

Report

Report to:	Planning Committee
Date of Meeting:	19 November 2008
Report by:	Executive Director (Enterprise Resources)

Application No	HM/06/0178
Planning Proposal:	Formation Of Car Park Together With Erection Of Security Fencing And Lighting Columns (Retrospective)

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Park's of Hamilton
- Location : 18 Bothwell Road
Hamilton

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 the conditions attached)

2.2 Other Actions/Notes

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

● Other Information

- ◆ Applicant's Agent: Davis Duncan Architects
- ◆ Council Area/Ward: 17 Hamilton North and East
- ◆ Policy Reference(s): **Adopted Hamilton District Local Plan**
Policy RES1 – Residential Areas – General
Policy ED7 – Office Sites
Policy DC1 – Development Control – General
South Lanarkshire Planning Policies
Policy SLP6 – Development Control General
Finalised South Lanarkshire Local Plan
(After Modifications)
Policy RES6 – Residential Land Use
Policy DM1 – Development Management

- ◆ Representation(s):
 - ▶ 3 Objection Letters

- ◆ Consultation(s):

Roads and Transportation Services (Hamilton Area)

Power Systems

Scottish Water

TRANSCO (Plant Location)

Roads & Transportation Services H.Q. (Flooding)

Environmental Services

Green Space

Planning Application Report

1 Application Site

- 1.1 The application site relates to an area of land to the rear of an existing car garage, located on Bothwell Road, Hamilton. The site is located within an area of mixed use with residential properties along the south boundary, the Hamilton Race Course to the east and Hamilton College to the north. Access to the site is taken from the west, which is the location of the car garage. The site slopes down from west to east from the existing car garage to the racecourse.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the formation of a car park to the rear of an existing car garage at 18 Bothwell Road, Hamilton. The car park would be used in conjunction with the existing garage to provide extra storage for vehicles at the site. The created area of hard standing would be able to provide space for 89 cars. As the car park has already been formed, the application is retrospective in nature.

3 Background

3.1 Local Plan Status

- 3.1.1 The application site is covered by Policy RES1 – Residential Areas – General and Policy ED7 – Office Sites of the adopted Hamilton District Local Plan. Policy ED7 states that Office Developments will be acceptable within the area subject to development control criteria. Policy RES1 which largely covers the rear part of the site, seeks to protect residential amenity and will oppose development which will have a negative impact on amenity.
- 3.1.2 In terms of the Finalised South Lanarkshire Local Plan (After Modifications), the site is covered by Policy RES6 – Residential Land Use which, like Policy RES1, seeks to protect residential amenity and will oppose development which will have an adverse impact upon the amenity of the area.
- 3.1.3 In terms of design criteria, the proposal will be assessed in relation to Policy DC1 – Development Control – General of the adopted Hamilton District Local Plan and Policy DM1 – Development Management of the Finalised South Lanarkshire Local Plan (After Modifications). Both policies look for proposals which take account of the existing built form and local context. Development should not take place in isolation and must take account of scale, position and materials of adjacent buildings and surrounding streetscape. Policy SLP6 – Development Control General of the South Lanarkshire Planning Policies reiterates Policies DC1 and DM1 and as such is also applicable to this application.

3.2 Relevant government advice/policy

- 3.2.1 None relevant.

4 Consultation(s)

- 4.1 With respect to this application consultation was carried out with 7 consultees. Their comments were as follows:

- 4.2 **Roads and Transportation Services (Hamilton Area)** – have no objection to the proposal on the provision that the minimum aisle width is 6m and parking bays have a dimension of 2.5m by 5m.
Response: Noted. The proposed parking layout largely meets these requirements and is considered acceptable for the storage of cars.
- 4.3 **Environmental Services** – have no objections to make in relation to the proposal. However they advised that a number of conditions and informatives be attached to the decision notice.
Response: Noted. Conditions and informatives will be attached where appropriate.
- 4.4 **Roads and Transportation Services HQ (Flooding Unit)** – have no objections to the proposal. However they do add that the applicant shall ensure that an adequate drainage system is installed within the development site without detriment to properties, within or without the development site.
Response: Noted. Conditions will be attached where appropriate.
- 4.5 **Power Systems** – have raised not objections to the proposal.
Response: Noted.
- 4.6 **Scotland Gas Network (TRANSCO)** – offer no objection to the proposal.
Response: Noted.
- 4.7 **Scottish Water** – offer no objection to the proposal.
Response: Noted.
- 4.8 **Greenspace** – have indicated that although there are space limitations between the dividing boundary to the adjacent housing and the hard standing there are still a number of planting options which would provide a ‘green screen’ between the residential properties and the car parking area. A number of quick growing plants including Honeysuckle and Ivy have been suggested.
Response: An appropriate condition will be attached to the decision notice in relation to landscaping.

5 Representation(s)

- 5.1 A letter of objection containing 4 signatures was received prior to the retrospective planning application being lodged. Statutory neighbour notification was undertaken in respect of the application following a further letter of objection (from one of the original objectors) was received. The grounds of objection can be summarised as follows:
- a) **Has the proposal provided adequate surface water drainage in the area, as any excess water run off would have a detrimental effect on the racing surface of the racecourse?**
Response: - As the surface of the car park area is open textured, the area is porous and as such will allow water through and will prevent increase run off into the racecourse.

- b) **The area which is subject to this application is not only being used as a car park but also as an outdoor showroom. The result is that 4 The Furlongs, Hamilton will have no privacy and be overlooked.**

Response: - The car park is for the storage of cars and does not form part of the sales area of the garage. In relation to screening, consultation has been carried out with the Council's Greenspace team who have provided information in relation to boundary treatment. A condition will be attached to the consent to ensure that a suitable form of screening is erected along the boundary.

- c) **The house and garden of 4 The Furlongs are now under constant surveillance by a security camera fixed high on the south east corner of Park's present building.**

Response: - In terms of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, CCTV cameras which meet certain criteria do not require consent as long as they do not view beyond the boundary. The CCTV erected in this instance complies with this.

- d) **No attempt has been made to provide any landscape screening.**

Response: - A condition in relation to the implementation of appropriate screening will be attached to the decision notice.

- e) **This development has exacerbated the already bad drainage problems at the foot of the drive of 4 The Furlongs, Hamilton. There is constant standing flood water, contaminated by degreasant and other pollutants, as a direct result of car washing by Park's at the top end of the lane. This has over time destroyed the road surface and blocked existing drains.**

Response: - Noted. However this issue relates to the applicants other businesses and does not form part of the application site. However an appropriate condition shall be imposed in respect of the control of drainage for this site.

- f) **Park's employees park 30 plus cars at the top of the lane which was where there is "no vehicular access to the site". The road surface is now severely damaged and potholed. This is a public health and safety risk.**

Response: - The parked cars would be a police matter and is not an issue for the Planning Service to resolve. The road is also outwith the application site and Roads and Transportation Services have not objection to the proposal.

- g) **A large amount of rubbish is dumped by Park's employees in the lane at the rear of the valeting facility.**

Response: - This is a matter for the Council's Environmental Services to investigate and is not a material planning consideration.

- h) **A Fence has been erected to protect the site. The contractors have used the objector's wall as the base for the fence which is 2 metres in height. The fence is laced with razor wire with the razor wire being no more than 4 feet from the ground.**

Response: - The razor wire has since been removed from the fence and as such no longer poses a health and safety risk. The location of the fence upon the objector's boundary wall is a private legal matter in terms of land ownership issues.

- i) **The site is lit by 4 arc lamps, one at each corner, and these are on from dusk till dawn each night. As a result the objector's house and garden are bathed in severely bright light throughout the hours of darkness.**

Response: - Noted. A condition will be attached to control lighting on the site.

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

6 Assessment and Conclusions

- 6.1 The application is for the formation of a car parking area for the storage of cars to the rear of the existing Park's Honda garage located on Bothwell Road, Hamilton. As well as the formation of a parking area, the application also includes the boundary treatment around the site together with security lighting columns. The determining issues in consideration of this application are its compliance with local plan policy and in particular, its impact on the amenity of the adjacent properties.
- 6.2 In terms of local plan policy, the site is covered by Policies ED7 and RES1 of the adopted Hamilton District Local Plan and Policy RES6 of the Finalised South Lanarkshire Local Plan (After Modifications). Policy ED7 which covers the front of site is zoned for office development however the use of the site for car sales is well established. The area of the site which has been formed as a car park whilst associated with an existing car garage is zoned by Policy RES1 as residential in the adopted plan and Policy RES6 of the finalised plan. Any development must therefore have no adverse impact in terms of residential amenity. Whilst the use of the application site for car storage for the car sales business may be able to operate without detriment to residential amenity. Certain conditions will need to be applied to ensure this is the case.
- 6.3 The proposals need to be assessed in relation to Policies DC1, DM1 and SLP6, which ensure that the development is appropriate in detail for the local area. As the area is an area of mixed use, the proposal takes account of the existing built form and is of a scale appropriate to its surroundings. To reduce the potential of a detrimental impact upon residential amenity as a result of the development, the boundary fence between the residential properties of the Furlongs and the car park will be landscaped to safeguard privacy. This will reduce any overlooking and reduce any conflict between the residential use and the business use. As the car park is proposed for the storage of cars and not an outdoor showroom, there will be no substantial increase in noise to impact on residential amenity of the neighbouring properties and appropriate conditions shall be imposed regarding controlling the use of the application site, landscaping and lighting.
- 6.4 In summary of the above, it is considered that the proposal will not have any adverse impact in relation to the adjoining residential properties, given the use of the proposed car park as storage for the existing garage on Bothwell Road and given the proposed landscape treatment along the boundary between the car parking and the adjacent dwellings.
- 6.5 The points raised in the letters of objection have been summarised in Section 3 and I am satisfied that the concerns raised do not merit refusal. Consultation was carried out and no objections to the proposal were raised, however a number of conditions have been recommended and these have been attached where appropriate.

6.6 I am satisfied that the proposal complies with local plan policy and will not have an adverse impact upon the amenity of the adjoining residential area.

7 Reasons for Decision

7.1 The proposal has no adverse impact upon the residential or visual amenity of the surrounding area and complies with Policies RES1, ED7 and DC1 of the adopted Hamilton District Local Plan, Policies RES6 and DM1 of the Finalised South Lanarkshire Local Plan (After Modifications) and Policy SLP6 of the South Lanarkshire Planning Policies.

Iain Urquhart
Executive Director
(Enterprise Resources)

3 November 2008

Previous References

◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - Scottish Water 08/03/2006
 - Roads and Transportation Services (Hamilton Area) 07/06/2006
 - Power Systems 27/04/2006
 - Environmental Services 04/07/2006
- ▶ , Representations
 - Representation from : Hamilton Park Racecourse, The Racecourse, Bothwell Road, Hamilton, ML3 0DW, DATED 09/01/2006
 - Representation from : A. Callaghan, 4 The Furlongs, Hamilton, ML3 0BW, DATED 24/07/2006 and 19/12/2006

Contact for Further Information

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

Alisdair Simpson, Planning Officer, Brandon Gate
Ext 3598 (Tel :01698 453598)
E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

CONDITIONS

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That before car park hereby approved is completed or brought into use, all of the parking spaces (2.5m x 5m modules) shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.
- 3 Between the hours of 0800 and 2000 the measured noise level emitted from the premises (LAeq (1hour)) shall not exceed the pre-existing background noise level (LA90(1/2hour)) by more than 4dB (A) when measured in accordance with BS4142:1997 at buildings where people are likely to be affected.
Between the hours of 2000 and 0800 the noise emitted from the premises (LAeq (5mins)) shall not exceed the pre-existing background noise level (L A90 (1/2hour)) by more than 4dB(A) when measured in accordance with BS4142:1997 at buildings where people are likely to be affected.
- 4 The use of the premises (with the exception of maintenance works not audible outside the premises), shall be restricted to the following hours of operation:
Mondays to Fridays: Between 8:00am and 7:00pm
Saturdays: Between 8:00am and 1:00pm
Sundays: No audible activities.
- 5 That within two months of the date of this consent, a adequate drainage system shall be installed within the development site without detriment to properties, within or outwith the development site and the applicant shall take account of additional surface water run-off from adjacent higher ground to the satisfaction of the Council as Planning Authority.
- 6 That within two months of the date of the decision notice, full details of boundary landscaping along the South boundary marked of the site yellow on the approved plans shall be submitted to the Council as Planning Authority for written approval. Once approved the scheme shall be implemented within the next available planting season and maintained to the satisfaction of the Council as Planning Authority.
- 7 That within two months of the date of this consent, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council as Planning Authority.
- 8 That the car park hereby approved shall be used as a storage area only and not as an outdoor showroom for the adjacent garage.
- 9 Before the associated floodlighting is brought into operation, the lamps shall be cowed to prevent spillage of light onto the adjacent properties, all to the entire satisfaction of the Council as Planning Authority:

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure the provision of adequate parking facilities within the site.
- 3 To minimise noise disturbance to adjacent occupants.
- 4 To minimise noise disturbance to adjacent occupants.
- 5 In the interests of amenity and in order to retain effective planning control.
- 6 In the interests of the visual amenity of the area.
- 7 These details have not been submitted or approved.
- 8 In the interests of amenity and in order to retain effective planning control.
- 9 In the interests of amenity.

HM/06/0178

18 Bothwell Road, Hamilton

Planning and Building Standards Services

Scale: 1: 2500

For information only

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