was required to carry out statutory pre-application consultation prior to the application being submitted. A pre-application consultation report has been submitted with the application which describes the level of consultation that was carried out and the feedback received.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Flood Management)** – no objections subject to conditions. Following assessment of the revised Flood Risk Assessment following the excavations works carried out by the applicant and on site inspection the Flood Management team are satisfied the infilling no longer encroaches into the functional flood plain.

Response: Noted. Appropriate conditions have been attached.

- 4.2 **Roads Development Team** – No objections. The sightlines that can be achieved at the junction with the public road are acceptable. Recommend that a condition be attached to ensure a traffic management plan that addresses parking and traffic movement during major events is submitted for approval.

Response: Appropriate conditions can be attached to any consent granted to address matter raised.

- 4.3 **SEPA** – Initially objected to the applications on the grounds that insufficient information had been provided to show that the infilling works no longer encroached into the functional floodplain. Following the receipt of further information which reflects the situation on site following the recent excavations by the applicant, which confirms the proposals no longer pose a flood risk, the original objection has been withdrawn.

SEPA has also advised that the infilling to date involves the keeping, treating and/ or disposal of controlled waste and requires an appropriate environmental authorization and may constitute the operation of a landfill site which may require a Pollution Prevention Control (PPC) permit.

Response: Noted. PPC permits for infill waste are dealt with by SEPA through separate legislation.

- 4.4 **Transport Scotland** – no objections.

Response: Noted.

- 4.5 **Environmental Services** – No objections subject to the use of conditions to address a number of matters. These include the submission of validation measurements to demonstrate that the noise barriers recommended as mitigation measures in the submitted Noise Impact Assessment can effectively reduce noise levels to required standards. The public address system and arena should comply with current standards. An air quality assessment to quantify air quality and estimate the effect on local air quality should be undertaken. Pre-start conditions on commercial waste, flood lighting and dust/mitigation should be attached. Also an informative on construction noise is recommended.

Response – Noted. Appropriate conditions have been attached to cover these issues.

5 Representation(s)

- 5.1 In response to the advertisement of the application in the local press due to the non notification of neighbours and the carrying out of statutory neighbour notification no representations have been received.

6 Assessment and Conclusions

- 6.1 This application seeks detailed planning permission for, partly retrospectively, the infilling of land at Netherfauldhouse Farm near Douglas Water and the formation of an equestrian centre and associated development. It is an amendment of a previous application CL/14/0112 primarily involving the removal of infill from the flood plain. 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 (SLLDP) and associated Supplementary Guidance.

- 6.2 In land use terms the application site lies within the Rural Area of the adopted South Lanarkshire Local Development Plan. Policy 3 – Green Belt and Rural Area states that the rural area functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Proposals must accord with other policies in the adopted plan and with associated supplementary guidance (SG). The Green Belt and Rural Area SG is of particular relevance in this case. Policy GBRA1 – Economy/Business Related Developments states the Council will seek to support the rural economy by promoting rural diversification by encouraging development of an appropriate type and scale. A range of criteria with which proposals must comply are set out. Foremost the proposal should involve an appropriate use in the rural area listed in the SG. This includes equestrian activities and therefore the proposed eventual use of the site as an equestrian facility in the form of a trotting track and stabling is acceptable in principle. There would not be an adverse impact on biodiversity or the landscape character of the area and the residential and visual amenity of the area would not be affected. Access and parking requirements can be achieved and the location, scale and design of new buildings respect the existing building group and the landform of the surrounding area.
- 6.3 While the principle of the equestrian use and associated development is considered appropriate, its implementation relies on the infilling works (including those already carried out) to create the platform for the trotting track being acceptable in planning terms. Policy 18 – Waste in the SLLDP states that applications for waste management operations such as landfill must accord with criteria on impact on local communities, built heritage, habitats and landscape character; not have an adverse environmental impact in terms of noise, dust, air quality or contamination; be acceptable in terms of road safety; and be designed to provide appropriate lighting and screening. In terms of the South Lanarkshire Non-statutory Planning Guidance, Policy MIN 10 – Aggregate Recycling states that the Council will support proposals for the re-use and deposit of any such material arising from mineral operations or construction projects for land improvement providing that (a) the operation does not prejudice the reclamation or improvement of the site, (b) there would not be a significant adverse effect on local communities or the environment, (c) the processing or deposit site is well located, both in terms of the source of the material and, where appropriate, its final destination and (d) the proposal would not create an adverse impact on the local road network.
- 6.4 In this case the infilling works would create a platform that would not detract from the overall character of the site and the surrounding area. The site is remote from nearby communities and the proposals would not have an adverse effect on amenity of local residents. Much of the imported material was sourced from the bonded warehouse development on the opposite side of the M74. Planning permission has been granted for the doubling of that complex which will necessitate significant earthworks. The applicant intends to use the material excavated from that site to complete the infilling proposed at the application site. Neither Transport Scotland or Roads and Transportation Services have raised any concerns in terms of the impact on the local road network. Overall the infilling operations largely accord with these criteria in Policies 18 and MIN10 and a range of matters could be addressed by condition if consent were granted.
- 6.5 The assessment of the impact of proposals on the water environment and flooding is specifically set out in Policy 17 of the SLLDP. This states that development that would

have a significant adverse impact on the water environment will not be permitted. Consideration should be given to water levels, flows, quality, features and flood risk. The avoidance principle of flood risk assessment as set out in SPP must also be met. Within areas identified as functional floodplain proposals will not be supported except where a specific location is essential for operational reasons and appropriate mitigation measures can be provided. Development where flood risk cannot be appropriately managed to prevent an increased risk of flooding, either on site or elsewhere, will not be permitted. As a response to the appeal decision the applicant carried out significant excavations of previously imported materials in an attempt to address the Reporters comments and the reasons the original application was refused. Following the completion of these works officers from the Council visited the site earlier this year. Based on what they observed and the subsequent submission and consideration of updated information submitted with the current application the Council's Flood Risk Management team and SEPA have confirmed that they have no objections to the application and are satisfied the infilling carried out to date no longer poses a flood risk.

- 6.6 Policy 2 – Climate Change of the Local Development Plan states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. In particular, proposals should avoid areas of medium to high risk of flooding and have no significant impact on the water environment. The associated Sustainable Development and Climate Change Supplementary Guidance provides more specific guidance on some of these issues. Policy 4 – Development Management and Placemaking provides more detailed policy on assessing applications. It states developments are required to take account of and be integrated with the local context and built form and that there should be no significant adverse impacts on landscape character, built heritage, habitats, residential amenity or the water environment. These matters have been considered earlier in this section of the report and it is concluded above that these issues have been addressed by the application.
- 6.7 In terms of the proposals for the manager's house, the need for on-site accommodation to supervise the proposed business is accepted given the nature of the use for security and management purposes. In addition, the scale and design of the dwelling is acceptable. Similarly the re-use of the former steading, to create an ancillary restaurant and bar to serve users of the equestrian facility accords with policy on new development in the countryside. Finally the provision of accommodation for users of the facility and ancillary stabling is considered to accord with policy on tourist accommodation in the Local Development Plan subject to a condition limiting the occupancy of the units to prevent them being permanently occupied.
- 6.8 The proposals represent a significant investment in the creation of a tourist related facility in the Douglas Valley. Additional employment will be created by the development while the equestrian facility will attract additional visitors to the area. The previous application was considered to be acceptable in terms of the creation of the platform and the intended creation of the equestrian complex, a matter that was supported by the Reporter who considered the appeal. The concerns relating to flood risk have been addressed to the satisfaction of SEPA and the Councils Flood Management team. In conclusion therefore the proposed use of the site as an equestrian facility together with the associated development is acceptable. The implementation of the trotting track is the cornerstone of that part of the proposal and the flood risk has now been addressed by the removal of the embankment from the flood plain. Overall the proposals comply with the development plan and supplementary guidance. In the view of the above it is recommended that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposed development complies with Scottish Planning Policy, policies 2, 3, 4, 17 and 18 of the adopted South Lanarkshire Local Development Plan and associated supplementary guidance and Policy MIN10 of the South Lanarkshire Non Statutory Planning Guidance – Minerals 2017. There are no road safety issues raised by the proposals and there would not be an adverse impact on the landscape character or visual amenity of the area.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

11 December 2017

Previous References

- ◆ CL/14/0112

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Neighbour notification letter dated 23/11/2019

- ▶ Consultations
 - Transport Scotland 13/04/2017
 - Roads & Transportation Services (Flood Risk Management Section) 27/04/2017
 - Environmental Services 24/11/2017
 - S.E.P.A. (West Region) 08/05/2017
 - S.E.P.A. (West Region) 11/08/2017

- ▶ Representations

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

Ext 5174, (Tel : 01698 455174)

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

CONDITIONS

- 1 That before any development of new buildings hereby approved 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..
- 2 That the noise mitigation measures outlined in the Road Traffic Assessment - rev 3 (New Acoustics, 17 December 2014) involving the installation of a close boarded fence between the M74 and the proposed dwelling and accommodation for participants shall be implemented prior to the completion of the aforesaid residential accommodation hereby approved.
- 3 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.
- 4 That before the development hereby permitted is occupied or brought into use, all the fences or walls for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 3 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 5 That the occupation of the dwellinghouse authorised by this permission shall be limited to a person employed at the equestrian facility hereby employed or a dependant of such a person residing with him or her or the widow or widower of such a person.
- 6 That the participants' accommodation hereby approved shall be for short-term occupation only and shall not at any time be occupied on a permanent residential basis.
- 7 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.
- 8 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.
- 9 That prior to any further infilling being carried following the date of granting this consent a comprehensive earthworks design prepared and certified by a firm of suitably experienced, qualified and chartered engineers shall be submitted for the approval of the Council. The design shall identify the end uses of site won and imported materials and include detailed descriptions of the following for each material and use:
 - i. material type
 - ii. source
 - iii. end use and proposed destination
 - iv. detailed acceptability criteria including upper and lower values as appropriate based on the Specification for Highway Works, contamination

- assessments and brickworks requirements
- v. sampling procedure and frequency to verify acceptance
- vi. anticipated volumes based on advance testing and the data obtained from the surface modelling exercise
- vii. proposal for disposal when samples do not meet the acceptability criteria
- viii. the compaction regime

The design shall be sufficiently detailed to allow proper consideration particularly in relation to the estimated quantities and proposed end uses.

- 10 That prior to any further infilling being carried following the date of granting this consent the following shall be submitted for the approval of the Council as Planning Authority:
 - (a) detailed layout plan for the site compound area, including details for the surfacing of this area and detailed plans and elevations of any buildings, structures and fixed plant to be erected on the site, including the colours and type of external materials to be used;
 - (b) details of the location, type and orientation of any external lighting to be erected within the site;
 - (c) details of the location and type of wheel washing facilities to be installed and a copy of the operator's site rules to prevent mud/debris being carried onto the public highway; and,
 - (d) details of the construction, surface specification, drainage arrangements, alignment and width of the proposed access road from the site access point to the site compound area.
- 11 That within 6 months of the date of consent the applicant shall undertake and submit an air quality impact assessment to quantify air quality and estimate the effect on local air quality arising from the proposed development. The assessment shall use a method closely aligned to the principles set out in the Defra and devolved administrations (2016) Local Air Quality Management Technical Guidance LAQM.TG(16) or equivalent up to date technical guidance.
- 12 That on completion of the infilling works, the developer shall submit a completion report, prepared and certified by a firm of suitably qualified, experienced and chartered engineers, to the Council as Planning Authority confirming that the works have been carried out in accordance with the approved plan.
- 13 That 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 and a site remediation plan, shall then require to be submitted to and approved in writing by the Council as Planning Authority. 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.
- 14 That prior to the commencement of development detailed planting and restoration proposals for the 'landscaping area' (including the specification for preparation of areas for planting, species to be planted, seed mixes, planting densities etc) and the

remainder of the site, including a detailed 5 year aftercare management scheme to ensure the successful establishment of the planting proposed shall be submitted for the approval of the Council as Planning Authority.

- 15 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.
- 16 That within 6 months of the date of consent 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 the following signed appendices : 1'Sustainable drainage design compliance certificate', 2 'Sustainable drainage design - independent check certificate', 3 'Flood risk assessment compliance certificate', 4'Flood risk assessment - independent check certificate' and 5 'Confirmation of future maintenance of sustainable drainage apparatus'. 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.
- 17 On completion of the development validation measurements to demonstrate the insertion loss for the barriers required under condition 2 above shall be carried out and shall be submitted to and approved by the Planning Authority. The attenuation provided shall demonstrate that the external noise levels do not exceed 50 dB daytime in any garden areas, when measured as an $L_{Aeq,16hrs}$ between 07.00hrs and 23.00hrs.

The scheme shall also ensure that the internal levels at noise sensitive receptors with windows closed do not exceed 40 dB daytime (07:00 -23:00) and 30 dB night-time (23:00 – 07:00) when measured as an $L_{Aeq,T}$.
- 18 That the Amplified Noise Level shall not exceed 65dB(A) at any noise sensitive receptor and this shall apply when the number of events per calendar year does not exceed 3 in number. In the event more than 3 events per calendar year are held the Amplified Noise Level shall not exceed the background noise level by more than 15dB(A) in any 15 minute period at any noise sensitive receptor.
- 19 That before the development hereby approved is brought into use the approved details for storage and the collection of waste arising from the proposed development shall be in place and thereafter be satisfactorily maintained all to the satisfaction of the Council as Planning Authority.
- 20 That before the development commences on site details of the proposed floodlighting scheme together with a lighting assessment shall be submitted. The scheme shall include, where appropriate, details of all aspects of the installation including specific luminaire and lamp type; beam control; wattage; use of reflectors; baffles; louvres; cowling; lux contours/distribution diagrams and column type.
- 21 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.

- 22 That before any part of 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.
- 23 That before any part of the development hereby approved is completed or brought into use, a turning space shall be provided within the site to enable vehicles to enter and leave the application site in forward gears at all times.
- 24 That before any part of the development hereby approved is brought into use, a traffic management plan covering the parking areas, internal access roads and horse movement within the application site and the impact of the development on the surrounding road network shall be submitted for the consideration and approval of the Council as Planning Authority. No part of the development shall not be brought into use until the management plan has been agreed in writing by the Council. . Any changes to the approved scheme shall require the prior written consent of the Council.

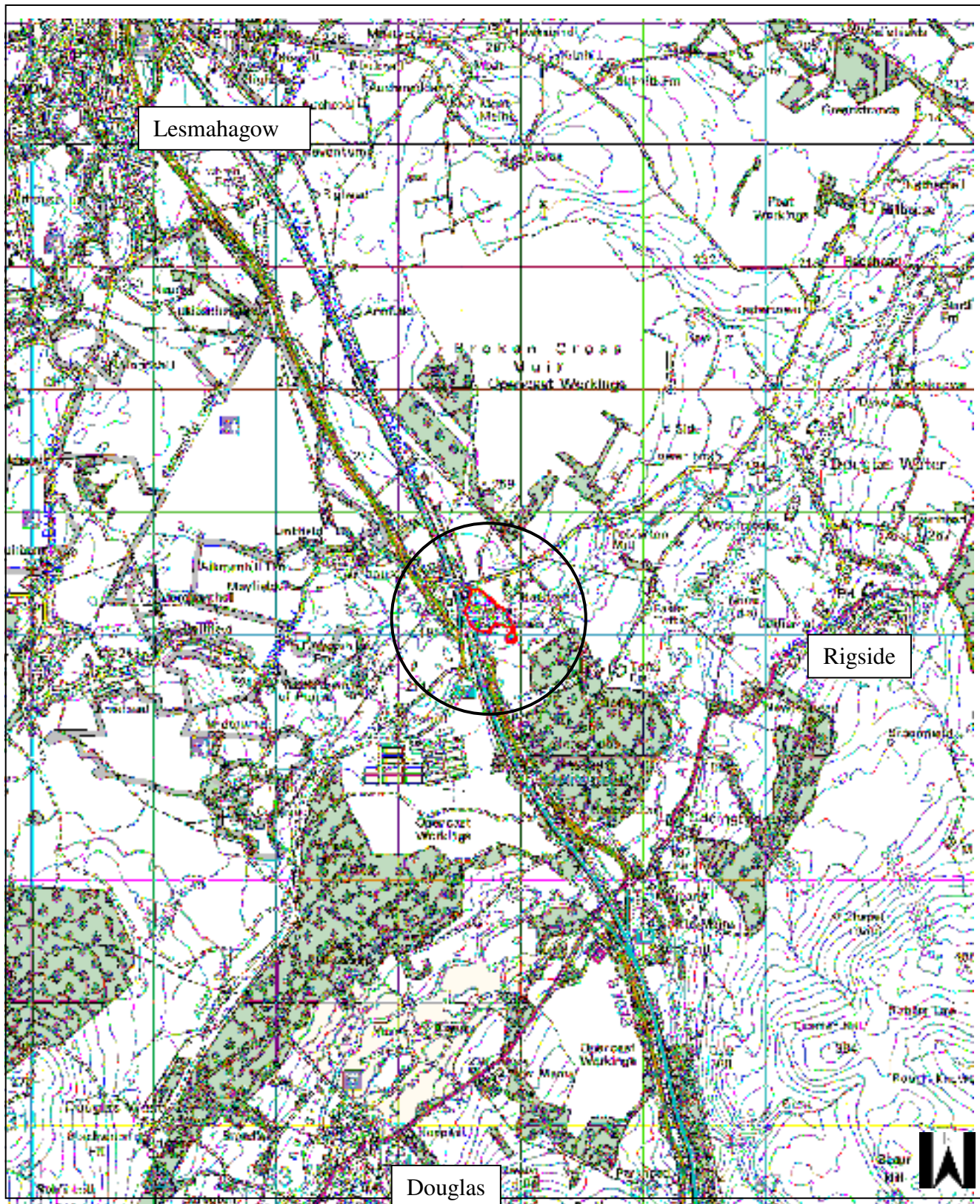
REASONS

- 1.1 In the interests of amenity and in order to retain effective planning control.
- 2.1 To protect noise sensitive properties from road traffic noise.
- 3.1 These details have not been submitted or approved.
- 4.1 In the interests of amenity and in order to retain effective planning control.
- 5.1 In the interests of amenity and in order to retain effective planning control.
- 6.1 In the interests of amenity and in order to retain effective planning control.
- 7.1 In the interest of public safety
- 8.1 To ensure the provision of adequate parking facilities within the site.
- 9.1 To ensure the ground conditions are stable and suitable for development.
- 10.1 In the interests of amenity and in order to retain effective planning control.
- 11.1 In the interests of amenity and in order to retain effective planning control.
- 12.1 To ensure the appropriate remediation of the site.
- 13.1 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 14.1 These details have not been provided or approved.
- 15.1 In the interests of amenity.
- 16.1 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.

- 17.1 To protect noise sensitive receptors from unacceptable noise levels.
- 18.1 To protect noise sensitive receptors from unacceptable noise levels.
- 19.1 To facilitate the containment and storage of waste.
- 20.1 To minimise the impact of lighting upon sensitive receptors.
- 21.1 To minimise the risk of nuisance from dust to nearby occupants.
- 22.1 In the interests of road safety
- 23.1 In the interests of road safety
- 24.1 In the interests of road safety

For information only



For information only

Report

8

Report to:	Planning Committee
Date of Meeting:	19 December 2017
Report by:	Executive Director (Community and Enterprise Resources)

Application No	HM/17/0446
Planning Proposal:	Change of Use of Dwellinghouse to 3 Flats

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Ms Tracey Devine
- Location : 36 Church Street
Larkhall
ML9 1HE

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 the application.

3 Other Information

- ◆ Applicant's Agent: Cameron Planning
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 - Development management and placemaking
Policy 6 - General urban area/settlements
Development management, placemaking and design supplementary guidance (2015)
Policy DM1 – Design
Policy DM6 - Sub-Division of Property for Residential Use
Policy DM13 - Development within General Urban Area/Settlement).

- ◆ Representation(s):
 - ▶ 15 Objection Letters
 - ▶ 0 Support Letters
 - ▶ 0 Comments Letters

▶ 1 Petition with 4 signatures

◆ Consultation(s):

Environmental Services

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application relates to an end terraced dwellinghouse at 36 Church Street, Larkhall. The property is a 19 century miners cottage which sits in a plot boundary area of approximately 290 square metres. The property is not listed and is not in the conservation area.
- 1.2 The site is bounded to the north by Church Street and to the south by modern residential properties. To the west is an access road into a car park associated with the relatively modern 'Church View' flatted development where access to the rear of the application site is taken from.

2 Proposal(s)

- 2.1 The proposal relates to the change of use of a dwellinghouse to 3 one bedroom flats with associated car parking to the rear.
- 2.2 The applicant has submitted a design and access statement in support of the application. It comments that the existing property has been vacant for a number of years and is at great risk of falling into a state of disrepair. The dilapidated state of the existing property makes any repairs/refurbishment works financially difficult. It is considered that the current proposal is the most economically viable solution to save the property from ruin. The applicant has confirmed in writing that 36 Church Street has a legal right of access to the rear of their property and that they also own a 2 metre strip of the road.

3 Background

3.1 Relevant Government Advice/Policy

- 3.1.1 Scottish Planning Policy (2014) (SPP) highlights that the presumption in favour of 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.

3.2 Development Plan

- 3.2.1 The adopted South Lanarkshire Local Development Plan (SLLDP) identifies the site, in land use terms, as being within a general residential area (Policy 6 - General Urban Area /Settlements applies).
- 3.2.2 Through Policy 6 and Policy 4 - Development Management and Placemaking, the Council seeks to ensure that development proposals take account of the local context and do not have a significant adverse affect on the amenity and character of the area. These aims are supported by the Council's Supplementary Guidance (SG) on Development Management, Place Making and Design (Policy DM1 – Design, Policy DM6 - Sub-Division of Property for Residential Use, Policy DM13 - Development within General Urban Area/Settlement).
- 3.2.3 The Council's Residential Design Guide (2011) seeks to provide advice and guidance on the key issues to be considered in the determination of application proposals for residential developments.
- 3.2.4 An assessment of the proposal against these specific policies is contained in Section 6 of this report.

3.3 Planning Site History

- 3.3.1 None

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Hamilton Area)** – raised no objection to the proposals.

Response: Noted.

- 4.2 **Environmental Services** – raised no objection to the proposals.

Response: Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification procedures were undertaken in respect of the proposal. Fifteen letters of objection were received and one petition with 4 signatures. The grounds of objection are summarised as follows: -

- (a) **The Church View car park and entrance driveway which the owners and residents of Church View pay for is used by other cars resulting in dangerous parking blocking access, poor visibility, blocking emergency vehicles. The proposal for 3 new flats will exacerbate the current issues of parking and road safety. Additionally with building work vehicles, additional vehicles for the proposed flats and waste disposal vehicles who will be liable for the upkeep of the car park.**

Response: The proposed drawings indicate that there will be 3 car parking spaces to the rear of the proposed flats within the curtilage of the application site. Roads and Transportation Services have no objections to the proposal. It should be noted that the issue of people parking on private land and the upkeep/damage to a private car park/road is a civil issue and not a planning issue. Additionally the issue of dangerous/illegal parking is a police issue.

- (b) **36 Church Street is not owned by the applicant.**

Response: The ownership of the land relating to the application site is irrelevant as any planning consent relates directly to the land and not the owner.

- (c) **The applicant does not own the ground required to access the back of the application site.**

Response: The applicant has confirmed in writing that they have a legal right of access to the rear of their property as detailed previously. Ultimately this is a civil issue and does not constitute a material planning consideration in the assessment of a planning application.

- 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 detailed planning consent for the change of use of a dwellinghouse to 3 no. one bedroom flats. The determining issues that require to be addressed in respect of this application are its compliance with local plan policy, its impact on road safety and the amenity of the predominately surrounding residential environment.

- 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.

- 6.3 The adopted South Lanarkshire Local Development Plan (SLLDP) designates the site as being primarily within a general residential zoning (Policy 6). The principle of the continued 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 terms of development management criteria, are set out within Section 3.2.2 above. Principally, the stated policies and guidance 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, can be adequately serviced and has been designed in manner which takes cognisance of appropriate guidance and the area within which it is located. Having considered the proposed development, it is considered that the proposal generally accords with the requirements of the applicable policies and guidance.
- 6.5 With regard to the detailed design of the development, 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 open space and car parking provision. It is further considered that the proposed development will be in keeping with the existing surrounding area which has several flatted properties. The proposal therefore accords with Policies 4, DM 1, DM 6, DM13 of the SLLDP and supplementary guidance
- 6.6 Statutory Neighbour Notification was undertaken and 15 letters of representation were received and 1 petition with 4 signatures. The points of objection have been summarised in Section 5 above. It is considered that the concerns raised are either legal issues or are not of sufficient weight or merit from a planning perspective that could justify the refusal of consent. Access to the flats can be achieved and sufficient parking provided within the site. In this respect it is noted that Roads & Transportation Services have offered no objections.
- 6.7 In conclusion, and having considered all of the above, it is considered that the proposal accords with the policies contained in the South Lanarkshire Local Development Plan and supplementary guidance. On this basis it is recommended that planning permission be granted, subject to the conditions attached.

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 Policies 4 - Development Management and Placemaking, 6 - General Urban Area/Settlements, of the adopted South Lanarkshire Local Development Plan and its Supplementary Guidance (Policies DM1 - Design, Policy DM6 - Sub-Division of Property for Residential Use and DM13 - Development within General Urban Area/Settlement).

Michael McGlynn
Executive Director (Community and Enterprise Resources)

5 December 2017

Previous References

- ♦ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Neighbour notification letter dated 26 September 2017

- ▶ Consultations
 - Environmental Services 23/10/2017

 - Roads Development Management Team 24/10/2017

- ▶ Representations
 - Representation from : Mrs I Miller, 2 Church Street
Larkhall
ML9 1HZ, DATED 05/10/2017

 - Representation from : Emma McCallum, , DATED 11/10/2017

 - Representation from : Margaret Douglas, 30 Church Street
Larkhall
ML9 1HZ, DATED 11/10/2017

 - Representation from : Kimberley McIntosh, 22 Church View
Larkhall
ML9 1HZ, DATED 11/10/2017

 - Representation from : Walter Orr, 10 Church View
Larkhall
ML9 1HZ, DATED 11/10/2017

 - Representation from : Mrs Mary Biandi, 20 Church View
Larkhall
ML9 1HZ, DATED 11/10/2017

 - Representation from : Miss Margaret Graham, 4 Church View
Larkhall
ML9 1HZ, DATED 11/10/2017

 - Representation from : Catherine Miller, 2 Church View
Larkhall
ML9 1HZ, DATED 11/10/2017

 - Representation from : Ann Edgar, 28 Church View
Larkhall
ML9 1HZ, DATED 11/10/2017

 - Representation from : Derek Gardiner, 18 Church View
Larkhall
ML9 1HZ, DATED 11/10/2017

 - Representation from : R Hogg, 6 Church View
Larkhall
ML9 1HZ, DATED 11/10/2017

Representation from : Russell Smith, 12 Church View
Larkhall
ML9 1HZ, DATED 11/10/2017

Representation from : J & C Burns, 16 Church View
Larkhall
ML9 1HE, DATED 11/10/2017

Representation from : Jamie Shanks, 8 Church View
Larkhall
ML9 1HZ, DATED 11/10/2017

Representation from : Marion Eadie, 14 Church View
Larkhall
ML9 1HE, DATED 11/10/2017

Representation from : Margaret Graham, 4 Church View
Larkhall
ML9 1HZ, DATED 06/10/2017

Contact for Further Information

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

Murray Reid, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
Ext 3625 (Tel : 01698 453625)
E-mail: murray.reid@southlanarkshire.gov.uk

Detailed Planning Application

PAPER APART – APPLICATION NUMBER : HM/17/0446

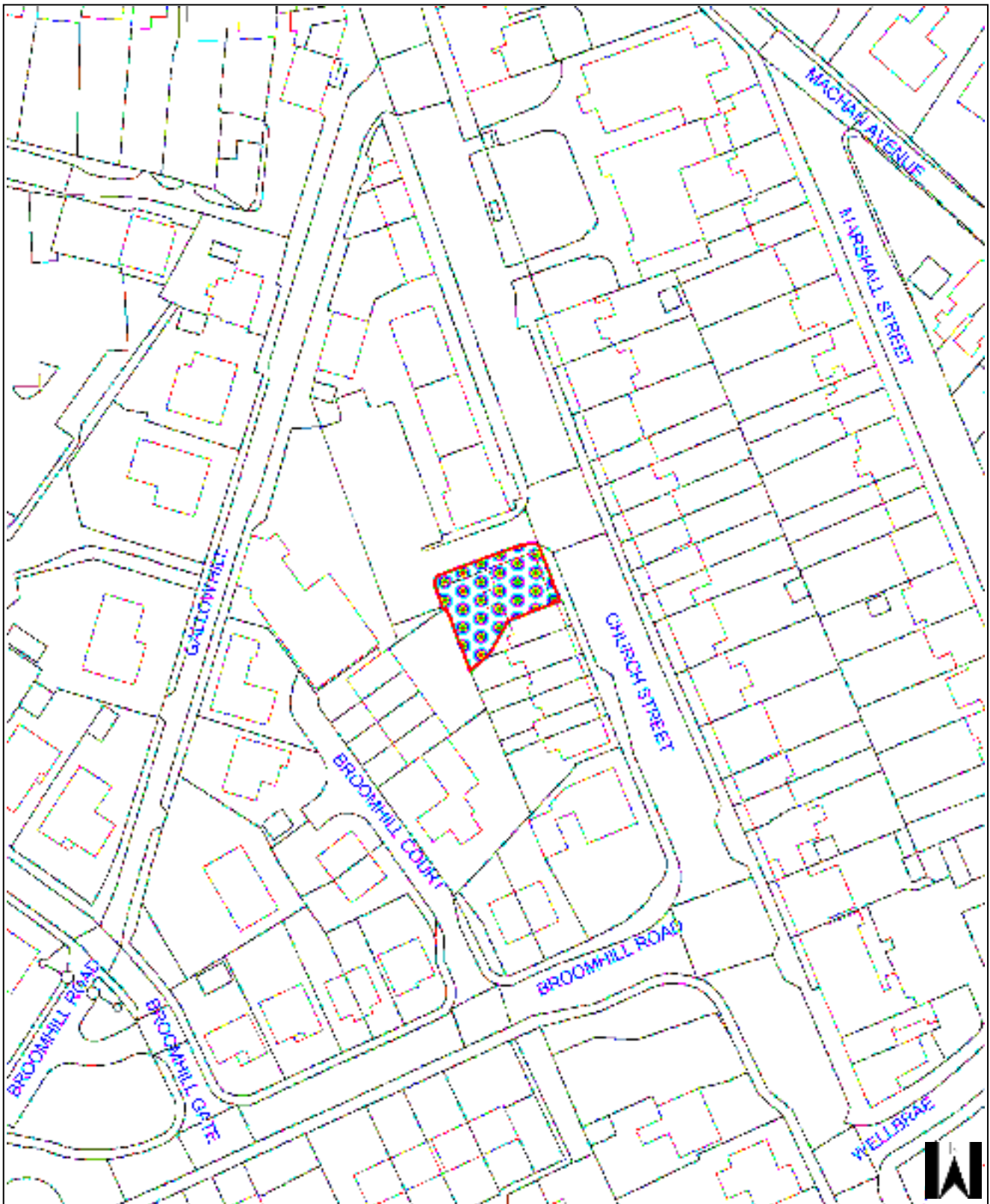
CONDITIONS

- 1 That before the development hereby approved is completed or brought into use, all of the parking spaces shown in drawing number AL(90) 002 on the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

REASONS

- 1 To ensure the provision of adequate parking facilities within the site.

For information only



For information only

Report

9

Report to:	Planning Committee
Date of Meeting:	19 December 2017
Report by:	Executive Director (Community and Enterprise Resources)

Application No	CL/17/0457
Planning Proposal:	Demolition of Offices and Garage and Erection of 18 No. Flatted Dwellings, Formation of 18 Car Parking Spaces and Landscaping.

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : South Lanarkshire Council
- Location : 11 Kirkton Street and 9 Union Street
Carluke

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 listed overleaf)

2.2 Other Actions/Notes

The Planning Committee has delegated powers to determine this application

3 Other Information

- ◆ Applicant's Agent: Hypostyle Architects
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 2 - Climate Change
Policy 4 - Development Management and Placemaking
Policy 8 - Strategic and Town Centres
Policy 12 - Housing Land

Development management, placemaking and design supplementary guidance (2015)

Town Centres and Retailing supplementary guidance

- ◆ Representation(s):
 - ▶ 4 Objection Letters
 - ▶ 0 Support Letters

◆ Consultation(s):

Roads & Transportation Services

Scottish Water

Environmental Services

Roads & Transportation Services (Flood Risk Management Section)

WOSAS

Planning Application Report

1 Application Site

- 1.1 The application site comprises two distinct areas of land separated by Union Street in Carluke. All land within the application site is within the ownership of South Lanarkshire Council. The application site is located within Carluke Town Centre where there is a mixture of uses including retail, residential, food and drink, and professional services.
- 1.2 The western portion of the site fronts onto Kirkton Street, and currently consists of the former South Lanarkshire Council offices which included a range of services available to members of the public. The offices are closed and now surplus to requirements. The building on site is 1.5 storeys in height on the Kirkton Street frontage, with a flat roofed single storey extension to the rear. The building is of simple modern design; however the pitched roof consists of natural slate tiles with coping stones on the gable ends. The vehicular access and car parking is provided to the rear from Union Street. There is also a small electrical substation within the car park with a right of access utilising the existing vehicular access. The rear of the site onto Union Street is defined by a stone boundary wall with metal railings.
- 1.3 The remaining land is bounded by Union Street to the west Park Street to the east. A former redundant building has been demolished and that part of the site cleared and fenced off. The area also includes a former garage which extends to approximately 1.5 storeys in height. The building consists of red brick walls and cement panel roof. The building is showing signs of deterioration. The garage is disused and now surplus to requirements. The site is bounded to the south by 2 storey flatted dwellings and associated parking, and to the north by a 2 storey building which has an office use and associated storage yard.

2 Proposal(s)

- 2.1 The applicant seeks detailed consent to erect 18 No. flatted dwellings with associated car parking and landscaping. This involves the demolition of the former offices and garage. The development is split into 3 No. blocks each containing 6 flats. One block would be sited in the western part of the site with a frontage onto Kirkton Street. Access would be from Union Street and a car park comprising 12 spaces (including one bay for disabled drivers) would be formed to serve these flats. The two remaining blocks would be in the eastern part of the site with access from Park Street to a parking court with 6 spaces (including one bay for disabled drivers). Each block would be 3 storeys in height with a pitched roof, and of high quality modern design using composite materials on the external walls. It is proposed that PV panels are installed on the roofs. Each block will have access to a sheltered bin store, useable garden and drying area.
- 2.2 The proposed housing will be developed and managed by the Council to provide amenity housing for the elderly. The flats have been designed for disabled access and also contain a lift.

3 Background

3.1 Local Plan Policy

- 3.1.1 The adopted South Lanarkshire Local Development Plan identifies the application site as being located within Carluke Town Centre. The relevant policies in terms of the assessment of this application are Policy 2 – Climate Change, Policy 4 – Development Management and Placemaking, Policy 8 – Strategic and Town Centres,

and Policy 12 – Housing Land. The relevant associated guidance are Development Management, Placemaking and Design supplementary guidance, and Town Centres and Retailing. The content of the above policies and how they relate to the proposal is addressed in detail in Section 6 of this report.

3.2 **Relevant Government Advice/Policy**

- 3.2.1 Relevant Government guidance is set out within Scottish Planning Policy (SPP) which 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 to make effective use of existing infrastructure and service capacity.
- 3.2.2 In terms of new housing developments, Scottish Planning Policy states 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 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 in town centres. The application site is identified as a site within the SHIP that will contribute towards the Council New Build Programme.

3.3 **Planning History**

- 3.3.1 None relevant.

4 **Consultation(s)**

- 4.1 **Roads and Transportation Services (Development Management Team)** – do not object to this application, and are satisfied with the level of car parking provision provided and the proposed vehicular access arrangements. A plan showing improved sightlines at the entrance to the car park on Union Street through the relocation of gate piers and reduction in the height of a wall on is considered acceptable.
Response: Noted.
- 4.2 **Scottish Water** – do not object to this application, and advise the developer to contact Scottish Water to discuss a connection to the public infrastructure.
Response: Noted.
- 4.3 **Environmental Services** – do not object to this application. Advise that while the overall bin store provision is adequate; the bin store for Block 2 should be accessed via Union Street to improve accessibility.
Response: The applicant has submitted amended plans which show the bin store provision for Block 2 being accessed off Union Street.
- 4.4 **Roads and Transportation Services (Flood Risk Management Section)**– do not object to this application subject to any consent granted being conditioned to address the following: a Sustainable Drainage System (SUD's) provided to serve the site; a

drainage assessment to be carried out, and the relevant Appendices of the Council's Design Criteria Guidance being completed.

Response: Noted. Should consent be granted then conditions will be attached to address the above requirements.

- 4.5 **WOSAS** – do not object to this application, however should consent be granted then the developer is required to secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Council as Planning Authority.

Response: Noted. Should consent be granted then a condition will be attached to address the above requirement.

5 Representation(s)

- 5.1 Following the carrying out of statutory neighbour notification 4 letters of representation were received. The grounds of objection are summarised as follows:

- a) **The bin store for Block 2 contains 18 No. bins next to the adjoining property and its front door (7 Union Street). This could create smells and be a fire hazard.**

Response: The applicant has submitted amended plans showing 2 No. smaller bin stores for Block 2 – one sited adjacent to each gable end of the block. This has reduced the number of bins located near 7 Union Street. There are no window openings on the gable wall to the north, and the applicant has created a hard surfaced area for the bins to be placed for refuse collection. This area is outwith the public footpath and not adjoining the neighbouring property. The amended bin provision is considered acceptable. It should be noted that each bin store will be designed to meet Building Regulations. Should there be concerns of nuisance through smells then Environmental Services can be contacted to investigate.

- b) **The neighbouring property does not have any car parking provision. The proposed development will create more parking issues for Carluke Town Centre, and exacerbate on-street car parking issues. The proposed development may reduce car parking provision for local businesses. The increase in vehicular traffic will create road and public safety issues.**

Response: The proposal has incorporated a sufficient number of car parking spaces to serve the flatted dwellings. The Council's Roads and Transportation Service has no objections and are satisfied with the car parking and vehicular access arrangements. There is no requirement to provide car parking to private properties outwith the application site, including customer car parking for local businesses. It should be noted that the current car park to the rear of the former Council Office building on Kirkton Street was for primarily for visiting members of the public utilising the Council services. It is not considered that the proposal will have any impact on existing Carluke Town Centre car parking provision. Any illegal on street car parking is a Police matter.

- c) **Should the garage building be demolished then this would leave a side of the adjoining yard open to the public. There is no detail of the proposed new screen wall and this will affect the security of the yard and possessions. There is concern regarding the quality of any boundary fencing.**

Response: The applicant has confirmed that a boundary fence or wall will be erected along the site boundary to the north of the Block 2 car park. Should consent be granted then a condition will be attached to ensure that further details of boundary treatments are submitted for approval to the Council. It should be noted that the

responsibility for security of the neighbouring yard is on the relevant owner of the yard, and not the Council as developer.

- d) **Block 2 will create overlooking and privacy issues to the neighbouring yard to the north.**

Response: The rear elevation of this block faces south-east and would be parallel to the boundary with the yard. There is no direct overlooking of the yard or offices. The second block on this part of the site is sited a sufficient distance from the yard to prevent any significant overlooking issues to an unacceptable degree.

- e) **The application site is within a commercial area and the impact of the yard on the flatted dwellings should be considered.**

Response: The context of the site within Carlisle Town Centre has been considered in assessing this application. It is noted that within the town centre a mixture of uses exist. Block 2 has been sited fronting onto Union Street with the car park area adjoining the boundary with the yard to reduce the impact of any commercial activities within the yard on the residential amenity of the users of the proposed flatted dwellings. In consideration of the Town Centre location where an element of increased disturbance is expected, the activity of the yard will not have an unacceptable impact on the residential amenity of the flatted dwellings which would merit a refusal of the application.

- f) **There is concern that should the residential proposal be approved then Carlisle Town Centre will appear to become more of a residential area rather than an expanding business area. The proposals are contrary to the objectives of the Carlisle Business Improvement District.**

Response: The principle of residential use within the application site is considered acceptable in accordance with adopted local development plan policy and supplementary guidance on development in town centres. This issue is addressed in section 6 of this report.

- g) **The scale of the development is inappropriate for the setting. It appears squeezed in between commercial properties.**

Response: The scale of the development is considered acceptable in accordance with adopted local development plan policy and supplementary guidance on new residential development. This issue is addressed in section 6 of this report.

- h) **The development will create noise, disruption, pollution, traffic issues, vehicular movement and commercial delivery restrictions during construction.**

Response: It is acknowledged that during the construction phase there is likely to be an element of disruption in terms of road access, traffic, noise and general increased activity. However, the period of disruption is temporary until the works are completed, and is not sufficient grounds which would merit the refusal of this application. Should the construction works create unacceptable noise or pollution then the Council's Environmental Services can be contacted to investigate and take action as necessary.

- i) **The Carlisle BID (Business Improvement District) raised concerns about the consultation process on planning applications that will have a material impact on the Carlisle BID area.**

Response: The Council is not required to statutorily consult the Carlisle BID on planning applications. However the organisation does now receive a copy of the list of new planning applications which will allow them to make comments on proposals in the town centre. The communication process on wider planning policies is not a material consideration in determining this application.

- 5.2 These letters have been made available for inspection in the usual manner and on the Planning Portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed consent to erect 18 No. flatted dwellings with associated car parking and landscaping at land on Kirkton Street, Union Street and Park Street, Carluke. The determining issues in consideration of this application are its compliance with national and local plan policy and in particular its impact on the amenity of adjacent properties and on the function of Carluke Town Centre.
- 6.2 The adopted South Lanarkshire Local Development Plan identifies the application site as being located within Carluke Town Centre where Policy 8 - Strategic and Town Centres applies. This policy states that within town centres the Council will allow a mixture of uses compatible with their role as commercial and community focal points. This will include shops, offices, leisure, community, civic, health, residential and other appropriate uses. This objective is reinforced by the associated Supplementary Guidance (SG) on Town Centres and Retailing which advises that town centre living will be promoted, with more people encouraged to live in town centres. Developing and creating opportunities for residential development will support the economic viability of towns. In view of this the Council will be in favour of residential development opportunities within town centres.
- 6.3 All three blocks are located adjacent to existing housing and the proposals involve development on previously developed land. The two Council buildings to be demolished to make way for the proposed development are currently redundant and surplus to requirements, and provide no positive contribution towards the function of Carluke Town Centre. The proposal will provide a development of high quality modern design which will improve the visual appearance of the streetscape. Furthermore the residential development will encourage use of local businesses through an increase in people residing within Carluke Town centre in close proximity to services. In view of the above it is considered that the proposal positively contributes towards meeting the Council's aims of encouraging an increase in housing stock within Town Centre locations, with the aim of improving the viability of the Town Centre through greater use of local business due to the close proximity and convenience of access. Furthermore the proposal incorporates sufficient car parking provision within the confines of the application site to serve the proposed flats, and will have no adverse impact on the public car parking provision within the wider Town Centre. The proposal satisfactorily meets the aims of policy 8 and the objective of the associated Supplementary Guidance (SG) Town Centres and Retailing.
- 6.4 Policy 12 - Housing Land in the adopted Local Development Plan requires the Council to maintain a five year effective supply of housing land provision. Furthermore, the provision of effective housing land within the existing settlement of Carluke on a previously developed site meets the aims of Scottish Planning Policy by providing a sufficient and sustainable supply of housing with good infrastructure links and access to services. Within the locality of the site there is access to both rail and bus services. The application site is identified as a site within the SHIP that will contribute towards the Council New Build Programme, and will provide a welcome addition to social housing provision within the Carluke area. The proposal satisfactorily complies with aims of Policy 12 of the adopted local plan.
- 6.5 Policy 4 Development Management and Place Making states all development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community. This objective is reinforced by the associated Supplementary

Guidance on Development Management, Place Making and Design. The removal of the redundant Council Offices and former garage, and erection of the modern designed flatted dwellings, would notably improve the visual appearance of the streetscape. The blocks are sited a sufficient distance from side boundaries and habitable windows in adjoining properties to prevent any unacceptable overlooking issues to existing properties. The applicant has submitted indicative streetscape elevations to demonstrate that 3 storey buildings can be satisfactorily integrated within the streetscape without adversely impacting upon the existing built character. The Council's Roads and Transportation Service is satisfied with the proposed car parking provision and vehicular access arrangement to serve the development. The proposals also comply with the Council's Residential Design Guide. In view of the above the proposal satisfies the aims of policy 4 and the associated Supplementary Guidance Development Management, Placemaking and Design.

- 6.6 Policy 2 Climate Change seeks to minimise and mitigate against the effects of climate change by considering criteria, including being sustainably located, and utilising renewable energy sources. The proposal will reuse previously developed land within a central location of Carluke, with good network and infrastructure links. Furthermore each block of flatted dwellings will incorporate PV panels within the roof. The proposal is considered acceptable in line with the relevant criteria of policy 2.
- 6.7 Several objections have been received including a representation from the Carluke BID organisation who are concerned about the loss of land that could be used to support business creation in the town centre. In this case the proposals will provide accommodation for rent in an area where demand is high and will increase the resident population in the town centre which in turn can be expected to increase the vitality of the area. Other concerns raised by objectors are addressed above but are not considered to merit refusal of the application.
- 6.8 In summary, the residential proposal is a suitable form of development for the site and complies with local plan policy and national guidance. There would be no significant adverse impact on residential or visual amenity, and there would be no significant adverse impact on the function or viability of Carluke Town Centre. The development would provide a welcome addition to social housing accommodation in Carluke within a sustainable and central location in close proximity to transportation services. It is therefore recommended that detailed planning permission is granted.

7 Reasons for Decision

- 7.1 The principle of residential development is acceptable on this site, and the proposed flatted dwellings will have no significant adverse impact on residential or visual amenity, or on the commercial character or viability of Carluke Town Centre. The proposal raises no environmental or infrastructure issues and complies with Policies 2, 4, 8 and 12 of the adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

11 December 2017

Previous References

- ◆ None.

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Town Centres and Retailing supplementary guidance
- ▶ Neighbour notification letter dated 14.09.2017

- ▶ Consultations
 - Roads & Transportation Services 29/11/2017
 - Scottish Water 20/10/2017
 - Environmental Services 01/11/2017
 - Roads & Transportation Services (Flood Risk Management Section) 16/11/2017
 - WOSAS 10/11/2017
- ▶ Representations
 - Representation from : Carluke Business Improvement District, DATED 08/11/2017
 - Representation from : Marc Sutton, DATED 08/11/2017 15:02
 - Representation from: Marc Sutton, DATED 08/11/2017 14:45
 - Representation from : Lucy Beresford, DATED 08/11/2017

Contact for Further Information

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

Pamela McMorran, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton
ML3 6LB
Ext 5170, (Tel : 01698 455170)
E-mail: pamela.mcmorran@southlanarkshire.gov.uk

CONDITIONS

- 1 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.
- 2 No development shall take place within the development site as outlined in red on the approved plan 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 by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Council as Planning Authority. 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 Council as Planning Authority in agreement with the West of Scotland Archaeology Service
- 3 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 proposed 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.
- 4 That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 5 That before any of the approved block of flatted dwellings are completed, the bin store relating to the completed block of flats shall be constructed and thereafter maintained to the satisfaction of the Council as Planning Authority.
- 6 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.
- 7 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 6 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 8 That before any of the approved block of flatted dwellings are completed, all of the parking spaces and the associated access arrangement that relate to the

completed block of flatted dwellings shall be laid out as shown on the approved plans, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

- 9 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Roads and 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 Roads and Planning Authority.
- 10 That prior to any work starting on site, a Drainage Assessment shall be submitted together with an independent check of this document to the Council as Planning and Roads Authority for their approval, and no work shall commence until their written approval is given.
- 11 That prior to the demolition of the buildings on site, the recommendations of the bat survey report (16027-REP-006-02 July 2017) shall be carried out, and no demolition work shall commence until a written letter of approval has been given by the Council as Planning Authority.

REASONS

- 1.1 In the interests of amenity and in order to retain effective planning control.
- 2.1 In order to safeguard any archaeological items of interest or finds.
- 3.1 In the interests of the visual amenity of the area.
- 4.1 In the interests of amenity.
- 5.1 To minimise nuisance, littering and pest problems to nearby occupants.
- 6.1 These details have not been submitted or approved.
- 7.1 In order to retain effective planning control
- 8.1 To ensure the provision of adequate parking facilities within the site.
- 9.1 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.
- 10.1 To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.
- 11.1 To ensure there is no adverse impact on the habitat or roosts of bats.

Report

10

Report to:	Planning Committee
Date of Meeting:	19 December 2017
Report by:	Executive Director (Community and Enterprise Resources)

Application No	CL/17/0467
Planning Proposal:	Permanent Siting of a Portable Building for Use as a Hot Food Takeaway.

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr Alan Chekansky
- Location : 6A Strawfrank Road
Carstairs Junction
Lanark
ML11 8PP

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) Planning Committee has delegated powers to determine this application

3 Other Information

- ◆ Applicant's Agent: George Simpson Architect
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 2 - Climate Change
Policy 4 - Development management and placemaking
Policy 6 - General urban area/settlements

Development management, placemaking and design supplementary guidance (2015)
DM13 - Development within general urban area/settlement
DM8 – Hot food shops

- ◆ Representation(s):

- ▶ 25 (on 1 petition) Objection Letters

- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Environmental Services [e-consult]

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site consists of a former bookmakers on Strawfrank Road; the building has not been in use since at least 2006 and has fallen into state of dereliction. The building formerly had a pitched slated roof which has been removed and the wallhead remains. Adjacent to the site on the west lies a recently developed Park and Ride facility to serve Carstairs Junction Railway Station located to the north of the site. To the south and east of the proposal lies the Station Hotel which gained approval to be converted to 4 flatted units in 2015; this planning permission has been implemented.

2 Proposal(s)

- 2.1 The applicant seeks planning permission for the permanent siting of a portable building within the existing walls of the remaining structure. The portable building will serve takeaway foods and snacks aiming to serve those using the park and ride and nearby train station. The portable building is designed to emulate the design of a wooden goods train carriage and includes a ramped entrance. The external materials include timber cladding and curved tin roof. It is proposed the front wall and part of the side gable of the existing building will be removed with the remaining walls being retained. A portable toilet facility and bin storage will be located behind the portable building but within the walls of the existing building.

3 Background

3.1 South Lanarkshire Local Development Plan

- 3.1.1 The adopted South Lanarkshire Local Development Plan identifies the site as lying within the general urban area of Carstairs Junction, as such Policy 6: General Urban Area/Settlement is relevant. In addition: Policy 2: Climate Change and Policy 4: Development Management and placemaking of the South Lanarkshire Local Development Plan apply together with associated Supplementary Guidance on Development Management Design and Placemaking.

3.2 Government Advice/Policy

- 3.2.1 Scottish Planning Policy has a presumption in favour of development that contributes to sustainable development. Planning should direct the right development to the right place and support development that is designed to a high quality, which demonstrates the six qualities of a successful place: distinctive; safe and pleasant; welcoming; adaptable and resource efficient.

3.3 Planning History

- 3.3.1 Previous approval was granted for a hot food takeaway at this site in 2006 under reference CL/06/0032 however the consent was not implemented and it has now lapsed. On the adjacent site, comprising the former Station Hotel, planning approval was granted for the conversion of the building to form 4 residential flats in 2015 under reference CL/15/0492, the permission has now been implemented.

4 Consultation(s)

- 4.1 **Roads and Transportation Services** – parking required for this type of development can be accommodated within the public parking facilities nearby. No objections to proposal subject to conditions ensuring the ramp does not conflict with public footway.

Response: Noted, appropriate conditions shall be imposed on any permission granted.

- 4.2 **Environmental Services** – No objections to the proposal subject to conditions relating to noise, ventilation and commercial waste control. The ventilation arrangements provided are suitable only for microwave and convection oven cooking only.

Response: Noted, appropriate conditions shall be imposed on any permission granted to ensure the type of cooking and associated equipment is limited.

5 Representation(s)

- 5.1 In response to the carrying out of neighbour notification and the advertisement of the application in the local press due to the proposal being considered a bad neighbour development, a petition containing 25 individual names and addresses has been received. The issues raised are summarised as follows:

(a) The proposal is not required in Carstairs Junction, as there is already a Londis Store in Carstairs Junction and a cafe in Carstairs Village which cater for the village.

Response: Commercial or business competition are private interests and not a valid planning matter. The economy operates to determine which types of businesses will prosper, and the planning system seeks to protect the public interest and consider matters such as visual and residential amenity and road safety.

- 5.1.1 The petition has been copied and is available for inspection in the usual manner and on the planning portal.

6 Assessment and Conclusions

- 6.1 This application relates to the permanent siting of a portable building to act as a hot food takeaway on Strawfrank Road, Carstairs Junction. The main determining issues in the assessment of the proposal are compliance with local development plan policy and, in particular, the impact of the proposal on the amenity of residents.
- 6.2 The application site is located within the General Urban area of Carstairs Junction. Policy 6 - General Urban Area/Settlements seeks to safeguard the character and amenity of urban areas and settlements. In particular it states that bad neighbour uses will not be permitted if they are detrimental to the amenity of residents. Policy DM 13 - Development in General Urban Area in the Development Management Design and Placemaking Supplementary Guidance provides more guidance on proposals within general urban areas. The policy includes criteria considering the surrounding area, streetscape, open space, vegetation, traffic and public safety. Policy - DM8 Hot Food Shops provides guidance on criteria to be used to assess proposals for hot food takeaways. In residential areas there would be a presumption against hot food takeaways if residential amenity would be adversely affected to a significant degree.
- 6.3 In this case the ventilation arrangements by way of an extract fan have been shown on the plans and the applicant has confirmed no deep fat frying will take place. Environmental Services have commented on the application noting this ventilation is only suitable for oven and microwave cooking, as such it is considered appropriate to condition any permission granted to closed cooking only, namely a convection oven or microwave. On this basis it is considered the ventilation arrangements are suitable and the proposal would not be detrimental to residential amenity, by way of smell. A condition restricting noise levels generated at the site would also be imposed on any permission granted. Therefore, the proposal would not result in a significant adverse

impact upon residential amenity. In terms of the context of the surrounding area, the application site is sited adjacent to the former Station Hotel which is now converted to flats. To the north of the application site lies the railway station, to the west is the associated park and ride and beyond lies another business premises. Along Strawfrank Road there is a mix of residential properties and commercial uses such as an after school facility and a hairdressers. The character of the area is therefore already a mix of compatible uses. The proposal would not result in the loss of any retail provision, it is located on the main route through village, where other commercial uses exist and utilises the site of a derelict building. Therefore, the proposal meets the terms of Policy 6 and Policy DM8.

- 6.4 The application site consists of an existing building which has had its roof removed. The proposals are to lower the wall head and remove most of the front elevation and side (west) gable and site a portable building within these walls. The application seeks to retain these walls to define the curtilage of the premises and utilise them to screen the toilet and refuse facilities and provide a yard. The walls will be reduced to 2.7m in height to match the eaves of the portable building; it is considered both elements are suitable in scale for the surrounding area. The portable building itself is designed to appear like a former wooden goods train, reflecting the nearby rail line, and provides a ramped access. The portable building is rectangular in form with a curved tin roof and wooden panelled walls. It is considered the design of the portable building reflects the surrounding area and the retained walls will screen refuse and toilet facilities. The walls would be re-rendered and re-coped to provide a more tidy appearance to the site and enhance the visual amenity of the area. It is considered the proposal is suitable for the streetscape and meets the terms of Policy DM13.
- 6.5 Policy 4 - Development Management and Placemaking seeks to ensure all new development integrates well with their surrounding area and contribute positively and considers design issues, visual and residential amenity, access and the environment. The proposal has been deemed to be acceptable in terms of visual and residential amenity under other policies. Roads and Transportation Services have been consulted on the proposal and have no objections. Any parking for the proposal can be accommodated within the public parking adjacent and an accessible access to the portable building is included in the proposal. In addition, the proposal does not pose any significant adverse impact upon the natural environment. The proposal therefore meets the terms of Policy 4.
- 6.6 Policy 2 - Climate Change seeks to ensure proposals minimise and mitigate against climate change. The proposal is sited within an existing settlement using the footprint of an existing building. The proposal avoids the medium to high risk flood areas and any significant adverse impact on water, soils or air quality. The proposal meets the terms of Policy 2.
- 6.7 A petition of 25 signatures has been submitted to the application on the grounds of commercial competition which is not a material planning consideration.
- 6.8 In view of all of the above and noting that the proposals accord with the adopted South Lanarkshire Local Development Plan. In addition the introduction of the hot food unit will bring economic benefits to the local area in the form of additional employment and commercial linkages to other local businesses. As a result it is considered that the submitted proposals represent an appropriate form of development for the site and the recommendation is to grant planning permission.

7 Reasons for Decision

- 7.1 The proposals will have no adverse impact on the amenity of the area and complies with Policy 2, 4 and 6 of the adopted South Lanarkshire Local Development Plan. The proposals also accord with the relevant policies and guidance contained in the Development Management, Place Making and Design Supplementary Guidance.

Micheal McGlynn
Executive Director (Community and Enterprise Resources)

11 December 2017

Previous References

- ◆ CL/06/0032 - Change of use of bookmakers to hot food takeaway and installation of extract flue

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Neighbour notification letter dated 20.10.2017
- ▶ Lanark Gazette advert dated 1.11.2017

- ▶ Consultations
 - Roads Development Management Team 03/11/2017
 - Environmental Services [e-consult] 30/10/2017

- ▶ Representations
 - Representation from : Davinder Singh, Londis Store
Carstairs Junction
Lanark
ML11 8QY, DATED 14/11/2017
Petition containing 25 individual signatures.

Contact for Further Information

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

Fiona Bailie, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
Ext 5271 (Tel: 01698 455271)
E-mail: fiona.bailie@southlanarkshire.gov.uk

CONDITIONS

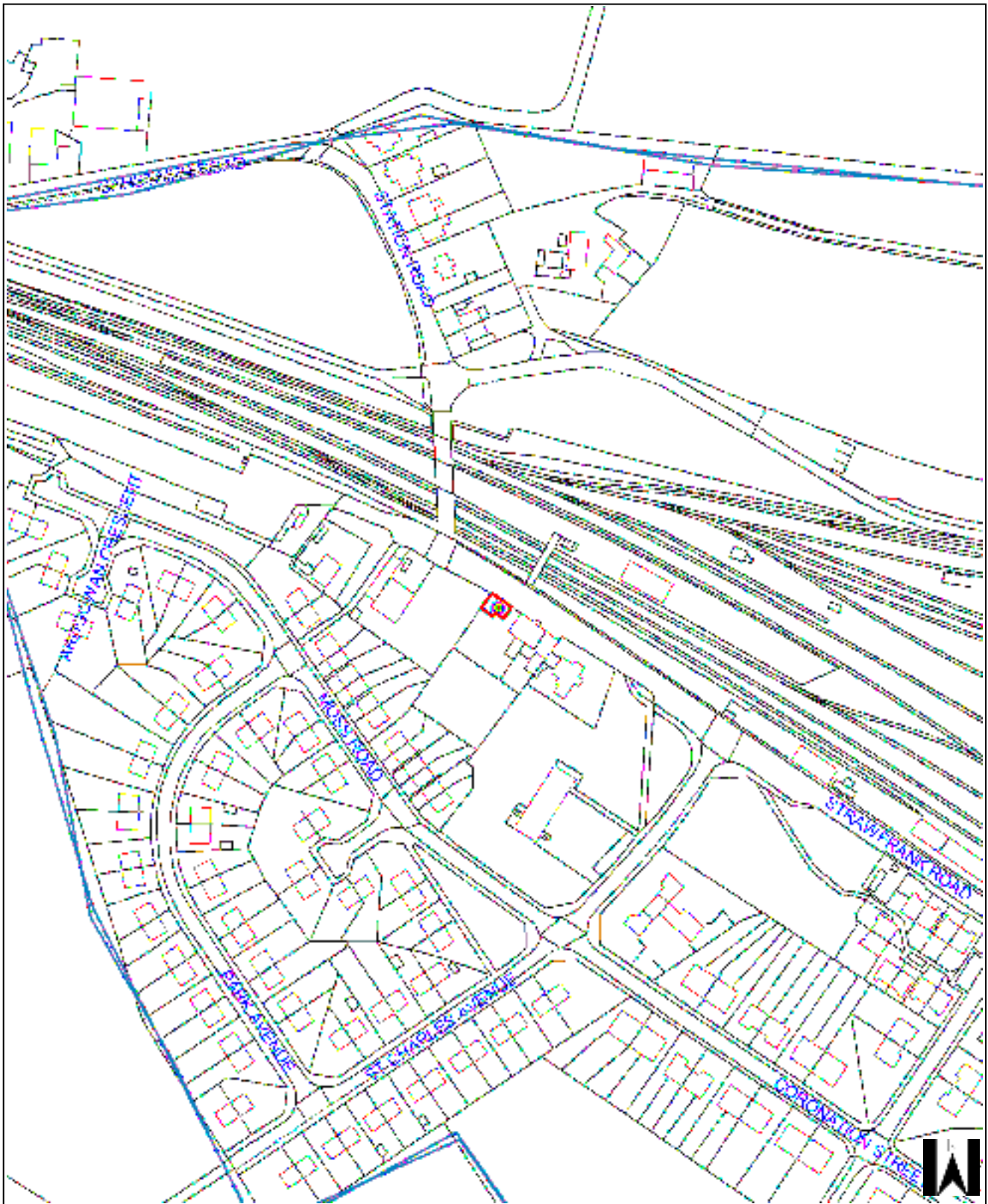
- 1 All external colours shall be agreed in writing with the Council as Planning Authority prior to the commencement of works.
- 2 Prior to the commencement of development on site details of an adequate sized grease trap/interceptor shall be submitted to and approved by the Council and thereafter it shall be installed prior to the developments being operational and maintained thereafter .
- 3 That before the development hereby approved is brought into use, details of the storage and collection of waste arising from the development shall be submitted to and approved by the Council as Planning Authority. The storage and waste collection scheme shall be implemented before the development is brought into use and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
- 4 That before the development hereby approved is brought into use the proposed ventilation system shall be installed and operative to the specification to the satisfaction of the Council as Planning Authority
- 5 That the proposed method of mechanical extract ventilation is only suitable for the use of oven and microwave oven cooking on the premises and no other form of cooking or heating of foodstuff shall be employed on the premises. In particular, no consent is granted for methods which involve frying, open oven cooking or open roasting.
- 6 That the opening hours of the premises hereby granted consent shall be limited to between 07.00 and 23.00
- 7 That the access ramp, hereby approved, shall not be located on or encroach into the public footway.
- 8 If at any point a replacement portable building, hereby approved, is required details of the portable building shall be provided to the Council as Planning Authority for written approval prior to the ordering or purchase of the replacement or removal of the previous building. These details shall include site plan, floor plans and elevations and the replacement building shall thereafter be implemented in accordance with these plans.
- 9 That should the hot food takeaway business at this site cease operating or trading for a period longer than 3 months the portable building and works hereby permitted shall be removed and the land restored to its former condition to the satisfaction of the Council as Planning Authority, within 4 months of the hot food takeaway at this site ceasing operation.
- 10 Between the hours of 0800 and 2000 the measured noise level emitted from the premises (LAeq (1hour)) shall not exceed the pre-existing background noise level (LA90(1/2hour)) by more than 4dB (A) when measured in accordance with BS4142: 2014 at buildings where people are likely to be affected.
Between the hours of 2000 and 0800 the noise emitted from the premises (LAeq

(5mins)) shall not exceed the pre-existing background noise level (L A90 (1/2hour)) by more than 4dB(A) when measured in accordance with BS4142:2014 at buildings where people are likely to be affected.

REASONS

- 1.1 In the interests of amenity and in order to retain effective planning control.
- 2.1 To ensure the provision of a satisfactory drainage system
- 3.1 To minimise nuisance, littering and pest problems to nearby occupants.
- 4.1 To safeguard the residential amenity of the area.
- 5.1 To safeguard the residential amenity of the area.
- 6.1 To safeguard the amenity of the area.
- 7.1 In the interest of public safety
- 8.1 In the interests of the visual amenity of the area.
- 9.1 In the interests of amenity and in order to retain effective planning control.
- 10.1 To minimise noise disturbance to adjacent occupants.

For information only



For information only

Report

11

Report to:	Planning Committee
Date of Meeting:	19 December 2017
Report by:	Executive Director (Community and Enterprise Resources)

Application No	EK/17/0161
Planning Proposal:	Residential Development of 155 Dwellinghouses, Associated Access Roads, Footpaths and Landscaping (Approval of Matters Specified in Conditions Relating to EK/12/0003)

1 Summary Application Information

- Application Type : Approval of matters specified in conditions
- Applicant : BDW Trading Limited and Paterson Partners
- Location : Land at East Overton, Glassford Road, Strathaven

2 Recommendation(s)

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

- (1) Grant approval of matters specified in conditions (subject to conditions – based on conditions attached)

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this planning application.
- (2) If planning consent is granted, the decision notice should be withheld until an appropriate obligation under Section 75 of the Planning Act has been concluded between the Council, the applicants and the site owner(s). This would involve the varying of the existing Section 75 planning obligation to include details of the affordable housing provision and revise the development phasing of the overall Masterplan, approved under EK/12/0003.

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

All reasonable legal costs incurred by the Council in association with the above section 75 Obligation shall be borne by the developers.

3 Other Information

- ◆ Applicant's Agent: EMA Architecture and Design Limited
- ◆ Council Area/Ward: 05 Avondale and Stonehouse
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
 - Policy 1 - Spatial Strategy
 - Policy 4 - Development management and placemaking
 - Policy 5 – Community Infrastructure Assessment
 - 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
 - Policy 17 - Water Environment and Flooding
Development management, placemaking and design supplementary guidance (2015)
 - DM1 - Design
 - DM13 - Development within general urban area/settlement

- ◆ Representation(s):
 - ▶ 0 Objection Letters
 - ▶ 0 Support Letters
 - 2 Comments Letters

- ◆ Consultation(s):

Strathaven Community Council

Countryside & Greenspace

Roads & Transportation Services (Flood Risk Management Section)

Scottish Water

Strathclyde Partnership for Transport

SP Energy Network

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

Leisure Services (Facility Manager)

National Grid UK Transmission

Environmental Services [e-consult]

Facilities, Waste & Ground Services

Community - play provision/community contributions (Judith Gibb)

Roads Development Management Team

Housing - planning consultations

Arboricultural Services

West of Scotland Archaeology Service

Planning Application Report

1 Application Site

- 1.1 The site, which extends to approximately 6.09 hectares, and is part of the larger East Overton Masterplan site of 22.6 hectares, is located on the northeast edge of Strathaven. It is bounded to the north by grazing land which will ultimately be developed potentially for industry and housing as part of future phases of the larger Masterplan site, to the east and south by the earlier Phase 1 of the Masterplan site (currently under construction) and to the west by an area of Council owned land, East Overton House and the established residential area of Strathaven. Glassford Road lies beyond to the south with the recently constructed roundabout. This site would take access from an arm of this roundabout.
- 1.2 The application site is irregularly shaped and consists of two enclosed former agricultural fields. The site is known as Phases 2 and 3 of the overall masterplan site.

2 Proposal(s)

- 2.1 Planning permission in principle was granted in December 2014 (Application Ref. No. EK/12/0003) following Committee approval in March 2012. As stated above this application is the second and third phase of the East Overton Masterplan area. Approval of matters specified in conditions is sought for a residential development of 155 dwellings on the site. This application will not deal with all the conditions attached to the Planning Permission in Principle, only those which are relevant to the construction of the second and third phase and the associated infrastructure, roads and landscaping, however many will be dealt with in part.
- 2.2 More specifically the proposal comprises 10 different housetypes:
- 2 bed terraced
 - 3 bed semi detached
 - 4 bed detached
- 2.3 Within the layout two areas have been identified for affordable housing units (social rented) which would be constructed simultaneously with the overall development. 36 units are proposed comprising 2 bed and 3 bed units.
- 2.4 All the properties are two storey design some with integral garages or detached garages. The materials to be used are a mix of render finish and facing brick, precast cills and lintels. Concrete roof tiles together with upvc windows are also proposed.
- 2.5 The layout would link in to the first phase of the masterplan site via two access roads and also has its principal vehicular access from the newly constructed roundabout on Glassford Road. The layout includes the formation of an open space corridor running southeast to northwest creating a vista to East Overton House. A pedestrian/cycle link would be formed from the development to Hamilton Road and this path would also link with the informal recreational woodland walkway which runs around the periphery of the overall Masterplan site.
- 2.6 As required by the PPP, the development will incorporate the principles of Sustainable Urban Drainage (SUDS) with the development linking into a drainage pond located to the north of the site within the northeast corner of the Masterplan site.

3 Background

3.1 Relevant Government Advice/Policy

3.1.1 Relevant Government guidance is set out within the consolidated Scottish Planning Policy (SPP) which confirms the requirement for the Council to maintain a five year supply of effective housing land and also provides policy guidance relating to the provision of affordable housing. Planning authorities are required to promote the efficient use of land by directing development towards sites within existing settlements where possible to make effective use of existing infrastructure and services.

3.1.2 In terms of residential development, 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 Local Plan Status

3.2.1 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) and Supplementary Guidance (SG) produced in support of the SLLDP.

3.2.2 In land use terms the application site is identified, within the adopted SLLDP, as being part of a Residential Masterplan Site (Policy 1 – Spatial Strategy), within both a general residential area (Policy 6) and as a forming part of the Council's housing land supply (Policy 12). Policy 6 requires that new proposals should not adversely impact on the amenity and character of such areas. In terms of those sites identified as part of the Council's housing land supply (Policy 12) their development for residential purposes is supported (subject to compliance with normal development management criteria), as this will assist the Council in meeting its housing needs.

3.2.3 With regard to normal development management criteria a number of other policies within the adopted SLLDP are considered appropriate to the determination of this application, namely Policy 4 - Development Management and Placemaking, Policy 5 - Community Infrastructure Assessment, Policy 13 - Affordable Housing and Housing Choice, Policy 15 - Natural and Historic Environment, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding.

3.2.4 These principle policies are supported by its specific policy guidance provided through approved Supplementary Guidance on the following topics,

- Development Management, Place Making and Design SG 3
Policy DM 1 – Design and Policy DM13 – Development within General Urban Area/Settlement),
- Affordable Housing and Housing Choice SG 7
- Natural and Historic Environment SG 9
Policy NHE18 - Walking, Cycling and Riding Routes and Policy NHE19 - Protected Species
- Community Infrastructure Assessment SG4
- Sustainable Development and Climate Change SG 1

Policy SDCC 2 - Flood Risk, Policy SDCC 3 - Sustainable Drainage Systems, Policy SDCC 4 - Water Supply and Policy SDCC 5 - Foul Drainage and Sewerage.

- 3.2.5 The aim of these policies and guidance is to seek well designed development which is located in appropriate locations, appropriately serviced and result in no adverse impact.
- 3.2.6 In addition the Council has prepared a Residential Design Guide. The aim of the associated policies and guidance is to seek well designed development which is located in appropriate locations and is appropriately serviced.
- 3.2.7 An assessment of the proposal against these specific policies is contained in Section 6 of this report.

3.3 **Planning History**

- 3.3.1 In land use terms, the site is identified within the adopted South Lanarkshire Local Development Plan as part of the East Overton Residential Masterplan . Planning permission in principle (PPP) was granted in December 2014 (Application Ref. No. EK/12/0003) following Committee approval in March 2012. As stated above this proposal forms the second and third phases of the approved PPP. The principle of residential development is therefore established.

4 **Consultation(s)**

- 4.1 **Strathaven Community Council** – No response to date.

Response: Noted

- 4.2 **Countryside and Greenspace** – confirmed that the proposals are generally acceptable, however sought clarification on indicative footpath links shown on the landscape drawings and the specifications for the paths.

Response: Noted. The footpath link referred to is part of the overall peripheral footpath which was approved as part of the original PPP Masterplan. A condition would be attached to require the detailed specification of the path to be submitted and approved by the Council.

- 4.3 **Roads and Transportation Services (Flood Risk Management Section)** - have offered no objections to the proposal subject to compliance with the Council's SUDs Design Guidance, the undertaking of a Flood Risk/Drainage Assessment and advise that that the application will also require the approval of both Scottish Water and SEPA.

Response: These requirements can be addressed, where appropriate, through the use of appropriately worded conditions/informatives should consent be issued.

- 4.4 **Scottish Water** - have offered no objections to the proposal.

Response:Noted.

- 4.5 **Strathclyde Partnership for Transport** – No response to date.

Response:Noted

- 4.6 **SP Energy Network** – No objections, but advise that they have an underground cable, overhead line and an operational sub-station within the vicinity of the site.

Response: Noted. The applicants are aware of this and that any alteration or deviation of SPEN apparatus would be at the applicants' expense.

- 4.7 **S.E.P.A.(West Region)**-No objections.

Response:Noted

- 4.8 **Leisure Services (Facility Manager)** – No response to date.

Response: Noted.

- 4.9 **National Grid UK Transmission**-No response to date

Response:Noted

- 4.10 **Environmental Services**- offer no objections subject to the inclusion of conditions and/or informatives relative to noise control, air quality, waste control, dust mitigation and contamination.

Response: Noted. Appropriate conditions and advisory notes would be attached to any approval.

- 4.11 **Facilities, Waste and Ground Services** – advised that a shelter belt of trees has been accessed to install services to the residential site under construction resulting in easier access to the adjacent Council depot.

Response: Noted. I would confirm that the first phase of development at East Overton has routed a service connection along this corridor of trees to Hamilton Road. This is the proposed route of the footway/cycle link from the residential development and therefore this area will be subject of change as the development is progressed.

- 4.12 **Community - play provision/community contributions (Judith Gibb)** – accept the principle of the proposal and have advised that any open space/play area progressed as part of this development would not be adopted for future maintenance by the Council.

Response: Noted. Future maintenance of the open space areas would be undertaken through a factoring arrangement between the developer and the future householders.

- 4.13 **Roads Development Management Team** – no objection subject to standard conditions relating to site lines, driveways, surfacing and surface water trapping. In addition, it is noted that a condition would be required relating to the widening of Berebriggs Road as required previously, under the original PPP approval (EK/12/0003) for the overall Masterplan.

Response: Noted. Appropriate conditions would be attached to any approval.

- 4.14 **Housing and Technical Resources** – confirmed that the developer shall provide on-site provision of affordable housing within this development proposal, and that they are satisfied with the proposed housetype mix.

Response: The applicants have proposed the provision of 36 affordable housing units within their development which exceeds the requirements of the Council's affordable housing policies and guidance.

- 4.15 **Arboricultural Services:** advises that the juxtaposition of trees and development are crucial to the overall design concept of the development and from reviewing the plans these design and tree protection issues require to be fully addressed, taking account of the good practice recommended in BS 5837:2012.

Response: There are no mature trees within the site and within the control of the applicants. The adjacent mature trees are outwith the site, i.e. within the policies of East Overton House. In terms of the newly proposed units along the western boundary of the site, they are between approximately 7 metres and 18 metres from the mature belt of trees. Any householder will be aware that the trees exist prior to occupying the new dwellings. A PPP consent already exists on the site for residential development and landscape drawings have been submitted as part of the proposal which are acceptable.

- 4.16 **West of Scotland Archaeology Service** – advise that no archaeological trenching appears to have been carried out for this part of the masterplan site. As a result, a condition should be attached to require the implementation of a programme of archaeological works in accordance with an approved written scheme of investigation, prior to any development taking place on the site.

Response: Noted and the required condition would be attached to any consent.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the proposal advertised in the East Kilbride News for non-notification of neighbours. One comments letter was received. Subsequently, due to a revised layout being submitted, re-neighbour notification was undertaken with another non-notification advert placed in the East Kilbride News. Another comments letter was received and the points raised have been summarised below:

- 5.2 The comments made are summarised as follows:

(a) Is it the case that with this residential development social housing will be provided.

Response: 36 No. social housing units will be provided within this layout. The standard of housing will be the same quality as the private housing being developed.

(b) If granting consent please ensure that the applicants are aware of their legal obligation in respect of protection of wildlife, flora and fauna.

Response: Advisory notes would be attached to any consent regarding the above.

6 Assessment and Conclusions

- 6.1 The application relates to the erection of a residential development (155 units) and associated works at East Overton, Glassford Road, Strathaven. 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 where a proposal accords with up-to-date development plans, it should be considered acceptable in principle. The site is identified within the adopted local plan as a housing site and therefore the proposed use raises no issues from a land use perspective and is therefore considered to accord with national planning policy.
- 6.4 This application is for the matters specified in condition. In this regard, the principle of residential development has been firmly established by approval of planning permission in principle (PPP), approved in December 2014. Consequently, this application deals with the approval of the matters conditioned in the PPP.
- 6.5 The adopted South Lanarkshire Local Development Plan (2015) (SLLDP) identifies the application site as being within a general residential area (Policy 6) and as a residential masterplan/proposed housing site (Policies 1 and 12.) Again the principle of the use is acceptable in this regard, subject to compliance with normal development management criteria.
- 6.6 In terms of the detailed design of the development, 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, rear garden depths, open space and car parking provision. It is further considered that the proposed development will be in keeping with the existing residential development in the surrounding area. The proposal therefore accords with Policies 4, DM 1, DM13 of the SLLDP and supplementary guidance.

- 6.7 No specific concerns, subject to conditions, have been raised by the various consultees. The site is classed as an urban location, albeit that it is on the edge of Strathaven. Sewerage and water infrastructure is accessible. On this basis it is considered that the proposal accords with Policies 17, SDCC 2, SDCC 3, SDCC 4 and SDCC 5 of the SLC LDP and supplementary guidance.
- 6.8 The proposal will result in the development of the 2nd and 3rd phases of a larger Masterplan site, with phase 1 already well under construction. I am satisfied that the proposed development has been designed in such a manner that it takes cognisance of the surrounding area and has properly assessed any impact on the adjacent historic building known as East Overton House. The proposal therefore accords with Policies 15 and 16. Furthermore, the site is capable of integrating well with the adjacent footpath network and amenity areas with the formation of a footway/cycle link from Phase 3 into the peripheral woodland walkway and through to Hamilton Road. (Policy NHE18 applies).
- 6.9 The Council's adopted policy on Community Infrastructure Assessment (Policy 5) advises that a financial contribution from developers will be sought where it is considered that a development requires capital or other works or facilities to enable the development to proceed. In this instance the community infrastructure contributions were agreed at the earlier planning permission in principle (PPP) stage, under EK/12/0003. Staged payments were secured through the original Section 75 legal Agreement associated with this PPP. In terms of this proposal, the applicants are proposing 36 affordable housing units within the development.
- 6.10 The third party comments letter received raised a pertinent issue and has been responded to. Any requirements of the various consultees can be addressed through the use of conditions, when appropriate to do so.
- 6.11 In conclusion, the proposed development has been considered against the relevant policies in the Adopted South Lanarkshire Local Development Plan and its appropriate supplementary guidance. In terms of detailed design and layout, the proposed dwellings are of a similar style and in keeping with those of the previous BDW units within phase 1 which is currently under construction. In terms of the Council's Residential Design Guide (2011), each property/plot can meet the requirements in terms of window to window distances, plot ratios and parking requirements. I am therefore satisfied that the proposed scheme will integrate successfully with the surrounding area, as the overall residential development is constructed. It is therefore considered that the proposal accords with Policies 1, 4, 6 and 12, DM1 and DM13 of the adopted local development plan.
- 6.12 On this basis I would recommend that approval of this matters specified in conditions application is granted subject to conditions. The remaining conditions of the PPP will be met by future applications and as mentioned above, the overarching Section 75 legal agreement would be varied to include details of the affordable housing provision and to adjust the development phasing of the overall Masterplan, approved under EK/12/0003. This will ensure that all planning obligations are met appropriately.

7 Reasons for Decision

- 7.1 The proposal will have no adverse impact on residential or visual amenity and raises no road safety concerns. The development complies with the applicable provisions of the 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, 12 - Housing Land, 13 - Affordable Housing and Housing Choice, 15 - Natural and Historic Environment, 16 - Travel and Transport and 17 - Water Environment and Flooding. In addition the proposal accords with the relevant Development Plan Supplementary Guidance.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

11 December 2017

Previous References

- ◆ EK/12/0003 – Residential Masterplan (PPP) – Approved 24/12/2014

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Neighbour notification letter dated 18.05.2017
- ▶ Neighbour notification letter dated 14.11.2017
- ▶ Consultations

Facilities, Waste & Ground Services	29/05/2017
S.E.P.A. (West Region)	06/06/2017
Scottish Water	01/06/2017
SP Energy Network	24/05/2017
Community - play provision/community contributions	07/06/2017
Roads & Transportation Services (Flood Risk Management Section)	02/06/2017
Roads Development Management Team	05/12/2017
Environmental Services	12/06/2017
Countryside & Greenspace	23/05/2017
Arboricultural Officer	02/06/2017
Housing & Technical Resources	05/12/2017
West of Scotland Archaeology Service	06/06/2017

► Representations

Representations from : Joe Allan, 94 Franklin Place
Westwood
East Kilbride
G75 8LS, DATED 06/06/2017 & 11/11/2017

Contact for Further Information

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

Maud McIntyre, Planning Officer, Montrose, 154 Montrose Crescent, Hamilton ML3 6LB
Ext 5043 (Tel : 01698 455043)
E-mail: maud.mcintyre@southlanarkshire.gov.uk

CONDITIONS

- 1 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.
- 2 That the introduction of carriageway widening along Berebriggs Road shall be undertaken to permit two way flow along its length prior to completion of the 38th dwellinghouse, or otherwise agreed by the Council as Planning Authority.
- 3 That before the dwellinghouses hereby approved are completed or brought into use, a private vehicular access or driveway of at least 6m metres in length shall be provided and the first 2 metres of this access from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.
- 4 That before the dwellinghouse hereby permitted is occupied, 2 car parking spaces for a 3 bedroom property and 3 parking spaces for a 4 bedroom property shall be provided within the curtilage of the plots and outwith the public road or footway and shall thereafter be maintained to the specification of the Council as Planning Authority.
- 5 The surface of the driveways and accesses shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the highway.
- 6 That a suitable system of site drainage shall be required to prevent surface water flowing onto the public road, details of which shall be submitted for consideration and approval to the Council as Planning and Roads Authority.
- 7 That appropriate wheel wash facilities/road cleaning systems shall be introduced within the site to ensure that mud and debris is not deposited on the public road.
- 8 That all construction and/or other vehicles shall be able to access and exit the site in forward gears, therefore a turning area must be provided, together with sufficient parking within the site boundary to accommodate all site staff/operatives parking requirements, details to be submitted for approval in writing by the Council as Planning and Roads Authority.
- 9 That all new residents within the approved site shall be issued by the applicant with a Residential Travel Pack.
- 10 That the surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland and with the Council's Sustainable Drainage Design Criteria (or any subsequent updated version of this guidance) and shall be agreed in writing with the Council as Planning Authority in consultation with SEPA.
- 11 That before any dwelling houses hereby approved are occupied, the approved

details for the storage and collection of refuse within the development shall be provided in accordance with the approved scheme and thereafter maintained all to the satisfaction of the Council as Planning Authority.

- 12 That the applicant shall adopt and implement the Flood Risk Management measures as outlined in the submitted Flood Risk Assessment and Drainage Strategy Report dated August 2014 (Sections 4.15 to 4.17). These measures shall be implemented prior to the completion of the site.
- 13 That the landscaping scheme relating to the development hereby approved shall be carried out simultaneously with the development, or each phase thereof, and shall be completed and thereafter maintained and replaced where necessary to the satisfaction of the Council as Planning Authority.
- 14 That prior to any work commencing on the site, a maintenance management schedule for the landscaping scheme approved under the terms of Condition 13 above shall be submitted to and approved by the Council as Planning Authority. Thereafter, the landscaping shall be maintained in accordance with the approved management schedule to the satisfaction of the Council.
- 15 That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at his or her own expense.
- 16 That no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.
- 17 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, a change of use of any garage (whether integral or detached) to living accommodation associated with the dwellinghouse on the plot shall be subject to a further planning application to the Council as Planning Authority.
- 18 That details of the construction and makeup of the recreational footpath shaded orange linking the development with Hamilton Road shall be submitted for approval in writing by the Council as Planning Authority within 3 months of the date of this consent. Thereafter the path shall be constructed and maintained to the satisfaction of the said Authority.
- 19 The footpath referred to in condition 18 above shall be implemented and operational prior to the completion of the last dwellinghouse.
- 20 That a footpath link, shaded blue on the approved plan, shall be provided to the western side of Plot 88, to the satisfaction of the Council as Planning and Roads Authority, unless otherwise agreed.
- 21 That no development shall take place within the development site as outlined in red on the approved plan 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 by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority.

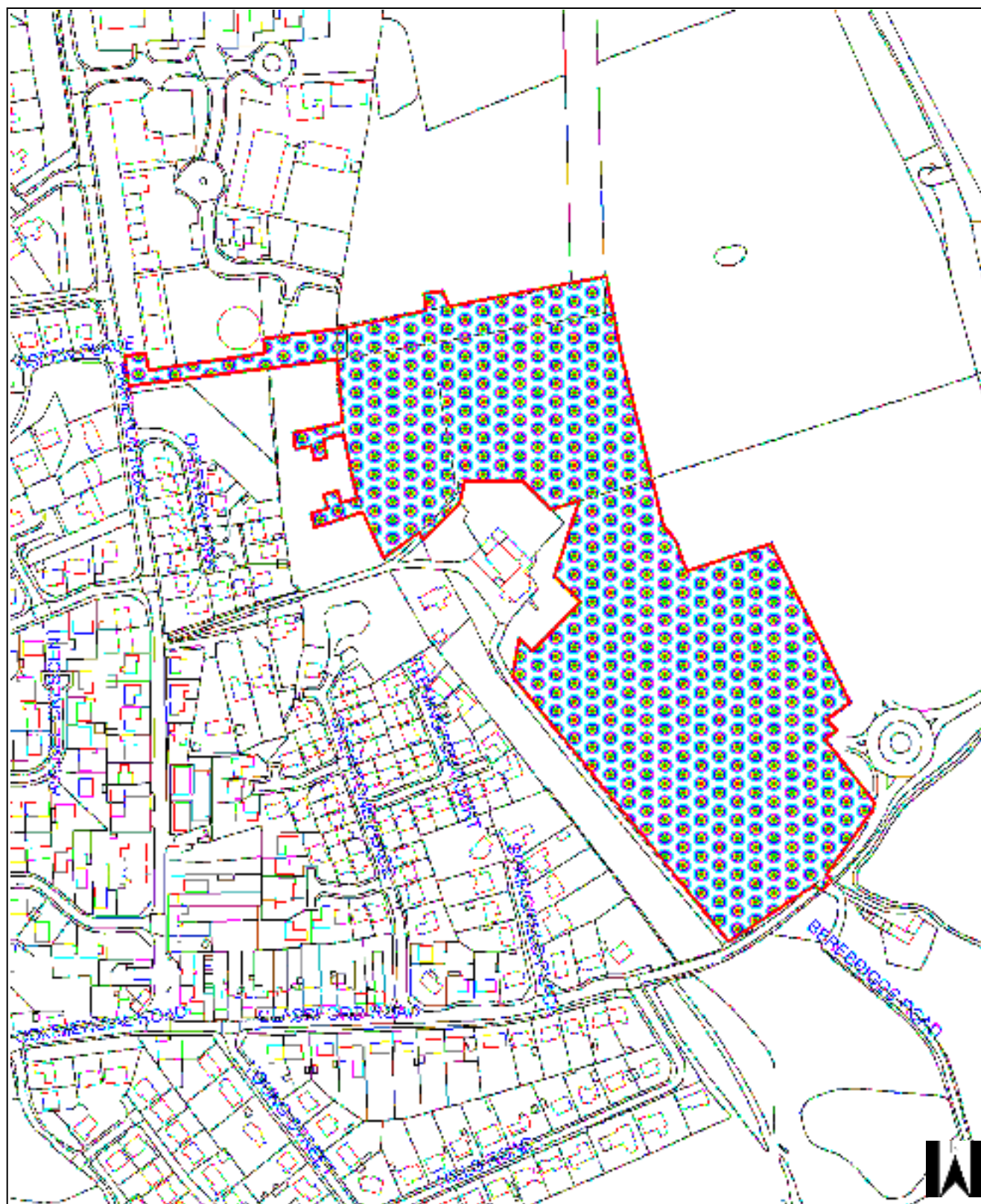
Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.”

REASONS

- 1.1 In the interests of amenity and in order to retain effective planning control.
- 2.1 In the interests of traffic and public safety.
- 3.1 In the interests of traffic and public safety.
- 4.1 To ensure the provision of adequate parking facilities within the site.
- 5.1 To prevent deleterious material being carried into the highway.
- 6.1 In the interests of traffic and public safety.
- 7.1 In the interests of traffic and public safety.
- 8.1 In the interests of traffic and public safety.
- 9.1 To encourage the use of public transport, walking and cycling.
- 10.1 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.
- 11.1 In the interests of amenity.
- 12.1 In the interests of amenity.
- 13.1 In the interests of amenity.
- 14.1 In the interests of amenity and to retain effective planning control.
- 15.1 In the interests of amenity.
- 16.1 In order to retain effective planning control.
- 17.1 In order to retain effective planning control.
- 18.1 These details have not been submitted.
- 19.1 To encourage walking and cycling.
- 20.1 To encourage walking and cycling.

21.1 In order to safeguard any archaeological items of interest or finds.

For information only



For information only

Report

12

Report to:	Planning Committee
Date of Meeting:	19 December 2017
Report by:	Executive Director (Community and Enterprise Resources)

Application No	EK/17/0325
Planning Proposal:	Erection of Upper Storey Front Extension, Two Storey and Single Storey Side Extensions and Rear Upper Storey Balcony

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr and Mrs Carroll
- Location : 7 Tulliallan Place
East Kilbride
G74 2EG

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: Lennox Design Architectural Services
- ◆ Council Area/Ward: 08 East Kilbride Central North
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 - Development management and placemaking
Policy 6 - General urban area/settlements
DM2 - House extensions and alterations
Development management, placemaking and design supplementary guidance (2015)

◆ Representation(s):

- ▶ 8 Objection Letters
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

None required.

Planning Application Report

1 Application Site

- 1.1 The application site is a detached plot at 7 Tulliallan Place, located within the St Leonards area of East Kilbride. The existing two storey dwelling with attached garage sits in a cul-de-sac with six other properties. The property has a driveway to its front which can accommodate 4 vehicles and a generous portioned rear garden. The property is bound to the north, east and west by residential properties and to the south by the public road.

2 Proposal(s)

- 2.1 The proposal is a detailed planning application for the erection of an upper storey front extension, two storey and single storey side extensions and rear upper storey balcony. The proposal would be finished in materials to match the existing dwelling and would retain 4 no. parking spaces at the front within the curtilage of the property.

3 Background

3.1 Local Plan Status

- 3.1.1 In terms of the Adopted South Lanarkshire Local Plan (March 2015), the proposal is for extensions and alterations to a dwellinghouse, therefore, Policy 4 - Development management and placemaking is relevant which advises all planning applications are required to take account of the local context and built form and should be compatible with adjacent buildings and streetscape. Policy DM2 – House extensions and alterations of the supplementary guidance document is also relevant in this instance and expands on Policy 4. As the site lies within a residential area, Policy 6 – General urban area/settlements is applicable and advises any development detrimental to residential amenity will not be permitted.

3.2 Planning History

- 3.2.1 It is noted that this property has previously been extended. In 2002, planning permission was granted for a two storey rear extension under planning application EK/02/0380. This was subsequently implemented. In 2006, planning application EK/06/0054 was granted for the reconstruction of the garage, extension to first floor over garage, with increased balcony at rear first floor bedroom and first floor extension over single storey area at front. It is noted that this is a similar proposal to the current application. Later that year planning application EK/06/0592 was granted for a detached garage to the rear of the property. However, it should be noted that neither development was implemented within the consent time period. As such, both have since expired.

4 Consultation(s)

No consultations were required as part of this application.

5 Representation(s)

- 5.1 Following the statutory neighbour notification procedure carried out by the Council; 8 letters of objection were received, 6 of which are submitted from the same property. The points raised are summarised below:

(a) **The owners of the application site have a large number of cars and commercial vehicles which require to be parked outwith the application site as there is insufficient space within the property. As this proposal increases the number of bedrooms within**

the property, this will encourage further vehicles and further congestion. The title deeds do not permit the parking of commercial vehicles.

Response: The Council has no control over the parking of vehicles on a public road. The applicant is required to provide 3 no. off street parking spaces within the curtilage of the property to support this proposal. As a plan has been submitted to demonstrate this, I am satisfied that the required parking can be provided. With regards to the title deeds not permitting the parking of commercial vehicles; this is a legal matter.

(b) This estate has a turning head to allow emergency, refuse, delivery and construction vehicles to enter and exit in forward gear however the applicant's vehicles currently compromise this. In addition, the estate has no pavements and as the applicants park their vehicles at the entrance to the estate; this makes it difficult to see pedestrians. Approval of this application will therefore create further safety issues.

Response: As noted above, the Council has no control over the parking of vehicles on a public road. Similarly, the Council cannot restrict the number of vehicles owned or used by a single household. However any safety concerns should be raised with the Police.

(c) Should planning permission be granted, this will result in further parking and access issues for other residents during the construction period. The Roads Development Guide states adequate parking should be demonstrated.

Response: Whilst it is noted there would be a level of disruption for local residents during the construction period, this would be for a temporary period only. As such, this is not a reason for refusal of the application. As noted above, I am satisfied the applicant can accommodate the required 3 no. off street car parking spaces within the curtilage of the property.

(d) The proposal does not meet the Council's Supplementary Guidance document in relation to householder developments. The policy states there should be no loss of privacy to adjacent properties and that side windows will not normally be permitted at upper levels. In this case, there are 3 no. windows on the upper storey extension which will overlook 9 Tulliallan Place leading to a loss of privacy and enjoyment of garden. Should permission be granted, these windows should be removed.

Response: It was agreed that the 2 no. bedrooms windows proposed on the upper storey extension would overlook the adjacent property at 9 Tulliallan Place. As such, the applicant has now revised this to 3 no. high level glazed windows. This will ensure no overlooking but still allow additional light into the rooms. It is noted that a fourth window on this elevation will be a bathroom window however will be obscurely glazed.

(e) Council policy states the proposal should be in proportion to the existing dwelling in terms of width, height and massing and not over dominate adjacent properties. If approved the upper storey extension will be visually overbearing and have an adverse impact on the adjacent property at 9 Tulliallan Place in terms of bulk, mass and proximity to the boundary. The policy also states an extension should ideally be set back from property boundaries by 1.0 metres and set below the existing ridge line. This proposal is therefore out of keeping with the rest of the cul-de-sac which is very tight. This proposal should be considered as over development of the site.

Response: As noted above, the property already has a two storey rear extension which was approved and implemented under application number EK/02/0380. In terms of the current application, the proposed upper storey side extension is over the existing garage and will also incorporate a larger area at upper level to maximise the accommodation. Whilst it is noted that a new section of building will be approximately 0.6 metres from the shared boundary with 9 Tulliallan Place at its closest point; this is at the front of the property only. Thereafter, the space between the boundary and the extension widens due to the angle at

which the property sits to the boundary. The rear of the extension is, therefore, 1.5 metres from the shared boundary. This proposal also includes an upper storey extension over the front porch, a single storey side extension and rear upper storey balcony. In terms of the scale and mass of the proposed upper storey side extension, I am satisfied the proposal is sufficient distance from the boundary to ensure it will have no adverse impact on the adjacent property. It is noted that the adjacent dwelling at 9 Tulliallan Place also sits at an angle from the boundary which assists with reducing any impact. It is noted that the plot at 7 Tulliallan Place is narrower at the front given the nature of the cul-de-sac it sits within; however, as this widens to the rear it is noted the property sits within a generously portioned garden. As the proposal is not built up to the shared boundary, is contained entirely within the application site and adequate garden ground will still be retained, I am satisfied the proposal is not out of keeping with the adjacent properties and is not over development of the existing property. In addition, whilst this proposal has a continuous ridge line with the existing dwelling, I am satisfied this is acceptable given that the property is detached and that it has no adverse impact on the adjacent properties. It is noted that the Development management, placemaking and design supplementary guidance which contains Policy DM2 – House extensions and alterations which the objector refers to, is guidance only and as such should be applied by the Planning Service where appropriate.

(f) Objector suggests application site boundary has been changed on the updated block plan.

Response: During the course of assessment of the proposal, the applicant noted that the block plan and floor plans indicating the shared boundary between 7 and 9 Tulliallan Place were inaccurate as there would be a distance of approximately 0.6 metres between them at their closest point. As such, the applicant has submitted updated plans to clarify this and I am satisfied this accurately reflects the situation on site. It is noted that any land ownership or boundary disputes would be a legal matter.

(g) The policy advises an extension should not prevent the provision of off-street parking, result in the creation of a sub standard access, or interfere with visibility splays.

Response: As noted above, the required parking can be provided within the curtilage of the property. This proposal does not interfere with any visibility splays and the access to the property will still remain.

(h) The proposed plans show skylights however the intended use of these are not stated on the plans. This should be established as it may impact parking or environmental issues such as ensuring there are adequate bathrooms.

Response: The introduction of velux windows and the conversion of the attic space does not require planning permission. As such, there is no requirement for plans to be submitted detailing this. With regards to ensuring the provision of adequate bathrooms; this is not a Planning matter.

(i) As the proposal increases the side of the house to the same height as the existing dwelling; it will lead to loss of light at 9 Tulliallan Place, reducing enjoyment of the property. On inspection of the Council's shadow test, the objectors have calculated that this would result in losing almost 40% of light from their home and garden. This is contrary to policy.

Response: The shadow test referred to was carried out by the Council in respect of the proposal which indicates the shadow cast by the existing dwelling and associated buildings and then as a result of the proposed development. This is shown for different times throughout the day and for different months of the year when the sun is at a higher or lower position. The findings of this were that due to the positioning of the existing buildings on the site and their orientation in respect of the sun rising in the east and setting in the west, the proposed extensions did not create a significant level of additional overshadowing in

comparison to the existing situation. As such, it is not considered this is a reason for refusal of the application.

(j) The policy advises that an extension should be capable of being constructed and maintained from within the property and not require access from a neighbouring property. It is advised that no permission will be granted to the applicant for access to the adjacent property for any machinery, scaffolding etc. Furthermore there should be no damage to the existing established hedgerow within 9 Tulliallan Place located adjacent to the boundary.

Response: The policy advises it is desirable that the extension can be constructed and maintained from within the application site. The applicant has confirmed that the development can be constructed from entirely within the application site. Notwithstanding this however; the granting of any planning permission does not grant any right of access over any adjoining property or land required for the purpose of constructing or maintaining the development. The consent of the appropriate land owner is required in order to carry out building work or future maintenance that requires access to a neighbour's ground. It is noted that any damage to private property, such as the established hedgerow separating these two properties, is a civil matter.

(k) Council policy advises that upper floor balconies will only be permitted where they do not cause a significant adverse impact on the privacy of neighbouring properties. This proposal includes an upper storey balcony which will enable the applicant to overlook 9 Tulliallan Place.

Response: The proposed balcony is located on the rear elevation and is closer to the western boundary with 5 Tulliallan Place. The application site is well screened along the boundaries to the north and west by mature trees; however it is noted there is less screening on the eastern boundary with 9 Tulliallan Place. Whilst it is considered that due to the distance of the balcony from 9 Tulliallan Place it is unlikely to pose any significant overlooking issue, the applicant has amended the plans to include a 1.8 metre high screen on either side of the balcony. This will ensure there is no overlooking in future should any of the existing screening require to be removed.

(l) Council policy advises that a proposed two storey extension should not have a flat roof and that the proposed roof should tie into the existing. In this case the plans show a flat roof on the two storey side extension.

Response: As noted above, Policy DM2 is guidance only. In relation to two storey extensions, the guidance advises it should not have a flat roof and should tie into the existing roof. This is to ensure that visually the building ties in with the existing, but is also in reference to the overall roof. In this case, the proposed roof on the upper storey extension includes a pitched roof but also a smaller flat roofed section to tie into the existing two storey rear extension. As this is necessary to join the different sections of roof, is to the rear of the property, and has no adverse impact on visual or residential amenity; I am satisfied the pitched roof with flat section is acceptable and is not a reason for refusal of the application.

(m) The proposed garage is a 'drive-through' with doors at either side. The intended use of this is not clear from the plans. If the intention is to park at the rear of the garden this would lead to noise and pollution leading to loss of enjoyment to adjacent properties. Previous plans included a garage/workshop in the garden with hardstanding. This suggests the applicant intends further development in the future.

Response: The installation of a garage door onto the rear of the existing garage does not require planning permission. Similarly should the applicant wish to park to the rear of the property, this would not require permission. Notwithstanding this, the applicant has advised that the garage door to the rear is for ease of access to the garden equipment and furniture stored within the garage. It is noted that there was a previous planning permission for a detached garage to the rear of the dwelling which was approved under planning application

EK/06/0592. However as this was not implemented within the specified time period it has now expired.

(n) There is a Tree Preservation Order within the area and the trees within 7 Tulliallan Place fall under this. The owner recently cut down a mature, healthy tree that would have otherwise prevented the proposed side extension. Was permission given for this? Consideration should be given to the other protected trees within the site.

Response: This will be investigated as a separate matter to this planning application. The proposal does not affect any other existing trees within the application site.

(o) Any proposed development requires compliance with the Construction Design and Management Regulations (CDM) Regulations. Confirmation should be provided that risk assessments have been/will be carried out by the building designer/land owner. As historically this was a mining area; consideration should be given to this.

Response: CDM Regulations are separate to Planning and are therefore not a consideration in the determination of a planning application. Similarly, the Planning Service does not require the submission of risk assessments. Given the mining history of the area, an advisory note has been attached to the consent for the applicant's assistance should any mining issues arise.

(p) If approved, a condition should be attached to stipulate the hours of working.

Response: An informative has been attached specifying the acceptable working hours as stipulated and regulated by Environmental Services.

(q) Objector has attached another report by South Lanarkshire Council on a planning application that was refused. Objector feels this application should be refused for similar reasons.

Response: As all applications sites differ, each planning application is considered and determined on its own merits. As such, the assessment and decision of a separate site is not relevant. It should be noted however that the application referred to involved the removal of the roof of a single storey bungalow and the installation of a fully flat roofed upper storey extension which is an entirely different proposal to this application.

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 Planning permission is sought for the erection of an upper storey front extension, two storey and single storey side extensions and rear upper storey balcony at 7 Tulliallan Place, East Kilbride. The determining issues in the assessment of this application are compliance with local plan policy and its impact on the amenity of the adjacent properties.

6.2 In this regard, the application site and associated proposal is affected by Policy 4 – Development Management which states that all development proposals will require to take account of, and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate should include measures to enhance the environment. Policy 6 – General Urban Area/Settlements is also relevant and states that within residential areas, development will not be permitted if it is detrimental to the amenity of residents in terms of visual impact, noise, smell, air pollution, disturbance, traffic or public safety.

- 6.3 In this case the proposal involves an upper storey side extension over the existing garage to form 2 no. bedrooms with shower room and storage facilities. As the existing garage is set back from the front of the dwelling, the upper storey extension extends forward to the main front building line and projects out to the side over the garage to maximise the accommodation. An upper storey extension over the existing front projecting section of building is also proposed which would increase the size of an existing bedroom. The proposed single storey side extension on the opposite side of the dwelling would extend the kitchen and the proposed balcony would project out approximately 1.5 metres from the rear of the dwelling. It is noted that the balcony would be installed onto the existing two storey rear extension.
- 6.4 In terms of the above policies, it is noted that whilst the proposed upper storey side and front extensions are a significant addition to the existing dwelling, however, I am satisfied that they are in proportion to and will be satisfactorily integrated with the existing building. Whilst it is noted that the proposed side extension is approximately 0.6 metres from the boundary with the adjacent property, this is at its closest point only at the front of the property which is due to the positioning of the dwelling in relation to the boundary line. As the front upper storey extension is over the footprint of the projecting single storey section of building only, I am satisfied both extensions are of a sufficient distance from adjacent properties to ensure no adverse impact in terms of scale and mass. In terms of overshadowing, as noted above, a shadow test has been carried out which concluded that due to the orientation of the existing buildings and the movement of the sun, the erection of the upper storey extensions would not create significant additional overshadowing of the adjacent properties. Furthermore, it is noted that 9 Tulliallan Place has a sizeable garden which will still receive the sun in a number of positions within the garden as it currently does. As such, the small level of additional shadowing is therefore not considered to be of a scale which justifies refusal of the application. In terms of overlooking from the upper storey side extension, the applicant has removed the 2 no. standard bedroom windows and replaced with 3 no. high level glazing windows. As such, I am satisfied there will be no proposed overlooking of the adjacent property from these windows. It is noted that the proposed bathroom window on this elevation will be obscurely glazed. Whilst the proposed upper storey side extension will include a section of flat roof in addition to the various pitched roofs, this is unavoidable to allow it to integrate with the existing roof. As this has no significant visual impact or impact on residential amenity, I am satisfied this element of the proposal is also acceptable.
- 6.5 In terms of the proposed upper storey balcony, as noted above, this projects out from the dwelling approximately 1.5 metres to provide a useable space. Whilst it is considered there is currently natural screening around the property in terms of mature trees to minimise any potential overlooking, the applicant has included a screen at either side of the balcony to ensure there is no issue should any of these trees require to be removed in the future. With regards to the proposed single storey side extension on the west facing elevation, I am satisfied this is of an acceptable size and scale and will have no adverse impact on the adjacent properties. As the overall development will be finished in materials to match the existing dwelling, and adequate garden ground will still be retained to the rear of the property, I am satisfied this proposal is acceptable and complies with the general principles of policies 4, 6 and DM2 of the Adopted plan.
- 6.6 The statutory neighbour notification process was carried out by the Council in respect of this proposal. Eight letters of representation have been received, the points of which are summarised above. Whilst it is noted that some of the points raised were valid, these points have now been addressed by the applicant to the satisfaction of the

Planning service. As such, it is considered there is no justification for refusal of the application.

- 6.7 In conclusion, it is considered that the proposed development at this property is acceptable and I therefore recommend that planning permission is granted subject to the attached conditions.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on residential or visual amenity and complies with policies 4 and 6 of the Adopted South Lanarkshire Local Development Plan (2015) and related supplementary guidance DM2.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

11 December 2017

Previous References

- ◆ EK/02/0380
- ◆ EK/06/0054
- ◆ EK/06/0592

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Neighbour notification letter dated 20.09.2017

- ▶ Consultations

- ▶ Representations
 - Representation from : Fiona Goodwin, 9 Tulliallan Place, East Kilbride
DATED 11/10/2017

 - Representation from : William Reid, 11 Tulliallan Place, East Kilbride
DATED 11/10/2017 12:10:52

 - Representation from : Mr K. Simpson, 15 Tulliallan Place, East Kilbride, G74 2EG
DATED 10/10/2017 12:10:47

 - Representation from : Fiona and Ronnie Goodwin, 9 Tulliallan Place,
East Kilbride, G74 2EG
DATED 24/11/2017

 - Representation from : Fiona Goodwin, 9 Tulliallan Place
East Kilbride, G74 2EG
DATED 04/12/2017

Representation from : Fiona Goodwin, 9 Tulliallan Place
East Kilbride, G74 2EG
DATED 06/12/2017

Representation from : Fiona Goodwin, 9 Tulliallan Place,
East Kilbride, G74 2EG
DATED 07/12/2017

Representation from : Fiona Goodwin, 9 Tulliallan Place,
East Kilbride, G74 2EG
DATED 11/12/2017

Contact for Further Information

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

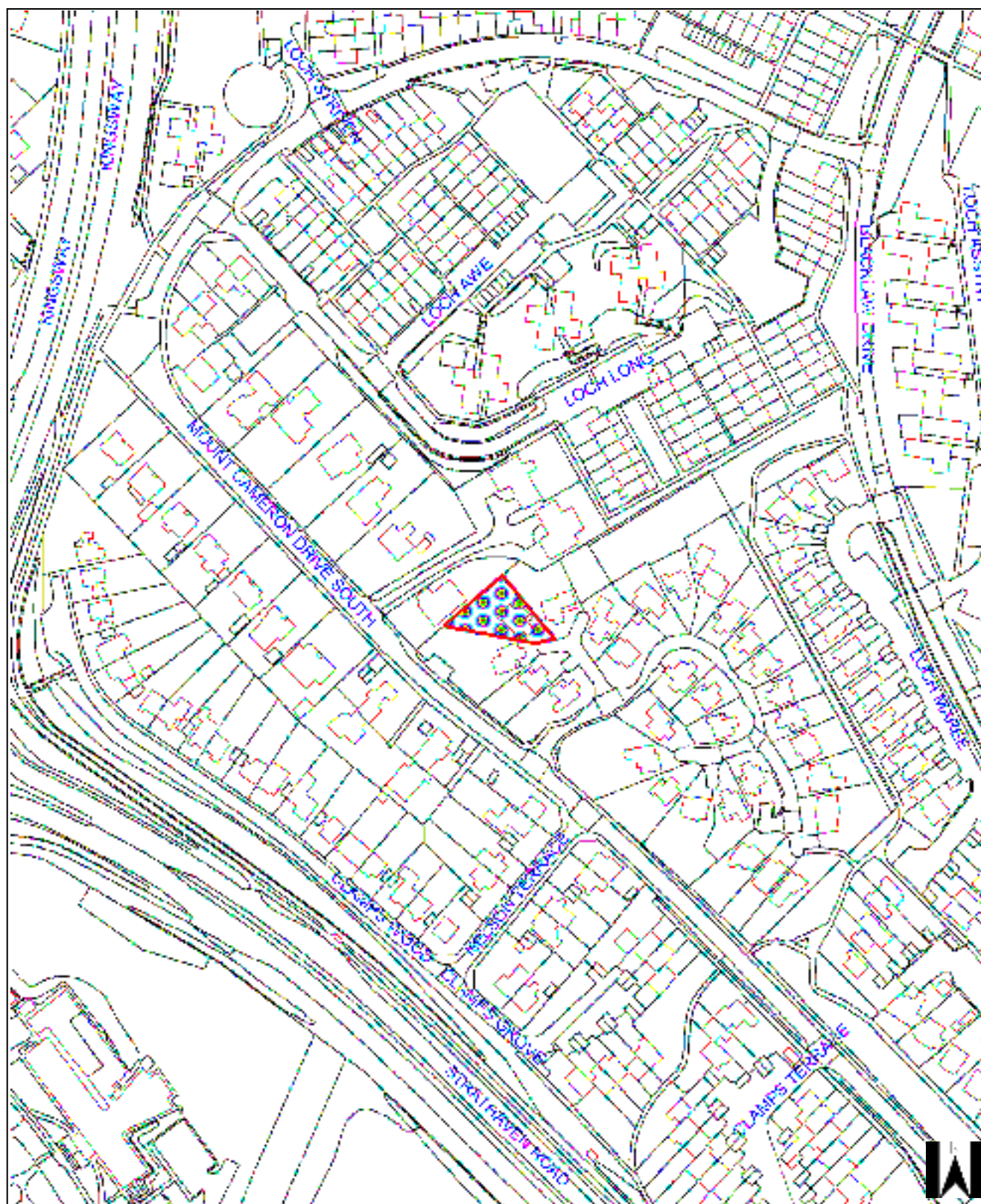
Julie Pepper, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
Ext 5046 (Tel: 01698 455046)
E-mail: julie.pepper@southlanarkshire.gov.uk

CONDITIONS

- 1 That the facing materials to be used for the external walls and roof of the development hereby approved shall match in colour and texture those of the existing adjoining building on the site to the satisfaction of the Council as Planning Authority.
- 2 That the use of the garage shall be restricted to private use incidental to the enjoyment of the dwellinghouse on the site and no commercial activity shall be carried out in or from the garage.
- 3 That before the development hereby approved is completed or brought into use, full details of the proposed balcony screens shall be submitted to and approved in writing by the Council as Planning Authority and thereafter shall be installed prior to completion of the balcony and thereafter maintained as such to our satisfaction.
- 4 That the high level glazing and obscurely glazed window on the upper storey side extension hereby approved shall be implemented prior to the extension being brought into use and thereafter maintained to the satisfaction of the Council as Planning Authority and no further windows will be created on this gable without the written permission of the Council.

REASONS

- 1.1 To ensure satisfactory integration of the proposed extension with the existing building both in terms of design and materials.
- 2.1 To retain effective planning control and safeguard the amenity of the area.
- 3.1 In the interests of amenity and in order to retain effective planning control.
- 4.1 In the interests of amenity and in order to retain effective planning control.



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Report

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Report to:	Planning Committee
Date of Meeting:	19 December 2017
Report by:	Executive Director (Community and Enterprise Resources)

Subject:	Tree Preservation Order – Muirkirk Road, Strathaven
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1. Purpose of Report

1.1 The purpose of the report is to:-

- ◆ Seek approval for the making of a Tree Preservation Order (TPO) on the beech tree immediately north of Muirkirk Road, approximately 50m west of the junction with Muirkirk Gardens.

2. Recommendation(s)

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

- (1) that a Provisional Tree Preservation Order be promoted under the terms of Section 163 (Provisional Tree Preservation Order) of the Town and Country Planning (Scotland) Act 1997 on the tree identified on the attached plan.
- (2) that this Provisional Tree Preservation Order be confirmed within six months from the date of this Order should there be no objections.

3. Background

3.1 The tree that is subject to the proposed TPO is located within a hedgerow adjacent to Muirkirk Road, just outside the current western boundary of Strathaven. A proposal of application notice (EK/17/X0267/NEW) was submitted in July 2017 for a residential development of this site. Following some site investigation works undertaken at the site, the Council received correspondence from a member of the public concerned about the potential loss of the tree, including a request to place a tree preservation order on the tree due to its amenity value in the local area.

4. Policy History

4.1 The land on either side of Muirkirk Road, including Muirkirk Road and the tree, is allocated in the South Lanarkshire Local Development Plan (2015) as housing land.

5. Grounds for Making the TPO

5.1 The reason for making the TPO is that the mature beech tree is considered to contribute to the character, amenity and sense of place within the local area. In this regard, the Council's Arboricultural Manager has advised that the tree should be protected, given its significance as a local landmark. It is noted that the tree is highly visible in the area by virtue of its size, form and siting on the edge of the town and on a main transport route. In addition, the TPO will ensure that only appropriate maintenance is undertaken in consultation with the Council. In order to ensure the future retention of the tree, the promotion of a TPO is considered necessary.

6. Employee Implications

6.1 None.

7. Financial Implications

7.1 None.

8. Equality Impact and Consultation Arrangement

8.1 Consultations have taken place with the Council's Arboricultural Manager. There is no requirement to carry out an impact assessment in terms of the proposals contained within this report.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

5 December 2017

Link(s) to Council Objectives

- Improve the Quality of the Physical Environment (Source: Connect)

Previous References

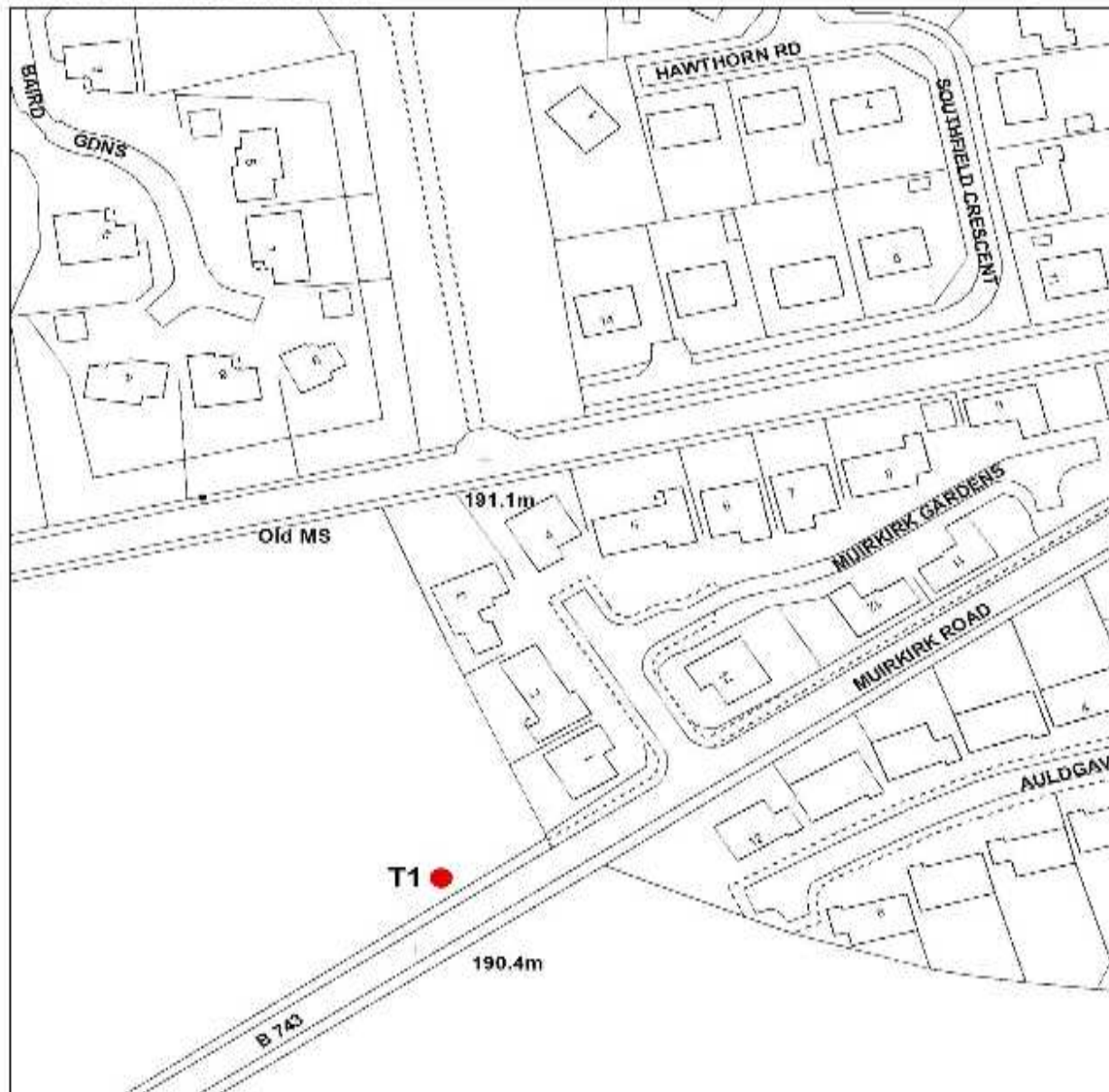
None

List of Background Papers

None

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Tree Preservation Order - No SL51
Muirkirk Road, Strathaven



This is the plan referred to in the First Schedule to the foregoing Tree Preservation Order

Schedule : T1 Beech

**Community and Enterprise Resources
 Planning & Building Standards Services**

Date: December 2017

Scale: 1:1,250

O.S. Coordinates:



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