

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>10 October 2017</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application No	HM/17/0295
Planning Proposal:	Residential Development (105 units) And Associated Roads And Infrastructure, Including footpaths, Open Space, SUDs And Landscaping

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Miller Homes
- Location : Clyde Avenue  
Blantyre Mill Road  
Bothwell

## 2 Recommendation(s)

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

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

### 2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) Detailed planning permission should not be issued until an appropriate obligation under Section 75 of the Planning Act and/or other appropriate agreement, has been concluded between the Council, the applicants and the site owner(s). This planning obligation should ensure that appropriate financial contributions are made at appropriate times during the development towards the provision of community and educational facilities.

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 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 applicant.

### 3 Other Information

- ◆ Applicant's Agent: None
- ◆ Council Area/Ward: 16 Bothwell and Uddingston
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**

Policy 1 - Spatial Strategy

Policy 3 - Green Belt and Rural Area

Policy 4 - Development Management and Placemaking

Policy 5 - Community Infrastructure Assessment

Policy 6 - General Urban Area/Settlements

Policy 12 - Housing Land

Policy 13 - Affordable Housing and Housing Choice

Policy 14 - Green Network and Greenspaces

Policy 15 - Natural and Historic Environment

Policy 16 - Travel and Transport

Policy 17 - Water Environment and Flooding

#### **South Lanarkshire Local Development Plan (Supplementary Guidance)**

Development Management, Place Making and Design SG

DM1 - Design

DM13 - Development within General Urban Area/Settlement

Affordable Housing SG

Green Belt and Rural Area SG

Green Network and Greenspaces SG

Natural and Historic Environment SG

NHE9 - National Nature Reserves and Sites of Special Interest

NHE13 - Tree Preservation Orders

NHE18 - Walking, Cycling and Riding Routes

NHE19 - Protected Species

Community Infrastructure Assessment SG

Sustainable Development and Climate Change SG

SDCC 2 - Flood Risk

SDCC 3 - Sustainable Drainage Systems

SDCC 4 - Water Supply

SDCC 5 - Foul Drainage and Sewerage

Residential Design Guide SG

Representation(s):

▶	33	Objection Letters
▶	0	Support Letters
▶	2	Comments Letters

◆ Consultation(s):

- Countryside and Greenspace
- Roads and Transportation Services (Flood Risk Management Section)
- Scottish Water
- West of Scotland Archaeology Service
- SP Energy Network
- S.E.P.A. (West Region)
- Roads and Transportation Services (Geotechnical Section)
- Bothwell Community Council
- National Grid UK Transmission
- Education Resources - School Modernisation Team
- Environmental Services [
- Community - play provision/community contributions
- Scottish Natural Heritage
- Roads Development Management Team
- Housing Services
- Arboricultural Services
- Estates Services

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site relates to an area of land, associated with the former Bothwell Bank Farm, which extends to some 10.5 hectares in area and is located on the western edge of the settlement of Bothwell. The site is defined as two main areas, one to the north and the other to the south separated by an access to a sewerage treatment works. The northern area is further dissected by a steep depression running east to west midway through the site.
- 1.2 The site is bound to the north, beyond Blantyre Mill Road, by a wooded area and to the east by residential properties and a recreational ground. The western boundary is formed by both an existing sewerage works and the River Clyde. The latter also forms the southern boundary.
- 1.3 Access to the site is via Blantyre Mill Road to the north and Clyde Avenue to the south. It is also noted that Blantyre Mill Road also allows pedestrian access to Blantyre via the David Livingstone Memorial footbridge.
- 1.4 Areas of land within the application site, mainly around the perimeter on the banks of the River Clyde are designated as on the SNH Ancient Woodland Inventory and as Sites of Importance for Nature Conservation (SINC). The land to the north of the site, beyond Blantyre Mill Road is designated as a Site of Special Scientific Interest (SSSI). It is noted that a part of the application site is located within a designated Tree Preservation Area (Bothwell Riverbank) which covers the banks of the River Clyde to the west and south. A further TPO (Bothwell Castle Riverbank) bounds the site to the west and north.

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

- 2.1 The applicants propose the erection of a residential development of 105 units; including 25 affordable housing units, and associated landscaping, roads and drainage infrastructure.
- 2.2 As stated above, due to current ground restrictions, three development areas are proposed. The northern and central areas will accommodate 15 and 32 detached dwellings, respectively, accessed via a new junction directly from Blantyre Mill Road. The southern site will provide 33 detached dwellings and 25 affordable housing units (terraced and cottage style flatted units) which will be accessed via an upgraded junction at Clyde Avenue, which will also serve the existing sewerage works.
- 2.3 Amenity open space area will be provided throughout the development, including existing ground features along the western boundary and between the north and central areas.
- 2.4 An existing gas pipe, serving the sewerage works, would be re-routed to accommodate the proposed development. Furthermore, it is noted that a new pumping station, located within the central development area is proposed in association with the development.
- 2.5 The development is classified as a 'Major' development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and was the subject of pre-application consultation, including a public exhibition held in Bothwell Bridge Hotel on the 30 October 2016 and a further presentation to Bothwell Community Council.

- 2.6 A number of documents have been provided in support of the application, which includes a Design & Access Statement, Transport Assessment, Energy Statement, Factoring Plan, Habitat Survey, Pre-application Consultation Report and Noise Assessment.

### **3 Background**

#### **3.1 Relevant Government Advice/Policy**

- 3.1.1 Scottish Planning Policy (2014) (SPP) highlights that the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision-making and advises that proposals that accord with up-to-date plans should be considered acceptable in principle. In terms of residential development, SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements.

#### **3.2 Local Plan**

- 3.2.1 For the purposes of determining planning applications, the Council must assess the proposed development against the policies contained within the adopted South Lanarkshire Local Development Plan (2015) and associated Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.2.2 In terms of the SLLDP, the application site is largely identified as a Residential Masterplan Site (Policy 1- Spatial Strategy) and forming part of the Council's housing land supply (Policy 12 - Housing Land). Residential uses are supported within such sites, subject to compliance with normal development management criteria. It is also noted that the majority of the application site is also designated as forming part of the Green Network (Policy 14 - Green Network and Greenspaces) and that a small section within the southern site is designated as Green Belt (Policy 3 - Green Belt and Rural Area).
- 3.2.3 A number of other policies within the adopted SLLDP are also considered appropriate to the determination of this application, namely Policy 6 - General Urban Area/Settlements, Policy 4 - Development Management and Placemaking, Policy 5 - Community Infrastructure Assessment, Policy 13 - Affordable Housing and Housing Choice, Policy 15 - Natural and Historic Environment, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding. These policies are supported by Supplementary Guidance, which forms part of the Development Plan for South Lanarkshire, including:
- Development Management, Place Making and Design SG  
Policy DM 1 – Design and Policy DM13 – Development within General Urban Area/Settlement.
  - Affordable Housing SG
  - Green Belt and Rural Area SG
  - Green Network and Greenspaces
  - Natural and Historic Environment SG  
Policy NHE9 - National Nature Reserves and Sites of Special Interest, NHE13 - Tree Preservation Orders, Policy NHE18 - Walking, Cycling and Riding Routes and Policy NHE19 - Protected Species.
  - Community Infrastructure Assessment SG
  - Sustainable Development and Climate Change SG
  - Policies SDCC 2 - Flood Risk, SDCC 3 - Sustainable Drainage Systems, SDCC 4 - Water Supply and SDCC 5 - Foul Drainage and Sewerage
  - Residential Design Guide SG

The aim of these policies and guidance is to seek well designed developments which are located in appropriate locations, appropriately serviced and result in no adverse impact.

- 3.2.4 An assessment of the proposal against these specific policies and guidance is contained in Section 6 of this report.

### 3.3 **Planning Background**

- 3.3.1 It is noted that a planning application for the erection of 60 residential units on part of the current application site was submitted in 2014 (Application ref.: HM/14/0460). This was presented to the Council's Planning Committee in 2016 with a recommendation for approval, subject to the conclusion of a legal agreement to ensure the provision of a financial contribution toward educational and recreation facilities in the area. The applicants withdrew the planning application prior to the conclusion of this matter and no formal decision was issued by the Council.

## 4 **Consultation(s)**

- 4.1 **Roads and Transportation Services (Development Management Team)** – initially recommended the deferral of any decision on the basis of changes required to road details, parking and footpath standards.

**Response:** Following the initial comments from Roads, the applicants have revised the layout to take account of these. Roads have now confirmed that the proposal is acceptable, subject to conditions being attached to any consent issued.

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

**Response:** These requirements can be addressed, where appropriate, through the use of appropriately worded conditions/informatives should consent be issued. It is noted that the applicants have been in further discussions with the Flooding Team to address the matters raised.

- 4.3 **Roads and Transportation Services (Geotechnical Section)** – have advised that they offer no objections to the proposal subject to conditions relative to ground stability.

**Response:** These requirements can be conditioned as part of any consent that is issued.

- 4.4 **Environmental Services** – offer no objections subject to the inclusion of conditions and/or informatives relative to noise control, the provision of a Noise Piling Method Statement, residential waste control, contaminated land, and smoke control areas. Notwithstanding the above, they recommended the deferral of any decision until the impact of the noise associated with the sewerage works was fully assessed.

**Response:** Whilst noting that Environmental Services had initially recommended the deferral of any decision pending the further assessment of noise from the adjacent sewerage works, it is noted that these matters have now been addressed. Appropriately worded conditions/informatives can be attached, where appropriate, to address the remaining matters raised should consent be issued.

- 4.5 **Facilities, Waste and Ground Services (Arboriculture)** – raised concerns regarding the loss of trees.  
**Response:** It is noted that the development will result in the loss of some trees within the site, primarily a small group of trees within the site close to Grieve Croft. However, the mature tree belt around the perimeter will be retained and largely unaffected by the proposed development. Furthermore, the submitted Landscape Masterplan indicates that new woodland planting is proposed within the existing gully area and other boundary area. Tree planting is also proposed within garden areas, streets and public amenity space. These works will compensate any loss of trees and provide a valuable amenity setting for the development
- 4.6 **Housing and Technical Resources** – raised no objections to the provision of affordable housing on site.  
**Response:** The applicants have proposed the provision of 25 affordable housing units within their development which is consistent with the requirements of the Council's affordable housing policies and guidance.
- 4.7 **Countryside and Greenspace** – whilst raising no objections to the proposal, have highlighted the as the area is identified as a component of the strategic green network consideration should be given to maintaining and enhancing the site's functional value and biodiversity. In addition, it is highlighted that there are opportunities to connect the site, in relation to walking and cycling, to the adjacent areas.  
**Response:** Where appropriate, conditions can be attached to address these matters.
- 4.8 **Community – Play Provision** – have advised that a financial contribution would be required to address any impact of the development on existing recreational facilities within the area. Furthermore, it is noted that any play area/open space within the development would not be adopted by the Council's Ground Services.  
**Response:** It is confirmed that the requirement for a financial contribution towards any impact on community facilities, would be addressed through the conclusion of the Planning Obligation between the developer and the Council to ensure the provision of appropriate funding. These monies would contribute to the proposed upgrade of Wooddean Park.
- 4.9 **Education Resources - School Modernisation Team** – have advised that a financial contribution toward existing educational facilities would be required.  
**Response:** This matter would be addressed through the conclusion of a legal agreement, or other appropriate means, between the applicants, land owner and the Council, to ensure the provision of appropriate funds.
- 4.10 **Estate Services** – have offered no objections to the application.  
**Response:** Noted.
- 4.11 **S.E.P.A. (West Region)** – have offered no objections to the proposal. They note that foul drainage from the site is to be discharged to the public sewerage system, via pumping stations, which should be built to Scottish Water adoptable standards. They further advise that surface water drainage must be in accordance with the principles of the SUDs Manual and recommend that construction/demolition works be carried out with due regards to the guideline on avoidance of pollution. SEPA have also highlighted that the Council may wish to consider if the proposal is compatible with the adjacent sewerage works due to residual odour.  
**Response:** These requirements can be addressed, where appropriate, through the use of appropriately worded conditions/informatives. With regard to the issue of odour

it is confirmed that this matter has been considered by Environmental Services and no issues were highlighted.

- 4.12 **SP Energy Network** – whilst having no objection to the proposal have highlighted the presence of apparatus within the area.

**Response:** The applicants are aware of this information.

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

**Response:** Noted.

- 4.14 **Scottish Natural Heritage** – have offered no objections to the proposal subject to the following requirements:

- Submission of the further bat surveys recommended within the Section 4.1.1 of submitted “Bothwell Bank Farm Protected Species Survey (EnviroCentre dated February 2017).
- implementation of the mitigation measures identified within the submitted protected species survey (Section 4.1.2) in respect of badgers
- that pre-construction checks are undertaken for otter and water voles where suitable habitats exists.
- that the recommendations contained within Section 4.1.4, in terms of nesting birds, of the protected species survey.

With regards to their initial concerns over the potential impact of the proposal on the adjacent SSSI, they have confirmed that they are satisfied with the additional assessment undertaken and have no objection in this regard.

**Response:** These matters can be addressed, where appropriate, through the use of appropriately worded conditions/informatives.

- 4.15 **National Grid UK Transmission** – have offered no response to date. Notwithstanding this, it is noted that they offered no objections to the previous application for residential development of the site but highlighted that a medium pressure gas main lies within the site.

**Response:** The applicants are aware of this and have indicated the relocation of the gas main within the submitted drawings.

- 4.16 **West of Scotland Archaeology Service** – have highlighted that the development site lies within an area of some sensitivity for archaeology as such they have recommended that a condition relating to potential archaeological issues should be imposed on consent should it be issued.

**Response:** An appropriately worded condition can be attached to address this.

- 4.17 **Bothwell Community Council** – have commented that they note the objections from residents and urge that full cognisance of these is taken these as part of the determination of the application. They have also requested that any community benefit is paid upfront to contribute to the improvements at Wooddean Park. The related Wooddean Community Project Organisation also commented that they would prefer that the play park within the site was not implemented but that the monetary equivalent was added to the monies available through developers’ contributions for the improvements at Wooddean Park.

**Response:** Noted. The points of objection are fully addressed and summarised in Section 5 of the report. Discussions are ongoing regarding both the play area and other connected projects and the timing of the payments and the agreed action will be contained in the final Section 75 Agreement.



## **5 Representation(s)**

5.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the Hamilton Advertiser due to the non notification of neighbouring properties and as a development contrary to the development plan. In response, 33 letters of objection and 2 letters of comment on the proposal were received in respect of the proposals.

5.2 The grounds of objection can be summarised as follows:

- a) **Traffic generation and road safety concerns, in particular with access from Clyde Avenue and potential restrictions for emergency vehicles/sewerage vehicles.**

**Response:** - It is noted that Roads and Transportation Services, after assessment of the submitted Traffic Statement, do not support these concerns having offered no objection to the use of either Clyde Avenue or Blantyre Mill Road as access to the development.

As with any residential street, due care and attention must be paid so as not to restrict access for residents, the emergency services or sewerage vehicles. The proposal can therefore be considered acceptable in terms of these issues.

- b) **Concerns of the lack of neighbour notification of proposal.**

**Response:** - It is confirmed that the notification of neighbours was carried out in accordance with current requirements. The resident in question's property was located outwith the notification area. Having said that it is further noted that the application for the proposal was also advertised in the local press.

- c) **Proposal is contrary to local plan policy given the area's Green Belt designation.**

**Response:** - Whilst it is noted that a small portion of the southern area remains designated as green belt, the majority of the current application site is identified within the adopted South Lanarkshire Local Plan as a development priority location for housing and is no longer designated as Green Belt. The area of greenbelt will not contain any development but will be planted up with woodland species to form a landscape buffer. The impact of the proposal on the area designated green belt will be considered within Section 6 of this report.

- d) **Concerns over potential adverse impact on privacy and amenity due to overdevelopment of the site, loss of daylight etc.**

**Response:** - It is considered that the proposed layout accords with the general aims of applicable policies and guidance, as detailed above, on the design and location of residential developments. Given the proposed layout of the development and location of the proposed dwellings in relation to existing properties, it is not considered that there will be any significant issues in this regard.

- e) **Concerns over the impact on nature conservation/wildlife.**

**Response:** - Appropriate survey work has been undertaken with regard to such matters and it is considered, in consultation with SNH, to be acceptable subject to any appropriate recommendations being conditioned as part of any consent issued.

- f) **Concerns over the impact of the proposed development on Bothwell's designation as a Conservation Area.**

**Response:** - The application site is not within the designated conservation area and is sufficiently remote from this area that there will be no adverse impact on this designation.

**g) Concerns over potential drainage/flood risk.**

**Response:** - It is noted that neither SEPA nor the Council's Roads and Transportation Service (Flood Risk Management) have raised any concerns, subject to conditions relative to the undertaking of a Flood Risk/Drainage Assessment prior to works commencing on site. It is understood that the applicants have been in discussions with the Council's Flood Risk Management Team regards drainage provision. Notwithstanding this a condition can be attached to address this matter.

**h) Concerns over the proximity of the proposed housing to the sewerage works, particularly with regard to noise and odour.**

**Response:** - These concerns were raised through the determination of the previous application submission and it was considered that there was no significant issue in terms of odour from the sewerage works. In terms of potential noise concerns it is confirmed that an assessment has been undertaken which recommends the provision of attenuation around part of the site. These details would be the subject of a condition, should consent be issued. On this basis, it is considered that there will be significant concerns in this regard.

**i) Concerns over the impact on existing doctors and school facilities.**

**Response:** - The provision of appropriate medical health care services would ultimately be a matter for the local health centre's management and the NHS to determine. In this regard, it is noted that a new medical centre has been erected at Bellshill Road, Uddingston.

In terms of the impact on school facilities, it is confirmed that Education Services (School Modernisation) have advised that a financial contribution towards school accommodation would be required in this instance.

**j) Concerns over the impact of the proposal on existing right of way and cycleways within the area, particularly with regard to the safety of public using these facilities.**

**Response:** - It is noted that established walkways and cycleways are located in close proximity to the development site and that there is potential to provide further linkages through the development.

It is noted that neither Roads and Transportation Services or the Council's Access Officer raised any concerns in this regard. Through proper site management there should be no issues in this regard.

**k) Overdevelopment of Site**

**Response:** It is considered that the proposed layout for the development is acceptable and that it meets the main standards set out in the Council's Residential Design Guide, particularly in relation to road layout, house to plot ratios, rear garden depths, open space and car parking provision. It is further considered that the proposed development will be in keeping with the existing residential development in the surrounding area.

**l) Impact of the proposed development on the sale/lease of existing properties within the area**

**Response:** This is not material planning considerations.

m) **Concerns over the historic sensitivity of the site**

**Response:** It is noted that the West of Scotland Archaeological Society have offered no objections to the proposed development of the site, subject to the inclusion of a condition requiring that the applicants undertake an agreed scheme of archaeological works. Should planning permission be granted, a condition can be attached to any consent issued.

n) **Concerns over the need for further housing within Bothwell**

**Response:** There is a requirement for the Council to maintain a minimum 5 year effective supply of private sector housing land. Bothwell Bank was identified through the Housing Land Audit and is supported through the Local Development Plan Policies as suitable for housing purposes.

5.3 In addition to the above, two letters of representation were received which whilst offered no objection made the following comments:

i) **The opportunity provided by the development for the upgrade of existing rights of way and cycle routes is welcomed.**

**Response:** This matter was also raised by the Council's Landscape and Access Development Manager and can be addressed, where appropriate, through the use of appropriately worded conditions and/or informatives.

ii) **Highlighted that an existing boundary was removed through the demolition of the former farm building and sought the Council's support in ensuring that a suitable replacement is put in place.**

**Response:** The applicants are aware of this matter and it is considered that through the assessment, and agreement, of boundary treatments for the proposed development, if approved, can address this matter to the satisfaction of the residents.

5.4 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 The application relates to the erection of a residential development (105 units) and associated works at Bothwell Bank Farm, Bothwell. The main determining issues in assessing this proposal are whether it accords with local plan policy, its impact on amenity and road safety matters.

6.2 In terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, planning applications have to be determined in accordance with the development plan unless other material considerations indicate otherwise.

6.3 Scottish Planning Policy (2014) highlights that where a proposal accords with up-to-date development plans, it should be considered acceptable in principle. The site is identified within the adopted local plan as a housing site and therefore the proposed use raises no issues from a land use perspective and is therefore considered to accord with national planning policy.

6.4 The adopted South Lanarkshire Local Development Plan (2015) (SLLDP) identifies the application site as being primarily within a general residential area (Policy 6) and as a residential masterplan/proposed housing site (Policies 1 and 12.) Again, the principle of the use is acceptable in this regard, subject to compliance with normal development management criteria. It is noted that a small part of the land adjacent to the affordable housing site is designated as Green Belt (Policy 3) within the adopted

SLLDP, however, it is loss is not considered to have a significant impact on the Green Belt designation, due to its small scale and remaining area of Green Belt at this location which is to be retained. The area designated as green belt will be planted to form a woodland buffer. The proposal, therefore, raises no issues in terms of Policy 3 Green Belt and Rural Area and its supporting guidance

- 6.5 The matters considered appropriate, in terms of this criterion, are set out within Section 3.2.3 above. Principally, the stated policies and guidance seek to ensure that any development within an area which is predominantly residential in character does not adversely impact on the amenity of such areas, can be adequately serviced and has been designed in manner which takes cognisance of appropriate guidance and the area within which it is located. Having considered the design and layout of the development, I am satisfied that the scheme is capable of being developed, subject to conditions, without conflict with the general requirements of the applicable policies and guidance.
- 6.6 In terms of the detailed design of the development, it is considered that the proposed layout for the development is acceptable and that it meets the main standards set out in the Council's Residential Design Guide, particularly in relation to road layout, house to plot ratios, rear garden depths, open space and car parking provision. It is further considered that the proposed development will be in keeping with the existing residential development in the surrounding area. The proposal, therefore, accords with Policies 4, DM 1, DM13 of the SLLDP and supplementary guidance.
- 6.7 No specific concerns, subject to conditions, have been raised by the various consultees. The site has an urban location with sewerage and water infrastructure nearby. On this basis it is considered that the proposal accords with Policies 17, SDCC 2, SDCC 3, SDCC 4 and SDCC 5 of the SLC LDP and supplementary guidance.
- 6.8 Whilst the proposal will result in the development of a site which is largely undeveloped, I am satisfied that the proposed development has been designed in such a manner that it takes cognisance of the surrounding area and has properly assessed any impact on wildlife species and habitats and will have no significant impact on the designated ancient woodland, SSSI, tree preservation order areas and green networks. The proposal accords with Policies 14, 15, NHE9, NHE13 and NHE19. Furthermore, the site is capable of integrating well with the adjacent footpath network and amenity areas (Policy NHE18 applies).
- 6.9 With regard to road safety Policy 16 requires all new development proposals to consider the resulting impacts of traffic growth. A Transport Statement was submitted in respect of the redevelopment of the site and it is noted that Roads and Transportation Services have, in principle, offered no objections, subject to conditions. The proposal can therefore be accommodated in transportation terms.
- 6.10 The Council's adopted policy on Community Infrastructure Assessment (Policy 5) advises that a financial contribution from developers will be sought where it is considered that a development requires capital or other works or facilities to enable the development to proceed. Through an assessment of the proposal, it is considered that contributions will be required in terms of educational and community facilities. In terms of the Council's expectation, through Policy 13 and associated Supplementary Guidance (Affordable Housing and Affordable Housing and Housing for Particular Needs (2011)), the applicants are proposing 25 affordable housing units within the development..

- 6.11 The third party representations received in respect of the development are either unsupported or are not of significant weight or merit to warrant the refusal of the proposal. The matters raised within the additional comments received have been responded to. Any requirements of the various consultees can be addressed through the use of conditions, when appropriate to do so.
- 6.12 Whilst the proposal will result in the loss of a small portion of the site which is designated as Green Belt in the newly adopted plan, this will have no significant impact on the designated Green Belt at this location. The Planning Act allows for exceptions to be made to policy where other material considerations outweigh the provisions of the development plan. In this instance, it is considered that a departure from the Development Plan is justified for the following reasons:
- a) The area of the site designated as Green belt is only a small part of the wider application site and its development will not prejudice the Green belt as a whole or set an unwelcome precedent in relation to adopted Green belt policy.
  - b) The proposal complies with all other relevant Local Development Plan policies set out in Section 7.1 below
  - c) The proposed development raises no significant environmental or infrastructure issues.
  - d) The proposed development can be satisfactorily implemented without detriment to residential amenity or road safety concerns, and
  - e) no issues have been raised that would merit, or justify, a refusal of planning permission in this instance.
- 6.13 It is, therefore, recommended that planning permission be granted, subject to the conditions listed. However, the consent should be withheld until the conclusion of the Section 75 Obligation, or other appropriate agreement, to ensure the submission of the necessary financial contributions.

## **7 Reasons for Decision**

- 7.1 The proposal will have no adverse impact on residential or visual amenity and raises no road safety concerns. The development complies with the applicable provisions of the South Lanarkshire Local Development Plan (adopted 2015) namely (Policies 1 - Spatial Strategy, Policy 3 - Green Belt and Rural Area, 4 - Development Management and Placemaking, 5 - Community Infrastructure Assessment, 6 - General Urban Area /Settlements, 12 - Housing Land, 13 - Affordable Housing and Housing Choice, Policy 14 - Green Network and Greenspaces, 15 - Natural and Historic Environment, 16 - Travel and Transport and 17 - Water Environment and Flooding). In addition the proposal accords with the relevant Development Plan Supplementary Guidance.

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

**2 October 2017**

### **Previous References**

- ◆ HM/14/0460 – Erection of 60 dwellings.

### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ South Lanarkshire Local Development Plan Supplementary Guidance (Various)
- ▶ Neighbour notification letter dated 26/06/2017
- ▶ Newspaper Advert dated 06/07/2017
  
- ▶ Consultations
 

Roads Development Management Team	14/08/2017
Housing - planning consultations	19/07/2017
S.E.P.A. (West Region)	11/07/2017
Bothwell Community Council	21/09/2017
Scottish Natural Heritage	17/08/2017
Environmental Services	18/07/2017
Countryside & Greenspace	26/07/2017
SP Energy Network	29/06/2017
Countryside & Greenspace	27/06/2017
Education Resources - School Modernisation Team	06/07/2017
Bothwell Community Council	20/09/2017
Wooddean Community Project Organisation	21/09/2017
Community - play provision/community contributions (Judith Gibb)	06/07/2017
West of Scotland Archaeology Service	10/07/2017
Scottish Water	10/07/2017
Roads & Transportation Services (Flood Risk Management Section)	04/07/2017
Scottish Water	04/07/2017
  
- ▶ Representations
 

Representation from :	Francis Timmons , 71 Clyde Avenue, Bothwell, G71 8DT, DATED 05/07/2017 13:47:25
Representation from :	Mr Dennis Walker, Sustrans Volunteer, 5 North Deanpark Avenue, Bothwell, G71 8HH, DATED 10/07/2017 22:06:50
Representation from :	Mrs Jean Borrowman, 37 Blantyre Mill Road, Bothwell, G71 8DZ, DATED 14/07/2017
Representation from :	David McIlvenna, via email, DATED 01/08/2017
Representation from :	Iain D McMaster, 25 Grieve Croft, Bothwell, G71 8LU, DATED 13/07/2017

Representation from : A Harvey, 22 Castle Wynd, Bothwell, DATED 15/07/2017 19:53:09

Representation from : Susan Fotheringham, 13A Main Street, Bothwell, DATED 03/08/2017

Representation from : Mrs Hazel Kennedy, 84 Clyde Avenue, Bothwell, G71 8DU, DATED 18/07/2017

Representation from : James Smith, 53 Clyde Avenue, Bothwell, DATED 18/07/2017

Representation from : Rhona Marcuccilli, 32 Grieve Croft, Bothwell, G71 8LU DATED 18/07/2017

Representation from : Martin and Pauline Super, 23 Grieve Croft, Silverwood, Bothwell, G71 8LU, DATED 18/07/2017

Representation from : Kumar Periasamy & Ranitha Kumar, 33 Grieve Croft, Bothwell, DATED 18/07/2017

Representation from : Matthew & Jane Barsauckas, 22 Grieve Croft, Bothwell, G71 8LU, DATED 18/07/2017

Representation from : Dr Gavin Gall, 2 Silverwells Drive, Bothwell, G71 8FF, DATED 19/07/2017

Representation from : Andrew McLinden, via email, DATED 19/07/2017

Representation from : Debra Campaigne, 5 Silverwells Drive, Bothwell, DATED 19/07/2017

Representation from : Colin McQueen, 67 Clyde Avenue, Bothwell, G71 8DT, DATED 07/07/2017

Representation from : E Bulkeley, 31 Grieve Croft, Bothwell, G71 8LU, DATED 10/07/2017 21:22:00

Representation from : Karen Cornwell, , DATED 04/07/2017

Representation from : J J Wilson, 24 Clyde Avenue, Bothwell, G71 8DU, DATED 21/07/2017

Representation from : Joan Symington , 8 Clyde Avenue, Bothwell, G71 8DU,DATED 26/07/2017

Representation from : Scott Wotherspoon, 55 Clyde Avenue, Bothwell, DATED 14/07/2017

Representation from : Stephen McQuade, via email , DATED 26/07/2017

Representation from : Sandra Jones, via email, DATED 27/07/2017

Representation from : Mr H Dykes, 4 Grieve Croft, Bothwell, G71 8LU, DATED 15/07/2017 15:46:56

Representation from : Heather Laurie, 50 Clyde Avenue, Bothwell, G71 8DU  
DATED 21/07/2017

Representation from : John & Isobel Greenshields, 51 Grieve Croft, Bothwell, G71  
8LU, DATED 21/07/2017

Representation from : Mr & Mrs J Campbell, "Glenelm", 34 Dunclutha Drive,  
Bothwell, G71 8SQ, DATED 24/07/2017

Representation from : Matthew & Jane Barsauckas, 22 Grive Croft, Bothwell, G71  
8LU, DATED 24/07/2017

Representation from : Mr & Mrs J McMeekin, via email, DATED 21/07/2017

Representation from : Margaret Mitchell MSP, via email, DATED 25/07/2017

Representation from : Gerry Carroll, via email, DATED 19/07/2017

Representation from : Elspeth and Iain Buchanan, via email, DATED 17/07/2017

Representation from : Graham and Margaret Rose Gartshore, 90 Clyde Avenue,  
Bothwell, G71 8DU, DATED 04/07/2017

Representation from : Luciana Fullarton, 15 Grieve Croft, Bothwell, DATED  
13/07/2017

**Contact for Further Information**

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

James Watters  
(Tel: 01698 454970)  
E-mail: [james.watters@southlanarkshire.gov.uk](mailto:james.watters@southlanarkshire.gov.uk)



## CONDITIONS

- 1 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 2 That before development starts, 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.
- 3 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.
- 4 That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 3 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 5 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.
- 6 That prior to any work commencing on the site, a maintenance management schedule for the landscaping scheme approved under the terms of Condition 5 above shall be submitted to and approved by the Council as Planning Authority. Thereafter, the landscaping shall be maintained in accordance with the approved management schedule to the satisfaction of the Council.
- 7 All trees to be removed must be replaced by semi-mature/mature trees of a similar species at the locus to the satisfaction of the Council as Planning Authority.
- 8 That the existing trees to be retained must be protected in accordance with methods as set out in BS5837/1991 during and until completion of all site operations and building works.

- 9 That prior to the occupation of any property within the proposed development, or as otherwise agreed in writing with the Council as Planning Authority, the applicant shall provide a 2.0 m wide footway adjacent to Blantyre Mill Road, over the full frontage of Area A to the existing footway at the junction with Blantyre Road. Details of which should be submitted to and approved by the Council, as both Planning and Roads Authority. Thereafter all work shall be undertaken to the satisfaction of the Council as Roads Authority.
- 10 That before each phase of the development hereby approved is completed or brought into use, or as otherwise agreed in writing with the Council as Planning Authority, the new vehicular access serving that part of the development so far as it lies within the boundaries of the road abutting the site, shall be constructed in accordance with the specification of the Council as Roads and Planning Authority.
- 11 That before the development hereby approved is completed or brought into use, a turning space shall be provided within the site for each phase of development to enable vehicles to enter and leave the application site in forward gears at all times.
- 12 That before each phase of the development hereby approved is completed or brought into use, a private vehicular access or driveway should be provided to the following standards:
- i) Driveways should be accessed via a drop kerb.
  - ii) Double width driveways should be a minimum 5.0m wide and be a minimum of 6.0m in length.
  - iii) Single width driveways should be 2.75m wide and be a minimum of 12.0m in length.
  - iv) The first 2.0m of this should be of bound or block construction to ensure that loose material is not deposited on to the road.
  - v) All driveways should be perpendicular to the road.
  - vi) The minimum gradient of the driveways should be 1:10 as per SLC Specification.
  - vii) All surface water should be contained, controlled and discharged within the confines of the driveway so that there is no discharge of water onto the footway/road.
- 13 That before each of the phase the development hereby approved is completed or brought into use, the entire access road and footpath network serving that part of the development shall be laid out and constructed in accordance with the specification of the Council as Roads and Planning Authority.
- 14 That before each phase of the development hereby approved is completed or brought into use, internal visibility splays of 2.4 metres by 25 metres measured from the road channel shall be provided on both sides of all junctions 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.

Furthermore, a visibility splay of 2.5 metres by 90 metres shall be provided in both directions to provide clear visibility between all points 0.9m in height above road channel level at the new junction with Blantyre Mill Road and Clyde Avenue.

All works are to be undertaken to the satisfaction of the Council as Roads

Authority.

- 15 Prior to the completion of the works hereby approved a footway link/cycle route shall be provided from Blantyre Mill Road, through the site to link up with Clyde Avenue. All footways should be of bound construction, no block paved footways will be permitted.
- 16 That unless otherwise agreed prior to works starting on site a detailed design of Blantyre Mill Road shall be submitted for the consideration and approval of the Council as Planning and Roads Authority, and thereafter implemented by the applicant in accordance with the agreed scheme.
- 17 That prior to the occupation of the first residential property details of a welcome pack, to encourage alternative sustainable methods of travel to and from the development shall be submitted and approved by the Council as Planning and Roads Authority to encourage sustainable travel to and from the development.
- 18 That prior to the commencement of development, details of the land drainage works shall be submitted to and approved by the Council as Planning Authority.
- 19 That prior to any work starting on site, a Drainage Assessment in accordance with 'Flood Risk/Drainage Assessment - A Guide for Scotland', shall be submitted to and approved in writing by the Council as Planning and Roads Authority.
- 20 That the required drainage scheme shall be completed in accordance with the approved details prior to the occupation of any house hereby approved.
- 21 That no development shall commence until details of surface water drainage arrangements and its maintenance following installation 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.
- 22 That prior to the commencement of works on site a report on the ground stability for the site shall be submitted to, and agreed, with the Council as both Planning and Roads Authority. Any ground stabilisation works necessitated by the development will be undertaken to the satisfaction of the Council.
- 23 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.
- 24 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.
- 25 Prior to development commencing on site, a dust management and monitoring 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. Monitoring results shall be readily available to Officers of the Council investigating adverse comments.

- 26 Development shall not commence until an assessment of the potential for the existing sewerage works use to cause noise nuisance including, if applicable, noise produced by the ventilation equipment, to occupants in the new development, has been 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 development being brought into use 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.

- 27 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.

- 28 That before any work commences on site, an Outdoor Access Plan for the provision of walking, cycling and horse riding shall be submitted to the Council as Planning Authority, comprising:-

(a) A plan, at an appropriate scale, indicating the location and alignments of all existing formal and informal access routes, paths and tracks within and across the site and including linkages with adjacent areas;

(b) A report detailing the existing condition of those routes;

(c) An assessment of current levels of use, types of user and purpose of trips, together with a reasoned estimate of how this might change as a result of the development or otherwise;

(d) A plan, at an appropriate scale, indicating the proposed scheme of access routes for walkers, cyclists and horse riders [as appropriate] including linkages with adjacent areas;

(e) A statement showing how this scheme complies with the requirements of the Disability Discrimination Act 1995;

(f) Detailed specifications for the construction of all routes, and for all associated artefacts and structures such as seating, cycle racks, lighting, handrails, access controls, signage and interpretation;

(g) A programme for completion and subsequent maintenance.

No work shall commence on site until the written approval of the Council as Planning Authority has been given.

- 29 That, unless agreed in writing with the Council as Planning Authority, the mitigation measures identified with the Extended Phase 1 Habitat Survey undertaken by EnviroCentre (dated February 2017) should be fully complied with.

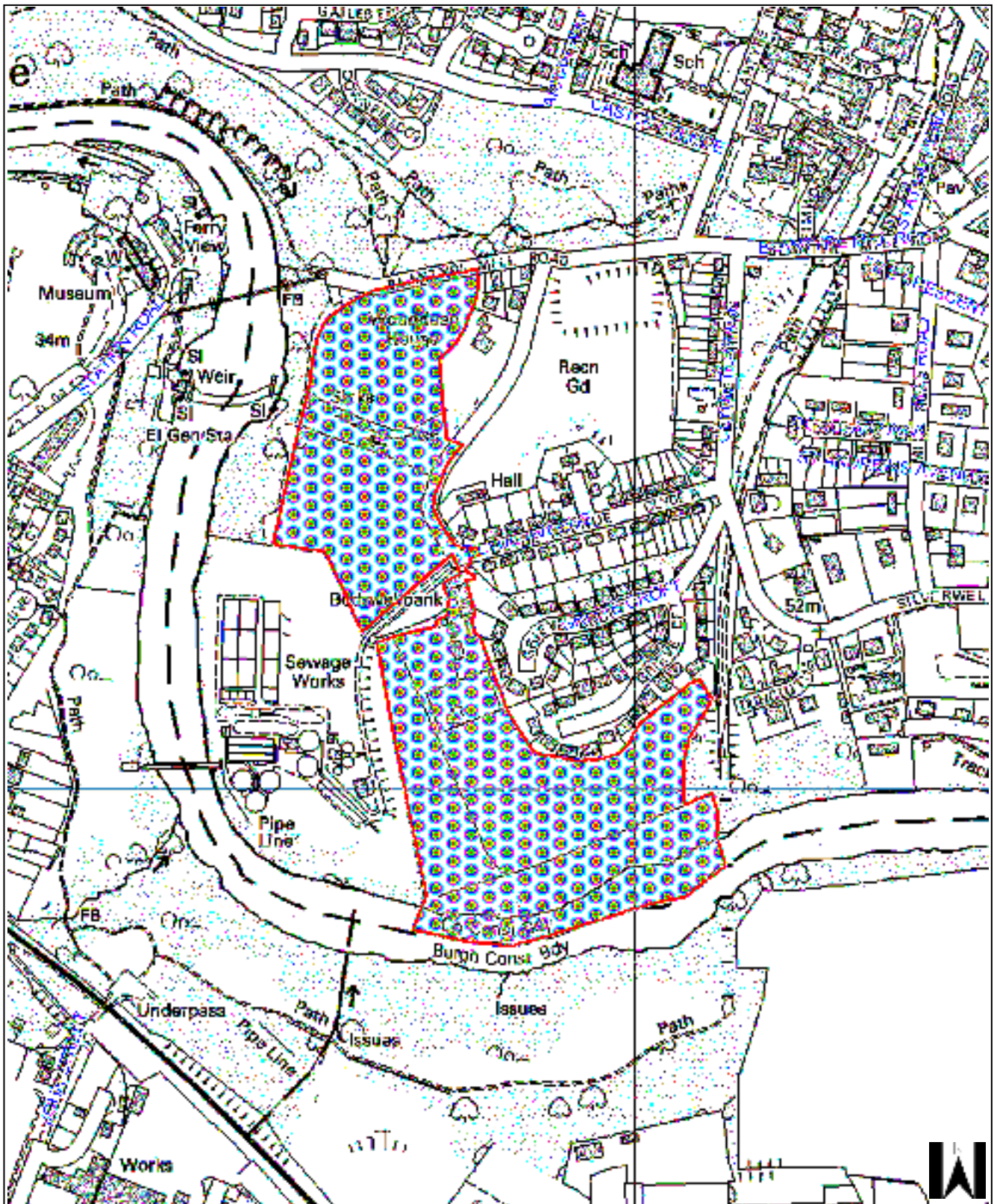
Notwithstanding the above, should no works commence on site within 6 months of the date of the Updated Survey further surveys should be undertaken and the finding submitted to, and agreed by, the Council as Planning Authority in consultation with Scottish Natural Heritage.

- 30 No tree removal shall be undertaken on site between April and October, which coincides with the breeding season.
- 31 No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.
- 32 That the area identified as "Affordable Housing Area" on drawing no.:BOT/SK-001 RevA shall be developed as affordable housing (as defined in the Council's approved Affordable Housing Supplementary Guidance document) and shall be used for no other purpose, unless otherwise agreed in writing with the Council as Planning Authority.

## REASONS

- 1.1 In the interests of amenity and in order to retain effective planning control.
- 2.1 These details have not been submitted or approved.
- 3.1 These details have not been submitted or approved.
- 4.1 In order to retain effective planning control
- 5.1 In the interests of the visual amenity of the area.
- 6.1 In the interests of amenity.
- 7.1 In the interests of amenity.
- 8.1 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 9.1 In the interest of public safety
- 10.1 In the interest of public safety

- 11.1 In the interest of public safety
- 12.1 To prevent deleterious material being carried into the highway.
- 13.1 To ensure satisfactory vehicular and pedestrian access facilities to the site.
- 14.1 In the interest of road safety
- 15.1 In the interest of road safety
- 16.1 In the interest of road safety
- 17.1 To encourage more sustainable forms of travel.
- 18.1 To ensure the provision of a satisfactory land drainage system.
- 19.1 To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.
- 20.1 To ensure the provision of a satisfactory land drainage system.
- 21.1 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 22.1 These details have not been submitted or approved.
- 23.1 To ensure the provision of a satisfactory sewerage system
- 24.1 To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.
- 25.1 To minimise the risk of nuisance from dust to nearby occupants.
- 26.1 To minimise noise disturbance to adjacent occupants.
- 27.1 To minimise noise, vibration and disturbance to neighbouring residents/occupants during construction.
- 28.1 To ensure that development makes appropriate provision for outdoor access and to achieve the completion and subsequent maintenance of the access proposals within an appropriate timescale.
- 29.1 To ensure that provision is made to safeguard the ecological interest on the site.
- 30.1 To ensure that provision is made to safeguard the ecological interest on the site.
- 31.1 In order to safeguard any archaeological items of interest or finds.
- 32.1 To ensure the provision of alternative housing types and tenures.



For information only

For information only