

Report

Report to:	Planning Committee
Date of Meeting:	22 September 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/0129
Planning proposal:	Erection of 19 dwellinghouses, formation of access road, associated parking, landscaping and fencing

1. Summary application information

Application type:	Detailed planning application
Applicant:	Future Development Properties Ltd
Location:	Land at Bartie Gardens Ashgill Larkhall

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) If planning consent is granted, the decision notice should be withheld until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council and the applicant. This planning obligation should ensure that appropriate financial contributions are made at appropriate times during the development towards the following:

- the improvement/upgrading of community facilities in the area.

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 developers.

- (3) A request for a pre-determination hearing has been made by an objector. The request does not accord with the Council's guidance on hearings.

3. Other information

- ◆ Applicant's Agent: Adam Sarapata
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
 - Policy 1 - Spatial Strategy
 - Policy 2 - Climate Change
 - Policy 4 - Development Management and Place Making
 - Policy 5 - Community Infrastructure Assessment
 - Policy 12 - Housing Land
 - Policy 16 - Travel and Transport
 - Policy 17 - Water Environment and Flooding

Development Management, Place Making and Design Supplementary Guidance (2015)

Residential Design Guide (2011)

Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) (2018)

- Policy 1 - Spatial Strategy
- Policy 2 – Climate Change
- Policy 5 - Development Management and Place Making Policy
- Policy 7 - Community Infrastructure Assessment
- Policy 11 - Housing
- Policy 15 - Travel and Transport
- Policy 16 - Water Environment and Flooding
- Policy DM1 - New Development Design
- Policy SDCC2 - Flood Risk
- Policy SDCC3 - Sustainable Drainage Systems
- Policy DM15 - Water Supply

◆ Representation(s):

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

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Scottish Water

CER Play Provision Community Contribs Judith Gibb

Education Resources School Modernisation Team

West of Scotland Archaeology Service

Coal Authority Planning Local Authority Liaison Dept

SEPA Flooding

Roads Flood Risk Management

Planning Application Report

1. Application Site

- 1.1 The application relates to an area of land located off Bartie Gardens on the northern side of Ashgill. The site is predominantly flat, it extends to approximately 0.75 hectares and consists of open grassland which is fenced off and not accessible to the public. The site is bounded to the north by residential properties, to the south and west by a hedge line, stob and wire fencing and adjacent open grassland and to the west by playing fields associated with Dalserf Primary school. Access to the site is currently via an informal gravel road off Bartie Gardens.

2. Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the erection of 19 dwellinghouses with associated works and landscaping. The proposed dwellings would be a mixture of three detached and sixteen semi-detached one and a half storey houses. The proposed external finishing materials for the dwellings are buff coloured brick walls with an area of cladding on the front elevation, slate for the roof, white UPVC windows and timber doors.
- 2.2 The proposed layout incorporates a single road served via an existing site access off Bartie Gardens. Within the site, there would be a road hierarchy with reduced road widths for traffic calming, passing areas, shared spaces and turning areas. The layout also incorporates two parcels of amenity open space within the northern and southern areas of the site in addition to soft landscaping along the southern and western boundaries of the site.
- 2.3 A Planning Statement, Flood Risk Assessment and an extract of a Combined Phase I/II Geoenvironmental Report were submitted with the application as supporting documents.

3. Background

3.1 Local Plan Policy

- 3.1.1 In terms of local plan policy, the application site is designated for residential use in the adopted South Lanarkshire Local Development Plan where it is identified as part of the 2014 Housing Land Supply. The relevant policies for the assessment of the application are Policy 1 - Spatial Strategy, Policy 2 – Climate Change, Policy 4 - Development Management and Place Making, Policy 5 - Community Infrastructure Assessment, Policy 12 - Housing Land, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding. An assessment of the proposal against the above policies is contained in Section 6 of this report. The Development Management, Place Making and Design Supplementary Guidance relating to 'Design' is also relevant to the assessment of the application. The content of the above policies and guidance and how they relate to the proposal is assessed in detail in Section 6 of this report.
- 3.1.2 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2. A number of amendments to policy have been recommended which will be carried through to adoption stage. For the purposes of determining planning applications the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters amendments.

Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council they are nevertheless a material consideration. In this instance Policy 1 - Spatial Strategy, Policy 2 – Climate Change, Policy 5 - Development Management and Place Making Policy, Policy 7 - Community Infrastructure Assessment, Policy 11 - Housing, Policy 15 - Travel and Transport and Policy 16 - Water Environment and Flooding are relevant. Volume 2 of the Proposed Plan contains further policy guidance that will be used when assessing planning applications. In this instance, Policies DM1 - New Development Design, SDCC2 - Flood Risk, SDCC3 - Sustainable Drainage Systems and DM15 - Water Supply are relevant.

3.2 **Relevant Government Advice/Policy**

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

3.3 **Planning Background**

3.3.1 The applicant previously submitted a detailed planning application for the erection of 19 dwellinghouses with associated works and landscaping within the site. The application was refused under the Council's delegated powers on 18 June 2019 as the proposal failed to comply with certain aspects of policy. Despite repeated requests for revised/additional information it was not submitted to enable the favourable consideration of the application (HM/17/0219).

3.3.2 Rosetree Homes submitted a detailed planning application to the Council on 28 July 2009 for the erection of 10 two storey detached dwellings within the site. This application was withdrawn on 25 March 2010 (HM/09/0358).

4. **Consultation(s)**

4.1 **Environmental Services** – have no objections to the application subject to conditions requiring the submission of a contaminated land site investigation and subsequent remediation of the site. An informative advising the applicant of acceptable hours for audible construction activities at the site should also be attached to any consent granted.

Response:- Noted. Any consent granted would incorporate appropriately worded conditions and informatives to address the matters raised.

4.2 **Roads Development Management – (Hamilton Area)** – have no objections to the application subject to conditions requiring the provision of appropriate driveway surfacing, wheel washing facilities and a turning area and parking within the site to accommodate all site staff/operatives.

Response:- Noted. Any consent granted would incorporate appropriately worded conditions to address the matters raised.

4.3 **Roads and Transportation Services (Flood Risk Management)** – have no objections to the proposal subject to the inclusion of conditions requiring the provision of a sustainable drainage system (SUDS) within the site. The above service consider that betterment can potentially be achieved post development by managing surface water run-off from the application site and surrounding land.

Response: Noted. Any consent granted would incorporate appropriately worded conditions to address the above.

- 4.4 **CER Play Provision** - the planning application for P/20/0129 is acceptable in principle from a community/play provision perspective. If any open spaces/play areas were to be progressed as part of the development Grounds Services would not adopt any of the areas for future maintenance and as such consideration of a factoring arrangement or similar would be required. We are happy for the proposal to be developed on the assumption the Council's Residential Design Guide is used throughout the application process. Within the vicinity of the proposal there are a number of community assets in need of investment. Rather than seeking additional on-site provision a financial contribution towards investment in these local existing assets would be preferable.

Response: Noted. The applicant has agreed to the provision of a financial contribution towards upgrading community facilities in the area in lieu of providing the full range of play facilities within the site.

- 4.5 **Scottish Water** – have no objections to the application.

Response:- Noted.

- 4.6 **The Coal Authority** – in accordance with the agreed risk-based approach to development management in the defined Development High Risk Areas a Coal Mining Risk Assessment Report, or equivalent report, is required to support this planning application. It is understood that, the applicant is unable to provide a full copy of the report, due to their engineer's offices being temporarily closed due to the ongoing Covid-19 pandemic. Whilst the Coal Authority is disappointed that the report has not been provided in its entirety, the exceptional circumstances which have arisen from the current pandemic are acknowledged. As such, and based on the professional opinions expressed by the author of the report extract, the Coal Authority wishes to withdraw its objection to the application. This is, subject to the Council being satisfied that: 1) the report has been produced by a person who is suitably qualified and experienced in the assessment of the risk posed by coal mining legacy; and 2) that a copy of the full version of the report can be secured by condition for the completeness of the planning file.

Response:- Noted. Any consent granted would incorporate an appropriately worded condition requiring the submission of the full version of the Combined Phase I/II Geoenvironmental Report for the Council's approval in consultation with The Coal Authority.

- 4.7 **West of Scotland Archaeology Service (WOSAS)** – have no objections to the application. The proposed development falls within an area of some archaeological sensitivity based on the presence of recorded sites and finds of various periods in the surrounding landscape. The application involves a substantial greenfield area which has not previously been developed. In the interests of the sustainable development of such sites, it is important that all environmental issues are considered at an early stage, including any implications for archaeological remains which may be present. Should the Council intend to grant planning consent to this application a condition should be attached requiring the implementation of a programme of archaeological works in accordance with a written scheme of investigation to be submitted by the applicant, agreed by the West of Scotland Archaeology Service and approved by the Council.

Response:- Noted. Any consent granted would incorporate an appropriately worded condition to this effect.

- 4.8 **SEPA** – have no objections to the application.

Response: Noted.

5. Representation(s)

- 5.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the Hamilton Advertiser under the heading Non Notification of Neighbours. Thirteen letters of representation have been received in relation to the application. The grounds of objection are summarised below:

- a) **In relation to design of the proposal the part semi-detached dwellings are not sympathetic to surrounding properties. In addition, the proposed height of the new buildings seems to be higher than a storey and a half and that would make them stand out from the current height in Bartie Gardens. The height of the buildings should be kept in line with the restrictions placed on the properties in Bartie Gardens.**

Response: Whilst the concerns raised regarding the height of the proposed dwellings are noted there are a range of building heights located within Bartie Gardens and the surrounding area. It is considered that the type and height of dwellings proposed for a site located within the general urban area is acceptable and that the proposed dwellings will not be so out of keeping with existing properties that the matter merits the refusal of the application or the redesign of the proposed dwellings.

- b) **The density of the proposed development is not in keeping with the general area which is rural low density and there is insufficient separation distance between the proposed development and existing houses. The application shows a number of images taken in the locale of the proposed development. These images clearly show an area which consists of very low density housing. The existing Bartie Gardens density is approximately 1 house per 0.152 acres. The proposed development will be 1 house per 0.0824 acres. This would mean that housing density would be 1.83 times the housing density of the immediate area and that the proposal fails to meet the Residential Design Guide.**

Response: The application site is located within the general urban area within the village settlement of Ashgill. In terms of the density of the proposal and its relationship with existing development it is considered that the proposal is acceptable and that it meets the main standards contained in the Council's Residential Design Guide.

- c) **The area shown on the planning application is adjacent to a burn in an area which frequently floods during heavy rainfall. This area is a natural sustainable area of drainage for the surrounding developments. Any development of this land may have a detrimental effect on the drainage of the surrounding land. It may also be affected by the Sustainable Urban Drainage System that is planned for the proposed development. The existing drainage system was designed to cope with the low-density nature of the surrounding area and it should be proven to be capable of coping with a development the size of the proposed one. Within the application there is no detail of the method that will be installed to provide adequate SUDS. The development should be refused on the grounds of drainage due to the real threat of existing flooding being made more serious due to the loss of existing sustainable drainage, the inadequacies of the existing drainage and the risk of flooding within an area which has had homes flooded in the past. The water on this land is becoming worse and I believe that the development would be a breach of the South Lanarkshire Local Development Plan Policy 17.**

Response: With regard to flooding and surface water drainage no adverse comments were raised by Roads and Transportation (Flood Risk Management) subject to the inclusion of conditions requiring the provision of a sustainable urban drainage system (SUDS) within the site. The above service consider that betterment can be achieved post development.

- d) **The current road in Bartie Gardens doesn't seem the same width or standard as other roads which will make it unsafe for potentially another 40 plus cars using the road. Also on the drawing, a space is shown at the hammer head that looks like the developers have future plans to go into the adjacent field if they get permission. If this other field gets developed there could be in excess of over 100 plus cars which the current road isn't able to support or safe. If this development gets permission could the residents of Bartie Gardens get some kind of confirmation from the Council that the road in Bartie Gardens is to a safe standard and same width as any other road in South Lanarkshire.**

Response: Roads and Transportation Services are satisfied that the proposal raises no access or road safety issues and that sufficient car parking is being provided for the development.

- e) **The application states that one of the strengths of the new development would be views to the open countryside to the south and west. If the proposed development is allowed to go ahead the very same views will be taken away from my house.**

Response: Loss of view is not a material planning consideration.

- f) **The proposal will result in a loss of privacy to existing properties in Bartie Gardens.**

Response: Due to the distance between the existing and proposed dwellings and the orientation of the buildings it is considered that the proposed development has been designed appropriately to ensure that it will have no significant adverse impact on adjacent properties in terms of overlooking and loss of privacy.

- g) **The proposal will result in a loss of daylight to existing properties in Bartie Gardens including back gardens. This will be especially relevant when the sun is not as high in the sky e.g. winter months. The application states that the development will maximise the South facing opportunities for gardens and maximise the solar gain within the properties. This maximisation will come at the cost of cutting down the solar gain within some of the properties within Bartie Gardens. The height of the proposed houses within the development is at least two metres higher than the maximum allowed height of houses within Bartie Gardens and would inevitably lead to a loss of light in the gardens bordering the property.**

Response: Due to the distance between the existing and proposed dwellings and the orientation of the buildings, it is considered that the development would have no significant adverse impact on adjacent properties in terms of loss of light and overshadowing.

- h) **For a previous planning application with fewer houses proposed, the water pressure wasn't substantial enough for additional housing at the time.**

Response: Scottish Water raised no adverse comments in this regard and have advised that they have no objections to the application.

- i) **The local school is running at capacity and with an additional nineteen households with children, the school wouldn't have sufficient space to cope. This would put more pressure on the Council with the possibility of having to extend the school.**

Response: This would be a matter for the Council's Education Resource to address if deemed necessary. It must be highlighted however, that the site has been identified for housing development for a number of years and that Education Services would have been consulted about this and be aware of it.

- j) **Bartie Gardens access road in its current condition is not suitable to support access to a development of 19 houses (anticipated 38 vehicles), it does not meet design standards for a public road. The Council was eventually forced into the position of adopting it as properties were occupied, completing and funding the construction work at the time as no road bond had been provided by the developer. I note it is the same developer that has now made the application for Lime Grove and as such I would ask that it is ensured a road bond is secured if and before the development is to progress.**

Response: Roads Development Management have raised no objection to the proposal although they seek to ensure appropriate vehicular and pedestrian visibility splays; confirm the dimensions of the carriageways, driveways and turning head; and ensure provision of an adequate drainage strategy. The provision of a Roads Bond is for Roads and Transportation Services to determine as part of a Roads Construction Consent application, this being an independent process divorced from the determination of this planning application.

- k) **A previous consideration under HM/81/003 (sic) was made by the Council on adjacent areas. The first of these reports noted significant development issues and the second confirmed the development was not in accordance with the Council's strategy for the area. The findings of these earlier documents should be considered when assessing the current application.**

Response: The principle of the proposal is discussed in Section 3 of this report.

- l) **The access road into Lime Grove terminates in a turning head at its south end, the west end of this turning head appears to have been left clear such that it could possibly be used in the future to access the adjacent field should it be developed in the future, rather than via Tinto View Road further to the West. Whilst this is not specifically a reason to object at this time I would welcome the Council's comment to this option being exercised in the future.**

Response: The adjacent field relates to land which is located within the village settlement of Ashgill. However, no planning application has been submitted to date to develop this field and any application submitted would have to comply with the Council's Residential Design Guide and National Roads Development Guide.

- m) **There are two "high risk" mine entrances on the proposed development site. It will be highly likely that damage could occur to neighbouring buildings if a development takes place on this site. There are other issues listed as hazardous on the Coal Authority resource webpages. These include, surface coal resources, probable shallow coal mine workings and mine entry zone of influences. There are two "high risk" mine entrances on the proposed development site. It will be highly likely that**

damage could occur to neighbouring buildings if a development takes place on this site. There are other issues listed as hazardous on the Coal Authority resource webpages. These include, surface coal resources, probable shallow coal mine workings and mine entry zone of influences. There are also concerns that that bore-hole information being used for this development may not be accurate.

Response: The Coal Authority were consulted on the application and have advised that they have no objections to the application subject to a condition requiring the submission of the full version of the Combined Phase I/II Geoenvironmental Report for the Council's approval in consultation with The Coal Authority. Any consent granted would be conditioned to this effect.

- n) **The Planning Service stated in the report for the refusal of application HM/17/0219 that adjacent properties range in height from 6.8 metres to 8 metres. This is not correct. Three of the houses directly overlooked by the new development are bungalows which are 5.5 metres in height. The house quoted in the extract at 7 Bartie Gardens is not as stated 7.2 metres high it is 6.7 metres high. There are no houses in the near vicinity of the proposed new development that are 8 metres high. The planning application should be refused based on the reason that the height of the houses will be approximately 7.2 metres and is not in keeping with the surrounding area.**

Response: Whilst the above points are noted, there are a range of building heights within Bartie Gardens and the surrounding area. It is considered that the height of the proposed dwellings for a site located within the general urban area is acceptable and that they will not be so out of keeping with existing properties that the matter merits the refusal of the application.

- o) **The application shows that there will be 38 parking spaces and the layout of these spaces is shown as two per house. There is no provision within the application for visitor parking. The parking would further be inadequate when other vehicles have to access the site e.g. delivery vehicles, utility company vehicles etc. With the lack of adequate parking there is a risk that vehicles would be parked in unsuitable places. This could include the access road and areas that are designated open spaces within the development plan.**

Response: Roads and Transportation Services are satisfied that the proposal is acceptable and that it raises no access, parking or road safety issues.

- p) **The proposed development should be refused due to the high probability that works vans used by residents of the new development will be parked both in Bartie Gardens and on the access road into the site of the new development, vehicles including cars that are too long for the parking places provided will be parked both in Bartie Gardens and on the access road into the site of the new development, any possible visitors to the new development will park their vehicles in Bartie Gardens and on the access road into the site of the new development, and the parking spaces are not long enough to allow an average sized works van to be parked in it.**

Response: Roads and Transportation Services are satisfied that the proposal is acceptable and that it raises no parking or road safety issues.

- q) **If the new development does not utilise "renewable energy sources" the development should be refused on the grounds it does not conform to section iii) of Policy 2 Climate Change in the Residential Guide (2011)**

Response: The proposal involves the development of a site which is located within a sustainable location within the village settlement of Ashgill, which includes opportunities for trips by public transport. The proposal is, therefore, considered to be in accordance with the terms of Policy 2.

- r) **The existing Bartie Gardens development consists of 15 houses. This generates traffic consistent with this size of development. If the application is successful the traffic within Bartie Gardens has the potential to more than double traffic flow, based on the same number of vehicle movements being generated per house. The likely traffic generated from the new development would be excessive and lead to road safety and parking issues. It should also be noted that the existing entrance to Bartie Gardens is not symmetrical with one side being 27% wider than the other. This was an issue highlighted to the Council at the time the roads were being completed. The entrance is not suitable for further housing to be accessed from it, as stated by the Council at the time the roads were being completed.**

Response: Roads and Transportation Services are satisfied that the proposal is acceptable and that it raises no parking or road safety issues.

- s) **Restrictions on building heights, distances between houses and distances to the road are not being imposed on this planning application.**

Response: It is considered that the proposal is acceptable for a site located within the general urban area and that it meets the main standards contained in the Council's Residential Design Guide.

- t) **The planning application shows green areas and trees. Who will be responsible for maintaining these areas?**

Response: The maintenance of the areas in question would be the responsibility of a nominated factor. Any consent granted would include a condition requiring the submission of a landscaping scheme, including full maintenance details, for the Council's further approval.

- u) **The application states there are no trees within, adjacent to or overlooking the site which is incorrect. Why are no house dimensions provided with the proposed plans. Where will the new street lighting be positioned.**

Response: It is considered that a sufficient level of detail has been submitted with the application, in addition to information gathered from site visits undertaken, to enable an appropriate assessment of the proposal. Street lighting would be detailed in any application for roads construction consent (RCC).

- v) **Whilst not directly related to the application there is doubt surrounding ownership of the land.**

Response: The applicant has confirmed on the application form that they own the land that forms the application site.

- w) **The time taken to construct a development of this size would put a large strain on existing residents in terms of noise generation, dirt/dust build up in surrounding areas and possibly delays caused on local roads during such construction.**

Response: The nature of a construction site is such that there may be a degree of disturbance to neighbouring properties while works are undertaken. However, any disturbance should be minimal and would be for a temporary period until the development is completed.

- x) **The application should be refused if it does not include electric vehicle charging infrastructure and utilise renewable energy sources.**

Response: The Planning Service would not insist on the provision of electric vehicle charging points for a development of this scale. The use of renewable energy sources would be addressed through the Building Warrant submission. This would ensure that the development meets the guidance on energy standards, as required by the Building (Scotland) Regulations 2014.

- y) **I believe that if the proposed application has at least 6 people making representation to South Lanarkshire Council it is necessary to discuss the application at a committee meeting. If this application attracts the required number of representations to the Council I would ask for the right to speak at the appropriate committee.**

Response: It is noted that a request for a pre-determination hearing has been made. However, the request does not accord with the Council's guidance on hearings.

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

6. Assessment and Conclusions

- 6.1 The applicant seeks detailed planning permission for the erection of 19 dwellinghouses with associated works and landscaping. The determining issues in consideration of this application are its compliance with national and local plan policy and its impact on the amenity of adjacent properties and on the local road network.
- 6.2 In terms of national planning policy, SPP requires Councils to maintain a five year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity. In this instance, the application site is located within the village settlement of Ashgill. The site would be easily accessible by public transport via the existing bus route that operates along Ashgillhead Road and well integrated into existing walking and cycling networks. It is, therefore, considered that the proposal is in accordance with national planning policy.
- 6.3 In terms of local plan policy, the application site is designated for residential use in the adopted South Lanarkshire Local Development Plan where it is identified as part of the 2014 Housing Land Supply. The relevant policies for the assessment of the application are Policy 1 - Spatial Strategy, Policy 2 – Climate Change, Policy 4 - Development Management and Place Making, Policy 5 - Community Infrastructure Assessment, Policy 12 - Housing Land, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding.
- 6.4 Policies 1 and 2 encourage sustainable economic growth and regeneration, a move towards a low carbon economy, the protection of the natural and historic environment and mitigation against the impacts of climate change. In line with these policies the proposal involves the development of a site which is located within a sustainable location within the village settlement of Ashgill. The site is designated for residential use and includes opportunities for trips by public transport with an existing bus service

operating on Ashgillhead Road in close proximity to the site. The proposal is, therefore, considered to be in accordance with the terms of Policies 1 and 2.

- 6.5 As the application site is designated for residential use under the terms of Policy 12 and there are no environmental or access issues which would prevent the development of residential use within the site, the proposal raises no policy issues and conforms with Policy 12.
- 6.6 In terms of the detailed design of the development, Policy 4 requires new development to have due regard to the layout, form, design and local context of the area and to promote quality and sustainability in its design. It is considered that the proposed layout for the development is acceptable and that it meets the main standards set out in the Council's Residential Design Guide, particularly in terms of garden depths, car parking provision and the provision of amenity space. It is considered that the proposed development is of an acceptable standard in terms of its design which incorporates a suitably high standard of finishing materials and that it will be in keeping with the existing residential development in the surrounding area. Whilst the concerns raised by neighbours regarding the height of the proposed dwellings are noted there are a range of building heights located within Bartie Gardens and the surrounding area. In this regard, it is considered that the height of the proposed dwellings for a site located within the general urban area is acceptable and that the proposed dwellings will not be so out of keeping with existing properties that the matter merits the refusal of the application or any re-design of the proposed dwellings. It is also considered that the layout of the development has been designed appropriately to ensure that the proposal will have no significant adverse impact on existing properties in terms of overshadowing, overlooking or loss of privacy. On this basis, it is considered that the proposal complies with the terms of Policy 4.
- 6.7 In terms of Policy 5 - Community Infrastructure Assessment the applicant has agreed in principle to the provision of a financial contribution towards community facilities which would be addressed appropriately through the conclusion of a Section 75 Obligation or other appropriate agreement between the Council and the applicant. It is, therefore, considered that the proposal is in accordance with Policy 5.
- 6.8 Policy 16 - Travel and Transport seeks to ensure that development considers and where appropriate, mitigates the resulting impacts of traffic growth and encourages sustainable transport options that take account of the need to provide proper provision for walking, cycling and public transport. In this regard, the site is accessible by public transport with an existing bus route along Ashgillhead Road and the development would be well integrated into existing walking and cycling networks. Roads and Transportation Services are satisfied that the proposal raises no access or road safety issues and that sufficient car parking is being provided for the development. On this basis, it is considered that the proposal complies with the terms of Policy 16.
- 6.9 The proposal has been assessed by the relevant consultees in terms of Policy 17. With regard to flooding and surface water drainage no adverse comments were raised by Roads and Transportation subject to the inclusion of conditions requiring the provision of a sustainable urban drainage system (SUDS) within the site. Scottish Water have also confirmed that they have no objections to the application and any consent granted would include a condition to ensure that no dwellings are occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards. It is, therefore, considered that the proposal is in accordance with the terms of Policy 17.

- 6.10 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2. A number of amendments to policy have been recommended which will be carried through to adoption stage. For the purposes of determining planning applications the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters amendments. Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council they are nevertheless a material consideration. It is considered that the proposal accords with Policy 1 - Spatial Strategy, Policy 2 – Climate Change, Policy 5 - Development Management and Place Making Policy, Policy 7 - Community Infrastructure Assessment, Policy 11 Housing, Policy 15 - Travel and Transport and Policy 16 - Water Environment and Flooding in addition to Policies DM1 - New Development Design, SDCC2 - Flood Risk, SDCC3 - Sustainable Drainage Systems and DM15 - Water Supply.
- 6.11 In summary, the application to develop the site for housing is considered to be acceptable as the application conforms with local plan policy and the proposal raises no significant environmental or infrastructure issues. The design, layout, location and density of the development is acceptable and it will not have a detrimental impact on the amenity of the surrounding area. It is, therefore, considered that detailed planning permission should be granted subject to the conditions listed and subject to the conclusion of the required Section 75 Obligation and/or other appropriate agreement.
- 7. Reasons for Decision**
- 7.1 The proposal has no adverse impact on residential or visual amenity nor raises any environmental or infrastructure issues and complies with Policies 1, 2, 4, 5, 12, 16 and 17 of the adopted South Lanarkshire Local Development Plan and the supplementary guidance of the Development Management, Place Making and Design Supplementary Guidance relating to 'Design'. The proposal also complies with Policies 1, 2, 5, 7, 11, 15, 16 and Policies DM1, SDCC2, SDCC3 and DM15 of the Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2).

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 14 September 2020

Previous references

- ◆ HM/17/0219

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Development Management, Place Making and Design Supplementary Guidance (2015)
- ▶ Residential Design Guide (2011)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 06.02.2020
- ▶ Press Advertisement, Hamilton Advertiser dated 20.02.2020

►	Consultations	
	Roads Development Management Team	28.02.2020 & 08.09.2020
	Environmental Services	04.03.2020
	Scottish Water	10.02.2020
	CER Play Provision Community Contribs Judith Gibb	10.03.2020
	West Of Scotland Archaeology Service	14.02.2020
	Coal Authority Planning Local Authority Liaison Dept	07.02.2020
	SEPA Flooding	18.02.2020
►	Roads Flood Risk Management	01.09.2020 & 07.09.2020
	Representations	Dated:
	John And Rosemary Newlands, Via Email	19.02.2020
	Marilyn And George Small, 25 Bartie Gardens, Ashgill, ML9 3FB	25.02.2020
	George McLean,	25.02.2020
	Stewart A Miller AIB, Received Via E-mail	27.02.2020
	Jack Surgeon,	28.02.2020
	Barry And Lorraine Collins, 19 Bartie Gardens, Ashgill, Larkhall, South Lanarkshire, ML9 3FB	21.02.2020
	Laura Jones, 3 Bartie Gardens, Ashgill, Larkhall, South Lanarkshire, ML9 3FB	17.02.2020
	W And M Armstrong, 7 Bartie Gardens, Ashgill, Larkhall, South Lanarkshire, ML9 3FB	28.02.2020
	Mrs Janet McLean, 17 Bartie Gardens, Ashgill, Larkhall, South Lanarkshire, ML9 3FB	25.02.2020
	Mr John And Mrs Jones, 5 Bartie Gardens, Ashgill, Larkhall, South Lanarkshire, ML9 3FB	27.02.2020
	John And Kay Murphy, 11 Bartie Gardens, Ashgill, Larkhall, South Lanarkshire, ML9 3FB	24.02.2020
	Alan Brisbane,	03.03.2020
	Mr J And Mrs J Surgeon,	02.03.2020

Contact for further information

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

Jim Blake, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 453657

Email: jim.blake@southlanarkshire.gov.uk

Conditions and reasons

01. 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.

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. within the site including the structure planting required along the rear boundaries of the rear gardens of the individual plots;
 - (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 including the structure planting required along the boundaries of the rear gardens of the individual plots;
 - (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 before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

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

05. 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 4, shall be erected and thereafter maintained to the satisfaction of the Council.

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

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

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

07. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

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

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

Reason: In the interests of traffic and public safety.

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

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

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

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

11. That prior to any works commencing on site a copy of the full version of the Combined Phase I/II Geoenvironmental Report (prepared by Jord Geo Design) shall be submitted to and approved by the Council as Planning Authority in consultation with The Coal Authority.

Reason: In order to retain effective planning control.

12. That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within

the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

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

13. (a) The applicant should 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 advice given in the following:
- ◆ Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995)
 - ◆ Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency
 - ◆ BS 10175:2011 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.
- (b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.
- (c) If the risk assessment identifies any unacceptable risks, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.

Reason: The site is adjacent to the former Ashgillhead Colliery.

14. (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: The site is adjacent to the former Ashgillhead Colliery.

15. That the applicant shall ensure that any vehicle transporting excavated material on or off site is treated by means of adequate wheel washing facilities. This facility shall be in operation at all times during any earth moving operations. The wheel washing facility shall be fully operational prior to any 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 traffic safety and to prevent deleterious material entering the road.

16. The first 2 metres (minimum) length of the parking bays and the private accesses shall be surfaced across their full width. No surface water shall be allowed to egress from the parking bays, or from the private accesses, out onto the adoptable road.

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

17. That unless otherwise agreed, notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Amendment Order 2011 (or any such order revoking or re-enacting that order), no development shall take place within the curtilage of any of the dwellings hereby approved without the submission of a further planning application to the Council as Planning Authority.

Reason: To ensure that the Council retains control over future developments on the site.

18. Prior to commencement of the development hereby approved, details of measures to facilitate the provision of full fibre broadband to serve the development, including details of appropriate digital infrastructure and a timescale for implementation, shall be submitted to and approved in writing by the Council as Planning Authority, unless otherwise agreed in writing with the applicant . The approved measures shall thereafter be carried out in accordance with the agreed implementation timescale.

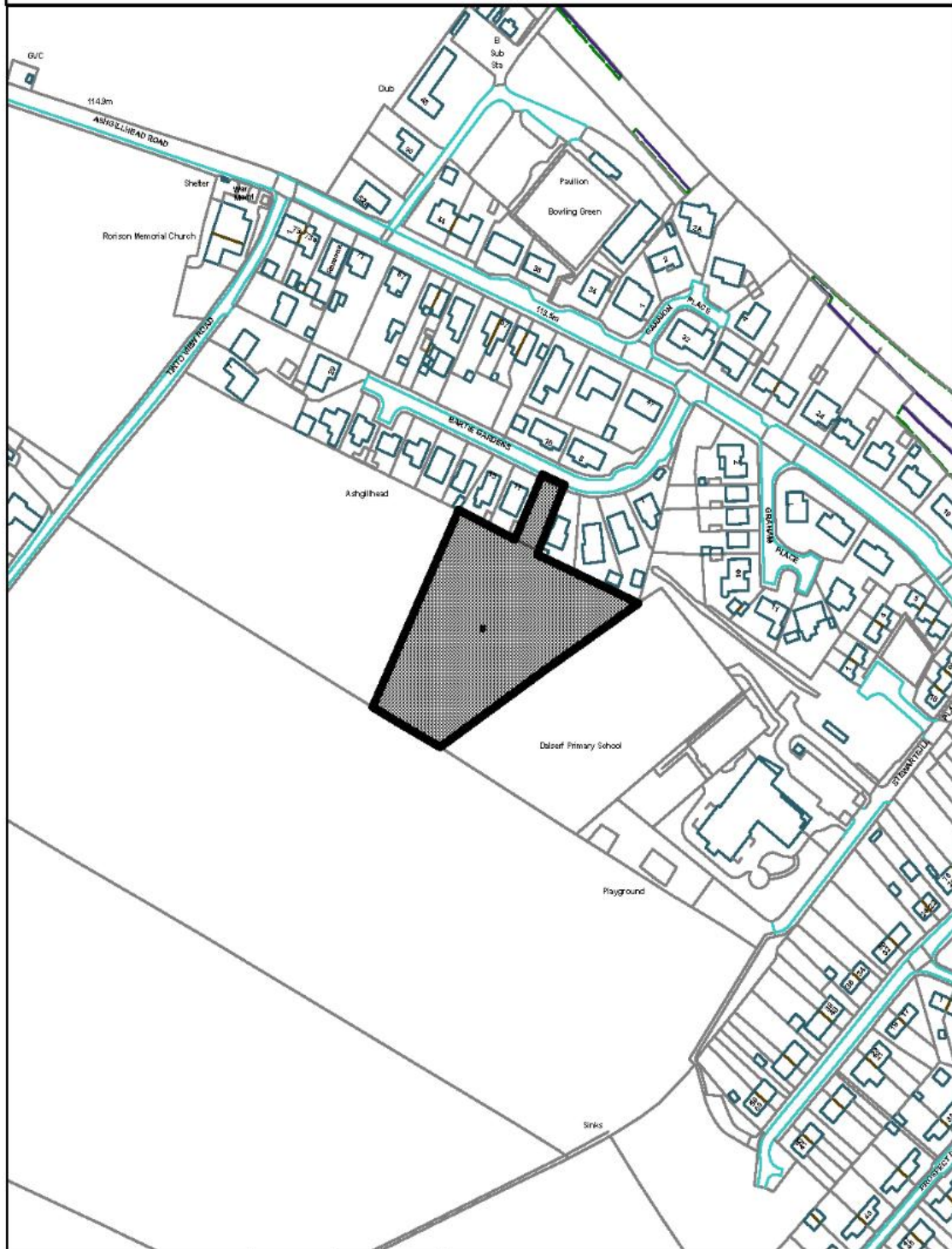
Reason: To ensure the provision of digital infrastructure to serve the development.

19. That a turning area and sufficient parking shall be provided within the site boundary to accommodate all site staff/operatives parking requirements and under no circumstance shall vehicles associated with the site cause an obstruction on the public road network. A plan showing the turning area and location and number of spaces for site staff/operatives shall be submitted to and approved by the Council as Planning and Roads Authority prior to any works commencing on site.

Reason: In the interests of traffic and public safety.

P/20/0129

Land at Bartie Gardens, Ashgill



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Scale:
1:2,500
Date:
28/08/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development