

Report to:	Planning Committee
Date of Meeting:	20 September 2011
Report by:	Executive Director (Enterprise Resources)

Application No	HM/07/0048
Planning Proposal:	Residential Development of 205 Units (176 Flats and 29 Townhouses) Associated Landscaping and Road Works

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Barratt West Scotland
- Location : Former Holy Cross High School
Muir Street
Hamilton

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) That consent should be withheld until a Section 75 Obligation is concluded in respect of the lodging of appropriate funds to address the non-provision of play facilities (£205,000). The terms of the Section 75 Obligation will be on the basis of a phased financial contribution to be agreed between the Council and the applicant.

3 Other Information

- ◆ Applicant's Agent: JAM Architects and Urban Designers
- ◆ Council Area/Ward: 17 Hamilton North and East
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**
RES2 – Proposed Housing Sites
RES4 – Housing for Particular Needs
RES5 – Affordable Housing and Housing Choice
ENV11 – Design Quality
ENV12 – Flooding
ENV21 – European protected Species
ENV31 – New Housing Development
ENV32 – Design Statement
ENV35 – Water Supply
ENV36 – Foul Drainage and Sewerage
ENV37 – Sustainable Urban Drainage Systems

STRAT10 – Developers Contributions
TRA1 – Development Location and Transport
Assessment
DM1 – Development Management

SLC Residential Development Guide
(Approved 2011)

◆ Representation(s):

- ▶ 4 Objection Letters
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Environmental Services

Roads and Transportation Services (Hamilton Area)

Leisure Services (Arboriculture)

Roads & Transportation Services H.Q. (Flooding)

Community Resources

Scottish Water

SP Energy Network

British Telecom

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

Leisure Services (Facility Manager)

Roads & Transportation Services H.Q.(Traffic and Transportation)

Roads & Transportation Services H.Q. (Geotechnical)

TRANSCO (Plant Location)

Education Resources

Enterprise Resources - Estates

Planning Application Report

1 Application Site

- 1.1 This application relates to the site of the former Holy Cross High School, which has now been demolished, located between Muir Street and The Furlongs to the northwest of Hamilton town centre. The residential area of Mote Hill adjoins the site to the east while a car showroom, lands associated with Hamilton Park Race Course and residential properties on The Furlongs lie to the north. A former petrol filling station occupies land abutting the western boundary of the site at the Muir Street/Furlongs Junction. A mix of offices, shops, residential properties and a church are situated on the other side of Muir Street.

2 Proposal(s)

- 2.1 The applicants' initial proposals entailed the erection of 227 residential units (205 flats and 29 townhouses), associated access, car parking and landscaping within the site. However, the scheme has been amended to take account of concerns raised by the Council in terms of design and layout and it is now proposed to provide 205 units within the site, comprised of 176 flats and 29 townhouses.
- 2.2 The layout of the development is such that it comprises 5 residential flatted blocks, two of which will have townhouse units (10 units each) incorporated within them (Blocks 1 & 2) and two further blocks of townhouses. Blocks 1 & 2 would be sited adjacent to Muir Street and three smaller blocks would front onto The Furlongs (Blocks 3 to 5). The remaining townhouses would be located adjacent to the eastern boundary of the site, to the rear of Moat Hill.
- 2.3 In design terms the proposed buildings are of a modern design with mixture of glazed gables, aluminium double glazed windows, grey facing brick, white rendered walls, timber doors and aluminium roof, gutters and downpipes. Blocks 1 and 2 will be in the form of a square block with common courtyard garden areas positioned centrally. The height of these blocks will be in a combination of 2 storeys with attic (townhouses) and 4 storeys (with attic)(flatted properties). Blocks 3 and 4 will be of a linear design, 4 storey (with attic), whereas Block 5 will be L-shaped and of a similar height. The stand-alone townhouse units will be formed in two terraced blocks of 3 storey's in height.
- 2.4 In terms of parking provision the townhouses will be served by off-street parking and garage spaces, whereas the flatted properties will be predominately served by communal parking courts. However, given the duplex style of some of the flatted units, parking will also be provided in the form of private off-street parking spaces/garages. A total of 308 car parking spaces/garage spaces are to be provided to serve the proposed development.
- 2.5 In addition to the communal garden areas proposed for Blocks 1 & 2, further areas of public open space will be provided throughout the site. One of these areas will also accommodate a children's play area. Vehicular access to the site is proposed via a single access point from The Furlongs, however, further pedestrian links will be provided to both The Furlongs and Muir Street.
- 2.5 A number of supporting documents, including a Planning and Design Statement, Drainage Strategy, Ecological Assessment, Draft Transportation Assessment, Tree Report and Ground Investigation Report have been provided in support of the development.

3 Background

3.1 **Local Plan Policy**

3.1.1 In terms of land use the adopted South Lanarkshire Local Plan identifies the site as being a Proposed Housing Site (Policy RES2), within which the Council will support development for housing. In addition to this the site is also affected by a number of other policy designations, namely:

- Policies RES4 – Housing for Particular Needs and RES5 – Affordable Housing and Housing Choice policies which requires developments to take account of these particular types of housing.
- Design Policies ENV11 – Design Quality Policy, ENV31 New Housing Development Policy and ENV32 – Design Statements are applicable as they seek to ensure the highest quality design for the development. In addition Policy DM1 – Development Management requires that proposals take account of the local context and built form.
- Policy ENV12 – Flooding is also relevant as this policy seeks to ensure that development will not result in an increased flood risk either within or outwith the development site.
- ENV21 – European Protected Species Policies advises that the Council will encourage the management and maintenance of areas supporting habitats and species.
- Policies ENV35 – Water Supply, ENV36 – Drainage and Sewerage and ENV37 – Sustainable Urban Drainage Systems Policies seek to ensure that the site is adequately served in terms of water and sewerage infrastructure and that the proposed surface water drainage will be sustainable.
- Policy STRAT10 – Developers Contribution Policy provides a mechanism for assessing and seeking developer contributions related to the wider impact of a development.
- In terms of transportation issues Policy TRA1 – Development Location and Transport Assessment Policy requires that the traffic implications of major developments are set out within a Transport Assessment and that Green Travel Plans will be required.

3.1.2 In addition to the Local Plan Policies, the Council has prepared a Residential Development Guide which provides guidance to developers to encourage an improvement in the quality of design and layout of new housing and promotes the creation of residential developments of a design, quality and character which provides an attractive, safe and sustainable environment.

3.2 **Relevant Government Advice/Policy**

3.2.1 Relevant Government guidance is set out within the consolidated Scottish Planning Policy (SPP) 2010 which confirms the requirement for the Council to maintain a five year supply of effective housing land and the policy guidance relating to the provision of housing. Planning authorities are required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, to make effective use of existing infrastructure and service capacity.

3.2.2 In terms of residential development the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in

sustainable locations and allocate a generous supply of land to meet identified housing requirements across all tenures. New housing developments should be integrated with public transport and active travel networks, such as footpaths and cycle routes, rather than encouraging dependence on the car. New streets should connect well with existing streets and with walking and cycling networks, and allow for links into future areas of development. The SPP also requires planning authorities, and developers, to have regard to the risk of flooding when determining planning applications. Surface water from new development shall be treated by a sustainable drainage system (SUDS) before it is discharged into the water environment.

3.2.3 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 2001 planning policy document Designing Places, which sets out government aspirations for design and the role of the planning system in delivering these.

3.3 Planning History

3.3.1 The application site was declared surplus to the Council's Educational requirements as part of the South Lanarkshire Council Public Private Partnership involving the construction of new schools across the area. A replacement Holy Cross High School was constructed within the grounds of Bothwell Road Public Park. Outline Planning permission was granted for residential development within the current application site in January 2005 (HM/04/0359).

3.3.2 It is also noted that detailed planning permission was granted in November 2010 for the residential redevelopment (21 units) of the former garage site situated on the western boundary of the application site, at the corner of Muir Street and The Furlongs (HM/09/0314).

4 Consultation(s)

4.1 It is advised that consultations were undertaken at the time of the original application submission and all relevant parties were also re-notified of the amended scheme now presented to Committee. The responses received are summarised below.

4.2 **Roads and Transportation Services** – have no objection to the proposed development subject to conditions relative to the provision of adequate parking, visibility splays, footpaths, traffic calming, bin stores, the reinstatement of the bus lay-by on Muir Street (including the provision of bus shelters), turning facilities, the undertaking of a swept path analysis, removal of disused bus interchange and the provision of an Emergency Access location.

Response: Noted. These requirements can be included as conditions where appropriate.

4.3 **Roads and Transportation Services (Flooding)** - have no objection to the proposal subject to the undertaking of a Drainage Impact and a Flood Risk Assessment, surface water being treated in accordance with the principles of Sustainable Urban Drainage Systems, the provision of details of flood prevention works and the provision of an adequate sewerage scheme.

Response: Noted. These requirements can be imposed as conditions to any such consent.

- 4.4 **Roads and Transportation Services (HQ)** – have advised that their requirements are included within the Roads Area Manager’s response at 4.1 above.
Response: Noted.
- 4.5 **Roads and Transportation Services (Geotech)** – have offered no adverse comments.
Response: Noted.
- 4.6 **Environmental Services** - have no objections subject to noise control, control of dust and the treatment of contamination.
Response: Noted. Where appropriate, conditions/informatives shall be imposed if planning permission is granted.
- 4.7 **Estate Services** - no objection to the proposal.
Response: Noted.
- 4.8 **Arboricultural Manager** – has recommended the submission of a detailed tree report to ensure the protection of worthy trees.
Response: It is confirmed that a Tree Report was submitted in support of the initial application proposals. The current scheme has evolved over a period and has taken consideration of a number of constraints (site levels, access restrictions etc). Whilst there will be some impact on trees, which is regrettable, it is intended to condition consent in a manner that requires the provision of replacement trees to compensate any lost through the development of the site.
- 4.9 **Leisure Services** – have offered no formal response.
Response: Noted.
- 4.10 **Education Services** – have offered no formal response.
Response: Noted.
- 4.11 **Community Resources** – have advised that whilst noting the applicants’ intention to provide on-site recreation facilities, in the form of a children’s play area, this scale of development would normally be required to provide further facilities. However, it is considered that a financial contribution towards existing facilities within the Hamilton Palace Sports Grounds may be more appropriate in lieu of on-site provision in this instance.
Response: Noted. The provision of a financial contribution, in lieu of on-site provision, is consistent with the guidance contained with the approved Residential Development Guide and Policy STRAT10 – Developers Contributions - of the South Lanarkshire Local Plan. The applicants are aware of this requirement and have confirmed their acceptance of entering a Section 75 Obligation with the Council to make funds available within an appropriate time period.
- 4.12 **SEPA** – have offered no objection to the proposal subject to conditions relative to flood prevention, foul drainage being connected to the public sewer, the provision of domestic waste storage within the site and that all works are carried out with due regard to SEPA’s guidelines on the avoidance of pollution.
Response: Noted. These requirements can be conditioned, where appropriate, as part of any such consent.
- 4.13 **Scottish Power** – raised an initial objection to the proposal on the basis that they have an operational substation and underground apparatus within the vicinity of the site. However, they have subsequently confirmed that subject to the protection and/or relocation of their apparatus, at the applicants’ expense, they would have no issue with the redevelopment of the site as proposed.

Response: - Noted.

- 4.14 **Scottish Water** – have made no comment on the amended proposal. However, it is noted that they raised no objections to the original proposals for the redevelopment of the site for a similar scale of development.

Response: Noted.

- 4.15 **Scotland Gas Networks** – have offered no objection to the proposal subject to the protection of their apparatus adjoining the site.

Response: - Noted.

- 4.16 **BT** – have offered no formal response.

Response: Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken in respect of the original proposal in response to which three letters of representation were received. Whilst these representations raised matters in respect of the previous proposal/development and not the scheme now presented to Committee, it is considered that the points raised are material to the determination of this application. It is also advised that further neighbour notification was undertaken in respect of the amended proposals. This resulted in one further representation being received.

- 5.2 The grounds of objection can be summarised as follows:

- a) **Traffic congestion at Muir Street, particularly given the proposals for the redevelopment of the adjoining petrol filling station for residential purposes.**

Response: Noted. A Traffic Assessment was undertaken in respect of the development of the site for residential development of the scale now proposed and Roads and Transportation Services have raised no objection to the proposal. In this regard Roads and Transportation are satisfied that the proposal can be accommodated without significant impact of the existing road network. It is further noted that works have been completed, since the submission of the original application, on the upgrading of the roundabout junction at Muir Street/Furlongs/Almada Street/Bothwell Road which should assist in addressing these concerns.

- b) **Concerns over the impact of the proposed development on traffic movements at the roundabout exiting Mote Hill.**

Response: Noted. As stated above, Roads and Transportation Services do not consider that there will be any significant impact of the existing road network.

- c) **Concerns over the potential for the Overshadowing/Overlooking of neighbouring properties, particularly those within Mote Hill.**

Response: Noted. I am satisfied that given the orientation of the proposed properties and their relationship with neighbouring properties, particularly those within Mote Hill, that there will be no significant impact in terms of overlooking or overshadowing resultant from the development.

- d) **Concerns over the retention of the existing school wall.**

Response: The applicant has confirmed that the existing boundary wall, between the former school site and Mote Hill will be unaffected by the development and will remain as at present.

- e) **Concerns over noise/dust/lorries during demolition works.**

Response: It is confirmed that the buildings associated with the former school have now been demolished and removed from site and therefore these concerns are no longer considered relevant to the current application proposals.

f) **Development represents an overdevelopment of the site.**

Response: It is advised that this representation was made in respect of the initial submission for 227 units. However the scheme has now been reduced in numbers to 205 units. Furthermore, I am satisfied that the scheme as presented meets the requirements of the Council's Residential Guidance and other appropriate policies and guidance.

g) **Insufficient car parking associated with the development.**

Response: Roads and Transportation Services do not support this concern having raised no objections to the proposal in this regard.

h) **Concerns over the dual access to the site.**

Response: Again it is advised that this representation was made in respect of the initial submission, which proposed two access points to The Furlongs. However, this scheme did not accord with the previous outline consent and the scheme was therefore revised to include a single access point.

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 applicants propose the erection of a residential development, consisting 205 units (176 flats and 29 townhouses) with associated landscaping and car parking within the former Holy Cross School site on Muir Street, Hamilton. 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. In this regard the adopted South Lanarkshire Local Plan (2009) identifies the application site as a proposed housing site (Policy RES2). Furthermore, the site has the benefit of outline planning permission for residential use and therefore in general land use and policy terms the principle of the development at this location has been assessed and is acceptable, subject to compliance with normal development management criteria.
- 6.3 In this instance development management criteria consists of Policies DM1 – Development Management, , ENV11 – Design Quality, ENV12 – Flooding, ENV16 – Renewable Energy Development, ENV31 – New Housing, ENV32 – Design Statements, ENV35 – Water Supply, ENV36– Foul Drainage and Sewerage and ENV37 – Sustainable Urban Drainage Systems of the adopted Local Plan. In addition the Council's approved Residential Development Guide is also a material consideration.
- 6.4 In relation to the above policies, these 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; that any such proposal can be adequately served by appropriate services and has been designed in manner which takes cognisance of appropriate guidance. Having considered the design and layout of the development, I am satisfied that the scheme, as amended, is capable of being developed, subject to conditions, without conflict with the general requirements of the applicable policies and guidance.

- 6.5 In relation to the Residential Development Guide, which aims to provide advice and guidance on the key development standards for residential developments, I am satisfied that the proposed development is in agreement with the aims of this document. Having said that the Guide specifies the level of provision required in respect of sports/recreational facilities and whilst it is noted that the applicants have advised that they intend to provide an on site children's play area, the level of provision falls below that required for the scale of development proposed. The Guide advises that there can be a financial contribution made towards the non-provision of these facilities in certain instances. This is also consistent with the requirements of STRAT10 – Developers' Contributions of the adopted Local Plan. In this instance, I am of the view that a contribution of £1000 per unit would be appropriate (£205,000) in respect of the non-provision of play facilities. The applicants have confirmed their agreement to entering into a Section 75 Obligation to provide appropriate funds in this regard.
- 6.6 The development of the application site has been the subject of ongoing discussions, with the Council's Planning Service, for a lengthy period and the lodging of the application predates the finalised Affordable Housing and Housing Choice (Policy RES5) and Housing for Particular Needs (Policy RES4) of the local plan. Given this fact it is considered that it would now be inappropriate to request any such provisions in association with the revised scheme. In reaching this conclusion it is considered that there will be no adverse impact on the delivery of the aims and requirements of these policies which will not be undermined when assessing future development proposals.
- 6.7 In terms of impact on the amenity of the area and adjoining residents I am satisfied that the proposed development, as amended, has been designed in such a manner that it will not be detrimental to the amenity or privacy of this residential area or any neighbours immediately adjoining the site.
- 6.8 In relation to road safety matters, it is confirmed that a Transportation Assessment was submitted in respect of the redevelopment of the site and it is noted that Roads and Transportation Services have offered no objections, subject to conditions. The proposal can therefore be considered acceptable in transportation terms and compliant with Policy TRA1 – Development Location and Transport Assessment.
- 6.9 With regards to European Protected Species, Policy ENV21 specifically seeks to protect the species covered by the EC Habitats and Birds Directives and the Wildlife and Countryside Act. This matter has been fully assessed through the submitted Ecological Assessment and considered acceptable. However, it is considered appropriate, given the timescales involved since the undertaking of this assessment, that further survey works be undertaken prior to the commencement of any development work on the site.
- 6.10 The third party representations received in respect of the development are not significant enough to warrant the refusal of the proposal and the requirements of the statutory consultees can be addressed through the use of conditions where appropriate.
- 6.11 I therefore recommend that planning permission be granted. However, consent should be withheld until the conclusion of the Section 75 Obligation to ensure the phased submission of a financial contribution in respect of the non-provision of adequate on site play facilities.

7 Reasons for Decision

- 7.1 The development accords with RES2 – Proposed Housing Sites, ENV11 – Design Quality, ENV12 – Flooding, ENV21 – European Protected Species, ENV31 – New Housing Development, ENV32 – Design Statement, ENV35 – Water Supply, ENV36 – Foul Drainage and Sewerage, ENV37 – Sustainable Urban Drainage Systems, STRAT10 – Developers Contribution, TRA1 – Development Location and Transport Assessment and DM1 – Development Management of the adopted South Lanarkshire Local Plan and the Council's Residential Development Guide. Furthermore, there will be no amenity or road safety issues resulting from the proposal in relation to surrounding residential properties.

Colin McDowall
Executive Director (Enterprise Resources)

13 September 2011

Previous References

HM/04/0359
HM/09/0314

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
 - Environmental Services 28/02/2007
 - S.E.P.A. (West Region) 26/03/2007
06/07/2011
 - Roads & Transportation Services H.Q. (Geotechnical) 14/03/2007
 - Enterprise Resources - Estates 13/02/2007
 - Roads and Transportation Services (Hamilton Area) 16/03/2007
05/09/2011
 - Roads & Transportation Services H.Q.(Traffic and Transportation) 30/08/2011
 - SP Energy Networks 20/07/2011
 - Environmental Services 28/07/2011
 - Scotland Gas Networks 25/07/2011
 - Roads & Transportation Services H.Q. (Flooding) 11/07/2011

► Representations

Representation from : Mr John Henderson, 68 Mote Hill, HAMILTON, ML3 6EF
DATED 06/02/2007

Representation from : Elizabeth Hayes, 16 Cadzow House, The Furlongs,
HAMILTON, ML3 0DZ DATED 06/02/2007

Representation from : Mr & Mrs D T Whyte, 1 Cadzow House, The Furlongs,
Hamilton, ML3 0DZ DATED 19/04/2007

Representation from : Joyce Struthers, 117 Mote Hill, Hamilton, ML3 6EA
DATED 19/07/2011

Contact for Further Information

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

James Watters, Planning Officer, Montrose House, Hamilton
Ext 4970 (Tel: 01698 454970)
E-mail: planning@southlanarkshire.gov.uk

Detailed Planning Application

PAPER APART – APPLICATION NUMBER: HM/07/0048

CONDITIONS

- 1 This decision relates to drawing numbers:

20_001 C

B1_001

B1_002

B1_003

B1_004

B1_005

B1_006

B1_007

B1_008

B1_009

B2_001

B2_002

B2_003

B2_004

B2_005

B2_006

B2_007

B2_008

B2_009

B3_001

B3_002

B4_001

B4_002

B5_001

B5_002

B5_003

B5_004

B5_005

B5_006

2205/KEN/01B

2205/KEN/02B

- 2 That before any development commences on site or before any materials are ordered or brought to the site, or as otherwise agreed in writing with the Council, 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.
- 3 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.
- 4 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.

- 5 All trees to be removed must be replaced, prior to the occupation of the final unit, by semi-mature/mature trees of a similar species at the locus to the satisfaction of the Council as Planning Authority.
- 6 That before any work commences on the site, or as otherwise agreed, 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.;
 - (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) the scheme shall include details of replacement planting by semi-mature/mature trees of a similar species at the locus to the satisfaction of the Council as Planning Authority.
 - (g) details of the phasing of these works;and no work shall be undertaken on the site until approval has been given to these details.
- 7 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, or as otherwise agreed, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 8 That prior to any work commencing on the site, or as otherwise agreed, a maintenance management schedule for the landscaping scheme approved under the terms of Condition 6 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.
- 9 That before any work commences on the site, or as otherwise agreed, 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.
- 10 The implementation of the equipped play area(s) required under the terms of Condition 9 above shall be agreed in writing with the Council as Planning Authority within 2 months of the completion of the first residential block. Thereafter, that area shall not be used for any purpose other than as an equipped play area.

- 11 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.
- 12 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 11 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 13 That before development starts, or as otherwise agreed, 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.
- 14 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.
- 15 That before the development hereby approved is completed or brought into use, the entire access road and footpath network serving the development shall be laid out and constructed in accordance with the specification of the Council as Roads and Planning Authority.
- 16 That before the development hereby approved is completed or brought into use, all of the parking spaces shown on the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.
- 17 That before the development hereby approved is completed or brought into use visibility splays of 4.5 metres by 60 metres at main entrance and 2.4 metres by 25 metres on internal junctions measured from the road channel shall be provided on both sides of the vehicular access. 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.
- 18 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.
- 19 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.
- 20 That the development hereby approved shall not be occupied until the land drainage works have been completed in accordance with the plans submitted to and approved by the Council as Planning Authority under the terms of Condition 19 above.
- 21 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 requirements.

- 22 (a) Prior to commencement of any works on site, a comprehensive site investigation carried out to the appropriate Phase level, shall be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:
- (i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
 - (ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;
 - (iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.
- (b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.
- (c) If the risk assessment identifies any unacceptable risks as defined under Part IIA of the Environmental Protection Act, 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.
- 23 (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.
- 24 That prior to the commencement of the development on site a Flood Risk Assessment shall be submitted to, and agreed by, the Council as Planning Authority. This assessment should include details of the provision of flood prevention works, together with subsequent management and maintenance arrangements. The implementation of the agreed measures shall be carried out, to the satisfaction of said Council, prior to the occupation of any property hereby approved.

- 25 That no dwelling unit shall be occupied until the flood prevention measures required under Condition 24 above have been completed in accordance with the approved scheme.
- 26 That prior to any work starting on site, a Drainage Assessment in accordance with 'Drainage Assessment - A Guide for Scotland', shall be submitted to and approved in writing by the Council as Planning and Roads Authority (and the Scottish Executive as Trunk Roads Authority).
- 27 That prior to any works commencing on site a programme indicating the phasing of construction, together with the circulation of vehicles and pedestrians shall be submitted to, and agreed by, the Council as both Planning and Roads Authority.
- 28 That prior to works commencing on site, details of an Emergency Access location should be submitted to, and agreed in writing by the Council as Planning Authority. The scheme as approve shall thereafter be implemented to the entire satisfaction and specification of said Council.
- 29 That before the development hereby approved is completed or brought into use, further details of appropriate turning spaces shall be provided within the site (to enable vehicles to enter and leave in forward gears at all times) said details to be submitted and approved in writing by the Council as Planning Authority.
- 30 The surface of 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.
- 31 That none of the garage driveways shall have a gradient in excess of 1:10.
- 32 That all dwellinghouses with garages shall have driveways with a minimum length of 6 metres measured from the heel of the footway/service strip and the first 2 metres of each driveway as measured from the heel of the footpath shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.
- 33 That a 2 metre wide footway shall be provided along The Furlongs to the access to the development site. All works to be to the satisfaction and specification of the Council as Planning and Roads Authority.
- 34 That notwithstanding the terms of Condition 1 above, horizontal traffic calming measures shall be introduced to the main access road, details of which shall be submitted to and approved by the Council as Planning and Roads Authority. Footways adjacent to the main access road to be contiguous with the road. Thereafter the agreed works shall be implemented to the satisfaction of the Council as Planning Authority.
- 35 That prior to the completion of the development hereby approved, details for the reinstatement of the existing bus layby on Muir Street shall be submitted and approved by the Council as Planning and Roads Authority. This shall included details for the provision of a full size 3 bus bay shelter, 2 metre contiguous footway and removal of the existing access/egress points for the disused bus interchange off Muir Street and provision of new footway.
- 36 That notwithstanding the provisions of the Town and Country Planning (General

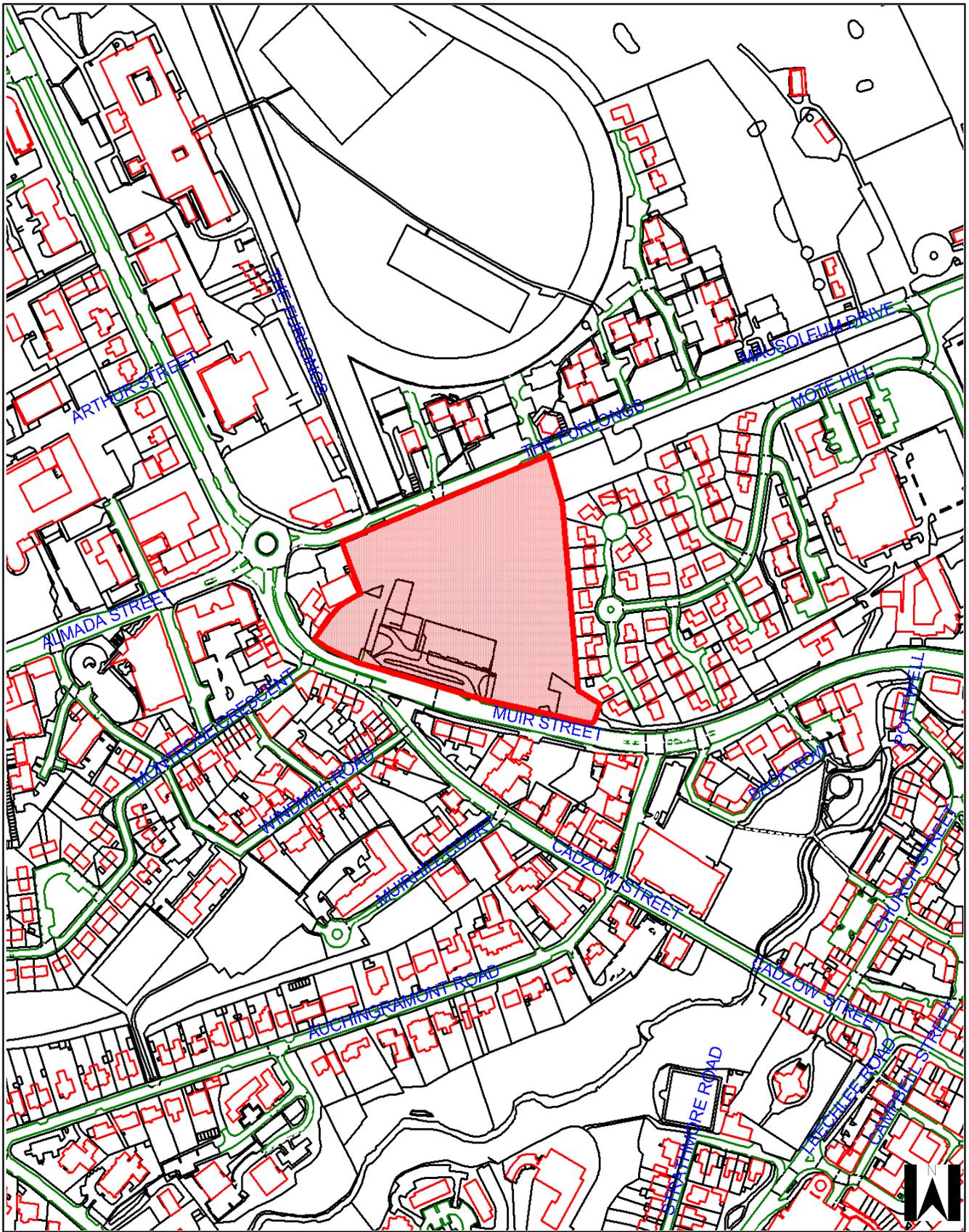
Permitted Development)(Scotland) Order 1992 (or any such order revoking or re-enacting that order), no development shall take place within the curtilage of the application site other than that expressly authorised by this permission without the submission of a further planning application to the Council as Planning Authority.

- 37 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, a change of use of any garage (whether integral or detached) to living accommodation associated with the dwellinghouse on the plot shall be subject to a further planning application to the Council as Planning Authority.
- 38 That prior to works commencing on site an updated Ecological Assessment shall be submitted to, and agreed by the Council as Planning Authority. Any recommendation made within the Assessment will thereafter be fully implemented to the satisfaction of the Council as Planning Authority.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 4 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 5 In the interests of amenity.
- 6 In the interests of the visual amenity of the area.
- 7 In the interests of amenity.
- 8 In the interests of amenity.
- 9 To ensure the provision of adequate parking facilities within the site.
- 10 In order to retain effective planning control.
- 11 These details have not been submitted or approved.
- 12 In order to retain effective planning control.
- 13 These details have not been submitted or approved.
- 14 To minimise the risk of nuisance from dust to nearby occupants.
- 15 To ensure satisfactory vehicular and pedestrian access facilities to the site.
- 16 To ensure the provision of adequate parking facilities within the site.
- 17 In the interest of road safety.
- 18 In order to retain effective planning control.
- 19 To ensure the provision of a satisfactory land drainage system.
- 20 To ensure the provision of a satisfactory land drainage system.
- 21 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 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 23 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 24 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.

- 25 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 To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.
- 27 In the interests of amenity and in order to retain effective planning control.
- 28 In the interest of public safety.
- 29 In the interest of public safety.
- 30 In the interest of public safety.
- 31 In the interest of public safety.
- 32 In the interest of public safety.
- 33 In the interest of public safety.
- 34 In the interest of road safety.
- 35 These details have not been submitted or approved.
- 36 In the interests of amenity and in order to retain effective planning control.
- 37 In order to retain effective planning control.
- 38 These details have not been submitted or approved.



For information only

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