



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 17 September 2018

Dear Councillor

Planning Committee

The Members listed below are requested to attend a meeting of the above Committee to be held as follows:-

Date: Tuesday, 25 September 2018

Time: 10:00

Venue: Committee Room 1, Council Offices, Almada Street, Hamilton, ML3 0AA

The business to be considered at the meeting is listed overleaf.

Members are reminded to bring their fully charged tablets to the meeting

Yours sincerely

Lindsay Freeland
Chief Executive

Members

Alistair Fulton (Chair), Isobel Dorman (Depute Chair), John Ross (ex officio), Alex Allison, John Bradley, Walter Brogan, Archie Buchanan, Stephanie Callaghan, Margaret Cowie, Maureen Devlin, Mary Donnelly, Fiona Dryburgh, Mark Horsham, Ann Le Blond, Martin Lennon, Richard Lockhart, Julia Marrs, Kenny McCreary, Richard Nelson, Carol Nugent, Graham Scott, David Shearer, Collette Stevenson, Bert Thomson, Jim Wardhaugh, Sheena Wardhaugh

Substitutes

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

BUSINESS

1 Declaration of Interests

2 Minutes of Previous Meeting

3 - 10

Minutes of the meeting of the Planning Committee held on 28 August 2018 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

3 Application P/18/1024 for Demolition of Existing House and Erection of Block of 7 Flats with Associated Parking at 1 Wellknowe Avenue, Thorntonhall

11 - 30

Report dated 7 September 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)

4 Application P/18/0603 for Erection of 157 Houses, Construction of Access Roads, Formation of Play Areas and Associated Works at Muirhead Drive, Law, Carluke

31 - 54

Report dated 14 September 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)

5 Application EK/17/0237 for Creation of Themed Garden on Existing Open Space at Allison Green, Strathaven

55 - 66

Report dated 6 September 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)

6 Tree Preservation Order - Blairbeth Terrace, Rutherglen

67 - 70

Report dated 6 September 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)

Urgent Business

7 Urgent Business

Any other items of business which the Chair decides are urgent.

For further information, please contact:-

Clerk Name: Pauline MacRae

Clerk Telephone: 01698 454108

Clerk Email: pauline.macrae@southlanarkshire.gov.uk

PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 28 August 2018

2

Chair:

Councillor Alistair Fulton

Councillors Present:

Alex Allison, Walter Brogan, Archie Buchanan, Stephanie Callaghan, Peter Craig (*substitute for Councillor Bradley*), Maureen Devlin, Isobel Dorman (Depute), Fiona Dryburgh, Mark Horsham, Ann Le Blond, Martin Lennon, Richard Lockhart, Catherine McClymont (*substitute for Councillor Cowie*), Kenny McCreary, Richard Nelson, Carol Nugent, Graham Scott, Bert Thomson, Jim Wardhaugh, Sheena Wardhaugh

Councillors' Apologies:

John Bradley, Margaret Cowie, Mary Donnelly, Julia Marrs, John Ross (ex officio), David Shearer, Collette Stevenson

Attending:

Community and Enterprise Resources

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

Finance and Corporate Resources

L Carstairs, Media Officer; P MacRae, Administration Officer; K McLeod, Administration Assistant; K Moore, Legal Services Adviser

1 Declaration of Interests

The following interest was declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
Horsham	Application P/18/0616 – Change of Use of Shop (Class 1) to Class 10 (Non-Residential Institution) at 36 New Street, Stonehouse, Larkhall	Representation on the proposal from a family member

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 26 June 2018 were submitted for approval as a correct record.

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

3 Application P/18/0576 - Installation and Operation of 15 Monitoring Boreholes with Associated Infrastructure, Including Monitoring Equipment Cabinets, Access Tracks and Fencing, at Downiebrae Road, Rutherglen

A report dated 17 August 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0576 by British Geological Survey for the installation and operation of 15 monitoring boreholes with associated infrastructure, including monitoring equipment cabinets, access tracks and fencing, at Downiebrae Road, Rutherglen.

The Committee decided: that planning application P/18/0576 by British Geological Survey for the installation and operation of 15 monitoring boreholes with associated infrastructure, including monitoring equipment cabinets, access tracks and fencing, at Downiebrae Road, Rutherglen be granted subject to the conditions specified in the Executive Director's report.

4 Application P/18/0616 - Change of Use of Shop (Class 1) to Class 10 (Non-Residential Institution) at 36 to 38 New Street, Stonehouse, Larkhall

A report dated 17 August 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0616 by the Trust Jack Foundation for the change of use of a shop (Class 1) to Class 10 (non-residential institution) at 36 to 38 New Street, Stonehouse, Larkhall.

The Committee decided: that planning application P/18/0616 by the Trust Jack Foundation for the change of use of a shop (Class 1) to Class 10 (non-residential institution) at 36 to 38 New Street, Stonehouse, Larkhall be granted subject to the conditions specified in the Executive Director's report.

Councillor Horsham, having declared an interest in the above application, withdrew from the meeting during its consideration

5 Application P/18/0822 - Section 42 Application to Delete Condition 5 of Planning Consent EK/16/0229 to Allow Permanent Use of Outdoor Seating Area as Part of Existing Coffee Shop Operating from 11am until 3pm Monday to Saturday at 2 Thomson Street, Strathaven

A report dated 24 July 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0822 by R Gillies for an application under Section 42 of the Town and Country Planning (Scotland) Act to delete Condition 5 of planning consent EK/16/0229 to allow permanent use of an outdoor seating area as part of an existing coffee shop operating from 11.00am until 3.00pm Monday to Saturday at 2 Thomson Street, Strathaven.

At its meeting on 9 July 2013, the Committee had approved planning application EK/13/0122 for part change of use of a church to form a coffee shop at The Epicentre, 4 Thomson Street, Strathaven. A further application, EK/16/0229, for temporary consent to use the rear garden area for seating for customers of the coffee shop had been approved on 7 November 2016. The applicants now wished Condition 5 of planning consent EK/16/0229 to be deleted to allow permanent use of the outdoor seating area.

The Committee decided: that planning application P/18/0822 by R Gillies for an application under Section 42 of the Town and Country Planning (Scotland) Act to delete Condition 5 of planning consent EK/16/0229 to allow permanent use of an outdoor seating area as part of an existing coffee shop operating from 11.00am until 3.00pm Monday to Saturday at 2 Thomson Street, Strathaven be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 9 July 2013 (Paragraph 12)]

6 Application P/18/0458 - Erection of Commercial Dog Kennels at The Maynes, Burnhead Road, Symington, Biggar

A report dated 10 August 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0458 by Mr and Mrs Stuart for the erection of commercial dog kennels at The Maynes, Burnhead Road, Symington, Biggar.

The Committee decided: that planning application P/18/0458 by Mr and Mrs Stuart for the erection of commercial dog kennels at The Maynes, Burnhead Road, Symington, Biggar be granted subject to the conditions specified in the Executive Director's report.

7 Application P/18/0857 - Erection of Single Storey Side and Rear Extensions with Associated Alterations (Retrospective) at Alison Lea Community Centre, Alison Lea, Calderwood, East Kilbride

A report dated 8 August 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0857 by Alison Lea Community Centre for the erection of single storey side and rear extensions with associated alterations (retrospective) at Alison Lea Community Centre, Alison Lea, Calderwood, East Kilbride.

The Committee decided: that planning application P/18/0857 by Alison Lea Community Centre for the erection of single storey side and rear extensions with associated alterations (retrospective) at Alison Lea Community Centre, Alison Lea, Calderwood, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

8 Application P/18/0054 - Change of Use of Redundant Agricultural Outbuildings to Music School (Retrospective) at Udston Farm, Udston Mill Road, Stonehouse, Larkhall

A report dated 9 August 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0054 by A Tennant for the change of use of redundant agricultural outbuildings to a music school (retrospective) at Udston Farm, Udston Mill Road, Stonehouse, Larkhall.

The application had been assessed against the relevant policies and criteria contained in the Adopted South Lanarkshire Local Development Plan and Supplementary Guidance, the Proposed South Lanarkshire Local Development Plan 2 and government advice/policy. Details of the assessment were provided in the report. The development constituted Development Contrary to the Development Plan, however, it was not considered that the proposal was significantly contrary to the Development Plan.

In the view of the Executive Director (Community and Enterprise Resources), a departure from the Development Plan was justified in this case for the following reasons:-

- ◆ the proposal would assist in meeting the needs of the local community
- ◆ the grant of temporary planning consent would allow the applicant time to secure more appropriate accommodation in a more sustainable location without prejudicing the existing business
- ◆ the proposal made use of an existing outbuilding on a temporary basis and there was no new building involved within the designated Green Belt

The Committee decided: that planning application P/18/0054 by A Tennant for the change of use of redundant agricultural outbuildings to a music school (retrospective) at Udston Farm, Udston Mill Road, Stonehouse, Larkhall be granted subject to the conditions specified in the Executive Director's report.

9 Application P/18/0060 - Change of Use from Agricultural Shed to a Gym (Retrospective) at Udston Farm, Udston Mill Road, Stonehouse, Larkhall

A report dated 9 August 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0060 by C Cameron for the change of use from an agricultural shed to a gym (retrospective) at Udston Farm, Udston Mill Road, Stonehouse, Larkhall.

The application had been assessed against the relevant policies and criteria contained in the Adopted South Lanarkshire Local Development Plan and Supplementary Guidance, the Proposed South Lanarkshire Local Development Plan 2 and government advice/policy. Details of the assessment were provided in the report. The development constituted Development Contrary to the Development Plan, however, it was not considered that the proposal was significantly contrary to the Development Plan.

In the view of the Executive Director (Community and Enterprise Resources), a departure from the Development Plan was justified in this case for the following reasons:-

- ◆ the proposal would assist in meeting the needs of the local community
- ◆ the grant of temporary planning consent would allow the applicant time to secure more appropriate accommodation in a more sustainable location without prejudicing the existing business
- ◆ the proposal made use of an existing outbuilding on a temporary basis and there was no new building involved within the designated Green Belt

The Committee decided:

that planning application P/18/0060 by C Cameron for the change of use from an agricultural shed to a gym (retrospective) at Udston Farm, Udston Mill Road, Stonehouse, Larkhall be granted subject to the conditions specified in the Executive Director's report.

10 Application EK/17/0197 - Residential Development (89 Units) with Associated Access and Landscaping at Land at Redwood Crescent, East Kilbride

A report dated 17 August 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/17/0197 by SC East Kilbride Limited for a residential development (89 units) with associated access and landscaping at land at Redwood Crescent, East Kilbride.

The application had been assessed against the relevant policies and criteria contained in the Adopted South Lanarkshire Local Development Plan and Supplementary Guidance, the Proposed South Lanarkshire Local Development Plan 2 and government advice/policy. Details of the assessment were provided in the report. The development constituted Development Contrary to the Development Plan, however, it was not considered that the proposal was significantly contrary to the Development Plan.

In the view of the Executive Director (Community and Enterprise Resources), a departure from the Development Plan was justified in this case for the following reasons:-

- ◆ the proposal accorded with the Proposed South Lanarkshire Local Development Plan 2 which was a material consideration in the determination of the application in that the application site formed part of a wider development framework site where a range of uses, including residential, might be acceptable
- ◆ the proposal would not have any adverse impact on operational industrial or business premises in the vicinity of the site
- ◆ the proposal would not prejudice the development of the remainder of the wider development framework site in terms of access or impact on amenity
- ◆ there were no road safety or infrastructure issues

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Planning Obligation. If approved, the application would be subject to a Section 75 Planning Obligation and/or other agreement and the approved procedure would apply.

The Committee decided:

- (1) that planning application EK/17/0197 by SC East Kilbride Limited for a residential development (89 units) with associated access and landscaping at land at Redwood Crescent, East Kilbride be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Section 75 Planning Obligation and/or other agreement between the Council, the applicant and the site owner(s) to ensure that appropriate financial contributions were made at appropriate times during the development towards the provision of:-
 - ◆ community facilities
 - ◆ education facilities
 - ◆ affordable housing
 - ◆ the applicants meeting the Council's legal costs associated with the Section 75 Obligation and/or other legal agreements
- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards the conclusion of the Planning Obligation within 6 months of the date of the meeting at which the application was considered, the proposed development could be refused on the basis that, without the planning control or developer contribution which would be secured by the Planning Obligation, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Planning Obligation had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Planning Obligation.

[Reference: Minutes of 24 June 2014 (Paragraph 3) and 7 July 2015 (Paragraph 15)]

11 Application P/18/0172 - Erection of 3 Retail Units and Repositioning of Block D (Formerly Block C1) (Amendment to Planning Consent HM/17/0312) at Carlisle Road, Ferniegair, Hamilton

A report dated 10 August 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0172 by Clyde Valley Housing Association for the erection of 3 retail units and repositioning of block D (formerly block C1) (amendment to planning consent HM/17/0312) at Carlisle Road, Ferniegair, Hamilton.

The Committee decided:

that planning application P/18/0172 by Clyde Valley Housing Association for the erection of 3 retail units and repositioning of block D (formerly block C1) (amendment to planning consent HM/17/0312) at Carlisle Road, Ferniegair, Hamilton be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 10 October 2017 (Paragraph 5)]

12 Application EK/17/0378 - Erection of 105 Houses for Social Rent (95 Flats and 10 Houses), with Associated Amenity Space, Landscaping, Car Parking and Infrastructure at 2 Law Place, Nerston Industrial Estate, East Kilbride

A report dated 1 August 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/17/0378 by Link Group Limited for the erection of 105 houses for social rent (95 flats and 10 houses), with associated amenity space, landscaping, car parking and infrastructure at 2 Law Place, Nerston Industrial Estate, East Kilbride.

The Committee decided: that planning application EK/17/0378 by Link Group Limited for the erection of 105 houses for social rent (95 flats and 10 houses), with associated amenity space, landscaping, car parking and infrastructure at 2 Law Place, Nerston Industrial Estate, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 26 September 2006 (Paragraph 4)]

13 Consultation Response to Scottish Ministers - Application by North Lowther Energy Initiative for the Erection of 30 Wind Turbines at Queensberry Estate, Dumfries and Galloway

A report dated 17 August 2018 by the Executive Director (Community and Enterprise Resources) was submitted on a consultation request from the Scottish Ministers in relation to an application by North Lowther Energy Initiative for the erection of 30 wind turbines at Queensberry Estate, Dumfries and Galloway.

The proposal, which had been submitted to the Scottish Government for consideration and determination, involved an electrical generation output of over 50 megawatts (MW) and, therefore, the application had been made under Section 36 of the Electricity Act 1989.

The application site was located within the boundary of Dumfries and Galloway Council which had been consulted as the relevant planning authority. However, the eastern boundary of the site adjoined South Lanarkshire and this Council had also been consulted on the application. Details were given on planning policy in relation to the proposal. The Council's consideration of the proposal had been limited to the potential impact on the landscape character, setting of settlements, residential amenity and road safety within South Lanarkshire.

It was considered that:-

- ◆ the proposal would have a significantly detrimental visual impact within the surrounding area in terms of the effect on the landscape of the Lowther Hills as well as for users of the Southern Upland Way
- ◆ the landscape was currently that of natural, undeveloped land and the introduction of 4 turbines on the south western boundary of South Lanarkshire would significantly impact on the natural setting of the landscape
- ◆ the introduction of windfarm development on an elevated position adjacent to Leadhills would have an adverse impact on the village setting
- ◆ the significant visual impact of the windfarm would outweigh the Scottish Planning Policy presumption in favour of sustainable development

The Committee decided:

- (1) that the Scottish Government be advised that South Lanarkshire Council objected to the North Lowther Wind Farm application under Section 36 of the Electricity Act 1989 and that, should consent be granted contrary to the Council's position, the Council be consulted in relation to any conditions in respect of noise and any legal agreement relating to routing and wear and tear of the public road network in South Lanarkshire for the reasons detailed in the Executive Director's report; and
- (2) that the Head of Planning and Economic Development be authorised to undertake the appropriate statutory procedures to participate in any Public Inquiry that might be held in

14 South Lanarkshire Council Tree Preservation Order No SL50 (2018) 26 Grenville Drive, Cambuslang

A report dated 7 August 2018 by the Executive Director (Community and Enterprise Resources) was submitted on South Lanarkshire Council Tree Preservation Order (TPO) No SL50 (2018) on 2 trees located within the front garden of a property at 26 Grenville Drive, Cambuslang as detailed on the plan attached to the Executive Director's report.

At its meeting on 15 August 2018, the Committee approved the promotion of a Provisional Tree Preservation Order (TPO) on 2 trees located within the front garden of a property at 26 Grenville Drive, Cambuslang. The Provisional Order was required to ensure the future retention of the 2 mature oak trees at the site, which were considered to contribute to the character, amenity and sense of place within the local area as a result of their size, form and siting. The site was identified in the Adopted South Lanarkshire Local Development Plan as being within a designated residential area.

Following consultation, 3 letters objecting to the Order had been received from residents of an adjoining property. The grounds of objection were detailed in the report. It was considered, however, that they did not merit withdrawal, alteration or modification of the Tree Preservation Order.

The Committee decided: that the South Lanarkshire Council Tree Preservation Order No SL50 (2018) on 2 trees located within the front garden of a property at 26 Grenville Drive, Cambuslang, as detailed on the plan attached to the Executive Director's report, be confirmed.

[Reference: Minutes of 15 August 2018 (Paragraph 13)]

15 Proposed Alteration of Rights of Way SC79 and SC4 and Core Paths CR/125/1 and CR/125/2 Under Sections 206, 207 and 208 of the Town and Country Planning (Scotland) Act 1997

A report dated 2 August 2018 by the Executive Director (Community and Enterprise Resources) was submitted on a proposal to promote a diversion of Rights of Way SC79 and SC4 and core paths CR/125/1 and CR/125/2 under Sections 206, 207 and 208 of the Town and Country Planning (Scotland) Act 1997 at Newton Community Growth Area.

At its meeting on 14 December 2010, the Committee approved planning application CR/09/0139 by Taylor Wimpey Developments Limited and Ashfield Land Limited for an extension of the Newton Community Growth Area (CGA). The CGA included Rights of Way SC79 and SC4 and core paths CR/125/1 and CR/125/2 within the proposed housing developments. The applicants had now applied to divert the Rights of Way and core paths outwith the housing areas to facilitate the development. The diverted routes would terminate at the same location as the original routes and there would be rights of public access over the diverted routes.

The Committee decided:

- (1) that the requirement to alter Rights of Way SC79 and SC4 and core paths CR/125/1 and CR/125/2 to those shown on the plan attached to the Executive Director's report on the basis that alternative Rights of Way would be provided over the altered routes be noted;
- (2) that authorisation be given for the preparation and promotion of the diversions and all actions necessary to achieve the confirmation of the Orders;

- (3) that authorisation be given for the referral of any of the Orders to the Scottish Government for determination, if objections to any of the Orders were received; and
- (4) that authorisation be given for all actions necessary to secure confirmation of the Order at any Public Inquiry or hearing held by the Scottish Government.

[Reference: Minutes of 14 December 2010 (Paragraph 14)]

16 Exclusion of Press and Public

The Committee decided: that, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, the press and public be excluded from the meeting of the following item(s) of business on the grounds that it was likely that there would be disclosure of exempt information in terms of Paragraph(s) 12 of Part I of Schedule 7A of the Act.

17 Item of Urgent Business – Planning Appeal – Application CL/16/0170 for Phased Extraction of Sand and Gravel by Quarrying Methods etc at Overburns Farm, Lamington, Biggar

In terms of Standing Order No 4(c), in view of the timescales involved for lodging opposition to the appeal and to ensure that members were updated on the position in advance of this, the Chair decided that consideration be given to issues relating to an appeal lodged by Patersons of Greenoakhill Limited with the Scottish Government Planning and Environmental Appeals Division. The appeal was in respect of the Council's refusal of planning application CL/16/0170 for the phased extraction of sand and gravel by quarrying methods and erection of associated plant and access road at Overburns Farm, Lamington, Biggar.

The Legal Adviser provided the following update to the Committee:-

- ◆ the Council intended to oppose the appeal
- ◆ the Scottish Government's Planning and Environmental Appeals Division had indicated to the appellant and the Council that the appeal procedure would be by written submission
- ◆ it was the Council's intention to deal with the appeal in-house

There followed a full discussion on the matter during which officers responded to members' questions.

The Committee decided:

- (1) that it wished the appeal to be determined by means of a hearing or a Public Inquiry and that the relevant parties be advised accordingly;
- (2) that it be recommended to the Head of Administration and Legal Services that the Council instruct external legal advice in respect of the appeal; and
- (3) that further updates on the matter be submitted to future meetings of the Committee.

[Reference: Minutes of 1 May 2018 (Paragraph 3)]

Report

3

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

Application no.	P/18/1024
Planning proposal:	Demolition of existing dwelling and erection of flatted block of 7 flats with associated parking

1 Summary application information

Application type:	Detailed planning application
Applicant:	MCL Estates
Location:	1 Wellknowe Avenue Thorntonhall G74 5AR

2 Recommendation(s)

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

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

2.2 Other actions/notes

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

3 Other information

- ♦ Applicant's Agent: Jacqueline Forbes
- ♦ Council Area/Ward: 09 East Kilbride West
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4- Development management and placemaking
Policy 6 - General urban area/settlements
Policy 16 - Travel and transport
Policy 17 - Water environment and flooding

Development Management, Placemaking and Design Supplementary Guidance (2015)
DM1 - Design
DM7 Demolition and redevelopment for residential use
DM13 Development within general urban area/settlement

**Sustainable Development and Climate Change
Supplementary Guidance (2015)**

SDCC 2 - Flood risk

SDCC 3 - Sustainable drainage systems

SDCC 4 - Water supply

SDCC 5 - Foul drainage and sewerage

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

Policy 3 – General Urban Areas and Settlements

Policy 5 – Development Management and
Placemaking

Policy 15 – Travel and Transport

Policy 16 – Water Environment and Flooding

SDCC2 – Flood Risk

SDCC3 – Sustainable Drainage Systems

DM1 – New Development Design

DM15 – Water Supply

DM16 – Foul Drainage and Sewerage

♦ **Representation(s):**

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

♦ **Consultation(s):**

Jackton And Thorntonhall Community Council

Roads Development Management Team

Environmental Services

Planning Application Report

1 Application Site

- 1.1 The application site is located in Wellknowe Avenue in Thorntonhall. It is the site of a single detached dwelling accessed from Wellknowe Avenue. It is bounded by a wooded area to the north and east, by a residential property to the south and across Wellknowe Avenue to the west by a wooded area which form the grounds of the Bishops Gate flatted development. The area is an established residential area of Thorntonhall. The site covers 0.155 hectares and is generally level, however, the rear garden of the existing dwelling rises up slightly to the east.

2 Proposal(s)

- 2.1 The proposal is demolish the existing detached dwelling and to erect a three storey flatted development consisting of 7 flats. The ground and first floor will consist of 2 no two bed flats and 1 no three bed flats on each floor and the top floor will consist of a single three bed penthouse flat. Vehicular access to the site will be relocated to the south of the existing vehicular access, and widened to 6 metres. There will be 14 parking spaces located at the side of the building, a bin store and outdoor stores for each flat and communal garden ground surrounding the building.
- 2.2 The proposed building measures approximately 29m across the frontage, is a maximum of 27.4m front to back and is 10.5m at its highest point. The roof is a pitch roof which has a low pitch to the south and north and is constructed of grey single ply membrane. The building is finished in a range of materials including buff reconstituted stone, buff render and grey cladding with grey UPVC windows. There are a number of glazed balconies both at the front and the rear of the building together with a large partly glazed terrace on the penthouse floor to the rear.
- 2.3 The applicants submitted a number of documents in support of the proposed development including a Design Statement and 3D Images of the proposed development.

3 Background

3.1 Relevant Government Advice/Policy

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

3.2 Local Plan Status

- 3.2.1 In determining this planning application, the Council must assess the proposed development against the policies contained within both the adopted South Lanarkshire Local Development Plan (2015) and Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.2.2 In land use terms, the application site is identified, within the adopted SLLDP, as being within the settlement of Thorntonhall. With regard to development management criteria, a number of policies within the adopted SLLDP are considered appropriate to the determination of this application, namely Policy 4 - Development Management and

Placemaking, Policy 6 - General Urban Area/Settlements, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding.

3.2.3 These principle policies are supported by its specific policy guidance provided through approved Supplementary Guidance on the following topics,

- Development Management, Place Making and Design SG 3
Policy DM 1 – Design, DM7 Demolition and redevelopment for residential use and DM13 Development within general urban area/settlement.
- Sustainable Development and Climate Change SG 1
Policy SDCC 2 - Flood Risk, Policy SDCC 3 - Sustainable Drainage Systems, Policy SDCC 4 - Water Supply and Policy SDCC 5 - Foul Drainage and Sewerage.

The aim of these policies and guidance is to seek well designed development which is located in appropriate locations, appropriately serviced and result in no significant adverse impact. In addition, the Council has prepared a Residential Design Guide. The aim of the associated policies and guidance is to seek well designed development which is located in appropriate locations and is appropriately serviced. An assessment of the proposal against these specific policies is contained in Section 6 of this report.

3.2.4 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policies, 3, 5, 15, 16, SDCC2, SDCC3, DM1, DM15 and DM16 are relevant.

3.3 Planning History

3.3.1 Planning Consent was granted in August 2000 (EK/00/0232) for the construction of a rear extension to form a garden room. A further Planning Consent was granted in November 2000 (EK/00/0272) for an upper floor extension to the garage. A Planning Application (EK/18/0031) was submitted in January 2018 for the demolition of the existing dwelling and erection of flatted block of 7 flats with associated parking which was withdrawn by the applicant in July 2018.

4 Consultation(s)

4.1 **Roads and Transportation Services (Development Management)** – have no objections to the proposal subject to conditions being attached in respect of drainage, access, parking, closure of the existing access, road cleaning during construction and construction traffic parking.

Response: Noted. Appropriate conditions will be added to any consent issued.

4.2 **Environmental Services** – have no objections, subject to conditions and advice notes being attached in respect of contaminated land site investigation, construction noise and dust management and monitoring.

Response: Noted. Appropriate conditions and informatives will be added to any consent issued.

4.3 **Jackton and Thorntonhall Community Council** – object to the proposed development on the grounds that there is a lack of need for further flatted

developments in Thorntonhall given that there are a number of flatted developments providing similar properties for sale. The proposed development would set a precedent for this type of flatted development. The proposed development would have an adverse impact on neighbouring properties and on the character of the village. The proposal is considered to be over development of the site. The proposed parking provision is insufficient and would lead to safety concerns caused by on-street parking.

Response: Noted. The proposed development is considered to help towards providing a range of housing types in the Council area and is consistent with the aims and objectives of the South Lanarkshire Local Development Plan. The scale and location of the proposed development is considered to be acceptable and is not considered to have an unacceptable adverse impact on neighbouring properties or on the character of Thorntonhall given the range of property types, including similar flatted developments in close proximity to the site. Roads and Transportation Services raised no objection to the proposed development and the parking provision is consistent with the requirements for a development of this scale.

5 Representation(s)

5.1 Statutory notification was undertaken and the proposals advertised in the local press for non-notification of neighbours. Following this, 16 letters of representation were received, consisting of 15 objections and 1 letter of comment. The issues raised in all representations can be summarised as follows:

(a) **The proposed development is considered an over development of the site and out of character with the surrounding area. The development would result in an increase in plot ratio from approximately 0.14 of the existing dwelling to 0.30 of the proposed flatted development which would be unacceptably high for the area. The proposal is therefore contrary to Policy 1 and Policy 4 of the South Lanarkshire Local Development Plan and Policies DM3, DM7 and DM13 of Supplementary Guidance 3: Development Management and Placemaking.**

Response: There is a range of property types and plot ratios in Thorntonhall and it is considered that the proposed development will not result in a significant adverse impact in terms of layout, scale, massing or design and meets with the standards set out in the Residential Design Guide. The proposal provides suitable outside space and off street parking and is not considered to be detrimental to the visual character of the area.

(b) **The footprint of the proposed building is significantly larger than that of the existing dwelling. The proposal is therefore contrary to Policy 4 of the South Lanarkshire Local Development Plan and Policies DM3, DM7 and DM13 of Supplementary Guidance 3: Development Management and Placemaking.**

Response: It is considered that the footprint of the proposed development is acceptable and will not result in a significant adverse impact in terms of layout, scale, massing or design, takes account of and integrates with the local context and built form and meets with the standards set out in the Residential Design Guide. The proposal provides suitable outside space and off street parking and is not considered to be detrimental to the visual character of the area.

(c) **The scale, height and mass of the proposed building is not in keeping with, is out of context with and does not compliment the character or environment of the surrounding area. The development will be to the detriment of the visual character of Wellknowe Avenue and have a negative effect on amenity. The principal elevation is forward of the established building line and would have a bulky and dominant appearance when**

viewed in context with the adjacent houses on similar sized plots, as set out in a recent appeal decision in Thorntonhall. The proposal is therefore contrary to Policy 4 of the South Lanarkshire Local Development Plan and Policies DM3, DM7 and DM13 of Supplementary Guidance 3: Development Management and Placemaking.

Response: It is considered that the proposed development is acceptable and will not result in a significant adverse impact in terms of layout, scale, massing or design, takes account of and integrates with the local context and built form and meets with the standards set out in the Residential Design Guide. The position of the building on the site provides a separation distance ranging from 14 metres to 18.3 metres from the adjacent property to the north and 6.5 metres from the southern boundary. The proposed scale of the flatted development is considered acceptable, being only 2.17 metres higher than the adjacent dwelling, at the highest point and benefiting from a gently pitched roof. The existing woodland to the side and rear of the proposed development provides an appropriate setting for the development and the development is not considered to be detrimental to the visual character of the area.

- (d) The proposed building line is less than 4 m from the footway and considerably forward of the building line in Wellknowe Avenue and 8 m in front of the adjacent property.**

Response: The location of the proposed building is considered acceptable, given the location of the site in the street, there being no properties directly opposite and the variation in the location of buildings on plots in Thorntonhall. Although the building is 3.4 metres from the street frontage, at the closest point, the position of the building adjacent to the woodland, opposite a open wooded area and some distance from the nearest property to the south, on Park Drive, is considered acceptable.

- (e) The proposal is considered over development as the height of the proposed 3 storey flatted development is significantly higher than the adjacent property at 3 Wellknowe Avenue which is a 1.5 storey dwelling and other 2 storey dwellings in the surrounding area.**

Response: The proposed building is 10.53 metres at its highest point and the adjacent property at 3 Wellknowe Avenue is 8.36 meters at its highest point, a difference of 2.17 metres at the highest point. The roof of the proposed building also slopes down towards the boundary and is at a lower height of 8.99 metres at the closest point to the adjacent property. This small increase in height is considered acceptable in terms of scale and massing. The existing flats at Bishops Gate are of a similar design and scale being three storey in height.

- (f) The two existing blocks of flats, Bishops Gate, cannot be compared to the proposed development as they are different in character, set in large landscaped grounds with the provision of garages and set well back from the road. They cannot be seen to be in the same context as the proposed development.**

Response: The existing flats in Bishops Gate and other flats in Thorntonhall form part of the context in which the proposed development has been considered. The proposed development is considered acceptable in terms of layout, scale, massing or design and meets with the standards set out in the Residential Design Guide.

- (g) The proposed 2 and 3 bedroomed flats are too small and are at the minimum size for flatted developments.**

Response: The propose development is considered to help towards providing a range of housing types in the Council area and is consistent with the aims and

objectives of the South Lanarkshire Local Development Plan. The proposed development will also require to comply with Building Standards Regulations.

- (h) **The proposed parking at the side of the property will have a negative effect on the character of Wellknowe Avenue and on the adjacent property at 3 Wellknowe Avenue. As set out in a recent appeal decision in Thorntonhall, the major part of the front and rear gardens should remain in use as garden. The proposal is therefore contrary to Policy 4 of the South Lanarkshire Local Development Plan and Policies DM3 and DM7 of Supplementary Guidance 3: Development Management and Placemaking.**

Response: The proposed development is considered acceptable in terms of layout, scale, massing or design and meets with the standards set out in the Residential Design Guide. Each planning application is considered on its own merits and the appeal decision referred to relates to a site in a different location and setting.

- (i) **The design of the proposed development will lead to overlooking and overshadowing of the adjacent property at 3 Wellknowe Avenue. There are habitable rooms on the side elevation, glazed doors and balconies and a rooftop barbeque patio area.**

Response: The proposed development meets with the guidelines for habitable room window to window distance. There are no habitable room windows other than roof lights in the north elevation of the property at 3 Wellknowe Avenue. The proposed flatted block has a limited number of windows in the southern elevation and the windows on the rear portion of this elevation are set back at a distance of 18.3 metres from the adjacent dwellinghouse. It is, therefore, not considered that the proposed development will not result in an unacceptable level of overlooking. The proposed development will not significantly increase the overshadowing of the adjacent property given the proximity of the existing woodland to the rear of the property and the existing dwelling at 1 Wellknowe Avenue.

- (j) **The architectural treatment and use of materials is out of keeping with the surrounding buildings and detrimental to the character of the surrounding area.**

Response: The proposed design and materials are considered to be sympathetic to the design and materials in surrounding properties, including the existing flatted development at Bishops Gate and the variety of designs and materials on individual properties in Wellknowe Avenue.

- (k) **The loss of landscaping, hedges, trees and a mature woodland will adversely affect the quality and character of the existing residential area.**

Response: The site benefits from the woodland to the side and the rear of the site, outwith the site boundary, and although a number of smaller trees within the site and the existing hedge along the front of the site will require to be removed, a condition will be attached requiring the submission and approval of a landscaping scheme.

- (l) **The eastern boundary of the site shows no boundary treatment and the corner of the flats is approximately 1 m from this boundary.**

Response: The design of the proposed development is considered acceptable and conditions will be attached in respect of landscaping, fencing and boundary treatments for the development which will require to be submitted and approved prior to any works starting on site.

- (m) **The proposed development will have an adverse impact on wildlife and endangered species in the area, including the deer colony which lives in the adjacent woodland.**
Response: The proposed development does not expand development into the woodland at the rear of the site and the area currently set out as an enclosed garden will not increase with the proposed development. It is, therefore, not considered that the development will have an adverse impact on the wildlife in the adjacent area.
- (n) **The construction of the proposed development will require piling which will disturb bats and badgers in the local area.**
Response: It is not considered that the development, or the construction of the proposed development, will have an adverse impact on the wildlife in the adjacent area. A condition will be attached requiring the submission of a bat survey for approval prior to any works starting on site. Compliance with legislation and regulations in respect of any protected species would be a matter for the applicant.
- (o) **The proposed bin storage area along the southern boundary of the property adjacent to 3 Wellknowe Avenue is unacceptable in its location and size. The bin storage area is too small for the number of flats. The proposed bin storage area can only be accessed from the front door of the flats and its location is not suitable.**
Response: The bin storage area is considered acceptable and Environmental Services raised no objection to the proposed waste storage facilities. A condition will be attached to any consent requiring the submission and approval of details of the storage and collection of refuse prior to the occupation of any of the flats.
- (p) **The proposed development will have an adverse impact on the provision of services in the area, including water, sewerage, roads, surface water drainage, domestic utilities and broadband. Conditions should be attached to any consent requiring the developer to provide the necessary improvements to ensure there is no detriment to the existing community.**
Response: No objections have been raised in respect of the proposed development by Roads and Transportation Services, Environmental Services or any statutory undertakers.
- (q) **The development will result in an unacceptable increase in traffic which will have an adverse impact on road and public safety. Conditions should be attached to any consent requiring the developer to provide the necessary improvements to access, roads and footpaths in the surrounding area.**
Response: Roads and Transportation Services raised no objections to the proposal subject to conditions being attached in respect of drainage, access, parking, closure of the existing access, road cleaning during construction and construction traffic parking. Relevant conditions will be attached to any consent.
- (r) **The development does not provide sufficient parking spaces or visitor parking, the spaces are too small for the large luxury vehicles owned by Thorntonhall residents, there are no disabled spaces and the layout does not allow for turning.**
Response: Roads and Transportation Services raised no objections to the proposal subject to conditions being attached including access and parking. The provision of 14 spaces, as detailed on the site layout, is considered to be acceptable for the development of 7 flats. Relevant conditions will be attached to any consent.

- (s) **Should the proposed development be granted, planning consent it would set an unwelcome precedent, in Thorntonhall, for the demolition of other dwellings and replacement with flats.**

Response: Each planning application is considered on its own merits and the specific development is assessed in respect of the location of the site.

- (t) **The site area specified on the application form as 0.38 hectares is incorrect and should be approximately 0.15 hectares.**

Response: Noted. The correct site area has been clarified as 0.155 hectares. The application form had given the figure of 0.38 hectares rather than the correct 0.38 acres. An amended application form has now been submitted by the applicant.

- (u) **The 3D images provided by the applicant are not to scale and misleading.**

Response: The 3D images are indicative and not formal plans for approval and provided as supporting information only.

- (v) **The site plan does not show any boundary treatment along the rear boundary, eastern boundary, of the site where the building will be within 1m of this boundary.**

Response: The design of the proposed development is considered acceptable and conditions will be attached to any consent in respect of landscaping, fencing and boundary treatments for the development which will require to be submitted and approved prior to any works starting on site, allowing clarification and assessment of the detailed boundary treatments proposed.

- (w) **There appears to be a conflict on the plans regarding the boundary along the front of the site, with the three-dimensional drawings showing a low boundary treatment and the Site Plan showing the retention of the existing hedge.**

Response: The site layout plan shows a hedge along the front boundary with gaps where the vehicular and pedestrian entrances are located. The 3D images are indicative and are not formal plans for approval and provided as supporting information only. Conditions will be attached to any consent in respect of landscaping, fencing and boundary treatments for the development which will require to be submitted and approved prior to any works starting on site, allowing clarification and assessment of the detailed boundary treatments proposed.

- (x) **The proposed development is contrary to restrictions set out in the title deeds of properties in Wellknowe Avenue which only allow for replacement with a single dwelling.**

Response: This is a private legal matter and not a valid planning consideration.

- (y) **No Design Statement has been submitted with the application.**

Response: A Design Statement was submitted with the application and is available to view on the public portal.

- (z) **There are no additional transport links or infrastructure proposed.**

Response: The development is not of a scale that would require additional facilities to be provided. Thorntonhall has an existing rail service and a bus service is provided close by with a footpath link to the settlement. Roads and Transportation Services raised no objections to the proposal.

- (aa) **The proposed development will have an adverse impact on the value of properties in Thorntonhall.**

Response: Property values are not a valid planning consideration.

(bb)One letter of comment seeks to ensure the protection of flora, fauna and species throughout the development process.

Response: Given the nature of the proposed development and the development location, it is considered unlikely that there would be any such impacts in this case. However, compliance with legislation and regulations in respect of any protected species would be a matter for the applicant.

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

6 Assessment and Conclusions

- 6.1 The applicants propose to demolish the existing detached dwelling and to erect a three storey flatted development consisting of 7 flats at 1 Wellknowe Avenue in Thorntonhall. In terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, planning applications have to be determined in accordance with the development plan unless other material considerations indicate otherwise. The main determining issues in assessing this proposal are whether it accords with local plan policy, its impact on amenity and road safety matters.
- 6.2 Policy 4 (Development Management and Placemaking) seeks to ensure that development takes account of and is integrated with the local context and built form. Proposals should have no significant adverse impacts on the local community and include, where appropriate, measures to enhance the environment. Policy 6 - General urban area/settlements states that residential developments may be acceptable provided they do not have a significant adverse impact on the amenity and character of the area. The design and scale of the proposed development is considered acceptable in this location, given the variety of properties in the immediate area including several developments of similar flats both in Wellknowe Avenue and to the rear at Ravenscourt. The adjacent property at 3 Wellknowe Avenue, was recently demolished and a replacement dwelling constructed. The building has been located to the northern side of the site, providing an acceptable distance between the proposed flats and the adjacent property. The proposed development is considered acceptable in respect of window to window distance, as there are no habitable room windows other than roof lights in the north elevation of the adjacent property and the proposed flatted block has a limited number of windows in the southern elevation and the rear portion of this elevation is set back at a distance of 18.3 meters from the adjacent dwellinghouse. It is, therefore, not considered that the proposed development will not result in an unacceptable level of overlooking. Roads and Transportation Services are satisfied with the proposed access and the provision of 14 off street parking spaces. The proposed layout and scale and design of the flats complies with the Residential Design Guide in terms of window to window distances, outside space and other amenity issues. The proposed development is considered to be consistent with Policy 4 and Policy 6 of the SDLLP and with the policy guidance set out within the associated Supplementary Guidance Development Management, Placemaking and Design.
- 6.3 With regard to road safety, Policy 16 - Travel and Transport - requires all new development proposals to consider the resulting impacts of traffic growth. The impact of the proposal on the local road network and in terms of parking provision has been fully assessed by Roads and Transportation Services who have offered no objections, subject to conditions. The proposal can, therefore, be considered acceptable in transportation and road safety terms.

- 6.4 The application site is a brownfield site in the settlement of Thorntonhall and is close to public transport. It is, therefore, in a sustainable location. Given the site's location it is considered that the site can be appropriately serviced in terms of water and sewerage. No objections have been received from consultees in this regard. Conditions will be attached in respect of the detailed submission and implementation of a Sustainable Drainage Design. The proposal is, therefore, acceptable when assessed against Policy 2 – Climate Change and Policy 17 - Water Environment and Flooding of the SLLDP and the Sustainable Development and Climate Change SG.
- 6.5 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposal accords with Policies 3, 5, 15, 16, SDCC2, SDCC3, DM1, DM15 and DM16 in the Proposed plan.
- 6.6 Sixteen letters of representation were received in respect of the proposal, the grounds of which have been addressed in Section 5 above and do not merit refusal of the application. The requirements of the statutory consultees have been addressed through the use of conditions where appropriate.
- 6.7 In summary, it is considered that the proposal conforms to both national and local plan policy and that the proposal raises no significant environmental or infrastructure issues. Following a full and detailed assessment of the proposed development, it is considered that the proposed development is in accordance with the adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance and the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and, on that basis, it is recommended that planning permission is granted.

7 Reasons for Decision

- 7.1 The proposal complies with Policies 4, 6, 16 and 17 of the Adopted South Lanarkshire Local Development Plan and with associated Supplementary Guidance Development Management Place Making & Design and Sustainable Development. The proposal also complies with Policies 3, 5, 15, 16, SDCC2, SDCC3, DM1, DM15 and DM16 of the Proposed South Lanarkshire Local Development Plan 2.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

7 September 2018

Previous references

- ◆ Planning Application EK/18/0031 (Withdrawn)

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Sustainable Development and Climate Change Supplementary Guidance (2015)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 20/07/2018

►	Consultations	
	Jackton And Thorntonhall Community Council	01.08.2018
	Roads Development Management Team	17.08.2018 & 06/09/2018
	Environmental Services	06.08.2018
►	Representations	Dated:
	Mr Paul McDermott, 11 Park Drive, Thorntonhall, G74 5AS	26.07.2018
	Mr Grant Mitchell, 10 Park Drive, Thorntonhall, G74 5AS	23.07.2018
	Alison Mitchell, 3 Wellknowe Avenue, Thorntonhall, G74 5AR	07.08.2018
	Mrs Jennifer Goldberg, 1 Wellknowe Place, Thorntonhall, G74 5AX	23.07.2018
	George Gibson, 'High Barn', Braehead Road, Thorntonhall, Glasgow, G74 5AQ	03.08.2018
	Mr Warren Sunderland, Via Email	26.07.2018
	Mr Alan & Mrs J McGinness, 4 Park Place, Thorntonhall, Glasgow, G74 5AU	30.07.2018
	Mr Iain Farquhar, 1 Bishops Gate, Thorntonhall, G74 5AR	17.08.2018
	Mr & Mrs A Dickson, 1 Park Drive, Thorntonhall, G74 5AS	26.07.2018
	Mr Neil Davidson, 7 Wellknowe Road, Thorntonhall, Glasgow, G74 5AH	06.08.2018
	J E Allan, 94 Franklin Place, Westwood , East Kilbride, G75 8LS	07.08.2018
	Mr John Mc Geady, 2 Park Drive, Thorntonhall, Glasgow, G74 5AS	25.07.2018
	Harry And Alison Mitchell, 3 Wellknowe Avenue, Thorntonhall, Glasgow, South Lanarkshire, G74 5AR	06.08.2018
	Mr Warren Bader, Via Email	26.07.2018
	Mrs Janice Edwards, 2 Bishops Gate, Thorntonhall, Glasgow, G74 5AR	08.08.2018
	Mrs Margaret McFadzean, 7 Wellknowe Avenue, Thorntonhall, G74 5AR	23.07.2018

Contact for further information

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

Morag Neill, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455053

Email: morag.neill@southlanarkshire.gov.uk

Conditions and reasons

01. That the existing trees to be retained must be protected in accordance with methods as set out in BS5837/1991 during and until completion of all site operations and building works.

Reason: To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.

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

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

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

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

04. That no consent is hereby granted for the type and distribution of external finishes as shown on the approved plan, and no work shall commence on site until samples of alternative materials have been submitted to and approved in writing by the Council as Planning Authority.

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

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

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

06. That before any of the dwellings hereby approved are occupied, details of the storage and collection of refuse within the development shall be submitted to and approved by the Council as Planning Authority. Thereafter, prior to the occupation of any dwelling,

the approved scheme shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason: To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.

07. 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.

08. That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at his or her own expense.

Reason: In order to retain effective planning control

09. (a) The applicant shall be required to undertake a comprehensive site investigation, carried out to the appropriate Phase level, to be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:
- (i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
 - (ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;
 - (iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.
- (b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.
- (c) If the risk assessment identifies any unacceptable risks, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.

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

10. (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. That no gates or other obstructions shall be erected within the first 6 metres of the driveway as measured from the heel of the footway.

Reason: In the interests of traffic and public safety.

12. That no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.

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

13. 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.

14. That before the development hereby approved is brought into use, a dropped kerb access to the site shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

15. That before development hereby approved is completed or brought into use, a private vehicular access shall be provided and the first 2 metres of this access from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.

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

- 16 The existing access to the site from Wellknowe Avenue shall be permanently closed to vehicular traffic and the ground within the area formerly occupied by the access shall thereafter be reinstated as a public footway prior to the development being occupied.

Reason: In the interests of traffic and public safety.

- 17 That before the development hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 43 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

- 18 That before the development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 2.4 metres measured from the heel of the footway shall be provided on both sides of the vehicular access and everything exceeding 0.6 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.6 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of public safety.

- 19 That before the development is completed or brought into use, the surface of access shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the road.

Reason: In the interests of traffic safety and to prevent deleterious material entering the road.

- 20 Appropriate cleaning systems should be put in place within the site to ensure mud and debris is not deposited on the public road to the satisfaction of the Council as Planning Authority.

Reason: In the interests of traffic and public safety

- 21 That before any works starts a Traffic Management Plan (TMP) for that construction phase with information such as, but not limited to, construction phasing, site deliveries routing/timings, construction compound layout, turning facilities, site car parking for visitors and site operatives and wheel washing facilities shall be submitted to and approved by the Council as Planning Authority. The TMP shall be produced in consultation with the Council's Roads & Transportation Service.

Reason: In the interests of traffic and public safety.

- 22 Prior to commencement of development details of a proposed system of site drainage to prevent surface water flowing onto the public road should be submitted to and approved by the Council as Planning Authority.

Reason: In the interests of traffic and public safety.

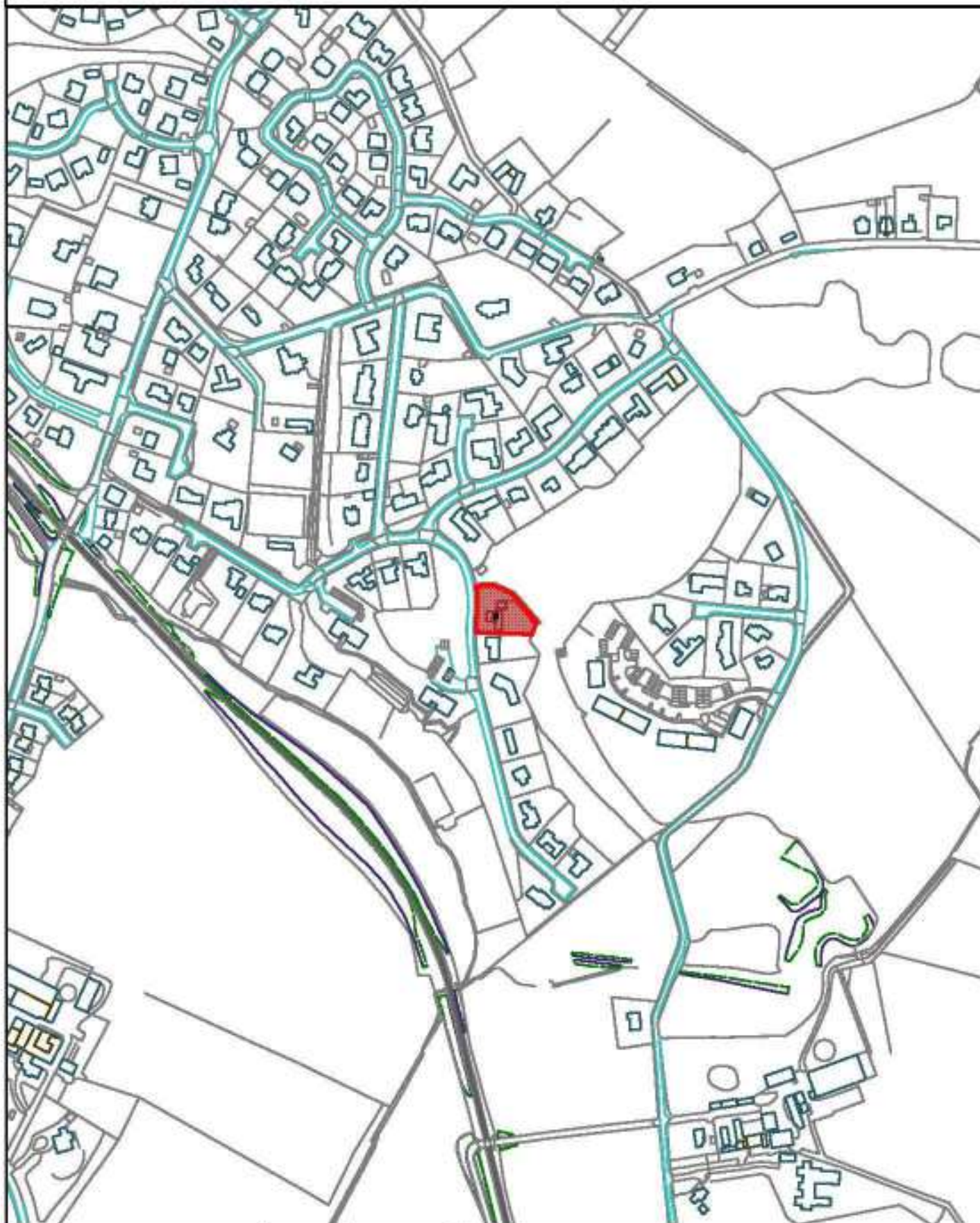
23. That, before any demolition works are carried out on site, a bat survey, carried out during the active season (May to September), shall be submitted to and approved by

the Council as Planning Authority. The recommendations of any survey shall thereafter be followed on site to the satisfaction of the Council as Planning Authority.

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

P/18/1024

1 Wellknowe Avenue, Thorntonhall G74 5AR



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Scale:
1:4,500
Date:
03/08/2018



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

4

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.

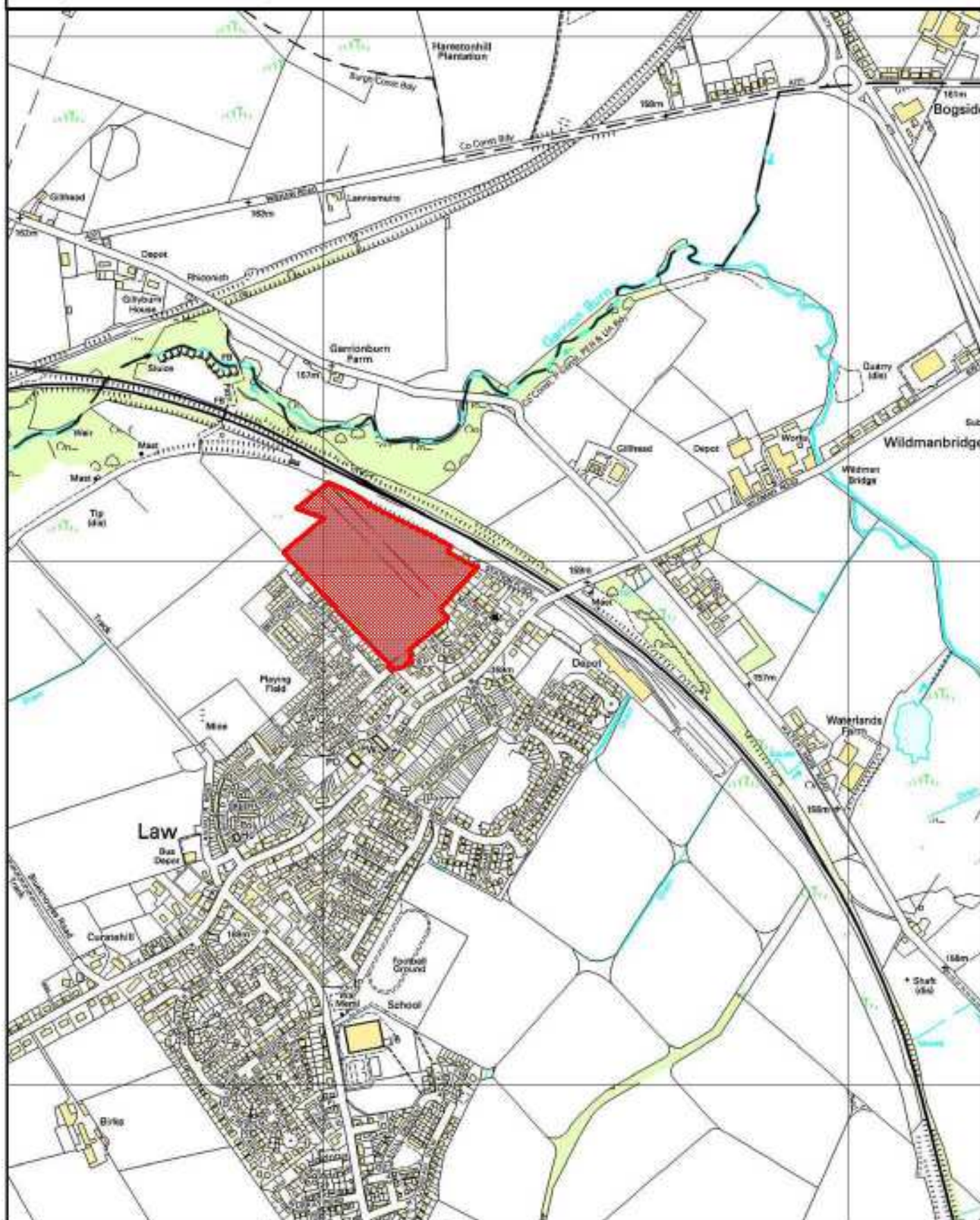
Reason: To minimise the risk of nuisance from dust to nearby occupants.

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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Scale:
1:10,000
Date:
03/09/2018



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

5

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

Application no.	EK/17/0237
Planning proposal:	Creation of themed garden on existing open space

1 Summary application information

Application type:	Detailed planning application
Applicant:	Rotary Club Of Strathaven
Location:	Allison Green Strathaven ML10 6AW

2 Recommendation(s)

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

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

2.2 Other actions/notes

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

3 Other information

- ♦ Applicant's Agent: William Cooper
- ♦ Council Area/Ward: 05 Avondale And Stonehouse
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**

Policy 4 – Development Management and Place Making
Policy 14 – Green network and greenspace
Policy 15 – Natural and historic environment

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

South Lanarkshire Local Development Plan 2 (Proposed Plan 2018)

Policy 5 – Development Management and
Placemaking
Policy 13 – Green Network and Greenspace
Policy 14 – Natural and historic environment
Policy DM1 – New Development Design

◆ **Representation(s):**

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

◆ **Consultation(s):**

Countryside And Greenspace

Roads Development Management Team

Strathaven Community Council

Estates Service

Planning Application Report

1 Application Site

- 1.1 The application site lies within the Allison Green area of public open space within the Strathaven conservation area. The proposed development is to be positioned in the north-eastern part of Allison Green, approximately 13 metres south of the B listed Strathaven East Church boundary and approximately 9 metres east of Waterside Street. The application site includes a pedestrian access route from Waterside Street, to the north-east of the proposed structure.

2 Proposal(s)

- 2.1 The proposal is to create a themed garden to mark the centenary of the Rotary Club foundation and 70 years of the Rotary Club in Strathaven. The proposed garden structure is to be positioned on an area that is currently in part a maintained flower bed with grass. The proposed garden consists of a circular stone structure (described as a rotunda) enclosing an area of paving, low level planting and three seats. A new footpath (20 metres long and 1.5 metres wide) is proposed to provide access from Waterside Street. This footpath is to be formed using 'grasscrete' to minimise the visual impact. The internal diameter of the structure is to be approximately 6 metres, with 0.5 metre wide walls. Openings of 1.2 metres wide are to be provided for access. Concrete slabs are proposed as the internal paving for the garden. The proposal, as originally submitted, had stone walls at a maximum height of 1 metre, however following discussions, the height of the proposed walls has been reduced to between approximately 0.25 metres and 0.5 metres. A footpath that was initially proposed to run parallel to Waterside Street has also been removed from the proposed plans following discussions with the applicants.

3 Background

3.1 Local Plan Status

- 3.1.1 In land use terms, the site lies within an area designated as green network and priority greenspace (Policy 14) in the Adopted South Lanarkshire Local Development Plan 2015 (LDP). This policy seeks to safeguard the local green network and identify opportunities for enhancement and/or extension. The site also lies within the Strathaven conservation area and is in close proximity to the East Church, which is B listed. In this regard, Policy 15 (Natural and historic environment) states that the Council will assess all development proposals in terms of their effect on the character and amenity of the natural and built environment. Policy 4 (Development management and place making) is also relevant in respect of general design, amenity, safety and environmental considerations.
- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance the following policies are relevant:

- Policy 5 – Development Management and Placemaking
- Policy 13 – Green Network and Greenspace

- Policy 14 – Natural and historic environment
- Policy DM1 – New Development Design

4 Consultation(s)

4.1 **Roads Development Management Team** – have no objections.
Response: Noted.

4.2 **Estates Service** – have no objections.
Response: Noted.

4.3 **Countryside and Greenspace** – have no objections
Response: Noted.

4.4 **Strathaven and Glassford Community Council** – do not support the proposed development for the reasons set out in their response. Public grounds should not be used for particular bodies to pursue their own memorials. The proposal would fundamentally change Allison Green, with the new feature right at its heart. Conservation of Allison Green was a key element of the original sale of the space. It is understood that the Council has a policy of no longer allowing memorials on their land. The consultation that took place on the proposals was insufficient. The applicant should be working collaboratively with other local groups on wider strategies for Allison Green. The design is not appropriate for this location and there are additional concerns over the proposed path. If the Planning Committee decides to approve the application, we would ask that conditions be placed on its to reduce the siting, size and prominence and that stone should be used to match the East Kirk church.
Response: The relevant Services of the Council have been involved in discussions over the principle of development and potential maintenance arrangements. In this regard, there are no objections to the principle of this garden structure being positioned within this public open space. In relation to previous consultation and potential collaboration with other local organisations, it is noted that this is not something that is relevant to the consideration of this planning application. The Council, as Planning Authority, is obliged to assess the proposal as submitted. In respect of design matters, the proposed height of the stone walls has been reduced from a maximum height of 1 metre to approximately 0.5 metres. It is considered that this has reduced the visual impact of the proposal to an acceptable level. The applicant has confirmed that the stone walls are proposed to match the stone of the adjacent church. A full assessment of the proposal is contained in section 6 below.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken and the proposal was advertised for non-notification of neighbours. 7 objection letters and 1 comment letter have been received in respect of the proposed development. The grounds of objection and issues raised can be summarised as follows

- a) **Concerns over the impact on this historic space which has always had an open character. Incremental introduction of feature is damaging its character. Concern over loss of flower bed. Any new features should be on the periphery of the space. The proposal would not enhance this area. The formation of a new path is unnecessary. Adverse impact on the setting of the East Church. The location and design lacks any contextual link with Allison Green and the surrounding built environment.**
Response: The proposal is for a garden feature within an area of public open space and, in this regard, it is considered that the principle of the development

is compatible with the use of Allison Green as public open space. It is acknowledged that the proposal includes a visible built element, i.e. the stone walls and, as such, there is an associated visual impact. However, given the reduction in height (now at approximately 0.5 metres in height), it is considered that the proposal will not have an adverse impact on the openness of Allison Green, the setting of the conservation area, or the setting of the adjacent East Church. The applicant is proposing to use stone to match the facade of the East Church. In this regard, it is considered that there is a contextual link with the surroundings. A footpath was initially proposed to run parallel to Waterside Street, however this has now been removed from the proposed plans.

- b) **Lack of public consultation and the consultation that the applicant undertook was insufficient to capture public opinion. A range of options should have been presented. Previous consultation events have suggested that the public is in favour of retaining Allison Green as existing.**

Response: There is no requirement for formal pre-application public consultation for a development of this scale. In relation to the planning application process, it is noted that neighbour notification, a site notice and consultation with the Community Council all took place. Several comments were received and these have been considered as part of the assessment of the proposal.

- c) **The proposal should be assessed and reviewed within the context of the Allison Green improvement study and masterplan. The proposal could compromise the outcomes suggested by the above study.**

Response: The Planning Authority is required to assess every planning application on its merits, in accordance with the relevant development plan policies and any other material considerations. It is considered that the proposal will not compromise any wider objections and strategies for the enhancement of Strathaven.

- d) **It is not clear how the proposal fits in with wider efforts to develop the tourist economy in Strathaven. It could be integrated into plans for a performance space.**

Response: As stated at (c) above, each planning application has to be considered on its individual merits. In this respect, it is considered that the proposal will provide a feature that will provide benefits to the local area in terms of leisure and recreation facilities.

- e) **The proposal would constitute a breach of condition that the land would never be built on or feued. The land was gifted in 1890 for the free use of the community. The applicant has no right to use Allison Green without the approval of South Lanarkshire Council. It is wrong to allow part of the green to be annexed by an independent organisation and not the people of Strathaven.**

Response: The Estates Service has been consulted on the planning application and provided no objections. The themed garden would be available for public use. The Council would still have control over this land and the associated structure.

- f) **The proposal could lead to an increase in undesirable behaviour.**

Response: It is considered that, due to the relatively low height of the boundary walls and the position of the structure in a highly visible location, any potential for anti-social behaviour in the proposed themed garden will be minimised.

- g) **No details of future maintenance have been provided. Who will pay and supply the seating? The remembrance garden at the Boo Backit Brig has not been maintained and the proposal may also suffer from lack of maintenance.**

Response: The applicant has been involved in discussions with the Council in respect of potential maintenance arrangements. The final details of such arrangements will require to be agreed following any planning permission approval.

- h) **Publication of the application in the summer holidays did not give sufficient opportunity for members of the public to comment.**

Response: The Council has no control over when a planning application is submitted. Statutory consultation and neighbour notification were carried out, as required.

- i) **The proposal could set an undesirable precedent for other development in sensitive places. Alternative locations would have been more appropriate.**

Response: Any future proposals for development within the conservation area or in similar, sensitive, locations will be assessed on their merits, taking into account all relevant development plan policies and any other material considerations. As such, approval of this development will not create a precedent for other developments. The Planning Authority is required to assess the proposal, as submitted.

- j) **The proposal is within a flood relief area for the town centre.**

Response: The site location has been assessed with regard to ground conditions. It is considered that the identified site is acceptable for this type of development.

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

6 Assessment and Conclusions

- 6.1 The applicant seeks consent for the erection of a themed garden within the Allison Green public open space. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all planning applications are determined in accordance with the development plan, unless other material considerations indicate otherwise. The main determining issue, therefore, in the assessment of this application is whether the proposed development is in compliance with local plan policy.

- 6.2 The adopted South Lanarkshire Local Development Plan 2015 (LDP) identifies the site, in land use terms, as being within an area of Priority Greenspace and Green Network where Policy 15 (Green Network and Greenspace) applies. This policy states that any development proposals should safeguard the local green network and indentify opportunities for enhancement and/or extension which can contribute towards:

1. Placemaking
2. Mitigating greenhouse gases
3. Supporting biodiversity
4. Enhancing health and quality of life
5. Providing water management including flood storage and buffer strips
6. Providing areas for leisure activity, and

7. Promoting active travel

- 6.3 In respect of the above, it is considered that the proposal will not result in a reduction in the amount of or quality of this area of greenspace. In this regard, it is noted that, although the proposal includes stone walls, the primary use and character of the proposal is of a seating area with hard and soft landscaping features. As such, this is not considered to be materially different, in planning terms, from other areas of seating or planting within the Allison Green. It is acknowledged, however, that there is considerable sensitivity about a proposal to introduce any built feature within the Allison Green, which has historically had an open character for use by residents of Strathaven. In this respect, it is considered that the scale of the proposal has been reduced to a significant extent and the revised design will not impact negatively on the character of the area. Furthermore, the proposal will provide an additional resource within this open space that can be used for recreation purposes. The proposal is, therefore, considered to comply with Policy 14 in that it will safeguard the local green network and provide opportunities for enhancement of health and quality of life, and provide for leisure activity.
- 6.4 Policy 15 of the LDP (Natural and historic environment) is relevant due to the position of the site within the conservation area and in close proximity to the rear facade of the B listed East Church, which directly abuts Allison Green. Policy 15 states that the Council will assess all development proposals in terms of their effect on the character and amenity of the natural and built environment. B listed buildings and conservation areas are identified as category 3 areas, where the potential impact is local. For these areas, Policy 15 states that development which would affect these areas following the implementation of any mitigation measures will only be permitted where there is no significant adverse impact on the protected resource. In this regard, it is considered that, given the low height of the proposed walls (approximately 0.5 metres) associated with the proposal and the use of stone to match the East Church, the proposal will not have an adverse impact on the setting of the B listed building. It is noted that the proposal also includes removal of a flower bed and the introduction of seats within the structure. While both these aspects will have a visual impact, given the introduction of planting within the garden and the use of stone as material to enclose the seating, the visual impact of the proposal on the conservation area is also considered to be acceptable. The proposed path leading from Waterside Street is to be designed to minimise visual intrusion and as such, this aspect of the proposal is also considered to be acceptable in terms of potential impacts on the historic environment.
- 6.5 Policy 4 (Development management and place making) of the LDP is also relevant in terms of the assessment of any amenity, safety or environmental impacts associated with the development. In this regard, it is noted that some of the representations raised matters related to potential anti-social behaviour resulting from the proposal. In this regard, it is considered that, due to the visually open nature of the structure, those using the garden will be visible from surrounding areas, which is regarded as good practice in relation to minimising potential anti-social behaviour issues. It is considered that there are no additional concerns relating to potential safety or environmental impacts and, as such, the proposal is considered to be in compliance with Policy 4 of the LDP.
- 6.6 It is noted that there are several representations to this proposal and a number of issues have been raised, some of which are not directly relevant to the assessment of this application. The grounds of objection have been considered in detail in Section 5 of the report and it is considered that the issues raised can be dealt with by planning conditions or would not merit refusal of this planning application. None of the consultees have raised any matters of concern.

6.7 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposal accords with the relevant policies detailed in section 3.1.2 above.

6.8 In summary, following careful consideration of this proposal and submission of revised plans, it is considered that the development will not have an adverse impact on Allison Green or the setting of the adjacent listed building. It is therefore considered that the proposed development is in compliance with policies 4, 14 and 15 of the LDP, as detailed above. It is, therefore, recommended that planning permission is granted, subject to conditions. It should be noted that any planning permission granted does not provide approval from the Council as landowner. A separate agreement is required in this regard.

7 Reasons for Decision

7.1 The proposal will have no significant adverse impact on amenity, or the historic character of the local area and, therefore, complies with Policies 4, 14 and 15 of the South Lanarkshire Local Development Plan 2015 and associated Supplementary Guidance and the Proposed South Lanarkshire Local Development Plan 2.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

6 September 2018

Previous references

◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 03/07/2018

- ▶ Consultations
 - Countryside And Greenspace 05.07.2017
 - Roads Development Management Team 08.08.2017
 - Strathaven Community Council 01.08.2017
 - Estates Service 19.07.2017

- ▶ Representations
 - William W Park, 62 Colinhill Road, Strathaven, ML10 6HF Dated: 14.07.2017
 - Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS 19.07.2017

Mr P A Smith, 11 Flemington Avenue, Strathaven, ML10 6FJ	21.07.2017
Christine Smith, 11 Flemington Avenue, Strathaven, ML10 6FJ	24.07.2017
Avondale Civic Society, 78 Kirk Street, Strathaven, ML10 6BA	25.07.2017
Wendy Gilmour,	26.07.2017
Gordon McAllan,	31.07.2017
Tom and Marion Milne, 9 Dunavon Crescent, Strathaven, ML10 6HB	07.08.2017

Contact for further information

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

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

Email: alan.pepler@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: EK/17/0237

Conditions and reasons

01. That notwithstanding the details hereby approved and prior to the commencement of development a scheme of landscaping/maintenance shall be submitted to the Council as Planning Authority for written approval and it shall include:
- (a) details and specifications of all planting;
 - (b) details of hard landscaping materials;
 - (c) proposals for the initial and future maintenance of the development;
 - (d) detailed specifications of proposed seating.

Reason: In the interests of visual amenity and to ensure appropriate provision of landscaping and future maintenance.

02. That the landscaping scheme relating to the development hereby approved shall be carried out simultaneously with the development and shall be completed and thereafter maintained and replaced where necessary to the satisfaction of the Council as Planning Authority.

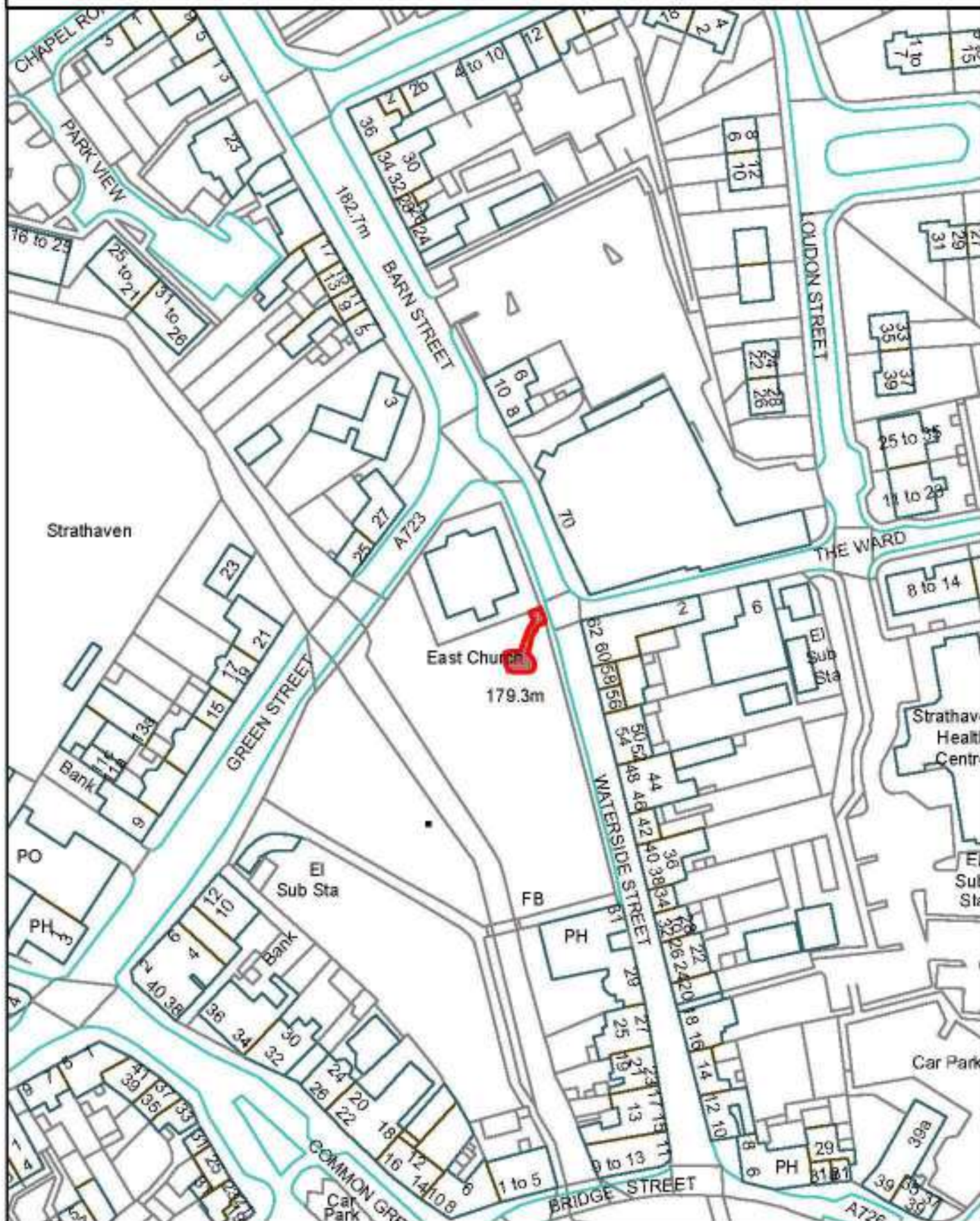
Reason: In the interests of the visual amenity of the area.

03. That prior to the commencement of development, details and samples of the materials used to construct the structure hereby approved shall be submitted to and approved in writing by the Planning Authority.

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

EK/17/0237

Allison Green, Strathaven ML10 6AW



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Scale:
1:1,250
Date:
03/08/2018



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

6

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

Subject: **Tree Preservation Order – Blairbeth Terrace, Rutherglen,**

1. Purpose of Report

1.1. The purpose of the report is to:-

- ♦ Seek approval for the making of a Tree Preservation Order (TPO) on the trees at Blairbeth Terrace, Rutherglen as shown on the accompanying plan.

2. Recommendation(s)

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

- (1) that a Provisional Tree Preservation Order be promoted under the terms of Section 163 (Provisional Tree Preservation Order) of the Town and Country Planning (Scotland) Act 1997 on the two trees identified on the attached plan.
- (2) that this Provisional Tree Preservation Order be confirmed within six months from the date of this Order should there be no objections.

3. Background

3.1 The first tree subject of the proposed TPO is a large beech tree located opposite 4 Blairbeth Terrace and adjacent to the existing car park. The second tree is a lime tree which is located at the entrance to Blairbeth Terrace on the corner with Blairbeth Road. It is noted that Blairbeth Terrace is a row of B listed buildings dating back to the nineteenth century which have been subdivided into flats. The trees are considered to make a positive contribution to the sense of place, character and amenity in the local area as a result of their size and form as well as providing an attractive setting for this row of listed buildings. There are other trees within the surrounding area, however, it is considered that these trees are the largest and most visually prominent in the immediate local area. The Council is advised that the trees are maintained by a Residents' Association. The promotion of a TPO would not stop maintenance works being undertaken to the trees, but it would require such works to be agreed in advance with the Council to ensure that no inappropriate work takes place.

4 Policy History

4.1 The site is identified in the Adopted South Lanarkshire Local Development Plan as being within a designated residential area and, as such, is surrounded by residential properties.

5 Grounds for Making the TPO

5.1 The reason for making the TPO is that the two existing mature trees are considered to contribute to the character, amenity and sense of place within the local area as well as providing an attractive setting for the B listed terrace. The trees are notably visible

in the area by virtue of their size, form and siting which is within the middle of the terrace and on the junction of Blairbeth Terrace and Blairbeth Road. To ensure that only appropriate maintenance is undertaken in consultation with the Council, and to ensure the future retention of the trees, the promotion of a TPO is considered necessary.

6 Employee Implications

6.1 None.

7 Financial Implications

7.1 None.

8 Other Implications

8.1 None.

8 Equality Impact and Consultation Arrangement

8.1 Consultations have taken place with the Council's Arboricultural Manager. There is no requirement to carry out an impact assessment in terms of the proposals contained within this report.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

6 September 2018

Link(s) to Council Objectives/Values/Ambitions

- Working with communities and partners to promote high quality, thriving and sustainable communities (Source: Connect)

Previous References

None

List of Background Papers

None

Contact for Further Information

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

Julie Pepper, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton

Ext: 5046 (Tel: 01698 455046)

E-mail: Julie.pepper@southlanarkshire.gov.uk

Tree Preservation Order - No SL53
Blairbeth Terrace, Burnside, Cambuslang



This is the plan referred to in the foregoing Tree Preservation Order

Schedule : T1 Beech
 T2 Lime

**Community and Enterprise Resources
 Planning & Building Standards Services**

Date: January 2018

Scale: 1:1,250



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