



Council Offices, Almada Street
Hamilton, ML3 0AA

Friday, 02 November 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, 26 June 2018

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, Julia Marrs, Kenny McCreary, Richard Nelson, Carol Nugent, Graham Scott, David Shearer, Collette Stevenson, Bert Thomson, Jim Wardhaugh, Sheena Wardhaugh

Substitutes

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

BUSINESS

1 Declaration of Interests

2 Minutes of Previous Meeting

5 - 12

Minutes of Meeting of the Planning Committee held on 29 May 2018 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision		
3	Application HM/17/0260 - Erection of Waste Processing Facility Including Waste Recovery Plant and Thermal Treatment Facility for Energy Recovery with Associated Landscaping, Access, Parking Infrastructure and Education and Visitor Centre at Site at Whistleberry Road, Hamilton Report dated 7 June 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	13 - 44
4	Application EK/09/0218 - Mixed Use Development Comprising Residential, Retail and Education Uses and Associated Engineering Works for Site Infrastructure, New Access and Distributor Road and Formation of Open Space Framework with Landscaping Works (Planning Permission in Principle) at Land to South West of East Kilbride Largely Bounded by Eaglesham Road, Jackton Road and Newlands Road Report dated 15 June 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	45 - 78
5	Application EK/17/0305 - Formation of a Primary Road, with Associated Engineering, Drainage and Landscaping for the East Kilbride Community Growth Area (Part) at Land to the South West of East Kilbride, Largely Bounded by Eaglesham Road, Jackton Road and Newlands Road Report dated 15 June 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	79 - 92
6	Application P/18/0264 - Demolition of Existing Hotel and Erection of 96 Bedroom Hotel with Ancillary Restaurant and Additional Class 3 Unit at Hamilton Town Hotel, 29 to 31 Townhead Street, Hamilton Report dated 15 June 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	93 - 110
7	Application P/18/0265 - Demolition of Hotel (Conservation Area Consent) at Hamilton Town Hotel, 29 to 31 Townhead Street, Hamilton Report dated 15 June 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	111 - 122
8	Application P/18/0278 - Demolition of Hotel (Listed Building Consent) at Hamilton Town Hotel, 29 to 31 Townhead Street, Hamilton Report dated 15 June 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	123 - 136
9	Application EK/17/0390 - Demolition of an Existing Single Storey House and Change of Use of Industrial Yard for the Erection of 19 Houses, Public Open Space and Associated Garages and Car Parking at Turner's Yard, Drumclog, Strathaven Report dated 14 June 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	137 - 148

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|-----------|---|-----------|
| 10 | Application CR/17/0195 - Erection of 86 Units, Comprising 4 and 6 Storey Flatted Blocks and 2 Storey Terraced and Semi-Detached Houses, with Associated Parking, Roads and Landscaping at Site Located off Bridge Street, Cambuslang | 149 - 168 |
| | Report dated 14 June 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached) | |
| 11 | Application P/18/0478 - Formation of 18 House Plots Together with Associated Access Road at Land Adjacent to Holm Road, Crossford, Carluke | 169 - 186 |
| | Report dated 15 June 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached) | |
| 12 | Application CL/18/0041 - Erection of 12 Semi-Detached Two Storey Houses and 2 Single Storey Bungalows at Heathland Terrace, Forth | 187 - 198 |
| | Report dated 15 June 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached) | |
| 13 | Application P/18/0454 - Residential Development (Planning Permission in Principle) at Land Near Blair Cottage, Blair Road, Crossford, Carluke | 199 - 212 |
| | Report dated 8 June 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached) | |
| 14 | Application P/18/0491 - Erection of 2 Blocks of Flats (18 Units), Associated Parking and Landscaping at Vacant Land at 3 Dundas Place, East Kilbride | 213 - 228 |
| | Report dated 8 June 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached) | |
| 15 | Application P/18/0511 - Erection of 30 Houses, Associated Roads, Infrastructure, Amenity Areas, Landscaping and Formation of SUDS Ponds (Approval of Matters Specified in Conditions on Planning Permission (CL/17/0199) at Nether Kypeside Farm, Deadwaters, Lesmahagow | 229 - 242 |
| | Report dated 15 June 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached) | |
| 16 | Application P/18/0171 - Erection of a 2 Storey Detached House at East Overton House, Hamilton Road, Strathaven | 243 - 256 |
| | Report dated 7 June 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached) | |
| 17 | Application P/18/0587 - Erection of Single Storey Front, Side and Rear Extension to House at 7 East Milton Grove, East Kilbride | 257 - 266 |
| | Report dated 7 June 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached) | |

Urgent Business

18 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 29 May 2018

Chair:

Councillor Alistair Fulton

Councillors Present:

Alex Allison, John Bradley, Archie Buchanan, Margaret Cooper (*substitute for Councillor S Wardhaugh*), Margaret Cowie, Maureen Devlin, Mary Donnelly, Isobel Dorman (Depute), Fiona Dryburgh, Mark Horsham, Martin Lennon, Richard Lockhart, Catherine McClymont (*substitute for Councillor Thomson*), Julia Marrs, Lynne Nailon (*substitute for Councillor McCreary*), Richard Nelson, Carol Nugent, Graham Scott, David Shearer, Collette Stevenson, Jim Wardhaugh, Jared Wark (*substitute for Councillor Le Blond*)

Councillors' Apologies:

Walter Brogan, Stephanie Callaghan, Ann Le Blond, Kenny McCreary, John Ross, Bert Thomson, Sheena Wardhaugh

Attending:

Community and Enterprise Resources

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

Finance and Corporate Resources

J Davitt, Media Officer; P MacRae, Administration Officer; K Moore, Legal Services Advisor

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 1 May 2018 were submitted for approval as a correct record.

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

3 Proposed South Lanarkshire Local Development Plan 2 - Receiving Views from Representatives

A report dated 17 May 2018 by the Executive Director (Community and Enterprise Resources) was submitted on a request received from Stonehouse Community Council, in terms of Standing Order No 26, to allow representatives of the Community Council to present their views to the Committee on specified aspects of the proposed South Lanarkshire Local Development Plan 2 (SLLDP2).

The Community Council had indicated that they wished to address the Committee on the following matters in respect of SLLDP2:-

- ◆ land at the north of the village of Stonehouse
- ◆ existing planning applications
- ◆ impact on the environs of Stonehouse

The Committee decided: that the request from Stonehouse Community Council, in terms of Standing Order No 26, to allow representatives of the Community Council to present their views on aspects of the proposed South Lanarkshire Local Development Plan 2 (SLLDP2) be granted but that the matters on which the Community Council's representatives were invited to speak be restricted to land at the north of the village of Stonehouse and impact on the environs of Stonehouse.

4 Proposed South Lanarkshire Local Development Plan 2 and Supporting Planning Guidance on Renewable Energy

A report dated 17 May 2018 by the Executive Director (Community and Enterprise Resources) was submitted on the proposed South Lanarkshire Local Development Plan 2 and Supporting Planning Guidance on Renewable Energy.

Prior to consideration of the Executive Director's report, the Committee, having agreed to a request from Stonehouse Community Council, in terms of Standing Order No 26, to hear representatives of the Community Council in relation to certain aspects of the proposed SLLDP2, heard G Smith (Chair) accompanied by R Freel (Secretary), both representing Stonehouse Community Council.

The representatives from Stonehouse Community Council addressed the Committee on the following aspects of the proposed SLLDP2 and answered members' questions:-

- ◆ land at the north of the village of Stonehouse
- ◆ impact on the environs of Stonehouse

At its meeting on 21 February 2017, the Committee had approved the Main Issues Report (MIR) for the proposed SLLDP2. The MIR constituted the first stage in the preparation of the SLLDP2. On the basis of comments received following public consultation on the MIR, the Council required to prepare and publish a proposed SLLDP2 for further consultation.

The Scottish Government had indicated that the Development Plan required to guide the future use of land and the appearance of cities, towns and rural areas, while being both inspirational and realistic in its aims.

Details were given on:-

- ◆ the key areas addressed in the proposed SLLDP2 together with key changes and details of supporting planning guidance
- ◆ proposed consultation arrangements
- ◆ the next steps in the process

The Committee also heard Councillor Campbell, a local member for Avondale and Stonehouse, on the impact of the proposed SLLDP2 on Stonehouse and in support of the inclusion of land to the north of the village of Stonehouse in the proposed Plan.

Councillor Fulton, seconded by Councillor Dorman, moved that the recommendations contained in the Executive Director's report be approved. Councillor Allison, seconded by Councillor Nelson, moved as an amendment that the recommendations contained in the Executive Director's report be approved but that a further recommendation also be approved to the effect that consideration be given to designating and supporting Stonehouse as a Community Growth Area and that the policy in respect of houses in the rural area be reviewed to meet the specific needs of the rural area. On a vote being taken by a show of hands, 7 members voted for the amendment and 15 for the motion which was declared carried.

The Committee decided:

- (1) that the proposed South Lanarkshire Local Development Plan 2 and Supporting Planning Guidance on Renewable Energy be approved and that it be the subject of public consultation for a minimum period of 8 weeks; and
- (2) that the Head of Planning and Economic Development be authorised to undertake the appropriate statutory procedures and to make drafting and technical changes to the proposed South Lanarkshire Local Development Plan 2 and Supporting Planning Guidance on Renewable Energy prior to its publication.

[Reference: Minutes of 21 February 2017 (Paragraph 12) and 29 May 2018 (Paragraph 3)]

In terms of Standing Order No 13, the Chair adjourned the meeting at 11.20am for a 10 minute period. The meeting recommenced at 11.30am

5 Application HM/17/0558 - Erection of 5 Detached Houses (Planning Permission in Principle) at Avonbank Road, Larkhall

A report dated 10 May 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0558 by D Smallwood for the erection of 5 detached houses (planning permission in principle) at Avonbank Road, Larkhall.

The Committee decided: that planning application HM/17/0558 by D Smallwood for the erection of 5 detached houses (planning permission in principle) at Avonbank Road, Larkhall be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 20 September 2011 (Paragraph 4)]

6 Application EK/17/0358 - Erection of 219 Houses, Access Road, Associated Infrastructure and Landscaping at Former Philipshill Hospital, Barbana Road/Grado Avenue, East Kilbride

A report dated 17 May 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/17/0358 by BDW Trading Limited and Philipshill Retirement Village Limited for the erection of 219 houses, access road, associated infrastructure and landscaping at the former Philipshill Hospital, Barbana Road/Grado Avenue, East Kilbride.

The Area Manager, Planning and Building Standards Services (Cambuslang/Rutherglen and East Kilbride) confirmed that it was considered that the existing surrounding road network could support the development.

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 EK/17/0358 by BDW Trading Limited and Philipshill Retirement Village Limited for the erection of 219 houses, access road, associated infrastructure and landscaping at the former Philipshill Hospital, Barbana Road/Grado Avenue, East Kilbride be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Section 75 Planning Obligation and/or other agreement between the Council, the applicants and the site owner(s) to ensure that financial contributions were made at appropriate times during the development towards the provision of:-
 - ◆ community facilities
 - ◆ affordable housing
 - ◆ educational facilities
 - ◆ the applicants meeting the Council's legal costs associated with the Section 75 Obligation and/or other legal 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 11 March 2014 (Paragraph 3) and 7 July 2015 (Paragraph 15)]

7 Application P/18/0287 - Change of Use of Existing Retail Unit (Class 1) to Public House (Sui Generis), Restaurant (Class 3) and Hotel (Class 7) (Incorporating External Alterations and Formation of External Seating Areas) at 1 to 3 Duke Street, Hamilton

A report dated 10 May 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0287 by J D Wetherspoon Plc for the change of use of an existing retail unit (Class 1) to public house (sui generis), restaurant (Class 3) and hotel (Class 7) (incorporating external alterations and formation of external seating areas) at 1 to 3 Duke Street, Hamilton.

The Committee decided:

that planning application P/18/0287 by J D Wetherspoon Plc for the change of use of an existing retail unit (Class 1) to public house (sui generis), restaurant (Class 3) and hotel (Class 7) (incorporating external alterations and formation of external seating areas) at 1 to 3 Duke Street, Hamilton be granted subject to the conditions specified in the Executive Director's report.

8 Application P/18/0169 - Erection of 43 Residential Units Comprising 3 Three Storey Flatted Blocks (27 Flats) and 16 Two Storey Terraced and Semi-Detached Houses and Associated Access and Landscaping at Mavor Avenue, Nerston Industrial Estate, East Kilbride

A report dated 11 May 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0169 by Lovell Partnerships Limited for the erection of 43 residential units comprising 3 three storey flatted blocks (27 flats) and 16 two storey terraced and semi-detached houses and associated access and landscaping at Mavor Avenue, Nerston Industrial Estate, East Kilbride.

The Committee decided: that planning application P/18/0169 by Lovell Partnerships Limited for the erection of 43 residential units comprising 3 three storey flatted blocks (27 flats) and 16 two storey terraced and semi-detached houses and associated access and landscaping at Mavor Avenue, Nerston Industrial Estate, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 24 March 2015 (Paragraph 4)]

9 Application P/18/0041 - Extension to Existing Factory and Provision of On-site Car Parking at Block 6, Dunedin Road, Larkhall Industrial Estate, Larkhall

A report dated 10 May 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0041 by Ashgill Electronics for an extension to an existing factory and provision of on-site car parking at Block 6, Dunedin Road, Larkhall Industrial Estate, Larkhall.

The Committee decided: that planning application P/18/0041 by Ashgill Electronics for an extension to an existing factory and provision of on-site car parking at Block 6, Dunedin Road, Larkhall Industrial Estate, Larkhall be granted subject to the conditions specified in the Executive Director's report.

Councillor Cooper left the meeting during consideration of this item of business

10 Application EK/17/0321 - Construction of 4 Arm Roundabout and Associated Works to Provide Access to the Proposed Community Growth Area (Planning Permission in Principle EK/11/0202) at Site Off Eaglesham Road, Jackton, East Kilbride

A report dated 17 May 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/17/0321 by BMJ Property Limited for the construction of a 4 arm roundabout and associated works to provide access to the proposed Community Growth Area (planning permission in principle EK/11/0202) at a site off Eaglesham Road, Jackton, East Kilbride.

The Committee decided: that planning application EK/17/0321 by BMJ Property Limited for the construction of a 4 arm roundabout and associated works to provide access to the proposed Community Growth Area (planning permission in principle EK/11/0202) at a site off Eaglesham Road, Jackton, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 27 March 2012 (Paragraph 2)]

11 Application P/18/0220 - Application for Approval of Matters Specified in Conditions 8 and 9 (Bus Service Strategy) and 13 (Scottish Water Approval) of Planning Permission in Principle HM/10/0052 at Land at Brackenhill Farm, Meikle Earnock Road, Hamilton

A report dated 17 May 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0220 by Stewart Milne Homes for an application for approval of matters specified in Conditions 8 and 9 (bus service strategy) and 13 (Scottish Water approval) of planning permission in principle HM/10/0052 at land at Brackenhill Farm, Meikle Earnock Road, Hamilton.

The Committee decided: that planning application P/18/0220 by Stewart Milne Homes for an application for approval of matters specified in conditions 8 and 9 (bus service strategy) and 13 (Scottish Water approval) of planning permission in principle HM/10/0052 at land at Brackenhill Farm, Meikle Earnock Road, Hamilton be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 28 March 2017 (Paragraph 16)]

12 Application P/18/0214 - Erection of 60 Houses with Associated Infrastructure and Landscaping at Former St Leonards Primary School, Brancumhall Road, Calderwood, East Kilbride

A report dated 17 May 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0214 by Cruden Building, on behalf of South Lanarkshire Council, for the erection of 60 houses with associated infrastructure and landscaping at the former St Leonards Primary School, Brancumhall Road, Calderwood, East Kilbride.

The Committee decided: that planning application P/18/0214 by Cruden Building, on behalf of South Lanarkshire Council, for the erection of 60 houses with associated infrastructure and landscaping at the former St Leonards Primary School, Brancumhall Road, Calderwood, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 9 July 2013 (Paragraph 7)]

13 Application CL/17/0484 - Sub-division of Existing House into 2 Houses, Conversion and Extension of Farm Outbuilding to Form 1 House, Demolition of Existing Farm Buildings and Erection of 10 Houses at Southfield Road, Kirkmuirhill, Lanark

A report dated 9 May 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0484 by A Stewart for the sub-division of an existing house into 2 houses, conversion and extension of a farm outbuilding to form 1 house, demolition of existing farm buildings and erection of 10 houses at Southfield Road, Kirkmuirhill, Lanark.

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/17/0484 by A Stewart for the sub-division of an existing house into 2 houses, conversion and extension of a farm outbuilding to form 1 house, demolition of existing farm buildings and erection of 10 houses at Southfield Road, Kirkmuirhill, Lanark 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 applicant and the site owners to ensure that a financial contribution of £18,000 was made towards the provision of appropriate community facilities in the area
 - ◆ the applicant 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 7 July 2015 (Paragraph 15)]

14 Urgent Business

There were no items of urgent business.

Report

3

Report to:	Planning Committee
Date of Meeting:	26 June 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	HM/17/0260
Planning proposal:	Erection of waste processing facility including waste recovery plant and thermal treatment facility for energy recovery with associated landscaping, access, parking infrastructure and education and visitor centre

1 Summary application information

Application type:	Detailed planning application
Applicant:	Clean Power Properties Ltd
Location:	Site at Whistleberry Road Hamilton ML3 0EG

2 Recommendation(s)

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

(1) Refuse the application for the reasons attached.

2.2 Other actions/notes

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

3 Other information

- ♦ Applicant's Agent: Icen Projects
- ♦ Council Area/Ward: 17 Hamilton North And East
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan**
Policy 1 Spatial strategy
Policy 2 Climate change
Policy 4 Development management and placemaking
Policy 7 Employment
Policy 14 Green network and green space
Policy 15 Natural and historic environment
Policy 16 Travel and transport
Policy 17 Water environment and flooding
Policy 18 Waste

Supplementary Guidance 1: Sustainable development and climate change

- Policy SDCC2 Flood risk
- Policy SDCC3 Sustainable drainage systems

Policy SDCC11 Waste management facilities
Policy SDCC12 Waste management facilities
buffer zones

**Supplementary Guidance 3: Development
Management, Placemaking and Design**
Policy DM1 Design

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

Policy 1 Spatial Strategy
Policy 2 Climate Change
Policy 5 Development Management and
Placemaking
Policy 8 Employment
Policy 13 Green network and greenspace
Policy 14 Natural and Historic Environment
Policy 15 Travel and Transport
Policy 16 Water Environment and Flooding
Policy 17 Waste

DM1 New Development
SDCC2 Flood Risk
SDCC3 Sustainable Drainage Systems
SDCC5 Waste Management Facilities and Buffer
Zones
SDCC6 Renewable Heat

◆ **Representation(s):**

▶	7,080	Objection Letters
▶	0	Support Letters
▶	2	Comment Letters
▶	Online Petition with 2,922 signatures	

◆ **Consultation(s):**

British Telecom

Countryside and Greenspace

SEPA West Region

SP Energy Network

Transport Scotland

NATS

Environmental Services

Historic Environment Scotland
Roads Flood Risk Management Section
Scottish Natural Heritage
Roads Development Management Team
West of Scotland Archaeology Service
Bothwell Community Council
National Grid UK Transmission
Blantyre Community Council
United Clyde Angling Protective Association

Planning Application Report

1 Application Site

- 1.1 The application site extends to 4.54 hectares and is located within the settlement boundary of Hamilton. It is an area of vacant land that was formerly occupied by Craighead Special Needs School. The school buildings have been demolished and the site is currently unused. A palisade fence encloses the full extent of the site.
- 1.2 The East Kilbride expressway (A725) and Whistleberry Road are located to the north of the application site. The west of the site is the eastern boundary of the Whistleberry Road Industrial Estate. There is an area of broadleaved woodland (Backmuir Wood) on the eastern and southern boundaries of the application site which continues into the designated green network outwith the site boundary.
- 1.3 Access to the site is currently taken from Whistleberry Road, via Back Avenue which runs along the western boundary of the application site. This road also provides access to 8 residential caravans associated with the storage and maintenance of fairground equipment that are located to the rear of Whistleberry Industrial Estate at its south eastern corner.
- 1.4 The Whitehill area of Hamilton is located approximately 100m south of the site, Bothwell is located 180m to the north of the site and Blantyre is located circa 750m to the west of the site. The site is located within the designated Bothwell Bridge Battlefield. The Raith Interchange, which forms the junction between the A725 and the M74, is located 650m to the north east of the application site. The River Clyde is located 70m to the north of the application site and the Park Burn/Gow's Linn runs along the eastern boundary of the application site.

2 Proposal(s)

- 2.1 Detailed planning permission is sought for the erection of waste processing facility including waste recovery plant and thermal treatment facility for energy recovery with associated landscaping, access, parking infrastructure and education and visitor centre.
- 2.2 The proposals involve the erection of a 21 metre high (to ridge) warehouse style building with a gross floorspace of 15,095 square metres. A single stack of 3 flues with a height of 90 metres is also proposed as part of the building design. Within the building the following processes are proposed:
 - Reception and preparation
 - Mechanical separation/ Pre-treatment
 - Fuel store
 - Gasification
 - Steam turbine and generator
 - Gas treatment
- 2.3 Each of these processes is summarised below.

Reception and preparation

All waste will be delivered into the building's sealed reception area (operated under negative pressure to eliminate odour dispersion). The reception hall has been

designed to physically accommodate all available waste vehicles used for domestic and commercial waste collections. The waste feedstock can, therefore, comprise non recyclable waste from Council collected waste (i.e. domestic landfill bins) as well as non recyclable commercial waste. After inspection the waste is separated into categories which are, in essence; waste that can proceed directly to be used as fuel for the gasifiers, waste which requires separation and treatment before proceeding to be used as fuel and any non-conforming waste that cannot be used as fuel which is segregated, batched and then removed from site to an appropriate waste facility. It should be noted that the majority of waste received on site will either be ready to be used directly as a fuel source or will be waste that requires further separation and pre-treatment as the waste brought to site will be registered and sourced from commercial and municipal waste.

Mechanical separation/ pre-treatment

As noted, not all waste will be in a form that can be sent directly to the gasifiers and therefore within the reception area a proposed mechanical materials recovery plant will process any waste that does not already meet the required gasifiers specifications. The separation area will also recover any plastics, metals and other materials that will be sent off site for recycling or disposal where appropriate. Once separated the remaining waste will be batched and sent on for use as fuel in the gasifiers.

Fuel store

The waste that did not require separation and the separated waste is then placed within the fuel store where overhead cranes will load it onto feed conveyors to take the waste onto hoppers that are then fed into the gasifiers.

Gasification

3 gasification plant systems will gasify the fuel in a reduced oxygen environment and convert it to synthesised gas (syngas). In essence the gasifiers heat the waste to such a degree that a chemical transformation releases syngas from the waste leaving a residual ash. The syngas is then combusted to produce heat in 3 boilers to produce steam. The residual ash is cooled and can then be used as an aggregate replacement material in the construction industry.

Steam turbine and generator

The steam from the boilers is passed into a steam turbine and generator which converts the steam energy into electricity which is then exported to the national grid as well as powering the plant itself. It is proposed that the plant will have an approximate energy generating capacity of 18MW.

It is proposed that the plant shall also have a system that allows steam or hot water to be extracted from the process for district heating purposes if required. Any residual water from the steam is then recycled back into the boilers to minimise water usage.

Gas treatment

The gas treatment process involves the use of Selective non-catalytic reduction (SNCR) which is a process where catalysts (such as urea and lime) are injected into the gas to react with gases such as nitrogen oxide to form water. Filters are proposed to remove larger particulates from the gas. Following this treatment the remaining gas would be released via the three, 90m high chimneys. Whilst the gas would undergo treatment to remove pollutants, the proposed facility would still result in a certain level of emissions, including Nitrogen Dioxide, Carbon Monoxide, Sulphur Dioxide which would require constant monitoring of emission levels from the point of exit on the chimneys.

- 2.4 It is proposed that the operations would run 24 hours a day, 7 days a week. It is proposed that the site would generate approximately 35 HGV deliveries per day. The deliveries would not be 24 hour and would be restricted to the hours of 7am to 10pm Monday to Friday, 8am to 3pm Saturdays with none on a Sunday. It is stated that the proposals would generate between 25 to 30 full time jobs for the 24 hour operation of the plant. A new access shall be formed onto Back Lane at the corner it joins onto Whistleberry Road. It is expected that 150,000 tonnes per annum (tpa) of waste will be processed by the site but it has an operating capacity of up to 190,000 tpa. The site is designed so that all traffic shall enter and exit the site in forward gear with a circulation route round the full layout of the building to minimise lorry manoeuvres and on site staff parking is contained within the site.
- 2.5 As well as the plant building the proposals also include the provision of a dedicated conference/ education centre within the building. It is proposed that this facility allows visiting school, community or other interested groups to visit the site and receive presentations etc. within the proposed facility.
- 2.6 A 4m high, landscaped, acoustic bund is proposed on the south and east sides of the site with 4m fencing running along the northern and western boundaries of the site. Tree planting and landscaping is proposed around the plant, parking and internal road as well as retention of the existing woodland located within the eastern and southern corners of the site.

3 Background

3.1 National Policy and Guidance

- 3.1.1 The third National Planning Framework (NPF3) recognizes that waste can be considered a resource rather than a burden. NPF3 states that it expects Planning Authorities to work with the market to identify viable solutions to create a decentralized network of waste processing facilities and, through effective waste management, create a sustainable legacy for future generations.
- 3.1.2 Scottish Planning Policy sets out a series of policy principles for achieving the zero waste policy Scotland has adopted through the National Zero Waste Plan 2010 (ZWP). SPP promotes the delivery of waste infrastructure at appropriate locations and waste management should be prioritised through the Scottish Government's waste hierarchy. The hierarchy is: waste prevention, reuse, recycling, energy recovery and waste disposal. Scotland's zero waste target is to recycle 70% of household waste and send no more than 5% of the country's annual waste to landfill by the year 2025.
- 3.1.3 SPP also notes that in determining applications for new installations, Planning Authorities should determine whether proposed developments would constitute appropriate use of the land and leave the regulation of permitted installations to SEPA. This is further noted within Planning Advice Note (PAN) 63 'Energy from Waste' which advises that Planning Authorities should not impose planning conditions on issues that are more suitably dealt with by waste management licensing conditions. PAN 63 also advises that SEPA's consideration of whether to grant a Pollution Prevention and Control (PPC) permit will include the potential effects of the proposed development on public health.

- 3.1.4 Following on from this SPP statement and further advice in PAN 63 it is prudent to set out the responsibility of both the Planning Authority (South Lanarkshire Council) and SEPA.
- 3.1.5 In Scotland, energy recovery facilities of this nature can only operate when planning permission is granted by the Planning Authority and a PPC permit has been issued by SEPA. SEPA will not, however, grant PPC permits until planning permission is granted.
- 3.1.6 As stated in SPP, the Planning Authority has a responsibility to determine planning applications in relation to land use planning. PAN 51 Planning, Environmental Protection and Regulation advises that during the planning process the Planning Authority is also required to consult with SEPA to establish whether or not the proposed development is potentially capable of being consented under the PPC licensing regime.
- 3.1.7 SEPA's main aim when determining an application for a PPC Permit is to ensure that the facility is operated in a way, and in accordance with conditions set in the permit, that protects human health and the environment from any harmful emissions. SEPA is legally obliged to issue a permit if an application meets legal requirements. The PPC permit, if granted, would control many aspect of the facility's operation, including;
- its operating standards;
 - plant maintenance standards;
 - types and quantities of waste allowed;
 - how waste is handled and disposed of;
 - strict emissions limits;
 - how emissions are monitored;
 - how emissions are reported;
 - noise and vibration limits;
 - environmental monitoring requirements;
 - methods for reporting breaches, or possible breaches, of limits and permit conditions to SEPA;
 - disposal (including recycling) routes for residues such as bottom and fly ash.
- 3.1.8 Finally PAN 51 notes that planning authorities should therefore accept that PPC licensing is adequate and suitable for public health protection.
- 3.1.9 All the national policy advice is considered in the assessment section of this report.

3.2 Development Plan

- 3.2.1 The Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) is a strategic plan with a strong focus on future growth with a broad spatial framework and a lesser focus on detailed area/site specific policy criteria. Nonetheless, the GCVSDP recognises its position within the Development Plan process relative to development management. As such, Policy 10 supports renewable energy and heat targets and Policy 11 reiterates the Scottish Government's waste hierarchy and also states, inter alia, that development proposals for waste management facilities will generally be acceptable, subject to local considerations, on land designated for industrial, employment or storage and distribution uses.

3.2.2 In land use terms the site is designated as 'Other Employment Land' where Policy 7 – Employment of the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) applies. The proposal should be assessed also against the following policies;

- Policy 1 Spatial Strategy
- Policy 2 Climate Change
- Policy 4 Development Management and Placemaking
- Policy 7 Employment
- Policy 14 Green network and greenspace
- Policy 15 Natural and Historic Environment
- Policy 16 Travel and Transport
- Policy 17 Water Environment and Flooding
- Policy 18 Waste

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

- Supplementary Guidance 1: Sustainable Development and Climate Change
- Supplementary Guidance 3: Development Management, Placemaking and Design

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

Volume 1

- Policy 1 Spatial Strategy
- Policy 2 Climate Change
- Policy 5 Development Management and Placemaking
- Policy 8 Employment
- Policy 13 Green network and greenspace
- Policy 14 Natural and Historic Environment
- Policy 15 Travel and Transport
- Policy 16 Water Environment and Flooding
- Policy 17 Waste

Volume 2

- DM1 New Development
- SDCC2 Flood Risk
- SDCC3 Sustainable Drainage Systems
- SDCC5 Waste Management Facilities and Buffer Zones
- SDCC6 Renewable Heat

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

3.3 Planning History

- 3.3.1 The application site formally accommodated the Craighead Special Needs School, which was demolished in 2009.
- 3.3.2 Planning permission in principle for the Erection of Mixed Use Development (Class 4,5,6,7, & 8) was granted in October 2010 (HM/09/0407). This proposal was not progressed to a detailed planning application and the permission has now expired.
- 3.3.3 In May 2014, South Lanarkshire Council's Planning Committee, in line with Officer recommendation, refused planning permission for the 'erection of a waste processing and resource recovery facility' on the application site (HM/13/0432). The reasons for refusal were:
- The proposals were within 250m of the closest residential property
 - The proposals would create an adverse impact on the Historic Environment (in relation to Bothwell Bridge and Bothwell Bridge Historic Battlefield)
 - The proposals would have a detrimental effect on the connectivity and function of the surrounding green network
 - That the proposals would result in the release of emissions that would adversely affect air quality and create an adverse impact to the Hamilton Low Parks SSSI (Site of Special Scientific Interest) and the Black Muir Plantation SINC (Site of Importance for Nature Conservation)
- 3.3.4 This decision was appealed to the Directorate for Planning and Environmental Appeals (DPEA) and the appeal was upheld in August 2015, allowing planning permission for the development subject to 24 conditions. The permission (hereon referred to as the Appeal Decision) was issued with a requirement to commence work within 3 years from the date of issue, and currently the applicant is working on discharging the pre-commencement planning conditions and starting work on site to secure the permission in perpetuity.
- 3.3.5 The current Planning application is similar in nature to the one approved through the appeal system but involves several key changes. The Appeal Decision incorporated 4 No. anaerobic digestion tanks which involved the processing of food waste via anaerobic digestion to create additional gas for combustion. All anaerobic digestion elements have been removed from the current scheme. The other key changes relate to the design and scale of the main building. The Appeal Decision is for a main building of some 5,710 square metres and the current proposals are increased from this to a floor area of approximately 15,000 square metres. The Appeal Decision is for a maximum building height of 9 metres with 2 No. flue stacks sitting at 25 metres in height. The current proposals are for a building height of 21 metres and a reduction from 2 No. to 1 No. flue stack but at an increased height of 90 metres.
- 3.3.6 Due to its nature and scale, the current planning application falls within that defined as a 'Major' planning application as set out within the hierarchy of development in The Planning etc. (Scotland) Act 2006 and the applicant has carried out the statutory Pre-Application Consultation (PAC) with the local community.
- 3.3.7 In support of the planning application, the applicant has submitted a Pre-Application Consultation Report, which sets out the community consultation exercise undertaken to comply with the statutory requirement of PAC. The applicant held 3 No. public meetings at Bothwell Community Hall (21st April, 2017), Whitehill Neighbourhood Centre (22nd April, 2017) and Blantyre Miners Welfare Society (17th May, 2017) respectively. The events were advertised locally and invitations were sent to local

MPs, MSPs and Councillors as well as relevant Community Councils and Neighbourhood groups.

- 3.3.8 Having regard to the above, it is considered the applicant has met the statutory, legislative requirements for pre-application consultation with the community.
- 3.3.9 The application by nature of its scale and type falls within the threshold of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The applicant has therefore submitted a statement in tandem with this application, which expressly states that it is an Environmental Statement for the purposes of the EIA Regulations. The application was also advertised as an EIA development within the Hamilton Advertiser and the Edinburgh Gazette as required by The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.
- 3.3.10 As part of the planning application process additional environmental information was submitted in January 2018. The planning application was then re-advertised for receipt of additional information in the Hamilton Advertiser (25.1.2018) and the Edinburgh Gazette (26.1.2018). All consultees were re-consulted for further views on the additional information.

4 Consultation(s)

- 4.1 **Scottish Environment Protection Agency (SEPA)** – stated that the the development will require a Pollution Prevention and Control (Scotland) Regulations 2012 Part A Permit under Section 5.1 (b) and originally objected to the application on the grounds of lack of information regarding projected emission in relation to these regulations. Following the submission of additional information to address these concerns, SEPA confirmed that they consider the proposed facility as being potentially consentable, as per the requirements of the PPC licensing regime and therefore removed their objection to the planning application
Response: Noted. SPP states that in determining applications for new installations, Planning Authorities should determine whether proposed developments would constitute appropriate use of the land and leave the regulation of permitted installations to SEPA.
- 4.2 **Environmental Services** –Note that the development will require a Pollution Prevention and Control (Scotland) Regulations 2012, Part A, Permit and this would be a matter for SEPA to progress with the developer. Environmental Services have stated that they are content that this permitting process will consider all relevant environmental aspects including, but not exclusive to, air quality, odour management and operational noise management. As such, Environmental Services have limited their consideration of the application to aspects which are not covered by the PPC permitting regime. Environmental Services recommend a number of conditions relating to construction and operational noise, air quality and dust. Environmental Services also recommend the use of an advisory note to advise the applicant that the site could be contaminated.
Response: Noted. Planning conditions could be used to control these aspects of the development, in the event the Planning Committee is minded to grant planning permission.
- 4.3 **Roads and Transportation Services** – A Transport Assessment was submitted as part of the planning application which carried out an assessment of the vehicle movement associated with the proposals running at maximum capacity (195,000 tonnes of waste per annum) and concluded that the proposals would result in an average of 16, additional two-way trips (a vehicle entering and exiting the site) on the

local road network which would result in a neutral traffic impact. Roads and Transportation Services raise no objections to the proposed development and Transport Assessment, subject to conditions which require that (1) no part of the development shall be occupied until the proposed modifications to the A725 Westbound off slip/ Whistleberry Road/Back Avenue junction are completed, and (2) on Back Avenue at the junction with Whistleberry Road a minimum junction sightline of 4.5m x 120m should be provided to the right.

Response: Noted. Planning conditions could be used to control these aspects of the development, in the event the Planning Committee is minded to grant planning permission.

- 4.4 **Transport Scotland** – do not advise against the granting of permission and have no comments to make.

Response: Noted.

- 4.5 **Roads and Transportation (Flood Risk Management Services)** – no objection subject to conditions to comply with the Council's Design Criteria and to complete the necessary forms and provide required information prior to commencement on site.

Response: Noted. If planning permission is granted, a condition to address this matter shall be attached

- 4.6 **Scottish Natural Heritage (SNH)** – whilst not objecting, originally requested further information relating to protected species (otters, bats and badgers). On receipt of additional information confirm that they still do not object to the proposals but in relation to protected species advise that the additional information did not include an otter survey. Advise that planning permission should not be granted without an otter survey.

Response: Noted. The application should not be granted without an otter survey being carried out and, if required, the submission of an appropriate otter mitigation strategy.

- 4.7 **West of Scotland Archaeological Service** – note that the main issue associated with the development, in terms of archaeology, is the sites position within the area defined for the Battle of Bothwell Bridge in Historic Scotland's Inventory of Historic Battlefields. WOSAS note the site has been subject to substantial levels of previous disturbance. This would tend to limit the likelihood of deposits surviving in situ, particularly within the footprint of the former school buildings. Further, the ability to survey the site with a metal detector is limited, at the present time, as a result of the presence of rubble on the site. This rubble would be removed if the development is progressed and this would provide the best opportunity to survey the site. WOSAS suggest the use of a suspensive condition, in the event planning permission is granted, requiring a written scheme of investigation of archaeological works.

Response: Noted. If planning permission is granted, a condition requiring the approval and then completion of a programme of archaeological works, prior to any construction activities on site shall be attached.

- 4.8 **SP Energy Networks** – No objections but note that they have infrastructure within the vicinity of the proposals and reserve the right to protect and/ or deviate cable/ apparatus at the applicant's expense.

Response: Noted. This is a civil matter that is outwith the remit of the Planning Authority. The applicant is aware of this advice should permission be granted.

- 4.9 **Countryside and Greenspace** – The site lies immediately adjacent to Backmuir woodlands which is identified as one of South Lanarkshire’s proposed statutory Local Nature Reserves (LNR). The Backmuir woodlands function as an important local amenity providing outdoor recreational access for the residents of Whitehill and Burnbank and contains an extensive network of paths, the majority of which are designated as Core Paths. The proposals will have a significant visual impact on the locality, particularly in relation to the amenity of the woodlands.
Response: Noted. The application site does not impede any paths, Core or other. Issues of visual amenity and impact on the green network are assessed in Sections 6.4.41 to 6.4.42.
- 4.10 **Historic Environment Scotland** – state that the proposed stack will have an overall effect of moderate adverse significance on both the Designated Bothwell Battlefield and A-Listed Bothwell Bridge but they do not consider the effect adverse enough to raise issues of national importance and, therefore, do not object.
Response: Noted. Whilst not considered of national importance there is an adverse impact upon the A-Listed Bothwell Bridge and Designated Bothwell Battlefield which is also required to be considered at a local rather than national scale. Assessment of this aspect of the proposal is considered in Section 6 below.
- 4.11 **NATS** – the stack height does not conflict with their aviation safeguarding criteria.
Response: Noted.
- 4.12 **British Telecom** – No objections but note that they have infrastructure within the vicinity of the proposals and reserve the right to protect and/ or deviate cable/ apparatus at the applicant’s expense.
Response: Noted. This is a civil matter that is outwith the remit of the Planning Authority. The applicant is aware of this advice should permission be granted.
- 4.13 **Whitehill Neighbourhood Management Board** – No objections but facilitated public consultation for residents.
Response: Noted
- 4.14 **Blantyre Community Council** - object to the proposed development on the grounds of the impact a dominant waste facility, including 90m stack, would have on the perception of the area. The impact the proposals could have on local food manufacturing and retail within the local area due to the emissions from the proposal as well as the close proximity the site is from residential homes. The proposals shall create issues of Road Safety and increased traffic within the local area. The stack height will have a detrimental visual impact upon the landscape and the historic character of the area. The previous Appeal Decision was based on a proposal with a stack height of only 25m. The feedstock would use materials that should be recycled. The proposed development would adversely affect the health of residents, especially to embryo and infant development, within the local area including risk of particulate pollution and other pollutants such as heavy metals and organic chemicals. The cost to the task payer of these increased health risks. No evidence of operational expertise shown by applicant.
Response: Noted. In relation to human health, emissions and control of the operations, Section 3.1 of the report outlines the planning system’s remit in relation to proposals of this nature. There is no requirement for previous evidence of operation of similar plants required as part of any planning assessment and operational control is again led by the PPC licensing Regime. Issues relating to the impact the proposals may have on the landscape and the previous appeal decision are assessed within Section 6 below.

- 4.15 The following consultees made no comments in relation to this planning application:

Scottish Government
National Grid
Bothwell Community Council
United Clyde Angling Protective Association

5 Representation(s)

- 5.1 The application was advertised as both a Schedule 3 and EIA development as well as for non-notification of neighbours in accordance with Regulation 20 of the Development Management Regulations, within the Hamilton Advertiser on 22nd June 2017 and the Edinburgh Gazette on 23 June 2017.
- 5.2 Following the receipt of additional environmental information, further advertisement was carried out on the 25 January 2018 (Hamilton Advertiser) and 26 January 2018 (Edinburgh Gazette).
- 5.3 Following this publicity, 7,080 letters of objection have been received as well as an online petition objecting to the application that has currently received 2,922 signatories. Letters of objection have been received from Angela Crawley MP, Gerard Killen MP, Elaine Smith MSP, Margaret Mitchell MSP, James Kelly MSP, Claire Haughey MSP, Monica Lennon MSP, Richard Lyle MSP, Christina McKelvie MSP, Councillor Martin Grant Hose and Councillor Mark McGeever. North Lanarkshire Council have also submitted a letter of objection as have Cambuslang Community Council and Uddingston Community Council. The majority of the other letters of objection submitted are separated into two pro forma style letters with the remaining letters being bespoke individual letters.
- 5.4 The points raised in the objection letters are summarised below.

Letters from elected representatives (11)

(a) Angela Crawley MP objects to the application and states that the proposals are within 50 metres from residential properties which is contrary to the 250 metre buffer zone suggested within Scottish Planning Policy (SPP). Due to the proposed stack height, the proposals would be detrimental to the historic character of the area and specifically in relation to Bothwell Bridge, Bothwell Battlefield and the Hamilton bandstand. The proposals will have a detrimental impact upon the local economy and regeneration of the area and will affect property values.

Response: Noted. The issues raised are discussed in section 6 of the report. It should be noted that property values are not a planning matter.

(b) Gerrard Killen MP objects to the application and states that the proposals shall have a detrimental effect on local communities. The proposals are within close proximity of residential properties and do not meet the 250m buffer zone as suggested within SPP. The 90m stack height shall have a detrimental visual impact on the area and the historic character. Other concerns raised are that the proposals shall increase traffic in the area, the potential for dust/ fly ash pollution, the potential to impact on the River Clyde and other watercourses and the proximity to food producers whose production could be affected by emissions. The MP notes that impact on health/ pollution control is outwith the planning system's remit but puts on record concerns the proposals may have on health.

Response: Noted. The issues raised are discussed in section 6 of the report. As stated in Section 3.1 of the report above, PAN 51 and PAN 63 advise that SEPA's consideration of whether to grant a PPC licence would include the potential effects of

the proposed development on public health. PAN 63 notes that planning authorities should therefore accept that PPC licensing is adequate and suitable for public health protection. As such, it is considered that the potential impact of the proposed development on public health is not a material planning consideration.

(c) Richard Lyle MSP objects to the application on the grounds of visual amenity in relation to the stack height, proximity to residents and impact on traffic flow. Concerns are also raised regarding harmful by-products and emissions and the lack of data on gasification processes of this nature.

Response: Noted. The issues raised are discussed in section 6 of the report. Section 3.1 of the report outlines the planning system's remit in relation to control of emissions and regulation of proposals of this nature.

(d) Margaret Mitchell MSP objects to the application due to the scale of the proposals, height of the stack, volume of traffic on local roads and increasing existing traffic. There is also a concern that there is a lack of environmental and safety data on gasification plants and air emissions.

Response: Noted. The issues raised are discussed in section 6 of the report. In relation to the gasification process and emissions, Section 3.1 of the report outlines the planning system's remit in relation to proposals of this nature.

(e) James Kelly MSP objects to the application due to the proximity of the proposals to homes and schools and the potential for noise and air pollution.

Response: Noted. The issues raised are discussed in section 6 of the report. In relation to the gasification process and emissions, Section 3.1 of the report outlines the planning system's remit in relation to proposals of this nature.

(f) Claire Haughey MSP objects to the application due to its proximity to residents, food manufacturing and retail as well as the visual impact and impact upon the historical environments. The proposals shall lead to an increase in traffic as well as residential disturbance caused by the frequency and size of vehicles. There is little evidence the technology is effective and therefore there is a question of whether it would be effective and needed to meet waste targets. Due to emissions, the proposals will impact on Human Health which is governed by the Human Rights Act and the real time monitoring of emissions must be made available to the public.

Response: Noted. The issues raised are discussed in section 6 of the report. In relation to the Human Health and emissions, Section 3.1 of the report outlines the planning system's remit in relation to proposals of this nature and any subsequent monitoring.

(g) Monica Lennon MSP objects to the application on the grounds that it is detrimental to local residents in terms of proximity to homes, schools and leisure areas and will undermine the function and connectivity of important outdoor space that has a valuable contribution to wellbeing and quality of life. The proposals breach the recommended buffer zone of 250m within SPP. The proposals are approximately 83 metres from residential caravans and will impact upon their Human Rights. It will generate emissions, including from additional traffic, which will further impact upon air quality and affect both human health and the natural environment including Hamilton Low Parks SSSI and the Black Muir Plantation. The proposals shall adversely impact on the A Listed Bothwell Bridge and Designated Bothwell Battlefield, contrary to national and local policy. The stack height will be an intimidating and obtrusive visual feature that will create an adverse precedent for development in the area. Notes SEPA have objected to the proposals. The risk of fire or other hazard created by the proposals and specifically, in such a densely populated area. The impact the proposals may have on water courses and specifically being approximately 120m from the River Clyde.

Response: Noted. The issues raised are discussed in section 6 of the report. In relation to the gasification process and emissions, Section 3.1 of the report outlines the planning system's remit in relation to proposals of this nature. The reference to the SEPA objection relates to SEPA's original response requiring additional information which SEPA have since removed (Section 4 above).

(h) Elaine Smith MSP wishes to support and endorse Monica Lennon MSP's comments and objections (g above) in relation to the application and is concerned that the proposals are within close proximity of residential properties and do not meet the 250m buffer zone as suggested within SPP, increase traffic into the area and specifically onto the East Kilbride Express Way and the visual impact of the height of the stack. Notes SEPA have objected and that there are now residential caravans adjacent to the site that were not present whilst the previous appeal decision was made.

Response: Noted. The issues raised are discussed in section 6 of the report. The reference to the SEPA objection relates to SEPA's original response requiring additional information which SEPA have since removed (Section 4 above). The residential caravans were in existence during the consideration of the appeal.

(i) Christina McKelvie MSP objects to the application on the grounds of visual impact and the dominating nature of the proposed stack, airborne fly ash, no recycling aspect and the increase in traffic associated with the proposals on the road network as well as residents and leisure users within the locale. The proposals involve new technology and there is a lack of data on proposals of this nature, including monitoring and action plans if Dioxin emissions exceed set limits.

Response: Noted. The issues raised are discussed in section 6 of the report. In relation to the Human Health and emissions, Section 3.1 of the report outlines the planning system's remit in relation to proposals of this nature and any subsequent monitoring.

(j) Councillor Martin Grant Hose objects to the application due to the scale of the proposals, including the height of the stack and the associated visual impact. Gasification is a new technology and therefore there is inadequate data to control a site of this nature. The air emissions from the proposals are potentially harmful to human health, especially given the proximity of the site to houses and schools. The volume of traffic would increase traffic on the local road network and especially on the A725.

Response: Noted. The issues raised are discussed in section 6 of the report. In relation to Human Health, emissions and control of the operations, Section 3.1 of the report outlines the planning system's remit in relation to proposals of this nature and any subsequent monitoring.

(k) Councillor Mark McGeever objects to the application due to gasification being a new technology and, therefore, there is inadequate data to effectively control a site of this nature. The air emissions from the proposals are potentially harmful to human health, especially given the proximity of the site to communities and schools. The volume of traffic would increase traffic on the local road network and especially on the A725. The height of the stack is out of proportion with the surrounding landscape and built form. The proposals would have a detrimental effect on house values within the area.

Response: Noted. The issues raised are discussed in section 6 of the report. In relation to Human Health, emissions and control of the operations, Section 3.1 of the report outlines the planning system's remit in relation to proposals of this nature and any subsequent monitoring. It should be noted that property values are not a planning matter.

North Lanarkshire Council - object to the proposed development on the grounds of the emissions of the proposals having a wide ranging and adverse effect on communities outwith the immediate area. Strathclyde Park attracts 5.34 million visitors a year as Scotland's most popular outdoor visitor attraction and is in close proximity to the proposals in terms of adverse emissions and in terms of visual impact. North Lanarkshire also queried whether as a neighbouring Authority they would have been formally consulted as part of the application.

Response: Noted. The concerns regarding Visual Impact are assessed within Section 6 of the report and matters regarding control of emissions are detailed in Section 3.1 of the report, above. It is also noted that the planning application is not of a scale that would require formal consultation with neighbouring Authorities.

Cambuslang Community Council - object to the proposed development on the grounds that the applicant has provided an inadequate consideration to alternative schemes as required by Environmental Impact Legislation. There is no plan for the utilisation of the surplus heat generated by the proposals. There is insufficient detail on the technologies proposed and the applicants has failed to demonstrate previous competence in this field. The stack height is visually obtrusive and it is considered that this can be reduced to below 70metres and air quality dispersal at a lower height should be investigated.

Response: Noted. The planning application submission and associated Environmental Impact Assessment report, including the alternative schemes chapter, meets the requirements of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. SEPA are content with the details provided in relation to the technology which has allowed them to state that the proposals are 'potentially consentable' under the Pollution Prevention and Control regime. The history of the applicant is not a material consideration of a planning application. Visual Impact is addressed within Section 6 of the report below, although it should be noted that the applicant has not sought to reduce the height of the stack through the planning process. A heat plan has been submitted as part of the application submission. It is assumed that any agreements to provide neighbouring properties with surplus heat would only be formalised if planning permission were granted.

Uddingston Community Council - object to the proposed development on the grounds that the site is in a heavily populated area, including homes and schools, would increase traffic and add to existing noise levels and congestion. Note that the Community Council are aware that there is a need for alternative means of dealing with waste but on more suitable sites.

Response: Noted. The principle of the development and issues of noise and traffic are assessed within Section 6 below.

Individual letters of representation (7,080)

The main points contained within these representations are summarised below.

- a) **The proposal shall have an adverse impact on the biodiversity, ecology and connectivity of the green network, including a proposed Local Nature Reserve**

Response: Noted. The issues of ecology, green network and historic environment are assessed within Sections 6.4.41 to 6.4.42 below.

- b) **The proposed development would adversely affect the health of residents within the local area. The emissions would result in pollutants such as particulates, heavy metals, organic chemicals and other hazardous materials being released into the air and potential water bourne pollution through wheel washing facilities. The pollution would also have an**

adverse impact on local businesses such as food manufacturers and car sales.

Response: As stated above, PAN 63 advises that SEPA's consideration of whether to grant a PPC licence would include the potential effects of the proposed development on public health. PAN 63 notes that planning authorities should therefore accept that PPC licensing is adequate and suitable for public health protection. As such, it is considered that the potential impact of the proposed development on public health is not a material planning consideration.

- c) The proposed development would create an unacceptable visual impact upon the local landscape and environment.**

Response: Landscape and Visual Impact is assessed within Sections 6.4.18 to 6.4.22 of the report below.

- d) The proposed development would create an unacceptable impact upon the local historic environment, especially in relation to the A-Listed Bothwell Bridge and Designated Bothwell Battlefield.**

Response: Impact on the Historic Environment is assessed within Sections 6.4.12 to 6.4.13 and 6.4.18 to 6.4.22 of the report below.

- e) The proposed technology is neither tried nor tested.**

Response: SEPA has confirmed that the proposed facility is potentially consentable under the PPC Licensing Regime.

- f) The proposed development will reduce the amount of recycling in the area.**

Response: It is likely that recycling rates would be improved as a result of the proposed development as separating and removing recyclable waste that should not be classed as residual waste forms part of the proposals.

- g) Vermin and birds will be attracted to the proposed development.**

Response: Subject to appropriate management and mitigation, it is considered that the facility is unlikely to attract vermin or birds.

- h) SPP states that developments must be at least 250m from sensitive properties such as houses, schools, offices etc.**

Response: SPP only suggests a buffer zone of 250m for developments of this nature. This further assessed within Section 6 below.

- i) The proposed development would create an adverse impact on the local area as a result of dust/ fly ash generated.**

Response: The Environmental Impact Assessment Report predicts that there would be negligible impact on nearby receptors by way of dust, during both the construction and operational phases of the development. These findings have been accepted by Environmental Services, subject to the implementation of mitigation measures.

- j) The scale and design of the proposed development is not in keeping with the surrounding area.**

Response: The scale and design of the proposed development is considered in greater detail within section 6 below.

- k) The mode of transportation to the site is restricted to road. Site access is very poor and road safety would be compromised as a result of the**

proposed development. The Raith Interchange is already very congested with traffic and will not be able to cope with the additional HGV's.

Response: The planning application includes proposals to improve the access/egress to the site. These proposals have been reviewed and agreed by the Roads and Transportation Service. Transport Scotland has confirmed that that there would not be any significant traffic or associated environmental impacts associated with the construction and operational stages of the proposed development.

- l) The proposed development would create an adverse impact on the local area as a result of noise generated by both the operation of the facility and also HGV's travelling to and from the facility.**

Response: The Environmental Impact Assessment Report predicts that there would be negligible impact on nearby receptors by way of noise, during both the construction and operational phases of the development. These findings have been considered and accepted by Environmental Services, subject to the implementation of mitigation measures.

- m) The proposed development would create an unacceptable impact upon the watercourses in the local area.**

Response: Hydrology is assessed within Section 6 of the report below.

- n) The proposed development will reduce the value of my property.**

Response: This is not a material planning consideration.

Petition (2,922 signatories)

The points of concern raised by the petition are as follows:

- **Visual Impact**
- **Associated Historical Impact**
- **Proximity to Residential Accommodation**
- **Proximity to Food Producers**
- **Proximity to Consumer Retail Businesses**
- **Risk of Cancer and Birth Defects**
- **Risk of Heart Disease**
- **No Proof of Previous Operation**
- **No Commitment to 'Fail Safe' Operation**
- **No Fail Safe process to deal with Fly Ash and Other By-Products**
- **Wheel Ash**
- **Traffic Load**

Response: It is considered that the concerns raised have also been raised through the letters of objection and are summarised above (a to n).

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

6 Assessment and Conclusions

- 6.1.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GVCSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance.
- 6.1.2 On 29 May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. For the purposes of this report SLLDP2 Policies are only referenced where they differ from the aims of SLLDP.
- 6.1.3 As referenced within 3.3 above, the Appeal Decision, granting planning permission for a scheme of a similar nature on the application site is also a material consideration within the assessment of this planning application.

6.2 National Planning Policy

- 6.2.1 The third National Planning Framework (NPF3) recognizes that waste can be considered a resource rather than a burden. NPF3 states that it expects Planning Authorities to work with the market to identify viable solutions to create a decentralized network of waste processing facilities and through effective waste management, create a sustainable legacy for future generations.
- 6.2.2 The Scottish Planning Policy (SPP) promotes the use of the plan-led system to provide a practical framework for decision making on planning applications thus reinforcing the provisions of Section 25 of the Act. The SPP also promotes the delivery of waste infrastructure at appropriate locations and waste management should be prioritised through the Scottish Government's waste hierarchy. The hierarchy is: waste prevention, reuse, recycling, energy recovery and waste disposal. SPP also advises that industrial and business locations may be appropriate for accommodating waste management facilities. The SPP states that planning authorities should have regard to the annual update of required capacity for source segregated and unsorted waste although it caveats this by stating that this should not be regarded as a cap and planning authorities should generally facilitate growth in sustainable resource management.
- 6.2.3 PAN 63 Waste Management Planning provides advice on the role of the planning system for more informed consideration of development proposals for waste management facilities.
- 6.2.4 PAN 1/2011 'Planning and Noise' also establishes the best practice and the planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise. It provides further detailed guidance, to be read in tandem with PAN 50, on noise assessments and noise mitigation measures.

- 6.2.5 The application is for energy recovery from waste within an industrial location which meets the broad parameters of Scotland's waste hierarchy.
- 6.2.6 It is therefore considered that the principle of the proposal complies with National Planning Policy. The overall acceptability of such a development must however also meet other the detailed advice within PANs 50 and 1/2011 as well as other Policy and Development Management criteria. These issues are considered in further detail in the report below.

6.3 Strategic Development Plan

- 6.3.1 The Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) is a strategic plan with a strong focus on future growth with a broad spatial framework and a lesser focus on detailed area/site specific policy criteria. Nonetheless, the GCVSDP recognises its position within the Development Plan process relative to development management. As such, Policy 11 Planning for Zero Waste reiterates the Scottish Government's waste hierarchy and also states, inter alia, that development proposals for waste management facilities will generally be acceptable, subject to local considerations, on land designated for industrial, employment or storage and distribution uses.
- 6.3.2 It is therefore considered that the principle of the proposal complies with the Strategic Development Plan (GCVSDP) given the proposals involve energy recovery from waste within a designated industrial area. Again, the overall acceptability of such a development must however also meet other Policy and Development Management criteria and these issues are considered in detail further in the report.

6.4 South Lanarkshire Local Development Plan

- 6.4.1 At a local level the application requires to be assessed against the policy aims of both the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance. In addition as stated in 6.1.2 above as the Proposed SLLDP2 has now been drafted, it must also be considered as it is now a material consideration.
- 6.4.2 SLLDP Policy 1 'Spatial Strategy' states that developments that accord with the policies and proposals of the development plan will be supported. The application is located within an area zoned as 'Other Employment Land Use Area' under Policy 7 of the SLLDP which states that these areas are retained for industrial/ business use (Classes 4, 5 and 6). Policy 7 is designed to protect established business/ industrial uses by avoiding siting incompatible uses (such as residential) within these areas and to protect supply of business and industrial land. Supplementary Guidance 5: Industrial and Commercial Development expands on Policy 7 and provides further guidance on appropriate uses within Other Employment Land Use Areas. Paragraph 3.9 of the SG notes that SPP advises that industrial business locations may be appropriate for accommodating waste management facilities. The SG states that further guidance on this is found within the waste management section of Supplementary Guidance 1: Sustainable Development and Climate Change (SG1) as well as in SLLDP Policy 18 'Waste'.

- 6.4.3 SLLDP Policy 18 'Waste' states that, in general, waste management facilities and transfer stations will be directed to employment land unless other material considerations indicate otherwise. The Policy also states that energy from waste facilities shall be located where there are opportunities to connect with heat/ power grids and users.
- 6.4.4 It is considered that energy recovery from waste involves a quasi industrial use that would be compatible within an industrial location and does not introduce any sensitive receptors (such as residential or retail) into the Other Employment Land Use Area that would then restrict the surrounding, existing industrial uses. Furthermore the site is located in an area where there are potential heat users (within the industrial estate) and connections to existing national grid infrastructure.
- 6.4.5 It is also considered that the principle of energy recovery on the site has also been established by the Appeal Decision and therefore the principle of the development therefore accords with the Development Plan and National Policy in this instance. The overall requirement and acceptability of such a development must however also meet other Policy and Development Management criteria and these issues are considered in detail further in the report.
- 6.4.6 SLLDP Policy 2 'Climate Change' states that new developments should minimise and mitigate against the effects of climate change by, inter alia, maximising the reuse of vacant and derelict land, having no significant adverse impacts on the water and soils environments, air quality and minimising waste.
- 6.4.7 SLLDP Policy 4 'Development Management and Placemaking' states that development proposals should, inter alia, have no significant adverse impacts on amenity as a result of light, noise, odours, dust or particulates. Policy 4 also states that development proposals should take account of and be integrated within the local context and landscape character. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design.
- 6.4.8 SLLDP Policy 15 'Natural and Historic Environment' sets out a 3 tier category of protected designations. Table 6.1 of the SLLDP defines the designations within each category but they can generally be summarised as Category 1 (International), Category 2 (National) and Category 3 (Local). SLLDP Policy 15 states that development within or likely to affect the integrity of Category 1 sites will not be permitted. Development which will have an adverse affect on Category 2 sites or a significant adverse affect on Category 3 sites will only be permitted where it adheres to a number of tests.
- 6.4.9 Given the inter-relationship between Policies 2, 4 and 15 it is considered appropriate to assess the proposals collectively in relation to their criteria. The criteria of these policies are protected designations, impacts on amenity (noise, dust, air quality etc.), Built Heritage/ archaeology, Visual and Landscape Impact and Natural Heritage/ Ecology.
- 6.4.10 The application site involves the re-use of previously developed land and the proposals are for the recovery of energy from waste in line with Scotland's hierarchy of waste. The proposals include provision of additional sorting on site to ensure any recyclable material is recovered from the waste stock rather than being used as feed stock for the energy process.

6.4.11 In relation to the category of protected designations, there are no category 1 sites within the application site or within close proximity of the application site. The following category 2 designations are found within or in the vicinity of the site and the proposal's impact upon these is assessed in the following paragraphs.

6.4.12 The application site is located within land on the Inventory of Historic Battlefields (Battle of Bothwell Bridge). The A Listed Bothwell Bridge is located within 500m of the application site. Historic Environment Scotland (HES) advise that the 90m stack of flues is likely to have an impact of moderate adverse significance on both the battlefield designation and A Listed Bothwell Bridge. HES state that they do not think the level of impact would raise issues of national significance and would be localised. Therefore, whilst not endorsing the proposals, HES do not object to them.

6.4.13 In terms of Category 3 designations, the application site is located within 250 metres to the south of Bothwell Conservation Area and within 500 metres of the B listed Gate Piers leading from Bothwell Road to the Sewerage Works and the B Listed Bothwell Obelisk. It is considered that whilst there may be a visual impact on the landscape that may have an effect on these designations, it is considered that topography, existing built form and distance from the site would minimise any impact the proposals would have on the setting of these features. As such it is considered that the proposals would not have a negative effect on these Category 3, historical features.

6.4.14 The application site has been previously disturbed by development and demolition debris is currently located on the site. The presence of material has restricted the ability to undertake any substantive archaeological investigation. Given the previous built development on the site it is highly unlikely that any in-situ artefacts from the Bothwell Bridge Battle would be recovered within the footprint of the former school. However as some of the application site was occupied by playing fields and therefore has not been developed an archaeological investigation would be required as part of any planning permission. WOSAS state that a condition requiring the implementation of a programme of archaeological works would mitigate for any potential impact on the archaeological interests that may still remain on site. This could be conditioned to any permission, if issued and would be in line with the Appeal Decision.

6.4.15 In terms of designated sites within a 10km radius of the application site. The sites are:

- Hamilton Low Parks Site of Special Scientific Interest (SSSI)
- Bothwell Castle Grounds SSSI
- Clyde Valley Woodlands National Nature Reserve (NNR)
- Hamilton High Parks SSSI
- Blantyre Muir SSSI
- Waukenwae SSSI and Special Area of Conservation (SAC)
- Avondale SSSI
- Millburn SSSI
- Bishop Loch SSSI
- Woodend Loch SSSI
- Clyde Valley Woods SAC

SNH have confirmed that they are satisfied that the qualifying interests of these sites will not be affected by these proposals.

- 6.4.16 In terms of protected species, as part of the Environmental Impact Assessment Report site surveys and an Ecological Impact Assessment were carried out. Further updated species surveys were submitted as additional environmental information as part of the planning application process. As with the Appeal Decision there was no presence of protected species found on site but due to the trees there was potential for the site to be used for foraging and roosting by bats. SNH are satisfied with the bat survey but would require a further 'at height' survey to be taken prior to any tree works being undertaken to further assess the roosting potential of trees on site. This would require a pre-commencement condition should approval granted.
- 6.4.17 In terms of otters, SNH note that the Ecological Impact Assessment 'scoped' out an otter survey on the basis that the streams on adjacent land (Park Burn and Gow's Linn) are considered by the applicant to be of a sufficient distance from the development. SNH have been consulted as part of the application process, once on submission of the application and a second time on receipt of the additional environmental information. In both responses, SNH have stated their concern regarding the lack of an otter survey and advise that as the watercourses are approximately 50 to 100m from the development an otter survey should be carried out. SNH advice is that watercourses within 200m of development sites should be surveyed for presence of otter. It is considered that the ecological impact assessment, in relation to otters, is not sufficiently adequate in terms of this protected species and specifically in relation to whether a) a species licence will be required and b) whether any required species licence could be granted. Therefore in this instance a pre-commencement condition would not satisfactorily address this issue as, if the presence of otter were found, SNH could not currently confirm that a protected species licence would be granted which would allow the development proposals to continue. It is therefore considered that in its current form the planning submission does not adequately address the issue of a protected species in relation to the proposals.
- 6.4.18 The application site is located within an area described as 'urban' within the The South Lanarkshire Landscape Character Assessment (2010). Whilst inter-related, landscape impacts and visual impacts are separate. Landscape impact relates to changes in the characteristics, character and qualities of the landscape whilst visual impact relates to the appearance of these changes. A landscape change is the physical effect a proposal has on the landscape whilst visual amenity relates to the perception of the change. A landscape impact has no visual impact effect if there are no views of the development. For the purposes of this assessment, the 2 issues are collectively examined as they are inter-related in terms of the proposed development and the criteria of the Development Plan.
- 6.4.19 In terms of the Appeal Decision, it is considered that an increase in building height from 9 metres to 21 metres and a stack height increase from 25 metres to 90 metres is of a magnitude that requires a fresh assessment of the landscape and visual impact of the proposals. Whilst the Appeal Decision may be considered to secure the principle of energy from waste on the application site it cannot be considered to secure the principle of the scale of the proposed development.
- 6.4.20 Whilst urban in nature and therefore more able to accommodate landscape changes and impacts the immediate landscape does not have any similar proposals (mainly in relation to a 90 metre stack height) and therefore there is an introduction of a vertical, linear feature at a height that is not in keeping with the surrounding built form. The Landscape and Visual Impact Assessment submitted within the Environmental Impact Assessment notes that within the landscape there are other vertical features such as lamp posts and masts yet states that given the lack of any other linear feature at the

proposed 90m height there is no issue of cumulative impact. It is considered that whilst linear features such as posts and masts are found within the surrounding area they are not at a scale that could be considered in proportion to a 90m height and therefore the stack would not be in keeping with other urban infrastructure. The lack of cumulative impact further highlights the lack of any similar structures on the landscape. The Appeal Decision noted that at 25m the stack height would have 5 metres of visibility to its tip (i.e. the tallest 20 to 25m of the stack) within the surrounding area. The proposed main building has been increased from 9m to 21m with the stack height increased from 25m to 90m, and therefore in line with the Appeal Decision, its form would be more visible within the surrounding landscape. Whilst the building may be considered suitable when viewed within the context of the adjacent industrial estate it is considered that it is likely to have an adverse landscape impact when viewed outwith the immediate urban context with views to the River Clyde and Bothwell Bridge.

6.4.21 In terms of visual impact, the location of the application site within an urban area therefore results in the visual amenity of a large number of receptors being affected by the development. Whilst an element of screening is proposed it is considered that it would only be effective for the lower portions of the proposed building and stack with the majority of the proposals rising above any screening. The urban nature and topography of the area would result in some screening being afforded by other buildings for some distant receptors but the height and unique nature of the stack would result in little screening from other built development. The site whilst not being in itself prominent, given the scale of the development it would have a visual impact to a large number of receptors, some permanent (residential) as well as transient (from the M74, leisure users etc.) and have an adverse impact on the visual amenity of a large number of receptors in the surrounding environs of the site.

6.4.22 It is, therefore, considered that, whilst the landscape has the potential to absorb change through existing built development surrounding the site and wider area, the proposed 90m stack and, to a lesser degree the proposed main building, would have an adverse landscape and visual impact upon the surrounding area as well as the moderate adverse impact upon the setting of Bothwell Bridge. Whilst the stack may not impact on the reading of the battlefield designation it is also considered that it will introduce an element of visual distraction on the reading and interpretation of the layout of the battlefield.

6.4.23 In terms of impacts on amenity (noise, dust, air quality etc) in relation to SLLDP Policies 2, 4 and 15, SLLDP Policy 18 'Waste' also states that waste management proposals should be tested against a set list of criteria which, inter alia, do not lead to an adverse impact on local communities and no significant impact in terms of local environment effects including noise, dust, vibration, odour and air quality.

6.4.24 Policies SDCC 11 and 12 of Supplementary Guidance 1: Sustainable Development and Climate Change (SG1) provide further guidance on the need to provide waste management facilities, including for recycling, in appropriate locations ensuring the facilities themselves are safeguarded from inappropriate, adjacent development such as housing and protecting established residential amenity by the suitable siting of facilities in areas where they will not create nuisance such as noise or dust. SG1 Policy SDCC12 states that consideration will be given for the need for buffer zones and, if required, prescribes set buffer zone distances for waste management facilities in relation to dwellings and other sensitive receptors. For thermal plants of this nature SDCC12 prescribes minimum distances of 250 metres from sensitive receptors. In this instance the adjacent residential caravans are the closest sensitive receptors from the proposals and the nearest caravan is approximately 83 metres from the application site.

- 6.4.25 One of the issues assessed as part of the Appeal Decision was the use of prescriptive buffers that were theoretical in nature and did not take account of the actuality of the development and local topography in relation to adjacent sensitive receptors. The Appeal Decision referenced that SPP states that planning authorities should consider the need for buffer zones between waste management facilities and sensitive receptors but that does not mean that buffer zones are necessary in all cases. The Appeal Decision noted that proposed noise levels (both construction and operation) would be acceptable in relation to surrounding sensitive receptors. The Appeal Decision ruled that in line with SPP and the nature of the site and proposals that a prescriptive buffer zone of 250m was not required in this instance and that the standoff distance between sensitive receptors and the proposals were acceptable in terms of maintaining expected levels of amenity for neighbours.
- 6.4.26 The proposed South Lanarkshire Local Development Plan 2 also requires consideration on this policy matter as it is now a material consideration in the assessment of planning applications. Therefore taking cognizance of the Appeal Decision, Policy SDCC5 Waste Management Facilities and Buffer Zones in Volume 2 of the proposed South Lanarkshire Local Development Plan 2 which replaces SG1 Policies SDCC 11 and SDCC 12 removes prescriptive distances and, in line with the SPP and the Appeal Decision states that, inter alia, 'if appropriate the Council will consider a buffer zone between dwellings or other sensitive receptors and some waste management facilities based on landform and other features.'
- 6.4.27 A noise assessment has been undertaken and submitted as part of this planning application. The noise assessment measured the existing noise levels at sensitive receptors, in close proximity to the development. Thereafter, assessment was made of the sound power output from the proposed development and, using this information; predictions were made of the likely operational noise levels which would be received at the individual properties. It is noted that all processing and combustion would be carried out internally in a purpose built building which would minimise external noise. The application submission proposes further noise attenuation through the conditioning of a noise management plan (including the use of acoustic barriers on the site boundary, staggering of vehicle deliveries etc.). It is concluded that the predicted noise levels to be generated and the distance from sensitive receptors are acceptable and Environmental Services have not raised any issues regarding noise.
- 6.4.28 In terms of Air Quality, the Appeal Decision referenced SPP and PAN51 and PAN 63, confirming that the planning system should operate separately from environmental licensing regimes and that Pollution Prevention Control (Scotland) licensing (PPC) should be accepted by the planning authority as adequate and suitable for public health protection.
- 6.4.29 Following the submission of additional environmental information as part of this current planning application, SEPA have confirmed that the proposals would require a PPC. SEPA also confirmed that the planning submission is now considered by them to be sufficient to advise that the proposals are potentially consentable in accordance with the requirements of the PPC Regulations. SEPA are therefore not objecting to the planning application and would assess the air quality aspect through the PPC licensing if planning permission were granted.

- 6.4.30 As noted, the consentability of the PPC is solely within the remit of SEPA and is separate to the planning system. Other issues such as airborne dust and odour are within the remit of the planning authority. It is considered that in relation to dust (or windblown fugitive waste) the nature of operating a single, fully internal, closed loading and processing building minimises any potential for this. A dust management scheme is also proposed and this could be conditioned to any planning permission if approved. Environmental Services have not raised any objections in relation to dust or fugitive waste.
- 6.4.31 In relation to odour, again this is minimised by the use of a single, fully internal, closed loading and processing building. The removal of the anaerobic digestion aspect of the proposals that were approved by the Appeal Decision also removes an additional odour source given it dealt with food waste. Environmental Services have not raised any objections in relation to odour.
- 6.4.32 The Scottish Government's Guidance Note 'Controlling Light Pollution and Reducing Energy Consumption' (March 2007) states, inter alia, that lighting should be carefully directed where needed only and be designed to minimise light pollution. The over use of lighting is also to be avoided.
- 6.4.33 Given 24 hour operating is proposed lighting will be required as part of the proposals. Given the urban nature of the site, Environmental Services have no objections on the grounds of light pollution but have requested a lighting scheme to be submitted for further approval if planning permission is granted.
- 6.4.34 It is therefore considered that the proposals are in accordance with National Policy and the Development Plan in regard to amenity and the aspects of pollution control arising from the emissions from the proposals would be dealt with separately under the PPC regime. It should be noted that it is presumed that the stack height has been designed in regard to PPC licensing yet this does not negate the visual impact the stack will have on the surrounding landscape under the planning system and as such whilst the design may be able to satisfy other legislation this does not negate the fact it is considered to be unsuitable in landscape and visual impact terms.
- 6.4.35 SLLDP Policy 16 'Travel and Transport' states that new development must conform to South Lanarkshire Council's 'Guidelines for Development Roads'.
- 6.4.36 A Transport Assessment formed part of the planning submission that noted that the Appeal Decision is for a proposal processing 190,000 tonnes per annum (tpa) and this current application has a similar maximum capacity. The Roads (Development Management) Team have no objections to the proposals subject to conditions regarding junction design, parking standards and visibility splays. Transport Scotland have no objections to the proposal given it will utilise the adjacent Trunk Road Network. It is therefore considered that there is no intrinsic change to the vehicle movements proposed in relation to that already permitted and therefore the proposals comply with the relevant criteria of the Development Plan in this regard.
- 6.4.37 SLLDP Policy 17 'Water Environment and Flooding' states that, in relation to the water environment, development proposals outwith flood risk areas must accord with supplementary guidance. Supplementary Guidance 1: 'Sustainable Development and Climate Change' (SG1) supports the objectives of SLLDP Policy 2 and provides further guidance on a number of environmental issues, including the water environment, flooding and drainage. Policies SDCC 2 Flood Risk and SDCC 3 Sustainable Drainage Systems are considered relevant in relation to this proposal.

- 6.4.38 Policy SDCC2 Flood Risk states that, in accordance with the precautionary principle and the risk framework set out within the SPP, South Lanarkshire Council will seek to prevent any increase in the level of flood risk by refusing permission for new development where it would be at risk from flooding or increase the risk of flooding elsewhere. Policy SDCC3 Sustainable Drainage Systems states that any new development should be drained by an appropriately designed sustainable drainage system.
- 6.4.39 The application site is not on a known flood plain and SEPA have not raised any objection in relation to flooding. South Lanarkshire Council's Flooding Team have no objections to the proposals subject to the use of sustainable drainage on site for surface water and that their documentation required under the terms of their design criteria guidance is completed and submitted. Should planning consent be granted appropriate conditions shall be imposed to control this matter.
- 6.4.40 It is therefore considered that in this regard, the application complies with the relevant criteria of the Development Plan and National Policy.
- 6.4.41 SLLDP Policy 14 Green Network and Greenspace states that any development should safeguard the local green network and identify opportunities for enhancement and that loss of any areas of priority greenspace as identified within the SLLDP will not be supported.
- 6.4.42 The site is located within the northern corner of an extended green network. The Appeal Decision has resulted in there being an extant planning permission for development on this the green network. The current application site boundary is a replication of that of the Appeal Decision's and therefore it is considered that the principle of development to this portion of green network has been established. The changes to the proposals in this current application do not lead to any additional loss of connectivity or habitat than the Appeal Decision. However as mentioned above, the visual impact for users of the green network is increased due to the changes in design and scale resulting in a significantly taller and larger building and stack, and it is therefore considered that, even when taken into the context of being adjacent to an industrial estate, the scale and design of the current proposals would have an overbearing and therefore detrimental impact on the landscape character of the adjacent green network. The majority of the green network, excluding the application site, is designated as Backmuir Wood, a proposed Local Nature Reserve (LNR) within the approved Proposed Plan. Again, whilst not carrying as much weight as the Adopted SLLDP, the proposal to designate the green network as a LNR demonstrates the importance of the green network within the local environment. It is therefore considered that the proposals would not be considered as suitable in visual and landscape terms adjacent to the remaining green network.

6.5 Conclusion

- 6.5.1 In conclusion, it is considered that the principle of an energy from waste development on this site has been established through the Appeal Decision and therefore the planning assessment has to take cognizance of this. This current application does differ in several key design changes from the Appeal Decision, mainly in relation to size and scale of development. It is considered that a chimney stack of 90 metres and a ridge height of 21 metres is at a scale that is significantly different from that approved by the Appeal Decision (25 metres and 9 metres respectively).

- 6.5.2 It is, therefore, considered that the scale of the building and height of the stack create a development that would be out of scale and detrimental to the landscape character of the immediate environment, including green network, as well as in the context of the wider urban environment. It is also considered that the design of the proposals, again mainly due to scale and height, has a detrimental Visual Impact and given the urban aspect of the location, results in this Visual Impact affecting a large number of receptors. Whilst HES do not feel the adverse impact the proposals will have on the A Listed Bothwell Bridge and Designated Battlefield, are of national significance, it is considered that the visual impact the proposals will have on the setting of these 2 features of local importance will have a further detrimental impact on the surrounding landscape.
- 6.5.3 It is also considered that the lack of an otter survey, given watercourses are located within 200 metres of the site, is contrary to SNH's protected species advice and the lack of survey prohibits any assurance SNH can give on the granting of a protected species license in this regard. It is recognised that an otter survey could be carried out quite easily by the applicant and if no evidence of any otters were found or an appropriate mitigation strategy were proposed then this issue would not be a concern. However, in the absence of a survey, it is an area of concern that has not been addressed adequately as part of the planning application submission.
- 6.5.4 Taking all factors into account, it is therefore considered that whilst the principle of energy from waste may be established on the site, the proposals in their current form in terms of scale and design and would therefore have an unacceptable Landscape and Visual Impact upon the environment and green network as well as having an adverse impact upon the setting of the A Listed Bothwell Bridge and Designated Battlefield. Therefore on balance it is considered that it would not be an appropriate form of development on this site and one that may also have an impact upon a protected species' habitat. Following the above assessment it is considered that the proposals are unsuitable at this location, and do not meet the terms of the adopted South Lanarkshire Local Development Plan and Proposed South Lanarkshire Local Development Plan 2. It is therefore recommended that the application be refused.

7 Reasons for Decision

- 7.1 The proposed development is of a scale and design that would have an overbearing visual impact upon the adjacent green network and immediate environment. The stack height and scale of the proposed main building would be out of proportion with the surrounding urban environment and therefore have a detrimental landscape impact as well as a negative visual impact upon the surrounding area. The design and scale of the proposals would have an adverse impact upon the setting of the A Listed Bothwell Bridge and Designated Bothwell Battlefield. The lack of an otter survey does not establish that there will be no impact on this protected species by the development proposals. It is, therefore, contrary to Policies 4,14,15 and 18 of the Adopted South Lanarkshire Local Development Plan (2015), Policies 3,5,13,14 and 17 of the Proposed South Lanarkshire Local Development Plan 2 (2018) and National Guidance for protected species.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

7 June 2018

Previous references

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Neighbour notification letter dated 9 June 2017

- ▶ Consultations
 - British Telecom 25.07.2017
 - Blantyre Community Council 29.08.2017
 - Roads Development Management Team 18.01.2018
 - SEPA West Region 18.05.2018
 - Countryside and Greenspace 07.06.2017
 - SP Energy Network 14.06.2017
 - Transport Scotland 08.02.2018
 - NATS 21.05.2018
 - Environmental Services 05.06.2018
 - Historic Environment Scotland 02.02.2018
 - RT Flood Risk Management Section 07.02.2018
 - Scottish Natural Heritage 28.02.2018
 - West Of Scotland Archaeology Service 21.06.2017

- ▶ Representations
- ▶ List of Objectors (letters) – available to view on request
- ▶ List of Objectors (petition) – available to view on request

Contact for further information

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

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Email: james.wright@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: HM/17/0260

Reasons for refusal

01. The proposal, by nature of its scale and design, would have an adverse visual impact upon the local area and a detrimental effect upon landscape character and is therefore contrary to Policies 4, 15 and 18 of the Adopted South Lanarkshire Local Development Plan (2015) and Policies 3,5,14 and 17 of the Proposed South Lanarkshire Local Development Plan 2 (2018).
02. The proposal, by nature of its scale and design, would have an adverse impact upon the setting of the A Listed Bothwell Bridge, Designated Bothwell Battlefield and the adjacent green network and is therefore contrary to Policies 4, 14, 15 and 18 of the Adopted South Lanarkshire Local Development Plan (2015) and Policies 13 and 14 of the Proposed South Lanarkshire Local Development Plan 2 (2018).
03. The applicant has failed to demonstrate that the proposals would not have an adverse impact on otters and therefore is contrary to Policy 15 of the Adopted South Lanarkshire Local Development Plan (2015), Policy 14 of the Proposed South Lanarkshire Local Development Plan 2 (2018) and National Guidance for protected species.

HM/17/0260

Site At Whistleberry Road, Hamilton



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Date:
04/08/2018



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

4

Report to:	Planning Committee
Date of Meeting:	26 June 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application No	EK/09/0218
Planning Proposal:	Mixed Use Development Comprising Residential, Retail & Education Uses, and Associated Engineering Works for Site Infrastructure, New Access and Distributor Road, Formation of Open Space Framework with Landscaping Works (revised masterplan)

1 Summary Application Information

- Application Type : Planning permission in principle
- Applicant : Cala Homes (West) Ltd/Lynch Homes
- Location : Land to south west of East Kilbride
largely bounded by Eaglesham Road, Jackton Road and Newlands Road

2 Recommendation(s)

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

- (1) Grant planning permission in principle (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 a Planning Obligation in respect of a financial contribution for the improvement/upgrading of educational facilities, community facilities, off-site transportation works and affordable housing in the area has been concluded between the applicant and the Council. The following key matters shall be included with any agreement:
 - The provision of additional nursery, primary and secondary education accommodation as required to address the effect of the proposed development.
 - The provision of improvements to roads infrastructure including identified off-site junction improvements.
 - The upgrading of community facilities.
 - Transportation infrastructure and services provision, including subsidised bus routes and contribution to cycling/pedestrian provision.
 - The provision of affordable housing, either on-site, by way of a commuted sum, or a mixture of both.

- The improvement of park and ride facilities in East Kilbride.

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: Geddes Consulting
- ◆ Council Area/Ward: 05 Avondale and Stonehouse
09 East Kilbride West
- ◆ Policy Reference(s): **National Policy**
Scottish Planning Policy

Glasgow & Clyde Valley Strategic Development Plan 2017

Policy 1 - Placemaking
 Policy 8 - Housing Land Requirement
 Policy 9 – Housing, Affordable and Specialist Provision
 Policy 12 – Green Network and Green Infrastructure
 Policy 16 – Improving the Water Quality Environment and Managing Flood Risk and Drainage
 Policy 17 – Promoting Sustainable Transport

South Lanarkshire Local Development Plan (2015)

Policy 1 – Spatial Strategy
 Policy 2 – Climate change
 Policy 4 – Development Management and Place Making
 Policy 5 – Community Infrastructure Assessment
 Policy 10 – New retail/commercial proposals
 Policy 11 – Economic development and regeneration
 Policy 12 – Housing Land
 Policy 13 – Affordable Housing and Housing Choice
 Policy 14 – Green network and greenspace
 Policy 15 – Natural and historic environment
 Policy 16 – Travel and Transport
 Policy 17 – Water environment and flooding

Supplementary Guidance

Sustainable development and climate change
Development Management, Place Making and Design
Community infrastructure assessment
Affordable Housing
Green Network and Greenspaces
Natural and Historic Environment

South Lanarkshire Local Development Plan 2 (Proposed Plan 2018)

Policy 1 - Spatial Strategy
Policy 2 – Climate Change
Policy 5 – Development Management and Placemaking
Policy 7 – Community Infrastructure Assessment
Policy 10 – New Retail/Commercial Proposals
Policy 11 – Housing
Policy 12 – Affordable Housing
Policy 13 – Green Network and Greenspace
Policy 14 – Natural and Historic Environment
Policy 15 – Travel and Transport
Policy 16 – Water Environment and Flooding
Policy SDCC2 – Flood Risk
Policy SDCC3 – Sustainable Drainage Systems
Policy SDCC4 – Sustainable Transport
Policy DM1 – New Development Design
Policy NHE18 – Walking, cycling and riding routes
Policy NHE20 - Biodiversity

◆ Representation(s):

▶	15	Objection Letters
▶	0	Support Letters
▶	0	Comments Letters

◆ Consultation(s):

Roads and Transportation Development Management

Roads and Transportation Flood Risk Management

Transport Scotland

Environmental Services

Jackton & Thorntonhall Community Council

Countryside & Greenspace

Scottish Water

East Renfrewshire Council

The Coal Authority - Planning and Local Authority Liaison Department

Strathclyde Partnership for Transport

Community Resources

Education Resources

Scottish Natural Heritage

Housing and Technical Resources

SEPA

Planning Application Report

1 Application Site

- 1.1 The proposed East Kilbride Community Growth Area (CGA), identified within the adopted South Lanarkshire Local Development Plan, is located to the south western edge of East Kilbride.
- 1.2 The site consists predominately of agricultural land and is bounded by Mossneuk, Gardenhall and Newlandsmuir residential areas to the north, Lindsayfield residential area to the east, and Jackton to the north-west. Open, undeveloped agricultural land can be found to the south and west. The application site extends to approximately 108 hectares and corresponds with approximately 80% of the capacity identified within the Local Development Plan for the CGA.
- 1.3 It should be noted that part of the area identified by the Local Development Plan as East Kilbride Community Growth Area is not included in this application. This relates to land to the north of Eaglesham Road and is subject to a separate planning application (EK/11/0202). This application has been approved at planning committee (March 2012), subject to conclusion of a legal agreement. The legal agreement has not been concluded to date therefore the decision notice has not been issued. Two detailed planning applications (EK/18/0023 and EK/18/0024) have also been submitted for a total of 49 houses on land on the corner of Eaglesham Road and Jackton Road. These applications are within the application site boundary of EK/11/0202 and have not been determined to date. A planning application (EK17/0321) for a roundabout to serve the future housing proposed under EK/11/0202 was granted planning permission at the Planning Committee on 29 May 2018.

2 Proposal(s)

- 2.1 The applicants seek Planning Permission in Principle for the development of a CGA, comprising housing (approximately 1,950 units), retail and education uses, and associated engineering works for site infrastructure, including access and distributor road and formation of open space framework with landscaping works.
- 2.2 This planning application was previously approved at Planning Committee (December 2011), subject to the conclusion of a legal agreement to ensure financial contributions are made to education accommodation, community facilities, off-site road improvement/transportation works and affordable housing. To date, the legal agreement has not been concluded therefore the decision notice has not been issued.
- 2.3 In 2016, a revised masterplan was submitted, which, due to the scale of changes proposed requires to be reported to Planning Committee for further determination. The main changes to the proposed masterplan under consideration relate to a reduction in the application site area from 125 hectares to 108 hectares; alterations to open space and extent of flood risk areas following revised engineering proposals; alterations to the position of housing and associated streets; a variation to the route of the through road (primary road) that will connect Eaglesham Road to Lindsayfield; and provision of an area of housing to be accessed by vehicles from Newlands Road only.
- 2.4 In summary, the proposed development, as described in the amended masterplan, now comprises the following:

- a) The major land use will be residential with a range of accommodation types including affordable housing and/or a contribution to affordable housing.
- b) The basic design principles for the development will ensure that all existing and proposed areas of open space are appropriately linked via a network of greenspace connections, including dedicated pedestrian and cycle routes. The open space will contribute towards the leisure and recreational needs of the residents and enhance the appearance and character of the development. It will also act as an ecological resource and corridor for movement for wildlife. An existing watercourse (380 metres in length) that is currently culverted will be opened up, providing ecological benefits.
- c) A new primary school (with pre-5 nursery) will form the community focus for the development, in addition to the central greenspace.
- d) Provision for two, small scale retail/commercial facilities at either end of the site would provide additional focal points.
- e) Five play areas are proposed to serve the residents, including a larger play area within the central open space.
- f) The primary road, which will run the length of the site, will provide a public transport link to surrounding areas and the wider network. A permeable and pedestrian friendly street network (including shared surfaces) throughout the site is proposed to encourage walking and cycling. The principle access points for the development, as currently proposed, are as follows:
 - A new roundabout on Eaglesham Road, just to the north of the existing Jackton Road junction.
 - A new primary road link to Lindsayfield Road.
 - Pedestrian access points to connect into the existing housing areas to the north, via Greenhills Road, at various points to Jackton Road to the south, and to Newlands Road to the east.
 - A vehicle access point from Newlands Road to serve a maximum of 126 residential units.
- g) The development will incorporate the principles of Sustainable Urban Drainage Systems (SUDS) with eight drainage ponds located throughout the development site. The requirement to drain surface water to a SUDS basin and discharge to the east of Jackton Road into the White Cart is no longer necessary and this aspect has been removed from the proposed plans.

2.5 The applicants have submitted indicative phasing plans for the proposed development; however, the final sequence of development will be dependent on market conditions. It is currently anticipated that up to 120 private houses could be completed each year. The phasing plan has been designed to accommodate the proposed primary school in an early phase (phase 1 West) and also takes into account other site constraints such as ownership and engineering works. Initially, development is planned to begin simultaneously at the Eaglesham Road end of the site (phase 1 west) and the Lindsayfield end (phase 1 east), with phases 2 and 3 linking these two areas of housing together. The remaining phases, to the north of the primary road, will complete all aspects of the site. A detailed planning application (EK/17/0305) for the construction of the primary road through the site has already been submitted and is subject to a separate report on this agenda. This road and

associated landscaping and engineering works are proposed to be completed prior to the opening of the first phase of the primary school. This is currently estimated to be August 2021. The applicants have advised that they expect up to 4 developers to be building houses simultaneously on different parts of the site, thereby providing a consistent speed of housing delivery, with development of the site potentially completed within 18 years.

- 2.6 The application, as originally submitted, was supported by an Environmental Impact Assessment. For the 2016 revised submission, given the nature and scale of the proposed development it was concluded that an updated Environmental Impact Assessment was required from the applicant under Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2011. Consequently, the applicants submitted an Environmental Statement (ES) along with, and in support of, their revised application. The updated Environmental Statement covered: traffic, transportation and access; surface water, flooding and SuDs; and ecology. In addition, an updated flood risk assessment was submitted.
- 2.7 The original committee approval was subject to the conclusion of a Section 75 Obligation and/or other appropriate agreements between the Council, the applicants and the landowners (and their respective successors). The purpose of which would be to ensure that planning obligations and supporting conditions, as agreed between the Council and the applicants, address the impact of the proposed development on the following areas of interest. Following recent discussions, substantial progress has been made on identifying requirements, with the updated position as follows:
- **Education** – provision of a new non-denominational primary school and nursery within the site, in addition to upgrading works to secondary provision and denominational primary.
 - **Affordable housing** - It is currently proposed that 12.5% of the site's overall capacity (244 units) will be provided as affordable housing on site and a financial contribution equivalent to 12.5% of the site's capacity towards off-site affordable housing in the local housing market area.
 - **Off-site road works** – improvements to local road network to mitigate the impact of additional traffic.
 - **Transportation facilities** – A financial contribution towards park and ride facilities, a financial contribution towards the provision of bus services for the site, improvements to local pedestrian and cycle networks.
 - **Community facilities** – It is currently proposed that there will be improvements to Greenhills Hall, Greenhills Library, Calderglen Country Park and Dunedin recreation area.

In addition to the above, the applicants have agreed to undertake improvement to the trunk road network, required to mitigate the development, as identified by Transport Scotland.

- 2.8 The applicants have also submitted an updated development viability appraisal document, which details the relevant economic and delivery factors related to the development of the site. In this regard, it is acknowledged that the required developer contributions have significantly increased since the previous Planning Committee approval of December 2011 and as a result there are viability issues in respect of the delivery of key aspects of the infrastructure. In this regard, Members will be aware that the EKCGA is one of the identified projects of Glasgow City Deal. Therefore, in turn, consideration will be given to support the development of the CGA through the City Deal process.

- 2.9 In terms of the education infrastructure requirements specifically, in order to aid the delivery of the project, and more effectively balance pupil numbers between schools, a consultation on a change to the catchment area for the secondary school associated with the proposed new primary school to serve the CGA has recently been completed. This will allow the new non-denominational primary school planned for the Jackton area to be within the catchment of Calderglen High School, rather than Duncanrig Secondary School, as originally proposed.
- 2.10 In addition to the above, given the length of time that has elapsed following the original planning committee approval of this application, a review of the conditions that were approved by Committee in 2011 has taken place. This review has taken into account updated submissions, revised infrastructure requirements and additional information submitted by the applicants. The paper apart sets out a revised list of conditions that it is recommended are imposed to any planning permission is issued, following the conclusion of a legal agreement. It is considered that these conditions reflect the current position and address all issues relevant to the delivery and completion of the community growth area.

3 Background

3.1 Strategic Development Plan Background

- 3.1.1 The strategic policy direction for the release of the Community Growth Area is provided by the Approved Second Strategic Development Plan for the Glasgow and the Clyde Valley Area. Strategy Support Measure 1 relates to delivery of the spatial development priorities, which includes community growth areas.

3.2 Local Plan Status

- 3.2.1 In land use terms, the site is identified within the adopted South Lanarkshire Local Development Plan (2015) as forming part of the identified East Kilbride Community Growth Area (Policy 1 Spatial Strategy) and is allocated as a Proposed Housing Site (Policy 12 Housing Land). Appendix 3 (Development priorities), relative to Policy 1, sets out the requirements for the site, as follows:

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

- 3.2.2 In addition to the above policy designation, which provides the overarching Local Development Plan policy direction for this area of East Kilbride, the site is affected by a number of additional policies within the Local Development Plan, as follows.

- Policy 4 – Development management and placemaking
- Policy 5 – Community infrastructure assessment.
- Policy 10 – New retail/commercial proposals
- Policy 11 – Economic Development and Regeneration
- Policy13 – Affordable housing and housing choice
- Policy 14 – Green network and greenspace
- Policy 15 Natural and historic environment
- Policy 16 – Travel and Transport
- Policy 17 – Water environment and flooding

3.2.3 The following supplementary guidance documents are also relevant to this assessment:

- Sustainable development and climate change
- Development Management Place Making and Design
- Community infrastructure assessment
- Affordable Housing
- Green Network and Greenspaces
- Natural and Historic Environment.

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

- Policy 1 - Spatial Strategy
- Policy 2 – Climate Change
- Policy 5 – Development Management and Placemaking
- Policy 7 – Community Infrastructure Assessment
- Policy 10 – New Retail/Commercial Proposals
- Policy 11 – Housing
- Policy 12 – Affordable Housing
- Policy 13 – Green Network and Greenspace
- Policy 14 – Natural and Historic Environment
- Policy 15 – Travel and Transport
- Policy 16 – Water Environment and Flooding
- Policy SDCC2 – Flood Risk
- Policy SDCC3 – Sustainable Drainage Systems
- Policy SDCC4 – Sustainable Transport
- Policy DM1 – New Development Design
- Policy NHE18 – Walking, cycling and riding routes
- Policy NHE20 - Biodiversity

3.2.5 A full assessment of the proposal against these specific policies is contained in Section 6 of this report.

3.3 Relevant Government Advice

- 3.3.1 Relevant Government guidance is set out within the consolidated Scottish Planning Policy (SPP) 2014 and National Planning Framework 3 (NPF3). NPF3 aims to facilitate new housing development, particularly in areas where there is continuing pressure for growth. SPP introduces a presumption in favour of development that contributes to sustainable development and states that the planning system should identify a generous supply of land for each housing market area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times. Further, the planning system should enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places.
- 3.3.2 In terms of placemaking principles, SPP states that the planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful place, i.e. distinctive, safe and pleasant, welcoming, adaptable, resource efficient, and easy to move around and beyond.
- 3.3.3 In March 2010, the Scottish Government introduced its first policy statement in Scotland for street design - Designing Streets: A Policy Statement for Scotland, which marked a change in the emphasis of guidance on street design towards place-making and away from the dominance of motor vehicles. This document supports the Government's place-making agenda and is intended to sit alongside the 2013 document Creating Places – A Policy Statement on Architecture and Place for Scotland, which sets out government aspirations for design and the role of the planning system in delivering these.

3.4 Planning History

- 3.4.1 As stated above, this planning application was originally submitted in June 2009 and was reported to planning committee in December 2011 with a recommendation for approval, subject to conclusion of a legal agreement. The application was approved by the Planning Committee but the section 75 agreement has not been concluded, therefore, the decision notice has not been issued. In 2016, the applicants submitted the revised proposal, now subject to determination at this Planning Committee.

4 Consultation(s)

- 4.1 Following submission of the revised masterplan in November 2016, further consultation was carried out. The current position of each consultee is set out as follows:
- 4.2 **Roads and Transportation Development Management** – following submission of an updated Transport Assessment, there are no objections, subject to conditions and advisory notes to cover Roads Construction Consent requirements and appropriate off-site improvements dealt with by a legal agreement.
Response: Noted. Appropriate conditions and advisory notes can be attached to any consent granted.
- 4.3 **Roads and Transportation Flood Risk Management** – have no objections, subject to the applicants satisfying the Council's design criteria and conditions relating to Sustainable Urban Drainage Systems and flood risk.
Response: Noted. Appropriate conditions can be attached to any consent granted.

- 4.4 **Transport Scotland** – have no objections, subject to imposition of conditions relating to trunk road improvements.
Response: Noted. Appropriate conditions can be attached to any consent granted.
- 4.5 **Environmental Services** – have noted that an air quality impact assessment was previously submitted and that this is sufficient to address air quality issues. Comments also provided on the encouraging sustainable travel to reduce reliance on private car travel. No objections, subject to previous conditions and advisory noted relating to contaminated land, ventilation, health and safety and referral of the application proposals to SEPA.
Response: Noted. The proposed development includes pedestrian and cycle connections and bus provision through the site. Appropriate conditions and advisory notes can be attached to any consent granted.
- 4.6 **Education Resources** – following agreement on provision of a new primary school and nursery within the CGA to accommodate the pupils generated by the development and provision of a financial contribution towards the upgrading of secondary school and denominational primary school accommodation within the catchment area, there are no objections to the proposal.
Response: Noted. A section 75 legal agreement will require to be concluded in relation to these matters.
- 4.7 **Community Services** – have no objections subject to a provision of appropriate play facilities and open space and a financial contribution towards off-site improvements to community facilities in the local area. The identified facilities for improvement at present are Greenhills Hall and library, Calderglen Country Park and Dunedin recreation area.
Response: Noted. A section 75 legal agreement will require to be concluded in relation to these matters.
- 4.8 **Countryside and Greenspace** - generally support the approach of protecting and enhancing the Gill Burn corridor as important biodiversity assets running through the site. Comments are also provided on phasing, proposed lighting on footpaths, management and maintenance, boundary planting, greenspace connectivity and retention of trees and hedgerows within the landscaping strategy.
Response – Noted. Countryside and Greenspace Service will continue to be fully involved in the preparation of the detailed landscape proposals for the site, which will be the subject of future applications. Appropriate conditions will be attached to any consent to address the issues raised.
- 4.9 **Housing and Technical Resources** – have no objections to the proposals, subject to the provision of affordable housing being based on the requirements of both the applicable policies within the adopted Local Development Plan and the Council's approved Supplementary Planning Guidance on Affordable Housing.
Response: Noted. Agreement has been reached on the provision of on-site affordable housing totaling 244 housing units, spread throughout the site, to be provided on a phased basis. Four sites are identified as fixed locations at present with two further sites identified to fall within a larger area, subject to further agreement. A financial contribution, equivalent to 12.5% of the site's capacity, is also proposed towards off-site affordable housing in the local housing market area. A section 75 legal agreement will require to be concluded in relation to these matters.

- 4.10 **Scottish Water** – provided no objections to the original proposal but highlighted the requirement for the developers to submit a Development Impact Assessment for Scottish Water’s consideration

Response: Noted. The applicants are aware of this requirement.

- 4.11 **Scottish Natural Heritage** - have indicated that, having assessed the submitted Environmental Statement, they have no objections to the principle of the proposed development. They have however recommended that the following issues be addressed by the imposition of conditions as part of any consent:

- Protection of Gill Burn from development and provision for passage of otters.
- Pre-start tree inspections for bats and ensuring lighting is not directed onto bat roosting sites outwith the application site.
- The suggested mitigation measures in the Environmental Statement relating to ecological issues and landscape and visual issues to be implemented.
- Pre-construction checks for water voles and badgers.

Response: Noted. SNH’s requirements can be conditioned as part of any consent granted.

- 4.12 **Coal Authority** – have no comments as the site does not fall within the defined coalfield.

Response: Noted.

- 4.13 **East Renfrewshire Council** – have not commented to date.

Response: Noted.

- 4.14 **Jackton and Thorntonhall Community Council (JTCC)** - have submitted a substantial document detailing their position and reasons/relevant background information to support this position. The main conclusions are summarised below. Substantial comment is provided on the housing supply projections and the need for the CGA in terms of housing demand. In particular JTCC state that they cannot support the application as it currently stands because it does not conform to the Local Development Plan (LDP) as the scale is ill-matched to the reality of housing need and it would require expenditure of public money that would be unlikely to generate a positive return for the public on any realistic timescale. JTCC proposes that South Lanarkshire Council (SLC) re-considers the extent of the EKCGA which, as currently defined, is larger than now required, larger than developers currently prefer and expensive to develop. They recommend that SLC now consults with the developers and JTCC to define a smaller, more appropriately sized and more economically attractive developable area. SLC could then withdraw or substantially reduce its request for funding of the EKCGA under the Glasgow City Deal. The next LDP could be used to return the remaining parts of the CGA to its previous green belt status.

Response: The detailed comments in the submission are noted. The CGA sets out the strategic direction for the growth of East Kilbride and there is considered to be no conflict with the Strategic Development Plan or Local Development Plan in terms of the scale and phasing of the development. In terms of matters raised relating to the expenditure of public money, it is noted that the CGA is a key, strategic development for East Kilbride and the surrounding area and as such the Council is fully supportive of the proposal in terms of its long term economic benefits. There is a requirement for the provision of substantial developer contributions to fund key infrastructure required to support a development of this size.

- 4.15 **Strathclyde Partnership for Transport (SPT)** – have confirmed that the previous comments provided relating to bus provision, walking and cycling remain valid. It is therefore recommended that conditions are attached requiring the development of a bus service strategy and associated infrastructure, in addition to provision within the legal agreement for funding bus provision. A network of footpath and cycle links, including connections to Hairmyres station, should also be included.
Response: Noted. Following discussion with SPT, agreement on the phased provision of a bus service strategy has been reached. The provision of bus services will be reviewed at key stages of development and any required financial contribution will be contained within a legal agreement.
- 4.16 **SEPA** – have offered no objection to the proposals, subject to the inclusion of an appropriate condition on flood risk. Further advice is provided in relation to surface water, engineering works, foul drainage and ecology.
Response – Noted. The requirements of SEPA can be addressed through the use of conditions and advisory notes to any consent granted.

5 Representation(s)

- 5.1 The original application was subject to neighbour notification in 2009 and a total of 69 letters of representation were received. Further statutory neighbour notification was undertaken in November 2016 and the proposals advertised for non-notification of neighbours, nature or scale of development and submission of an Environmental Statement. Following submission of the revised masterplan, 15 letters of representation have been received in respect of the amended proposals.
- 5.2 The grounds of objection and issues raised can be summarised as follows:
- a) **Concern over the visual, amenity, traffic and safety impacts of the proposed retail unit on Jackton and to the adjacent residential property. There is little or no guidance as to where the shopping centre is to be placed.**
Response: The exact location of the proposed retail facility, its access and service area is indicative at this stage as the application is for permission in principle. A detailed planning application will be required in due course, which will provide detailed plans of the proposed building position and associated information. At this stage, Environmental Services will be re-consulted in relation to potential amenity impacts and there will be further neighbour notification of the proposed plans.
 - b) **Potential adverse impacts on hedgehogs, bat birds and roosting sites. How recent is the environmental statement? Is the applicant aware of the relevant wildlife legislation?**
Response: An updated Environmental Statement has been submitted to support the revised proposal. This includes habitat and specific species surveys, which were updated in September 2016. SNH have been consulted on the proposal and have offered no objections, subject to appropriate mitigation.
 - c) **How much affordable housing will there be? There is a local requirement for this. The houses of tenants should be of the same standard as those of owners and an integral part of any development.**
Response: In accordance with policy, 25% of the capacity of the site will be affordable housing. It is intended that this would be split equally between on-site provision and a commuted sum to enable delivery of affordable housing off-site within the East Kilbride housing market area.

- d) **Planning must consider the current economic situation and whether this is any need or justification for retail within the CGA. If planning permission is granted for this development, it should be with no retail provision.**

Response: In relation to the current proposal for planning permission in principle, the LDP states that one of the requirements for the CGA is provision of a local retail facility of a scale appropriate to serve the Community Growth Area. It is therefore considered that the proposed retail provision will not have an adverse impact on East Kilbride town centre, or local neighbourhood centres as the scale will be designed to serve the CGA. Any future, detailed, planning application for retail provision will be assessed with regard to policy 10 (New retail/commercial proposals) of the LDP, including potential impacts on existing retail provision.

- e) **What is intended for the salient east of Jackton Road (outlined in red)?**

Response: The red line boundary east of Jackton Road covers an area of road and surrounding engineering works, which connects the boundary of the CGA housing area and the existing Lindsayfield development. Planning application (EK/17/0305) for the main thoroughfare provides details on this connection.

- f) **Concern over impact of the proposals on Newlands Rd in relation to additional traffic, damage to road by construction traffic, road closures noise and adverse impact on the quality of rural life, including recreational use of the road. We seek assurances that these inconveniences will be kept to a minimum, that monitoring will be in evidence and that there will be a point of contact for communication and reporting processes.**

Response: The principle of development of the CGA has already been established by the previous planning committee approval of December 2011. The main issues for consideration for this revised proposal therefore relate to the impact of any of the proposed amendments. In this regard, it is noted that the revised scheme includes provision for 128 properties to be accessed directly from Newlands Road. In order to accommodate this additional traffic, the upper (northern) part of Newlands Road will require to be widened and new footways constructed to link in with the existing infrastructure. The intention is that the southern part of Newlands Road would be re-designated as shared surface with Newlands Road terminating for vehicles at either side of the CGA through road, which would connect Lindsayfield to Eaglesham Road. A pedestrian crossing feature will be required to enable recreational connections between Newlands Road and Jackton Road to continue. Roads and Transportation have confirmed that they have no objections to the revised proposals, subject to planning conditions, which will include matters relating to construction routes, road cleaning and phasing. Any complaints relating to construction operations in the future should be reported to the Roads and Transportation Service to enable appropriate action to be taken. The finalised design solution for this part of the CGA (including the proposed access) will be subject to a detailed planning application, including statutory consultation and neighbour notification.

- g) **Object to public funds being made available via City Deal to kick start what is in fact private development. If private developers can't financially justify the full development as originally proposed then they should scale it back to an affordable size. The infrastructure required for the development is unaffordable in the current economic climate.**

Response: As mentioned in paragraph 2.8 above, the applicants have submitted an updated development viability appraisal document, which details the relevant economic and delivery factors related to the development of the site. In this regard, it is acknowledged that the required developer contributions have significantly increased since the previous planning committee approval of December 2011 and as a result there are viability issues in respect of the delivery

of key aspects of the infrastructure. In this regard, Members will be aware that the EKCGA is one of the identified projects of Glasgow City Deal. Therefore, in turn, consideration will be given to support the development of the CGA through the City Deal process.

- h) **There is no justifiable case for additional housing in the area. East Kilbride has significant amounts of brownfield land (as many employers have left). Surely there is sufficient land available in these areas to enable green belt areas to remain undeveloped. Much smaller sites of approximately 20-30 houses should be promoted instead.**

Response: The principle of the development of the CGA has been established through the previous committee approval of the original planning application. The allocation of the CGA for housing is in compliance with the Strategic Development Plan and adopted and proposed Local Development Plans.

- i) **The development will cause significant detrimental effects on the residents of Jackton and will impact the peaceful use of their properties and surrounding area. There will be a loss of amenity in terms of impact on recreation opportunities and enjoyment of the countryside.**

Response: This amended proposal under consideration does not include any significant alterations to the development layout within the Jackton area compared to the original masterplan approved by committee. A further planning application will be required in due course which will set out the detailed design for the proposed development within the Jackton area. Any future planning application will be subject to statutory neighbour notification and consultation. The development of the CGA is supported in principle by the Strategic Development Plan and Local Development Plan.

- j) **The proposal is located on previously designated green belt land and should be maintained as such. Agricultural land will be lost.**

Response: The principle of the development of the CGA has been established through the previous committee approval of the original planning application. The allocation of the CGA for housing is in compliance with the Strategic Development Plan and adopted and proposed Local Development Plans.

- k) **The surrounding infrastructure and proposed road layout will be unable to cope with the additional vehicles that this development will create, leading to congestion, particularly in Jackton, Greenhills Road, Stroud Road and Lindsayfield Road. I assume that people living in Lindsayfield have not been consulted or notified as to the additional traffic that will be using their already busy road.**

Response: The applicant submitted an updated transportation assessment to support the proposed development. Roads and Transportation have assessed the submitted information and have confirmed that they have no objections to the proposals in relation to traffic impacts. The planning application has been subject to statutory neighbour notification and consultation. The CGA has also been an allocated housing site with the development plan over several years.

- l) **A site immediately north of Jackton with access adjacent to the proposed roundabout has been previously promoted by the planning authority as a housing site. Although the land is not allocated for residential development in the current local development plan, there are material considerations. These include the fact that part of the site has previously been developed and that the planning authority has previously confirmed that the site is considered suitable for residential development in principle. The site is clearly capable of development and it could make a valuable contribution to**

provision of affordable housing. The planning authority should not approve a masterplan which would prejudice access to the site. We wish to object to the current proposal for the positioning of the roundabout junction at Eaglesham Rd. In its current position, access to the site in question would be prejudiced. A minor adjustment to the location of the roundabout, moving it a number of metres south-westwards, would remove this prejudice, whilst having little effect on the layout of the CGA. If no CGA existed, providing an access to the site would be a simple matter.

Response: A planning application (EK/17/0350) has been submitted for development of the site referred to above. This application is still under consideration. However it is noted that the planning application submitted for the primary road (EK/17/0305) has taken into account the potential for a housing development at this site, subject to a separate report on this agenda.

- m) **The drainage ditch near the foot of my property will be affected, causing possible flooding.**

Response: The applicant has submitted supporting technical information, including a flood risk assessment. No objections have been received from the Flood Management Team or SEPA to the proposed development. Further planning applications will be required for the development, which will include detailed information on flood risk/drainage.

- n) **There has been a lack of dialogue with local residents and there does not seem to be the opportunity to comment on the principle of community growth areas. The original Masterplan Development Framework for the CGA did not appear to include consultation with residents.**

Response: The principle of development has been established by the previous planning committee approval (December 2011) for this planning application. This included statutory consultation and neighbour notification. The CGA is also designated within the South Lanarkshire Local Development Plan 2015, which was subject to consultation and notification.

- o) **Objection to the principle of medium to high density housing on the 'Hillside' area as defined in the masterplan. The proposal will result in overlooking, loss of light and overshadowing due to the elevated nature of the site. Object to proposal to install uniform, aligned and featureless rears of houses adjacent to my property.**

Response: As this application is for planning permission in principle, there are no details of potential house types or styles available for this planning application. Further planning applications will require to be submitted, which will include detailed house types. These applications will be subject to neighbour notification and consultation. Any future planning applications will take into account all relevant policy matters and include consideration of such issues as privacy, scale, detailed design and over shadowing.

- p) **Object due to lack of capacity for car parking at Hairmyres park and ride.**

Response: The legal agreement under negotiation currently includes the requirement to make a financial contribution towards additional park and ride facilities to serve this area.

- q) **Concern that any cut and fill operations will disturb the structure of the house.**
Response: As the application is for planning permission in principle, there are no details of engineering works or exact house positions available for this planning application. Further planning applications will be required, which will include all relevant details. These applications will be subject to neighbour notification and consultation.
- r) **What is the process for keeping local residents up to date with the progress of this planning application?**
Response: All persons that submitted a representation will be notified of the planning decision in respect of this planning application. Future, detailed planning applications will be subject to neighbour notification and consultation.
- s) **What is the process for the more detailed stages of planning? When will we get a say on what is to be built adjacent to us?**
Response: All neighbouring residents within 20 metres of the relevant site boundary will be notified of future planning applications. In addition, publication of an advert in the local paper may be required, depending on the scale and ownership characteristics of surrounding land.
- t) **What is the audit process with the Council with regard to the contributions that will be made to the sports centre at Dunedin or Duncanrigg High School? What audit trail requirements are being put in place for the developers in terms of many of the claims made throughout the masterplan submission?**
Response: In the event a legal agreement is concluded to require the payment of financial contributions, the purpose of the contributions will be set out in the document. Any developer contributions received for works to upgrade facilities and infrastructure will be allocated in accordance with the legal agreement. Any approval of this planning application will be subject to planning conditions and a legal agreement, which will be designed to control aspects of the development and ensure that appropriate mitigation and infrastructure is delivered.
- u) **If a planning decision has not been released for legal reasons, why this flurry of activity now for causes that appear less then fundamental?**
Response: The planning application was originally submitted in 2009 and approved by committee in 2011. Since that point detailed negotiations have been ongoing between a number of parties which led to the submission of the revised masterplan in 2016. This further application for Planning Permission in Principle, if approved, will set the parameters of the future development of the CGA and therefore it is critical the proposals in their entirety are acceptable. The applicants have advised that they are now in an improved position to deliver the development and have therefore submitted revised proposals.
- v) **Historic Environment Scotland has rigorous conditions with regard to listed buildings to be carried out.**
Response: Historic Environment Scotland were consulted on the proposed development and offered no objections to the original proposal. The revised masterplan does not result in any change to potential impacts on listed buildings or historic assets.

- w) **The land in question is suffering from planning blight due to the length of time that the allocated land has been left as undeveloped.**

Response: It is acknowledged that delivery of the CGA has been delayed beyond the original, projected timescale. This has been largely due to the recent adverse economic conditions. The Council is working closely with the applicants to facilitate delivery of the development.

- 5.3 These representations have been copied and are available for inspection in the usual manner and on the Council's Planning Portal.

6 Assessment and Conclusions

- 6.1 This report seeks approval of a revised Masterplan for the proposed East Kilbride Community Growth Area that was submitted in 2016. The proposals were submitted as an amendment to the Masterplan that was approved by the Planning Committee in December 2011. This was subject to the conclusion of a legal agreement between the Council and applicants to ensure contributions towards infrastructure improvements and the provision of affordable housing would be made.
- 6.2 By way of background, the approved Glasgow & Clyde Valley Strategic Development Plan 2017 and the adopted South Lanarkshire Local Development Plan (2015) identify the application site as a Community Growth Area for residential development. In addition, the East Kilbride CGA Masterplan Development Framework 2007 (MDF) initially set out the Council's guiding principles and requirements for any future masterplan for development of the site. The principle of development of the CGA is therefore well established at this point, with the assessment relating specifically to the amendments made to the proposal following the previous committee decision.
- 6.3 The changes under assessment as part of this revised proposal are as follows:
- A revised drainage strategy resulting in a reduction in the number of SUDs basins from 10 to 8. The requirement to discharge water to the east of Jackton Road and into the White Cart is also no longer necessary.
 - Revised and updated analysis of flood risk by the applicant has resulted in a reduced flood plain area (from 7.9 ha to 5.3 ha) in the central part of the site and therefore the identification of more developable land in this area.
 - As a result of the flood/risk changes, the area of central park/green space (described as Gillburn Meadows in the masterplan) has been reduced from approximately 6 hectares to 4 hectares.
 - A substantial area of land around the police training college has been removed from the application site. Additionally a land holding around the property Easterhouse has been excluded from the site boundary. The application site area has therefore reduced from 125 hectares to 108 hectares.
 - The position of the main road through the site has been altered to more closely align with the route of an existing sewer, thus minimising the loss of developable land for housing.
 - De-culverting a water course (380 metres in length) within the site.
 - A part of the development to accommodate 126 homes is to be directly accessed from Newlands Roads.
 - Replacement of proposed allotments with public open space.

- 6.4 In general terms, it is considered that the revised planning application under consideration has been prepared in line with the guidelines set out in the MDF and the Local Development Plan. Furthermore, it is noted that the approach of the revised masterplan generally reflects the design principles and guidance set out in Scottish Planning Policy and associated design and placemaking guidance, including Designing Streets. In particular, the emphasis on linked green infrastructure, provision of attractive and direct pedestrian and cycle connections, provision of overlooked open space spaces and the facilitation of public transport links are noted as positive aspects of the masterplan. On this basis it is therefore concluded that the proposed development satisfies all the relevant criteria of both the Masterplan Development Framework and the requirements for the site set out in the South Lanarkshire Local Development Plan 2015 (LDP).
- 6.5 The proposed development of approximately 1950 houses will assist the Council in meeting its housing land supply requirements. The proposals therefore accord Policy 12 – Housing Land of the LDP. Furthermore, an agreement on the provision of affordable housing and the potential of such a large development to provide a wide range of house types and styles will meet with requirements of Policy 13 – Affordable Housing and Housing Choice. In this regard, it is noted that 12.5% of the site's housing capacity (244 housing units) is currently proposed to be delivered on site at various locations within the site. In addition to the on-site provision, developer contributions equivalent to 12.5% of the site's housing capacity will also be provided to enable further off-site affordable housing to be provided in the housing market area.
- 6.6 In terms of transportation matters, the revised masterplan for the proposed development has been the subject of a detailed Transport Assessment. This includes an access strategy which seeks to ensure the provision of bus infrastructure and services, cycle and pedestrian improvements, as well as road junction improvements. Roads and Transportation Services are satisfied that the information submitted and associated proposals adequately address the potential impacts of the development and make provision for future sustainable travel patterns. It is therefore considered that the development accords with Policy 16 – Travel and Transport.
- 6.7 As stated above, the proposed masterplan has been prepared broadly in line with principles of the Council's masterplan development framework (MDF) and therefore it is considered that the masterplan will provide for a development of high design quality which complies with Policy 4 – Development Management and Place Making. In addition, any future detailed/approval of matters specified in conditions applications will be the subject of further design assessments to ensure the provision of high quality of design that complies with the principles established by the revised masterplan.
- 6.8 The provision of new retail/commercial opportunities of an appropriate scale within the site is considered an important element in providing a successful Community Growth Area for East Kilbride. Residential areas surrounding this facility would also benefit from access to new facilities. In this regard, it is considered that there would be no conflict, in principle, with the aims of Policy 10 – New Retail/Commercial Proposals. However, the details of the scale of any retail facility will be assessed as these proposals are developed to ensure there is no impact on established retail locations.

- 6.9 Parts of the CGA are identified as green network and priority greenspace, where policy 14 (Green network and greenspace) applies. The submitted masterplan proposals indicate that any such areas within the application site are generally to be protected and enhanced. Based on the proposals set out in the masterplan, it is concluded that the development complies with this policy.
- 6.10 Assessments and consultations with relevant agencies have been undertaken with regards to the affect of the development on any natural or built heritage assets. In particular, SNH were consulted on the submitted ecological survey and offered no objections, subject to appropriate mitigation and updated surveys prior to the commencement of development. It is concluded that there would be no adverse impacts resultant from the proposals and therefore it is considered that there is no conflict with the requirements of Policy 15 - Natural and historic environment. Historic Environment Scotland were consulted on the original proposals and confirmed that they had no objections to the development.
- 6.11 With regards to flood risk and drainage matters, there are no objections from the Council's Flood Risk Management team, subject to an updated Flood Risk Assessment and compliance with the Council's design criteria. No objections have been received from SEPA. The masterplan also details that the development will be designed to sustainable urban drainage system requirements. It is therefore considered that the proposed development is in accordance with policy 17 (Water environment and flooding) of the LDP.
- 6.12 Policy 5 (Community infrastructure assessment) of the LDP highlights that where development proposals would require the implementation of capital or other works or facilities to enable the development to proceed, developer contributions would be required for the implementation of any works required. The scale and complexity of the proposal and impact on both the local and wider areas require that a Section 75 Obligation and/or other legal agreement be completed prior to the release of any planning consent. The aim of which is to ensure that planning obligations and supporting terms and conditions, as agreed between the Council and the applicants, address the impact of the proposed development on the following areas:
- Education – a financial contribution to the Council for educational provision to equate to the demand for school and nursery places arising from the proposed development.
 - Affordable Housing – provision for up to half of this requirement on site with the remaining requirement being provided by payment of a commuted sum or sums to the Council for the provision of this type of housing.
 - Off-site Road works – the undertaking of certain off-site road works and infrastructure provisions, agreed with the Council, or the making of a sufficient financial contribution to allow the Council as Roads Authority to undertake these works.
 - Transportation Facilities – contributions towards the provision of appropriate levels of bus services, upgrade to existing park and ride facilities, cycle and pedestrian infrastructure improvements, as appropriate.
 - Community Facilities – a financial contribution to the Council towards the provision of agreed facilities, or alternative works in lieu of the non provision of facilities on site.

As described elsewhere in the report, the applicants have confirmed their agreement to entering into a Section 75 Obligation to provide appropriate funds for matters arising as a result of their development, where appropriate. It is therefore considered that the proposed development is in accordance with policy 5 (Community infrastructure assessment) of the LDP.

- 6.13 On 29 May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposals accords with the relevant policies detailed in section 3.2.4 above.
- 6.14 In light of the above, it is concluded that the proposed development, as detailed in the revised masterplan, accords with the relevant policies of the adopted South Lanarkshire Local Development Plan 2015. Whilst noting the concerns raised by third party representations, it is noted that the principle of the CGA has been established through the Strategic Development Plan and Local Development Plan processes, as well as the previous planning committee approval of the original version of this application. With regard to matters of detail, these will be addressed through either the use of conditions or determination of future detailed applications for the development of the site. Furthermore, the proposed masterplan provides the planning framework for these details to be designed and brought forward to ensure that the development integrates with the surrounding area.
- 6.15 Following on from the above point, it is considered that the proposed masterplan has been developed in a manner which provides the basis for delivery of a high quality residential area at this location. To ensure that the development is consistent with up to date design practice and the overall masterplan concept, it is proposed that a condition be attached to this consent requiring that the applicants provide a design statement, to be agreed with the Council, for each of the future development areas to demonstrate compliance with the approved masterplan principles. This will enable the design concept set out in the masterplan to be successfully delivered.
- 6.16 On the basis of the above, it is concluded that the masterplan for the proposed development, along with its other supporting statements, provides the basis for the successful development of the East Kilbride Community Growth Area.
- 6.17 In summary, the principle of the development of a Community Growth Area at this location has been established through the Glasgow and Clyde Valley Strategic Development Plan, South Lanarkshire Local Development Plan and previous planning committee approval of this application. All other matters in respect of the submission of masterplan proposals have now been satisfactorily addressed.
- 6.18 On this basis, it is recommended that planning permission in principle is granted for the revised masterplan, as defined above, subject to conditions and the conclusion of an appropriate Section 75 Obligation and/or other legal agreement.

7 Reasons for Decision

- 7.1 The proposed development accords with the relevant policies of both the approved Glasgow and Clyde Valley Strategic Development Plan 2017 and the adopted South Lanarkshire Local Development Plan 2015, and in particular Policy 1 (Spatial Strategy) , in that it would assist in the delivery of a quality, mixed use development at this location. The proposal is also in accordance with Policy 1 of the South Lanarkshire Local Development Plan 2 (Proposed Plan 2018) and associated policies. The proposed development will not give rise to adverse impact on infrastructure that cannot be covered by planning conditions or the Section 75 Obligation or other legal agreement. Due to the scale of development, a maximum time period for submission of matters specified in conditions applications of 20 years is considered appropriate in this case.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

15 June 2018

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Neighbour notification letter dated

- ▶ Consultations

Education Resources	15/05/2018
Roads and Transportation Development Management	07/06/2018
Roads and Transportation (Flood Risk Management)	23/11/2017
Transport Scotland	17/03/2017
Jackton & Thorntonhall Community Council	22/12/2016
S P T	09/01/2017
Countryside and Greenspace	29/11/2016
Environmental Services	05/04/2017
SEPA	14/12/2016
Scottish Natural Heritage	29/11/2016

Community Resources	16/05/2018
Coal Authority	24/11/2016
Housing and Technical Resources	20/06/2017

► Representations

- Representation from : Steve McBride, 339 Eaglesham Road, Jackton, East Kilbride, G75 8RW, DATED 23/11/2016
- Representation from : Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS, DATED 29/11/2016
- Representation from : Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS, DATED 30/11/2016
- Representation from : James M Barclay, Littlepark Cottage, Littlepark Lane, Jackton, East Kilbride, G75 8RR, DATED 02/12/2016
- Representation from : Ross and Louise Gardner, 17 Swift Place, Gardenhall, East Kilbride, G75 8RT, DATED 05/12/2016
- Representation from : James M Barclay, Littlepark Cottage, Littlepark Lane, Jackton, East Kilbride, G75 8RR, DATED 12/12/2016
- Representation from : Steven McBride, 339 Eaglesham Road, Jackton, East Kilbride, G75 8RW, DATED 14/12/2016
- Representation from : Mrs M Johnston, 16 Lendal Place, East Kilbride, G75 8JU, DATED 19/12/2016
- Representation from : Joe Frame , Robertson Frame Limited, The Five Jays, Edinburgh Road, Cleghorn, Lanark, ML11 7RW, DATED 21/12/2016
- Representation from : Mr & Mrs McPhail, Dunrobin, Newlands Road, East Kilbride, DATED 22/12/2016
- Representation from : Edward Dantzic, Lethington Leisure Limited, DATED 23/12/2016
- Representation from : Ritchie K Gilchrist MRICS, South Craighall, Jackton Road, Jackton, Glasgow, G75 8RR, DATED 04/01/2017
- Representation from : Mrs M Johnston, 16 Lendal Place, East Kilbride, G75 8JU, DATED 01/06/2017
- Representation from : Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8RR, DATED 08/06/2017
- Representation from : Alex and Claire Marr, Little Park House & the Bothen, Jackton G75 8BN, DATED 03/07/2009

Contact for Further Information

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

Alan Pepler, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

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Conditions and reasons

1. Prior to the commencement of development of each construction phase (as defined in *East Kilbride CGA Phasing Plan June 2018*), a further application(s) for the approval of the matters specified in this condition must be submitted to and approved by the Planning Authority in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval. These matters are as follows:
 - a) the layout of the site, including all roads, footways, parking areas and open spaces;
 - b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
 - c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum;
 - d) the means of public and construction access to the site, including details of construction traffic routes and associated construction facilities, including any wheel cleaning facilities.
 - e) the design and location of all boundary treatments, including walls and fences;
 - f) the design and location of all retaining walls;
 - g) a Phasing Plan;
 - h) a Habitat and Greenspace Management Plan;
 - i) a Design Statement;
 - j) a Landscaping Plan;
 - k) details of equipped play areas to be provided;
 - l) the means of drainage and sewage disposal, including written confirmation from Scottish Water;
 - m) a detailed scheme for surface water drainage;
 - n) a Flood Risk Assessment, where relevant;
 - o) a Site Investigation carried out to the appropriate phase level;
 - p) a scheme for the control and mitigation of dust;
 - q) a Construction Method Statement and an Environmental Management Plan, including reference to the Water Environment (Controlled Activities) (Scotland) Regulations 2011 and SEPA's Pollution Prevention Guidance Notes, or any subsequent regulations or guidance; and
 - r) a road safety audit, where relevant.

Reason: To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended

2. In accordance with condition 01 above, an updated Phasing Plan for each construction phase (as defined in *East Kilbride CGA Construction Phasing Plan- June 2018*), shall be submitted to the Planning Authority for approval prior to the commencement of development on each construction phase. This shall include proposals for the implementation of infrastructure works, accesses, roads and footpaths, housing, landscaping and other approved uses. Following approval of Phasing Plan, the development shall be implemented in accordance with the approved scheme, unless otherwise agreed by the Planning Authority.

Reason: To retain effective planning control and safeguard the amenity of the area.

3. In accordance with condition 01 above, a Habitat and Greenspace Management Plan for each development parcel (as defined in *East Kilbride CGA Construction Phasing Plan – June 2018*) shall be submitted to the Planning Authority for approval. This shall include an updated Ecological Assessment (incorporating updated surveys to identify existing habitats and species, mitigation and enhancement proposals, where agreed necessary with the Planning Authority), and an Action Plan for implementation and phasing of ecological mitigation work, and future maintenance/ management agreements.

For the avoidance of doubt, the recommendations and mitigation measures identified within section 4 of the Addendum to the Environmental Statement (2016) shall be referenced, together with details of how the mitigation will be implemented.

Reason: In order to ensure the protected species and ecological features are adequately protected.

4. In accordance with condition 01 above, further application(s) for each development parcel (as defined in *East Kilbride CGA Construction Phasing Plan – June 2018*), shall be accompanied by a detailed Design Statement which shall set out the design principles, justify the design solution and show how the proposal responds to the wider context of the area as well as the characteristics of the site and shall demonstrate the extent to which the proposed development conforms with the general principles outlined in the approved drawings and *Updated Masterplan Report Re-Submission 2018*.

Reason: To retain effective planning control and safeguard the amenity of the area.

5. In accordance with condition 01 above, further application(s) for communal open space for each construction phase (as defined in *East Kilbride CGA Construction Phasing Plan – June 2018*), shall be accompanied by a detailed Landscape Plan generally in accordance with Drg No. *0713-LAGA-P003-C Landscape General Arrangement: Whole Site*. The following details should be included for the written approval of the Planning Authority:

- a) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs;
- b) 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;
- 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) detailed specifications for all soft and hard landscape features including new trees and shrub planting, hard and soft surface treatments, other amenity features (seating, lighting, sculpture, water features, paths, cycle infrastructure etc.);
- h) arrangements for structural landscape area (existing and proposed woodland, new site boundaries, public open space/buffer zones); and
- i) management and maintenance prescriptions for all areas of open space, public realm, woodland and greenbelt areas.

Once approved, the Landscape Plan for the relevant construction phase shall be implemented in accordance with the approved scheme, unless otherwise agreed in writing by the Planning Authority. No homes shall be occupied within any development parcel within the relevant construction phase until the Landscape Plan has been approved in writing by the Planning Authority.

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

6. In accordance with condition 01 above, further application(s) for each development parcel (as defined in *East Kilbride CGA Construction Phasing Plan – June 2018*), shall be accompanied by a detailed Landscape Plan generally in accordance with Drg No. 0713-LAGA-P003-C *Landscape General Arrangement: Whole Site*. The following details should be included for the written approval of the Planning Authority:

- a) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs;
- b) 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;
- 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) detailed specifications for all soft and hard landscape features including new trees and shrub planting, hard and soft surface treatments, other amenity features (seating, lighting, sculpture, water features, paths, cycle infrastructure etc.)
- h) where applicable, arrangements for structural landscape area (existing and proposed woodland, new site boundaries, public open space/buffer zones); and
- i) management and maintenance prescriptions for all areas of open space, public realm, woodland and greenbelt areas.

Once approved, the Landscape Plan shall be implemented in accordance with the approved scheme, unless otherwise agreed in writing by the Planning Authority.

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

7. In accordance with Condition 01 above, any further applications for a development parcel due to provide equipped play (as defined in *East Kilbride CGA Construction Phasing Plan – June 2018*) shall be accompanied by a scheme for the provision of equipped play to be approved in writing by the Planning Authority. Where equipped play is being provided in the relevant development parcel, details shall include:

- a) details of the type and location of play equipment, seating and litter bins to be situated within the play area(s);
- b) details of the surface treatment of the play area, including the location and type of safety surface to be installed;
- c) details of the fences to be erected around the play area(s); and
- d) details of the phasing of these works.

Following approval of these details, the equipped play will thereafter be constructed to the satisfaction of the Planning Authority.

Reason: To ensure the provision of adequate play facilities within the site and in order to retain effective planning control.

8. In accordance with Condition 01 above, further application(s) for each development parcel (as defined in *East Kilbride CGA Construction Phasing Plan – June 2018*) shall be accompanied by details of surface water drainage arrangements to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria (including signed appendices as required), to be approved in writing by the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the proposed works shall be implemented in accordance with the approved details prior to the completion of the last dwellinghouse on the relevant development parcel.

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

9. In accordance with Condition 01 above, unless otherwise agreed in writing by the Planning Authority, further application(s) for each development parcel or communal open space (as defined in *East Kilbride CGA Construction Phasing Plan – June 2018*) shall be accompanied by a relevant flood management submission as per the recommendations of the updated flood risk assessment of October 2016 (together with subsequent management and maintenance arrangements), to be approved in writing by the Planning Authority. The works will require to comply with the Council's Sustainable Drainage Design Criteria and requirements (including signed appendices as required). Unless otherwise agreed in writing with the Planning Authority, the proposed works shall be implemented in accordance with the approved details prior to the completion of the last dwellinghouse on the relevant development parcel.

Reason: To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows, increased surface water run off and/or reduction of flood storage capacity.

10. In accordance with Condition 01 above, further application(s) for each development parcel (as defined in *East Kilbride CGA Construction Phasing Plan – June 2018*) shall be accompanied by a site investigation carried out to the appropriate phase level, to be approved in writing by the Planning Authority. The investigation shall be completed in accordance with the following:

- (a) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
- (b) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency; and
- (c) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice;' or
- (d) Any other updates to the above, or other relevant guidance.

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 and submitted to the Council. 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 prior to the commencement of construction on the relevant development parcel.

If the risk assessment identifies any unacceptable risks as defined under Part IIA of the Environmental Protection Act, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. No works, other than investigative works, shall be carried out on the relevant development parcel (as defined in *East Kilbride CGA Construction Phasing Plan – June 2018*) prior to receipt of the Planning Authority's written approval of the remediation plan.

Reason: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

11. In accordance with condition 10 above, if required, remediation works shall be implemented as follows:
- a) Remediation of the works shall be carried out in accordance with the approved remediation plan prior to the occupation of any home on the relevant part of the development parcel (as defined in *East Kilbride CGA Construction Phasing Plan – June 2018*). Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Planning Authority.
 - b) On completion of the remediation works, the developer shall submit a completion report to the Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels. This shall be submitted prior to the occupation of any home on the remediated area of the development parcel.
 - c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week 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 Planning Authority prior to the occupation of any home on the remediated area of the development parcel and in accordance with the above criteria.

Reason: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

12. In accordance with Condition 01 above, further application(s) for each development parcel (as defined in *East Kilbride CGA Construction Phasing Plan – June 2018*) shall be accompanied by a scheme for the control and mitigation of dust, to be approved in writing by the Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Planning Authority.

Reason: To minimise the risk of nuisance from dust to nearby occupants.

13. Unless otherwise agreed in writing with the Planning Authority, prior to the occupation of the first dwelling in Phase 1E (as defined in *East Kilbride CGA Construction Phasing Plan – June 2018*), the upgrade works to Newlands Road, in accordance with approved DBA drawings: 16259-SK-07 Rev E – Newlands Road Proposals and 16259-SK-23 – Newlands Road – Proposed Footway Details, shall be completed.

Reason: In the interests of traffic and public safety.

14. Prior to the occupation of no more than 438 dwellings on the site hereby approved (as defined by the approved Masterplan *Drawing No. 0713-MPDF-P004-F Detailed Indicative Development Framework*), the following measures shall be implemented to the satisfaction of the Planning Authority, unless alternative measures are agreed in consultation with Transport Scotland:
- (a) The modifications to the A726(T) Queensway / GSO (Phillipshill) junction, in accordance with DBA Dwg: In accordance with DBA Dwg: 15261-GA-002; and
 - (b) The modifications to the A726(T) Queensway / Eaglesham Road junction, in accordance with DBA Dwg: 15261-GA-004 – *General Arrangement Eaglesham Road / Queensway*.

Reason: To restrict the scale of the development to that suited to the layout of the access and other junctions, minimise interference with the safety and free flow of traffic on the trunk road, and to ensure that the standard of junction layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

15. Prior to the occupation of no more than 875 dwellings on the site hereby approved, (as defined by the approved *Drawing No. 0713- MPDF-P004-F Detailed Indicative Development Framework*), the following measures shall be implemented to the satisfaction of the Planning Authority, unless alternative measures are agreed in consultation with Transport Scotland:
- (a) The modifications to the A726(T) Queensway / A725(T) Kingsway (Birniehill) roundabout junction In accordance with DBA Dwg: 15261-GA-005 – *General Arrangement Birniehill Roundabout*; and
 - (b) The modifications to the A725(T) Kingsway / Whitemoss Avenue junction. In accordance with DBA Dwg: 15261-GA-006 – *General Arrangement Whitemoss Roundabout*.

Reason: To restrict the scale of the development to that suited to the layout of the access and other junctions, minimise interference with the safety and free flow of traffic on the trunk road, and to ensure that the standard of junction layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

16. That no development shall take place within each development parcel (as defined in *East Kilbride CGA Construction Phasing Plan – June 2018*) until the implementation of a programme of archaeological works for the relevant part(s) of the site, in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority in consultation with the West of Scotland Archaeology Service. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented for the relevant part(s) of the site and that all recording and recovery of archaeological resources is undertaken to the satisfaction of the Planning Authority, in consultation with the West of Scotland Archaeology Service.

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

17. That notwithstanding the plans hereby approved and unless otherwise agreed in writing with the Planning Authority, a no development zone shall be provided on either side of the Gill Burn, in accordance with approved Drawing No. 0713 – *MPSK-PO13-A SNF – No Development Zone*. For the avoidance of doubt a 15m buffer on either side is required, unless otherwise agreed in writing with the Planning Authority.

Reason: In order to ensure the protected species are adequately protected.

18. Prior to the occupation of any dwelling on the site, or as otherwise agreed in writing with the Planning Authority, phasing details for the implementation of the bus infrastructure to serve construction phase 1 (as defined in *East Kilbride CGA Construction Phasing Plan – June 2018*), generally in accordance with drawing No. 0713-MPSK-P027, shall be submitted to and approved in writing by the Planning Authority. The infrastructure shall include lay-by, shelter (with a power supply), pole and lighting. The approved bus infrastructure shall thereafter be implemented in accordance with the agreed phasing, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure that the site is served sufficiently by public transport.

19. Prior to the occupation of 650 dwellings on the site, or as otherwise agreed in writing with the Planning Authority, phasing details for the implementation of the bus infrastructure to serve construction phases 2 and 3 (as defined in *East Kilbride CGA Construction Phasing Plan – June 2018*), generally in accordance with drawing 0713-MPSK-P027, shall be submitted to and approved in writing by the Planning Authority. The infrastructure shall include lay-by, shelter (with a power supply), pole and lighting. The approved bus infrastructure shall thereafter be implemented in accordance with the agreed phasing, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure that the site is served sufficiently by public transport.

20. Prior to the occupation of any dwelling on the site, or as otherwise agreed in writing with the Planning Authority, details of temporary bus turning circles/turning arrangements for Construction Phase 1 (as defined in *East Kilbride CGA Construction Phasing Plan – June 2018*) shall be submitted to and approved in writing by the Planning Authority. The bus turning circles/turning arrangements shall be completed in accordance with the phasing details required by condition 18 above, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure that the site is served sufficiently by public transport.

21. Unless otherwise agreed in writing with the Planning Authority, prior to the occupation of any dwellinghouse in *development parcels 1C, 1D, 1J or 1H (as defined in East Kilbride CGA Construction Phasing Plan (June 2018))*, pedestrian facilities on Eaglesham Road (Jackton) shall be provided, generally in accordance with Drawing No. 16259-PR-02 as follows:

- (a) Widen east footway to 2m between the proposed access roundabout and the access to former Jackton Primary School; and
- (b) Where identified, upgrade of the existing footpath from the signalised crossing point to Haimyres Station, including widening to 2m where possible.

Reason: To ensure satisfactory pedestrian facilities at the site.

22. Unless otherwise agreed in writing with the Planning Authority, a maximum of 126 housing units shall be accessed by vehicle from Newlands Road.

Reason: For the avoidance of doubt and to retain effective planning control.

EK/09/0218

Land to South West of East Kilbride, Largely Bounded by Eaglesham Road, Jackson Road



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Scale:
1:50,000
Date:
04/08/2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

5

Report to:	Planning Committee
Date of Meeting:	26 June 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	EK/17/0305
Planning proposal:	Formation of a primary road, with associated engineering, drainage and landscaping for the East Kilbride Community Growth Area (part)

1 Summary application information

Application type:	Detailed planning application
Applicant:	Cala Homes (West)/Lynch Homes
Location:	Land To The South West Of East Kilbride, Largely Bounded By Eaglesham Road, Jackton Road And Newlands Road

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: Geddes Consulting
- ♦ Council Area/Ward: 06 East Kilbride South
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**

Policy 1 – Spatial Strategy
 Policy 2 – Climate Change
 Policy 4 – Development Management and Place Making
 Policy 14 – Green network and greenspace
 Policy 16 - Travel and transport
 Policy 17 - Water environment and flooding

Supplementary Guidance
 Development Management, Place Making and Design
 Green Network and Greenspaces

South Lanarkshire Local Development Plan 2

(Proposed Plan 2018)

Policy 1 - Spatial Strategy
Policy 2 – Climate Change
Policy 5 – Development Management and Placemaking
Policy 13 – Green Network and Greenspace
Policy 15 – Travel and Transport
Policy 16 – Water Environment and Flooding
Policy SDCC2 – Flood Risk
Policy SDCC3 – Sustainable Drainage Systems
Policy SDCC4 – Sustainable Transport
Policy DM1 – New Development Design
Policy NHE18 – Walking, cycling and riding routes
Policy NHE20 - Biodiversity

◆ **Representation(s):**

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

◆ **Consultation(s):**

Countryside and Greenspace
Roads Development Management Team
SP Energy Network
Jackton And Thorntonhall Community Council
Environmental Services
RT Flood Risk Management Section
SEPA West Flooding
Scottish Natural Heritage
Scottish Water
West of Scotland Archaeology Service

Planning Application Report

1 Application Site

- 1.1 This planning application relates to the proposed primary road that is planned to run through the East Kilbride Community Growth Area resulting in a connection between Eaglesham Road, at Jackton, and Lindsayfield Road. The application site covers an area of 17.50 hectares and relates to the area required to develop the road and associated engineering and landscaping works. The western boundary of the site connects with Eaglesham Road in Jackton and the eastern boundary connects with Lindsayfield Road, where the road currently terminates at the periphery of the Lindsayfield housing area. The land in question is predominantly agricultural in nature at present.

2 Proposal(s)

- 2.1 Detailed planning permission is sought for an overall length of road of approximately 1.9km. A total of three drainage ponds are proposed to deal with surface water drainage from the road. The proposed layout includes three roundabouts, one of which will connect with Eaglesham Road in Jackton and the other two would connect to development parcels within the wider CGA. Although the overall width of the road and footways varies on the site to accommodate engineering features such as roundabouts and crossing points, the dimensions for the majority of the route comprise a 6 metre wide road, 3 metre wide cycleway and 2 metre wide footpath. The landscaping plan submitted to support the proposal indicates a 2 metre wide amenity grass verge on one side and 2 metre wide verge with tree planting on the other. On the parts of the route where housing within the CGA will not be brought forward at an early stage, a sloping embankment seeded with a wildflower mix will also be provided.
- 2.2 An associated application for planning permission in principle is the subject of a separate report (EK/09/0218) on this agenda. This proposes to provide approximately 1950 houses, a new primary school, small scale retail/commercial development, as well as integrated green network and open space. The applicants have advised that construction of the proposed road subject to this application will take place simultaneously at both ends of the site (Eaglesham Road and Lindsayfield Road), with the central link provided as the final piece of infrastructure.
- 2.3 Planning application EK/09/0218, as originally submitted, was supported by an Environmental Impact Assessment. For the 2016 revised submission, to EK/09/0218 an updated Environmental Impact Assessment was required from the applicant under Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2011. This updated Environmental Statement has also been submitted to support this planning application under consideration. The updated Environmental Statement covers: traffic, transportation and access; surface water, flooding and SuDs; and ecology.

3 Background

3.1 Local Plan Status

- 3.1.1 In land use terms, the site is identified within the adopted South Lanarkshire Local Development Plan (2015) as forming part of the designated East Kilbride Community Growth Area (Policy 1 Spatial Strategy) and is allocated as a Proposed Housing Site (Policy 12 Housing Land). Appendix 3 (Development priorities), relative to Policy 1, sets out the requirements for the CGA, as follows:

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

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

- Policy 2 - Climate Change
- Policy 4 – Development Management and Place Making
- Policy 14 – Green network and greenspace
- Policy 16 - Travel and transport
- Policy 17 – Water environment and flooding

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

- Policy 1 - Spatial Strategy
- Policy 2 – Climate Change
- Policy 5 – Development Management and Placemaking
- Policy 11 – Economic Development and Regeneration
- Policy 12 – Housing Land
- Policy 13 – Green Network and Greenspace
- Policy 15 – Travel and Transport
- Policy 16 – Water Environment and Flooding
- Policy SDCC2 – Flood Risk
- Policy SDCC3 – Sustainable Drainage Systems
- Policy SDCC4 – Sustainable Transport
- Policy DM1 – New Development Design

- Policy NHE18 – Walking, cycling and riding routes
- Policy NHE20 - Biodiversity

3.2 **Relevant Government Advice/Policy**

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

3.3 **Planning Background**

- 3.3.1 Planning application EK/09/0218 relates to the planning permission in principle application for the East Kilbride CGA, consisting of a mixed use development comprising residential, retail and education uses, and associated engineering works for site infrastructure, new access and distributor road, formation of open space framework with landscaping works. This application was approved at planning committee (December 2011) subject to the conclusion of a legal agreement. To date this legal agreement has not been concluded; therefore the decision notice has not been issued. A revision to the masterplan was submitted in November 2016 which is the subject of a separate report on this agenda. Planning application EK/11/0202 has also been submitted for part of the CGA, primarily north of Eaglesham. This planning application for planning permission in principle also includes a masterplan outlining proposals for approximately 400 dwellings and associated engineering/landscaping works. This application was approved at planning committee in March 2012, subject to the conclusion of a legal agreement. To date the legal agreement has not been concluded therefore the decision notice for that application has not been issued. A detailed planning application (EK/17/0321) was approved at the planning committee on 29 May 2018 for a four-arm roundabout to serve the masterplan for EK/11/0202.

4 **Consultation(s)**

- 4.1 **Roads Development Management Team** – following discussions with the applicant and submission of additional details, there are no objections, subject to compliance with conditions and roads construction consent requirements.

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

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

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

- 4.3 **Environmental Services** – have requested conditions on contamination/remediation, dust mitigation and noise.

Response: Noted. Appropriate conditions can be added to any planning permission issued. In respect of noise matters, the applicant has submitted a noise impact assessment to support the proposal. It is considered that all noise related matters have been satisfactorily addressed.

- 4.4 **Countryside and Greenspace** – have no objections following submission of additional landscaping details.

Response: Noted. Conditions can be imposed in relation to implementation of approved details.

- 4.5 **SEPA** – have no objections.
Response: Noted
- 4.6 **Scottish Water** – have no objections but have noted the location of Scottish Water Assets within the site.
Response: Noted. The application has been provided with the relevant information.
- 4.7 **SP Energy Networks** – following submission of additional information, there are no objections, subject to the imposition of conditions.
Response: Noted. Appropriate conditions can be imposed on any planning permission issued.
- 4.8 **Scottish Natural Heritage** – following submission of an updated otter survey, there are no objections. A further pre-construction survey for otters and badgers is recommended.
Response: Noted. An appropriate condition can be imposed on any planning permission issued.
- 4.9 **West of Scotland Archaeology Service** – have recommended imposition of a standard planning condition requiring a written scheme of investigation in respect of archaeological works.
Response: Noted. An appropriate condition can be imposed on any planning permission issued.
- 4.10 **Jackton and Thorntonhall Community Council** – have not responded
Response: Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised for nature or scale of development, non-notification of neighbours and submission of an Environmental Statement. Four letters of representation have been received in respect of the proposed development.
- 5.2 The grounds of objection and issues raised can be summarised as follows:
- a) **Concern over potential impacts on flora, fauna and wildlife. Any proposed landscaping should be designed to benefit moths and butterflies.**
Response: An Environmental Statement has been submitted in support of the application, which covers ecological matters. It is considered that the proposal will not result in the loss of any habitats or features of significant biodiversity value. A landscaping plan has been submitted to ensure the provision of appropriate planting.
 - b) **The design of the proposed roundabout at the Eaglesham Road end of the site could sterilise a proposed affordable housing site, which would be accessed off Eaglesham Road.**
Response: It is noted that a planning application (EK/17/0350) has been submitted for a development of 24 flatted dwellings, with a vehicle access point on the north side of Eaglesham Road. Discussions have taken place with both applicants regarding the site access for this proposed housing development.
 - c) **The proposed location of the roundabout on Eaglesham Road is unsuitable because it is the centre of the old hamlet of Jackton. This would destroy the character of this old rural hamlet.**

Response: It is noted that the proposed roundabout lies immediately south of the existing Eaglesham Road on land that is currently used for agricultural grazing. While it is noted that the roundabout will have a visual presence, it is considered that given the magnitude of the proposed change to the character of the area resulting from the CGA, in this context, the roundabout in isolation will not have a significant adverse impact on the character of the area.

- d) **The proposed roundabout is too close to the junction with Jackton Road and too close to the second roundabout proposed in planning application EK/17/0321. The proliferation of junctions would be a traffic hazard and visually intrusive.**

Response: Roads and Transportation have confirmed that there is no objection to the position of the roundabout in road safety terms.

- e) **The preferable solution would be just one new roundabout to serve both the north and south of the community growth area. The location would be better and safer located towards the vicinity of the police college.**

Response: Roads and Transportation Services are satisfied that the proposed arrangements for roads infrastructure to serve the CGA as a whole are acceptable.

- 5.2 These letters has 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 permission for construction of a two lane road and associated works to provide access to the housing areas associated with the East Kilbride Community Growth Area (CGA). The road will also provide a through connection between Eaglesham Road and Lindsayfield Road. 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.
- 6.2 The adopted South Lanarkshire Local Development Plan 2015 (SLLDP) identifies the site, in land use terms, as being within a community growth area (as defined by Policy 1 – Spatial Strategy). The site is also allocated as proposed housing land (Policy 12 – Housing land) to reflect the designation of the CGA. This proposal comprising the creation of the main distributor road through the CGA and three roundabouts is a fundamental component of the delivery of the CGA in terms of achieving links to the wider area. The general position and route of the access road has been established through the preparation of the Masterplan submitted with the current application for planning permission in principle (EK/09/0218). Roads and Transportation Services have confirmed that the proposed design of the road and the way it connects to the wider area is appropriate to serve the proposed level of new housebuilding within the CGA and will contribute to sustainable transport options through the provision of pedestrian and cycle links.
- 6.3 In terms of the detail of the proposal, Policy 4 of the SLLDP states that all planning applications should take fully into account the local context and built form. Furthermore, any proposal should not result in significant adverse environmental or amenity impacts. In this regard, it is noted that the proposal takes into account the requirement for adequate pedestrian and cycle connections to encourage sustainable travel. Further, a detailed landscaping plan has been submitted, which includes details

of tree, shrub and grass planting to soften the appearance of the road and provide green network connections to the larger CGA development areas. In terms of potential amenity impacts, it is noted that the proposed road is not positioned in close proximity to existing residential properties for the majority of the route. At the Eaglesham Road end of the site, there is a proposed three arm roundabout to connect to Eaglesham Road. It is noted that the detailed plans for this part of the site show the proposed roundabout positioned immediately south of Eaglesham Road, with arrangements in place to enable existing properties to access the revised road layout. While it is acknowledged that there is likely to be some disturbance during construction, it is considered that proposed layout will not result in a significant long term loss of amenity for existing residents of Eaglesham Road. Given the above, it is considered that the proposal is in compliance with policy 4, in respect of potential visual, amenity and safety impacts.

- 6.4 The application site also lies in an area designated as green network, where policy 14 (Green network and greenspace) of the SLLDP applies. This policy seeks to safeguard the local green network and identify opportunities for enhancement and/or extension to contribute towards objectives including promoting active travel, placemaking and supporting biodiversity. In this regard, it is noted that majority of the proposed development will be on agricultural grazing land and that the proposed road incorporates extensive landscaping features and includes enhanced space for cycling and pedestrian movement. The applicant has submitted relevant supporting information associated with planning application EK/09/0218 which is applicable to the potential impacts of the proposed road relating to the wider context. It is noted that the proposal will not result in loss of any significant biodiversity or landscape features. As such, it is considered that the proposal will not result in a significant change to quality or volume of green network on the site and that the proposed landscape planting will provide some enhancement to local green networks and biodiversity, in compliance with policy 14. In terms of flood risk and impact on the water environment (Policy 17 of the SLLDP), it is noted that the proposal includes sustainable drainage features while supporting information shows there would not be a flood risk. The position is accepted by the Flood Management team within the Council and SEPA.
- 6.5 It is noted that none of the consultees have raised any issues that cannot be addressed through the use of planning conditions or informatives attached to any planning consent, however four letters of representation have been received. The grounds of objection have been considered in detail in Section 5 of the report and it is considered that the issues raised can be dealt with by planning conditions/informatives or would not merit refusal of this planning application.
- 6.6 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposals accord with the relevant policies detailed in section 3.1.3 above.
- 6.7 In summary, it is noted that the proposed road and associated works are designed to support the delivery of the East Kilbride CGA, which is a development priority for the Council, as detailed in policy 1 of the SLLDP. Furthermore, given that the proposal will not result in adverse amenity, environmental or safety impacts, it is considered that the proposed development is in compliance with policies 2, 4, 14, 16 and 17 of the SLLDP, as detailed above. It is, therefore, recommended that planning permission is granted, subject to the attached conditions.

7 Reasons for Decision

- 7.1 The proposal will have no significant adverse impact on amenity, public safety or the local environment and complies with the provisions of Policies 1, 2, 4, 14, 16 and 17 of the South Lanarkshire Local Development Plan 2015 and associated Supplementary Guidance and the Proposed South Lanarkshire Local Development Plan 2.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

15 June 2018

Previous references

- ◆ EK/09/0218

List of background papers

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

- ▶ Consultations
 - Countryside And Greenspace 16.02.2018
 - Roads Development Management Team 29.08.2017
&
08/06/2018
 - SP Energy Network 25.04.2018
 - Environmental Services E-consult 30.11.2017
 - RT Flood Risk Management Section 31.08.2017
 - SEPA 08.11.2017
 - West of Scotland Archaeology Service 19.09.2017
 - Scottish Natural Heritage 12.09.2017
 - Scottish Water 21.09.2017
- ▶ Representations
 - Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS Dated: 13.09.2017
 - Robertson Frame Limited on behalf of Dr B I Wood, Victoria Chambers, 142 West Nile Street, Glasgow, G1 2RQ 20.09.2017
 - Alex and Claire Marr, Little PSRK House, Jackton, G75 8RR 03.10.2017
 - James Barclay, Little Park Cottage, Jackton, G75 8RR 05.10.2017

Contact for further information

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

Alan Pepler, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Ext: 5052 Tel (01698 455052)
Email: alan.pepler@southlanarkshire.gov.uk

Conditions and reasons

01. Unless otherwise agreed in writing with the Planning Authority, 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. Unless otherwise agreed in writing with the Planning Authority, each relevant phase of the road shall not be brought into use for residents until the agreed surface drainage works have been completed within that relevant phase (i.e. phase 1a and 1b, as defined by the East Kilbride CGA Construction phasing plan June 2018), in accordance with the details submitted to and approved by the Council as Planning Authority.

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

02. That prior to the commencement of development, a pre-construction survey for badgers and otters within the application site shall be undertaken and submitted to the Planning Authority for written approval. Should any evidence of protected species be found, then an appropriate licence from the Scottish Government will be required.

Reason: To ensure that protected species are adequately safeguarded on the site.

03. That unless otherwise agreed in writing with the Planning Authority, prior to the commencement of development, a site investigation carried out to the appropriate phase level shall be submitted to and approved in writing by the Planning Authority. The investigation shall be completed in accordance with the following:

- (a) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
- (b) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency; and
- (c) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice;' or
- (d) Any other updates to the above, or other relevant guidance.

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 and submitted to the Council. 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 prior to the commencement of construction on the relevant development parcel.

If the risk assessment identifies any unacceptable risks as defined under Part IIA of the Environmental Protection Act, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. No works, other than

investigative works, shall be carried out on the site prior to receipt of the Planning Authority's written approval of the remediation plan.

Reason: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

04. In accordance with condition 3 above, if required, remediation works shall be implemented as follows:

(a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the approved 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 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 Planning Authority within one week 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 Planning Authority.

05. Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to an approved in writing by the Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Planning Authority.

Reason: To minimise the risk of nuisance from dust to nearby occupants.

06. No development shall take place within the development site as outlined in red on the approved plan until the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority in consultation with the West of Scotland Archaeology Service. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources is undertaken to the satisfaction of the Planning Authority, in consultation with the West of Scotland Archaeology Service.

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

07. The landscaping scheme (Drawing No. 0713-LAGA-P002 Landscape General Arrangement – Primary Road) 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.

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

08. Unless otherwise agreed in writing with the Planning Authority, the position of the road and associated engineering works shall comply with SP Energy Networks Drawing No. SP4144133 Rev 2.

Reason: To ensure that the road and associated engineering works hereby approved do not have any adverse impact on electricity infrastructure, in the interests of safety.

09. Prior to the start of development, details of the proposed design and location of roadside barriers between the electricity infrastructure and the road hereby approved shall be submitted to and approved in writing by the Planning Authority.

Reason: In the interests of safety and to ensure that the electricity infrastructure is adequately protected.

10. That no part of the development hereby permitted shall begin until a construction management plan for the development to include the locations of site office(s), compounds, storage, parking and turning areas, routing of construction vehicles fences and wheel washing facilities been submitted to and approved in writing by the Council as Planning Authority. Thereafter, the construction management plan shall be implemented in accordance with the approved scheme.

Reason: In the interests of safety and to protect the amenity of the area.

11. Unless otherwise agreed in writing with the Planning Authority, no development shall commence until details of flood risk management measures have been submitted to and approved in writing by the Council as Planning Authority; such measures will require to comply with the latest industry guidance listed within Section 4.0 of the Council's SuDs Design Criteria Guidance Note, and shall include signed appendices as required. Unless otherwise agreed in writing by the Planning Authority, each relevant phase of the road shall not be brought into use until the relevant flood risk management measures have been completed within that relevant phase (i.e. phase 1a and phase 1b, as defined by the East Kilbride CGA Construction phasing plan - June 2018) in accordance with the details submitted to and approved by the Planning Authority.

Reason: To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows, increased surface water run-off and/or reduction of flood storage capacity.

12. Unless otherwise agreed in writing with the Planning Authority, prior to the commencement of development, details of temporary bus turning circles to serve phase 1a of the primary road (as defined by the East Kilbride CGA Construction phasing plan - June 2018) shall be submitted to and approved in writing by the Planning Authority.

Reason: To ensure that satisfactory arrangements are in place for bus services.



Report

6

Report to:	Planning Committee
Date of Meeting:	26 June 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/0264
Planning proposal:	Demolition of existing hotel and erection of 96 bedroom hotel with ancillary restaurant and additional Class 3 unit

1 Summary application information

Application type:	Detailed planning application
Applicant:	New Dimension Group (Hamilton) Ltd and Whitbread PLC
Location:	Hamilton Town Hotel 29-31 Townhead Street Hamilton ML3 7BQ

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: LMA ARCHITECTS
- ♦ Council Area/Ward: 17 Hamilton North And East
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan**
Policy 1 - Spatial strategy
Policy 4 - Development Management and Place Making
Policy 7 - Employment
Policy 8 - Strategic and Town Centres
Policy 15 - Natural and Historic Environment
Policy 16 - Travel and Transport
Policy 17 - Water environment and flooding

Supplementary Guidance 9 - Natural and Historic Environment

Policy NHE3 – Listed Buildings
Policy NHE7 - Conservation Areas

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

Policy 1 - Spatial Strategy

Policy 5 - Development Management and Place
Making

Policy 8 - Employment

Policy 9 - Network of Centres and Retailing

Policy 10 - New Retail/Commercial Proposals,

Policy 14 - Natural and Historic Environment

Policy 15 - Travel and Transport

Policy 16 - Water Environment and Flooding

◆ **Representation(s):**

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

◆ **Consultation(s):**

WOSAS

Environmental Services

SEPA West Region

Roads Development Management Team

Estates Services

Hamilton Civic Society

TRANSCO Plant Location

National Grid UK Transmission

Planning Application Report

1 Application Site

- 1.1 The application relates to an area of land located between Townhead Street and Bourne Street at the eastern edge of Hamilton town centre adjacent to the A723 trunk road. The site is currently occupied by three adjoining buildings forming the Hamilton Town Hotel with the main hotel frontage located along Townhead Street. The building, which dates from the mid and late nineteenth century, is essentially a two and a half storey building of traditional appearance and is Category C listed. Within the site there are also outbuildings located to the rear from this period and later twentieth century buildings used for hotel bedrooms and recreational space, including a large structure from the 1970's raised on columns with undercroft parking.
- 1.2 The site extends to approximately 0.25 hectares and is bounded to the north and east by Bourne Street, public car parking and commercial properties, to the south by public car parking and to the west by Townhead Street. The site is surrounded by buildings varying in scale, appearance and function. These range from a five storey contemporary hotel and residential developments to two and three storey Victorian properties incorporating ground floor retail units. The finish materials of the surrounding buildings also vary and include traditional sandstone, slate, render and cladding. Pedestrian access to the site is via Townhead Street with vehicular access off Bourne Street.
- 1.3 The site has been considerably altered to the rear as it faces Bourne Street and incorporates open surface car parking for the former hotel. A retaining wall dating from the twentieth century defines the site edges to the east and south as the land drops away sharply to the surface public car park.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the demolition of the existing hotel buildings on the site and the erection of a new ninety six bedroom hotel with ancillary restaurant and additional Class 3 unit. The proposed building would be a Premier Inn hotel with associated restaurant facilities located on the ground floor including a Beefeater restaurant fronting onto Townhead Street with a third party restaurant located to the rear. The third party restaurant would be developed as a shell until a tenant has been found.
- 2.2 The proposed building would incorporate two main frontages; one facing onto Townhead Street as a continuation of the existing streetscape buildings and the other fronting onto the A723. The footprint of the building would be L-shaped and the building would be four storeys in height. The building would be of contemporary design with the restaurant and hotel entrance expressed as a ground floor glazed plinth. The two main elevations of the building would differ in appearance with the main feature of the elevations being a folded white render skin which would frame the elevation overlooking the A723 and would fold onto Townhead Street reducing in scale where it joins the adjacent buildings. A dark grey aluminium clad box would slide behind the white render skin on the Townhead Street elevation. Further dark grey cladding panels and curtain walling would be incorporated where the building faces the A723 and a monopitch roof would increase the height of this elevation. The ground floor restaurant areas would incorporate a full height glazed plinth. Window openings to bedrooms above would be arranged vertically and bedroom ventilation ducts would be concealed behind perforated cladding panels and louvered panels within the curtain walling units.

- 2.3 The ground floor accommodation would comprise a hotel reception with ancillary accommodation, a Beefeater restaurant and a third party restaurant shell unit. The proposed upper floors are dedicated to bedrooms with ancillary accommodation. A small element of soft landscaping would be provided beside the hotel entrance between the site and the public car park. Servicing including deliveries would be via Bourne Street to the rear. No dedicated car parking would be provided as part of the proposal.
- 2.4 A Preliminary Heritage Report on Proposals to Demolish Existing Buildings, Structural Condition Survey, Transport Assessment and Parking Statement were submitted with the application as supporting documents.

3 Background

3.1 Local Plan Policy

- 3.1.1 The application site is located within Hamilton Town Centre in the adopted South Lanarkshire Local Development Plan. The site is also located within the Hamilton Conservation Area and the main part of the existing hotel building is Category C listed. The relevant policies for the assessment of the application are Policy 1 - Spatial Strategy, Policy 4 - Development Management and Place Making, Policy 7 - Employment, Policy 8 - Strategic and Town Centres, Policy 10 - New Retail/Commercial Proposals, Policy 15 - Natural and Historic Environment, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding. Supplementary guidance relating to listed buildings and conservation areas is provided in Supplementary Guidance 9 - Natural and Historic Environment and in particular Policy NHE3 - Listed Buildings and Policy NHE7 - Conservation Areas. Additional design guidance is provided in the Development Management, Place Making and Design Supplementary Guidance. An assessment of the proposal against the above policies is contained in Section 6 of this report.
- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policy 1 - Spatial Strategy, Policy 5 - Development Management and Place Making, Policy 8 - Employment, Policy 9 - Network of Centres and Retailing, Policy 10 - New Retail/Commercial Proposals, Policy 14 - Natural and Historic Environment, Policy 15 - Travel and Transport and Policy 16 - Water Environment and Flooding are relevant. Volume 2 of the Proposed Plan contains further policy guidance that will be used when assessing planning applications. In this instance, Policy DM1 - New Development Design, Policy NHE3 - Listed Buildings and Policy NHE6 - Conservation Areas are relevant.
- 3.2 **Relevant Government Advice/Policy**
- 3.2.1 In relation to listed buildings, Scottish Planning Policy (SPP) states that change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting. Enabling development may be acceptable where it

can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

3.2.2 SPP states that proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution, the presumption should be to retain it.

3.2.3 Historic Environment Scotland Policy Statement June 2016 states that, where the application proposes the demolition of a listed building, applicants will be expected to provide evidence to show that:

- a) the building is not of special interest; or
- b) the building is incapable of repair; or
- c) the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
- d) the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

3.3 **Planning Background**

3.3.1 The applicant submitted an application for listed building consent for the demolition of the existing hotel within the site. This application was registered by the Council on 3 May 2018 and is also under consideration as a separate item at this Planning Committee (P/18/0278).

3.3.2 The applicant submitted an application for conservation area consent for the demolition of the existing hotel within the site. This application was registered by the Council on 3 May 2018 and is also under consideration as a separate item at this Planning Committee (P/18/0265).

4 **Consultation(s)**

4.1 **Environmental Services** – have no objections to the proposal subject to a condition requiring the submission of a Noise Management Plan which documents the practices and procedures employed to ensure noise is kept to acceptable levels. Informatives should also be attached to any consent granted in relation to health and food safety, construction works, asbestos, demolition, contamination and pest control.

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

4.2 **Roads Development Management Team** – have no objections to the application following consideration of the applicant's Transport Assessment and Parking Statement. The site is located within a town centre location, close to rail and bus services and public car parking. A condition relating to the submission of a traffic management plan with regard to the demolition should be submitted prior to works starting on site.

Response:- Noted, a condition would be attached to any consent issued.

4.3 **TRANSCO** – no response to date.

Response:- Noted.

- 4.4 **Estates Service** – have no objections to the application.

Response:- Noted.

- 4.5 **SEPA** – have no objections to the application. As best practice the applicant should produce to the Council's satisfaction, a Site Waste Management Plan (SWMP) which details how waste will be minimised at the construction stage. The SWMP should also be submitted at least 2 months prior to the commencement of any works on site to allow the necessary agencies sufficient time to fully review the mitigation proposals to avoid any potential delays to the project moving forward.

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

- 4.6 **West of Scotland Archaeology Service (WOSAS)** – have no objections to the application subject to the developer securing the implementation of an archaeological watching brief, to be carried out by an archaeological organisation during all ground disturbance in order to safeguard any archaeological items of interest or finds. The retained archaeological organisation should be afforded access at all reasonable times and allowed to record and recover items of interest and finds. A method statement for the watching brief should be submitted by the applicant, agreed by the West of Scotland Archaeology Service and approved by the Council prior to commencement of the watching brief.

Response: Noted. Any consent granted would incorporate an appropriately worded condition to address the above matter.

- 4.7 **National Grid** – no response to date.

Response: Noted.

- 4.8 **Hamilton Civic Society** – no response to date.

Response: Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the Hamilton Advertiser due to the scale or nature of the proposal, as development affecting the character of the conservation area and for non notification of neighbours. Two letters of representation have been received in relation to the application. The grounds of objection are summarised below:

a) **The proposal involves the demolition of a Grade C listed building. I strongly object to this development, which proposes the destruction of a majestic, iconic Hamilton landmark. If this application is granted then this will be another nail in the coffin of the destruction of the town centre. Saving the existing building could herald a turnaround in the fate of the town centre. At least allow a feasibility study into its refurbishment before it is destroyed.**

Response: It is considered that the retention of the listed building is not a viable option and that its demolition has been justified sufficiently through the qualified information submitted. This matter is discussed further in Section 6 of this report. However, the demolition of the Grade C listed building is assessed in detail in the reports for the associated applications for listed building consent (P/18/0278) and conservation area consent (P/18/0265) which are also under consideration as separate items at this Planning Committee.

- b) **The proposed development is within the Hamilton Conservation Area and no effort has been made to respect the surrounding context. The scale, massing and the design of the scheme is not in keeping with the neighbouring properties.**

Response: Whilst the application site is located within the Conservation Area and the proposed building is of contemporary appearance, it is considered that the building has been designed appropriately to be in keeping with the Conservation Area and that it is sympathetic and complimentary to the existing character of the area.

- c) **The materials chosen are not in keeping with that expected of a scheme within a conservation area, large expanses of glazing and solid white render walled panels pay very little respect to the facades along the existing street.**

Response: It is considered that the proposed finish materials for the hotel will not be out of keeping with the variety of finish materials on existing properties within this particular part of the Conservation Area and those in the surrounding area.

- d) **Hamilton has lost enough of the existing built environment over the years and cannot afford to lose more in favour of developments such as this. I see no reason how the hotel in such a design, scale and massing would lead to the betterment of the town's regeneration.**

Response: It is considered that the proposed building is of an appropriate scale for its location incorporating a high quality design which is sympathetic and complimentary to the existing character of the area.

- e) **The redevelopment of the site in Hamilton is welcomed. However, this is a scheme based on extracting the maximum profit over true regeneration to the town's core. The hotel is not required as there are other hotels in close proximity and in the surrounding area. This corporation will move elsewhere when the profit margins plummet, leaving dozens out of a job. There should be investment in local businesses, which are more diverse and long lasting, rather than this poorly thought out plan.**

Response: The financial and commercial viability of the proposed business is not a valid planning consideration. The principle and merits of the proposal are assessed against national and local plan policy in Section 6 of this report.

- f) **I would be interested to read the views of the South Lanarkshire Conservation Officers or Historic Environment Scotland. However, it appears from the information submitted that neither have been consulted.**

Response: This is a detailed planning application which has been assessed appropriately under normal Development Management procedures. Historic Environment Scotland have been consulted on the associated applications for listed building consent and conservation area consent in relation to the proposed demolition of the existing buildings on the site. These applications are also under consideration as separate items at this Planning Committee (P/18/0278 & P/18/0265).

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 demolition of the existing hotel buildings within the site and the erection of a new ninety six bedroom hotel with ancillary restaurant and additional Class 3 unit. 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, the character of the Conservation Area and the local road network.
- 6.2 In terms of national planning policy, Scottish Planning Policy (SPP) encourages the efficient use of existing capacities of land, buildings and infrastructure, including supporting town centre and regeneration priorities. In relation to listed buildings, SPP states that change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting. Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.
- 6.3 With regard to conservation areas, SPP states that proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance.
- 6.4 Historic Environment Scotland Policy Statement June 2016 states that where the application proposes the demolition of listed building, applicants will be expected to provide evidence to show that:
- a) the building is not of special interest; or
 - b) the building is incapable of repair; or
 - c) the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
 - d) the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.
- 6.5 Proposals for demolition in a conservation area should be considered in conjunction with a full planning application for a replacement development. The key principle in such cases is that the character and appearance of the area should be preserved or enhanced. This allows consideration to be given to the potential contribution that the replacement building may make to the area's character and appearance. Demolition should not begin until evidence is given of contracts let either for the new development or for appropriate long-term treatment as open space where that outcome conforms to the character of the area. Gap sites could be harmful to the character of the area if allowed to lie undeveloped for a significant time between demolition and redevelopment.
- 6.6 In this instance, the application site is located in a sustainable location within Hamilton Town Centre and it is considered that the proposal would provide regeneration benefits through the re-development of a previously developed site, which includes a

building which has been lying vacant and in a dangerous condition for a significant period of time, and would enhance the employment opportunities in the area through the management and operation of the facility. It is considered that the retention of the listed building is not economically viable and that its demolition has been sufficiently justified through the qualified evidence submitted. It is evident that the historic interest and special character of the site has been affected by the lack of maintenance and worsening condition of the building and the demolition of the building would enable the redevelopment of the site which would add to the attraction of Hamilton town centre and encourage further economic investment in the town and the wider area. It is considered that the proposed hotel would relate satisfactorily to adjacent development in terms of its layout, scale and design and would not fail to preserve or enhance the character of the Conservation Area and its setting. In view of the above, it is considered that the proposal complies with national planning policy.

- 6.7 In terms of local plan policy, the application site is located within Hamilton Town Centre in the adopted South Lanarkshire Local Development Plan. The site is also located within the Hamilton Conservation Area and the main part of the existing hotel building is Category C listed. The proposal is affected by Policy 1 - Spatial Strategy, Policy 4 - Development Management and Place Making, Policy 7 - Employment, Policy 8 - Strategic and Town Centres, Policy 15 - Natural and Historic Environment, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding of the adopted South Lanarkshire Local Development Plan. Supplementary guidance relating to listed buildings and conservation areas is provided in Supplementary Guidance 9 - Natural and Historic Environment and in particular Policy NHE3 - Listed Buildings and Policy NHE7 - Conservation Areas. Additional design guidance is provided in the Development Management, Place Making and Design Supplementary Guidance.
- 6.8 Policy 1 encourages sustainable economic growth and regeneration, protection and enhancement of the built and natural environment and a move towards a low carbon economy. This will be achieved by supporting regeneration activities and maximising regeneration and economic benefits and the delivery of the development proposals identified in Table 3.1 of the Local Development Plan. As discussed above, the application site is located in a sustainable location within Hamilton Town Centre and it is considered that the proposal will provide regeneration benefits through the redevelopment of a previously developed site which includes a building which has been lying vacant and in a dangerous condition for a significant period of time. On this basis, it is considered that the proposal conforms with the terms of Policy 1.
- 6.9 Policy 7 states that the Council will support sustainable economic growth and regeneration by encouraging the development of business in South Lanarkshire. As it is anticipated that the provision of a new hotel on the site would enhance the employment opportunities in the area through the management and operation of the facility, it is considered that the proposal conforms with Policy 7. Policy 8 states that, within the Strategic and Town Centres listed in Table 4.2 of the Local Development Plan, 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 which support the network of centres. As the proposed hotel and restaurant would replace a former hotel on the site with modern facilities, the principle of the proposal is considered to be acceptable and in accordance with Policy 8.
- 6.10 In terms of the design and layout of the proposed development, Policy 4 generally resists development that will be detrimental to amenity and seeks well designed proposals which integrate successfully with their surroundings and make a positive contribution to the character and appearance of the urban environment. As the

application site is located within a conservation area and the existing building within the site is Category C listed, Policy 15 is also relevant to the assessment of the proposal in terms of its layout and design. 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. The application relates to a Category C listed building located within the Hamilton Conservation Area which is designated as a Category 3 site under the terms of this policy. In Category 3 areas, development which would affect these areas following the implementation of mitigation measures will only be permitted where there is no significant adverse impact on the protected resource. Where possible, any development proposals which affect natural and historic designations should include measures to enhance the conservation value of the site affected.

- 6.11 The above policy is supported by Policy NHE3 – Listed Buildings and Policy NHE7 – Conservation Areas of the Council's Supplementary Guidance. In terms of demolition, Policy NHE3 states that proposals for the total or substantial demolition of a listed building will only be supported where it is demonstrated to the satisfaction of the Council that every effort has been exerted by all concerned to find practical ways of keeping it. This will include the provision of evidence to the Council that the building is incapable of physical repair and re-use through the submission and verification of a thorough structural report.
- 6.12 Policy NHE7 advises that development and demolition within a conservation area or affecting its setting shall preserve or enhance its character and be consistent with any relevant conservation area appraisal or management plan that may have been prepared for the area. The design, materials, scale and siting of any development shall be appropriate to the character of the conservation area and its setting. Where appropriate, consents to demolish buildings within conservation areas will be subject to conditions which prohibit demolition until a contract has been let for the redevelopment of the site in accordance with a development scheme which has been approved by the Council.
- 6.13 The application site is located within Hamilton Town Centre on land currently occupied by a former hotel and there are no amenity, environmental or access issues which would prevent the development of the site for a new hotel. It is considered that the proposed layout for the development is acceptable, that the building is of a high quality design incorporating a suitably high standard of finish materials and that it will not be out of keeping with the mix of residential and commercial development and the variety of building styles and finish materials in the surrounding area. Whilst the application site is located within the Conservation Area and the proposed building is of contemporary appearance, it is considered that the building has been designed appropriately to ensure that it will not significantly detract from the character and appearance of the streetscape in this part of the Conservation Area. Consequently, it is considered that the proposal will not have a significant adverse impact on either the residential or visual amenity of the area and that it does not fail to preserve or enhance the character of the Conservation Area and its setting.
- 6.14 With specific regard to the demolition of the existing buildings within the site, the condition of the listed building and the principle of the proposed demolition is discussed in detail in the associated committee reports relating to the applications for listed building consent and conservation area consent (P/18/0265 & P/18/0278). The supporting documents submitted with the application provide a thorough understanding of the history of the site, context, and the structural condition of the building. The reports confirm that the existing buildings are in a dilapidated state and

are incapable of refurbishment or redevelopment in their existing condition with several areas of concern highlighted and substantial demolition recommended. The reports highlight that a number of elements present imminent concern in relation to structural stability and safety, in particular the failing internal floor structure and roof structure to the original four bay section of the building, and the adjacent oriel window which is highlighted as showing signs of movement. It is evident that the building is in a very poor state of repair, suffering from water ingress, timber infestation, partial collapse of internal fabric, and vandalism. It is also clear that the historic interest and special character of the site has been affected by the lack of maintenance and worsening condition of the building.

- 6.15 Whilst specific marketing details have not been submitted with the application, the applicant's supporting information advises that the property has been marketed unsuccessfully by the current owners for a number of years without any credible development proposals being brought forward and that it would not be feasible to incorporate the buildings in the development proposed as the costs would be prohibitive and render any redevelopment unviable. As the property has lain vacant for a significant period of time and there are no viable alternative uses for the building it is considered that the retention of the listed building is not a viable option and that its demolition has been justified sufficiently through the qualified information submitted. It is evident that the historic interest and special character of the site has been affected by the lack of maintenance and worsening condition of the building and the demolition of the building would enable the redevelopment of the site for a new Premier Inn hotel which would add to the attraction of Hamilton town centre and encourage further economic investment in the town and the wider area. On this basis, I am satisfied that the proposal meets the terms of Policies 4, 15, NHE3 and NHE7 as outlined above.
- 6.16 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. It goes on to say that existing and proposed walking and cycling routes will be safeguarded, including former railway lines which can provide walking, cycling and horse riding opportunities. 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 will not have an adverse impact on traffic flows or road safety and that the proposal complies with the terms of Policy 16.
- 6.17 Policy 17 - Water Environment and Flooding states that any development proposals which have a significant adverse impact on the water environment will not be permitted. It is considered that the development will have no significant adverse impact on the water environment and any consent granted would be suitably conditioned to ensure the provision of a sustainable urban drainage system (SUDS) within the site. It is, therefore, considered that the proposal complies with the terms of Policy 17.
- 6.18 On 29 May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposals accords with Policy 1 - Spatial Strategy, Policy 5 - Development Management and Place Making Policy, Policy 8 -

Employment, Policy 9 - Network of Centres and retailing, Policy 10 - New Retail/Commercial Proposals, Policy 14 - Natural and Historic Environment, Policy 15 - Travel and Transport and Policy 16 - Water Environment and Flooding in the Proposed plan in addition to Policy DM1 - New Development Design, Policy NHE3 - Listed Buildings and Policy NHE6 - Conservation Areas of the SLLDP2 Volume 2.

- 6.19 In summary, the application for the demolition of the existing hotel buildings within the site and the erection of a new ninety six bedroom hotel with ancillary restaurant and additional Class 3 unit is considered to be acceptable as the proposal conforms with national and local plan policy and raises no significant environmental or infrastructure issues. In view of the above, it is recommended that detailed planning permission should be granted for the proposal subject to the conditions listed.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on residential or visual amenity nor raises any environmental or infrastructure issues and complies with Policies 1, 4, 7, 8, 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. The proposal also complies with Policies 5, 14 and NHE6 of the Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2).

Michael McGlynn

Executive Director (Community and Enterprise Resources)

15 June 2018

Previous References

P/18/0278

P/18/0265

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (Adopted 2015)
- ▶ Development Management, Place Making and Design Supplementary Guidance (2013)
- ▶ Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) (2018)
- ▶ Neighbour notification letter dated 25.03.2018
- ▶ Press Advertisement, Hamilton Advertiser dated 05.04.2018

- ▶ Consultations

WOSAS	27.03.2018
Environmental Services	28.03.2018
SEPA West Region	09.04.2018
Roads Development Management Team	07.06.2018
Estates Services - Housing And Technical Resources	26.03.2018

- ▶ Representations

Mr Ryan Holmes, 19 Allanshaw Street, Hamilton, South Lanarkshire, ML3 6NL	Dated: 17.04.2018 17.04.2018
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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)

Email:

jim.blake@southlanarkshire.gov.uk

Conditions and reasons

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

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

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

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

03. That before 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.

04. That a Noise Management Plan, which documents the practices and procedures employed to ensure noise is kept to acceptable levels, shall be submitted by the operator in control of the premises for the approval of the Council as Planning Authority.

Reason: To minimise noise disturbance to adjacent occupants.

05. That before any work commences on site, details of the proposed method of ventilation shall be submitted to and approved by the Council as Planning Authority. Thereafter, the approved ventilation system shall be implemented and maintained to the satisfaction of the Council as Planning Authority.

All odours, fumes and vapours generated on the premises shall be controlled by best practicable means to prevent them causing nuisance to occupants of nearby dwellings or premises.

The ventilation system shall:

- a) Incorporate systems to reduce the emission of odours and pollutants and shall thereafter be maintained as necessary;
- b) Be constructed, designed, installed and operated employing the principles of best practical means, to minimise noise and vibration transmission via plant and the building structure;
- c) Noise associated with the business shall not give rise to a noise level, assessed with the windows closed, within any dwelling or noise sensitive building, in excess of the equivalent to Noise Rating Curve 35, between 07:00 and 20:00 hours, and Noise Rating Curve 25 at all other times.

Reason: To minimise the risk of nuisance from smells, fumes, vapours and noise to nearby occupants.

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

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

07. That the development 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.

Reason: To ensure the provision of a satisfactory sewerage system.

08. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Council as Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service and approved by the Council as Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Council as Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

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

09. That prior to any demolition commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

Reason: In the interests of amenity and in order to retain effective planning control.

10. That prior to any demolition commencing on site, a traffic management plan shall be submitted to and approved in writing by the Council as Planning and Roads Authority. The traffic management plan shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council.

Reason: In the interests of amenity and public safety.

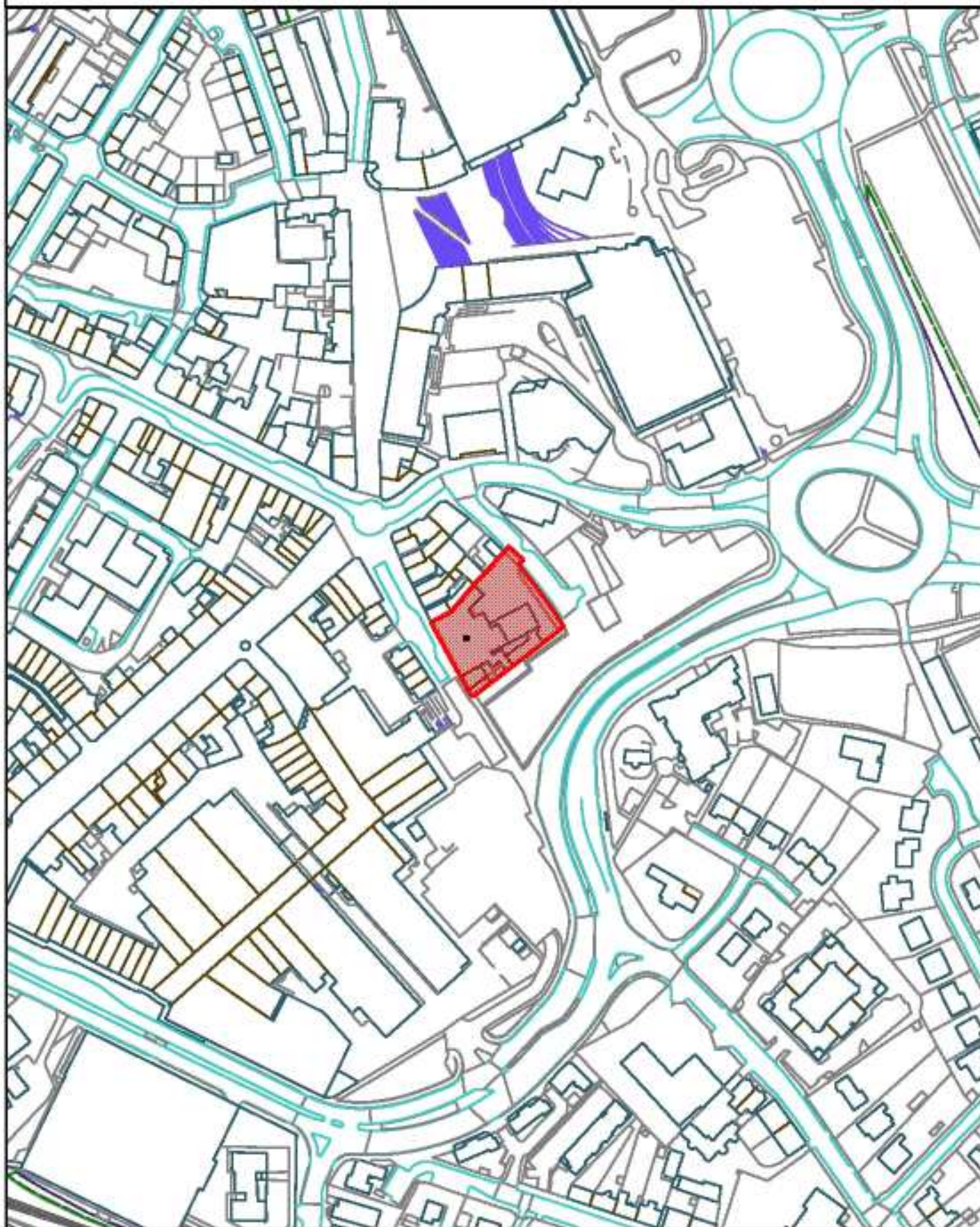
11. That prior to any works commencing on site a Site Waste Management Plan shall be submitted to and approved by the Council as Planning Authority. The Site Management Plan shall detail how waste will be minimised at the construction stage and demonstrate that:

- i. Construction practices minimise the use of raw materials and maximise the use of secondary aggregates and recycled or renewable materials.
- ii. Waste material generated by the proposal (ie. the demolished waste/rubble) is reduced and re-used or recycled where appropriate on site (for example in landscaping not resulting in excessive earth moulding and mounding) and if the generated waste will be re-used on site and crushed prior to use.

Reason: In order to minimise the impacts of the necessary construction works on the environment and water environment.

P/18/0264

Hamilton Town Hotel, 29-31 Townhead Street



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Scale:
1:2,500
Date:
04/06/2018



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

7

Report to:	Planning Committee
Date of Meeting:	26 June 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/0265
Planning proposal:	Demolition of hotel (Conservation Area Consent)

1 Summary application information

Application type:	Conservation area consent
Applicant:	New Dimension Group (Hamilton) Ltd and Whitbread PLC
Location:	Hamilton Town Hotel 29-31 Townhead Street Hamilton ML3 7BQ

2 Recommendation(s)

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

- (1) Grant conservation area consent (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: LMA Architects
- ♦ Council Area/Ward: 17 Hamilton North And East
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan:**
Policy 4 Development Management and Place Making
Policy 15 Natural and Historic Environment

Supplementary Guidance 9 - Natural and Historic Environment
Policy NHE7 - Conservation Areas

Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2)
Policy 5 - Development Management and Place Making Policy

◆ **Representation(s):**

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

◆ **Consultation(s):**

Historic Environment Scotland (Listed Buildings)

Hamilton Civic Society

Planning Application Report

1 Application Site

- 1.1 The application relates to an area of land located between Townhead Street and Bourne Street at the eastern edge of Hamilton town centre adjacent to the A723 trunk road. The site is currently occupied by three adjoining buildings forming the Hamilton Town Hotel with the main hotel frontage located along Townhead Street. The building, which dates from the mid and late nineteenth century, is essentially a two and a half storey building of traditional appearance and is Category C listed. Within the site there are also outbuildings located to the rear from this period and later twentieth century buildings used for hotel bedrooms and recreational space, including a large structure from the 1970's raised on columns with undercroft parking.
- 1.2 The site extends to approximately 0.25 hectares and is bounded to the north and east by Bourne Street, public car parking and commercial properties, to the south by public car parking and to the west by Townhead Street. The site is surrounded by buildings varying in scale, appearance and function. These range from a five storey contemporary hotel and residential developments to two and three storey Victorian properties incorporating ground floor retail units. The finish materials of the surrounding buildings also vary and include traditional sandstone, slate, render and cladding. Pedestrian access to the site is via Townhead Street with vehicular access off Bourne Street.
- 1.3 The site has been considerably altered to the rear as it faces Bourne Street and incorporates open surface car parking for the former hotel. A retaining wall dating from the twentieth century defines the site edges to the east and south as the land drops away sharply to the surface public car park.

2 Proposal(s)

- 2.1 The applicant seeks conservation area consent for the demolition of the unlisted elements of the existing hotel building within the site. A detailed planning application for the demolition of the buildings on the site and its replacement with a 96 bedroom hotel was submitted to the Council in March 2018 (P/18/0264). The applicant also submitted an application for listed building consent for the demolition of the existing hotel within the site (P/18/0278). Due to the heritage designations associated with the site the proposed hotel development could only proceed if listed building and conservation area consents for demolition are also granted along with the detailed planning permission sought.
- 2.2 A Preliminary Heritage Report on Proposals to Demolish Existing Buildings and a Structural Condition Survey were submitted with the application as supporting documents.

3 Background

3.1 Local Plan Policy

- 3.1.1 The application site is located within Hamilton Town Centre in the adopted South Lanarkshire Local Development Plan. The site is also located within the Hamilton Conservation Area. The proposal is affected by Policy 4 - Development Management and Place Making and Policy 15 – Natural and Historic Environment. Supplementary guidance relating to conservation areas is provided in Supplementary Guidance 9 - Natural and Historic Environment and in particular Policy NHE7 – Conservation Areas. Additional design guidance is provided in the Development Management, Place

Making and Design Supplementary Guidance. The above policies and how they relate to the proposal are discussed in detail in Section 6 of this report.

- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policy 5 - Development Management and Place Making and Policy 14 - Natural and Historic Environment are relevant. Volume 2 of the Proposed Plan contains further policy guidance that will be used when assessing planning applications. In this instance, Policy NHE6 - Conservation Areas is relevant.

3.2 **Relevant Government Advice/Policy**

- 3.2.1 Scottish Planning Policy (SPP) states that proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution, the presumption should be to retain it.
- 3.2.2 Historic Environment Scotland Policy Statement June 2016 states that the demolition of even a single building and the construction of a new building or buildings in its place could result in harm to the character or appearance of a conservation area, or part of it. In deciding whether conservation area consent should be granted, planning authorities should, therefore, take account of the importance of the building to the character or appearance of any part of the conservation area, and of proposals for the future of the cleared site. If the building is considered to be of any value, either in itself or as part of a group, a positive attempt should always be made by the planning authority to achieve its retention, restoration and sympathetic conversion to some other compatible use before proposals to demolish are seriously investigated. In some cases, demolition may be thought appropriate, for example, if the building is of little townscape value, if its structural condition rules out its retention at reasonable cost, or if its form or location makes its re-use extremely difficult. In instances where demolition is to be followed by re-development of the site, consent to demolish should in general be given only where there are acceptable proposals for the new building. Decision makers are required to have regard to the desirability of preserving or enhancing the appearance of the conservation area in exercising their responsibilities under the planning legislation, and this statutory duty should always be borne in mind when considering demolition applications.

3.3 **Planning Background**

- 3.3.1 The applicant submitted a detailed planning application for the demolition of existing hotel and erection of 96 bedroom hotel with ancillary restaurant and additional Class 3 unit within the site. This application was registered by the Council on 14 March 2018 and is also under consideration as a separate item at this Planning Committee (P/18/0264).

- 3.3.2 The applicant submitted an application for listed building consent for the demolition of the existing hotel within the site. This application was registered by the Council on 3 May 2018 and is also under consideration as a separate item at this Planning Committee (P/18/0278).

4 Consultation(s)

- 4.1 **Historic Environment Scotland (HES)** – HES are content with the demolition of the proposed unlisted elements. They have made further comments regarding the site in their consultation response for listed building consent under P/18/0278. Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building/conservation area consent, together with related policy guidance.

Response:- Noted.

- 4.2 **Hamilton Civic Society** – no response to date.

Response:- Noted.

5 Representation(s)

- 5.1 The application was advertised in the Hamilton Advertiser and the Edinburgh Gazette as a proposal requiring conservation area consent. No letters of representation have been received in relation to the application.

6 Assessment and Conclusions

- 6.1 The applicant seeks conservation area consent for the demolition of the existing hotel within the site. The proposed demolition is required to facilitate the redevelopment of the site for the erection of a 96 bedroom hotel with ancillary restaurant and additional Class 3 unit which is the subject of a separate detailed planning application under reference P/18/0264. The determining issues in consideration of this application are its compliance with national and local plan policy and its impact on the character of the Conservation Area.
- 6.2 Scottish Planning Policy (SPP) states that proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution, the presumption should be to retain it.
- 6.3 Historic Environment Scotland Policy Statement June 2016 states that the demolition of even a single building and the construction of a new building or buildings in its place could result in harm to the character or appearance of a conservation area, or part of it. In deciding whether conservation area consent should be granted, planning authorities should, therefore, take account of the importance of the building to the character or appearance of any part of the conservation area, and of proposals for the future of the cleared site. If the building is considered to be of any value, either in itself or as part of a group, a positive attempt should always be made by the planning authority to achieve its retention, restoration and sympathetic conversion to some

other compatible use before proposals to demolish are seriously investigated. In some cases, demolition may be thought appropriate, for example, if the building is of little townscape value, if its structural condition rules out its retention at reasonable cost, or if its form or location makes its re-use extremely difficult. In instances where demolition is to be followed by re-development of the site, consent to demolish should in general be given only where there are acceptable proposals for the new building. Decision makers are required to have regard to the desirability of preserving or enhancing the appearance of the conservation area in exercising their responsibilities under the planning legislation, and this statutory duty should always be borne in mind when considering demolition applications.

- 6.4 In terms of local plan policy, the application site is located within Hamilton Town Centre in the adopted South Lanarkshire Local Development Plan. The site is also located within the Hamilton Conservation Area. The proposal is affected by Policy 4 - Development Management and Place Making and Policy 15 – Natural and Historic Environment. Supplementary guidance relating to conservation areas is provided in Supplementary Guidance 9 - Natural and Historic Environment and in particular Policy NHE7 – Conservation Areas. Additional design guidance is provided in the Development Management, Place Making and Design Supplementary Guidance.
- 6.5 Policy 4 generally resists development that will be detrimental to amenity and seeks well designed proposals which integrate successfully with their surroundings and make a positive contribution to the character and appearance of the urban environment. As the application site is located within a conservation area and the existing buildings within the site are Category C listed, Policy 15 is also relevant to the assessment of the proposal in terms of its layout and design. 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. The application relates to a Category C listed building located within The Hamilton Conservation Area and is, therefore, designated as a Category 3 site under the terms of this policy. In Category 3 areas, development which would affect these areas following the implementation of mitigation measures will only be permitted where there is no significant adverse impact on the protected resource. Where possible, any development proposals which affect natural and historic designations should include measures to enhance the conservation value of the site affected.
- 6.6 The above policy is supported by Policy NHE7 - Conservation Areas of the Council's Supplementary Guidance. This policy advises that development and demolition within a conservation area or affecting its setting shall preserve or enhance its character and be consistent with any relevant conservation area appraisal or management plan that may have been prepared for the area. The design, materials, scale and siting of any development shall be appropriate to the character of the conservation area and its setting. Trees which are considered by the Council to have amenity value and contribute to the character and appearance of the conservation area shall be preserved. Given the importance of assessing design matters, planning applications in principle will not normally be considered appropriate for developments in conservation areas. Where appropriate, consents to demolish buildings within conservation areas will be subject to conditions which prohibit demolition until a contract has been let for the redevelopment of the site in accordance with a development scheme which has been approved by the Council.

- 6.7 For ease of reference, the structural report submitted with the application split the existing building into various blocks dependent upon their age, structural composition or survey findings. Block A relates to a three storey structure circa 1850-1900 traditional built stone building. Stone frontage and gable walls with brick/stone chimney walls and assumed plastered brick internal separating walls to ground and first floor. Blocks B and C relate to two storey structures circa 1850-1900 traditional built stone building. Stone frontage and gable walls with brick/stone chimney walls and assumed plastered brick internal separating walls to ground and first floor. Block D relates to a two storey structure circa 1850-1900 outbuildings/coach houses, possibly contemporary with the original hotel frontage, brick built and rendered with simple timber rafter roof assumed spanning between external walls with sarking and slate finish. Block E relates to a single storey structure circa 1850-1900 outbuildings/coach houses, possibly contemporary with the original hotel frontage, brick built and rendered with simple timber rafter roof assumed spanning between external walls with sarking and slate finish. The structure appears to be part demolished with more modern addition of a timber stud gable to one side. Block F relates to a circa 1970's concrete/steel structure comprising concrete columns and beams with steel secondary beams over supporting precast concrete floor units. Assumed cased steel columns continuing to roof level supporting and a simple steel frame and timber roof structure.
- 6.8 In terms of the assessment of the application, the submitted supporting information has been taken into account in addition to the details relating to the associated detailed planning application for a replacement hotel within the site (P/18/0264). Historic Environment Scotland (HES) were consulted on this application and have advised that they are content with the demolition of the proposed unlisted elements of the existing hotel. The supporting documents provide a thorough understanding of the history of the site, context, and the structural condition of the building. The reports confirm that the existing buildings are in a dilapidated state and are incapable of refurbishment or redevelopment in their existing condition with several areas of concern highlighted and substantial demolition recommended. The reports highlight that a number of elements present imminent concern in relation to structural stability and safety, in particular the failing internal floor structure and roof structure to the original four bay section of the building, and the adjacent oriel window which is highlighted as showing signs of movement. It is evident that the building is in a very poor state of repair, suffering from water ingress, timber infestation, partial collapse of internal fabric, and vandalism. It is also clear that the historic interest and special character of the site has been affected by the lack of maintenance and worsening condition of the building.
- 6.9 Whilst specific marketing details have not been submitted with the application, the applicant's supporting information advises that the property has been marketed unsuccessfully by the current owners for a number of years without any credible development proposals being brought forward. It would not be feasible to incorporate the buildings in the development proposed as the costs would be prohibitive and render any redevelopment unviable. In this instance, it is considered that the retention of the listed and unlisted elements of building are not viable options and that the building's demolition has been justified sufficiently through the qualified evidence and information submitted. Whilst the proposed replacement building for the site is of contemporary design I am satisfied that it has been designed appropriately to be in keeping with the Conservation Area and to a degree that justifies the demolition of the existing building in the site. On this basis, I am satisfied that the proposed demolition would not fail to preserve or enhance the character of the Conservation Area and its setting and that the proposal meets the terms of Policies 4, 15 and NHE7 as outlined above.

- 6.10 On 29 May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposal accords with Policy 5 - Development Management and Place Making Policy and Policy 14 - Natural and Historic Environment in the Proposed plan in addition to Policy NHE6 - Conservation Areas in the SLLDP2 Volume 2.
- 6.11 In summary, the application for the demolition of the existing hotel within the site is considered to be acceptable as the application conforms with national and local plan policy. It is, therefore, recommended that conservation area consent 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 Policy 15 of the adopted South Lanarkshire Local Development Plan, Policy NHE7 – Conservation Areas of Supplementary Guidance 9 - Natural and Historic Environment and the Proposed Development Management, Place Making and Design Supplementary Guidance. The proposal also complies with Policies 5, 14 and NHE6 of the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2).

Michael McGlynn
Executive Director (Community and Enterprise Resources)

15 June 2018

Previous references

- ◆ P/18/0264
- ◆ P/18/0278

List of background papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (Adopted 2015)
- ▶ Development Management, Place Making and Design Supplementary Guidance (2013)
- ▶ Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) (2018)
- ▶ Press Advertisement, Hamilton Advertiser dated 17.05 2018
- ▶ Press Advertisement, Edinburgh Gazette dated 18.05.2018

- ▶ Consultations

HES

21.05.2018

- Representations
None

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)
Email: jim.blake@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/18/0265

Conditions and reasons

01. That prior to any demolition commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

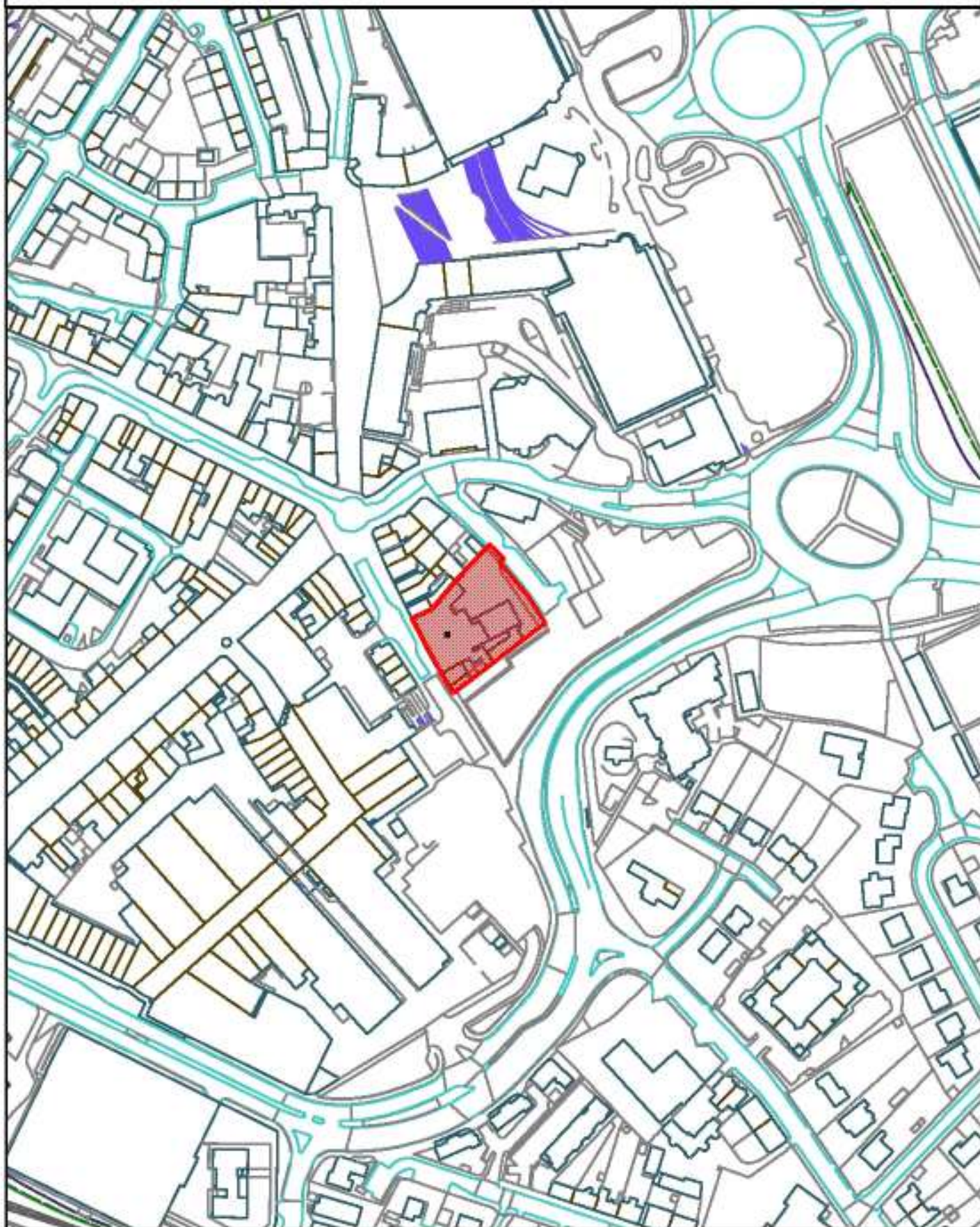
Reason: In the interests of amenity and in order to retain effective planning control.

02. That prior to any demolition commencing on site, a traffic management plan shall be submitted to and approved in writing by the Council as Planning and Roads Authority. The traffic management plan shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council.

Reason: In the interests of amenity and public safety.

P/18/0265

Hamilton Town Hotel, 29-31 Townhead Street, Hamilton



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Scale:
1:2,500
Date:
04/06/2018



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

8

Report to:	Planning Committee
Date of Meeting:	26 June 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/0278
Planning proposal:	Demolition of hotel (Listed Building Consent)

1 Summary application information

Application type:	Listed building application
Applicant:	New Dimension Group(Hamilton) Ltd and Whitbread PLC
Location:	Hamilton Town Hotel 29-31 Townhead Street Hamilton ML3 7BQ

2 Recommendation(s)

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

- (1) Grant listed building consent (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: LMA Architects
- ♦ Council Area/Ward: 17 Hamilton North And East
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan:**
Policy 4 Development Management and Place Making
Policy 15 Natural and Historic Environment

Supplementary Guidance 9 - Natural and Historic Environment
Policy NHE3 - Listed Buildings

Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2)
Policy 5 - Development Management and Place Making Policy

◆ **Representation(s):**

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

◆ **Consultation(s):**

WOSAS

Historic Environment Scotland

Planning Application Report

1 Application Site

- 1.1 The application relates to an area of land located between Townhead Street and Bourne Street at the eastern edge of Hamilton town centre adjacent to the A723 trunk road. The site is currently occupied by three adjoining buildings forming the Hamilton Town Hotel with the main hotel frontage located along Townhead Street. The building, which dates from the mid and late nineteenth century, is essentially a two and a half storey building of traditional appearance and is Category C listed. Within the site there are also outbuildings located to the rear from this period and later twentieth century buildings used for hotel bedrooms and recreational space, including a large structure from the 1970's raised on columns with undercroft parking.
- 1.2 The site extends to approximately 0.25 hectares and is bounded to the north and east by Bourne Street, public car parking and commercial properties, to the south by public car parking and to the west by Townhead Street. The site is surrounded by buildings varying in scale, appearance and function. These range from a five storey contemporary hotel and residential developments to two and three storey Victorian properties incorporating ground floor retail units. The finish materials of the surrounding buildings also vary and include traditional sandstone, slate, render and cladding. Pedestrian access to the site is via Townhead Street with vehicular access off Bourne Street.
- 1.3 The site has been considerably altered to the rear as it faces Bourne Street and incorporates open surface car parking for the former hotel. A retaining wall dating from the twentieth century defines the site edges to the east and south as the land drops away sharply to the surface public car park.

2 Proposal(s)

- 2.1 The applicant seeks listed building consent for the demolition of the existing unlisted elements of the hotel building within the site. A detailed planning application for the demolition of the buildings on the site and its replacement with a 96 bedroom hotel was submitted to the Council in March 2018 (P/18/0264). The applicant also submitted an application for conservation area consent for the demolition of the unlisted elements of the existing hotel within the site (P/18/0265). Due to the heritage designations associated with the site the proposed hotel development could only proceed if listed building and conservation area consents for demolition are also granted along with the detailed planning permission sought.
- 2.6 A Preliminary Heritage Report on Proposals to Demolish Existing Buildings and a Structural Condition Survey were submitted with the application as supporting documents.

3 Background

3.1 Local Plan Policy

- 3.1.1 The application site is located within Hamilton Town Centre in the adopted South Lanarkshire Local Development Plan. The site is also located within the Hamilton Conservation Area. The proposal is affected by Policy 4 - Development Management and Place Making and Policy 15 – Natural and Historic Environment. Supplementary guidance relating to listed buildings is provided in Supplementary Guidance 9 - Natural and Historic Environment and in particular Policy NHE3 – Listed Buildings of

the Council's Supplementary Guidance. Additional design guidance is provided in the Development Management, Place Making and Design Supplementary Guidance. The above policies and how they relate to the proposal are discussed in detail in Section 6 of this report.

- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policy 1 - Spatial Strategy, Policy 5 - Development Management and Place Making Policy, Policy 8 - Employment, Policy 9 - Network of Centres and retailing, Policy 10 - New Retail/Commercial Proposals, Policy 14 - Natural and Historic Environment, Policy 15 - Travel and Transport and Policy 16 - Water Environment and Flooding are relevant. Volume 2 of the Proposed Plan contains further policy guidance that will be used when assessing planning applications. In this instance, Policy DM1 - New Development Design, Policy NHE3 - Listed Buildings and Policy NHE6 - Conservation Areas are relevant.

3.2 **Relevant Government Advice/Policy**

- 3.2.1 Scottish Planning Policy (SPP) states that change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting. Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

- 3.2.2 Historic Environment Scotland Policy Statement June 2016 states that, where the application proposes the demolition of a listed building, applicants will be expected to provide evidence to show that:

- a) the building is not of special interest; or
- b) the building is incapable of repair; or
- c) the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
- d) the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

3.3 **Planning Background**

- 3.3.1 The applicant submitted a detailed planning application for the demolition of existing hotel and erection of 96 bedroom hotel with ancillary restaurant and additional Class 3 unit within the site. This application was registered by the Council on 14 March 2018 and is also under consideration as a separate item at this Planning Committee (P/18/0264).

- 3.3.2 The applicant submitted an application for conservation area consent for the demolition of the existing hotel within the site. This application was registered by the Council on 3 May 2018 and is also under consideration as a separate item at this Planning Committee (P/18/0265).

4 Consultation(s)

- 4.1 **Historic Environment Scotland** – The application for demolition of the C listed Hamilton Town Hotel (former Commercial Hotel) is accompanied by a number of supporting documents including a 'Preliminary Heritage Report' prepared by Turley Heritage May 2018', this has given us a good understanding of the history of the site, context, and structural condition. The report identifies that a number of elements present imminent concern in regard to structural stability and safety, in particular the failing internal floor structure and roof structure to the original 4-bay section of the building, and the adjacent oriel window which is highlighted as showing signs of movement. It is clear to us that the site is in very poor repair, suffering from water ingress, timber infestation, partial collapse of internal fabric, and vandalism. It is also clear that the historic interest and special character of the site has been affected by the lack of maintenance and worsening condition of the building. The submission, however, stops short of fully justifying the demolition of the Hotel, noting in Preliminary Heritage Report 3.26 - 'The evidence to demonstrate that the buildings are not economically viable for repair (HESPS Text c) has not been proven, but it can be assumed based on the very poor condition of the buildings. However, further evidence should be provided to demonstrate that the building has been marketed appropriately. While HES do not wish to raise a formal objection in this instance, our view is that the further information set out above would be required to conclusively demonstrate that options for reuse have been fully explored and that the demolition is justified against national policy as set out in 3.42 of HESPS.

Response:- Noted.

- 4.2 **West of Scotland Archaeology Service (WOSAS)** – have no objections to the application subject to the developer securing the implementation of an archaeological watching brief, to be carried out by an archaeological organisation during all ground disturbance in order to safeguard any archaeological items of interest or finds. The retained archaeological organisation should be afforded access at all reasonable times and allowed to record and recover items of interest and finds. A method statement for the watching brief should be submitted by the applicant, agreed by the West of Scotland Archaeology Service and approved by the Council prior to commencement of the watching brief.

Response: Noted. Any consent granted would incorporate an appropriately worded condition to address the above matter.

5 Representation(s)

- 5.1 The application was advertised in the Hamilton Advertiser and the Edinburgh Gazette as a proposal requiring listed building consent. Two letters of representation have been received in relation to the application. The grounds of objection are summarised below:

- a) **Failure by the developer to investigate the reuse and redevelopment of the building, in any part or retain any of the existing frontage. The hotel building facing onto Townhead Street in three parts may be in poor condition, but is restorable. It has some very attractive features that contribute to the townscape and identity of the urban spaces so formed. The other sections of building to the side and rear of very much less heritage value and could be considered separately for**

demolition. This would leave the older front building intact and better defined while also enabling other more suitable options to the rear.

Response: It is considered that the retention of the listed building is not economically viable and that its demolition has been sufficiently justified through the qualified supporting information submitted. This matter is discussed further in Section 6 of this report.

- b) Removal of the key building will have a detrimental effect on the scale, style and massing along the street existing and the character of the Hamilton Conservation Area.**

Response: It is considered that the historic interest and special character of the site has been affected by the lack of maintenance and worsening condition of the building to a degree that justifies its demolition. This matter is discussed further in Section 6 of this report.

- c) Loss of street frontage to a street already decimated by previous developments.**

Response: It is considered that the building's demolition has been sufficiently justified through the qualified supporting information submitted. This matter is discussed further in Section 6 of this report.

- d) Does not align with South Lanarkshire conservation guides and fails to deliver the key aspirations of these guides to protect and enhance the historic built environment.**

Response: It is considered that a sufficient level of supporting information has been submitted to justify the demolition of the existing building. This matter is discussed further in Section 6 of this report.

- e) The front of the existing building is of a very suitable scale, texture and detail level for the street. That street currently has reduced traffic access and recently upgraded paving. Townhead Street should be considered a primary pedestrian route and any changes along it need to be appropriate to this. The neighbouring buildings are of similar scale and at least some of them of similar level of detail.**

Response: Whilst the application site is located within the Conservation Area and the proposed building is of contemporary appearance it is considered that the building has been designed appropriately to be in keeping with the Conservation Area and that it is sympathetic and complimentary to the existing character of the area.

- f) The hotel is within the designated Conservation Area with the implications being that buildings of heritage value need to be preserved; both listed and others of similar scale, detailing and design. Conservation Areas allow for change, but that requires that preservation is foremost and alterations are in keeping with the core character of the area. Major change is not acceptable. Infill such as to gap sites or replacement of buildings deemed not worthy of retention need to still comply with these basic considerations at least in scale and relationship to the streetscape and surrounding buildings i.e. be sympathetic in design. A dramatic change to this through the replacement of this building with a much larger blander one as proposed would have a negative effect on the overall area.**

Response: Whilst the application site is located within the Conservation Area and the proposed building is of contemporary appearance it is considered that the building has been designed appropriately to be in

keeping with the Conservation Area and that it is sympathetic and complimentary to the existing character of the area.

- g) The supporting documentation to meet test c) has not yet been provided. Any assumptions about economic viability based on poor condition need to be balanced with more thorough assessment of repairs/restoration, site development options etc than what is provided. The principle of retention always being the preferred option unless every other options has been thoroughly explored needs to be strictly adhered to. This needs to include considerations not only of those economic and sustainable usage, but also spacial, appropriate to the communal space.**

Response: As the property has lain vacant for a significant period of time and there are no viable alternative uses for the building it is considered that the retention of the listed building is not a viable option and that its demolition has been justified sufficiently through the qualified information submitted.

- 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 listed building consent for the demolition of an existing hotel within the site. The proposed demolition is required to facilitate the redevelopment of the site for the erection of a new 96 bedroom hotel with ancillary restaurant and additional Class 3 unit which is the subject of a separate detailed planning application under reference P/18/0264. The determining issues in consideration of this application are its compliance with national and local plan policy and its impact on the character of the Conservation Area.
- 6.2 In terms of national planning policy, Scottish Planning Policy (SPP) states that change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting. Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.
- 6.3 Historic Environment Scotland Policy Statement June 2016 states that where the application proposes the demolition of a listed building applicants will be expected to provide evidence to show that:
- a) the building is not of special interest; or
 - b) the building is incapable of repair; or
 - c) the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or

- d) the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

- 6.4 The assessment in the following paragraphs will highlight that the proposed demolition can be justified in line with national planning guidance as the historic interest and special character of the site has been affected by the lack of maintenance and worsening condition of the building, the redevelopment of the site for a new Premier Inn hotel would add to the attraction of Hamilton town centre and encourage further economic investment in the town and it is not feasible to incorporate the buildings in the development proposed as the costs would be prohibitive and would render any redevelopment unviable.
- 6.5 In terms of local plan policy, the application site is located within Hamilton Town Centre in the adopted South Lanarkshire Local Development Plan. The site is also located within the Hamilton Conservation Area. The proposal is affected by Policy 4 - Development Management and Place Making and Policy 15 – Natural and Historic Environment. Supplementary guidance relating to listed buildings is provided in Supplementary Guidance 9 - Natural and Historic Environment and in particular Policy NHE3 – Listed Buildings of the Council's Supplementary Guidance. Additional design guidance is provided in the Development Management, Place Making and Design Supplementary Guidance.
- 6.6 Policy 4 generally resists development that will be detrimental to amenity and seek well designed proposals which integrate successfully with their surroundings and make a positive contribution to the character and appearance of the urban environment. As the existing buildings within the site are Category C listed, Policy 15 is also relevant to the assessment of the proposal. 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. The application relates to a Category C listed building and is, therefore, designated as a Category 3 site under the terms of this policy. In Category 3 areas, development which would affect these areas following the implementation of mitigation measures will only be permitted where there is no significant adverse impact on the protected resource. Where possible, any development proposals which affect natural and historic designations should include measures to enhance the conservation value of the site affected.
- 6.7 The above policy is supported by Policy NHE3 – Listed Buildings of the Council's Supplementary Guidance. Policy NHE3 states that development affecting a listed building or its setting shall, as a first principle, seek to preserve the building and its setting, and any features of special architectural interest which it has. The layout, design, materials, scale, siting and use of any development shall be sensitive to, and respect the character and appearance of, the listed building and its setting. Any proposals for repairs, alterations, and extensions to listed buildings shall demonstrate a sound knowledge and understanding of the building, and demonstrate a full awareness of its cultural significance and all phases of its development. Proposals for the total or substantial demolition of a listed building will only be supported where it is demonstrated to the satisfaction of the Council that every effort has been exerted by all concerned to find practical ways of keeping it. This will include the provision of evidence to the Council that the building is incapable of physical repair and re-use through the submission and verification of a thorough structural report.
- 6.8 For ease of reference, the structural reports submitted with the application split the existing building into various blocks dependent upon their age, structural composition

or survey findings. Block A relates to a traditional built stone building circa 1850-1900. It is evident from the findings that this block appears to be in the worst condition which may be mainly due to having had many roof alterations creating weak spots at dormers which, once breached, has made water ingress more substantial. Although the facade of the block appears in relatively good condition, any collapse of an internal structure may cause an unexpected and sudden push in/out on boundary walls. It is recommended that Block A be demolished in its entirety as the general poor and rotten condition of the overall internal floor and roof structures warrants its removal. Blocks B and C relate to traditional stone buildings circa 1850-1900. It is recommended that Blocks B and C are fully tested for rot (wet & dry) prior to any attempt to re-use the structure. Due to the building's current condition, approximately 80% of finishes and 50-60% of the structural timbers are likely to need treated and strengthened or replaced. As with Block A, it may be more cost effective to demolish the buildings. Blocks D and E relate to outbuildings/coach houses, possibly contemporary with the original hotel frontage circa 1850-1900. Block D is generally of adequate condition although there is evidence of the start of water ingress via the slate tiled roof and, if not repaired, then this area will likely deteriorate in a fashion akin to the other blocks along the frontage. It is recommended that Block E be removed in its entirety as it would not be cost effective to provide a new slate roof and general repairs to this structure. Block F relates to a 1970's concrete/steel structure which is generally adequate and will take a longer time to degrade.

- 6.9 In terms of the assessment of the application, the submitted supporting information has been taken into account in addition to the information relating to the associated detailed planning application for a replacement hotel within the site (P/18/0264). The supporting documents provide a thorough understanding of the history of the site, context, and the structural condition of the building. The reports confirm that the existing buildings are in a dilapidated state and are incapable of refurbishment or redevelopment in their existing condition with several areas of concern highlighted and substantial demolition recommended. The reports highlight that a number of elements present imminent concern in relation to structural stability and safety, in particular the failing internal floor structure and roof structure to the original four bay section of the building, and the adjacent oriel window which is highlighted as showing signs of movement. It is evident that the building is in a very poor state of repair, suffering from water ingress, timber infestation, partial collapse of internal fabric, and vandalism. It is also clear that the historic interest and special character of the site has been affected by the lack of maintenance and worsening condition of the building.
- 6.10 Whilst specific marketing details have not been submitted with the application, the applicant's supporting information advises that the property has been marketed unsuccessfully by the current owners for a number of years without any credible development proposals being brought forward. It further advises that it would not be feasible to incorporate the buildings in the development proposed as the costs would be prohibitive and would render any redevelopment unviable. In view of all of the supporting information submitted in this instance, it is considered that the retention of the listed building is not economically viable and that its demolition has been sufficiently justified through the qualified evidence submitted. It is evident that the historic interest and special character of the site has been affected by the lack of maintenance and worsening condition of the building and that the demolition of the building would enable the redevelopment of the site for a new Premier Inn hotel which would add to the attraction of Hamilton town centre and encourage further economic investment in the town. In this regard I am also satisfied that the proposed replacement building for the site has been designed appropriately to ensure that it is not out of keeping with the Conservation Area and to a degree that justifies the demolition of the existing listed building on the site. On this basis, I am satisfied that the proposal meets the terms of Policies 4, 15, NHE3 and NHE7 as outlined above.

- 6.11 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposals accords with Policy 14 - Natural and Historic Environment in the Proposed plan in addition to Policy NHE3 - Listed Buildings in the SLLDP2 Volume 2.
- 6.11 In summary, the application for the demolition of the existing hotel building within the site is considered to be acceptable as the proposal conforms with national and local plan policy and raises no significant environmental or infrastructure issues. It is, therefore, recommended that listed building consent 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 and 15 of the adopted South Lanarkshire Local Development Plan and Policy NHE3 – Listed Buildings of the Council’s Supplementary Guidance. The proposal also complies with Policies 5, 14 and NHE3 of the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2).

Michael McGlynn
Executive Director (Community and Enterprise Resources)

15 June 2018

Previous References

- ◆ P/18/0264
- ◆ P/18/0265

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (Adopted 2015)
- ▶ Development Management, Place Making and Design Supplementary Guidance (2013)
- ▶ Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) (2018)
- ▶ Press Advertisement, Hamilton Advertiser dated 17.05 2018
- ▶ Press Advertisement, Edinburgh Gazette dated 18.05.2018

► Consultations

WOSAS 21.05.2018

HES 21.05.2018

► Representations

Architectural Heritage Society Of Scotland, Strathclyde Group
Office, Tobacco Merchants House, 42 Miller Street, Glasgow,
G1 1DT Dated: 06.06.2018

Mr Ryan Holmes, 19 Allanshaw Street, Hamilton, ML3 6NL 29.05.2018

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)
Email: jim.blake@southlanarkshire.gov.uk

Conditions and reasons

01. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Council as Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service and approved by the Council as Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Council as Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

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

02. That prior to any demolition commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

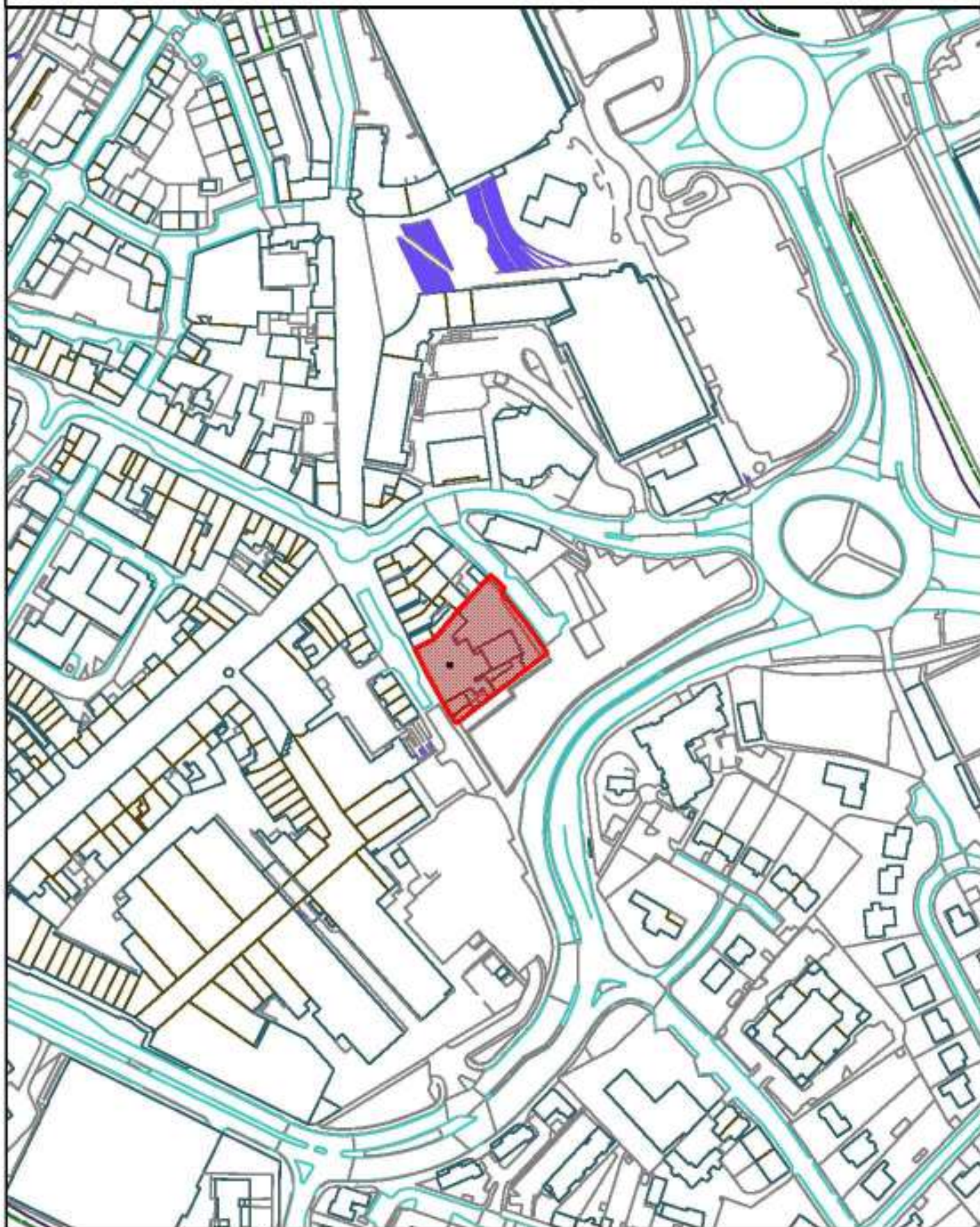
Reason: In the interests of amenity and in order to retain effective planning control.

03. That prior to any demolition commencing on site, a traffic management plan shall be submitted to and approved in writing by the Council as Planning and Roads Authority. The traffic management plan shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council.

Reason: In the interests of amenity and public safety.

P/18/0278

Hamilton Town Hotel, 29-31 Townhead Street, Hamilton



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Scale:
1:2,500
Date:
04/06/2018



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report to:	Planning Committee
Date of Meeting:	26 June 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application No	EK/17/0390
Planning Proposal:	Demolition of an existing single storey dwelling house and change of use of industrial yard for the erection of 19no. dwellinghouses, public open space and associated garages and car parking.

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : E & D Turner
- Location : Turners Yard
Drumclog
Strathaven
ML10 6QQ

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: Convery Prenty Architects
- ◆ Council Area/Ward: 05 Avondale And Stonehouse
- ◆ 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)
Policy DM1 - Design
Policy DM13 – Development within general urban area/settlement

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

Policy 2 – Climate change

Policy 3 – General urban areas and settlements

Policy 5 – Development management and
placemaking

Policy DM1 – New development design

◆ Representation(s):

▶	1	Objection Letter
▶	0	Support Letters
▶	2	Comment Letter

◆ Consultation(s):

Roads and Transportation Services (Flood Risk Management Section)

Roads and Transportation Services (Development Management Team)

Environmental Services

SP Energy Network

Scottish Water

Planning Application Report

1 Application Site

- 1.1 The application relates to the site of Drumclog Plant at Turner's Yard, Drumclog and an adjacent detached dwellinghouse. The site, which is utilised as a plant hire facility, comprises an open yard area, a number of industrial buildings, workshops and shelters as well as the adjacent dwellinghouse, known as Fresh Winds. The site extends to approximately 0.8 hectares in size.
- 1.2 The site is bounded to the south-west and north-east by existing residential dwellinghouses, to the north-west by the A71 Strathaven to Kilmarnock Road, to the south-east by a disused railway line and to the east by the B745 Drumclog to Dungavel road. Access to the site is taken from the east via the B745. The site is generally flat throughout, however, there is a notable downward slope at the south of the site towards the B745 and the disused railway line.

2 Proposal(s)

- 2.1 Planning consent is sought to remove the existing dwellinghouse and other industrial buildings from the site and to erect a residential development of 19 detached, semi-detached and terraced two storey dwellinghouses with associated parking and landscaping works. The existing plant hire business on the site is in the process of being relocated to an alternative site located adjacent to the B745 outside of Drumclog. Once the relocation has been completed, the application site would be cleared to facilitate the proposed development works. Enhanced screening measures would be put in place along the site boundaries, particularly along the boundary with the A71, to provide separation between the proposed development, the adjacent road network and existing adjacent residential properties. An area of open space, a private sewage treatment system and a storm water retention system would be located in the southern part of the site to serve the proposed development.
- 2.2 The development would be accessed via the existing access route from the B745 to the site. The vehicular access route within the site would be altered to facilitate the proposed development.

3 Background

3.1 Local Development Plan

- 3.1.1 With regard to the South Lanarkshire Local Development Plan (adopted 2015) the site is located within an area designated as general residential land forming part of the settlement of Drumclog and is affected by Policy 6 – General Urban Area/Settlements. Policy 2 – Climate Change, Policy 4 – Development Management and Placemaking and the associated supplementary guidance, as well as the South Lanarkshire Council Residential Design Guide, are also of relevance to the proposed development.
- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policy 2 – Climate Change, Policy 3 - General Urban Areas and Settlements, Policy 5 - Development Management and Placemaking and Policy DM1 – New development design are relevant to the proposal.

3.2 **Planning History**

- 3.2.1 There are no previous planning applications relating to this particular site. However, a retrospective planning application relating to the relocation of the existing business on site to new premises at the former Rainbow Fishery site, outside Drumclog, has recently been granted planning consent in June 2018 (Planning Ref: EK/16/0297).

4 **Consultation(s)**

- 4.1 **Roads and Transportation Services (Development Management Team)** – offered no objections to the proposed development subject to conditions relating to access, parking and road safety issues.

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

- 4.2 **Roads and Transportation Services (Flood Risk Management Section)** - offered no objections to the proposal subject to the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied through the completion of a self certification document.

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

- 4.3 **Environmental Services** – offered no objections to the proposed development subject to the imposition of a condition requiring the site to be assessed in terms of contamination and requiring any historic contamination issues to be rectified prior to any development works taking place on site.

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

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

Response: Noted.

- 4.5 **SP Energy Network** – offered no objections to the proposed development.

Response: Noted.

5 **Representation(s)**

- 5.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the East Kilbride News due to the non-neighbour notification of neighbours. In response, one letter of objection and two letters of comment were received in respect of the proposals, the points of which are summarised below:

- a) **The proposed houses are of a suburban style and would be out of keeping with the rural character of the area. The property should instead be sold off as four or five larger self build plots.**

Response: While the writer's comments are noted, the view is taken that the proposed development, by virtue of providing a relatively small scale residential development within a designated settlement, would represent a significant improvement on the existing and historic use of the site as a plant hire facility that is out of keeping with the surrounding residential uses in the vicinity of the site. A proposal has not been brought forward for the sub-division of the property into four or five larger plots and, therefore, the Council is required to assess the proposal that has been submitted by the applicants. In this instance, the view is taken that the proposed development can be comfortably accommodated within the application site and it is noted that additional screening measures would be put in place as part of the development to

preserve and improve on existing levels of residential amenity in the vicinity of the site.

- b) **There is no demand for the provision of additional dwellinghouses in the area.**

Response: This is not a valid reason to refuse to grant consent for the proposed development. Ultimately, if planning consent is granted, market considerations will dictate whether or not it is viable for the development to proceed on site in accordance with the proposed scheme.

- c) **The writer seeks the protection of wildlife and species within the site.**

Response: A habitat survey was undertaken by the applicants in respect of the application site which determined that there was unlikely to be any adverse impact in terms of natural heritage interests. However, as the survey was carried out during the winter season, a condition would be attached to any consent issued requiring a further survey to be carried out during the summer months in respect of protected species before any demolition works are undertaken on site. Subject to this condition and the undertaking of the associated protected species survey to the satisfaction of the Council, it is considered that there would be no adverse impact on wildlife or species as a result of the proposed development.

- d) **The writer seeks clarification as to whether the proposed development is of a sufficient scale to warrant the provision of social housing within the site.**

Response: The scale of the proposed development is below the threshold at which there would be a requirement for affordable housing to be provided in respect of the development.

- e) **The writer seeks clarification as to whether there is a right of way across the application site to a neighbouring property that would be blocked off by the proposed development.**

Response: There are no public rights of way in the vicinity of the site that would be affected by the proposed development. There are therefore no specific concerns in this regard. It should be noted that any issues regarding private rights of access are civil matters that do not form part of the planning process. These matters require to be resolved separately between the parties involved.

- 5.2 The above 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 consent is sought by E and D Turner to remove the existing dwellinghouse and other industrial buildings from the site of Turner's Yard, Drumclog and to erect a residential development of 19 detached, semi-detached and terraced two storey dwellinghouses with associated parking and landscaping works. The existing use of the site as a plant hire facility is in the process of being relocated to an alternative site on the B745 outside of Drumclog. Once the relocation has been completed, the application site would be cleared to facilitate the proposed development works. Enhanced screening measures would be put in place along the site boundaries, particularly along the boundary with the A71, to provide separation between the proposed development, the adjacent road network and existing adjacent residential properties.

- 6.2 The determining issues in the assessment of this application are its compliance with local development 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), its associated supplementary guidance and the Proposed South Lanarkshire Local Development Plan 2 (2018).
- 6.3 In terms of the adopted local development plan it is noted that the site is within the settlement boundary of Drumclog. Policy 6 applies and this states that while the principle of residential developments will be supported within the general urban area providing there would not be a significant adverse impact on the amenity and character of the area. As such, the principle of the use of the site for residential purposes is considered to be acceptable. It is noted that the existing and historic use of the site as a plant hire facility is not one which would generally be considered to be appropriate in a predominantly residential area. As such, the view is taken that it would be preferable for the current use to be relocated to a new location outside of the settlement and for the application site to be redeveloped for residential purposes in this instance.
- 6.4 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 Policies DM1 and DM13 of the associated supplementary guidance relating to development management, placemaking and design and by the South Lanarkshire Council Residential Design Guide.
- 6.5 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 Design Guide, particularly in relation to road layout, the density of the development, car parking provision and provision of amenity space. The proposed dwellings would be positioned a sufficient distance from existing properties to the west and north of the site to ensure that there would be no adverse impact on these properties in terms of overshadowing or loss of privacy. In particular, it is noted that additional screening is proposed to be put in place along the site boundaries with existing residential properties and with the A71 Strathaven to Kilmarnock road, which bounds the site to the north-west. It is considered that the additional screening will serve to provide enhanced privacy and amenity to both existing and proposed residential properties.
- 6.6 The Council's Roads and Transportation Services have advised that, subject to conditions relating to access, parking provision, provision of visibility splays and flood risk management, they have no objections to the proposed development. Environmental Services have noted a requirement for a contamination survey to be carried out in respect of the proposal. Conditions would be attached to any consent issued requiring these matters to be appropriately dealt with. A habitat survey was undertaken by the applicants in respect of the application site which determined that there was unlikely to be any adverse impact in terms of natural heritage interests. However, as the survey was carried out during the winter season, a condition would be attached to any consent issued requiring a further survey to be carried out during the summer months in respect of protected species before any demolition works are undertaken on site. 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 and in the Council's Residential Design Guide.

- 6.7 Policy 2 – Climate change requires new developments to seek to minimise and mitigate against the effects of climate change where possible. In this case, it is noted that the site is located within a designated settlement and would involve the reuse of vacant land resulting from the relocation of the plant hire business to new premises to the south of the village. As such, this is considered to be a sustainable location for development and it is considered that the proposed development support the aims of Policy 2.
- 6.8 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. It is considered that the proposal accords with Policies 2, 3, 5 and DM1 in the proposed plan.
- 6.9 In addition to the standard neighbour notification procedure carried out by the Council, the application was also advertised in the local press. One letter of objection and two letters 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.
- 6.10 In conclusion, it is considered that the proposed development would be appropriate to the site in question in terms of design and layout and would not adversely affect surrounding amenity. Furthermore, the proposal would represent an improvement on the existing land use of the site in terms of protection of residential amenity and would be fully compliant with the provisions of the South Lanarkshire Local Development Plan, with specific regard to Policies 2, 4 and 6 as well as with all relevant policy and guidance contained within associated supplementary guidance and in the Council's Residential Design Guide. The proposal is also considered to be compliant with the relevant policies of the Proposed South Lanarkshire Local Development Plan 2, specifically Policies 2, 3, 5 and DM1. It is, therefore, recommended 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 significant adverse impact on amenity and complies with the relevant policies of the adopted South Lanarkshire Local Development Plan and Supplementary Guidance (Policies 2, 4, 6, DM1 and DM13) and the Proposed South Lanarkshire Local Development Plan 2 (Policies 2, 3, 5 and DM1). There are no additional material considerations which would justify refusing to grant consent.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

14 June 2018

Previous References

- ◆ EK/16/0297

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development Management, Placemaking and Design Supplementary Guidance (2015)
- ▶ South Lanarkshire Council Residential Design Guide
- ▶ Proposed South Lanarkshire Local Development Plan 2 (2018)
- ▶ Neighbour notification letter dated 10/11/2017
- ▶ Consultations

Scottish Water 16/11/2017

SP Energy Network 16/11/2017

Roads and Transportation Services (Flood Risk Management Section) 28/11/2017

Environmental Services 18/12/2017

Roads and Transportation Services (Development Management Team) 07/06/2018

▶ Representations	Dated:
Mr S Canning, Drumhalla, Drumclog, Strathaven, ML10 6QG	21.11.2017
Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS	01.12.2017
Gemma Jenks, by e-mail	10.06.2018

Contact for Further Information

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

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

Ext: 5049 (Tel 01698 455049)

E-mail: declan.king@southlanarkshire.gov.uk

Conditions and reasons

01. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority. The development shall thereafter be carried out in accordance with the approved detail to the satisfaction of the Council as Planning Authority.

Reason: In the interests of amenity and in order to retain effective planning control.

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

Reason: In the interests of amenity and in order to retain effective planning control.

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

Reason: In the interests of amenity and in order to retain effective planning control.

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

Reason: In the interests of amenity and in order to retain effective planning control.

05. That before any of the dwellinghouses situated on the site upon which a fence is to be erected are occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 4 above, shall be erected and thereafter maintained to the satisfaction of the Council.

Reason: In the interests of amenity and in order to retain effective planning control.

06. That the use of the garages hereby permitted 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 garages.

Reason: In the interests of amenity and in order to retain effective planning control.

07. That no development shall commence until details of surface water drainage arrangements (including provision of a flood risk assessment, drainage assessment

and maintenance responsibilities) have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements (Appendices 1, 3 & 5).

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

08. That the development hereby approved shall not be completed or brought into use until the surface water drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority, under the terms of Condition 7 above.

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

09. That, before any demolition works are carried out on site, a further protected species survey, carried out during the active season (May to September), shall be submitted to and approved by the Council as Planning Authority. The recommendations of any approved species survey shall thereafter be followed on site to the satisfaction of the Council as Planning Authority.

Reason: To ensure the protection of species within the site in accordance with relevant regulations.

10. (a) The applicant should be required to undertake a comprehensive site investigation, carried out to the appropriate Phase level, to be submitted to and approved in writing by, the Council as Planning Authority. The investigation shall be completed in accordance with advice given in the following:
- Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995)
 - Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency
 - BS 10175:2011 - 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.

Reason: To ensure that any contaminated land within the site is assessed and remediated appropriately.

11. That before the development hereby approved is completed or brought into use, a private vehicular access or driveway shall be provided to each dwellinghouse 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.

Reason: To prevent deleterious material being carried onto the road.

12. That before any dwellinghouse hereby permitted is occupied, all of the parking spaces associated with the dwellinghouse shown on the approved plans shall be put in place and shall thereafter be maintained to the specification of the Council as Planning Authority.

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

13. That before the any dwellinghouse 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 to that dwellinghouse and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of road safety.

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

Reason: In the interests of road safety.

15. That, prior to commencement of development works on site, details of the provision of a drainage system to prevent surface water flowing onto the public road shall be submitted to and approved by the Council as Roads and Planning Authority. The system shall thereafter be put in place on site to the satisfaction of and within a timescale specified by the Council as Roads and Planning Authority.

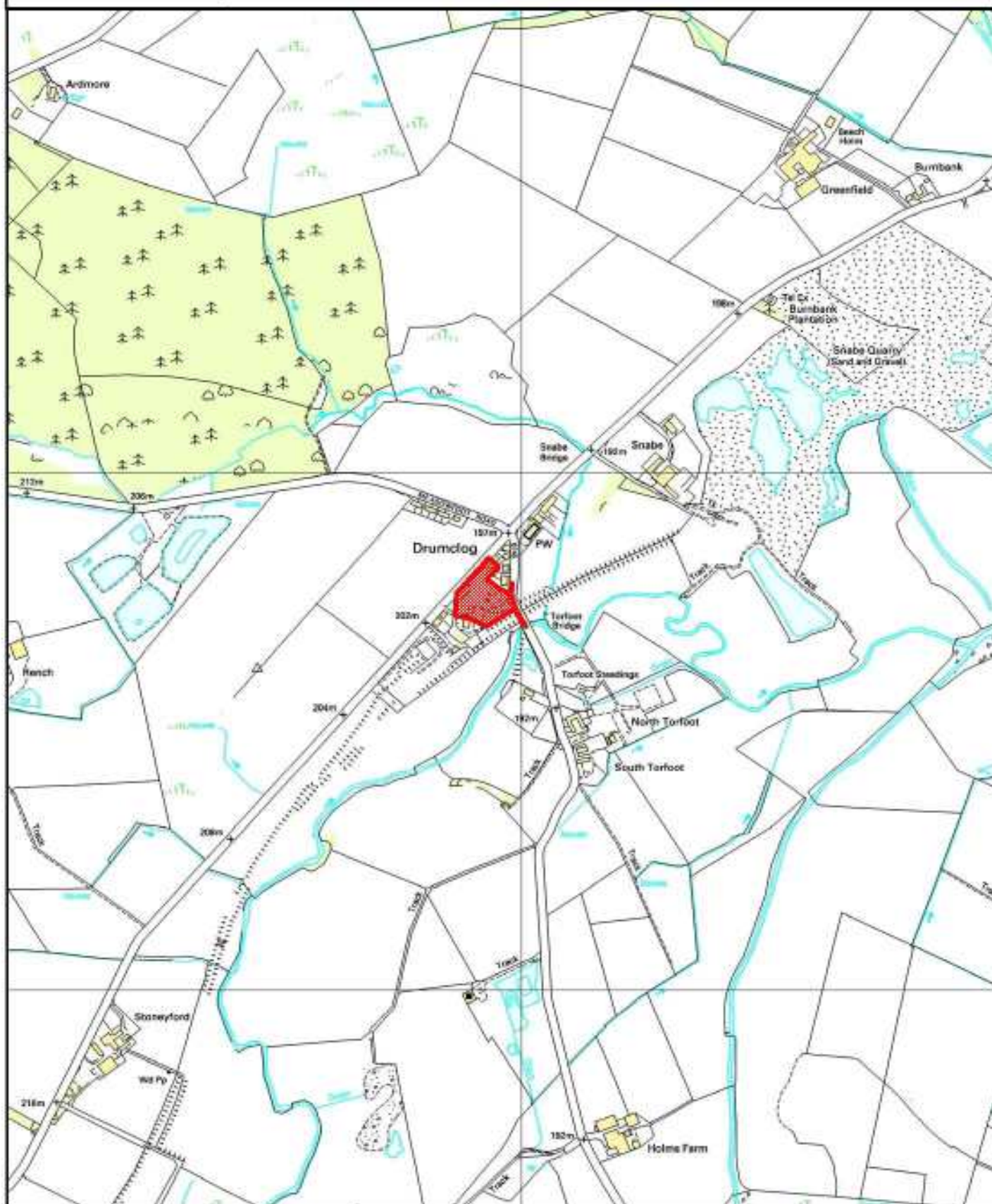
Reason: In the interests of road safety.

16. That, prior to commencement of development works on site, details of cleaning systems to be put in place to prevent mud and debris from being deposited on the public road shall be submitted to and approved by the Council as Roads and Planning Authority. The approved cleaning systems shall thereafter be put in place to the satisfaction of and for the time period specified by the Council as Roads and Planning Authority.

Reason: In the interests of road safety.

EK/17/0390

Turners Yard, Drumclog, Strathaven




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Scale:
1:10,000
Date:
06/08/2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

	<h1>Report</h1>	Agenda Item <h2>10</h2>
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Report to:	Planning Committee
Date of Meeting:	26 June 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application No	CR/17/0195
Planning Proposal:	Erection of 86 newbuild dwellings, comprising 4 and 6 storey flats, 2 storey terraced and semi-detached houses, with associated parking, roads and landscaping.

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Link Group Ltd
- Location : Site located off Bridge Street
Cambuslang
G72

2 Recommendation(s)

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

- (1) Grant detailed planning consent - Subject to Conditions (based on the conditions attached)

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: Barham Glen Architects
- ◆ Council Area/Ward: 13 Cambuslang 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 13 - Affordable Housing and Housing Choice
Policy 16 - Travel and Transport
Policy 17 - Water Environment and Flooding

Supplementary Guidance Affordable Housing and Housing Choice (2015)

Development Management, Placemaking

and Design Supplementary Guidance (2015)
DM1 - Design

Sustainable Development and Climate Change Supplementary Guidance (2015)

SDCC 2 - Flood risk

SDCC 3 - Sustainable drainage systems

SDCC 4 - Water supply

SDCC 5 - Foul drainage and sewerage

Proposed South Lanarkshire Local Development Plan 2 (2018)

Policy 2 – Climate Change

Policy 5 – Development Management and Placemaking

Policy 9 – Network of Centres and Retailing

Policy 12 – Affordable Housing

Policy 15 – Travel and Transport

Policy 16 – Water Environment and Flooding

SDCC2 – Flood Risk

SDCC3 – Sustainable Drainage Systems

DM1 – New Development Design

DM15 – Water Supply

DM16 – Foul Drainage and Sewerage

◆ Representation(s):

- ▶ 2 Objection Letters
- ▶ 0 Support Letters
- ▶ 1 Comments Letters

◆ Consultation(s):

Cambuslang Community Council

Roads & Transportation Services (Flood Risk Management Section)

Scottish Water

Strathclyde Partnership for Transport

SP Energy Network

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

The Coal Authority - Planning and Local Authority Liaison Department

National Grid UK Transmission

Environmental Services

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

Roads Development Management Team

Housing

Planning Application Report

1 Application Site

- 1.1 The application site is located in Cambuslang between Bridge Street and Somervell Street. It is bounded by Bridge Street in the south, Somervell Street to the west, the existing Somervell Trading estate industrial area to the north and a vacant former industrial site to the east. The site covers 1.59 hectares and is generally level; however, adjacent land in the east and north slopes down towards Bridge Street and towards the river to the north. The site was previously in industrial use which has been substantially cleared except for concrete foundation of the previous buildings. There are a number of small regenerated trees and shrubs across the site and along the boundary of the site.

2 Proposal(s)

- 2.1 The proposal is to erect 86 residential units, comprising 4 and 6 storey flatted blocks and 2 storey terraced and semi-detached dwellings. All the dwellings will be for social rent and would be managed by the applicants. Vehicular access to the site will be from Somervell Street. The proposal also provides parking in the form of in curtilage driveways and a series of separate parking areas. The proposal incorporates landscaping, open space and an underground drainage scheme.
- 2.2 The three flatted blocks are located in the western area of the site closest to the access point. They are finished in facing brick, standard and in pattern with areas of vertical zinc cladding, have timber framed windows and the roof will consist of grey concrete tiles. The terraced and semi detached dwellings are located further into the site to the east and north. These dwellings would be finished in facing brick, zinc cladding, timber framed windows and the roofs will consist of grey concrete tiles. The roofs of the terraced and semi-detached dwellings would integral solar panels both to front and rear elevations.
- 2.3 The applicants submitted a number of documents in support of the proposed development including a Transport Assessment, Parking Statement, Noise Impact Assessment, Road Traffic Noise Report, Site Investigation Report, Coal Report, Report on Mineshaft Investigations, Flood Risk Assessment, Pre-application Public Consultation Report and Design and Access Statement.

3 Background

3.1 Relevant Government Advice/Policy

- 3.1.1 Scottish Planning Policy (2014) (SPP) advises that proposals that accord with up-to-date plans should be considered acceptable in principle. In terms of residential development, the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements.

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. In land use terms the application site is identified, within the adopted SLLDP, as being within a Town Centre location, where Policy 8 - Strategic and Town Centres applies. Other policies within the adopted SLLDP are considered relevant to the determination of this application include Policy 2 – Climate

Change, Policy 4 - Development Management and Placemaking, Policy 13 - Affordable Housing and Housing Choice, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding.

3.2.2 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
- Affordable Housing and Housing Choice SG 7
- 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.

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 significant adverse impact. 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. An assessment of the proposal against these specific policies is contained in Section 6 of this report.

3.2.3 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policies 2, 5, 9, 12, 15, 16, SDCC2, SDCC3, DM1, DM15 and DM16 are relevant

3.3 Planning History

3.3.1 The application site forms part of a wider area of land covered by the Planning Permission in Principle (CR/11/0248) granted in March 2012 for a mixed use development for the regeneration of the Hoover/Bridge Street site in Cambuslang, comprising a supermarket, 208 houses, relocation of business and industry, a spine road linking the new junction at Bridge Street through the site to Dallas Drive, a park and ride facility to serve Cambuslang Station, landscaping and footpath links. The first matters specified in conditions (MSC) application (Reference CR/12/0149) relating to a range of works required to deliver the proposal was granted consent at Planning Committee on 29 January 2013. A second matters specified in conditions (MSC) application (Reference CR/12/0188) relating to further works was granted consent on 17 April 2013.

3.3.2 A Stopping-Up Order was promoted for the southern end of Somervell Street at the junction with Bridge Street to facilitate the provision of the proposed park and ride facility. Should that have been implemented access to existing properties on Somervell Street would have been taken from the new spine road to the north once it has been completed following which the southern end of Somervell Street would be closed. This Order has not been implemented.

3.3.3 The proposals fall within the definition of Major Development and as such were subject to pre-consultation with the community and stakeholders 12 weeks in advance of lodging the formal planning application. The applicant has followed this procedure

and has submitted a Report of Consultation, included within the Design and Access Statement, with the current planning application.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Flood Risk Management Section)** - have no objection to the proposed development to conditions and advisory notes in relation to SUDs, flood risk assessment and maintenance of the proposed drainage system.
Response: Appropriate conditions and advisory notes would be added to any consent issued.
- 4.2 **Scottish Water** – have no objections to the proposed development.
Response: Notwithstanding this, a condition would be attached to any consent issued requiring the applicants to provide written confirmation that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards, prior to commencement of works on site.
- 4.3 **Strathclyde Partnership for Transport** - have no objections to the proposed development, suggesting that it would be beneficial for existing bus stops outwith the site to be upgraded and an additional bus stop created.
Response: Noted. The suggested improvements are noted however it is not considered that the scale of development proposed merits these works.
- 4.4 **SP Energy Network** – no response to date.
Response: Notwithstanding this, a condition would be attached to any consent issued in respect of statutory undertaker's apparatus. Arrangements in respect of SP apparatus are a matter between the applicant and SP Energy Networks.
- 4.5 **The Coal Authority** – no objections to the proposed development subject to a condition being attached in respect of undertaking of the proposed scheme of intrusive site investigations as identified within the Preliminary Mineshaft Investigations Report, the submission of a further report once the investigations have been carried out including a description of any remedial works that are required and subsequent implementation of the remedial works.
Response: Noted. Conditions would be attached to any consent issued in this respect.
- 4.6 **S.E.P.A.** – have no objections to the proposed development.
Response: Noted.
- 4.7 **Roads and Transportation Services (Development Management)** – have no objections to the proposal subject to conditions being attached in respect of a traffic management plan, sightlines, parking provision and surface water drainage. The level of parking provision on the site is considered acceptable given the nature of the proposed development and the proximity of the site to the railway station and town centre.
Response: Noted. Appropriate conditions will be added to any consent issued.
- 4.8 **Environmental Services** – no objections subject to conditions and advisory notes in relation to noise impact for the proposed dwellings including the submission of a Noise Action Plan, site investigation and remediation and dust mitigation and control.
Response: Noted. Appropriate conditions and advisory notes would be added to any consent issued.

4.9 **Housing** – Have confirmed that the site is identified in the Strategic Housing Investment Plan (SHIP) for delivery of 88 affordable homes over 2018/19 to 2020/21.
Response: Noted.

4.10 **National Grid** – no response to date.
Response: Noted.

4.11 **Cambuslang Community Council** – objected to the proposed development on the grounds that:

- the proposed development is of too high a density on a small site,
- the six storey block of flats are too high for the surrounding area and this gateway site,
- the proposed development would result in traffic congestion,
- the adjacent site is required for a future Park and Ride Facility and should not be used to accommodate any future expansion of the proposed housing,
- the lack of provision for cycling and connection to the NCR 75 cycle route,
- there is no provision for a pedestrian link to Main Street to allow the local businesses to benefit from the proposed development.

Response: Noted. The proposed design and scale of the development is considered acceptable in this location. Roads and Transportation Services raised no objections to the proposed development. There will be a link to NCR from the spine road of the development of the former Hoover site. The provision of a Park and Ride Facility formed part of the previous planning consent for the former Hoover site. The Council's recently published Park and Ride Strategy Consultative draft document includes options at most stations in South Lanarkshire to provide additional Park and Ride provision, and in respect of Cambuslang considers the land immediately to the east of the application as suitable for exploring. The site would be linked along the existing public footways and pedestrian crossings to Main Street.

5 Representation(s)

5.1 Statutory notification was undertaken and the proposals advertised in the local press due to the Non-Notification of Neighbours. Following this, 3 letters of representation were received, consisting of 2 objection and 1 letter of comment. The issues raised in all representations can be summarised as follows:

a) **The proposed development will lead to congestion. Somervell Street is very busy with parking from both commuters and the existing businesses. Further traffic and parking will lead to delays for local business customers, staff and deliveries and have an adverse impact on those businesses.**

Response: Roads and Transportation Services raised no objections to the proposed access and parking arrangements for the proposed development.

b) **The proposed development would lead to traffic congestion which possibly have safety issues.**

Response: Roads and Transportation Services raised no objections to the proposed access and parking proposed for the proposed development.

c) **The introduction of housing adjacent to existing heavy industry some of which operates 24 hours a day may lead to issues of amenity for new residents by way of noise from existing businesses. The proposed housing should not limit the operations of the existing businesses.**

Response: Environmental Services raised no objections to the proposed development subject to the submission and approval of a Noise Action Plan, including mitigation measures, prior to the commencement of development.

- d) **The submitted Acoustic Report is flawed in respect of assumptions of the normal operating hours of the existing businesses. Suggests that early operations are one off events rather than regular hours.**

Response: Environmental Services having considered the submitted acoustic report raised no objections to the proposed development subject to the submission and approval of a Noise Action Plan, including mitigation measures, prior to the commencement of development.

- e) **The site is identified in both the adopted South Lanarkshire Local Development Plan and the Proposed South Lanarkshire Local Development Plan 2 as a Development Framework Site. No Master Plan has been prepared for the wider site therefore the proposal prejudices the redevelopment of the adjoining sites and the wider area.**

Response: The application site formed part of a wider area the subject of a planning approval for a mixed use development on the former Hoover site. This site was identified specifically for development of a supermarket and as a result the adopted Local Development Plan identifies the land as part of Cambuslang town centre. The Proposed South Lanarkshire Local Development Plan 2 identifies the site along with other areas of land adjacent as a Development Framework site. This proposal has come forward and has been considered on its own merits. Overall it is not considered that the development of this land for housing would prejudice the objectives for the wider area.

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

6 Assessment and Conclusions

- 6.1 The applicants propose to develop the application site at Bridge Street in Cambuslang for 88 affordable housing units. 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 (SPP) highlights that development proposals which accord with up-to-date plans should be considered acceptable in principle. The site is identified within the adopted South Lanarkshire Local Development Plan as being within Cambuslang Town Centre where Policy 8 - Strategic and Town Centres applies. This states that a mixture of uses, including residential development, would be acceptable in these areas being compatible with the role of the Town Centre as a commercial and community focal point. The inclusion of the site within the town centre is based on the consent for the mixed use development on the former Hoover site which proposed a supermarket on the land. Those proposals have not been implemented and this alternative land use has come forward. Policy on town centre uses does indicate that residential development is an acceptable land use and therefore the principle of this proposal accords with Policy 8.

- 6.4 Policy 4 (Development Management and Placemaking) seeks to ensure that development takes account of and is integrated with the local context and built form. Proposals should have no significant adverse impacts on the local community and include where appropriate measures to enhance the environment. The site was formerly in industrial use and has lain vacant for a number of years which in turn is having an adverse impact on the amenity of the area. Its redevelopment of what is a prominent site would enhance the amenity and character of the area. The density of the proposed layout is considered acceptable while the scale of the proposed buildings is appropriate within the context of the surroundings. The proposed development is considered to be consistent with Policy 4 of the SDLLP and with the policy guidance set out within the associated Supplementary Guidance Development Management, Placemaking and Design. It also complies with the Residential Design Guide.
- 6.5 Policy 13 (Affordable Housing and Housing Choice) seeks to ensure the provision of a range of house size and types to give greater choice in meeting the needs of the local community. This proposal is to develop a range of residential units for social rent by Link Housing Association, a Registered Social Landlord RSL, to meet the needs for affordable Housing in the Cambuslang area. The site is included within the Strategic Housing Investment Plan (SHIP). The proposed development is considered to be consistent with Policy 13 of the SDLLP and with the policy guidance set out within the associated Supplementary Guidance Affordable Housing and Housing Choice.
- 6.6 With regard to road safety, Policy 16 - Travel and Transport - requires all new development proposals to consider the resulting impacts of traffic growth. The site has been fully assessed by Roads and Transportation Services who have offered no objections, subject to conditions. The proposal can therefore be considered acceptable in transportation terms.
- 6.7 In terms of Policy 2 – Climate Change and the associated supplementary guidance the site is in a sustainable location in relation to access to services and facilities in the town centre and public transport. The proposals would also involve the redevelopment of brownfield land. Given the site's location it is considered that the site can be appropriately serviced in terms of water and sewerage. No objections have been received from consultees in this regard. The site has been assessed by the Council's Flood Risk Management Team who are satisfied subject to a number of conditions in relation to the detailed submission and implementation of a Sustainable Drainage Design. The proposal is therefore acceptable when assessed against Policy 2 and the Sustainable Development and Climate Change SG.
- 6.8 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan. The site forms part of a larger area now identified as a Development Framework site. It is considered that this proposal in isolation would not prejudice the redevelopment of the other designated land. In all other respects policies in SLLDP2 are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposals accords with Policies 2, 5, 9, 12, 15, 16, SDCC2, SDCC3, DM1, DM15 and DM16 in the Proposed plan.

- 6.9 Three letters of representation were received in respect of the proposal, the grounds of which have been addressed in Section 5 above and do not merit refusal of the application. The requirements of the statutory consultees have been addressed through the use of conditions where appropriate.
- 6.10 In summary, it is considered that the redevelopment of a brownfield site for affordable housing close to Cambuslang town centre is appropriate in land use terms and that the proposal raises no significant environmental or infrastructure issues. Clearly, the positive redevelopment of this site to provide affordable housing in the Cambuslang area is very much welcomed. Following a full and detailed assessment of the proposed development, it is considered that the proposed development is in accordance with the South Lanarkshire Local Development Plan and associated Supplementary Guidance and the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and on that basis, it is recommended that planning permission is granted.

7 Reasons for Decision

- 7.1 The proposal complies with Policies 2, 4, 6, 10, 16 and 17 of the Adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance Development Management Place Making & Design and Sustainable Development. The proposal also complies with Policies 2, 5, 9, 12, 15, 16, SDCC2, SDCC3, DM1, DM15 and DM16 of the Proposed South Lanarkshire Local Development Plan 2.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

14 June 2018

Previous References

- ◆ Planning Consent CR/11/0248 (Planning Permission in Principle)
- ◆ Planning Consent CR/12/0149
- ◆ Planning Consent CR/12/0188

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Sustainable Development and Climate Change Supplementary Guidance (2015)
- ▶ Supplementary Guidance Affordable Housing and Housing Choice (2015)
- ▶ Proposed South Lanarkshire Local Development Plan 2 (2018)
- ▶ Neighbour notification letter dated 18/10/2017
- ▶ Pre-Application Notice CR/17/X0110/NEW

► Consultations

The Coal Authority - Planning and Local Authority Liaison Department	02/11/2017
Roads & Transportation Services (Flood Risk Management Section)	20/11/2017 07/06/2018
S.E.P.A. (West Region) & S.E.P.A. (West Region)(Flooding)	20/11/2017
Scottish Water	23/10/2017
Cambuslang Community Council	02/11/2017
Strathclyde Partnership for Transport	25/01/2018 20/02/2018
Building Standards Services (Cam/Ruth Area)	31/10/2017
Environmental Services	02/02/2018
Roads Development Management Team	08/06/2018
Housing – Planning Consultations	31/08/2017

► Representations

Representation from :	Gordon Mackenzie, Somervell Trading Estate, DATED 07/11/2017
Representation from:	Gordon Mackenzie, Somervell Trading Estate, DATED 19/02/2018
Representation from:	Ryden On Behalf Of Forrest Group., Dated 07/04/2018

Contact for Further Information

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

Morag Neill, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 3LB
Ext: 5053 Tel (01698 455053)
E-mail: morag.neill@southlanarkshire.gov.uk

CONDITIONS

- 1 Details of the phasing of the development shall be submitted to the Council for approval, and no work shall begin until the phasing scheme has been approved in writing. Following approval, the development shall be implemented in accordance with the approved scheme.

Reason: In order to retain effective planning control

- 2 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.

Reason: To ensure the protection and maintenance of the existing trees and other landscape features within the site.

- 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 trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

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

- 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.

Reason: In the interests of amenity.

- 5 That before any work commences on the site a scheme for the provision of equipped play area(s) within the application site shall be submitted to the Council as Planning Authority for written approval and this shall include :(a) details of the type and location of play equipment, seating and litter bins to be situated within the play area(s); (b) details of the surface treatment of the play area, including the location and type of safety surface to be installed; (c) details of the fences to be erected around the play area(s); and (d) details of the phasing of these works.

Reason: To ensure the provision of adequate play facilities within the site and in order to retain effective planning control

- 6 That prior to the completion or occupation of the 50th dwellinghouse within the development, all of the works required for the provision of equipped play area(s) included in the scheme approved under the terms of Condition 5 above, shall be completed, and thereafter, that area shall not be used for any purpose other than as an equipped play area.

Reason: In order to retain effective planning control

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

Reason: In the interests of amenity and in order to retain effective planning control.

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

Reason: These details have not been submitted or approved.

- 9 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 8 above, shall be erected and thereafter maintained to the satisfaction of the Council.

Reason: In order to retain effective planning control

- 10 That before development starts, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.

Reason: These details have not been submitted or approved.

- 11 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Amendment Order 2011 (or any such order revoking or re-enacting that order), no development shall take place within the curtilage of the application site other than that expressly authorised by this permission without the submission of a further planning application to the Council as Planning Authority.

Reason: In order to retain effective planning control

- 12 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.

Reason: To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is

achieved and to ensure that appropriate access is available to enable refuse collection.

- 13 Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

Reason: To minimize the risk of nuisance from dust to nearby occupants.

- 14 Prior to the completion and occupation of the first dwellinghouse the existing access to the site from Bridge Street shall be permanently closed to vehicular traffic and the ground within the area formerly occupied by the access shall thereafter be reinstated as a landscape area.

Reason: In the interest of public safety

- 15 That before the development hereby approved is completed or brought into use, a 2 metre wide footway shall be constructed along the frontage of the site on Somervell Street, to the specification of the Council as Roads and Planning Authority.

Reason: To ensure satisfactory vehicular and pedestrian access facilities to the dwellings.

- 16 That no dwellinghouse shall be occupied until the access roads and footpaths leading thereto from the existing public road have been constructed in accordance with the specification of the Council as Roads and Planning Authority.

Reason : In the interest of road safety

- 17 Development shall not commence until details of all surface finishes to parking bays, parking courts and curtilage parking areas has been submitted for the consideration and written approval of the Council as Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Council as Planning Authority.

Reason: These details have not been submitted or approved.

- 18 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.

Reason: In the interest of road safety

- 19 The surface of all parking areas and driveways shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the highway.

Reason: In the interest of public safety

- 20 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.

Reason : In order to retain effective planning control

- 21 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.

Reason: To ensure the provision of a satisfactory sewerage system

- 22 That no dwellinghouse shall be occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.

Reason: To ensure the provision of a satisfactory sewerage system

- 23 That no development shall commence until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the Sustainable Urban Drainage System design and outlet proposal is acceptable and that Scottish Water have agreed to vest the proposed SUDs device. Where this is not the case detailed drainage proposals, including the treatment of surface water, the location of the proposed treatment system and confirmation of the appropriate permissions from the adjacent landowner, shall be submitted to and approved by the Council as Planning Authority.

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

- 24 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required.

The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

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

- 25 That prior to the commencement of development on site, details of the provision of flood prevention works, together with subsequent management and maintenance arrangements shall be submitted to and approved by the Council as Planning Authority. The works will require to comply with the Council's Sustainable Drainage Design Criteria and requirements.

Reason: To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows, increased surface water run off and/or reduction of flood storage capacity.

- 26 That no dwelling unit shall be occupied until the flood prevention measures required under Condition 25 above have been completed in accordance with the approved scheme.

Reason: To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows, increased surface water run off and/or reduction of flood storage capacity.

- 27 That prior to the commencement of development on site, a Noise Action Plan shall be submitted to and approved by the Council as Planning Authority. The Noise Action Plan shall detail the specifications for the acoustic barrier and glazing and must demonstrate that external noise levels will not exceed 55dB LAeq 16h day time and 45dB LAeq 8h night time (free field) and internal levels will comply with WHO community noise guidelines/ BS8223:2014 to the satisfaction of the Council as Planning Authority.

Reason: To minimize noise disturbance to adjacent occupants.

- 28 The approved Noise Action Plan required under Condition 27 above shall be implemented prior to any dwelling being brought into use and where appropriate, shall be maintained in accordance with the approved plan to the satisfaction of the Council as Planning Authority.

Reason: To minimize noise disturbance to adjacent occupants.

- 29 (a) The applicant shall be required to undertake a comprehensive site investigation, carried out to the appropriate Phase level, to 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.

Reason: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

30 (a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.

(b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.

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

Reason: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

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

Reason: In the interests of traffic and public safety.

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

Reason: In the interests of traffic and public safety.

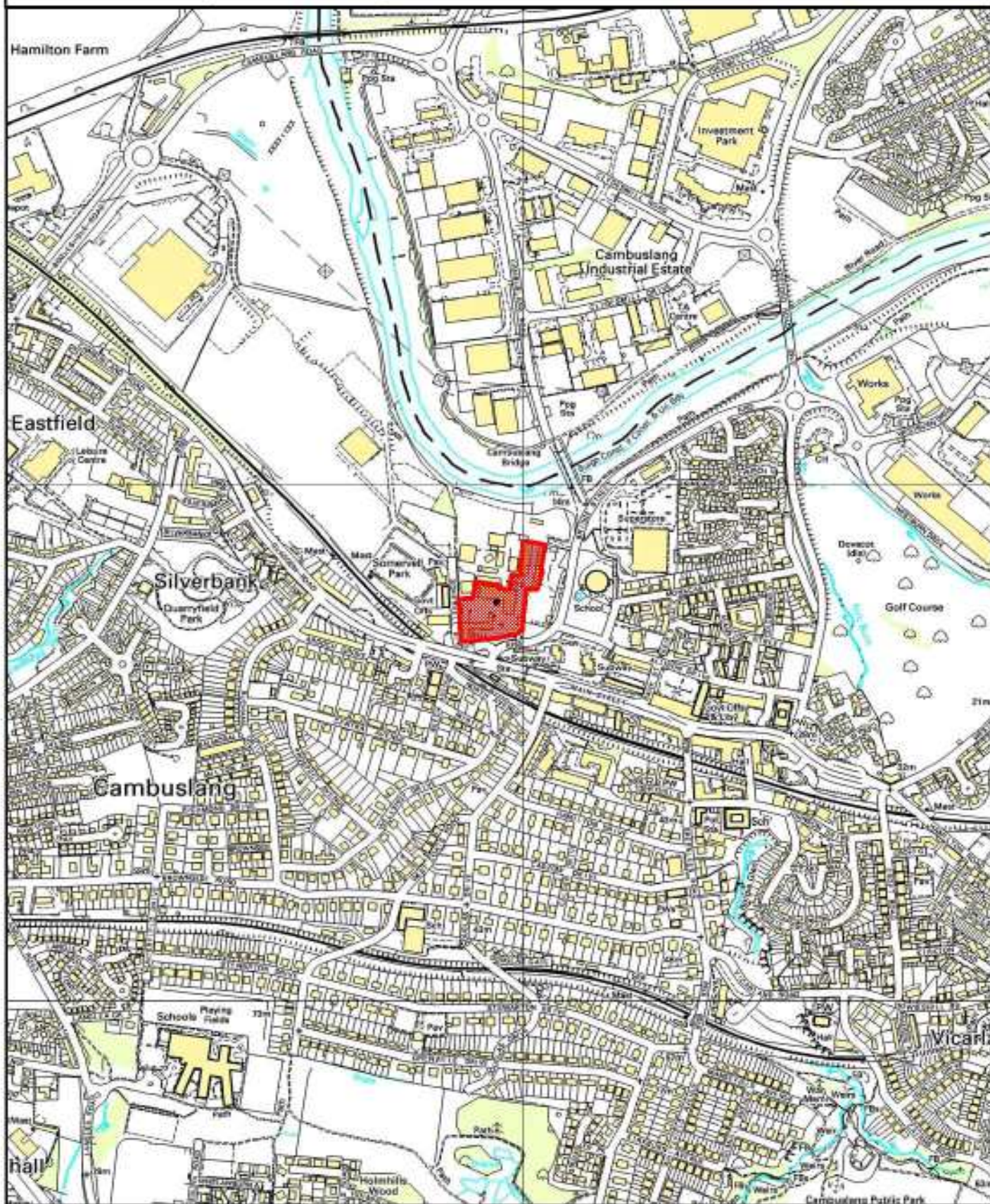
- 33 The developer must ensure at all times that no construction vehicles or staff vehicles are parked on Somervell Street or Bridge Street or surrounding public roads to the satisfaction of the Council as Planning Authority.
- Reason: In the interests of traffic and public safety.
- 34 That prior to the commencement of development on site the applicant shall provide details of the extent of the extension to the Traffic Regulation Order on Somervell Street encompassing the full vehicular visibility splays for the proposed access. Thereafter, the Council as Planning Authority shall promote the Traffic Regulation Order at the expense of the applicant.
- Reason: In the interests of traffic and public safety.
- 35 That before any of the dwellinghouses hereby approved are occupied, details of the proposed traffic calming measures 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 measures shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.
- Reason: In the interests of traffic and public safety.
- 36 The existing footway on Somervell Street, along the full frontage of the site, including kerbing, requires to be resurfaced by the applicant as required by and to the satisfaction of the Council as Planning Authority.
- Reason: In the interests of traffic and public safety.
- 37 That prior to the occupation of the first dwelling house hereby approved a Residential Travel Pack which shall include a plan highlighting walking and cycling connections from the site to existing infrastructure together with nearby bus stops (boarding and alighting), current bus service timetables, web link to Traveline Scotland and information on Strathclyde Partnership for Transport MyBus service shall be submitted to and approved by the Council as Planning Authority. Given the proximity to Cambuslang train station the Residential Travel Pack should include current timetables for rail services. Once approved the Residential Travel Pack shall be issued to all new residents on occupation of each dwelling house.
- Reason: In order to retain effective planning control
- 38 Prior to the commencement of development the Scheme of Intrusive Site Investigations as identified in the "Preliminary Mineshaft Investigations Report" (Ref P16/437-01/SS/PH Dated September 2017) shall be carried out, a Report and Scheme of Remedial Works shall be submitted to and approved in writing by the Council as Planning Authority.
- Reason: In order to retain effective planning control

- 39 The approved Scheme of Remedial Works required under Condition 38 above shall be implemented prior to any dwelling being brought into use and where appropriate, shall be maintained in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.

Reason: In order to retain effective planning control

CR/17/0195

Site Located Off Bridge Street, Cambuslang



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Date:
04/08/2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

11

Report to:	Planning Committee
Date of Meeting:	26 June 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/0478
Planning proposal:	Formation of 18 house plots together with associated access road

1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr Neil Pringle
Location:	Land Adjacent To Holm Road Crossford Carluke South Lanarkshire

2 Recommendation(s)

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

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

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) If planning consent is granted, the decision notice should be withheld until a financial contribution of £27,000 has been paid towards the provision of appropriate community facilities in the area.

This may take the form of a one-off payment or an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, being concluded between the Council, the applicants and the site owner(s).

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) If Committee is 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 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:**
 Policy 2 Climate change
 Policy 3 Green belt and rural area
 Policy 4 Development management and placemaking
 Policy 5 Community infrastructure Assessment
 Policy 14 Green network and green space
 Policy 15 Natural and historic environment
 Policy 17 Water environment and flooding
 Supplementary Guidance 1: Sustainable development and climate change
 Policy SDCC2 Flood risk
 Supplementary Guidance 9: Natural and historic environment
 Policy NHE 16 Landscape

 Strategic Development Plan: Schedule 14
 Strategic Scales of Development (Greenfield Housing)
 Strategic Development Plan: Diagram 10
 Assessment of Development Proposals
 Strategic Development Plan: Policy 8 Housing Land Requirement

◆ Representation(s):

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

◆ Consultation(s):

Community Services

The Coal Authority

United Clyde Angling Protection Association Ltd

Environmental Services

WOSAS

Scottish Water

SEPA West Region Flooding

Roads Development Management Team

Roads Flood Risk Management

Planning Application Report

1 Application Site

- 1.1 The application site (1.60 hectares) is situated on vacant agricultural land to the north of Crossford between the River Clyde and Holm Road. It is accessed at two points, one at the eastern end of Holm Road and the other at the western end. 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 and a residential estate). Two large ponds have been formed in the centre of the site and excavated soil from the pond has been used to raise the land around the ponds. There are several piles of stone and soil, containers and portacabins within the site and a track has been formed around the ponds. Most of the ground consists of bare soil although there are signs of vegetation regrowth on the pond banks. Topographically the site is relatively level.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the formation of 18 house plots located around the ponds and served by an access loop with two vehicular access points onto Holm Road. At the western end of Holm Road, the access utilises an existing access between recently completed dwellings which also serves a Scottish Water plant and from plots 1 – 13 the access road follows round the edge of the pond banks with the plots situated between the Rivers Nethan and Clyde and the proposed road. Plots 14-18 will be situated between the ponds and the access road which continues long the eastern boundary and thereafter joins the established access road serving the Clydegrove residential development (approval for 7 dwellings) which joins Holm Road at its eastern end. Details of the proposed house types have not been provided at this stage and would be subject of further applications.
- 2.2 As supporting information the applicant has submitted a Design and Access Statement and Flood Risk and SUDS Assessments.

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 **Strategic Development Plan**

- 3.2.1 In the Strategic Development Plan (SDP) Policy 8 Housing Land Requirement stipulates that Planning Authorities should allocate and identify housing sites as a means of meeting demand and ensuring an effective 5 year land supply. Shortfalls in housing supply can be addressed by granting planning permission subject to the character of the local area being respected and Green Belt objectives not being undermined. Schedule 14 Strategic Scales of Development clarifies development likely to impact on the SDP Vision and Spatial Development Strategy. For Greenfield housing this includes 10 or more units outwith the Community Growth Areas or sites outwith those identified in the Local Development Plan. Diagram 10 Assessment of Development Proposals sets out criteria that should be considered to justify departures from the SDP.

3.3 **Local Plan Status**

- 3.3.1 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.

3.4 **Planning History**

- 3.4.1 Planning application CL/17/0090 for the erection of a dwellinghouse in the northwest corner of the site at the confluence of the Nethan and Clyde 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. Planning Permission CL/17/0436 for an amended application at the same site was approved in February 2018 after referral to Scottish Ministers because of an outstanding objection from SEPA.

- 3.4.2 Other land in the applicant's 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 complete 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 complete.
- CL/17/0377 – Approval of matters specified by condition (following Planning Permission in Principle CL/17/0128) for a detached dwelling was granted in October 2017. This has now been completed.

- 3.4.3 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policies 2 'Climate Change', 4 'Green Belt and Rural Area', 5 'Development Management and Placemaking', 7 'Community Infrastructure assessment', 13 'Green network and greenspace', 14 'Natural and historic environment' 16 'Water environment and flooding' GBRA1 'Rural design and Development', DM1 'New Development Design' and SDCC2 'Flood Risk' are relevant.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Flood Risk Management Section)** – no objections subject to the provision of a Flood Risk Assessment and SUDS scheme.

Response: These matters can be covered by condition if consent is granted.

- 4.2 **Scottish Water** – There is currently sufficient capacity in the Daer Water Treatment Works. However, further investigations may be required to be carried out once a formal application to connect into the public water supply has been submitted. Scottish Water is unable to confirm capacity at the Crossford Waste Water Treatment Works and, therefore, a full appraisal will have to be undertaken. It should be noted that a combined sewer runs across the site which could result in restrictions.

Response: Noted. Conditions will be attached requiring confirmation from Scottish Water that connection to the public water and sewerage networks will be approved and that the developer will be responsible for the diversion of any infrastructure apparatus.

- 4.3 **United Clyde Angling Protective Association Ltd** – no objection as the proposal is no threat to salmon fishing in the River Nethan and the River Clyde.

Response: Noted.

- 4.4 **Community Services** – A financial contribution of £27,000 is requested for the improvement of community facilities in the area. This may be used for maintaining/upgrading the Clyde Walkway and the Nethan Walkway both of which are in close proximity to the site and will inevitably be used by new residents. Also nearby is the Smugglers Brig Road play area which although in a satisfactory condition could benefit from additional items.

Response: Any decision to grant permission will be subject of a requirement to make the requested payment.

4.5 **Environmental Services** – no objections.

Response: Noted.

4.6 **The Coal Authority** – awaiting response.

Response:

4.7 **SEPA** – The Flood Risk Assessment (FRA) is based on a previously reviewed model however it remains un-calibrated with inherent model uncertainties. The FRA only considers the development of one additional plot at the site whereas the development is for 18 plots. Since the FRA was updated (December 2017) SEPA are aware of high river levels being recorded on the River Nethan in January 2018. These levels were recorded at the SEPA's river gauging station on the River Nethan at Kirkmuirhill upstream of the development site. In addition it is unclear whether the FRA takes into account changes arising from the re-engineering of the River Nethan channel. The modifications to the river channel could also influence the conclusions of the FRA. In the interim period some post event analysis suggests this was not an extreme event but rather a fairly commonplace 1 in 2 year return. The FRA submitted for the site does not take into account the outcomes of the January 2018 storm event. The loss of plain storage associated with previous development at the site is factors which have increased the potential flood risk upstream. There is concern that floodplain conveyance will be affected by the existing and proposed development particularly given the higher upstream water levels in the River Clyde relative to the existing site levels. The proposed dwellings will have an increased impact on the flow conveyance conditions post development. They also advise that the development site is located in a catchment area that is relatively sensitive to potential climate change influences and in this regard future higher climate changes are potentially forecast for this area leading to increased concerns with regards flood risk. For these reasons SEPA object as the site is at flood risk and could potentially further increase flood risk elsewhere.

Response: The Flood Risk Assessment, dated April 2018, is substantially the same as previous flood risk assessments produced for this development. As previous FRAs demonstrated, the development site lies outwith the functional floodplain (the 1:200yr storm event). As per Council Guidelines, 20% allowances for projected impacts of climate change have been included in the hydraulic modelling. To take account for any inaccuracies in the hydraulic model, a 1m freeboard above the predicted flood levels has been incorporated in the proposed finished floor levels for the development in accordance with Council guidelines. The development complies with the Council's flood risk requirements, e.g is outwith the functional floodplain and the finished floor levels are at least 1m above the high water level of the 1:200yr + climate change critical storm event.

SEPA have made reference to the high water level which occurred on 23 January 2018 and have assessed this as a fairly commonplace 1:2yr flood event. The Flood Unit disagree with this opinion and have asked SEPA to review their comments based on the following information;

1. Heavy rainfall, combined with a widespread rapid snowmelt, caused flooding to many locations across the Council area on that date.
2. As well as other flooding incidents, the River Clyde rose to inundate properties and infrastructure at Rosebank on that date.
3. From their observations of flooding incidents across the whole Council area on this date, they suggest that this was a much higher return period event.

The SEPA objection raises previous concerns over loss of floodplain storage and backwater effect on upstream River Clyde. These concerns relate to the land-raising activities which have occurred on this site in previous years. This land-raising was carried out under Permitted Development Rights, and previous developments have

been referred to the Scottish Government Reporter for review, therefore, these concerns have been assessed and overturned in the past, so have no bearing on the assessment of the current development.

Previous decisions from the Reporter have confirmed that the land-raising at this location was carried out lawfully, so SEPA's comments relating to loss of floodplain storage and backwater effects cannot be considered at this time. The references to the January 2018 water levels, and impact of this event upon the accuracy of the hydraulic model, require to be reviewed by SEPA as it is considered the statements do not reflect the actual flood event which took place.

- 4.8 **Roads and Transportation Development Management Team** – raised no objection subject to conditions.

Response: Noted.

5 Representation(s)

- 5.1 In response to the carrying out of neighbour notification and the advertisement of the application in the local press as Development Contrary to the Development Plan and for the non-notification of neighbours, one letter of objection and one letter of support was received. The issues raised are summarised below:

a) Delighted by the plan and if it's as good as previous development carried out at the site it can only enhance the area. Quality houses are preferable to an overgrown field.

Response: Noted.

b) Increase in traffic along Holm Road will compromise public safety.

Response: Roads and Transportation Services were consulted on the proposal and have not raised any road safety concerns.

- 5.2 These letters has 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 18 house plots situated on vacant agricultural land between Holm Road and the River Clyde. The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan (and associated Supplementary Guidance), the Strategic Development Plan (2018) and national planning policy with particular reference to its impact on flood risk, amenity and road safety.

- 6.2 In the Strategic Development Plan (SDP) Policy 8 Housing Land Requirement stipulate that Planning Authorities should allocate and identify housing sites as a means of meeting demand and ensuring an effective 5 year land supply. Shortfalls in housing supply can be addressed by granting planning permission subject to the character of the local area being respected and Green Belt objectives not being undermined. Although the development is not required to meet a shortfall in housing supply an assessment has concluded that the objectives of the Greenbelt would not be compromised (see para 6.4 below). As the proposal exceeds 10 dwellings in a Greenfield location which has not been identified in the Local Plan for housing, in accordance with Schedule 14 Strategic Scales of Development it is deemed to be a development which could potentially impact on the SDP Vision and Spatial Development Strategy. Diagram 10 Assessment of Development Proposals sets out

criteria that need to be considered along with any other material considerations to justify departures from the SDP.

These criteria are as follows:

- makes a significant contribution to sustainable development;
- provides significant net economic benefit;
- responds to economic issues, challenges and opportunities, including the protection of jobs or the creation of a significant number of net additional permanent jobs to the city region;
- meets a specific locational need;
- protects, enhances and promotes natural and cultural heritage, including green infrastructure, landscape and wider environment;
- improves health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation; and,
- supports the provision of digital connectivity in new developments and rural areas.

The proposal relates to a semi-derelict site with piles of earth and stone which detracts from the setting and character of Crossford. The ponds, an attractive feature, in the centre of the site, will be enhanced by additional landscaping which will be subject of a maintenance schedule. The footpath around the pond will allow local residents to enjoy this feature and observe wildlife attracted to it thereby contributing to informal recreation and biodiversity. It is unlikely the site can be re-used for useful and productive agricultural purposes again and there are no obvious suitable, alternative uses other than houses that can be successfully integrated with the urban backdrop to the south. By extending Crossford to the River Clyde a more robust and definable boundary will be created. In view of this I consider the development to be an acceptable departure from the Strategic Development Plan.

- 6.3 In the South Lanarkshire Local Development Plan, the application site is located within the Green Belt where Policy 3 - Green Belt and Rural Area applies. This advises that development which does not require to be located in the countryside will be expected to be accommodated within the settlements, other than in a number of circumstances. These include instances where there is a specific locational requirement or established need for a proposal; the proposal involves the redevelopment of derelict or redundant land or buildings where environmental improvement can be shown; the proposal involves the conversion of traditional buildings; or the proposals is for limited development within identifiable infill or gap sites and existing building groups. Supplementary Guidance on the Green Belt and Rural Area goes on to provide detailed guidance on these types of development in order to determine if a proposal is appropriate in the context of a Green Belt location. The proposal has been carefully assessed against the policy and guidance and, while there are elements that accord with some of the criteria (which are explored below), it does not fully comply with the local development or the SG. As a result, the proposed development in land use terms is contrary to the development plan.
- 6.4 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.

- 6.5 The key considerations in determining the proposal is whether a departure from Local Plan policy can be justified. The application site is located at the settlement edge of Crossford. 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 has defensible boundaries marked by the Rivers Clyde and Nethan and therefore there is no potential for the inappropriate merging of settlements to occur. 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 applicant's 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.
- 6.6 A further key issue in determining the application is the impact of the proposal 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 SEPA have objected on grounds that the model used for the Flood Risk assessment needs to be re-calibrated taking account of recent data findings from a storm event in January 2018 which they consider to be only a 1 in 2 year event. High river levels in the Nethan could be attributable to bank engineering along the Nethan and land raising. As storm events could result in higher flood levels than originally anticipated the proposed dwellings on the site could now be threatened by flooding and cause the displacement of the flood risk. The Council Flood Unit dispute these findings as their observations of flooding incidents across the whole Council area suggest that the January storm event was a much higher return period event than 1 in 2 years. Landraising on the site was undertaken through permitted development rights for agricultural operations and, therefore, is not a relevant matter in the assessment of the proposal. 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 and that the proposed development will not exacerbate flooding. Notwithstanding SEPA's response it is concluded that the proposals accord with planning policy on flood risk.
- 6.8 The proposed development has also been considered against Policy 4 Development Management & Place Making and associated Supplementary Guidance which requires development proposals to take account of and be integrated with the local context and built form. Proposals should not have a significant adverse impact on the local area and address the six qualities of placemaking. These matters are more properly dealt with at the further application stage however; the development of the site for a housing development of the size and scale proposed would respect the local character of the area. A condition would be attached to the consent to ensure the submission of a Design Brief to justify the chosen house types and design and set parameters and guidelines for the future development of the site.

- 6.9 Policy 5 - Community Infrastructure Assessment states that where development proposals would require capital or other works or facilities to enable the development to proceed, financial contributions towards their implementation will be required. These contributions will be appropriately assessed and developers will be required to ensure transparency in the financial viability of a development. In compliance with this the applicant has agreed to make financial contributions towards community facilities of £1500 per dwelling amounting to £27,000. The scale of development does not exceed thresholds in the policy that would require the making of a contribution towards education provision and affordable housing.
- 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 incorporate a large pond which benefits wildlife and has added to the amenity value of the greenspace. Therefore the proposal will not compromise the policy objectives.
- 6.11 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 and as a condition if planning permission is granted an updated survey shall be carried out prior to the commencement of development.
- 6.12 Following an assessment of the application it is concluded that the proposals do not accord with the adopted Local Development Plan. Section 25 of the Town and Country Planning (Scotland) Act 1997 does however allow for exceptions to be made to policy where other material considerations outweigh the provisions of the development plan. In this case, the applicant has demonstrated that a housing development can be integrated without impact upon residential amenity, the character of the area and the environment and will facilitate the provision of a more robust settlement edge. It is considered that an exception to local plan policy has been demonstrated for the following reasons:
- (i) The objectives of Scottish Planning Policy in terms of the purposes of the Green Belt would not be compromised
 - (ii) The proposal will enable the rounding off of the settlement edge and the creation of a robust and defensible boundary.
 - (iii) The scale of the development will not have an adverse impact on the character of the area
 - (iv) The established ponds have enhanced the landscape character and amenity of the area.
 - (v) The proposed dwellings will be located around the established ponds which will form a central focal point and feature enabling visual integration.
 - (vi) There would be no adverse impact on residential or visual amenity; infrastructure; or biodiversity.

It is therefore 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 Councils 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 For the reasons set out in 6.12 above.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

15 June 2018

Previous references

- ◆ Planning Permission CL/17/0436

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Neighbour notification letter dated 8 May 2018

- ▶ Consultations
 - Community Services 29.05.2018
 - The Coal Authority Planning And Local Authority Liaison Dept
 - United Clyde Angling Protection Association Ltd 22.05.2018
 - Environmental Services 29.05.2018
 - WOSAS 30.05.2018
 - Scottish Water 14.05.2018
 - SEPA West Region Flooding 31.05.2018
 - Roads Development Management Team
 - Roads Flood Risk Management 21.05.2018

Representations

Stuart Fleming, 25 Holmwood Park, Crossford, Carluke, 25.05.2018
South Lanarkshire, ML8 5SZ

Mr Thomas Pollok, 33 Holm Road, Crossford, Carluke, ML8 10.05.2018
5RG 10.05.2018

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)

Email: ian.hamilton@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/18/0478

Conditions and reasons

01. That further applications shall be submitted to the Council as Planning Authority for the erection of individual dwellinghouses on the plots hereby approved, together with the requisite detailed plans and such plans shall include:-
- (a) Plans, sections and elevations of the proposed building together with the colour and type of materials to be used externally on walls and roof;
 - (b) Sections through the site, existing and proposed ground levels and finished floor levels;
 - (c) Detailed layout of the site as a whole including, where necessary, provision for car parking, details of access and details of all fences, walls, hedges or other boundary treatments; and,
 - (d) Existing trees to be retained and planting to be carried out within the site; and no work on the site shall be commenced until the permission of the Council as Planning Authority has been granted for the proposals, or such other proposals as may be acceptable.

Reason: To ensure that these matters are given full consideration.

02. That the further application(s) required under the terms of Condition 1, shall make reference to and incorporate the criteria specified within the approved South Lanarkshire Council 'Residential Design Guide'.

Reason: In the interests of amenity and to ensure that the Council's key residential design standards are met.

03. That before any of the further applications required under the terms of Condition 1 above are submitted a Design Statement and Design Brief which shall set out the design principles, justify the design solution and show how the proposal responds to the wider context of the area as well as the characteristics of the site shall be submitted for the consideration and approval of the Council as Planning Authority. All of the applications submitted under condition 1 shall accord with the approved documents.

Reason: To provide an explanation of the design concept and to enable a greater understanding of the proposal.

04. That the further application required under the terms of Condition 1, shall be accompanied by a Design Statement which shall set out the design principles, justify the design solution and show how the proposal responds to the wider context of the area as well as the characteristics of the site.

Reason: To provide an explanation of the design concept and to enable a greater understanding of the proposal.

05. That before any work commences on the site, a scheme of landscaping for the area shaded green on the approved plans shall be submitted to the Council as Planning Authority for written approval and it shall include:
- a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development;

- b) details and specification of all trees, shrubs, grass mix, etc. including, where appropriate, the planting of fruit/apple trees;
- c) details of any top-soiling or other treatment to the ground;
- d) sections and other necessary details of any mounding, earthworks and hard landscaping;
- e) proposals for the initial and future maintenance of the landscaped areas;
- f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

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

06. That proposals for the maintenance of all areas of open space including the established ponds within the development shall be submitted to the Council as Planning Authority and no work on the site shall be commenced until the permission of the Council has been granted for these proposals or such other proposals as may be acceptable. Thereafter the open space and ponds shall be maintained in accordance with the approved maintenance scheme.

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

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

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

08. That no dwellinghouse shall 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.

Reason: To ensure that the development is served by an appropriate effluent disposal system and water supply.

09. 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 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.

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

10. 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.

Reason: In order to retain effective planning control.

11. That before any works commences on site and within 6 months of the date of the approval a protected species survey and assessment report shall be submitted to and approved by the Council in consultation with SNH. All mitigation measures in the approved report shall be fully complied with.

Reason: In order to ensure the protection of the specified species.

12. The development shall adhere to recommendations outlined in para 4.2 of the Flood Risk Assessment (Terrenus, 16 April 2016) and letter from Terrenus, dated 05 June 2018, in particular that the final floor levels for Plots 11-18 shall be 48.8m OD and for Plots 1-10 48.4m OD and that the access road serving the approved plots shall be formed at a level of 48.0m OD.

Reason: To achieve a flood risk freeboard of 1.0 metres above the peak 1:200 years plus climate change water level.

13. That before the development hereby approved is completed or brought into use, a visibility splays of 2.4 metres by 43 metres measured from the road channel shall be provided at the junctions with Holm Road and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

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

Reason: In the interests of traffic and public safety.

15. Prior to the commencement of development on site a traffic management plan, detailing the compound, staff contractor car parking, wheel washing facilities, driveway area and access location, shall be submitted to and approved by the the Council as Planning and Roads Authority.

Reason: In the interests of public safety.

16. The prior to the commencement of development a dilapidation survey shall be undertaken and submitted to the Council as Planning and Roads Authority and any defect identified during the construction period which had not been identified at the time of the dilapidation survey shall be the responsibility of the developer to repair.

Reason: In the interests of traffic safety.

17. That before the dwellinghouses hereby approved are occupied, a drainage system capable of preventing any flow of water from the site onto the public road or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.

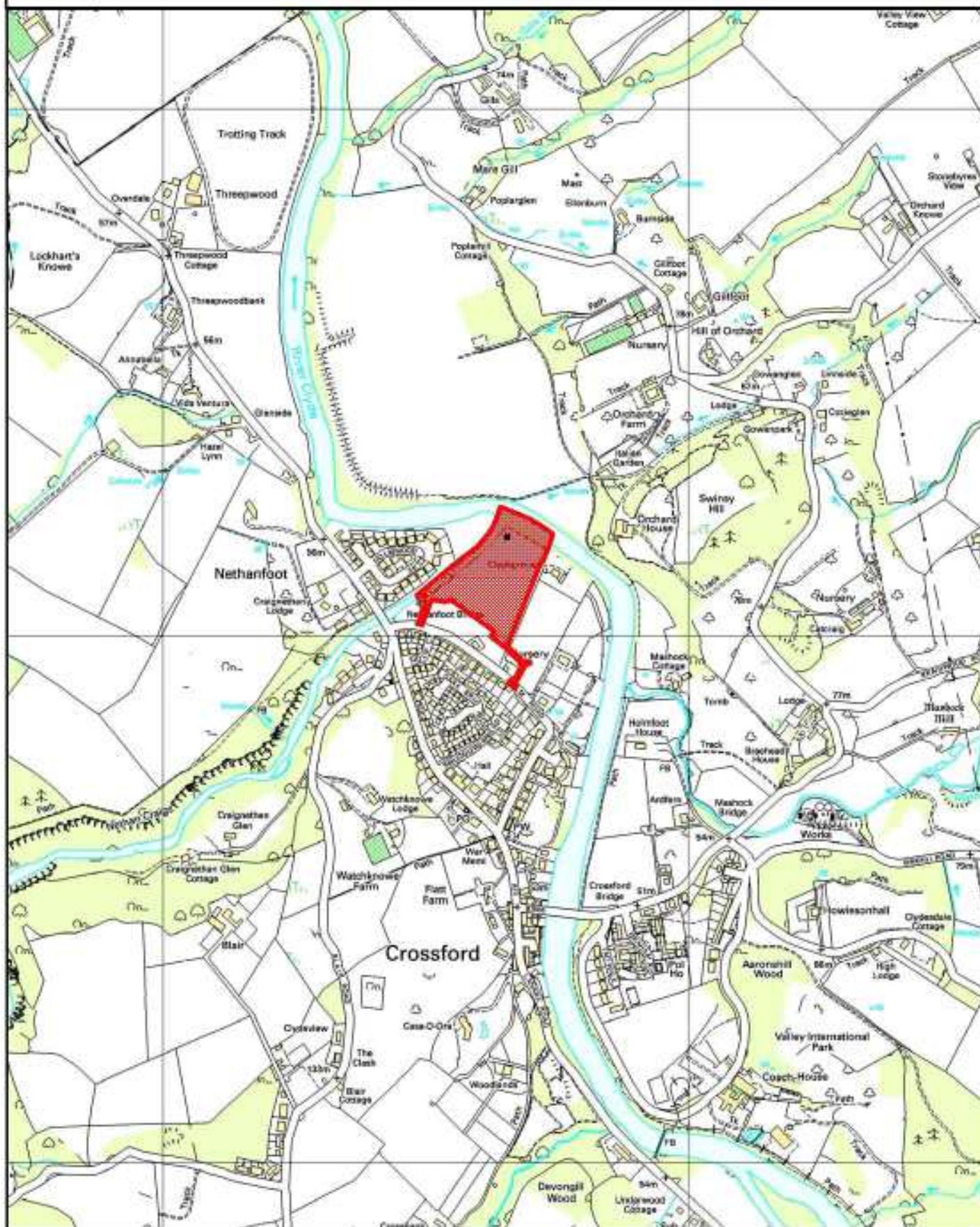
Reason: To ensure the provision of a satisfactory drainage system.

18. That prior to the commencement of development on site a Coal Risk Assessment shall be submitted to and approved by the Council as Planning Authority in consultation with the Coal Authority.

Reason: To ensure mineral stability and that the ground is suitable for residential development.

P/18/0478

Land Adjacent To Holm Road, Crossford, Carlisle



Report

12

Report to:	Planning Committee
Date of Meeting:	26 June 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	CL/18/0041
Planning proposal:	Erection of 12 semi-detached two storey dwellings and 2 single storey bungalows

1 Summary application information

Application type: Detailed planning application

Applicant: Castlebank Homes Ltd
Location: Heathland Terrace
Forth

2 Recommendation(s)

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

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

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) The applicant has submitted a financial contribution of £21,000 towards the improvement of leisure and recreational facilities within the locality of the application site.

3 Other information

- ♦ Applicant's Agent: Assist Design Ltd
- ♦ Council Area/Ward: 02 Clydesdale North
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan:**

Policy 2 Climate change
Policy 4 Development management and placemaking
Policy 5 Community infrastructure assessment
Policy 6 General urban area/settlements
Policy DM13 Development within general urban area/settlement

Supplementary Guidance 3: Development Management, Placemaking and Design

Development management, placemaking and

design supplementary guidance (2015)

**Sustainable Development and Climate Change
supplementary guidance**

**Community Infrastructure Assessment
supplementary guidance**

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Roads and Transportation Flood Risk Management Section

The Coal Authority Planning

Planning Application Report

1 Application Site

- 1.1 The application site, extending to approximately 0.52 hectares, is located within the settlement boundary of Forth. The site relates to vacant ground to the east of Main Street. The site was previously cleared of former housing and lock up garages. The topography is relatively level, and there is no notable landscaping within the site.
- 1.2 The surrounding area is residential in nature and comprises modern two storey semi-detached and four in a block properties, with a number of single storey houses along Reid Street on the southern boundary of the site. The site is bounded by vacant land on Skylaw Terrace to the east. A range of local shops and services are located in close proximity to the west of the site along Main Street as well Forth Primary School and sports and community centre. Adjoining the north-west corner of the site is an existing vehicle sales business and external yard. Heathland Terrace is an existing public road which provides vehicular access in to the site, and adjoins Reid Street to the south.

2 Proposal(s)

- 2.1 The proposal involves the erection of 14 dwellinghouses with associated road works. The proposal involves 12No. 2 storey semi-detached dwellings and 2No. bungalows. The site will be accessed via an existing access point off of Heathland Terrace which adjoins Reid Street to the south.
- 2.2 The design and layout of the houses reflect a modern suburban form with side driveways and front and back gardens. Each house will accommodate 3 bedrooms and living space. The houses are of modern design, and will use a mixture of brick and render materials on the front elevations, with concrete roof tiles.
- 2.3 There is no communal open space within the site, however, the applicant has agreed to provide a financial contribution towards the improvement of existing leisure and recreational facilities within the locality in lieu of on-site provision.

3 Background

3.1 Local Plan Status

- 3.1.1 The adopted South Lanarkshire Local Development Plan (SLLDP) identifies the site as being located within the settlement boundary of Forth where Policy 6 - General urban area/settlements applies. Other relevant policies in the assessment of this application are: Policy 2 - Climate Change and Policy 4 - Development Management and Placemaking, together with Supplementary Guidance on Sustainable Development and Climate Change and Development Management, Placemaking and Design. The content of the above policies and how they relate to the proposal is addressed in detail in Section 6 of this report.
- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policies 2, 3, 5 and 7 of Volume 1 and Policies SDCC1, DM1 of Volume 2 are relevant.

- 3.1.3 The development meets the criteria where a financial contribution towards leisure and recreational facilities is required.
- 3.1.4 The Council's Residential Design Guide recommends that rear gardens for each individual dwelling should have a depth of 10m and a useable area of 70m², and a 2m gap between the side gable and side boundary should be maintained. Also to protect privacy, the minimum distance between windows of directly facing habitable rooms should be no less than 20m. In addition adequate parking provision for each dwelling should be provided in accordance with Roads and Transportation standards.

3.2 **Relevant Government Advice/Policy**

- 3.2.1 SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and focus on the delivery of allocated sites. Planning should take every opportunity to create high quality places and direct development to the right places.

3.3 **Planning History**

- 3.3.1 Planning application CL/07/0233 for the erection of 22 dwellinghouses and associated road works on land which included the application site, and land fronting on to Skylaw Terrace, was approved at Planning Committee on 19 June 2007. The decision notice was withheld until the payment of a financial contribution towards leisure and recreation facilities was received. Subsequently, no payment was received and the application was later withdrawn and no consent was issued.

4 **Consultation(s)**

- 4.1 **Roads and Transportation Services** – do not object to this proposal subject to detailed requirements regarding parking provision, footpath provision and Roads Construction Consent (RCC) being obtained by the applicant.

Response: Noted. If consent is granted, conditions would be attached to safeguard these matters. In addition, an informative would be attached to make the applicant aware of the need to obtain construction consent before any work on site commences.

- 4.2 **Environmental Services** – do not object to this proposal. They recommend that internal noise conditions are attached to protect the interests of the house owners and the existing businesses neighbouring the site.

Response: Noted. If consent is granted, conditions would be attached to safeguard these matters.

- 4.3 **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.

- 4.4 **The Coal Authority** – is satisfied with the Coal Mining Risk Assessment submitted by the applicant. The Coal Authority does not object to this application subject to any consent granted being conditioned to ensure that the site investigations and any necessary remedial measures are carried out.
Response: Noted. Should consent be granted then conditions will be attached to address the above requirements.

5 Representation(s)

- 5.1 In response to statutory neighbour notification being carried out and the advertisement of the application in the local press for non-notification of neighbours, 3 letters of representation have been received. The grounds of objection are summarised as follows:

- a) **The construction phase will create noise, disruption, safety, security and dust issues to existing neighbouring properties.**

Response: It is the responsibility of the developer to ensure that the site is safe and secure – this is not a material consideration in the assessment of this application. It is acknowledged that there will be an element of disturbance during the temporary construction phase, however, informatives will be added to any consent issued advising the applicant of the hours for audible construction activities as set out in Environmental Services' legislation.

- b) **The services and facilities in Forth are declining and the Council should invest in amenities and not just private housing.**

Response: It should be noted that the Council does not own the site and is not involved in the development proposal. The applicant has submitted a financial contribution towards the upgrading of leisure and recreational facilities within the locality of Forth. The development of the site will visually improve the local area by removing a vacant site of low quality amenity. The proposal is considered a positive benefit to the settlement of Forth.

- c) **The proposed housing will create overlooking and light pollution to neighbouring properties.**

Response: The residential use is compatible with the neighbouring houses, and by its very nature is not considered a form of development that would create light pollution to the extent of being a nuisance. It is not considered that the proposed houses will create overlooking issues, and all of the two storey houses meet the desired window to window distance of 20m between directly facing windows. The two bungalows proposed have a window to window distance of between 12-15m between existing bungalows on Reid Street. It is not considered that this is an issue as the 1.8m boundary fence proposed will provide sufficient screening.

- d) **It is not clear if the houses will be for private sale or buy to let.**

Response: This is not a material consideration in the assessment of this application.

- e) **It is not clear if there will be a public meeting about the layout and plans for construction.**

Response: There is no requirement for a public meeting to be carried out. Statutory neighbour notification has been carried out and this provides members of the public the opportunity to view the proposed plans and make representation as necessary.

- f) **There is an existing flooding issue created by a damaged pipe within the application site. This should be fixed as part of the development construction.**

Response: It should be noted that any existing issue arising from flooding due to damaged infrastructure is a private legal matter between the relevant parties. However, should consent be granted, a condition will be attached to ensure the developer submits a drainage assessment and details of a SUDS system to be implemented within the site. This would ensure that the development does not create flooding to existing or proposed properties.

- g) **The area of ground off of Skylaw Terrace is not being developed – this is disappointing due to the fly tipping that occurs in this area of land. Maybe the developers could secure this area by erecting fencing around it.**

Response: This area of land does not form part of the application site and there is no requirement to fence it off. Instances of fly tipping can be reported via the Council's website for action to be taken.

- 5.1.3 There are supporting comments from two representees welcoming the land being developed for housing.

- 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 erection of 12 semi-detached two storey dwellings and 2 single storey bungalows on land off of Heathland Terrace, Forth. The main issues in determining this application are its compliance with local plan policy, road safety, and its impact on the residential and visual amenity on the surrounding area.

- 6.2 The application site is located within the settlement boundary of Forth as identified in the adopted SLLDP. Policies 6 - General Urban/Settlements and Policy 4 - Development Management and Place Making, together with the Development Management and Placemaking Supplementary Guidance of the adopted local development plan supports residential developments where they do not have a significant adverse effect on the amenity of the area. In addition, any new development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use. The character and amenity of the area must not be impaired by reason of traffic generation, parking, overshadowing, overlooking or visual intrusion.

- 6.3 The proposal relates to a new housing development on a Brownfield site within the settlement boundary, where the principle of residential development is acceptable in land use terms. In addition, it would make efficient use of a vacant site of low amenity value, and would contribute positively towards improving the visual amenity of the area. The development would provide good quality housing in terms of materials, design, scale and siting.

- 6.4 The housing layout complies with the Council's Design Guide in terms of achieving the required window to window distance of 20m on all proposed dwellings except for the two single storey bungalows. These bungalows would have a minimum of 12-15m window to window distance with neighbouring properties along Reid Street. Given the single storey nature of the properties, it is considered that the proposed 1.8m boundary fence will provide sufficient screening to prevent overlooking issues. The proposal also meets the required 4 metre minimum distance between the side gables

of neighbouring dwellings and guidance on provision of useable garden ground. Each dwelling has sufficient car parking of 2 spaces per plot accommodated within side driveways.

- 6.5 Although no open amenity space is provided, it is considered that in this instance a condition would be attached to ensure that the development remained open plan to the front of the dwellings to ensure the development created a sense of space and openness. The applicant has submitted a financial contribution towards the improvement of existing leisure and recreational facilities within the locality in lieu of on-site provision.
- 6.6 Policy 2 Climate Change seeks to minimise and mitigate against the effects of climate change by considering criteria, including being sustainably located. The site is sustainably located within the settlement boundary of Forth and is closely located to bus routes and nearby shops and services. The proposal makes use of a vacant brownfield site. There are no infrastructure constraints. In consideration the proposals would not undermine the objectives of the policy.
- 6.7 On 29 May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposals accords with Policies 2, 3, 5 and 7 of Volume 1 and Policies SDCC1, DM1 of Volume 2 in the Proposed plan.
- 6.8 I am satisfied that the proposal is an appropriate development for the site and complies with local development plan policy and will significantly improve the amenity and appearance of the surrounding residential area. I would, therefore, recommend that planning consent be granted subject to the attached conditions.

7 Reasons for Decision

- 7.1 The proposal is an acceptable form of development for the site and would contribute positively to the visual amenity of the surrounding residential area. The proposal complies with Policies 2, 4, 5 and 6 of the adopted South Lanarkshire Local Development Plan together with the associated Supplementary Guidance.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

15 June 2018

Previous references

- ♦ CL/07/0233

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted) and supplementary guidance
- ▶ Neighbour notification letter dated 22 January 2018
Lanark Gazette advertisement 7 February 2018

- ▶ Consultations
 - Roads Development Management Team 08.03.2018
 - Environmental Services 25.04.2018
 - R & T Flood Risk Management Section 09.04.2018
 - The Coal Authority

- ▶ Representations
 - Maureen Healy, 92 Main Street, Forth, ML11 8AB Dated: 05.03.2018
 - Isobel Gray, 05.03.2018
 - Mr Colin Thomson, 05.03.2018

Contact for further information

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

Pamela McMorran, Planning Officer
Ext: 5170 Phone (01698 455170)
Email: pamela.mcmorran@southlanarkshire.gov.uk

Conditions and reasons

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.

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

2. 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, other than those approved by this consent.

Reason: To safeguard the residential amenity of the area.

3. That prior to development commencing on site, the specification of trees to be planted as shown on the approved block plan shall be submitted to the Council as Planning Authority.

Reason: In the interest of amenity

4. That the approved trees shall be planted to the satisfaction of the Council as Planning Authority during the first available planting season following completion of the development hereby approved, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

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

5. The internal noise levels of the dwellinghouses hereby approved shall comply with BS 8233:2014 Guidance on sound insulation and noise reduction for buildings as follows-
Part 1
 - a) the internal levels with windows open (or under exceptional circumstances closed) do not exceed an LAeq,16hr of 40dB daytime (07:00 - 23:00)
 - b) the internal levels with windows open (or under exceptional circumstances closed) do not exceed an LAeq,8hr of 30dB night-time (23:00 - 07:00).
 - c) the internal levels with windows open (or under exceptional circumstances closed) do not exceed an LA,max of 45dB night-time (23:00 - 07:00).
 - d) The external levels shall not exceed an LAeq,16hr of 50dB daytime in any garden areas, when measured free-field

Part 2

The Internal Noise Rating Values shall not exceed-

- NR25 between 23.00hrs and 08.00hrs
- NR35 between 08.00hrs and 23.00hrs

Reason: The dwellings are in close proximity to an existing business.

6. That prior to any work starting on site, a Drainage Assessment in accordance with the Council's SUDS Design Criteria Guidance Note shall be submitted to and approved in writing by the Council as Planning and Roads Authority.

Reason: To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.

7. 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 1, 2, 3, and 5 as required. These appendices shall be signed off by the relevant parties with these parties providing a copy of the professional indemnity insurance. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

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

8. That all of the driveways and car parking spaces for each dwellinghouse as shown on the approved plans shall be provided and thereafter maintained to the satisfaction of the Council as Roads and Planning Authority.

Reason: To provide sufficient car parking.

9. That no dwellinghouse shall be occupied until the access roads and footpaths leading thereto from the existing public road have been constructed in accordance with the specification of the Council as Roads and Planning Authority.

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

10. That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence for which the permission of the Council as Planning Authority has been obtained under the plans hereby approved shall be erected and thereafter maintained to the satisfaction of the Council.

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

11. The surface of each driveway shall be so trapped, and finished in hardstanding for the first 2m along its width, as to prevent any surface water or deleterious material from running onto or entering the road.

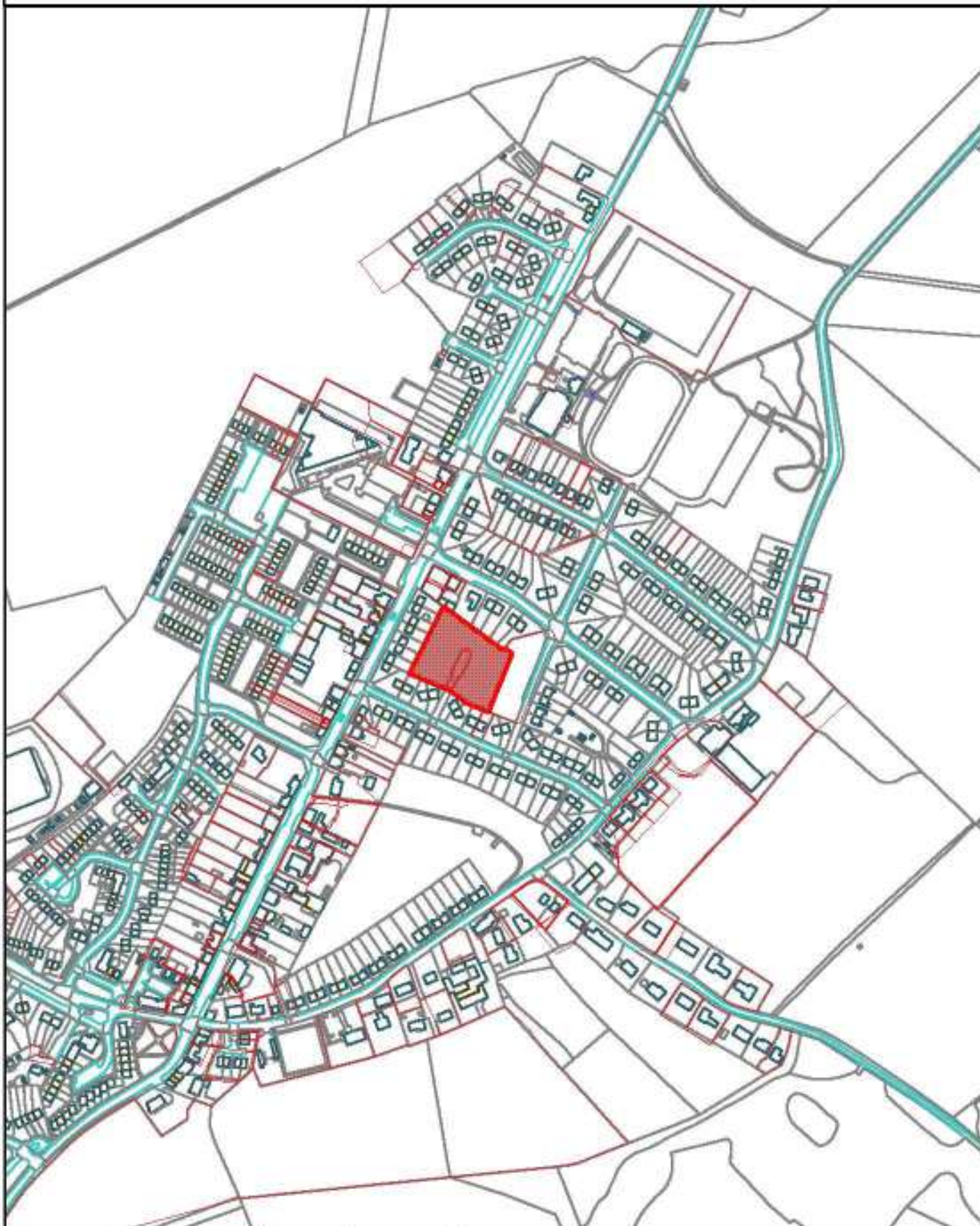
Reason: In the interests of traffic safety and to prevent deleterious material entering the road.

12. The remediation, investigation and other measures specified in the submitted Coal Risk Assessment (dated August 2017, prepared by JPB Ltd) must be implemented prior to the commencement of development except for works which are designed to ensure public safety as part of an on-going programme of works prior to the development. Following the completion of the measures and works set out in the Coal Risk Assessment, a Verification/Remediation Statement should be produced by the applicant to demonstrate the effectiveness of the implementation, to ensure the avoidance of any risk arising when the site is developed or occupied which should be submitted to, and agreed by the Council as Planning Authority. The same Verification/Remediation Statement must be submitted to The Coal Authority.

Reason: To ensure that the risks associated from historical and/or current mining activity are minimised in the interests of public safety and ground stability for the future users of the proposed development and the neighbouring land.

CL/18/0041

Heathland Terrace, Forth



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Scale:
1:5,000
Date:
08/05/2018



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report to: **Planning Committee**
 Date of Meeting: **26 June 2018**
 Report by: **Executive Director (Community and Enterprise Resources)**

Application no. P/18/0454
 Planning proposal: Residential development (planning permission in principle)

1 Summary application information

Application type: Permission in principle

Applicant: Mrs Janet Macgillivray
 Location: Land 53M Wnw Of Blair Cottage
 Blair Road
 Crossford
 Carluke
 South Lanarkshire

2 Recommendation(s)

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

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

2.2 Other actions/notes

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

3 Other information

- ♦ Applicant's Agent: Gainford Limited
- ♦ Council Area/Ward: 01 Clydesdale West
- ♦ Policy Reference(s): Policy 2 Climate change
 Policy 3 Green belt and rural area
 Policy 4 Development management and placemaking
 Policy 15 Natural and historic environment

♦ Representation(s):

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

◆ **Consultation(s):**

Environmental Services

Roads Development Management Team

Roads Flood Risk Management

Planning Application Report

1 Application Site

- 1.1 The application site (extending to approximately 0.6ha) is comprised of vacant and scrub grassland at Blair Road, Crossford. To the north of the site lies Castlevue stables, a livery yard and associated dwellinghouse, to the northeast lies open land and to the east lies The Clash, a residential dwelling. The south of the site is bounded by Blair Road with Blair Cottage and open land beyond this. To the west the site is bound by a private access road to Castlevue Stables and Blair Farm beyond which is a row of dwellinghouses. The site itself comprises 2 small fields delineated north to south by a wooden fence and young trees with a small stable building in the eastern field.

2 Proposal(s)

- 2.1 The applicant seeks planning permission in principle for residential use for land comprising 0.6ha at Blair Road. The land would be accessed directly from Blair Road and it is proposed hedgerows are relocated to facilitate this access.

3 Background

3.1 Local Development Plan Status

- 3.1.1 The adopted South Lanarkshire Local Development Plan identifies the site as being situated within the Rural Area, as such Policy 3 Green Belt and Rural Area and the associated Supplementary Guidance, on Green Belt and Rural Area, is relevant. In addition Policy 2 Climate Change and Policy 4 Development Management and Placemaking and Policy 15 Natural and Historic Environment of South Lanarkshire Local Development Plan apply together with the SG on Development Management and Placemaking, Natural and Historic Environment and Sustainable Development and Climate Change.
- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance the following Policies 2, 3, and 5 are relevant and the site has been identified as within the settlement boundaries of a new settlement named Blair Cross.
- 3.1.3 An assessment of the proposal against these policies is contained in Section 6 of this report.

3.2 Relevant Government Advice/Policy

- 3.2.1 Scottish Planning Policy (SPP) has a presumption in favour of development that contributes to sustainable development. In terms of residential development, 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. In terms of development in the rural area, SPP states that most new development should be guided to locations within or adjacent to settlements.

3.3 Planning Background

- 3.3.1 There is no planning history on the application site, however, the land was included in the Main Issues Report as part of a proposed policy change to include this land and surrounding dwellings as a settlement. The Proposed Plan now identifies this land as within the boundaries of a new settlement named Blair Cross.

4 Consultation(s)

- 4.1 **Roads and Transportation Services** – raised no objections subject to conditions relating to visibility splays, dropped kerb access and a 2m wide footway.

Response: Appropriate conditions shall be imposed on any permission granted

- 4.2 **Roads and Transportation Services (Flood Risk Management Section)** – raised no objections subject to suitable conditions relating to drainage design guidance and a flood risk assessment.

Response: Appropriate conditions shall be imposed on any permission granted, to require this information a detailed planning permission stage.

- 4.3 **Environmental Services** –no objections to the proposal in principle.

Response: Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the application was advertised in the Lanark Gazette due to the non-notification of neighbours and the development being contrary to the local development plan. Following this, one letter of representation was received. The scheme of delegation requires applications which are deemed contrary to the local development plan and receive objections are heard by the Planning Committee.

- 5.2 The points raised within the representation are summarised and responded to as follows:

a) Overdevelopment and devastation of the Clyde Valley and Crossford, concerns that this piece of land ends up looking like parts of Holm Road.

Response: Each application and site is considered on its own merits. The application is for permission in principle and any detailed proposal for dwellings will be considered in the context of the rural area.

b) Concerns that if planning was granted that a detailed application for numerous houses of who knows what size and style would occur next.

Response: It is likely that a detailed application for dwellings would follow an in principle application. The size and style of the dwellings proposed will be considered in the context of the rural area.

c) Previous applications within the vicinity have been approved under the pretences to assist with equestrian businesses and 2 storey properties with materials not in keeping with the area and appear prominent in landscape

Response: The previous applications in their assessment were deemed to comply with planning policies relevant at the time. The form, design and materials used in previous proposals and are those which are considered typical of, and suitable for, the rural area. This will also be the case for any detailed proposals for this site.

d) Concerns any building upon the application site would impact upon privacy and enjoyment of outdoor space such as overlooking, lack of privacy and loss of open views as these are located in close proximity to the application site

Response: Overlooking, privacy and dominance all be considered at a more detailed stage, however it is considered there is sufficient scope within the site to accommodate a design which could overcome these issues. Planning considers whether a proposal would have a dominating effect upon neighbouring properties, however Planning does not act to protect private interests such as a particular view.

e) The site has a very narrow access road from both directions which is getting busier and this would make the route harder and more difficult to negotiate

Response: Roads and Transportation Development Management have been consulted on the application and have no adverse comments to make on road safety grounds.

f) Utilities, drainage and infrastructure have to be considered where would any sewerage go to i.e. a septic tank soakaway and would the electricity cable across site be removed and how would the electricity cope with the extra load, it is not unknown to have power cuts or loss of water supply in the rural location.

Response: Further details of utilities such as sewerage would be considered at the detailed application stage, if approved. Any relocation of the electricity cable, which may be required for the development, would be at the expense of the developer. Any reports loss of supply of utilities should be reported to utility provider.

g) Serious concerns regarding the proposal to relocate the hedge further back in site to facilitate access, consider how many years this will take to re-establish it was understood hedges were part of the fabric of the countryside and should be maintained at all costs.

Response: The Landscape Character Assessment seeks to encourage the retention and replanting of hedgerows within this area. The hedge, as existing, requires removal and relocation to achieve the required visibility. Whilst its removal is regrettable, it is considered acceptable when balanced against providing a safe access to the site. In addition, a condition shall be imposed on any permission granted to ensure the replacement of the hedge.

h) This application would set a precedent for further deterioration of this part of Crossford causing more people, traffic, strain on the infrastructure and more open land destroyed forever.

Response: Each application is considered on its merits and the local development plan sets out the cases where development is acceptable within the rural area. This proposal's compliance with the local development plan and policies for the rural area are discussed in para 6.2 to 6.4.

- 5.3 This letter has been copied and is available for inspection in the usual manner and on the planning portal.

6 Assessment and Conclusions

- 6.1 The application seeks planning permission in principle for residential use at Blair Road, Crossford. The relevant planning policies in this case are Policy 2, 3, 4, 15 and the supplementary guidance on Development Management and Placemaking, Green Belt and Rural Area Natural and Historic Environment and Sustainable Development and Climate Change.
- 6.2 Policy 3 - Green Belt and Rural Area is applicable and states that development which is not required to be located in the countryside will be expected to be accommodated within settlements. Exceptions include cases where it is demonstrated there is a specific locational requirement and need for a development; the proposal involves the redevelopment of derelict or redundant buildings; the conversion of traditional buildings; and development within clearly identifiable infill, gap sites, existing building groups and small scale settlement extensions. The proposal does not relate to the re-use of any existing building or conversion or is not adjacent to an existing small settlement, albeit it is proposed to be part of settlement within the Proposed Plan. However it has to be considered whether proposal would constitute a gap or consolidation of a group, the criteria is given by Policy GBRA 5 and GBRA 6 respectively.
- 6.3 Policy GBRA 5- Development of gap sites requires that land bounded on at least 2 sides by habitable houses can be considered a gap site. The distance between should be no more than that needed to form a maximum of 2 plots, in keeping with the curtilage of the existing group. The application site is bound by dwellings to the east and west however the scale of the application site would result in 2 plots exceeding a comparable curtilage size of the dwellings within the existing group. Thus the proposal cannot be considered a gap site.
- 6.4 Policy GBRA 6 – Consolidation of existing building groups considers where additional dwellings could be permitted to consolidate or round off an existing building group. The application site does have dwellings sited to the east, west, south and further north of it, however, given the distances the existing dwellings are apart from one another this could not be considered a cohesive grouping which is contained. Thus the application site does not comply with Policy GBRA6. Therefore the proposal is considered contrary to Policy 3 and to the development plan.
- 6.5 The Planning Act does however allow for exceptions to be made to policy where other material considerations outweigh the provisions of the development plan. The other matters to be considered include the status of the emerging Local Development Plan 2 and whether this proposal would prejudice that process and whether the proposal would comply with Scottish Planning Policy (SPP). The Main Issues Report for the Local Development Plan was published for consultation for six weeks across April/May 2017 and the Proposed Plan has been approved by Planning Committee however is not yet available for public consultation. Within the Main Issues Report the land to which the application relates was identified to be included within a settlement boundary for Blair Cross. On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered contrary to the current adopted South Lanarkshire Local Development Plan as the land is within the rural area and the exemptions permitting residential development do not apply in this case. The Proposed Plan identifies this application site as part of new settlement, Blair Cross, there is a general presumption in support of residential development within settlement

boundaries. As such in that regard it is considered that the proposals accord with Policies 2, 3 and 5 in the Proposed Plan. SPP in terms of the rural area encourages dwellings to be located within settlement boundaries as such the proposal in light of the Proposed Plan is deemed to be consistent with SPP.

- 6.6 The Proposed Plan still requires to undergo public consultation and an examination procedure. However, the site comprises 0.6ha of which could accommodate approximately 6-8 dwellings of a similar scale to that of adjacent properties. It is not considered the approval of this low number of dwellings would undermine the consideration of the housing supply and the overall objective to meeting the five year housing supply. Therefore, I am of the view to approve this application would not undermine the preparation of the development plan as the proposal would result in development so low in numbers, would not result in conflict of other proposed sites and the site can be considered in isolation and does not require an assessment of other sites.
- 6.7 The remaining relevant policies of the current adopted South Lanarkshire Local Development Plan 1 includes Policy 2 Climate Change which seeks to ensure proposals minimise and mitigate against the effects of climate change. The proposed development is small scale in nature and located adjacent to existing housing. The site avoids areas of medium to high flood risk and would have no significant adverse impacts on water, soils, air, biodiversity and/or green networks. Therefore, the proposal accords with the principles of Policy 2.
- 6.8 Policy 15 Natural and Historic Environment considers the natural and historic environment. Policy NHE16 provides more advice regarding the landscape. The South Lanarkshire Landscape Character Assessment details the application site is within the incised river valley landscape character area and the Clyde Valley Special Landscape area. The Landscape Character Assessment guidance in relation to residential development includes the discouraging expansion of settlements on upper slopes of valley, avoid suburban development by ensuring careful consideration of construction materials and avoid decline of field boundaries. The proposal can be described as infilling an existing grouping of housing and is not overly visible from locations within the Clyde Valley or from Craggan Castle due to the topography and surrounding vegetation. The proposal includes the relocation of an existing beech hedge to achieve the required sight-lines; whilst the loss of an established hedge is regrettable this is required to achieve a safe access to the site there are no suitable alternative access arrangements additionally the re-instatement of the hedge can be controlled via planning condition. The proposal is, therefore, in accordance with Policy 15.
- 6.9 Policy 4: Development Management and Placemaking of the adopted Local Development Plan seeks to ensure that proposals take account of local context and integrate well with their surroundings. The policy considers impact of the proposal on the streetscape, landscape character, habitats, species, amenity, access and parking amongst other criteria. The applicant seeks planning permission in principle for residential use, the site, form and design of dwellings will be fully considered at a detailed stage, a condition requiring consideration of the rural area can be imposed on any permission granted. The impact of the proposal on the landscape has been assessed above. The site consists of an open field. It is not in close proximity to sites designated for protected species and therefore it is not considered its development would result in a significant adverse impact upon habitats or species. The proposed development can provide suitable access and parking. Therefore, it is considered that the proposal complies with the terms of Policy 4.

6.10 It was concluded above that the proposal does not comply with Policy 3 of the Local Development Plan. However, the proposal lies within a grouping of houses which the Proposed South Lanarkshire Local Development Plan 2 proposes to be designated as a settlement. If the grouping was designated as a settlement then Policy 3 would apply, which the proposal complies with. A departure from the development plan is justified for the following reasons:

- (i) The proposed site is so low in numbers and would not conflict with other sites being considered for the emerging development plan
- (ii) it is considered the inclusion of this site is not premature to the development plan
- (iii) The proposed site has been highlighted in the Main Issues Report and Proposed Plan for inclusion in the emerging development plan as a new settlement.
- (iv) The proposal is small scale in nature and additional tree planting would enhance the landscape character of the area;
- (v) The proposal is adjacent to a grouping of houses and is not an isolated or sporadic position; and
- (vi) There would be no significant adverse issues upon residential or visual amenity, infrastructure or biodiversity

7 Reasons for Decision

7.1 As detailed in paragraph 6.10 above.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

8 June 2018

Previous references

◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Neighbour notification letter dated 7 April 2018
- ▶ Consultations
 - Env Services Econsult 16.04.2018
 - Roads Development Management Team 20.04.2018
 - Roads Flood Risk Management 18.04.2018
- ▶ Representations Dated:
 - T Muir, N Muir, K Muir, 196 Blair Road, Crossford, Carluke, 25.04.2018
 - South Lanarkshire, ML8 5QR

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)

Email: fiona.bailie@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/18/0454

Conditions and reasons

01. Prior to the commencement of development on site, a further application(s) for the approval of any of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

These matters are as follows:

- (a) the layout of the site, including all roads, footways, parking areas and open spaces;
- (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
- (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum.
- (d) the design and location of all boundary treatments including walls and fences;
- (e) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs, including, where appropriate, the planting of fruit/apple trees;
- (f) the means of drainage and sewage disposal.
- (g) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);

Reason: To comply with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

02. That the further application required under the terms of Condition (1) above, shall include a detailed scheme for surface water drainage. Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland and with the Council's Sustainable Drainage Design Criteria and requirements and shall be agreed in writing with the Council as Planning Authority in consultation with SEPA.

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

03. That the further application required under the terms of Condition 1 shall include the following: (a) a minimum of 2 car parking spaces at a minimum of 6m x 6m or 3m x 12m to be provided and maintained within the confines of the site for a dwelling with 3 bedrooms or less, or 3 spaces at a minimum of 6 x 9m or combination of 6m x 6m or 3m x 12m provided where the dwelling has 4 bedrooms or more; (b) provision for a 2 metre wide footway along the entire site frontage; and (c) a dropped kerb along the access with the first 4m of the access to be surfaced with a bound material and no work on the site shall be commenced until the permission of the Council as Planning

Authority has been granted for the proposals, or such other proposals as may be acceptable.

Reason: These details have not been submitted or approved

04. That before any work commences on the site, a scheme of landscaping for the area shaded green on the approved plan 2017/45C shall be submitted to the Council as Planning Authority for written approval and it shall include:
- (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development;
 - (b) details and specification of all trees, shrubs, grass mix, etc.including, where appropriate, the planting of fruit/apple trees;
 - (c) details of any top-soiling or other treatment to the ground;
 - (d) sections and other necessary details of any mounding, earthworks and hard landscaping;
 - (e) proposals for the initial and future maintenance of the landscaped areas;
 - (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

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

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

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

06. That 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.

Reason: In the interests of traffic and public safety.

07. A drainage system capable of preventing any water from flowing onto the public road or into the site or surrounding land to be provided and maintained at the applicant's expense. This will include a drainage system that prevents water from any driveway discharging onto the carriageway.

Reason: In the interests of traffic safety and to prevent deleterious material entering the road.

08. That notwithstanding the terms of Condition 1 above, the design and siting of any dwellinghouse on the site shall take due cognisance of the rural location, with particular regard being paid to scale, massing, roof pitch, fenestration and materials; and shall be in accordance with the Council's approved policy on new dwellings in the rural area.

Reason: To safeguard the visual amenity of the rural area.

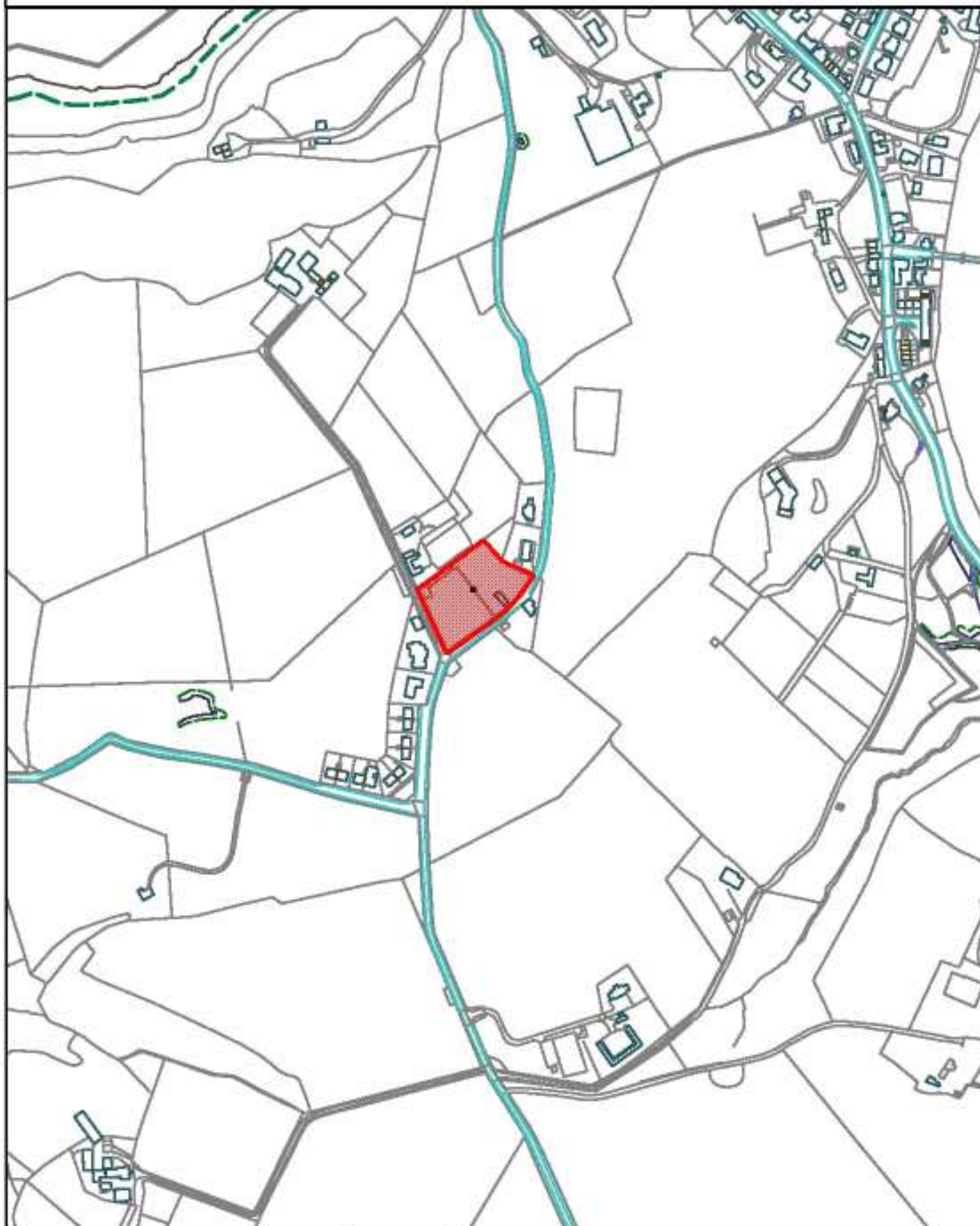
09. That replacement hedging shall be provided on the area coloured brown on the approved plan 2017/45C shall be completed to the satisfaction of the Council as

Planning Authority during the first available planting season following occupation of the building(s) or completion of the development approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary. The species of hedge shall be agreed in writing by the Council as Planning Authority prior to works starting on site.

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

P/18/0454

Land 53M Wnw of Blair Cottage , Blair Road, Crossford



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Scale:
1:5,000
Date:
04/06/2018



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

14

Report to:	Planning Committee
Date of Meeting:	26 June 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/0491
Planning proposal:	Erection of two blocks of flatted dwellings (18 units), associated parking and landscaping

1 Summary application information

Application type:	Detailed planning application
Applicant:	Carnbroe Estates Ltd
Location:	Vacant Land At 3 Dundas Place East Kilbride G74 4JQ

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 Committee has delegated powers to determine this application.

3 Other information

- ♦ Applicant's Agent: Kevin Crawford
- ♦ Council Area/Ward: 08 East Kilbride Central North
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 1 – Spatial Strategy
Policy 2 – Climate Change
Policy 4 - Development management and placemaking
Policy 12 – Housing Land
Policy 13 - Affordable Housing and Housing Choice
Policy 16 - Travel and Transport
Policy 17 - Water Environment and Flooding

Supplementary Guidance Affordable Housing

and Housing Choice (2015)

Development Management, Placemaking and Design Supplementary Guidance (2015)

DM1 - Design

Sustainable Development and Climate Change Supplementary Guidance (2015)

SDCC 2 - Flood risk

SDCC 3 - Sustainable drainage systems

SDCC 4 - Water supply

SDCC 5 - Foul drainage and sewerage

Proposed South Lanarkshire Local Development Plan 2 (2018)

Policy 2 – Climate Change

Policy 3 – General Urban Areas and Settlements

Policy 5 – Development Management and Placemaking

Policy 12 – Affordable Housing

Policy 15 – Travel and Transport

Policy 16 – Water Environment and Flooding

SDCC2 – Flood Risk

SDCC3 – Sustainable Drainage Systems

DM1 – New Development Design

DM15 – Water Supply

DM16 – Foul Drainage and Sewerage

◆ Representation(s):

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

◆ Consultation(s):

Env Services

East Mains Community Council

Roads Development Management Team

Roads Flood Risk Management

Scottish Water

SP Energy Network

TRANSCO Plant Location

Planning Application Report

1 Application Site

- 1.1 The application site is located on Dundas Place close to the village centre in East Kilbride. The site is located to the south of Dundas Place, to the north of Ladybank Court and east of Dundas Court and the west of the Guide Hall on Dundas Place. Except for the hall, the site is adjacent to existing single, two and three storey residential development and there is a two storey care home on the opposite side of Dundas Place. The site is a partly vacant and a building used as a dance studio is located on the eastern half of the site. The site is generally level and covers 0.15 hectares.

2 Proposal(s)

- 2.1 Detailed planning permission is being sought to erect 18 residential units, comprising 2 three storey flatted blocks. All the dwellings will be for social rent managed by East Kilbride Housing Association. Vehicular access to the site will be from Dundas Place. The proposal also provides 20 parking spaces within a courtyard and also fronting the street. The proposal incorporates landscaping and open space and bin storage.
- 2.2 12 of the flats would be within Block 1 located at the western end of the site with the remaining 6 units in Block 2 at the eastern end of the site with the car parking and access between the two blocks. They would be finished in facing brick, have grey UPVC windows and the roof would consist of grey concrete tiles. There would also be 36 roof mounted solar panels on the rear of the flatted blocks.
- 2.3 The applicants submitted a Design and Access Statement in support of the proposal.

3 Background

3.1 Relevant Government Advice/Policy

- 3.1.1 Scottish Planning Policy (2014) (SPP) advises that proposals that accord with up-to-date plans should be considered acceptable in principle. In terms of residential development, the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements.

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 within the Housing Land Supply where Policy 12 – Housing Land is applicable. The site is also included within the Strategic Housing Investment Plan (SHIP).
- 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 1 – Spatial Strategy, Policy 2 – Climate Change, Policy 4 - Development Management and Placemaking, Policy 13 - Affordable Housing and Housing Choice, 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
- Affordable Housing and Housing Choice SG 7
- 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.

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 significant adverse impact. 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. An assessment of the proposal against these specific policies is contained in Section 6 of this report.

3.2.7 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policies 2, 3, 5, 12, 15, 16, SDCC2, SDCC3, DM1, DM15 and DM16 are relevant

3.3 Planning History

3.3.1 Planning Permission (EK/04/0319) was granted in August 2004 for a part change of use and extension to the existing dance studio to form a children's nursery. Following this an application (EK/09/0371) was submitted in October 2009 to erect 5 dwellings and 5 retail units, however this application was withdrawn in February 2011. In June 2011 an application (EK/11/0077) was granted for the erection of 6 flats and 4 semi detached dwellings on the site, however this consent expired in June 2014. Following this an application (EK/12/0286) was submitted in August 2012 to erect a car workshop, however this application was withdrawn in January 2013.

4 Consultation(s)

4.1 **Roads and Transportation Services (Flood Risk Management Section)** – have no objection to the proposed development to conditions and advisory notes in relation to SUDs, flood risk assessment and maintenance of the proposed drainage system.

Response: Appropriate conditions and advisory notes would be added to any consent issued.

4.2 **Scottish Water** – have no objections to the proposed development.

Response: Notwithstanding this, a condition would be attached to any consent issued requiring the applicants to provide written confirmation that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards, prior to commencement of works on site.

- 4.3 **Roads and Transportation Services (Development Management)** – have no objections to the proposal subject to conditions being attached in respect of sightlines, parking provision, surface water drainage, surfacing, road cleaning, turning areas, construction parking and a dilapidation survey of Dundas Place. The level of parking provision on the site is considered acceptable given the nature of the proposed development and the proximity of the site to the railway station, village centre and town centre.
Response: Noted. Appropriate conditions will be added to any consent issued.
- 4.4 **Environmental Services** – no objections subject to conditions and advisory notes in relation to noise impact from the construction of the proposed dwellings including the submission of a pilling method statement, noise impact, waste storage and dust mitigation and control.
Response: Noted. Appropriate conditions and advisory notes will be added to any consent issued.
- 4.5 **TRANSCO** – no response to date
Response: A condition will be attached to any consent issue requiring the developer to obtain permission from statutory undertakers in respect of works effecting their infrastructure.
- 4.6 **SP Energy Network** – have no objections to the proposed development, however note that they have underground cable in the vicinity.
Response: Noted. A condition will be attached to any consent issue requiring the developer to obtain permission from Scottish Power in respect of works effecting cables and/or equipment.
- 4.7 **East Mains Community Council** – commented that the height of the proposed development is not complimentary to the single storey sheltered accommodation to the side and rear, nor the two storey care home facing the front elevation.
Response: Noted. The design and scale of the proposed development is considered acceptable in this location given the adjacent flatted developments in Dundas Court and opposite the site on Dundas Place. The single storey sheltered accommodation at the rear of the proposed development is screened by existing fencing and drying greens and it is proposed to provide higher fencing and additional tree planting which will provide screening as it matures. The design of the flats complies with the Residential Design Guide in terms of window to window distances.

5 Representation(s)

- 5.1 Statutory notification was undertaken and the proposals advertised in the local press for Non-Notification of Neighbours. Following this, 5 letters of objection were received. The issues raised in these representations can be summarised as follows:

- a) **The proposed development will increase current parking problems in Dundas Place with its proximity to East Kilbride Station, the number of existing flats in the area and the Guide Hall. The provision of parking spaces in the proposed development is insufficient and will lead to parking congestion on Dundas Place.**

Response: Roads and Transportation raised no objection to the proposed access and parking for the proposed development. In particular the provision of 20 parking spaces is considered sufficient, particularly given the close proximity of the site to the village and town centres and the railway station.

- b) **At present there is no way of enforcing the residents-only parking for the existing flats in Dundas Court and the proposed development will add to the parking problems.**

Response: Roads and Transportation raised no objection to the proposed access and parking for the proposed development. The enforcement of residents only parking on private land is a matter for the owners of the properties and factors were appropriate.

- c) **Request resurfacing and that double yellow lines are introduced in Dundas Place.**

Response: Roads and Transportation raised no objection to the proposed access and parking for the proposed development. A condition has been attached requiring the developer to carry out a Dilapidation Survey prior to the start of construction and that any subsequent damaged caused to the road to be repaired at the developers expense. They do not consider it necessary to introduce double yellow line parking restrictions in Dundas Place.

- d) **Request that the footpath link, adjacent to the site, which provides a pedestrian link to West Mains Road and the Railway Station be blocked off to help discourage parking by non-residents.**

Response: Roads and Transportation raised no objection to the proposed access and parking for the proposed development. It is not proposed to close the pedestrian link to West Mains Road which provides a link for residents and other members of the public to the station and the town centre.

- e) **Suggest that construction traffic and construction parking will bring Dundas Place to a standstill making it impossible for residents to come and go as they need.**

Response: A condition has been attached requiring the developer to submit a Traffic Management Plan setting out details of how construction traffic and parking will be managed. A further condition has been attached prohibiting construction vehicles or staff vehicles from parking on Dundas Place, Dundas Court or surrounding public roads

- f) **The proposed development will cause a lack of privacy for the sheltered houses in Ladybank Court looking into the kitchen and living windows of these properties.**

Response: The single storey sheltered accommodation at the rear of the proposed development is screened by existing fencing and drying greens and conditions would be attached if planning permission is granted requiring the provision higher fencing to help screen these properties and additional tree planting to the rear of Block 2, along the rear boundary of the site which will provide screening as it matures. The design of the flats complies with the Residential Design Guide in terms of window to window distances.

- g) **The proposed development will cause the loss of trees along the boundary of the site which are valued and have been there for a long time.**

Response: Although there are some regenerated trees within the site boundary which will require to be removed during the demolition of the existing building additional tree planting will provide screening as it matures. Conditions have been attached requiring the submission of a landscaping scheme and the provision of additional tree planting to the rear of Block 2, along the rear boundary of the site.

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

6 Assessment and Conclusions

- 6.1 The applicants propose to develop 18 residential units, comprising 2 three storey flatted blocks on land at Dundas Place in East Kilbride. 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. 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 Scottish Planning Policy (SPP) highlights that development proposals which accord with up-to-date plans should be considered acceptable in principle. The site is identified within the adopted South Lanarkshire Local Development Plan as being within the Housing Land Supply and therefore raises no issues in this regard. It is therefore considered that the proposal is in accordance with national planning policy and, in land use terms, the adopted SLLDP.
- 6.3 Policy 4 (Development Management and Placemaking) seeks to ensure that development takes account of and is integrated with the local context and built form. Proposals should have no significant adverse impacts on the local community and include where appropriate measures to enhance the environment. The design and scale of the proposed development is considered acceptable in this location given the adjacent flatted developments in Dundas Court and opposite the site on Dundas Place. The single storey sheltered accommodation at the rear of the proposed development is screened by existing fencing and drying greens and it is proposed to provide higher fencing to help screen these properties and additional tree planting which will provide screening as it matures. The proposed layout and scale and design of the flats complies with the Residential Design Guide in terms of window to window distances and other amenity issues. The proposed development is considered to be consistent with Policy 4 of the SDLLP and with the policy guidance set out within the associated Supplementary Guidance Development Management, Placemaking and Design.
- 6.4 Policy 13 (Affordable Housing and Housing Choice) seeks to ensure the provision of a range of house size and types to give greater choice in meeting the needs of the local community. This proposal is to develop residential units for social rent by East Kilbride Housing Association, a Registered Social Landlord RSL, to meet the needs for Affordable Housing in the East Kilbride area. The site is included within the Strategic Housing Investment Plan (SHIP). The proposed development is considered to be consistent with Policy 13 of the SDLLP and with the policy guidance set out within the associated Supplementary Guidance Affordable Housing and Housing Choice.
- 6.5 With regard to road safety, Policy 16 - Travel and Transport - requires all new development proposals to consider the resulting impacts of traffic growth. The impact of the proposal on the local road network and in terms of parking provision has been fully assessed by Roads and Transportation Services who have offered no objections, subject to conditions. The proposal can therefore be considered acceptable in transportation and road safety terms.

- 6.6 The application site is a brownfield site close to the village and town centres and public transport. It is therefore in a sustainable location. Given the site's location it is considered that the site can be appropriately serviced in terms of water and sewerage. No objections have been received from consultees in this regard. The site has been assessed by the Council's Flood Risk Management Team who are satisfied subject to a number of conditions in relation to the detailed submission and implementation of a Sustainable Drainage Design. The proposal is therefore acceptable when assessed against Policy 2 – Climate Change and Policy 17 - Water Environment and Flooding of the SLLDP and the Sustainable Development and Climate Change SG.
- 6.7 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposals accords with Policies 2, 3, 5, 12, 15, 16, SDCC2, SDCC3, DM1, DM15 and DM16 in the Proposed plan.
- 6.8 Five letters of representation was received in respect of the proposal, the grounds of which have been addressed in Section 5 above and do not merit refusal of the application. The requirements of the statutory consultees have been addressed through the use of conditions where appropriate.
- 6.9 In summary, it is considered that the proposal conforms to both national and local plan policy and that the proposal raises no significant environmental or infrastructure issues. Clearly, the positive redevelopment of this site to provide affordable housing in the East Kilbride area is welcomed. Following a full and detailed assessment of the proposed development, it is considered that the proposed development is in accordance with the adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance and the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and on that basis, it is recommended that planning permission is granted.

7 Reasons for Decision

- 7.1 The proposal complies with Policies 2, 4, 6, 10, 12, 13, 16 and 17 of the Adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance Development Management Place Making & Design and Sustainable Development. The proposal also complies with Policies 2, 3, 5, 12, 15, 16, SDCC2, SDCC3, DM1, DM15 and DM16 of the Proposed South Lanarkshire Local Development Plan 2.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

8 June 2018

Previous references

- ◆ Planning Consent EK/04/0319
- ◆ Planning Consent EK/11/0077

List of background papers

▶	Application form	
▶	Application plans	
▶	South Lanarkshire Local Development Plan 2015 (adopted)	
▶	Proposed South Lanarkshire Local Development Plan 2 (2018)	
▶	Neighbour notification letter dated 17 April 2018	
▶	Consultations	
	Env Services Econsult	25.04.2018
	East Mains Community Council	01.05.2018
	Roads Development Management Team	24.05.2018 05.06.2018
	Roads Flood Risk Management	09.05.2018
	Scottish Water	18.04.2018
	SP Energy Network	20.04.2018
▶	Representations	Dated:
	Alan Scollan, 21 Dundas Court, East Kilbride, Glasgow, South Lanarkshire, G74 4AN	09.05.2018
	Christina J Crichton, 15 Dundas Court, East Kilbride, Glasgow, South Lanarkshire, G74 4AN	20.04.2018
	Yvonne Mardone, 19 Ladybank Court, East Kilbride, Glasgow, South Lanarkshire, G74 4HF	30.05.2018
	Mr Iain White, 34 Dundas Court, East Kilbride, Glasgow, South Lanarkshire, G74 4AN	19.04.2018 19.04.2018
	Mr Brad Smith, 1 Dundas Court, East Kilbride, G74 4AN	23.04.2018 23.04.2018

Contact for further information

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

Morag Neill, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Ext: 5053 Tel (01698 455053)

Email: morag.neill@southlanarkshire.gov.uk

Conditions and reasons

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

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

02. That prior to the completion of the development hereby approved, the maintenance and management scheme approved under the terms of Condition 1 shall be in operation.

Reason: To safeguard the amenity of the area.

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

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

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

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

05. 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 4, shall be erected and thereafter maintained to the satisfaction of the Council.

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

06. 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.

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

07. A demolition / construction phase risk assessment for air quality shall be undertaken following the principles of the latest Institute of Air Quality Management's Guidance on the Assessment of Dust from Demolition and Construction, or other principles as agreed in writing with the Planning Authority. If mitigation is identified this shall be implemented and monitored via a site specific dust management plan at the construction site, details of which require to be agreed in writing with the Planning Authority.

Reason: To minimise the risk of nuisance from dust to nearby occupants.

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

Reason: To minimise noise, vibration and disturbance to neighbouring residents/occupants during blasting.

9. That before the development hereby approved is completed or brought into use, a visibility splay of 2 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.

Reason: In the interests of traffic and public safety.

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

Reason: In the interests of public safety.

11. That before the development hereby approved is brought into use, a dropped kerb access to the site shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

12. The surface of driveways and 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 road.

Reason: In the interests of traffic safety and to prevent deleterious material entering the road.

13. That before the development hereby approved is completed or brought into use, a private vehicular access or driveway of at least 6 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.

Reason: To prevent deleterious material being carried onto the road.

14. Appropriate cleaning systems should be put in place within the site to ensure mud and debris is not deposited on the public road to the satisfaction of the Council as Planning Authority.

Reason: In the interests of traffic and public safety

15. The existing footway on Dundas Place, along the frontage of the site, including kerbing, requires to be resurfaced by the applicant as required by and to the satisfaction of the Council as Planning Authority.

Reason: In the interests of traffic and public safety

16. The developer must ensure at all times that no construction vehicles or staff vehicles are parked on Dundas Place, Dundas Court or surrounding public roads to the satisfaction of the Council as Planning Authority.

Reason: In the interests of traffic and public safety.

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

Reason: In the interests of traffic and public safety.

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

Reason: In the interests of traffic and public safety.

19. Prior to commencement of development a dilapidation survey of Dundas Place shall be submitted to and approved in writing by the Council as Planning Authority. Any subsequent damaged caused to the road shall be repaired at the developers expense to the satisfaction of the Council as Planning Authority.

Reason: In the interests of traffic and public safety.

20. 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.

Reason: To ensure the provision of a satisfactory sewerage system.

21. That before works start on the development details of surface water drainage arrangements (including provision of a flood risk assessment, drainage assessment and maintenance responsibilities) have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements (Appendices 1,2,3,4 & 5).

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

22. That the development hereby approved shall not be completed or brought into use until the surface water drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority, under the terms of Condition 21 above.

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

23. 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.

Reason: In order to retain effective planning control.

24. That before any of the dwellinghouses are occupied a 2.1 metre high close boarded fence shall be erected along the entire rear boundary of the site and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reasons: To safeguard the amenity of the area and in order to retain effective planning control.

25. Prior to development commencing on site details of a semi mature trees to be planted to the rear of Block 2, along the rear boundary of the site extending the entire length of Block 2, must be submitted to and approved by the Council as Planning Authority.

Reason: To safeguard the amenity of the area and in order to retain effective planning control.

26. That before any of the flats in Block 2 hereby approved are occupied, the semi-mature boundary planting required under Condition 25 above shall be planted and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason: To safeguard the amenity of the area and in order to retain effective planning control.

P/18/0491

Vacant Land at 3 Dundas Place, East Kilbride



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Scale:
1:2,500
Date:
04/06/2018



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report to:	Planning Committee
Date of Meeting:	26 June 2018
Report by:	Executive Director (Community and Enterprise Resources)

15

Application no.	P/18/0511
Planning proposal:	Erection of 30 dwellinghouses, associated roads, infrastructure, amenity areas, landscaping and formation of SUDS ponds (approval of matters specified in conditions on planning permission CL/17/0199)

1 Summary application information

Application type:	Approval of matters specified in conditions.
Applicant:	Kypeside Developments Ltd
Location:	Nether Kypeside Farm C14 From Deadwaters B7086 To Coalburn Lesmahagow Lanark ML11 0JL

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: Keppie Planning
- ♦ Council Area/Ward: 04 Clydesdale South
- ♦ Policy Reference(s): South Lanarkshire Local Development Plan: Policy 2 Climate change
South Lanarkshire Local Development Plan: Policy 3 Green belt and rural area
South Lanarkshire Local Development Plan: Policy 4 Development management and placemaking
Supplementary Guidance 3: Development Management, Placemaking and Design Policy DM1 Design
Supplementary Guidance 1: Sustainable development and climate change Policy SDCC4
Water supply

◆ **Representation(s):**

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

◆ **Consultation(s):**

Scot Water Urgent Applications

Roads Flood Risk Management

SEPA West Region Flooding

Community Services

Roads Development Management Team

Environmental Services

Countryside and Greenspace

Planning Application Report

1 Application Site

- 1.1 The application site (19.80 ha) is situated in open countryside between Strathaven and Kirkmuirhill to the north of the B7086. It relates to the existing steading of Kypeside Farm and adjacent land which had previously been used as a quad bike facility along with associated car parking. Other areas were used for clay pigeon shooting and a remote control car track. At the steading there is a traditional farmhouse and various commercial buildings and sheds linked to the former leisure business. Beyond the steading and hard standing areas are extensive woodland plantations, grassland and mature trees marking the site boundaries.

2 Proposal(s)

- 2.1 The applicant seeks approval of matters specified in conditions 1(A) - 1(G), 3, 4, 5, 8 and 10 attached to the approved section 42 consent CL/17/0199 . This application relates specifically to the eco-village phase of the originally approved development (Planning Permission in Principle CL/12/0391) which also included commercial facilities and tourism/leisure uses to be subject of future applications.
- Condition 1(A) – 1(G) relates to details of layout, roads, parking open space, house designs, cross sections, boundary treatment, landscaping proposals, drainage and sewerage disposal. These matters have been fully covered by a comprehensive submission of detailed plans, reports and Design Statement.
- Condition 3 relates to the submission of surface water drainage details. This has been addressed by a SUDS layout, overland flow route drawings, an access road layout and a drainage and SUDS Strategy Report.
- Condition 4 requires the submission of a Design Statement setting out design solutions in the context of the surroundings and demonstrating how the eco-village adheres to the principles of sustainability. In response, a Design Statement and an Energy Strategy Report has been submitted.
- Condition 5 covers woodland management and this has been addressed by a Landscape Layout and Planting Plan and a Woodland Management and Landscape Maintenance Report.
- Condition 8 'Mitigation measures for otters and badgers detailed in the Protected Species Survey (Wild Survey Ltd, October 2012) shall be fully implemented and complied with during the construction phase of the development'. The original survey has been updated to take account of the eco-village phase of the development.
- Condition 10 'Details of haul route for construction vehicles'. A newly approved access onto the B7086 has addressed safety concerns by avoiding the minor Brackenridge Road which runs past Deadwaters.
- 2.2 The eco-village is located in the southern section of the site and has been carefully designed to enable visual integration with its surroundings. Access will be taken via a recently approved access road from the B7086 (approved separately by Planning Permission CL/17/0209). From there the road which is lined by a green corridor forms a spiral, reflecting a natural organic shape, around which are laid out the dwellings with large plots (0.25 acres per plot). There are three house types (two of which are two storey and one type is one and a half storeys in height) with a mixture of attached and detached garages. They have a rectangular footprint and the design has been influenced by traditional barn construction with a modern interpretation. Features include timber cladding, zinc roof and upper terrace covered decking. There are side habitable windows which are normally discouraged however in this instance the distance between intervening dwellings exceeds 20 metres therefore privacy would

not be compromised. To reflect the eco concept air source heat pumps and solar hot water panels shall be incorporated into each house. The communal focus of the village will be a village green amphitheatre comprising circular grass area with stone edged steps. Radiating out from the village green are footpath links to a play area and amenity spaces. Hedgerows marking plot boundaries also converge on the village green. The landscaping strategy includes informal groupings of trees, amenity grassland with bulbs, wildflower meadows, woodlands and the retention of existing semi-mature trees. There is an area of native woodland which includes edge species and fruit trees. In the northern section of the site there is potential to layout communal allotments, polytunnels and orchards albeit that proposal has still to be developed. Surface water will be treated by a Sustainable Urban Drainage System (SUDS) which includes two SUDS ponds located in proposed meadowland to the west of the dwellings. A foul treatment plant will be installed between the SUDS ponds to deal with sewerage.

- 2.3 The buildings forming the farm steading will be subject of a separate approval of matters specified by condition application for commercial facilities.

3 Background

3.1 Local Plan Status

- 3.1.1 The site falls within the Rural Area where Policy 3 Rural Area and Green Belt applies. In addition, Policies 2: Climate Change and 4: Development Management and Place Making are relevant. Finally Supplementary Guidance on Development Management, Place Making & Design; Sustainable Development & Climate Change; Green Belt and Rural Area apply while the Council's Residential Development Guide should also be taken into consideration.

3.2 Relevant Government Advice/Policy

- 3.2.1 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.

3.3 Planning History

- 3.3.1 Planning Permission in Principle for chalets, commercial facility, tourist/leisure use, eco village and associated landscaping was granted in November 2013 (ref no CL/12/0391). Planning Permission CL/16/0398 was granted in November 2016 for a section 42 application to vary conditions the purpose being to enable further applications for various elements of the development to be submitted independently of each other rather than dealing with all phases together in one combined submission. Planning Permission CL/17/0199 was granted in September 2017 to vary conditions enabling the increase of dwellings at the Eco village from 13 to 30 and to relocate the position of the village further to the north. As the original proposed access onto the minor public road connecting Deadwaters with Lesmahagow cannot adequately accommodate the increase in numbers, a separate Planning Permission CL/17/0209 for a new vehicular link onto the B7086 was granted thereby removing the need to take access from a narrow minor road.

- 3.3.2** On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policies 2 'Climate Change', 4 'Green Belt and Rural Area', 5 'Development Management and Placemaking', GBRA1 'Rural design and Development', DM1 'New Development Design' and DM15 'Water Supply' are relevant.

4 Consultation(s)

- 4.1 Environmental Services** – raised no objections subject to conditions
Response: Noted. Conditions and informatives will be attached to any consent issued.
- 4.2 Roads and Transportation Services (Flood Risk Management Section)** – raised no objections subject to the provision of a Flood Risk Assessment and SUDS scheme.
Response: These matters would be covered by condition should consent be granted.
- 4.3 SEPA** – No objection to the proposed development on flood risk grounds.
Response: Noted.
- 4.4 Countryside and Greenspace** – Whilst the various planting specifications are generally acceptable, modifications to the planting matrix for the native woodland mix are recommended. The use of horse chestnut should be substituted with bird cherry and the proportion of beech and birch should be reduced and suitable species added including Holly, Oak, Field maple, Lime and Scots Pine.
Response: Noted. The planting mix has been amended to take account of these comments.
- 4.5 Scottish Water** – There is currently sufficient capacity in the Camps Water Treatment Works. However, further investigations may be required to be carried out once a formal application to connect into the public water supply has been submitted. Scottish Water is unable to confirm capacity at the Deadwaters Waste Water Treatment Works and, therefore, a full appraisal will have to be undertaken.
Response: Noted. A condition will be attached requiring confirmation from Scottish Water that connection to the public water network will be approved. The development will be served by a private sewerage treatment works.
- 4.6 Community Services**– advised that SLC would not adopt any open space or play areas for future maintenance and as such consideration of a factoring arrangement or similar would be required. Given its location, 2 reasonable sized pieces of equipment and 3 smaller pieces are recommended for the play area.
Response: The on site public amenity spaces and facilities far exceeds any comparable developments of similar size, and a maintenance schedule has been submitted the compliance with which will be subject of condition along with the approval of details for the play area.
- 4.7 Roads Development Management Team** – raised no objections subject to conditions
Response: Noted and conditions will be attached to any consent issued.

5 Representation(s)

- 5.1 In response to the advertisement of the application in the local press for non-notification of neighbours together with the carrying out of statutory neighbour notification, no letters of representation were received.

6 Assessment and Conclusions

- 6.1 The applicant seeks approval of matters specified in conditions (attached to section 42 approval CL/17/0199) for an eco village comprising 30 detached dwellings along with associated roads, infrastructure, amenity spaces, landscaping and SUDS ponds. The determining issues that require to be addressed in respect of this application are compliance with the adopted local development plan, government guidance, the planning history of the site and infrastructure and road safety implications.
- 6.2 The site falls within the designated Rural Area 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 original planning permission in principle CL/12/0391 and subsequent section 42 approvals (CL/16/0398 and CL/17/0199) has established the principle of development and it is therefore not necessary to revisit this matter when assessing the current proposal. As such, the principle of residential development has been established on the site and this application seeks consent for the detailed proposals.
- 6.3 Policy 2 Climate Change seeks to minimise and mitigate against the effects of climate change. This is a relatively small housing development situated close to local services in Strathaven and Kirkmuirhill and part of the development utilises vacant brownfield land. The principle of sustainability has been incorporated in the house design through the use of timber as a construction material and external finish and air heat source pumps and solar panels for heating and hot water. The site is not at risk of flooding and as a flooding and pollution control measure surface water run-off will be filtered and slowed by a Sustainable Urban Drainage System. Extensive tree planting and woodland management also takes cognisance of global warming issues. In consideration the proposals would not undermine the objectives of the policy.
- 6.4 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 intention is to create an eco village with houses arranged around a spiral road layout reflecting natural shapes and forms. Amenity grassland enhanced by bulbs and tree clusters will be established either side of the access road creating a green corridor. Community and social activity will be focused on a centrally located village green. Each house will be allotted a generous garden (0.25 acres per plot) with boundaries defined by hedgerows and in the future there is potential to develop community allotments and orchards on vacant ground within the application site boundary to the north of the Nether Kypeside steading. The eco houses make reference to traditional architecture and will be finished in timber and use renewable energy technology including solar panels, air heat source pumps and a wood burning stove. Built on a rectangular form with simple proportions the design has been influenced by barn construction with a modern interpretation. The landscape strategy proposes wildflower meadows accessed from rear garden gates and footpaths with outer peripheral woodland to provide screening, enclosure and amenity value. Photomontages and cross sections have been submitted demonstrating how the development can be successfully

integrated into its setting of mature and maturing landscape. In addition the proposed development complies with the requirements of the Council's Residential Development Guide in terms of plot ratio, garden sizes, window to window distances and parking provision. There would not be an adverse impact on the amenity of existing nearby residents at the small settlement of Deadwaters in terms of overlooking or overshadowing given the distance between existing properties and the site. Roads and Transportation Services have not raised any road safety concerns. In view of this, the proposal is considered to be in compliance with Policy 4 and associated Supplementary Guidance.

- 6.5 In compliance with SDCC 4 – Water supply the proposed dwelling should be able to connect to the public water network.
- 6.6 None of the consultees have offered any objections and no letters of objection have been received.
- 6.7 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposals accords with Policies Policies 2, 4, 5, GBRA 1, DM1, and DM15 in the Proposed plan.
- 6.8 In summary, the design and concept for the proposed eco village has been carefully considered taking account of the topography and surroundings. The applicant is to be commended for the quality, detail and standard of the reports, plans and illustrations which have been submitted in support of this application. Through consideration of supporting documents and site visits I am satisfied that the proposal can be successfully integrated without adverse impact upon the character and amenity of the area. The unique layout with village green and extensive woodland and wildflower meadows along with innovative house designs will result in an attractive addition to the natural and built environment. Previous consents have established the principle of a 30 house development on site. The proposal has been assessed favourably against detailed policy guidance of the adopted local development plan. The proposals represent an appropriate form of residential development for the site and it is therefore recommended that approval of matters of specified by conditions (attached to section 42 approvals CL/17/0199) be granted subject to the conditions listed.

7 Reasons for Decision

- 7.1 The proposal would not have an adverse impact on residential or visual amenity and road safety nor raise any environmental or infrastructure issues. As such it also complies with Policies 2, 3, 4, DM1 and SDCC4, and Supplementary Guidance on Development Management, Placemaking & Design, Sustainable Development and Climate Change and Green Belt and Rural Area.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

15 June 2018

Previous references

- ◆ Planning Permission in Principle CL/12/0391
- ◆ Section 42 Consent CL/16/0398
- ◆ Section 42 Consent CL/17/0199
- ◆ Planning Permission CL/17/0209

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Neighbour notification letter dated 17 April 2018

- ▶ Consultations
 - Scottish Water 22.05.2018
 - Roads Flood Risk Management 24.04.2018
 - SEPA West Region Flooding 30.04.2018
 - Community Services 29.05.2018
 - Roads Development Management Team
 - Environmental Services 18.04.2018
 - Countryside and Greenspace 01.05.2018

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)

Email: ian.hamilton@southlanarkshire.gov.uk

Conditions and reasons

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

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

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

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

03. That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 2, shall be erected and thereafter maintained to the satisfaction of the Council.

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

04. That prior to the completion of the development hereby permitted, the Woodland Management & Landscape Maintenance (TGP, 06/04/2018) shall be in operation.

Reason: To ensure the protection and maintenance of the existing woodland within the area.

05. That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.

Reason: In the interests of amenity and to ensure the protection and maintenance of the existing trees within the site.

06. 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, in accordance with the Tree Protection Plan detailed in section 8 of the Tree Survey and Arboricultural Constraints Report Alan Motion Tree Consulting Ltd, 01 August 2017).

Reason: To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.

07. That the landscaping scheme detailed on the approved plans LO1 Rev F, LO3 Rev C & LO2 Rev C, 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 in accordance with the approved Landscape Works (Soft Landscape -Timing, Phasing and Maintenance, TGP, March 2018) and the Woodland and Landscape Maintenance Plan (TGP, April 2018) .

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

08. That the recommendations and mitigation measures detailed in the Extended Phase 1 Habitat Survey (Wild Surveys Ltd, July 2017) complied with .

Reasons: In the interests of wildlife.

09. That before any work commences on the site, a scheme for the provision of an equipped play area within the application site shall be submitted to the Council as Planning Authority for written approval and this shall include:
- (a) details of the type and location of play equipment, seating and litter bins to be situated within the play area(s);
 - (b) details of the surface treatment of the play area, including the location and type of safety surface to be installed;
 - (c) details of the fences to be erected around the play area(s); and
 - (d) details of the phasing of these works.

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

10. That prior to the completion or occupation of the last dwellinghouses within the development, all of the works required for the provision of equipped play area included in the scheme approved under the terms of Condition 9, shall be completed, and thereafter, that area shall not be used for any purpose other than as an equipped play area.

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

11. That before any works start on site details of the treatment of foul drainage from the site shall be submitted for the consideration and approval of the Council as Planning Authority in consultation with SEPA.

Reason: To ensure appropriate treatment and disposal of sewage effluent .

12. That no dwellinghouse shall be occupied until the site is served by to the sewerage scheme approved under condition 11 to the the satisfaction of the Council as Planning Authority.

Reason: To ensure the provision of a satisfactory sewerage system.

13. That no dwellinghouse shall be occupied until the developer provides a written agreement from Scottish Water that the site can be served by a water scheme constructed to the specification and satisfaction of Scottish Water as the Water Authority.

Reason: To ensure that the development is served by an appropriate water supply.

14. 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.

Reason: In order to retain effective planning control.

15. 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 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.

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

16. That before the development hereby approved is completed or brought into use, a 2 metre wide contiguous footway/service strip/swale shall be constructed on both sides of the carriageway to the specification of the Council as Roads and Planning Authority.

Reason: In the interests of public safety.

17. Development shall not commence until details of all surface finishes to the access road has been submitted for the consideration and written approval of the Council as Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Council as Planning Authority.

Reason: To retain effective planning control and safeguard the amenity of the area.

18. That before the development hereby approved is completed or brought into use, the first 2 metres of driveways 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.

Reason: To prevent deleterious material being carried onto the road.

19. That prior to the commencement of development on site details of traffic calming in accordance with the National Roads Development Guide, shall be submitted to and approved by the Council as Planning and Roads Authority and shall thereafter be implemented to the satisfaction of the Roads Authority before the completion of the development.

Reason: In the interests of public safety.

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

Reason: In the interests of traffic and public safety.

21. That before the development hereby approved is completed or brought into use, a pedestrian visibility splay of 2.4 metres by 2.4 metres measured from the heel of the footway shall be provided on both sides of driveways 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 0.6 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of public safety.

22. An area for staff parking during the construction phase shall be created and at no time shall vehicles associated with the site park on the B7086 or surrounding public roads.

Reason: In the interests of traffic safety.

23. Prior to the commencement of construction works details of the delivery route shall be submitted to and approved by the Council as Planning and Roads Authority.

Reason: In the interests of traffic safety.

24. The prior to the commencement of development a dilapidation survey of the delivery route, shall be undertaken and submitted to the Council as Planning and Roads Authority and any defect identified during the construction period which had not been identified at the time of the dilapidation survey shall be the responsibility of the developer to repair.

Reason: In the interests of traffic safety.

25. That before the dwellinghouses hereby approved are occupied, a drainage system capable of preventing any flow of water from the site onto the public road or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.

Reason: To ensure the provision of a satisfactory drainage system.

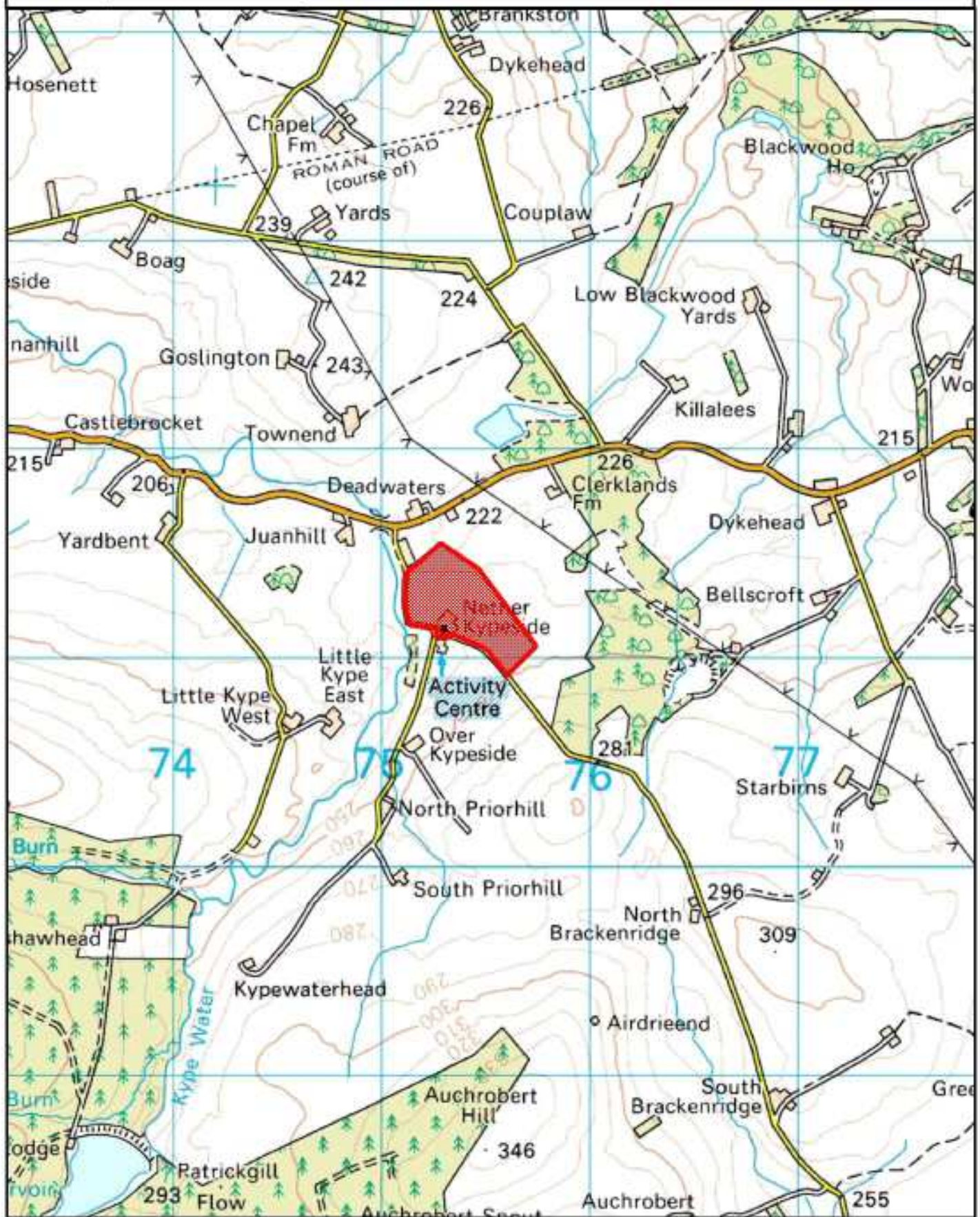
26. Development shall not commence until an assessment of the potential for operational wind turbines, in the vicinity of the application site, to cause noise nuisance to the residents of the dwellings hereby approved, is submitted to the Council as Planning Authority. Where potential noise disturbance is identified, proposals for the attenuation of that noise shall be submitted to and approved in writing by the Council as Planning Authority. The approved scheme shall be implemented prior to the occupation of the dwellings and shall thereafter be retained in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.

Such an assessment and the recommendation of any attenuation measures shall be carried out by a suitably qualified person.

Reason: To minimise noise disturbance to occupants of noise sensitive properties.

P/18/0511

Nether Kypeside Farm, Lesmahagow



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Scale:
1:25,000
Date:
04/08/2018



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

16

Report to:	Planning Committee
Date of Meeting:	26 June 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/0171
Planning proposal:	Erection of two storey detached dwellinghouse

1 Summary application information

Application type: Detailed planning application

Applicant: Mrs Alexandria Raeburn
Location: East Overton House
Hamilton Road
Strathaven
ML10 6SZ

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: Riach Partnership Ltd
- ♦ Council Area/Ward: 05 Avondale And Stonehouse
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (Adopted 2015):**

Policy 4 - Development management and placemaking

Policy 6 - General urban area/settlements

Residential Development Guide (2011)

Proposed South Lanarkshire Local Development Plan 2 (2018)

Policy 3 – General urban areas and settlements

Policy 5 – Development management and placemaking

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site is currently mature mixed woodland adjacent to the private access serving East Overton House. The site is accessed from Glassford Road, with the driveway up to East Overton House running along the eastern boundary of the site. East Overton House and two converted dwellings sit to the north-east of the site, a new housing development under construction is located to the east, an existing housing development (Flemington Court) sits to the west and the south of the site is bounded by more mature woodland. It is noted that, further to the south of the site, an application for a detached dwelling has been approved under reference EK/16/0412 but the consent has not been implemented. The site, which is relatively flat, contains a number of mature trees, of varying condition.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the erection of a two storey dwelling at the site. The cruciform shaped dwelling would have an overall floor area of approximately 326 square metres over two levels. The ground floor would comprise a kitchen, dining area, 2no. living rooms and a bedroom with the upper level containing 5no. bedrooms with associated bathrooms/ensuites. The upper level also contains a south facing balcony accessed from one of the bedrooms. The proposal includes a walled parking area and garden to the north of the site. It is noted that an additional parking area to the south of the dwelling has been included on the plans. The materials proposed for the dwelling are white render finish to external walls, vertical timber cladding panels, fibre cement slates for the roof and black powder coated steel metalwork.
- 2.2 As the proposal will require the removal of a number of trees, the applicant has provided a tree survey and plan indicating the trees that require to be removed and their condition. In addition, a design statement detailing the design principles including the siting of the proposed dwelling has been included as a supporting document. The statement also provides details of the proposed materials. A bat survey has also been provided.

3 Background

3.1 Local Plan Status

- 3.1.1 In terms of the Adopted South Lanarkshire Local Development Plan (2015), the site is located within the settlement boundary and as such Policy 4 - Development management and placemaking and Policy 6 - General urban area/settlements are relevant. These policies require development within residential areas to take account of the local context and built form and should be compatible with adjacent buildings in terms of scale, massing, design with no significant adverse impact in the local environment.
- 3.1.2 In addition, the Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy was approved at Planning Committee on 29 May 2018. As such, the SLLDP2 is now a material consideration in determining planning applications. In this case, the corresponding policies are Policy 3 – General urban areas and settlement and Policy 5 – Development management and placemaking. As above, these policies require

development within residential area to take account of and respect the local context and built form.

3.2 **Relevant Government Advice/Policy**

3.2.1 None relevant.

3.3 **Planning Background**

3.3.1 Planning permission in principle was granted in 2013 for the formation of two residential plots on land within the woodland in which the application site is situated under planning application EK/13/0071. It is noted that a detailed application for one plot adjacent to Glassford Road has already been submitted and approved under planning application EK/16/0412. The second lies immediately to the north of the current application site and there has not been any further applications in respect of this plot.

4 **Consultation(s)**

4.1 **Roads and Transportation Services** - No objection to the proposal subject to the attachment of conditions in relation to surfacing and drainage, implementation of passing places and the provision of wheel washing facilities during the construction period.

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

5 **Representation(s)**

5.1 Following the statutory neighbour notification procedure undertaken by the Council and advertisement in the local press for non-notification of neighbours, twelve letters of objection have been received in relation to this proposal. The contents of the letters are summarised below:

a) **This proposal will result in a loss of a natural habitat for wildlife currently used by nesting/roosting birds, foxes, squirrels and deer. There is a brown owl that lives in the trees that will be felled as a result of this development. Should planning permission be granted, a condition should be attached to ensure the protection of flora and fauna within the site.**

Response: As is standard for applications involving the removal of trees, a bat survey has been submitted. This concluded that no evidence was found of the trees being used as roosts and there was negligible roost potential; only 3no. trees exhibited features for potential use. As such, whilst it is considered that bat activity surveys are not required at this time, a precautionary approach is recommended with a small number of bat roost boxes installed on trees that are to be retained. The trees should be inspected again prior to felling for any features which might provide an opportunity for roosting. Should planning permission be granted, an appropriate condition will be attached to any consent issued requiring all recommendations of the bat survey to be carried out throughout the construction process. Whilst the ecological survey did not include owls which are another protected species, an informative has been attached that advises the applicant that should an owl nesting location be discovered during works, then further advice should be sought from Scottish Natural Heritage (SNH).

b) **The application site sits substantially higher than the existing dwellings at Flemington Court therefore the construction of a two storey dwelling built in close proximity to the boundary fencing at Flemington Court would result in a loss of privacy to the existing dwellings. Windows on the side of the proposed dwelling will look down into the windows of the existing houses both on the ground and upper floors and the proposed balcony will reduce**

privacy. 11 Flemington Avenue will be most affected by the proposed balcony and windows on the north and south facing elevations.

Response: Whilst it is noted that the application site currently sits higher than the adjacent housing development, the sections provided indicate that the relationship of the proposed dwelling with adjoining houses in terms of eaves levels and ridge height would be acceptable. Furthermore, it is considered that the windows and balcony on the proposed dwelling have been carefully positioned to ensure no overlooking or loss of privacy to the existing dwellings. In particular upper floor windows in the elevation adjacent to the existing houses relate to bathrooms where opaque glazing would be provided. It is, therefore, considered there will no significant impact on amenity to 11 Flemington Avenue or the adjacent properties.

- c) This proposal may result in a considerable loss of light and overshadowing to the existing dwellings, particularly in the mornings.**

Response: An assessment of the impact of the proposal on light received by the adjoining house has been carried out which indicates the shadow cast 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 demonstrate that as the sun rises in the east and sets in the west, the proposed dwelling will result in a small level of overshadowing in the morning. However, this does not create a significant level of additional overshadowing at that time of the day. There would be no impact the rest of the day and, therefore, it is not considered the proposed dwelling will create a significant level of overshadowing to justify refusal of the application.

- d) As the site sits higher than the adjacent dwellings at Flemington Court, this could result in drainage run off into these properties potentially causing flooding.**

Response: Prior to works commencing on site, the applicant will require to submit details of surface water drainage arrangements to the Council complying with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design criteria including the signed appendices. Should planning permission be granted, an appropriate condition will be attached.

- e) The woodland where the dwelling is proposed is protected through a Tree Preservation Order (TPO). The majority of trees are healthy and it is unclear from the planning application how many will be removed to accommodate the proposal. The loss of healthy trees is not good for the environment or the wildlife they support. It will also likely result in additional trees being felled due to the root spread. The trees provide a screen between the dwellings on Flemington Court and East Overton House as well as the housing development currently under construction.**

Response: The application and surrounding woodland are not protected by a TPO. However, a tree survey has been submitted as part of this application which identifies the trees proposed to be removed to accommodate the development as well as those to be retained and those that require to be removed due to poor condition. A substantial part of the tree cover would be maintained and should planning permission be granted, appropriate conditions can be attached to ensure that only the trees identified in the tree report can be removed and that those to be retained are fully protected during the construction process.

- f) Planning permission for an adjacent site (EK/13/0145) was limited to 1.5 storeys therefore this should be applied to the current application. The proposed dwelling is out of scale with the surrounding area.**

Response: Each application site is considered on its own merits. It is considered that the proposed two dwelling is of an acceptable size and scale and is comparable to the height and floor area of the adjacent dwellings.

- g) This proposal will result in a significant increase in traffic and access difficulties on the existing access lane into East Overton House. This will result in increased noise disturbance for adjacent residents.**

Response: The Council's Roads and Transportation Service were consulted as part of this application and have raised no objection to the proposal. Furthermore it is not considered an additional property using this access will result in significant disturbance to adjacent residents.

- h) The setting of East Overton House, a building of local historical significance will be compromised by this proposal due to its size and position.**

Response: The proposed dwelling will be located at the top of the driveway leading to East Overton House. Whilst the driveway is an attractive entrance to the former listed property, the proposed house would be set back enough to ensure no adverse impact on the setting of the building.

- 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 Detailed planning permission is sought for the erection of a two storey dwelling at East Overton House, Strathaven. The determining issues in the assessment of this application are compliance with local plan policy, its impact on the amenity of the adjacent properties and road safety matters.
- 6.2 The proposed development is sited partially on land that has the benefit of Permission in Principle for a dwelling granted under application EK/13/0071. In addition, the site is identified as being within the settlement boundary of Strathaven where policy in general states that residential development will be acceptable providing there would not be a significant adverse effect on the amenity and character of the area. It is, therefore, considered that the principle of the erection of a dwellinghouse at this site has already been established and, as such, this assessment relates to the detailed design and layout, infrastructure issues and impact on adjacent properties.
- 6.3 As noted above, Policy 4 – Development Management 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.
- 6.4 In terms of the above policies, it is considered that the proposed dwelling is of a high quality design incorporating a high quality of materials which will complement the surrounding area. The proposed dwelling will sit approximately 5 metres from the boundary with the closest residential property. In terms of orientation; the windows on the proposal have been carefully positioned to ensure there is no adverse impact on the adjacent residential properties at Flemington Court. On the upper level, all windows on the west facing elevation are ensuite windows and, therefore, will be obscurely glazed. Whilst there are windows on the north and south facing elevations including a balcony, these do not directly face the adjacent properties. Furthermore,

the balcony does not project beyond the rear building line of the proposed dwelling therefore it is considered there will be no significant adverse impact on adjacent properties. As the proposal also includes a generous sized garden to the north and south of the site including an enclosed courtyard forming a walled garden to accommodate in-curtilage parking this proposal meets with the general requirements of the Council's Residential Development Guide.

- 6.5 As noted above, this proposal will require the removal of a number of trees. A tree report with plan has been submitted identifying the trees to be removed to facilitate the development as well as those being retained and those that require to be removed due to their poor condition. A significant number of trees will still be retained to preserve this woodland setting which will also provide a level of screening. In addition, a bat survey was submitted concluding there is no evidence of the trees being used as roosts with only 3no. trees exhibiting features for potential use. As such, a precautionary approach was recommended that a small number of bat roost boxes should be installed on trees that are to be retained. The trees should be inspected again prior to felling for any features which might provide an opportunity for roosting. Should planning permission be granted, appropriate conditions can be attached.
- 6.6 The Council's Roads and Transportation Services were consulted as part of this application and are satisfied the access is wide enough to accommodate two cars to ensure there is no queuing on the public road. However, they have requested that conditions be attached in relation to surfacing, drainage and the implementation of passing places along the access road. Should planning permission be granted, appropriate conditions can be attached.
- 6.7 As a result of publicity 12 letters of objection have been received the grounds of which are summarised in section 5 of the report. It has been concluded that the issues raised by objectors in particular the impact on residential amenity and the effect of the proposals on ecology do not merit refusal of the application.
- 6.8 On 29 May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposals accords with Policies 3 and 5 in the Proposed plan.
- 6.9 In conclusion the proposal accords with the adopted Local Development Plan and, therefore, it is recommended that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposal does not raise any amenity or road safety issues and complies with Policies 4 and 6 of the Adopted South Lanarkshire Local Development Plan (2015) and related supplementary guidance and with the Proposed South Lanarkshire Local Development 2.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

7 June 2018

Previous references

◆ EK/13/0071

List of background papers

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

- ▶ Consultations
 - Roads Development Management Team

- ▶ Representations

	Dated:
Mrs Christine Smith, 11 Flemington Avenue, Strathaven, South Lanarkshire, ML10 6FJ	08.04.2018 08.04.2018
Susan Zlotos, 16 Flemington Avenue, Strathaven, ML10 6FJ	12.04.2018
Margot Macsween, 6 Flemington Court, Strathaven, South Lanarkshire, ML10 6FL	09.04.2018
Mr Peter Smith, 11 Flemington Avenue, Strathaven, South Lanarkshire, ML10 6FJ	08.04.2018 08.04.2018
Annabelle Meikle, 2 Flemington Court, Strathaven, South Lanarkshire, ML10 6FL	06.04.2018
Mr Adrian J Wood, 4 Flemington Court, Strathaven, South Lanarkshire, ML10 6FL	06.04.2018
Dr Leon Zlotos, 16 Flemington Avenue, Strathaven, South Lanarkshire, ML10 6FJ	12.04.2018
Mrs Sharon A Wood, 4 Flemington Court, Strathaven, ML10 6FL	06.04.2018
Joe Allan, 94 Franklin Place, East Kilbride , G75 8LS	07.04.2018
Mr Robert Macsween, 6 Flemington Court, Strathaven, Lanarkshire, ML10 6FL	10.04.2018
Ruaridh Macsween, 6 Flemington Court, Strathaven, ML10 6FL	10.04.2018
Lewis Macsween, 6 Flemington Court, Strathaven, Lanarkshire, ML10 6FL	10.04.2018

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)

Email: julie.pepper@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/18/0171

Conditions and reasons

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

Reason: In the interests of amenity and in order to retain effective planning control.

02. All external colours shall be agreed in writing with the Council as Planning Authority prior to the commencement of works.

Reason: In the interests of amenity and in order to retain effective planning control.

03. 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.

Reason: To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.

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

Reason: These details have not been submitted or approved.

05. That before 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 4 above, shall be erected and thereafter maintained to the satisfaction of the Council.

Reason: In order to retain effective planning control.

06. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Amendment Order 2011 (or any such order revoking or re-enacting that order), no development shall take place within the curtilage of the application site other than that expressly authorised by this permission without the submission of a further planning application to the Council as Planning Authority.

Reason: In the interests of amenity and in order to retain effective planning control.

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

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

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

08. That 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.

Reason: In order to retain effective planning control.

09. That any recommendations of the Nigel Rudd Ecology bat inspection report dated February 2017 shall be carried out in accordance with this document throughout the construction process.

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

10. 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.

Reason: To ensure the provision of a satisfactory sewerage system.

11. That no trees within the application site shall be lopped, topped, pollarded, felled, or otherwise affected other than those identified in the Southcraig Forestry Services Tree Survey Report dated 9th January 2018 and thereafter all tree works shall be carried out in accordance with this document to the satisfaction of the Council as Planning Authority.

Reason: To ensure the protection and maintenance of the existing mature trees within the site.

12. That the first 10 metres of the access road shall be surfaced, trapped and sealed to prevent any deleterious material or water from leaving the driveway and entering the public road.

Reason: In the interest of traffic and public safety.

13. That prior to works commencing on site, a detailed plan showing passing places along the access road to the plot shall be submitted to and approved by the Council as Roads and Planning Authority. The approved scheme shall be implemented to the satisfaction of the Council before the house hereby approved is occupied.

Reason: In the interests of traffic and public safety.

14. That before 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.

Reason: In the interest of public safety.

15. That during construction wheel washing facilities 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.

Reason: In the interests of traffic and public safety.

P/18/0171

East Overton House, Hamilton Road, Strathaven



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South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

17

Report to:	Planning Committee
Date of Meeting:	26 June 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/0587
Planning proposal:	Erection of single storey front, side and rear extension to dwellinghouse

1 Summary application information

Application type:	Detailed Planning Application
Applicant:	Mr Robert Patterson
Location:	7 East Milton Grove East Kilbride G75 8SN

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: Dorothy Anderson
- ♦ 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 DM2 – House extensions and alterations

Proposed South Lanarkshire Local Development Plan 2 (2018)

Policy 3 – General urban areas and settlements
Policy 5 – Development management and placemaking
Policy DM2 – House extensions and alterations

◆ **Representation(s):**

▶ 8
▶ 0
▶ 0

Objection Letters
Support Letters
Comment Letters

◆ **Consultation(s):**

None

Planning Application Report

1 Application Site

- 1.1 The application site relates to a residential property located at 7 East Milton Grove, East Kilbride. The property is located within an established residential area. It is single storey in scale and appearance although bedroom accommodation is provided in the roofspace. The site, which extends to approximately 700 square metres, is bounded to the north, east and south by adjacent residential properties and to the west by a public path with residential properties located beyond. The property, which is generally flat throughout, is accessed from East Milton Grove. The property is situated at a slightly lower level than the adjacent property to the north at 9 East Milton Grove with a retaining wall of approximately one metre in height located between the two properties.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning consent for the construction of an extension to the existing dwellinghouse. The proposed development would extend the dwellinghouse to the front, rear and side of the property and would allow the provision of an attached garage and additional living space within the property. A small flue, associated with a wood burning stove within the extension, would project from the roof of the proposed extension. The proposed extension would be finished in materials to match the existing dwellinghouse.

3 Background

3.1 Local Development Plan

- 3.1.1 With regard to the South Lanarkshire Local Development Plan (adopted 2015) the site falls within the general urban area where Policy 6 – General urban area/settlements applies. 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.

- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policy 3 - General urban areas and settlements, Policy 5 - Development management and placemaking and Policy DM2 – House extensions and alterations are relevant to the proposal.

3.2 Planning History

- 3.2.1 The applicant previously submitted a planning application in November 2017 seeking permission to erect a 1.5 storey extension to the dwellinghouse to include the erection of an upper floor balcony (Planning Ref: EK/17/0415). However, this application was subsequently withdrawn and the current application was submitted in its place.

4 Consultation(s)

- 4.1 No consultations were required to be undertaken in respect of this planning application.

5 Representation(s)

- 5.1 Statutory neighbour notification procedures were undertaken in respect of the application. In response, eight letters of objection were received in respect of the proposals, the points of which are summarised below:

- a) **The proposed extension would create a visual eyesore, would amount to overdevelopment and would be out of character with and detrimental to the landscape character of the street.**

Response: It is noted that the proposed extension would be single storey, relatively small in terms of scale and only the section that projects to the north would be visible from the streetscene on East Milton Grove. It is also proposed to construct the extension in materials to match the existing dwellinghouse. The view is therefore taken that the extension would not be out of context with the local character or detrimental to the appearance of the streetscape.

- b) **The proposed development would have an adverse impact on the adjacent property to the north in terms of loss of daylight and sunlight, loss of view and associated amenity issues. In this regard the roof of the extension could have been hipped to reduce the impact.**

Response: An assessment of the impact on neighbouring properties due to loss of light was undertaken as part of the consideration of the application. With regard to the property to the north, at 9 East Milton Grove, it was noted that the sunlight impact on this property would be minimal as it would only affect a small area of the rear garden for a limited portion of the day. It was further noted that the applicant's property is situated at a lower level than the objectors' property and, as such, the impact of a single storey extension in terms of loss of sunlight or daylight would be further limited. As such, the view is taken that the proposed extension would not significantly adversely affect the adjacent property in terms of loss of sunlight or daylight. It is not considered necessary to require the shape of the roof to be amended in this case. It should also be noted that loss of view is not a valid planning consideration.

- c) **The proposed development would cause a loss of privacy to the adjacent property to the north.**

Response: No windows on the proposed extension would face towards the adjacent property to the north and no balconies or other raised platforms are proposed to be erected. There would, therefore, not be any impact on the privacy of this property in this instance.

- d) **The proposed extension would dominate and overwhelm the adjacent property to the north.**

Response: As noted above, the applicants propose to erect a single storey extension that is subservient to the existing dwellinghouse in that it would sit lower than the ridge of the house. The dwellinghouse in question is positioned at a lower level than the adjacent dwellinghouse to the north which would further reduce the impact of the proposal. It is, therefore, not considered that the extension would result in the proposal overwhelming the objector's property.

- e) **The proposed development would create a structural risk to the adjacent property given its proximity to the property boundary at which there exists a retaining wall which requires to be maintained. The minimum distance to the property boundary should be one metre as set out in relevant planning guidelines.**

Response: The proposed extension would be set back 620mm from the boundary. While Council planning guidance states that extensions should ideally be set back one metre from property boundaries for amenity reasons, each case is considered on its merits. In this case the distance from the boundary would not adversely affect the amenity of the adjacent property. Any disputes which arise over access or boundaries are not a planning matter. These are civil matters to be resolved between the parties involved.

- f) **The proposed wood burner shown on the drawings would increase odour and dust and would have an adverse impact on air quality for local residents.**

Response: While these comments are noted, any concerns with regard to the operation of a wood burner on site should instead be raised with the Council's Environmental Services who can deal with any issues in terms of relevant environmental legislation.

- g) **The proposal does not comply with Policy 4 of the South Lanarkshire Local Development Plan or with the policy and guidance contained within associated supplementary guidance.**

Response: The proposal has been considered in detail as set out above and also in Section 6 below. It is considered that the proposed development is fully compliant with Policy 4 and with all relevant associated supplementary guidance in this instance.

- h) **The proposal should not be granted purely because it represents a reduction in scale when compared to the previous proposal for the property. Instead, it should be considered on its own merits.**

Response: The proposal has been considered on its own merits in relation to the relevant policies of the South Lanarkshire Local Development Plan (adopted 2015), its associated supplementary guidance and with the relevant provisions of the Proposed South Lanarkshire Local Development Plan 2. It is considered that the proposed development fully complies with all relevant policy in this instance and it is, therefore, considered appropriate for planning consent to be granted for the proposed development.

- i) **The writer raises concerns regarding the timescale for undertaking of the work and queries whether the work would be undertaken by a contractor.**

Response: These are not matters of relevance to the planning assessment of this application. However, in the event that consent is granted for the proposed works, the applicant would be required to commence works within three years of the date permission is granted, in order to implement the consent on site. If works have not commenced within three years, the consent would be considered to have expired.

- 5.2 The above 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 consent is sought for the erection of a single storey front, side and rear extension to the existing dwellinghouse at 7 East Milton Grove, East Kilbride. The

determining issues in the assessment of this application are its compliance with local development 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), its associated supplementary guidance and the Proposed South Lanarkshire Local Development Plan 2 (2018).

- 6.2 With regard to adopted planning policy as set out in the South Lanarkshire Local Development Plan (adopted 2015) 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 advises that proposed developments should not have any significant adverse impact on adjacent buildings or the surrounding streetscape in terms of layout, scale, massing, design, materials or amenity. Policy DM2 - House extensions and alterations of the associated supplementary guidance relating to development management, placemaking and design expands on Policy 4 and, in particular, advises that proposals should have no significant amenity impact in terms of overlooking or loss of privacy, daylight or sunlight. In addition, Policy 6 – General urban area/settlements is also of relevance and states that, while the principle of residential developments will be supported within the general urban area, ‘bad neighbour’ developments will not be permitted if they are detrimental to the amenity of existing residents.
- 6.3 In this instance, following a detailed assessment of the application, the view is taken that the proposed development would not have a significant adverse impact on the surrounding streetscape or on local residential amenity. It is noted that the proposed extension would be single storey in height and would sit lower than the ridge height of the existing house; would be finished in materials to match the existing dwellinghouse and only part of the extension would be visible within the streetscape of East Milton Grove, with a significant portion of the extension projecting to the south of the property, away from public views and adjacent properties.
- 6.4 It is not considered that the proposed extension would have an adverse impact on the privacy of adjacent properties. In terms of overshadowing it is considered that, as the extension would be single storey in height, any impact on adjacent properties would be limited in terms of both the extent of overshadowing and the period of the day during which any overshadowing would occur. It is also noted that the application site is set at a lower level than the adjacent property to the north, further reducing the impact on provision of light resulting from the proposed development. As such, it is not considered that there would be a significant adverse impact in terms of the provision of light to adjacent properties as a result of the proposed development, while the scale of the extension is such that it would not have a dominating physical impact. Additionally, there are no other specific amenity issues that would arise that would require the application to be refused consent in this instance. As such, the view is taken that the proposed extension would be fully compliant with the relevant provisions of the South Lanarkshire Local Development Plan, with specific regard to Policies 4, 6 and DM2.

- 6.5 On 29 May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. It is considered that the proposal accords with Policies 3, 5 and DM2 in the proposed plan.
- 6.6 Statutory neighbour notification was undertaken in respect of the application, following which eight letters of representation was received. The points raised have been addressed in Section 5 above. It is not considered that the application should be refused consent based on the points of objection raised.
- 6.7 In conclusion, following detailed consideration of the proposed extension as set out above, it has been determined that the proposal is fully compliant with Policies 4 and 6 of the South Lanarkshire Local Development Plan (adopted 2015) and with Policy DM2 of the associated supplementary guidance relating to development management, placemaking and design. The proposal is also considered to be compliant with the relevant policies of the Proposed South Lanarkshire Local Development Plan 2, specifically Policies 3, 5 and DM2. It is, therefore, recommended that planning permission is granted for the proposed extension in this instance.

7 Reasons for Decision

- 7.1 The proposal would have no significant adverse impact on amenity and complies with the relevant policies of the adopted South Lanarkshire Local Development Plan and Supplementary Guidance (Policies 4, 6 and DM2) as well as the Proposed South Lanarkshire Local Development Plan 2 (Policies 3, 5 and DM2). There are no additional material considerations which would justify refusing consent.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

7 June 2018

Previous references

- ◆ EK/17/0415

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Development Management, Placemaking and Design Supplementary Guidance (2015)
- ▶ Proposed South Lanarkshire Local Development Plan 2 (2018)
- ▶ Neighbour notification letter dated 3 May 2018

► Representations	Dated:
Ed Cameron, Received Via E-mail	24.05.2018
Helen Cameron	24.05.2018
Lindsay Maybury, 9 East Milton Grove, East Kilbride, Glasgow, South Lanarkshire, G75 8SN	16.05.2018
Catriona Maybury, 9 East Milton Grove, East Kilbride, G75 8SN	21.05.2018
Joan Maybury, 9 East Milton Grove, East Kilbride, G74 8SN	21.05.2018
Jean Fulton	24.05.2018
Colin Maybury	15.05.2018
Allan Thomson, West Kirk, 44 Kittoch Street, East Kilbride, G74 4JW	30.05.2018

Contact for further information

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

Declan King, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Ext :5049 Tel (01698 455049)
Email: declan.king@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/18/0587

Conditions and reasons

01. That the facing materials to be used for the external walls and roof of the extension 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.

Reason: To ensure satisfactory integration of the proposed development with the existing building both in terms of design and materials.

P/18/0587

7 East Milton Grove, East Kilbride



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