

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>15 February 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/21/1697
Planning proposal:	Residential development (163 units) with associated car parking and access, SUDs features and associated works (Approval of matters specified in conditions 1 a,b,c,d,e,f,g, 3, 4a,b,c, 5a,b,c, 7, 8, 9, 10, 13, 14, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 33, 35 and 36 of planning permission in principle (P/20/0542))

## 1. Summary application information

Application type: Approval of matters specified in conditions.

Applicant: Lovell Partnerships Ltd  
Location: Philips  
Wellhall Road  
Hamilton  
ML3 9BZ

## 2. Recommendation(s)

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

- (1) Grant matters specified in conditions (subject to conditions) based on conditions attached.

### 2.2 Other actions/notes

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

## 3. Other information

- ◆ Applicant's Agent: EMA Architecture and Design
- ◆ Council Area/Ward: 18 Hamilton West and Earnock
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted 2018)**  
Policy 1 - Spatial Strategy  
Policy 2 - Climate Change  
Policy 3 - General Urban Areas and Settlements  
Policy 5 - Development Management and Place Making Policy  
Policy 7 - Community Infrastructure Assessment

Policy 15 - Travel and Transport  
 Policy 16 - Water Environment and Flooding  
 Policy DM1 - New Development Design  
 Policy SDCC2 - Flood Risk  
 Policy SDCC3 - Sustainable Drainage Systems  
 Policy SDCC4 - Sustainable Transport  
 Policy DM15 - Water Supply  
 Policy NHE18 - Walking, cycling and riding routes  
 Policy NHE20 – Biodiversity

♦ **Representation(s):**

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

♦ **Consultation(s):**

Education Resources

Arboricultural Services

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

Scottish Water

Countryside and Greenspace

Housing Planning Consultations

Community and Enterprise Resources - Play Provision Community Contributions

## **Planning Application Report**

### **1. Application Site**

- 1.1 The application relates to an area of land located on Wellhall Road, Hamilton. The site was previously occupied by buildings associated with the former Philips/Signify company and comprises an internal road system, large areas of hardstanding, grass and shrubs with mature trees located mainly along its north and western boundaries. The site is currently vacant with all buildings within the site having recently been demolished. The site is essentially rectangular in shape and extends to approximately 7.32 hectares. The site is bounded on all sides by residential development with Wellhall Road located along its north-western boundary and a roundabout and retail store located at its northern tip. Access to the site is taken via a roundabout on Wellhall Road.

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

- 2.1 The applicant seeks detailed planning permission for residential development (163 units) with associated car parking and access, SUDs features and associated works (Approval of matters specified in conditions 1a,b,c,d,e,f,g, 3, 4a,b,c, 5a,b,c, 7, 8, 9, 10, 13, 14, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 33, 35 and 36 of planning permission in principle (PPP) (P/20/0542). The conditions referred to above relate to the submission of detailed information including the site layout, landscaping, phasing plan, noise assessment, dust control measures, storage of refuse, flood risk/drainage assessment, site investigation/remediation works, site access, car parking, roads infrastructure, travel plan etc.
- 2.2 The submitted layout shows a development of 163 dwellings comprising a variety of building types which differ in density and height and incorporate a mix of detached, semi-detached, terraced and flatted dwellings including an area of affordable housing located in the eastern area of the site. Specifically, the proposed dwellings are 16 five bedroom, 59 four bedroom and 48 three bedroom properties for sale and 18 two bedroom flats, 10 two bedroom terraced and 12 three bedroom terraced affordable housing units which the Council's Housing Services would take ownership of. The buildings within the site would range between 2 and 3 storeys with a 3-storey flatted block located at the eastern edge of the site to reflect the existing flats on the adjacent Philips Wynd. The houses located along the south-western boundary of the site would be 2 storeys in height and elsewhere within the development there would be a mix of low and medium density housing consisting of 2 and 2.5 storey houses. In terms of finish materials, the roofs of the buildings would be finished in dark grey roof tiles with the walls finished in a mixture of buff-multi brick, neutral render and stone cills with dark grey window frames and doors.
- 2.3 The site would be contained by new tree and landscape planting, particularly along the south-western and north-western boundaries. Existing mature trees would also be retained to the north-west of the site which would form part of the overall landscape structure to the development. The layout incorporates areas of open space and footpath connections to the surrounding area including a central green area of amenity open space and a toddler's play area. A SUDS facility is also incorporated along the eastern edge of the development. Car parking within the development would be provided on driveways located to the front and sides of the proposed dwellings for sale, which would amount to 321 spaces (one space provided for 1 bedroom dwellings, 2 spaces provided for two/three bedroom dwellings and 3 spaces provided for dwellings with four bedrooms or more), in addition to 62 courtyard parking spaces for the 40 affordable housing units proposed.

### **3. Background**

#### **3.1 Local Plan Background**

3.1.1 The application site is located within the General Urban Area in the adopted South Lanarkshire Local Development Plan 2. The relevant policies in terms of the assessment of this application are Policy 1 - Spatial Strategy, Policy 2 – Climate Change, Policy 3 - General Urban Areas and Settlements, Policy 5 - Development Management and Place Making, Policy 7 - Community Infrastructure Assessment, Policy 15 - Travel and Transport, Policy 16 - Water Environment and Flooding, Policy DM1 - New Development Design, Policy SDCC2 - Flood Risk, Policy SDCC3 - Sustainable Drainage Systems, Policy SDCC4 - Sustainable Transport, Policy DM15 - Water Supply, Policy NHE18 - Walking, cycling and riding routes and Policy NHE20 - Biodiversity. The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

#### **3.2 Relevant Government Advice/Policy**

3.2.1 In terms of residential development, Scottish Planning Policy (SPP) requires Councils to maintain a five-year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity.

3.2.2 Designing Streets – A Policy Statement for Scotland was introduced in March 2010 and marks the Scottish Government's commitment to move away from a standardised engineering approach to streets and to raise the quality of design in urban and rural development. Development layouts should be designed to encourage a safe environment for pedestrians and cyclists with narrower streets, carefully positioned dwellings, landscaping and off-street parking which can be more effective at achieving slower traffic movements. Permeability which encourages walking is now seen as a high priority and footpath links are encouraged to ensure that houses can be easily accessed from main public transport routes.

#### **3.3 Planning Background**

3.3.1 Planning permission in principle was granted to Signify Commercial UK Ltd for residential development and associated works including demolition of buildings and land reprofiling operations at the site in September 2021 following the conclusion of a Section 75 Obligation to ensure that appropriate financial contributions are made at appropriate times during the development towards: additional nursery, primary and secondary education accommodation as appropriate; the provision of appropriate community facilities, either on site or off; and the provision of affordable housing on site or by way of a commuted sum (P/20/0542).

3.3.2 A Proposal of Application Notice (PAN) was submitted by Signify Commercial UK Ltd to the Council for residential development and associated works within the site and was approved on 12 February 2020 (P/19/0015/PAN).

### **4. Consultation(s)**

4.1 **Education Resources** - have no objections to the application as the Section 75 Obligation associated with the previously approved planning permission in principle (P/20/0542) requires the applicant to pay financial contributions at appropriate stages of the development towards the provision of additional nursery, primary and secondary education accommodation.

**Response:-** Noted.

- 4.2 **Environmental Services** – have no objections to the application subject to conditions requiring the submission of a contaminated land site investigation and remediation plan, compliance with appropriate British Standard noise levels and compliance with the approved scheme for the control and mitigation of dust. In addition, an informative should be attached to any consent advising the applicant of the requirement for adequate pest control measures.  
**Response:-** Noted. Appropriately worded conditions and informatives would be attached to any consent granted to address the above matters.
- 4.3 **Roads Development Management Team** – have no objections to the application subject to conditions being attached to any consent in relation to access, traffic control systems, footpaths, traffic management, travel plan, car parking, bus stops, cycle storage, electric charging points and signage etc  
**Response:-** Noted. Appropriately worded conditions would be attached to any consent granted to address the above matters.
- 4.4 **Roads and Transportation Services (Flood Risk Management Section)** – no response to date. However, the Flood Risk Management Section were consulted on the application for planning permission in principle for residential development on the site under P/20/0542 and advised that they had no objections to the application subject to conditions requiring the submission of a complete flood risk/drainage assessment with the required signed appendices for the Council's approval and the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied through the completion of a self-certification document.  
**Response:-** Noted. Appropriately worded conditions would be attached to any consent granted to ensure the submission of the required completed flood risk/drainage assessment.
- 4.5 **Scottish Water** – have no objections to the application.  
**Response:-** Noted.
- 4.6 **Community and Enterprise Resources - Play Provision** – have no objections to the application as the Section 75 Obligation associated with the previously approved planning permission in principle (P/20/0542) requires the applicant to pay financial contributions at appropriate stages of the development towards the provision of appropriate community facilities.  
**Response:-** Noted.
- 4.7 **Housing Services** – have no objection to the application. The application site is identified in the Council's Strategic Housing Investment Plan and is prioritised for Scottish Government grant funding for social rented housing. Lovell Partnerships Ltd are building these properties and under a Section 75 Obligation the Council will be taking ownership of 40 units and the new social rented housing provided will be let through the common housing register HomeFinder.  
**Response:-** Noted.
- 4.8 **Arboricultural Services** – have no objections to the application subject to the inclusion of conditions requiring the submission of a scheme for the protection of retained trees, arrangements for pre-commencement site meetings relating to tree protection, site supervision and monitoring of any approved arboricultural protection measures.  
**Response:-** Noted. Any consent granted would include appropriately worded conditions to address the above matters.

4.9 **Countryside and Greenspace** – have no objections to the application.

**Response:-** Noted.

## 5. Representation(s)

5.1 Statutory neighbour notification procedures were undertaken and the application was advertised under the heading Non-Notification of Neighbours in the Hamilton Advertiser. Two letters of objection and two letters of comment were received in relation to the application. The grounds of objection and the comments raised are summarised as follows:-

- (a) **There is a route/road (between the existing flats at 27-49 Philips Wynd and 70-86 Philips Wynd) which is contained within the PPP boundary, though, unfortunately, the new development has little or no positive interface with this. Therefore, the opportunity to develop a streetscape on this part of Philips Wynd is missed. Perhaps the flatted block here could face Philips Wynd for example, whilst the SUDS location could be tweaked or altered to better benefit a streetscape.**

**Response:** The proposed development would provide a continuous frontage along the full length of the boundary with Philips Wynd. The proposed flatted block does face Philips Wynd and has been designed to ensure that frontage has been provided to Philips Wynd at the same time as reflecting the scale, height and form of the existing flatted blocks in the area. The SUDS basin is located at the lowest point of the site and would assist in providing a setting to the development and the housing surrounding it.

- (b) **There is an existing roundabout on Philips Wynd (adjacent to 27-49 Philips Wynd) which was presumably earmarked for future development within the Philips factory site (which of course this planning application now proposes). This is not utilised as part of the development; despite being contained within the PPP boundary. Consequently, it seems that it would be of benefit if either of the following are considered: remove and re-landscape the existing roundabout as it is now of no benefit, serving no practical traffic control requirement (indeed people who use this road often bypass the roundabout by driving around it in the wrong lane); consider utilising the roundabout on Philips Wynd as a means of access to some of the new development site, thereby reducing traffic at the access point on the main Wellhall Road roundabout.**

**Response:** The roundabout and associated verge on Philips Wynd is not within the ownership of the applicant, therefore, a new road connection or reconfiguration of this roundabout is not possible as part of this planning application. Subject to conditions, Roads and Transportation Services are satisfied that the proposal is acceptable and that it raises no access or road safety issues.

- (c) **The proposed development does not have a positive relationship with the existing Philips Wynd scheme, thus the new houses proposed along the south-eastern boundary turn their back on Philips Wynd and are perpendicular to the existing properties. As a result, any opportunity for pedestrian permeability between the sites is lost, whilst informal streets and/or formal connections cannot be provided. It would be more desirable if such routes could be established, with a stronger interface between the developments. There appears to have been little consideration of this and whilst the existing public realm in and around this area of Philips Wynd is not perfect, it does not necessarily preclude the opportunity to introduce such connections.**

**Response:** There is currently an established landscape buffer between the proposed development and Philips Wynd with the existing housing either backing onto or siding on to the site boundary. This landscape buffer is outwith the ownership of the applicant, therefore, there is no ability to provide connecting streets or pedestrian connections across this. The development would directly back on to this boundary. This is considered to be an appropriate treatment for this type of arrangement where new housing meets existing and ensures that amenity and privacy is protected for both the existing and new residents. A similar approach has been adopted between Philips Wynd and Wellmeadows Court to the south of the site.

- (d) **The proposal's PPP boundary extends to the north-west edge of Wellhall Road; however, there is no exploration or consideration of pedestrian crossings at this interface. For example, there is an opportunity to enhance connections which lead to Beattock Wynd and/or Tarbrax Way, as well as the supermarket. It is incumbent on the developer and the Council to develop positive and safe routes for pedestrians here and so it would be logical that this be addressed as part of this planning process.**

**Response:** The proposal incorporates the provision of a new pedestrian connection across Wellhall Road which is considered to be acceptable.

- (e) **There are concerns regarding the volume of houses being built and the level of road traffic this will generate. We are already facing significant congestion in the area, particularly during rush hour. The likely addition of 300 plus vehicles does not bode well.**

**Response:** The principle of residential development on the site has been established through the planning permission in principle granted under application HM/20/0542. Subject to conditions, Roads and Transportation Services are satisfied that the proposal is acceptable and that it raises no unacceptable access or road safety issues.

- (f) **With regard to the pedestrian access on the south-west area of the development, what precautions will be taken to avoid loitering at night? This road is already being used as a layby by waiting taxis, vans and road repair equipment. The increased number of inhabitants and the south-west access will likely compound this problem. Will gate access be maintained? This would be preferred, not least with regard to the security aspect at the back of our properties. The pedestrian access at the south-west corner of the factory will allow access to vehicles from the emergency services but there has been no mention of any measures adopted to prevent others from also using this road for vehicular access. At peak times it can be difficult to exit the Wellmeadows estate, particularly when turning right onto Woodfoot Road. Any increase in traffic will exacerbate the problem.**

**Response:** The existing footpath link to the south-west would be retained and enhanced to form a new connection to the site to ensure that houses can be easily accessed from main pedestrian and transport routes and to encourage active travel. No gates are proposed for the pedestrian link referred to. Any anti-social behaviour would be a matter for Police Scotland to address.

- (g) **Concerns about the effect on local wildlife: there is a variety of wild animals, birds and insects at the back of our properties and the increased activity via the new pedestrian access, at all times of day and night, will surely have a detrimental effect. The green policy envisaged**

**by the developers would appear insufficient to protect their long-standing habitat.**

**Response:** In terms of any potential impact on wildlife, an ecology report and bat survey were commissioned in support of the associated application for planning permission in principle (P/20/0542) which concluded that the application site has relatively low ecological value. To ensure the protection of existing habitats within the site, any consent granted would incorporate a condition requiring the recommendations and mitigation measures as stated in the Ecological Report (13 March 2020) and the Ecological Report: Supplementary Bat Report (26 August 2020) compiled by Jacobs to be implemented throughout the construction and post-construction phases of the development to the Council's satisfaction.

- (h) I support the re-use of brownfield land for housing. Plots 1-10 are poorly laid out and may lead to on street parking on a blind corner at a roundabout. It would be better to have detached homes fronting onto the roundabout here. Plot 4 is also very close to the road and may be damaged if a vehicle leaves the carriageway.**

**Response:** These matters have been considered during the assessment of the application. Subject to conditions, Roads and Transportation Services are satisfied that the proposal is acceptable and that it raises no access or road safety issues in this regard.

- (i) Plots 60 to 84 may impede on the privacy of existing housing next to the site. It would seem from the plans that if you were on the first floor of the above plots you can see directly into existing housing. For example 112, 128, 140 and 150 Philips Wynd may have privacy impeded. There may be trees between the properties, but this protection is greatly reduced during the winter.**

**Response:** The separation distance between the proposed dwellings and the existing properties meets or exceeds the minimum 20 metre distance required for directly facing habitable windows in the Council's Residential Design Guide. This minimum distance is exceeded in relation to the existing properties at 128 and 150 Philips Wynd and the proposed development would face onto the blank gable elevations of the houses at 112 and 140 Philips Wynd referred to above. On this basis, it is considered that the proposed development will have no adverse impact on adjacent properties in terms of overlooking and/or loss of privacy.

- (j) The existing plans do not seem to indicate there would be a children's play area. Given there would be a large amount of families moving in and no nearby play parks surely this is essential.**

**Response:** An amended site layout was submitted which shows the provision of a small play area located within a central area of the site. Furthermore, the associated planning permission in principle (P/20/0542) for the site requires the applicant to pay financial contributions at appropriate stages of the development towards the provision of appropriate community facilities in lieu of providing the full range of recreational facilities within the site.

- (k) Previous traffic reports and documentation submitted under the application for planning permission in principle P/20/0542 highlighted the significant levels of traffic on Wellhall Road and the overcapacity/use of the existing roundabouts at Wellhall Road/Chantinghall Road and Wellhall Road/Woodfoot Road. As a result, what additional traffic calming/control measures and road improvement measures will the Council now be undertaking. Given the number of additional residential properties which will make use of these routes it is**



**imperative that significant measures be introduced to better control the volume of traffic and traffic speed.**

**Response:** Roads and Transportation Services are satisfied that the proposal raises no access or road safety issues. Conditions would be attached to any consent granted to ensure the provision of appropriate traffic control systems and traffic management.

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

## **6. Assessment and Conclusions**

- 6.1 The applicant seeks approval of the matters specified in conditions for a residential development of 163 units with associated car parking and access, SUDs features and associated works (approval of matters specified in conditions 1a,b,c,d,e,f,g, 3, 4a,b,c, 5a,b,c, 7, 8, 9, 10, 13, 14, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 33, 35 and 36 of planning permission in principle (P/20/0452). The conditions referred to above relate to the submission of detailed information including the site layout, landscaping, noise assessment, dust control measures, storage of refuse, flood risk/drainage assessment, site investigation/remediation works, site access, car parking, roads infrastructure and travel plan etc. The determining issues in consideration of this application are its compliance with national and local plan policy and its impact on the amenity of adjacent properties and on the local road network.
- 6.2 In terms of residential development, SPP requires Councils to maintain a five-year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity. Designing Streets - A Policy Statement for Scotland was introduced in March 2010 and marks the Scottish Government's commitment to move away from a standardised engineering approach to streets and to raise the quality of design. Development layouts should be designed to encourage a safe environment for pedestrians and cyclists, carefully positioned dwellings, landscaping and off-street parking which can be more effective at achieving slower traffic movements. Permeability which encourages walking is now seen as a high priority and footpath links are encouraged to ensure that houses can be easily accessed from main public transport routes.
- 6.3 In general land use and policy terms the principle of the development at this location has previously been assessed and approved under the application for planning permission in principle (P/20/0452). The proposal involves the re-use of a previously developed site which would have a positive impact on the built and natural environment. The proposal also promotes development in a sustainable location which would be accessible by public transport, with bus routes located on the adjacent Wellhall Road. In terms of permeability, the development would be well integrated into existing walking and cycling networks and would encourage active travel. The proposed layout takes cognisance of the main standards encouraged through Designing Streets. It is, therefore, considered that the proposal is in accordance with national planning policy.
- 6.4 In terms of local plan policy, the application site is located within the General Urban Area in the adopted South Lanarkshire Local Development Plan 2. The relevant policies in terms of the assessment of this application are Policy 1 - Spatial Strategy, Policy 2 – Climate Change, Policy 3 - General Urban Areas and Settlements, Policy 5 - Development Management and Place Making, Policy 7 - Community Infrastructure Assessment, Policy 15 - Travel and Transport, Policy 16 - Water Environment and Flooding, Policy DM1 - New Development Design, Policy SDCC2 -

Flood Risk, Policy SDCC3 - Sustainable Drainage Systems, Policy SDCC4 - Sustainable Transport, Policy DM15 - Water Supply, Policy NHE18 - Walking, cycling and riding routes and Policy NHE20 - Biodiversity.

- 6.5 Policies 1 and 2 encourage sustainable economic growth and regeneration, a move towards a low carbon economy, the protection of the natural and historic environment and mitigation against the impacts of climate change. In line with these policies, the proposal involves the redevelopment of a previously developed site which is located in a sustainable location within Hamilton and where the principle of residential use is considered to be acceptable. The site benefits from opportunities for trips by public transport with bus routes located on the adjacent Wellhall Road and the development would be well integrated into existing walking and cycling networks and would encourage active travel. The site is also located within an acceptable distance to commercial services such as retail, leisure, schools, health care etc. The proposed development offers an opportunity to enhance the built environment in the immediate area and it is considered that the redevelopment of the site would result in an attractive and vibrant addition to neighbouring development. Areas of landscaping are proposed within the development which would provide opportunities for enhanced biodiversity and leisure within the site and the surrounding area. Furthermore, the houses within the development would be designed to the latest technical standards in terms of insulation, air tightness and energy ratings. It is, therefore, considered that the proposal meets the terms of the above policies.
- 6.6 Policy 3 states that within the urban areas and settlements identified on the proposals map, residential developments on appropriate sites will generally be acceptable. Proposals for uses that are ancillary to residential areas will be assessed on their individual merits, with particular regard to their effect on the amenity and character of the area. As the application site is located within the General Urban Area and benefits from planning permission in principle being granted for residential development under application P/20/0542, the proposal raises no policy issues and, therefore, conforms with Policy 3.
- 6.7 In terms of the detailed design of the development, Policies 5 and DM1 generally require new development to have due regard to the layout, form, design and local context of the area and to promote quality and sustainability in its design. In this instance, it is considered that the proposed layout for the development is acceptable and that it meets the main standards set out in the Council's Residential Design Guide, particularly in relation to window to window distances, garden depths, amenity open space and car parking. The proposed houses are of modern design with a suitably high standard of external finishing materials and it is considered that the development will be in keeping with the existing residential development in the surrounding area. The proposed access arrangements have been assessed and subject to conditions, are considered to be acceptable by the Council's Roads and Transportation Service. In view of the above, it is considered that the proposal would relate satisfactorily to adjacent residential development in terms of its scale, design and materials and that the character and amenity of the area would not be impaired by reason of traffic generation, parking or visual intrusion. The proposal represents a sensitive re-use of a previously developed and currently vacant site and it is considered that the re-development of the site would improve the visual and environmental quality of the area. The proposed development incorporates areas of structured landscaping and open space to enhance the urban form and character of the site and existing habitats such as mature trees and open space would be retained and enhanced where possible and would be properly maintained and managed in the future. It is also envisaged that the SUDS facility proposed in the

eastern area of the site would be planted with appropriate wet meadow mix and emergent species which would encourage biodiversity. All surface water runoff would be dealt with through a sustainable urban drainage system (SUDS) designed as an integral part of the overall landscape design. Path connections through the green spaces would offer opportunities for walking and cycling. It is considered that the application site and the surrounding area as a whole would benefit from the enhanced leisure and ecological opportunities that the proposal provides. Given the above, it is considered that the development of the site would have a positive impact on the environment and would improve the quality of life for those living in the surrounding area. The proposal is, therefore, considered to be in accordance with the terms of Policies 5 and DM1.

- 6.8 With regard to Policy 7, the Section 75 Obligation associated with the previously approved planning permission in principle (P/20/0542) requires the applicant to pay financial contributions at appropriate stages of the development towards the provision of additional nursery, primary and secondary education accommodation as appropriate and the provision of community facilities. The requirement for affordable housing would be addressed through the on-site provision of 40 dwellings which the Council's Housing Services will be taking ownership of. In view of the above, the proposal meets the terms of Policy 7.
- 6.9 Policy 15 seeks to ensure that development considers, and where appropriate, mitigates the resulting impacts of traffic growth and encourages sustainable transport options that take account of the need to provide proper provision for walking, cycling and public transport. In this regard, the site is accessible by public transport with bus routes located on the adjacent Wellhall Road. In terms of permeability, the development would be well integrated into existing walking and cycling networks and would encourage active travel. Furthermore, Roads and Transportation Services are satisfied that the proposal raises no access, parking or road safety issues. It is, therefore, considered that the proposal complies with Policy 15.
- 6.10 The proposal has been assessed by the relevant consultees in terms of Policies 16, DM15, SDCC2 and SDCC3. With regard to flooding and surface water drainage, no adverse comments were raised by Roads and Transportation Services subject to the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied through the completion of the standard self-certification documents. Scottish Water have also confirmed that they have no objections to the application and any consent granted would include a condition to ensure that no dwellings are occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards. It is, therefore, considered that the proposal is in accordance with the terms of the above policies.
- 6.11 In summary, it is considered that the application conforms with both national and local plan policy and that the proposal raises no significant environmental or infrastructure issues. It is therefore recommended that the application be granted subject to the conditions listed.

## **7. Reasons for Decision**

- 7.1 The proposal has no adverse impact on residential or visual amenity nor raises any environmental or infrastructure issues and complies with Policies 1, 2, 3, 5, 7, 15, 16, DM1, SDCC2, SDCC3, SDCC4, DM15, NHE18 and NHE20 of the adopted South Lanarkshire Local Development Plan 2.

**Alistair McKinnon**  
**Interim Executive Director (Community and Enterprise Resources)**

Date: 3 February 2022

**Previous references**

P/20/0542 – Planning Committee – 22 September 2020

P/19/0015/PAN

**List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 29.09.2021
- ▶ Press Advertisement, Hamilton Advertiser 07.10.2021
  
- ▶ Consultations
  - Arboricultural Services 02.02.2022
  - Roads Development Management Team 04.11.2021  
02.02.2022
  - Environmental Services 19.01.2022
  - Roads Flood Risk Management
  - Scottish Water 12.10.2021
  - Countryside and Greenspace 23.12.2021
  - Housing Planning Consultations 07.10.2021
  - Community and Enterprise Resources - Play Provision 22.12.2021
  - Community Contributions
  - Education Resources 15.07.20
  
- ▶ Representations Dated:
  - Gordon Anderson, via Email 09.11.2021
  - Mr Derek Horsfield, 7 Wellmeadows Lane, Hamilton, South Lanarkshire, ML3 8LS 08.11.2021
  - Miss Lynn Reid, 82 Glen Tennet, East Kilbride, G74 3UY 11.01.2022
  - Mr Bradley McLay, via Email 19.01.2022

**Contact for further information**

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

Jim Blake, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Phone: 01698 453657  
Email: [jim.blake@southlanarkshire.gov.uk](mailto:jim.blake@southlanarkshire.gov.uk)

### **Conditions and reasons**

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

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

02. 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 1, shall be erected and thereafter maintained to the satisfaction of the Council.

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

03. 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.

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

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

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

05. That unless otherwise agreed, before development starts, full details of the design and location of any fence enclosing the proposed SUDS Facility shall be submitted to and approved by the Council as Planning Authority. Thereafter, the fence shall be erected and maintained to the Council's satisfaction.

Reason: In order to retain effective planning control.

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

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

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

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

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

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

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

09. That prior to the commencement of the development hereby approved:-

(a) A comprehensive site investigation, carried out to the appropriate Phase level, shall be submitted to and approved in writing by, the Council as Planning Authority. The investigation shall be completed in accordance with advice given in the following:-

Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995)

Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency

BS 10175:2011 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.

(b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.

(c) If the risk assessment identifies any unacceptable risks, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.

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

10. If the site investigation required under the terms of Condition 10 above determines that remediation of all, or part, of the site is required then:

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

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

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

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

11. In the event that there is a requirement to either re-use site won material or to import material then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning Authority prior to any material being used. In addition to this and, in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall also be free from metals, plastic, wood, glass, tarmac, paper and odours.

On completion of the works, or at an alternative time or development stage agreed by the Planning Authority, the developer shall submit a verification report containing details of the source of the material and appropriate test results to demonstrate its suitability for use.

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

12. That no changes to the approved dust mitigation scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented and maintained over the course of all development works. If justified complaints are received from members of the public, the Council may require the applicant to change or improve their dust mitigation scheme.

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

13. That the internal noise levels of the dwellings hereby approved shall comply with BS 8233:2014 Guidance on sound insulation and noise reduction for buildings and the external noise levels shall comply with part d) as follows-

- a) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an LAeq,16hr of 40dB daytime (07:00 - 23:00)
- b) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an LAeq,8hr of 30dB night-time (23:00 - 07:00).
- c) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an LMax of 45dB night-time (23:00 - 07:00).
- d) The external levels shall not exceed an LAeq,16hr of 50dB daytime in any garden amenity areas, when measured free-field and that:-

the Internal Noise Rating Values, within the residential property and resultant from the neighbourhood (industrial and commercial) and neighbour noise (installed services), shall not exceed:-

NR25 between 23.00hrs and 08.00hrs  
NR35 between 08.00hrs and 23.00hrs

Reason: In the interests of amenity.

14. That no further changes in ground levels within the site shall take place without the prior written consent of the Council as Planning Authority.

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

15. That before the development hereby approved is completed or brought into use, the new vehicular access so far as it lies within the boundaries of the road abutting the site, shall be constructed in accordance with the specification of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

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

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

17. That the recommendations and mitigation measures as stated in the Ecological Report (13 March 2020) and the Ecological Report: Supplementary Bat Report (26 August 2020) compiled by Jacobs shall be implemented throughout the construction and post-construction phases of the development to the Council's satisfaction.

Reason: To ensure the protection of existing habitats within the site.

18. That before any work commences on the site, an updated 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.
  - (g) the landscape proposal shall include a semi mature tree avenue planting along Wellhall Road reducing to Extra Heavy Standard trees along to Philips Wynd.

Note - semi mature trees being planted are approximately 18-20 feet compared to 14-16ft extra heavy standards.

Reason: To ensure the appropriate provision of landscaping within the site.



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

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

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

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

21. That prior to the completion or occupation of the last dwellinghouses within the development, all of the works required for the provision of the equipped play area included in the scheme approved under the terms of Condition 20 shall be completed, and thereafter, that area shall not be used for any purpose other than as an equipped play area.

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

22. That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.

Reason: In the interests of amenity and to ensure the protection and maintenance of the existing trees within the site.

23. That unless otherwise agreed, prior to the commencement of the development hereby approved (including any demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Council as Planning Authority. Specific issues to be dealt with in the TPP and AMS:-

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- e) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.

- f) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- g) A specification for scaffolding and ground protection within tree protection zones.
- h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- i) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- j) Boundary treatments within the RPA
- k) Methodology and detailed assessment of root pruning
- l) Arboricultural supervision and inspection by a suitably qualified tree specialist
- m) Reporting of inspection and supervision
- n) Methods to improve the rooting environment for retained and proposed trees and landscaping

The development shall thereafter be implemented in strict accordance with the approved details.

Reason: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.

24. That unless otherwise agreed, before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Council as Planning Authority to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the Council as Planning Authority.

Reason: To ensure that the Council as Planning Authority are satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details.

25. The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 23 above, shall be submitted for approval in writing by the Council as Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

Reason: To ensure compliance with the approved tree protection and arboricultural supervision details.

26. That unless otherwise agreed, prior to completion of the first dwelling the applicant shall submit proposals for the written approval of the Council as Planning and Roads Authority for alterations to the SCOOT traffic control timings for the Peacock Cross Gyratory all at the developer's own expense.

Reason: These details have not been submitted or approved.

27. That once approved in writing the applicant shall implement at their own expense, and to the satisfaction of the Council as Planning and Roads Authority, the SCOOT traffic control upgrades referred to in the previous condition using the Council's traffic signal maintenance contractor and complete this work all in accordance with the approved design and specification prior to occupation of the first dwelling house unless otherwise agreed in writing with the Council.

Reason: In the interest of public and road safety.

28. That unless otherwise agreed, prior to commencing on site the applicant shall submit detailed proposals for the introduction of a TOUCAN type controlled pedestrian crossing and ancillary works on Wellhall Road at the frontage of the site for the written approval of the Council as Planning and Roads Authority.

Reason: These details have not been submitted or approved.

29. That once approved in writing the applicant shall implement at their own expense, and to the satisfaction of the Council as Planning and Roads Authority, the approved controlled pedestrian crossing and ancillary works referred to in the previous condition using the Council's traffic signal maintenance contractor and complete this work all in accordance with the approved design and specification prior to the occupation of the first dwelling house, unless otherwise agreed in writing with the Council,

Reason: In the interest of public and road safety.

30. That the applicant shall submit for the written approval of the Council as Planning and Roads Authority details of 'KEEP CLEAR' yellow box markings for the Wellhall Road/Hiltonbank Street junction and once approved shall implement the works on site prior to occupation of the first dwelling all at the applicant's expense and in accordance with the agreed specification.

Reason: These details have not been submitted or approved.

31. That unless otherwise agreed, prior to commencing any housebuilding works on site the applicant shall submit, for the written approval of the Council as Planning and Roads Authority, detailed proposals for new bus shelters and bus stop high access kerbs to the bus stops on Wellhall Road reference 75232697 (southbound) and 75234827 (northbound).

Reason: These details have not been submitted or approved.

32. That once approved in writing the applicant shall implement at their own expense, and to the satisfaction of the Council as Planning and Roads Authority, the bus stop infrastructure referred to in the previous condition and complete this work all in accordance with the approved design and specification prior to occupation of the first dwelling unless otherwise agreed in writing with the Council.

Reason: In the interest of public and road safety.

33. That a copy of the approved Residential Travel Plan shall be provided to each new homeowner as part of their moving in pack.

Reason: To encourage sustainable travel to and from the development.

34. That prior to completion of the first dwelling, the applicant shall submit, for the written approval of the Council as Planning and Roads Authority, details of the shared use walking and cycling route/emergency access link between the site and Woodfoot Road via Wellmeadows Lane to include details of street lighting, drainage, signing and proposals to control the use of the link for its intended purpose.

Reason: These details have not been submitted or approved.

35. That once approved in writing the applicant shall implement at their own expense, and to the satisfaction of the Council as Planning and Roads Authority, the shared use walking and cycling route/emergency access link referred to in the previous condition and complete this work all in accordance with the approved design and specification prior to occupation of the first dwelling house unless otherwise agreed in writing with the Council.

Reason: In the interest of public and road safety.

36. That all remote footways shall incorporate continuous land drains which shall discharge via a silt trap into Scottish Water's system all to the satisfaction of the Council as Planning and Roads Authority.

Reason: In the interest of public and road safety.

37. That prior to commencement of the flatted dwellings, the applicant shall submit, for the written approval of the Council as Planning and Roads Authority, details of secure cycle storage serving the flatted properties to be provided in accordance with the SCOTS Roads Development Guide.

Reason: These details have not been submitted or approved.

38. That parking to the private housing area shall be provided in accordance with the proposals shown on drawing 20026(PL)001 Revision S with parking provision in accordance with SCOTS National Roads Development Guide as follows:-

- 1 bedroom - 1 parking space
- 2 and 3 bedrooms - 2 parking spaces
- 4 and 5 bedrooms - 3 parking spaces

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

39. That prior to occupation of any of the affordable housing units hereby approved the applicant shall form sixty-two parking spaces as shown on drawing 20026(PL)001 Revision S and in accordance with the agreed specification and to the satisfaction of the Council as Planning and Roads Authority.

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

40. That unless otherwise agreed, prior to commencing works on site the applicant shall submit details to demonstrate each dwelling has access to their own electric vehicle charging (EVC) point. Where parking is provided within a shared courtyard then details shall also include arrangements for siting of charging posts taking account of parking bays/boundary features/pedestrian movement along with proposals for maintenance arrangements to be submitted all for the written approval of the Council as Planning and Roads Authority. Thereafter the agreed EVC provision shall be

installed, commissioned, and maintained in accordance with the approved plans and specifications prior to that property which it serves being occupied.

Reason: These details have not been submitted or approved.

41. That prior to any works commencing on site the applicant shall submit for the written approval of the Council as Roads Authority a Traffic Management Plan (TMP) to cover all construction traffic access entering and exiting the site via the existing roundabout access onto Wellhall Road. The TMP shall include wheel washing arrangements, delivery routes, compound layout including on-site parking facilities for staff and visitors. Once approved works shall be undertaken in accordance with the approved TMP.

Reason: These details have not been submitted or approved.

42. That prior to occupation of the proposed dwelling house, the proposed driveway, as shown on the submitted plans shall be laid out, constructed and thereafter maintained such that no surface water discharges onto the prospectively adoptable road all to the satisfaction of the Council as Roads Authority.

Reason: In the interest of public and road safety.

43. That prior to occupation of each proposed dwelling house, the proposed driveway serving that property shall be constructed such that the gradient does not exceed 1 in 12.

Reason: In the interest of public and road safety.

44. That before the development hereby approved is completed or brought into use, the visibility splay requirements shown on drawing 20145-SK-02 Revision F (Visibility Splays) and drawing 20145-SK-14 Revision A (Pedestrian Visibility Splays) shall be provided and nothing exceeding 0.9 metres in height above the road channel level shall be permitted within the road visibility splays and nothing exceeding 0.6 metres in height shall be permitted within the pedestrian visibility splays.

Reason: In the interest of public and road safety.

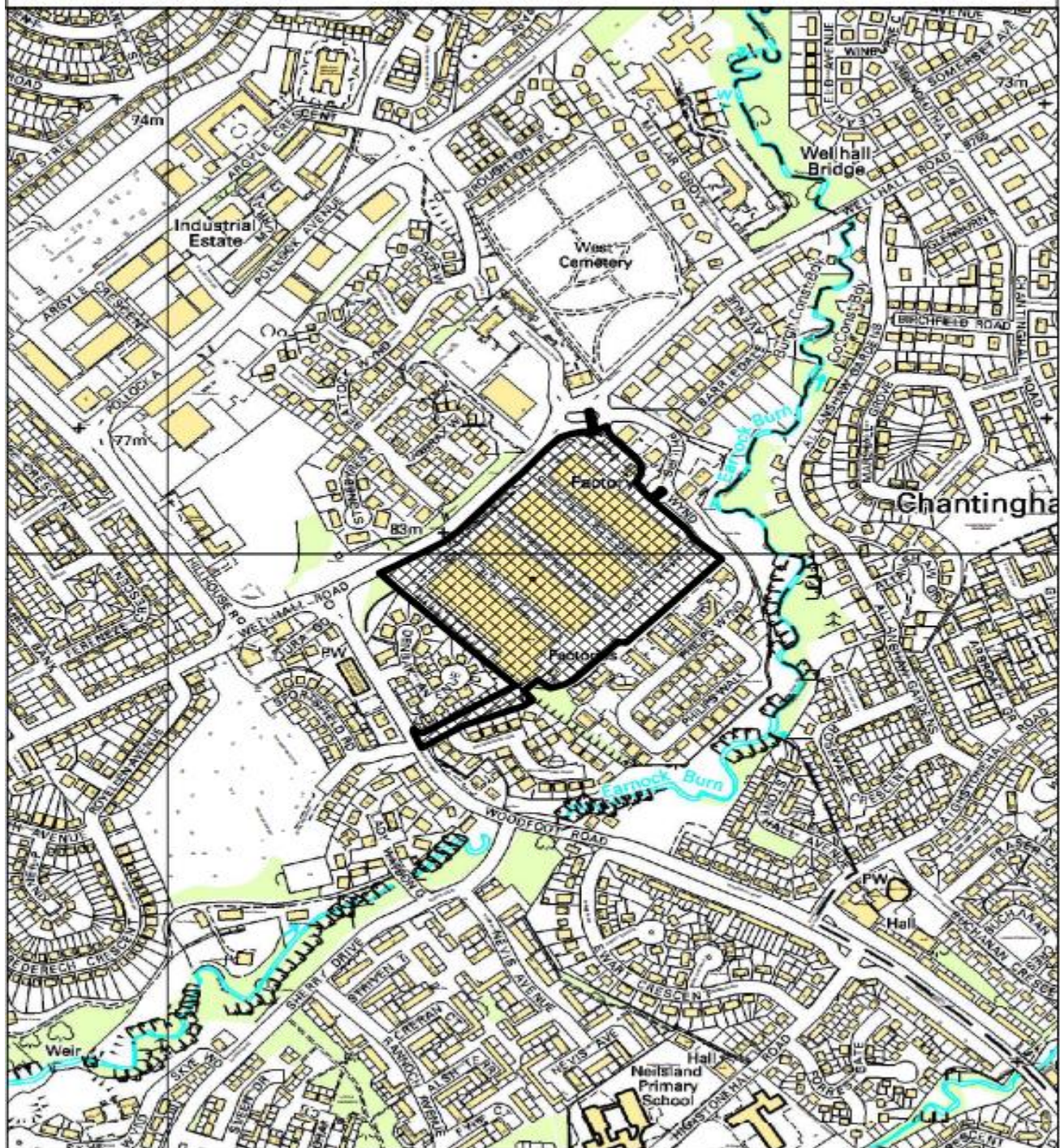
45. That prior to completion of each dwelling house, the first 2.0 metres of the driveway shall be so surfaced or bound as to prevent any surface water or deleterious material from running onto or entering the prospectively adoptable road.

Reason: To prevent deleterious material being carried into the highway.



P/21/1697

Philips, Wellhall Road, Hamilton



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20/01/2022



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development