

Report

Report to:	Planning Committee
Date of Meeting:	25 September 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/0603
Planning proposal:	Erection of 157 dwellings, construction of access roads, formation of play areas and associated works

1 Summary application information

Application type:	Detailed planning application
Applicant:	Persimmon Homes
Location:	Muirhead Drive Law Carluke ML8 5FB

2 Recommendation(s)

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

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

2.2 Other actions/notes

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

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Planning Obligation within 6 months of the date of the Committee, the proposed development may be refused on the basis that, without the planning control/developer contribution which would be secured by the Planning Obligation, the proposed development would be unacceptable.

If, however, this matter is being progressed satisfactorily, the applicant will be offered the opportunity to enter into a Processing Agreement, if this is not already in place. This will set an alternative agreed timescale for the conclusion of the Planning Obligation.

All reasonable legal costs incurred by the Council in association with the above Section 75 Obligation shall be borne by the applicant

3 Other information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s):
 - South Lanarkshire Local Development Plan: Policy 3 Green belt and rural area
 - South Lanarkshire Local Development Plan: Policy 4 Development management and placemaking
 - South Lanarkshire Local Development Plan: Policy 5 Community infrastructure assessment
 - South Lanarkshire Local Development Plan: Policy 2 Climate change
 - South Lanarkshire Local Development Plan: Policy 6 General urban area/settlements
 - South Lanarkshire Local Development Plan: Policy 12 Housing land
 - South Lanarkshire Local Development Plan: Policy 13 Affordable housing and housing choice
 - South Lanarkshire Local Development Plan: Policy 16 Travel and transport
 - Proposed SLDP2: Policy 2 Climate change
 - Proposed SLDP2: Policy 3 General Urban Areas
 - Proposed SLDP2: Policy 4 Green Belt and Rural Area
 - Proposed SLDP2: Policy 5 Development Management and Placemaking
 - Proposed SLDP2: Policy 7 Community Infrastructure Assessment
 - Proposed SLDP2: Policy 11 Housing
 - Proposed SLDP2: Policy 12 Affordable Housing
 - Proposed SLDP2: Policy 15 Travel and Transport

◆ Representation(s):

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

◆ Consultation(s):

Community Services

Estates Services

WOSAS

Countryside And Greenspace

Education Resources

Housing Services

British Telecom

Cleansing - Refuse Uplift

Network Rail

Scottish Gas Networks

SNH

Coal Authority Planning Local Authority Liaison Dept

Roads Development Management Team

Environmental Services

Scottish Water

Roads Flood Risk Management Team

SEPA West Region

SP Energy Network

Planning Application Report

1 Application Site

- 1.1 The application site extends to 1.95 hectares and is irregular in shape, located on agricultural land and largely falls within the settlement boundary of Law other than the north eastern corner and a strip of land along the northern boundary which are on designated Green Belt. It comprises semi-improved grassland and marshy ground and, topographically, is relatively flat with a slight incline towards the central area, from where it slopes slightly down to a low point in the northern corner. There are two dilapidated hedgerows and two rights of way which cross the site. An existing sewer runs alongside the southern and eastern boundaries. The site is bounded to the east by the West Coast Railway, to the south and west by existing housing and to the north by agricultural fields.

2 Proposal(s)

- 2.1 The applicant seeks planning permission for the erection of 157 two storey dwellings incorporating a range of styles and sizes ranging from 2 to 4 bedroom units. The house types include a mix of detached, semi-detached and terraced properties. The proposal also includes associated roads, footpaths, landscaping and a SUDS basin.
- 2.2 The proposal involves the arrangement of dwellings around a series of loops and amenity focal points. All vehicular access would be taken from Muirhead Drive and, in addition, there will be a cycle path link onto Dobbies Court. The road widths and finishes will be varied and, in many instances, the streets will have shared pedestrian/vehicular surfaces. An integrated Sustainable Urban Drainage System will link into a SUDS pond, located at a natural low point at the northern end of the site. Trees, hedgerows, shrubs, wildflower meadows and grassland will be established throughout in informal and formal amenity space providing a green network within the urban fabric. A natural themed play area and informal kick about pitch will be located in the south western edge between the two access points. There are two claimed rights of way within the site however these are not physically defined on the ground. The existing right of way from Ashfield Road to the north eastern corner will be unimpeded whilst a deviated route will be created from Dobbie's Loan to the north eastern corner of the site ensuring continuous public access from the start point to the finish.
- 2.3 As supporting documents, the applicant has submitted a Design and Access Statement, Ecology Survey, Noise Report, Flood Risk Assessment and Drainage Strategy, Transport Assessment and Ground Investigation Report.
- 2.4 As the proposal relates to a residential development which falls within the definition of 'major' development, as set out in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 the applicants undertook a pre-application consultation prior to the submission of this planning application.

3 Background

3.1 Local Plan Status

- 3.1.1 The adopted South Lanarkshire Local Development Plan identifies much of the site as part of housing supply land and as lying within the settlement boundary of Law where

Policies 6 - General Urban Area/Settlement and 12 Housing Land apply respectively. The land identified for use as the proposed SUDS pond and a landscape strip along the northern boundary is outwith the area allocated for residential use and within the Green Belt where Policy 3: Green Belt and Rural Area applies. In addition, Policies 2: Climate Change, 4: Development Management and Place Making, 5: Community Infrastructure Assessment, 13: Affordable Housing and Housing Choice and 16: Travel and Transport are relevant as is the Supplementary Guidance on Development Management, Place Making and Design; Affordable Housing and Housing Choice; Sustainable Development and Climate Change; Green Belt and Rural Area and Community Infrastructure Assessment. The Council's Residential Development Guide should also be taken into consideration.

3.2 Relevant Government Advice/Policy

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

3.2.2 The SPP states that the purpose of the Green Belt designation is to;

- Direct planned growth to the most appropriate locations and support regeneration
- Protect and enhance the quality, character, landscape setting and identity of towns and cities
- Protect and give access to open space within and around towns and cities.

3.2.3 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policies 2 'Climate Change', 4 'Green Belt and Rural Area', 5 'Development Management and Placemaking', 7 'Community Infrastructure assessment', 11 'Housing', 12 'Affordable Housing' and 15 'Travel and Transport' are relevant.

3.3 Planning Background

3.3.1 There have been no relevant planning applications in the past five years. The site has been allocated as a residential masterplan opportunity in the Lower Clydesdale Local Plan (adopted in 2004) and the South Lanarkshire Local Development Plan (adopted in 2015).

4 Consultation(s)

4.1 **Roads and Transportation Services Development Management Team**– raised no objections subject to conditions relating to a number of matters including visibility, parking spaces for construction staff and wheel washing facilities. The delivery route for construction traffic will have to be approved and, thereafter, a dilapidation survey carried out. The Horsley Brae junction was not reviewed as part of the Transportation Assessment (TA) and yet it is known to be over capacity and additional trips will exacerbate problems. With this in mind a contribution towards junction improvements

is recommended – the overall cost of improvements have been estimated at £1.75m and a contribution will be required based on the predicted 40 additional trips generated by the proposal. No objections are offered subject to the above matters being covered by conditions.

Response: Noted. These matters can be addressed by condition whilst the contribution to the junction improvements can be included in a section 75 agreement or dealt with by direct payment to the Council.

- 4.2 **Roads and Transportation Services HQ (Flooding Unit)** – offer no objection subject to conditions requiring a flood risk assessment and a Sustainable Urban Drainage System (SUDS).

Response: Noted. Should consent be granted, conditions can be attached to cover these matters.

- 4.3 **Environmental Services** – raised no objections subject to conditions.

Response: Noted.

- 4.4 **SNH** – Although close to the Clyde Valley Woods Special Area of Conservation and the Garrion Gill SSSI, the proposal is unlikely to significantly affect the qualifying interests of the designated sites. They agree with the findings of the bat survey which concludes that no roosts are present and no further work or mitigation is required with regard to bats. Provided the development is carried out in accordance with the mitigation measures outlined in the Ecological Report, protected species are unlikely to be affected. If more than 18 months elapse after the initial 2017 survey it is recommended that an updated survey is undertaken.

Response: Noted. Recommended mitigation measures can be covered by condition.

- 4.5 **Countryside and Greenspace** – It is recommended that a landscape masterplan is formulated which reflects the importance of adjacent woodlands through appropriate planting around the perimeter of the site. In their view, the current development density provides insufficient space to accommodate an acceptable level of structural planting for visual, public amenity and biodiversity objectives. Two claimed rights of way (SL3 Gillhead/Law and SL4 Gillhead/Law 2) go through the application site. In practical terms, it could be argued that SL4 is a reasonable alternative to SL3.

Response: In response to these comments, the applicant has submitted a landscape proposal map showing extensive landscaping around the site perimeter which incorporates native tree, hedgerows and shrubs and wildflower meadows. The route of SL4 will be retained and although the original line of SL3 will be altered to accommodate the development, a deviation of the route from the start to the end point in the northern corner will still be possible.

- 4.6 **Estates** – One of the accesses to the development site at Dobbies Court is through land owned by South Lanarkshire Council and held in the Housing Revenue Account and not part of the adopted roads network. No approach or agreement has been made by the landowner or proposed developer to acquire the necessary rights over this land.

Response: Since these comments, the applicant has engaged in discussions with Estates which has resulted in amendments to the plan restricting access through Dobbies Court to cyclists, pedestrians and emergency vehicles.

- 4.7 **Scottish Water** – There is sufficient capacity at the Camps Water Treatment Works and the Maudslie Waste Water Treatment Works, however, further investigations may be necessary. The development proposals impact on an existing combined sewer running within the boundary of the site.

Response: Noted. A cordon along the combined sewer alignment has been incorporated within the development layout.

- 4.8 **Cleansing and Refuse** – South Lanarkshire has a twin stream recycling and waste collection system which allows residents to recycle many items in line with waste regulations. To allow these collections they require all new developments to ensure enough wheeled bin capacity and storage capabilities have been included as part of their planning application.

Response: Noted.

- 4.9 **Network Rail** – No issue with the principle of the development subject to conditions requiring a trespass proof fence, drainage containment, noise impact assessment and proximity of landscaping to the railtrack.

Response: Noted. A Noise Impact Assessment has already been completed which concludes that noise levels can be adequately contained. Conditions have been attached covering the fencing, drainage and landscaping.

- 4.10 **SP Energy Network** – No objection, however, there is a high voltage underground cable within the vicinity of the proposal, therefore, Scottish Power reserve the right to protect and/or deviate their cable/apparatus at the applicant's expense.

Response: Noted.

- 4.11 **West of Scotland Archaeology Service** – As the proposal represents a large area of ground disturbance to green fields in an area of archaeological potential, an archaeological evaluation in the form of trial trenching is recommended. Normally, this should be carried out prior to the application being determined, however, as the site has been partially disturbed by existing agricultural use the alternative would be to attach a condition to the consent, if granted.

Response: Noted. An appropriately worded condition will be attached if permission is granted.

- 4.12 **SEPA** – As there is no flood risk immediately apparent they have no objection to the proposed development. They acknowledge the use of appropriate SUDS is mentioned in the submitted drainage reports and these systems are as per the recommendations of the CIRIA SUDS Design Manual (C753) and are, therefore, considered to be, in principle, satisfactory. It appears that two of the easterly discharge points for surface water are to be connected to the SW combined sewer network which they would ask to be reconsidered.

Response: Noted. The applicant has confirmed that it is not their intention to connect the SUDS into the combined sewer.

- 4.13 **The Coal Authority** – has no objections as investigations have not found any shallow mine workings beneath the development site.

Response: Noted.

- 4.14 **Community Services** – The planning application is acceptable in principle from a community/play provision perspective. As the Council would not adopt amenity area for future maintenance, consideration should be given to a factoring arrangement. Within the vicinity of the proposal there are a number of community assets in need of investment. Rather than seeking additional on site provision, Community and Enterprise Resources would look to obtain a financial contribution towards investment in these local existing assets.

Response: If permission is granted, a condition would be attached requiring the submission and approval of a maintenance schedule. There is ongoing dialogue about potential contributions towards upgrading the nearby Tom Craig centre and Law football pitch and pavilion.

- 4.15 **Education Resources** – no objections subject to the developer providing a financial contribution for education accommodation in the school catchment areas for the site. The money would be directed to Carluke High School, Law and St Athanasius Primary Schools and nursery provision in the area.
Response: Noted. Planning permission would not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council and the applicants. This planning obligation would ensure that appropriate financial contributions are made at appropriate times during the development towards education accommodation. The applicant has, in principle, indicated a willingness to enter into a Section 75 obligation. This planning obligation would ensure that appropriate financial contributions are made at appropriate times during the development towards educational provision in the local area.
- 4.16 **Housing Services** –the provision of the 25% affordable housing contribution in the form of a commuted sum would be acceptable for this development. Assessment of the commuted sum should be in accordance with the Council's approved Affordable Housing Supplementary Guidance.
Response: Noted. Planning permission would not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council and the applicants. This planning obligation would ensure that appropriate financial contributions are made at appropriate times during the development towards affordable housing.
- 4.17 **British Telecom** – no response received to date
Response: Noted.
- 4.18 **Scottish Gas Network** – no response received to date.
Response: Noted.

5 Representation(s)

- 5.1 In response to the carrying out of neighbour notification and the advertisement of the application in the local press as Development Contrary to the Development Plan and bad neighbourhood development, 13 letters of objection have been received. The issues raised are summarised below:
- a) **Impact upon wildlife.**
Response: Ecological Surveys have been undertaken which concludes that the development will not have an adverse impact upon protected species or other wildlife. SNH agree with these findings.
 - b) **Insufficient capacity in schools.**
Response: Consent will be subject to the developer making a contribution to upgrading accommodation at affected schools. This will be covered by a section 75 agreement.
 - c) **Muirhead Drive could not cope with a significant increase vehicle movement including construction traffic. There is poor visibility at the junction with Station Road. Adverse affect on public and traffic safety. The junction of Brownlee Road and Horseley Brae, which is congested at the best of times, would be affected by increased traffic flows.**

Response: A Traffic Impact Assessment has been submitted by the applicant. This has been considered by colleagues in Roads and Transportation Services who have raised no objections subject to conditions.

- d) **Significant land at Law Hospital to accommodate housing demand and avoid inconvenience to Law village.**

Response: In the adopted Local Plan both Law Hospital and Muirhead Drive are identified as being suitable for residential development and form part of the housing land supply list.

- e) **Proximity of play park to neighbouring dwellings.**

Response: In response to concerns, plans have been amended to incorporate a landscape buffer including hedgerows between the nearest existing dwellings and the proposed play area.

- f) **Loss of privacy.**

Response: The development complies with privacy standards.

- g) **Noise and disturbance.**

Response: There will be a degree of disturbance/noise during the construction phase, however, this will only be for a temporary period and as development progresses further into the site, disturbance to neighbouring residents will dissipate. Also, an informative will be attached to a Decision Notice if permission is granted advising the developer of the need to comply with construction noise standards.

- h) **Impact upon rights of way.**

Response: One right of way will be retained whilst the route of another will be diverted.

- i) **Concerns about an increase in crime.**

Response: There is no evidence to substantiate this claim.

- j) **Loss of trees.**

Response: There is a dilapidated hedgerow containing some poor quality hawthorn trees which will be removed, however, there will be substantial tree planting around the periphery which more than compensate for that loss.

- k) **Impact upon drainage and natural water table.**

Response: A Flood Risk Assessment and Drainage Strategy have not identified any adverse impacts.

- l) **Dirt on surrounding roads.**

Response: The Council have legislative powers to ensure that roads are kept clear in the interests of road safety. Further, an informative will be attached to the Decision Notice if consent is granted advising the developer of the need to keep surrounding roads clear of detritus during the construction phase.

- m) **Density is too high and at odds with existing houses in the village which have reasonable proportioned garden space.**

Response: There are a variety of housing densities throughout Law. This proposal reflects the average density and meets current guidelines and standards.

- n) **Loss of greenbelt land.**

- Response:** The majority of the development site falls within the settlement boundary of Law. Only a small proportion of the site along the northern boundary falls within designated green belt. The SUDS basin and a landscaping strip will be located in that area, thereby retaining the existing greenfield characteristics.
- o) Limited parking within the village.**
Response: The proposed dwellings are within reasonable walking distance to shops and services a factor which will provide an alternative to short car journeys and resultant pressure on car parking spaces.
- p) Impact upon wildlife.**
Response: Ecological Surveys have been undertaken which conclude that the development will not have an adverse impact upon protected species or other wildlife. SNH agree with these findings.
- q) Insufficient capacity at Doctors surgery.**
Response: The Health Board raised no issues during the consultation process for the draft Local Plan which identified Muirhead Drive as a housing site.
- r) Poor public transport service.**
Response: There are nearby bus stops which are served by regular buses to Lanark, Carluke and Wishaw. There is a railway station at Carluke approximately 5.7km away where there are frequent trains to Glasgow and Edinburgh. The existing bus service stops at the Railway Station. Also, there is an extensive park and ride facility which would encourage multi-nodal commuting.
- s) Has it been confirmed what the distance will be between the current residences (e.g 10 Muirhead Drive) and any new houses?**
Response: The distance between 10 Muirhead Drive and the nearest proposed dwelling is 29 metres.
- t) At what stage will the proposed park and football pitch be built.**
Response: If permission is granted a condition will be attached to ensure the proposed play area and informal kick about pitch is completed before the occupation of the 25th dwellinghouse.
- u) Has there been a Flood Risk Assessment.**
Response: A Flood Risk assessment has been submitted as supporting information.
- v) The size of the development is disproportionate to the size of the village.**
Response: The identification of this site has been carefully considered through the Local Plan process.
- w) There is a lack of local amenities in the area including primary school and local surgeries.**
Response: There is an existing Doctor's surgery in Law and the developer will make contributions towards improving local facilities and accommodation at the primary school.
- x) Will there be a meeting to review and discuss?**
Response: The application will be fully considered at the Planning Committee.

- y) **There does not appear to be a Planning Statement.**
Response: A Design and Access Statement has been submitted which outlines planning policies, constraints and opportunities.
- z) **Insufficient capacity in schools.**
Response: Consent will be subject to the developer making a contribution to upgrading accommodation at affected schools. This will be covered by a section 75 agreement.
- aa) **Access through Dobbies Court will disrupt residents at the amenity housing for elderly and disabled. The car park assigned to the amenity is used for hospital transport etc.**
Response: The intention is that Dobbies Court will only be used as an access for pedestrians and cyclists.
- bb) **Construction rubble will be a source of vermin.**
Response: Environmental Services have legislative powers to take action against vermin outbreaks.
- cc) **There are no back doors at the amenity housing – this represents a health and safety issue.**
Response: This is not relevant to the assessment of the planning application.
- dd) **The play park could act as a magnet for local youth to loiter rather than being a safe area for younger children to enjoy.**
Response: Anti social behaviour is a matter for the Police notwithstanding the play area would be overlooked by housing which would discourage such behaviour.
- ee) **The use of land in the northern corner where the use is not defined would have more space and be better suited for a play park and kick about pitch rather than bordering onto existing residents homes who would not have purchased their current home near to either of these uses.**
Response: The area in the northern corner, the natural low point in the site. has been earmarked as a SUDS pond.
- ff) **The developer already has a development in Law which has not been fully built to completion or agreed to be completed within an agreed timeframe before other developments are given approval?**
Response: The phasing of development is influenced by market conditions, however, it makes sense to plan in advance for future developments before the completion of current development.
- gg) **Trespass onto private space.**
Response: The proposed layout affords several linkages onto the public path networking negating the need to trespass over private land.

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

6 Assessment and Conclusions

6.1 The applicant seeks detailed planning consent for the erection of 157 dwellinghouses and associated infrastructure at Muirhead Drive, Law. The determining issues in considering this application are its compliance with the policies of the adopted South

Lanarkshire Local Development Plan, the associated Supplementary Guidance and the Council's Residential Development Guide, the impact on the amenity of the adjacent properties and surrounding area and road safety.

- 6.2 The application site comprises agricultural land and lies within the settlement boundary of Law. It is identified as part of the housing land supply through Policy 12 – Housing Land. As such, residential development is considered to be acceptable in principle subject to compliance with other Council policy and guidance on new residential development with particular reference to layout and design.
- 6.3 At the northern end of the site, the SUDS treatment basin and an amenity zone fall outwith the settlement boundary where Policy 3 Green Belt and Rural Area applies. Policy 3 states that in the Green Belt limited expansion of an existing settlement boundary may be appropriate where the proposal is proportionate to the scale and built form of the settlement, it is supportive of the sustainability of the settlement and where a defensible settlement boundary is maintained. In terms of the overall development area, proportionately, this part of the site represents a minor encroachment beyond the settlement boundary. In addition, as the proposed uses do not involve any built development there would not be any impact upon the rural character of the area. A strong landscape buffer belt will be established along the northern edge providing the necessary defensible boundary. Therefore the proposal complies with Policy 3.
- 6.4 Policies 4: Development Management and Place Making and 6: General Urban Area/Settlements along with supplementary guidance on Development Management, Placemaking and Design requires the Council to seek well designed proposals which integrate successfully with their surroundings, take account of the local context and built form and are compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. In addition, development should be well related to existing development, public transport, local services and facilities. The submitted layout accords with the principles of the Designing Street policy as a result of the permeability of the site and the creation of safe links to adjacent areas. The proposed detailed house designs are of an acceptable quality and are of an appropriate scale and mass that is similar to the existing dwellings in the locality. Although largely complying with the Council's Residential Development Guide in terms of plot ratio, garden sizes, window to window distances and parking provision, in many instances throughout the layout, the gable to gable distance is, at points, less than the recommended minimum 4 metres. However, variation in building lines and gable spacing creates character and avoids a monotonous streetscene. Quality and residential amenity will not be compromised on this basis and, as such, I am comfortable with a variation in guidelines on this occasion. In view of this, the proposals are considered to be in compliance with Policies 4 and 6 and associated Supplementary Guidance.
- 6.5 With regard to road safety, Policy 16 – Travel and Transport requires all new development proposals to consider the resulting impacts of traffic growth. A Transport Assessment was submitted in respect of the development of all the land in the applicant's ownership. This shows that the development would not have an adverse impact on the local road network. Roads and Transportation Services agree with these conclusions and that the proposal can, therefore, be accommodated in transportation and road safety terms. In addition, there are no objections in terms of the internal layout which meets Designing Streets objectives. Finally, the proposal would improve pedestrian and cycle routes within the locality.
- 6.6 Policy 2: Climate Change and the associated Supplementary Guidance seeks to, where possible, minimise and mitigate against the effects of climate change and sets

out a range of criteria which new development should consider to achieve this. The proposed development is consistent with the criteria relevant to this type of development at this location being sustainably located in terms of access to public transport and services and avoiding areas of medium to high flood risk. The proposed development is considered to be consistent with Policy 2 and with the guidance set out in the supplementary guidance.

- 6.7 Policy 5 - Community Infrastructure Assessment states that, where development proposals would require capital or other works or facilities to enable the development to proceed, financial contributions towards their implementation will be required. These contributions will be appropriately assessed and developers will be required to ensure transparency in the financial viability of a development. In compliance with this, the applicant has agreed to make financial contributions towards education and community facilities. Policy 13 Affordable Housing and Housing Choice states that the Council will expect developers to contribute to meeting affordable housing needs across South Lanarkshire by providing, on sites of 20 units or more, up to 25% of the site's capacity as serviced land for the provision of affordable housing, where there is a proven need. If on-site provision is not a viable option, the Council will consider off-site provision in the same Housing Market Area. The provision of a commuted sum will only be acceptable if on or off site provision cannot be provided in the locale or there are no funding commitments from the Scottish Government. The Council's preference in this case is to seek a commuted sum in lieu of on site provision and this has been accepted by the applicant, the value of which would be based on the development viability of the site. The scale and nature of the financial contributions is subject of on-going discussion and will take into account the viability of the site.
- 6.8 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposal accords with Policies 2, 4, 5, 7, 11, 12 and 15 in the proposed local plan.
- 6.9 In view of all of the above, and taking into account the current local development plan context and the supporting information submitted with the application, the proposal represents an appropriate form and co-ordinated approach to development of the application site. The proposal represents an appropriate form of residential development for the site and it is, therefore, recommended that detailed planning consent be granted subject to the conditions listed. However, consent should be withheld until the conclusion of a Section 75 Obligation, or other appropriate agreement, to ensure the submission of the necessary financial contributions.

7 Reasons for Decision

- 7.1 The proposal will have no adverse impact on residential or visual amenity and raises no road safety concerns. The development complies with Policies 2, 3, 4, 5, 6, 12, 13 and 16 of the adopted South Lanarkshire Local Development Plan together with the relevant Supplementary Guidance.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

14 September 2018

Previous references

- ◆ None

List of background papers

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

- ▶ Consultations
 - CER Play Provision 13.07.2018
 - Estates Services - Housing And Technical Resources 10.05.2018
 - WOSAS 22.05.2018
 - Countryside And Greenspace 10.05.2018
 - Community Services 29.05.2018
 - Education Resources 06.07.2018
 - Housing Services 08.08.2018

 - Cleansing - Refuse Uplift 15.05.2018
 - Network Rail 21.05.2018

 - SNH 29.05.2018
 - Coal Authority Planning Local Authority Liaison Dept 21.05.2018
 - Roads Development Management Team 13.09.2018
 - Environmental Services 22.08.2018
 - Scottish Water 09.05.2018
 - Roads Flood Risk Management 15.05.2018
 - SEPA West Region 21.05.2018
 - SP Energy Network 18.05.2018

- ▶ Representations
 - Dated:
Pam Cornett, 10 Wallace Wynd, Law, ML8 5FD 31.05.2018
 - Mrs J Williams, Received Via E-mail 25.05.2018
 - Mrs Jean Foster, 12 Edgehead Road, Edgehead,
PATHHEAD, EH37 5RJ 29.05.2018
29.05.2018
 - Paul McWhinnie, 12 Wallace Wynd, Law Village, Carluke,
ML8 5FD 25.05.2018
 - Mrs Jacqueline Bicknell, 6 Dobbies Court, Law, Carluke, 31.05.2018

South Lanarkshire, ML8 5LB

Mr Brian McLuckie, 17 Wallace Wynd, Law, Carluke, South Lanarkshire, ML8 5FD	31.05.2018
Mr Stewart Hillier, 10 Wallace Wynd, Law, Carluke, South Lanarkshire, ML8 5FD	31.05.2018
Sandra McWhinnie, 12 Wallace Wynd, Law, Carluke, South Lanarkshire, ML8 5FD	25.05.2018
Mr Ruari Morton, 10 Muirhead Drive, Law, Carluke, ML8 5FB	29.05.2018 29.05.2018
Mr Alex Jardine, 56 Woodlands Avenue, Law, Carluke, South Lanarkshire, ML8 5JL	01.06.2018
Miss Margaret Sim, 20 Ashfield Road, Law, Carluke, ML8 5JW	29.05.2018 29.05.2018
Mrs Mary Slaven, 58 Woodlands Avenue, Law, Carluke, South Lanarkshire, ML8 5JL	01.06.2018
William And Tamara Hendrie, 8 Dobbies Court , Law , ML8 5LB	31.05.2018

Contact for further information

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

Ian Hamilton, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455174

Email: ian.hamilton@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/18/0603

Conditions and reasons

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

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

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

Reason: These details have not been submitted or approved.

03. That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 2 above, shall be erected and thereafter maintained to the satisfaction of the Council.

Reason: In order to retain effective planning control.

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

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

05. That the landscaping scheme, approved under the terms of Condition 6 above, shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the last dwellinghouse hereby approved and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of amenity.

06. That notwithstanding the generalities of Condition 7 above and prior to any work commencing on the site, a maintenance management schedule for the landscaping scheme approved under the terms of Condition 7 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.

Reason: In the interests of amenity.

07. That no dwellinghouse shall be occupied until the site is served by a sewerage scheme and water supply constructed to the specification and satisfaction of Scottish Water as Sewerage Authority.

Reason: To ensure that an appropriate sewerage system and water supply is provided.

08. That before the dwellinghouse hereby approved is occupied, a drainage system capable of preventing any flow of water from the site onto the public road or neighbouring land, or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.

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

09. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include the following signed appendices: 1 'Sustainable drainage design compliance certificate' , 2 'Sustainable drainage design - independent check certificate' 3 'Flood risk assessment compliance certificate', 4 'Flood risk assessment - independent check certificate' and 5 'Confirmation of future maintenance of sustainable drainage apparatus' . The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

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

10. That the surface water drainage system, approved under the terms of Condition 09 above, shall be implemented simultaneously with the development hereby approved, to the satisfaction of the Council as the Planning and Flood Authority and shall be completed prior to the last dwellinghouse hereby permitted being occupied.

Reason: To ensure the provision of a satisfactory surface water drainage system.

11. That no dwellinghouse shall be occupied until the access roads and footways leading thereto from the existing public road have been constructed to base course level.

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

12. That before the last dwellinghouse hereby permitted is occupied, all roads and footways within the development shall be completed to final wearing course level.

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

13. That unless otherwise agreed in writing, pedestrian access along the right of way SL4 from Ashfield Road to the north eastern corner of the site shall remain unimpeded at all times and that a deviated route of the right of way SL3 from Dobbies Court to the north eastern corner of the site allowing unimpeded pedestrian access from the start point to the finish shall be facilitated.

Reason: In the interests of public access.

14. (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.

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.

15. (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 ensure the site is free of contamination and suitable for development.

16. That the development shall be carried out in accordance with mitigation measures set down in section 6 'Conclusions and Recommendations' of the Preliminary Ecological Appraisal and Preliminary Roost Assessment (ITP Energised, November 2017)

Reason: In the interests of wildlife.

17. If more than 18 months elapse between the completion of the 2017 survey and the commencement of the development, the development site shall be re-surveyed for

badgers as close to the commencement of construction as possible, but no greater than 8 months preceding commencement of construction. If changes in the use of the area by badgers or bats are identified, an updated assessment of the impacts of the development on badgers and bats must be completed and appropriate mitigation measures identified (if required).

Reason: In the interests of badger and bat welfare.

18. That before any work commences on the site, a scheme for the provision of play area(s) within the site shall be submitted to the Council as Planning Authority for written approval and 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 unless agreed in writing by the Council as Planning Authority.

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

19. That prior to the occupation of the 25th dwellinghouse within the development, all works required for the provision of the equipped play area, shall be completed in accordance with the details approved under the terms of condition 21 and thereafter the areas shall not be used for any purposes other than as an equipped play area.

Reason: In order to retain effective planning control.

20. That before any work commences on site, proposals for the maintenance of all areas of open space/play areas within the development shall be submitted to the Council as Planning Authority and no work on the site shall be commenced until the permission of the Council has been granted for these proposals or such other proposals as may be acceptable.

Reason: In the interests of amenity.

21. All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. Any Sustainable Urban Drainage Scheme shall not be sited within 10 metres of the railway boundary and shall be designed with long term maintenance plans which meet the needs of the development. Details of the design and construction of any drainage scheme shall be submitted to the planning authority for approval before development is commenced. The development shall be carried out in full accordance with such approved details.

Reason: To protect the stability of the adjacent railway cutting and the safety of the rail network.

22. That notwithstanding condition 4 above trees/shrubs planted adjacent to the railway boundary shall be positioned at a minimum distance from the boundary which is greater than their predicted mature height.

Reason: To minimise leaf fall on the rail track.

23. The developer shall provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal shall be made. Details of the proposed fencing shall be submitted to the Planning Authority for approval before development is commenced

and the development shall be carried out only in accordance with the approved details.

Reason: In the interests of public safety and the protection of Network Rail infrastructure.

24. Prior to the commencement of development on site a swept path analysis for the whole site shall be submitted to and approved by the Council as Roads and Planning Authority.

Reason: In the interests of road safety.

25. Prior to the completion of the development, the footway from no 57 Woodland Avenue shall be extended to tie into the cycle path.

Reason: In the interests of public access.

26. The prior to the commencement of development, a dilapidation survey of the delivery route, shall be undertaken and submitted to the Council as Planning and Roads Authority and any defect identified during the construction period which had not been identified at the time of the dilapidation survey shall be the responsibility of the developer to repair.

Reason: In the interests of traffic safety.

27. That before the development hereby approved is completed or brought into use, a visibility splay of 1.5 metres by 20 metres measured from the road channel shall be provided on both sides of the vehicular driveway to Plot 145 and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

28. Prior to the commencement of construction works details of the delivery route shall be submitted to and approved by the Council as Planning and Roads Authority.

Reason: In the interests of traffic safety.

29. Turning areas shall be provided in accordance with National Roads Development Guidelines.

Reason: In the interests of road safety.

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

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

31. That prior to any work starting on site, a programme indicating the phasing of construction of development, together with a Traffic Management Plan indicating the circulation of vehicles and pedestrians, shall be submitted to the Council as Planning

Authority for approval. The approved details shall be implemented throughout the period of the development of the site.

Reasons: In the interests of road safety.

32. The developer shall ensure that any vehicle transporting excavated material on or off the site must be treated by means of adequate wheel washing facilities. The facility will require to be in operation at all times during earth moving operations. The wheel washing facility shall be fully operational prior to works commencing on site. A "clean zone" shall be maintained between the end of the wheel wash facility and the public road.

Reason: In the interests of road safety.

33. That prior to occupation all bedroom windows which face the railway shall be fitted with acoustic glazing, consisting of 10mm and 6mm thick panes of glass separated by a 12mm wide cavity.

Reason: To protect residents and ensure internal noise levels do not exceed 45db.

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

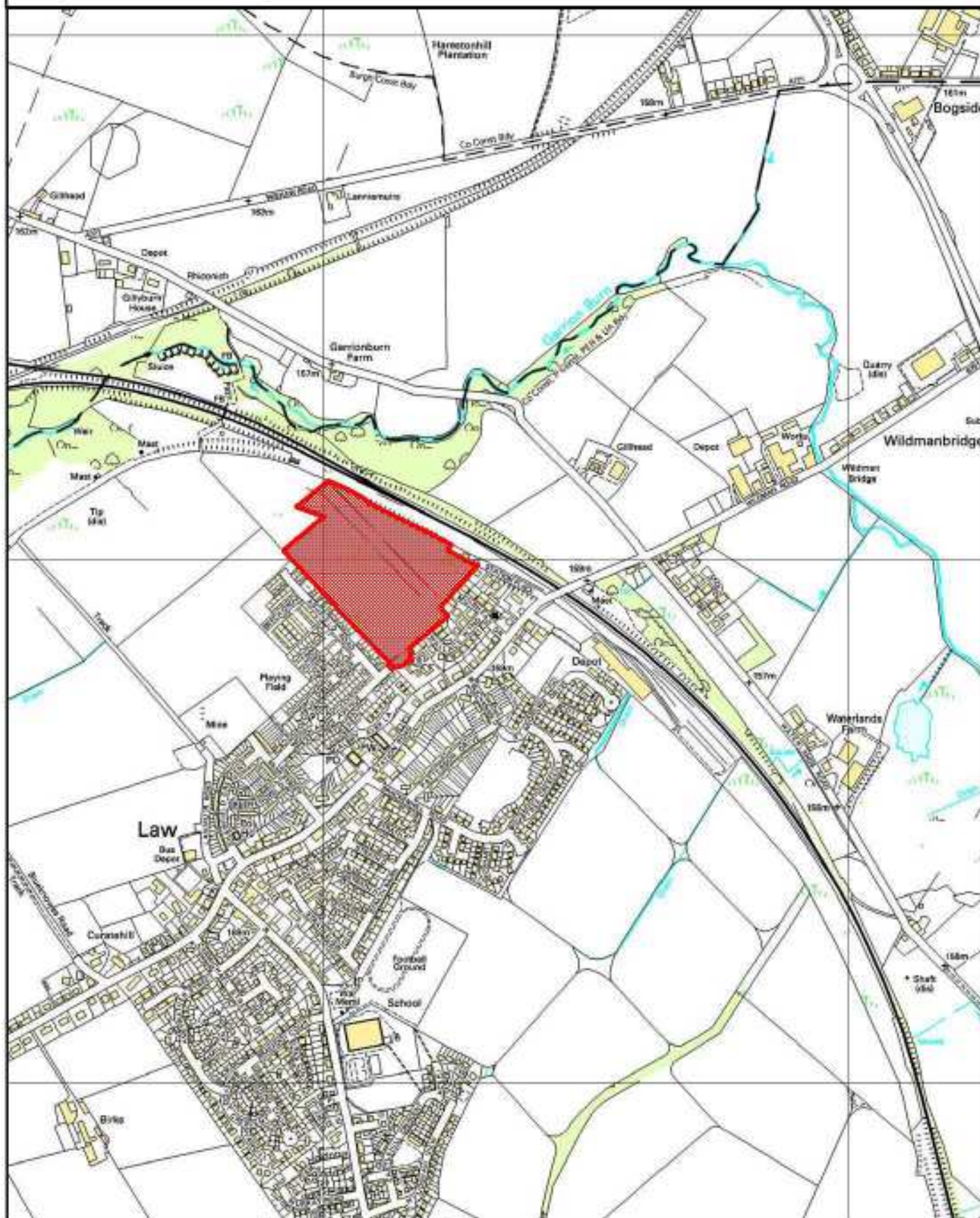
Reason: To minimise the risk of nuisance from dust to nearby occupants.

35. That no development shall take place within the development site as outline in red on the approved plans until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, this scheme to be submitted for approval by the Council as Planning Authority following consultation and agreement with West of Scotland Archaeology Service. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

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

P/18/0603

Proposed Residential Development at Muirhead Drive, Law



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Community and Enterprise Resources
Planning and Economic Development