

Report

Report to:	Hamilton Area Committee
Date of Meeting:	24 March 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/0650
Planning proposal:	Erection of Houses and Formation of Associated Roads on Land 35 Metres Southeast of Glencrest, Ayr Road, Shawsburn, Larkhall

1 Summary application information

Application type:	Detailed planning application
Applicant:	Glencrest Developments Scotland
Location:	Land 35M Southeast Of Glencrest Ayr Road Shawsburn Larkhall South Lanarkshire

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 Hamilton Area 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:-

- ◆ Provision of appropriate community facilities.

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 Other information

- ◆ Applicant's Agent: James Baird
- ◆ Council Area/Ward: 20 Larkhall

- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Volumes 1 and 2)**

Policy 1 - Spatial Strategy

Policy 2 – Climate Change

Policy 5 - Development Management and Place Making

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

South Lanarkshire Local Development Plan

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 (2013)

Residential Design Guide (2011)

- ◆ **Representation(s):**

- ▶ 14
- ▶ 2

Objection Letters

Support Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

Scottish Water

Coal Authority Planning Local Authority Liaison Dept

Planning Application Report

1 Application Site

- 1.1 The application relates to an area of land located between Ayr Road and Andrew Baxter Avenue in Shawsburn village. The character of the site is part residential and part commercial and is currently occupied by a single detached dwellinghouse, a large workshop and various other outbuildings and containers. The remainder of the site incorporates areas of hardstanding and concrete blocks, unmaintained grass, scrub and semi mature trees.
- 1.2 The site is essentially bounded on all sides by residential properties except to the north where it is bounded by Clinton House Nursing Home. The site extends to approximately 0.57 hectares and slopes downwards from Andrew Baxter Avenue towards Ayr Road. There is a strip of landscaping along the northern and southern boundaries of the site consisting of trees and shrubs. Access to the site is via Ayr Road with an additional access partly formed off Andrew Baxter Avenue.
- 1.3 A new dwellinghouse is in the process of being erected at the 'entrance' to the site from Andrew Baxter Avenue.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the erection of 10 dwellinghouses with associated roads. The proposed development incorporates two detached and eight semi-detached houses which would be two storeys in height and would be of modern design. The proposed finish materials for the dwellings are concrete roof tiles, rendered walls and UPVC windows and doors. The submitted layout shows two detached dwellings being accessed from Ayr Road to the north-west of the site with the remaining eight semi-detached dwellings being accessed from Andrew Baxter Avenue to the south-east. Car parking provision would be provided within the driveways of the individual plots. An area of amenity space would be provided at the western edge of the site which would also incorporate an underground drainage treatment/plant.
- 2.2 The proposal initially incorporated 12 dwellinghouses within the site. However, following lengthy design related discussions with the Planning Service the layout of the proposal was amended on several occasions with the number of dwellings subsequently reduced from twelve to ten. Additional neighbour notification procedures were undertaken following the formal submission of the amended layouts.
- 2.3 A Coal Mining Risk Assessment was submitted with the application as a supporting document.
- 2.4 In terms of sewerage aspects part of the development will be connected to the public sewerage system. A number of the proposed houses however (including a neighbouring house who has a septic tank in the site) will be served by a private sewage treatment plan due to ground levels.

3 Background

3.1 Local Plan Policy

3.1.1 On 17 August 2020 the Directorate for Planning and Environmental Appeals issued its report of the Examination of South Lanarkshire Local Development Plan 2 (SLLDP2) and a number of modifications to the plan were recommended. At the Planning Committee on 1 December 2020 members agreed to the approval of all of the modifications; the publication and public deposit of the Plan, as modified; and the submission of the Plan to Scottish Ministers. For the purposes of determining planning applications the Council must therefore assess proposals against the policies contained within the adopted South Lanarkshire Local Plan and those within the proposed SLLDP2. In this regard, the application site is designated as a proposed housing site in the SLLDP2. The application site and associated proposal is affected by Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 5 - Development Management and Place Making, 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 and Policy DM15 - Water Supply. As the SLLDP2 is now approved for adoption, when considering planning applications greater weight must be given to the policies and guidance contained in this Plan.

3.1.2 The application site is also designated as a proposed housing site in the adopted South Lanarkshire Local Development Plan. The relevant policies in terms of the adopted Local Plan 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 are appropriate to the determination of this application. In addition, the Policies and Guidance within the Council's adopted Supplementary Guidance are of relevance; namely the Development Management, Place Making and Design Supplementary Guidance (2013) relating to 'Design' and the Residential Design Guide (2011). The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.2 **Relevant Government Advice/Policy**

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

3.3 **Planning Background**

3.3.1 Detailed planning permission was granted to A Strang for residential development on the site on 8 July 2008 (HM/06/0857). Outline planning permission was granted to Shawsburn Developments for residential development at the site on 27 August 2002 (HM/02/0186). A detailed planning application for the erection of 116 houses and construction of associated vehicular and pedestrian access was submitted to the Council by Fruitfield Developments Ltd on 30 August 1999 and subsequently withdrawn. The date of withdrawal is unknown (HM/99/0420).

4 Consultation(s)

4.1 **Environmental Services** – No objection to the application.

Response: Noted

4.2 **The Coal Authority** – Following the submission of a Mining Risk Assessment Report The Coal Authority withdrew its original objection to the application subject to any consent being conditioned to ensure the undertaking of a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity; the submission of a report of findings arising from the intrusive site investigations and a scheme of proposed remedial works for approval; and the implementation of those remedial works.

Response: Noted. Appropriately worded conditions would be attached to any consent to address the above matters.

4.3 **Roads Development Management** – Raised no objection to the application. Following pre-application comments the applicant has submitted a revised layout drawing. Andrew Baxter Avenue itself has not yet been adopted as part of the public road network and is currently private. The proposed junction with Andrew Baxter Avenue should have 6 metre carriageway kerb line radii. The applicant should be made aware that the proposed roads will require a Construction Consent Application to be granted prior to the start of any house-building or road-construction works. Notwithstanding this, the proposed development roads cannot be ultimately adopted by this Authority until Andrew Baxter Avenue has been completed and adopted.

Response: Noted. Appropriately worded conditions and informatives would be attached to any consent to address the above matters.

4.4 **Roads and Transportation Services (Flood Risk Management Section)** – Have no objection to the application subject to conditions requiring the submission of a flood risk/drainage assessment for the Council's approval and the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied through the completion of a self-certification document.

Response:- Noted. Appropriately worded conditions would be attached to any consent to address the above matters.

4.5 **Scottish Water** – Have no objection to the application.

Response:- Noted.

5 Representation(s)

5.1 Statutory neighbour notification procedures were undertaken on two occasions and the application was advertised in the Hamilton Advertiser under the heading Non Notification of Neighbours. Seventeen letters of representation have been received in relation to the application comprising fourteen letters of objection, two letters of support and one letter of comment. The grounds of representation are summarised below:

- a) **The plans show semi-detached houses accessed from Andrew Baxter Avenue. This street is occupied solely by large, detached houses in relatively large plots and there are no semi-detached houses on the Street. The proposal does not respect the local context and street**

pattern or the scale and proportions of surrounding buildings and would be entirely out of the character of the area to the detriment of the local environment. Two detached houses could be built facing on to Andrew Baxter Avenue retaining the character of the street. Access to the semi-detached development would then be from Ayr Road and be part of a separate street, allowing them to be built in whatever style is deemed appropriate.

Response: The application site is located within Shawsburn village settlement and within an area designated for residential use in both the adopted South Lanarkshire Local Development Plan and the South Lanarkshire Local Development Plan 2. Clearly the principle of residential development at the site is acceptable and long established. The fact that the majority of the proposed houses will be semi-detached is acknowledged but on its own is not sufficient justification to resist the development as proposed. Indeed, a variety of house types do exist in Shawsburn and the introduction of semi-detached units will increase house choice in the locality. The proposed development will be of modern design and on their own will not be out of keeping with the character or appearance of the existing residential development in the surrounding area. The merits of the application are discussed further in Section 6 of this report.

- b) **The proposal will result in over development of the site. It would appear that the developer is overcrowding the site to maximise his profit. The plans appear to propose that the semi-detached houses are erected on the same scale of plot upon which the other plots within the street currently contain only one single detached dwellinghouse. There is no landscape or amenity space proposed for the site and the proposed development is a direct contravention of the adopted local plan. The Council requires that densities in new suburban locations should be limited to between 8 to 12 houses per acre (20 to 29 dwellings per hectare). The minimum proportion of garden to building should be 70:30 and the minimum rear garden size of 70 square metres and 10 metre depth does not appear to be provided in some of the plots. This will cause a loss to the open aspect of the current neighbourhood dynamics and could also lead to overdevelopment of the area.**

Response: It is considered that the proposed layout does not represent over development of the site and that it incorporates an adequate area of amenity open space. The layout has been revised during the processing of the application and in general terms meets the main standards set out in the Council's Residential Design Guide, particularly in relation to rear garden depths, window to window distances, car parking and the provision of amenity open space. Indeed, in terms of density the development represents approximately 18 units per hectare.

- c) **There are traffic concerns as the development would result in possibly up to 46 additional cars using Andrew Baxter Avenue for access, thus increasing the risk to pedestrians and children. The planning application states it is for Land 35M Southeast of Glencrest, Ayr Road, Shawsburn so surely the access to the site should be from Ayr Road and not Andrew Baxter Avenue.**

Response: The submitted layout shows two detached dwellings being accessed from Ayr Road to the north-west of the site with the remaining eight

semi-detached dwellings being accessed from Andrew Baxter Avenue to the south-east. Roads and Transportation Services are satisfied that the proposal raises no access, parking or road safety issues. Indeed, it is unlikely that an additional 46 cars will be associated with the eight houses that will be served by Andrew Baxter Avenue.

- d) **The use of the site for residential development introduces a diverse element that by reason of the use is likely to result in noise, pollution from fumes, light pollution, disturbance and nuisance to the detriment of neighbour's residential amenity.**

Response: The application site is located within Shawsburn village and within an area designated for residential use in the adopted local development plan. The principle of residential development is, therefore, acceptable. It is also considered that the character and amenity of the area would not be impaired by reason of traffic generation, parking, visual intrusion or the type of pollution referred to. No adverse comments were raised by any of the consultees in relation to the above matters.

- e) **Several of the houses appear to breach the 20 metre window to window criteria, as per the SLC Local Plan.**

Response: The Council's Residential Design Guide requires the minimum distance between windows of directly facing habitable rooms (i.e. living rooms, dining rooms and bedrooms) to be no less than 20 metres. An amended layout was submitted which shows that all dwellings with windows facing directly onto windows of any existing dwellings incorporate the required minimum 20 metre distance to ensure that there is no adverse impact on adjacent dwellings in terms of overlooking and loss of privacy.

- f) **At least one of the plots will lead to overshadowing and loss of daylight to a neighbouring house.**

Response: The proposed dwellings would be positioned and orientated to ensure that there is no adverse material impact on existing dwellings in terms of overshadowing and loss of daylight.

- d) **Traffic calming must be incorporated in the design of residential roads as there is no evidence of this or the materials to be used for road/driveways. It has been a condition on all roads accessed from Andrew Baxter Avenue that pavers are used.**

Response: Roads and Transportation Services are satisfied that the proposed layout raises no access, parking or road safety issues. The surface materials for the roads and driveways would be agreed as part of the required Roads Construction Consent for the development.

- e) **While there is no through road drawn, looking at the development as drawn, it would be very easy to access both Ayr Road and Andrew Baxter Avenue both vehicle and pedestrian.**

Response: A bollard is shown on the amended layout submitted to ensure that no through access can be made by vehicles from Andrew Baxter Avenue to Ayr Road. Roads and Transportation are satisfied with the addition of the bollard, the provision of which would be conditioned as part of any consent issued.

- f) **On the Agents application form the box regarding trees within the site is marked X in the No box.**

Response: The applicant's agent advised that this was an error on the application form. An amended section of the form was re-submitted to the satisfaction of the Planning Service.

- g) **Andrew Baxter Avenue is a private un-adopted road beyond the access to this site which this development would have no access to. This includes the open amenity area to the west of Andrew Baxter Avenue which the residents on Andrew Baxter Avenue contribute to.**

Response: Whilst it has been noted through the consultation process that Andrew Baxter Avenue itself has not yet been adopted as part of the public road network the proposed access arrangements into the site have been appropriately assessed and are considered to be acceptable by the Council's Roads and Transportation Service. Once all residential development off Andrew Baxter Avenue is complete (including this proposal) it would be the responsibility of the original developer to implement the formal Roads adoption procedure.

- h) **The Septic Tank for the property at 3 Ayr Road which is in existence within the grounds of the proposed development is not shown on any drawings. Also, access to my property and No 5 is from the private access road. This is not shown on the drawings.**

Response: It is the applicant's intention to connect into the existing sewer in Andrew Baxter Avenue for the south side of the development. However, the ground levels prohibit the rest of the site to connect into that sewer and will require connection to a treatment plant located within the site. Any consent would be conditioned to ensure the submission of full details of the proposed sewerage system for the Council's approval prior to any works commencing on site. In terms of the drawings submitted it is considered that a sufficient level of detail has been provided to enable the Council to make an appropriate assessment of the application.

- i) **Can I also point out that this development beyond the access has no legal pedestrian or vehicle rights on Andrew Baxter Avenue, which means there is no amenity space allowed for within the proposed site. To comply with SLC guidelines an open amenity space is desirable within the application site.**

Response: The Council's Residential Design Guide states that for small sites up to ten houses there is no specific requirement for amenity open space but that some amenity open space is desirable. In this instance, an adequate area of amenity open space is proposed within the western area of the site and any consent granted would be conditioned to ensure the submission of a landscaping scheme for the Council's approval.

- j) **We are aware that there were previously plans in existence for detached dwellinghouses to be erected on the site and to be facing onto Andrew Baxter Avenue. This would be more in keeping with current unique character of the existing properties. Deviation from the existing design/layout of the development will negatively impact upon the visual appearance of the development and its relationship to the surroundings.**

Response: It is considered that the principle of semi-detached dwellings on the site is acceptable and that the proposed development will not be out of keeping with the existing residential development in the surrounding area.

- k) **The servitude grant only covers the amount of houses on the Plan. If Mr and Mrs Strang wish to deviate from the attached plan it will need to go through the lawyers before being considered for Planning permission.**

Response: This is a private legal matter outwith the scope of the planning system/process which requires to be addressed between the parties concerned.

- l) **The impact on the drainage needs to be reviewed in view of this proposed development. Does the existing sewer have the capacity and ability for the proposed development?**

Response: No adverse comments were raised by Scottish Water in this regard. The proposed sewerage connections have been discussed in paragraph (h) above and any consent granted would be conditioned to ensure the submission of full details of the proposed sewerage system for the Council's approval prior to any works commencing on site.

- m) **Has the application not been subject to a children's play area per planning rules?**

Response: The Council's Residential Design Guide states that for small sites up to ten houses no new recreational provision is required within the site and instead a financial contribution to the improvement of existing sport/recreational facilities within the local area is required. 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.

- n) **Given the proposed semi-detached houses are approved, I will seek an immediate revaluation of the current community tax banding for my property as the value of the detached properties on Andrew Baxter Avenue would be valued at much less than they are at present.**

Response: This is not a material planning consideration.

- o) **The proposed development should exit entirely onto Ayr Road and not a non-adopted road on Andrew Baxter Avenue, apart from the existing house on Andrew Baxter Avenue, plus. (One proposed as a semi-detached on a foundation built many years ago for one detached).**

Response: As discussed, Roads and Transportation Services are satisfied that the proposed layout raises no access, parking or road safety issues. It was always envisaged that houses from the site would gain vehicular access/egress from/to the site via Andrew Baxter Avenue, albeit that a net increase of two is now proposed (8 semi-detached properties rather than 6 detached units).

- p) **We are aware that there were previously plans in existence for detached dwellinghouses to be erected on the site and to be facing onto Andrew Baxter Avenue. This would be more in keeping with current unique character of the existing properties. Deviation from the existing**

design/layout of the development will negatively impact upon the visual appearance of the development and its relationship to the surroundings.

Response: It is considered that the proposal is acceptable in terms of its layout, design and finish materials and that the proposed development will not be out of keeping with the character or appearance of development in the surrounding area.

- q) I would like to know what has happened since the last application and what changes have taken place as I cannot see any changes to the planning application since I last made comments about this proposed planning application.**

Response: As discussed in Section 2.2 of this report, the proposal initially incorporated 12 dwellinghouses. However, following discussions with the Planning Service the layout was amended with the number of dwellings reduced from twelve to ten. Neighbour notification procedures were undertaken again following those amendments.

- r) The application form states the proposal is for 14 houses.**

Response: The application form originally referred to a development of 14 dwellinghouses and this was then changed to 12 dwellinghouses. Following lengthy design related discussions with the Planning Service the layout of the proposal was amended on separate occasions with the number of dwellings subsequently reduced from twelve to ten. Again neighbour notification procedures were undertaken following the formal submission of the amended layouts.

- s) As per the drawing of the houses and their access, the house at the front originally down as plot 1 does not show any road access but as I am sitting writing this it has a double garage but it does not have provision for any access from the street as the original road layout runs down the left hand side of the house. Are the owners of this house just going to drive up the kerbed area in front of my house or are there more drawings showing how this house has access to the street.**

Response: The house on the plot referred to was initially included in the proposed layout but was constructed to reflect the details approved under a previous planning permission. Following discussions with the Planning Service amended drawings were submitted to reflect this alteration with neighbours re-notified.

- t) We wholeheartedly support the application for the proposed development. Shawsburn Village will benefit enormously from the completion of this project with Ayr Road and Andrew Baxter Avenue both being greatly improved after more than twelve years of inactivity. We would be very happy for this application to proceed.**

Response: The above points are noted.

- 5.2 All letters of representation 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 permission for the erection of 10 dwellinghouses with associated roads. The determining issues in consideration of this application are its compliance with national and local plan policy and its impact on the amenity of adjacent properties and on the local road network.
- 6.2 In terms of residential development, Scottish Planning Policy (SPP) requires Councils to maintain a five year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity. In this instance, the proposal involves the re-use of a previously developed site which would have a positive impact on the built and natural environment. The proposal also promotes development in a sustainable location within the settlement of Shawsburn which would be accessible by public transport with an existing bus route running along the nearby Ashgillhead Road to the north of the site and the development would be well integrated into existing walking and cycling networks. It is, therefore, considered that the principle of the proposal is acceptable and in accordance with national planning policy.
- 6.3 In terms of local plan policy, Section 3 of this report highlights that the proposed South Lanarkshire Local Development Plan 2 (SLLDP2) as modified (in accordance with the modifications recommended in the Examination report) was approved by the Planning Committee on 1 December 2020. Notice has now been given by the Council of the Intention to Adopt the Plan. The weight attached to the SLLDP2 as a material consideration in determining this application is, therefore, significant. For the purposes of determining planning applications the Council must assess all applications against the policies contained within the adopted South Lanarkshire Local Plan and those within the proposed South Lanarkshire Local Development Plan.
- 6.4 Local Development Plan 2 is the Council's most up to date policy position and must be afforded significant weight in the assessment and determination of this application. In this instance, the application site is designated as a proposed housing site in SLLDP2. The application site and associated proposal is affected by Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 5 - Development Management and Placemaking, 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 and Policy DM15 - Water Supply.
- 6.5 Policies 1 and 2 encourage sustainable economic growth and regeneration, a move towards a low carbon economy, the protection of the natural and historic environment and mitigation against the impacts of climate change. In line with these policies the proposal involves the reuse of a previously developed area of land on a site located within a sustainable location within the settlement of Shawsburn. The proposal represents a sensitive re-use of a largely untidy site and it is considered that the re-development of the site would improve the visual and environmental quality of the area. The proposal also includes opportunities for active travel routes and trips by public transport with an existing bus route running along the nearby Ashgillhead Road to the north of the site and the development would be well integrated into existing walking and cycling networks. The proposal is, therefore, considered to be in accordance with the terms of Policies 1 and 2. As the application

site is designated for residential use under the terms of Policy 11 the proposal raises no policy issues and, therefore, conforms with this policy.

- 6.6 In terms of the detailed design of the development, Policies 5 and DM1 generally require new development to have due regard to the layout, form, design and local context of the area and to promote quality and sustainability in its design. In this instance, it is considered that the proposed layout for the development is acceptable and that it meets the main standards set out in the Council's Residential Design Guide particularly in relation to window to window distances, garden depths, amenity open space and car parking. The proposed two storey houses are of modern design with a suitably high standard of external materials and it is considered that the development will not be out of keeping with the existing residential development in the surrounding area. The proposed access arrangements have been assessed and are considered to be acceptable by the Council's Roads and Transportation Service. In view of the above, it is considered that the proposal would relate satisfactorily to adjacent residential development in terms of its scale, design and materials and that the character and amenity of the area would not be impaired by reason of traffic generation, parking or visual intrusion. As discussed, the proposal represents a sensitive re-use of a largely untidy site and it is considered that the re-development of the site would improve the visual and environmental quality of the area. The proposal is, therefore, considered to be in accordance with the terms of Policies 5 and DM1.
- 6.7 In terms of Policy 7 – 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. It is, therefore, considered that the proposal is in accordance with Policy 7.
- 6.8 Policy 15 - 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, it has been highlighted that the site is accessible by public transport with an existing bus route running along the nearby Ashgillhead Road to the north of the site and the development would be well integrated into existing walking and cycling networks. Furthermore, Roads and Transportation Services are satisfied that the proposal raises no access, parking or road safety issues. It is, therefore, considered that the proposal complies with Policy 15.
- 6.9 The proposal has been assessed by the relevant consultees in terms of the requirements of Policies 16, SDCC2, SDCC3 and DM15. 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 submission of a flood risk/drainage assessment and the provision of a sustainable urban drainage system (SUDS) within the site. Scottish Water have also confirmed that they have no objection to the application and any consent would include a condition to ensure that no dwellings are occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards. It is, therefore, considered that the proposal is in accordance with the terms of the above policies.

- 6.10 The Policies of SLLDP2 as outlined above now take precedence over policies contained in the adopted SLLDP and once formally adopted in the near future will supersede the current Local Plan. Notwithstanding until that time the adopted Local Plan policies are still materially relevant. The wording and criteria of the adopted Local Plan policies are similar to their equivalent in the SLLDP2 with added emphasis on climate change and sustainability. The proposed development has been considered against the relevant policies in the adopted plan and it is noted that these policies are broadly consistent with those contained in the South Lanarkshire Local Development Plan 2. It is therefore considered that the proposal accords with 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 of the adopted South Lanarkshire Local Development Plan.
- 6.11 The proposal is also considered to be in accordance with the Policies and Guidance contained within the Council's adopted Supplementary Guidance namely the Development Management, Place Making and Design Supplementary Guidance (2013) relating to 'Design' and the Residential Design Guide (2011).
- 6.12 In summary, it is considered that the application conforms with both national and local plan policy and that the proposal raises no significant environmental or infrastructure issues. I would, therefore, raise no objection to the application and recommend that planning permission be granted subject to the conditions listed.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on residential or visual amenity nor raises any environmental or infrastructure issues and complies with Policies 1, 2, 5, 7, 11, 15, 16, DM1, SDCC2, SDCC3, SDCC4 and DM15 of the South Lanarkshire Local Development Plan 2 (Volumes 1 and 2). The proposal also 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'.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

9 March 2021

Previous references

- ◆ HM/06/0857
- ◆ HM/02/0186
- ◆ HM/99/0420

List of background papers

- ▶ Application form
 - ▶ Application plans
 - ▶ South Lanarkshire Local Development Plan 2 (Volumes 1 and 2)
 - ▶ South Lanarkshire Local Development Plan 2015 (adopted)
 - ▶ Development Management, Place Making and Design Supplementary Guidance (2013)
 - ▶ Residential Design Guide (2011)
 - ▶ Neighbour notification letter dated 04.06.2018, 09.12.2020 and 13.01.2021
 - ▶ Press advertisement, Hamilton Advertiser dated 17.05.2018
 - ▶ Mining Risk Assessment Report dated 08.02.2019
-
- ▶ Consultations
 - Roads Development Management Team 27.08.2018
 - Environmental Services 22.05.2018
 - Roads Flood Risk Management 05.06.2018
 - Scottish Water 21.05.2018
 - Coal Authority Planning Local Authority Liaison Dept 25.05.2018
&
05.03.2019
-
- ▶ Representations Dated:
 - Mr and Mrs D Gillies, 25 Andrew Baxter Avenue, Larkhall, ML9 3RG 04.06.2018
 - Darren and Joanna Miller, 12 Andrew Baxter Avenue, Ashgill, Larkhall, ML9 3RG 06.06.2018
 - Paul Watson And Amanda Watson, 1 Andrew Baxter Avenue, Shawsburn Village, Ashgill, ML9 3RG 06.06.2018
 - Mr Graham Lundie, 18 Andrew Baxter Avenue, Ashgill, Larkhall, ML9 3RG 22.05.2018
 - Bill and Margaret Sinclair, 19 Andrew Baxter Avenue, Ashgill, Larkhall, ML9 3RG 27.06.2018
 - Shawsburn Developments Ltd, Shawsburn House, Ayr Road, Shawsburn, Larkhall, South Lanarkshire, ML9 2TZ 05.06.2018
 - Craig Thomson, 7 Ayr Road, Shawsburn, Larkhall, South Lanarkshire, ML9 2TZ 05.06.2018
 - Miller & Linda Armstrong, Linmillhaugh, Ayr Road, Shawsburn, Larkhall, South Lanarkshire, ML9 2TZ 05.06.2018

Kevin and Amanda Harper, 26 Andrew Baxter Avenue, Ashgill, Larkhall, South Lanarkshire, ML9 3RG	08.06.2018
Mr John B.W. Binnie, 3 Ayr Road, Shawsburn, Larkhall, South Lanarkshire, ML9 2TZ	05.06.2018
Mr Darren Crisp, 40 Andrew Baxter Avenue, Shawsburn Village, Larkhall, ML9 3RG	13.06.2018
Cameron Pinkerton & Co, 25 Gauze Street, Paisley, PA1 1ES	07.06.2018
Ann and George Gillespie, Shawsburn House, Ayr Road, Shawsburn, Larkhall, ML9 2TZ	06.06.2018
Mr Graham and Mrs Fiona Lundie, 18 Andrew Baxter Avenue, Ashgill, Larkhall, ML9 3RG	18.01.2021
Mr Dean Hall, 15 Andrew Baxter Avenue, Larkhall, ML9 3RG	14.01.2021
Mr & Mrs Lundie, 18 Andrew Baxter Avenue, Ashgill, Larkhall, ML9 3RG	16.12.2020

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

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

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

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, 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.

04. 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.

05. 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.

06. That before development commences on site, full details of the proposed sewerage system, including its location, design, maintenance arrangements and outfall shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter, the approved sewerage system shall be implemented in full to the satisfaction of the Council prior to the occupation of the dwellings and shall be maintained in perpetuity to the Council's satisfaction.

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

07. 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.

08. 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.

09. That the proposed junction with Andrew Baxter Avenue shall have 6 metre carriageway kerb line radii to the satisfaction of the Council as Planning and Roads Authority.

Reason: In the interests of public and road safety.

10. That the remediation, investigation and other measures specified in the Mining Risk Assessment (Simpson Mining and Geotechnical Ltd dated 8 February 2019) shall be implemented prior to the commencement of development except for works which are designed to ensure public safety as part of an on-going programme of works prior to the development. Following the completion of the measures and works set out in the Mining Risk Assessment, a Verification/Remediation Statement shall be produced by the applicant to demonstrate the effectiveness of the implementation, to ensure the avoidance of any risk arising when the site is developed or occupied which should be submitted to and agreed by the Council as Planning Authority. The same Verification/Remediation Statement shall be submitted to The Coal Authority.

Reason: Reason: To ensure that the risks associated from historical and/or current mining activity are minimised in the interests of public safety and ground stability for the future users of the proposed development and the neighbouring land.

11. That before the development hereby approved is completed or brought into use, all of the parking spaces (2.9m x 5.8m modules) shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

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

12. 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.

13. 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.

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

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

15. 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.

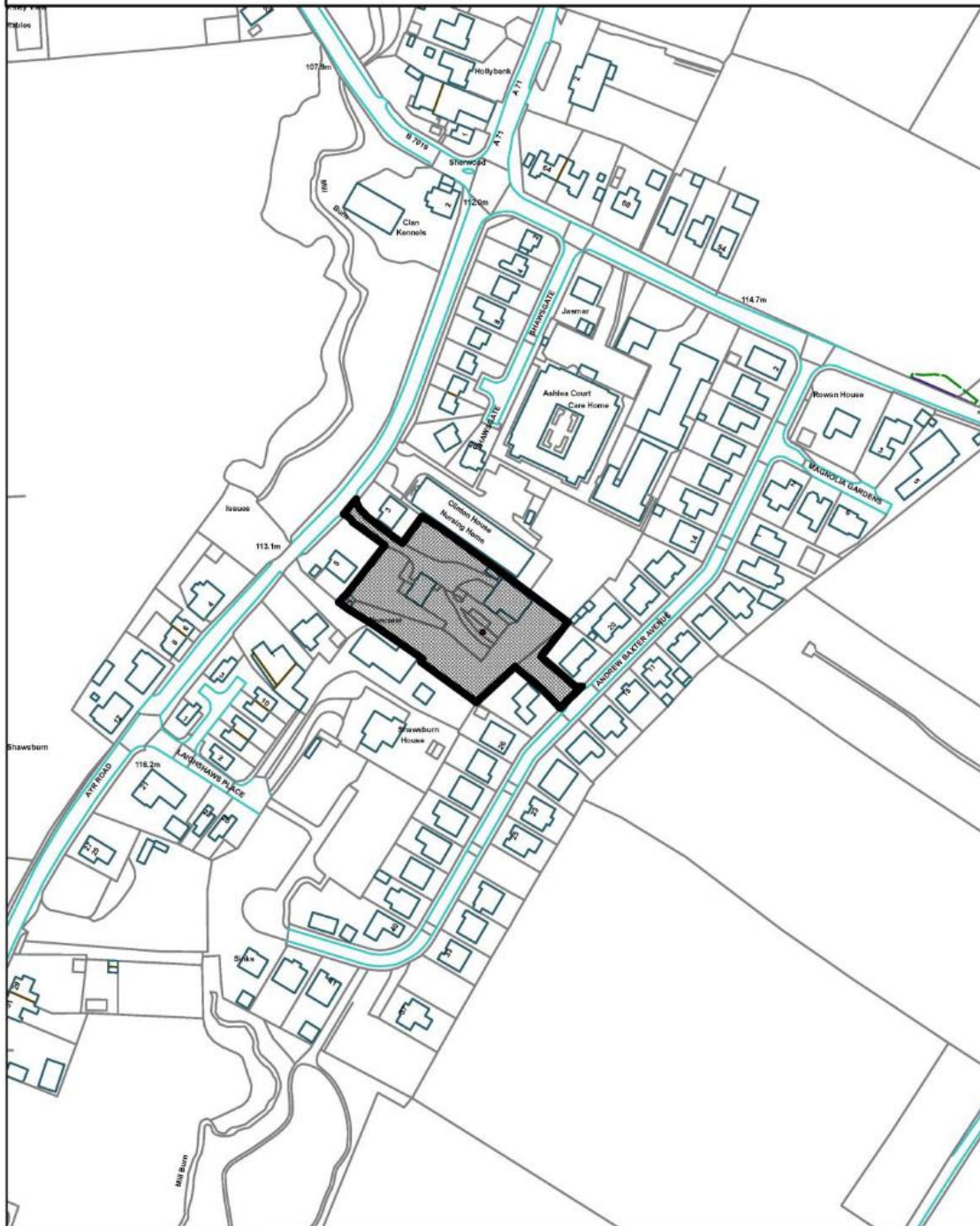
Reason: To ensure the provision of digital infrastructure to serve the development.

16. That prior to the commencement of the development hereby approved, full design details of the bollard shown on the Proposed Site Plan shall be submitted to and approved by the Council as Planning and Roads Authority. Thereafter, the bollard shall be installed and maintained to the Council's satisfaction.

Reason: In the interests of traffic and public safety.

P/18/0650

Land 35m Southeast of Glencrest, Ayr Road, Shawburn



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1:2,500
Date:
09/03/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development