	<h1>Report</h1>	Agenda Item <h1>12</h1>
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Report to:	Planning Committee
Date of Meeting:	20 March 2007
Report by:	Executive Director (Enterprise Resources)

Application No	HM/06/0565
Planning Proposal:	Demolition Of Existing Flatted Blocks And Erection Of 24 Dwellings

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Clyde Valley Housing Association
- Location : Westwood Crescent/Buchanan Crescent
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

None

3 Other Information

- ◆ Applicant's Agent: Michael and Sue Thornley Architects
- ◆ Council Area/Ward: 37 Hamilton Centre/North
- ◆ Policy Reference(s): **Hamilton District Local Plan**
Policy RES 1 – Residential Areas – General
Policy DC 1 – Development Control – General
Policy CU4 - Retention of Open Space
Provision/Joint Use of Facilities.
South Lanarkshire Local Plan Finalised Plan
Policy RES 6 – Residential Land Use Policy
Policy DM1 - Development Management
Policy ENV1 – Priority Greenspace Land Use
Policy ENV2 – Green Network Policy

- ◆ Representation(s):
 - 0 Objection Letters

◆ Consultation(s):

Environmental Services

Roads and Transportation Services (Hamilton Area)

Scottish Water

S.E.P.A. (West Region)

Enterprise Resources - Estates

TRANSCO (Plant Location)

Power Systems

S.E.P.A. (West Region) (Flooding)

Roads & Transportation Services H.Q. (Flooding)

Planning Application Report

1 Application Site

- 1.1 This planning application site is located within an existing established residential area in the Laighstonehall area of Hamilton. The area comprises a high density post war local authority housing estate in close proximity to Hamilton Town Centre. Adjacent to the main collection of buildings to which the application relates is a significant area of open amenity space which features both a large grassed area and mature trees, with Cadzow Burn running along the rear of this area. Whilst a section of this area of open space is included within the application site only a very minor area, situated to the north of the site will be incorporated within the developed area and will be utilised as garden ground with the remainder of the area of open space within the application site being landscaped to improve the visual amenity of the area and enhance the provision of recreational open space within this established residential area

2 Proposal(s)

- 2.1 It is proposed by the applicant to demolish 20 dwellings of existing housing stock, consisting of 4 blocks of flats and 1 terrace row and replace them with 24 new build dwellings consisting of the erection of 6 single storey terraced bungalows, (2 blocks of 3) 14 two storey semi-detached properties and 4 two storey cottage flats. All properties are proposed to be two bedrooms and each will incorporate 2 parking spaces within the curtilage. The applicant has expressed a desire to use a facing brick finish as opposed to the render prevalent in the surrounding area, to improve the long term appearance of the area and reduce the impact of weathering that the existing housing stock currently suffers from. The facing brick proposed will be complementary to that of the existing housing stock.
- 2.2 Originally it was proposed by the applicant that in addition to the minor area of open space to the north of the site which was incorporated into the developed area for use as garden ground, three terraced properties would be erected wholly within the open amenity space to the south east of the site adjacent to the existing residential area. However, after discussions with the Planning Services Plots 4, 5, 6, 7 and 8 have been re-orientated to ensure that there is no further encroachment into the amenity space and that the integrity of the open space is maintained.

3 Background

3.1 Local Plan Status

- 3.1.1 Within the adopted Hamilton District Local Plan the main part of the application site is identified as a general residential area and is therefore affected by Policy RES1, Residential Areas General. This policy states that within areas identified primarily for residential use, the Council will oppose the loss of houses to other uses and resist any development which will be detrimental to the amenity of these areas. In addition this policy states that the Council will seek to maintain and improve open spaces within housing areas for both amenity and active recreation, at least to the existing standard of provision. There will be a presumption against the development of such open space for housing or other purposes. The residential status of the application site is supported by the Finalised South Lanarkshire Local Plan in which Policy RES6 – Residential Land Use – applies.
- 3.1.2 Policy DC1, Development Control General, of the adopted Hamilton District Local Plan also applies. This policy states that all planning applications shall fully take into account the local context and built form - i.e. development should not take place in

isolation and must take cognisance of scale, position and materials of adjacent buildings and surrounding streetscape. Policy DM1 – Development Management – as contained within the Finalised South Lanarkshire Local Plan supports this policy.

- 3.1.3 Part of the application site extends on land affected by Policy CU4 - Retention of Open Space Provision/Joint Use of Facilities as identified in the adopted Hamilton Local Plan. This policy states that the Council will continue to review the provision of open space in the district and upgrade and expand existing facilities, where appropriate. The Council, in recognising the contribution of public and private open space and the role of private clubs within the district, will oppose any loss of these facilities to other land uses.
- 3.1.4 Within the Finalised South Lanarkshire Local Plan this area of land is affected by Policy ENV1 – Priority Greenspace Land use. This Policy states that the Council will seek to protect and enhance priority areas of green space as identified on the Proposals Map. The loss of such space will not be supported. Partial loss will only be justified where it can be demonstrated that: the retention or enhancement, including positive management of the area to be retained can be best achieved by the redevelopment of part of the site which would not affect its recreational, amenity or biodiversity value; and compensatory provision of at least equal area, quality and accessibility is provided.
- 3.1.5 The area is further affected by Policy ENV2 – Green Network Policy. This policy states that the Council will seek to protect and support actions to enhance the Local Green Network as identified on the Proposals Map. Development that is likely to have an adverse effect on its connectivity or its value for biodiversity or as an amenity, will not be supported. Loss of an area in whole or in part will only be permitted where it can be demonstrated that development will enhance the existing situation in respect of wildlife, biodiversity, townscape quality and character, amenity and access.

3.2 Relevant Government Advice

- 3.2.1 There is no government advice relevant to this application.

3.3 Site History

- 3.3.1 There are no planning applications on this site relevant to the current application.

4 Consultation(s)

- 4.1 **Roads and Transportation Service** – The Service has advised that a number of criteria will be required to be met namely
- i) a Stopping Up Order will be required for the public footpath crossing Plot 5
 - ii) no parking should be accessed of lay-bys
 - iii) 200% parking shall be provided for the development
 - iv) driveways should be accessed via dropped kerbs, with the first two metres of driveways be constructed of non deleterious material
 - v) that street lighting columns may have to be relocated at the applicant's expense.

Subject to these conditions being adhered to the Service offers no objections to the proposal.

Response: Noted. The applicant has agreed to meet these requirements. The appropriate conditions and informatives shall be attached to any consent issued.

- 4.2 **Environmental Services** – Have made a number of comments on the application including that hours of construction should be controlled; that prior to the demolition of existing structures an asbestos survey should be undertaken; and all mechanical air handling / air conditioning plant shall be suitably isolated from the structure of the building.

Response: Noted. The appropriate conditions and informatives shall be attached to any consent issued.

- 4.3 **Scottish Water**– Do not object to the proposed development. Advised of potential issues within the Water Network that may serve the proposed development; that a totally separate drainage system will be required with the surface water discharging to a suitable outlet; and that Scottish Water supports the principles of SUDS and that the developer should consider utilising this in the surface water drainage design.

Response: Noted. The appropriate conditions and informative shall be attached to any consent issued.

- 4.4 **SEPA** – Initially objected to the proposed development due to the close proximity of the Cadzow Burn in relation to the application site and the lack of information that was contained within the planning application in respect to the risk of flooding. SEPA recommended that a flood risk assessment be undertaken to quantify the risk to the development and ensure compliance with SPP7, Planning and Flooding. A Flood Risk Assessment was undertaken by the applicant and SEPA have now accepted that the development is likely to be outwith the 200-year flood envelope and that the risk of flooding is likely to be low. As a consequence SEPA has removed its objection to the proposed development, but due to the lack of technical information supplied in the FRA, requested that additional information in respect of the 200 year flow, 200 year water level and the water level at the weir be supplied prior to granting planning permission and that the Council's Flood Prevention Unit be consulted on this matter.

Response: Noted. The Flood Risk Assessment is now to the satisfaction of SEPA and their initial objection to the proposed development has now been withdrawn. In addition, the additional information requested has subsequently been submitted and forwarded to the Council's Flood Prevention Unit. They have accepted the terms of the calculations and have confirmed that the potential flood risk issue has been resolved to their satisfaction.

- 4.5 **Roads and Transportation Service (HQ) Flooding:** Requested various calculations be submitted regarding water attenuation and flooding. This information has been submitted to the Service who have accepted the terms of the calculations and have confirmed that the potential flood risk issue has been resolved to their satisfaction.

Response: Noted.

- 4.6 **Estates Services** – Have no objections to the proposed development.

Response: Noted.

- 4.7 **TRANSCO:** Advised of the presence of low/medium/intermediate pressure gas mains in the proximity of the application site.

Response: Noted. The appropriate informative shall be attached to any consent issued.

- 4.8 **Scottish Power:** Advised that Scottish Power has apparatus within/adjacent to the site which may require alteration or protection, depending on the extend of the development.

Response: Noted. The appropriate informative shall be attached to any consent issued.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the application was advertised as Development Potentially Contrary to the Development Plan during which period no letters of representation were received.

6 Assessment and Conclusions

- 6.1 This planning application relates to the demolition of existing housing stock and the erection of replacement terraced, semi-detached and flatted properties. The main determining factors in assessing the planning application relate to its ability to comply with relevant local plan policy, its impact upon the character and amenity of the surrounding area and any potential flooding issues.
- 6.2 Within the adopted Hamilton District Local Plan and the Finalised South Lanarkshire Local Plan the application site is primarily identified as a residential area and as such is affected by Policies RES1 and RES6 respectively. Due to this the principle of the development is acceptable throughout the majority of the application site. However, it is acknowledged that Policy RES1 contains a presumption against the loss of open space to other uses and that the proposal necessitates a minor encroachment into the open space area. However, this area will be utilised as garden area. It is therefore considered that this minor encroachment is justified in this instance as the application will not have any adverse impact on the landscape character of the area and the development will greatly enhance the visual amenity of the surrounding area. In addition this proposal will allow for the upgrading and positive management of the open space area within the application site which will be to the benefit of the surrounding residents
- 6.3 In terms of Policies DC1 of the adopted Local Plan and DM1 of the Finalised Local Plan it is necessary to ensure that the proposed development reflects the local context and built form. The proposed development represents the removal of the final lasting examples of flatted and terraced properties from the area. Within the immediate vicinity the principle style of housing stock are semi-detached properties. Whilst there are two terraced blocks proposed to be re-instated into the development these are shorter blocks than the ones being removed and the remainder of the proposed properties are semi-detached and flats. As such it is considered that the proposed development adequately reflects the local context and built form of the surrounding area. In terms of materials, a condition shall be attached to ensure that samples of materials proposed are provided to the Planning Service for consideration prior to the commencement of development. Notwithstanding this, the applicant has expressed their desire to use facing brick as opposed to the render prevalent within the surrounding area. It is considered by the Planning Service that the use of facing brick will improve the long term appearance of the area and be less susceptible to the weathering that the rendering in the existing housing stock suffers from. The proposed development is therefore considered to comply with Policy DC1 of the adopted Hamilton District Local Plan and Policy DM1 of the Finalised South Lanarkshire Local Plan.

- 6.4 However, as stated earlier in the report, a small section of the development site extends onto the open area of land adjacent to the existing residential area. This amenity space is affected within the adopted Hamilton District Local Plan by Policy CU4 – Retention of Open Space Provision/Joint Use of Facilities. For this reason, and the policy conflict identified in paragraph 6.2 above the planning application has been advertised as Development Potentially Contrary to the Development Plan. Due to the small amount of the application site that extends into the area of open space, however, it is considered that the application will not affect the quality or character of the area of open space. As such it is considered that a departure from policy is justified and that the approval of this application will not unduly affect the Council's adopted policy on the loss or the retention of open space.
- 6.5 In terms of the Finalised South Lanarkshire Local Plan, the open area is affected by Policy ENV1 and ENV2. Policy ENV1 states that the partial loss of such areas will only be justified where it can be demonstrated that the retention or enhancement including positive management of the area to be retained can be best achieved by the redevelopment of part of the site; and that compensatory provision of at least equal area, quality and accessibility is provided in the locality. Policy ENV2 states that development that is likely to have an adverse effect on its connectivity or its value for biodiversity or as an amenity, will not be supported. Loss of an area in whole or in part will only be permitted where it can be demonstrated that the development will enhance the existing situation in respect of wildlife, biodiversity, townscape quality and character, amenity and access. Originally it was the applicants intention that a far greater area of the amenity open space would be incorporated into the developed area with three terraced properties located to the south east of the site adjacent to the existing residential area erected wholly within the amenity space which would be to the overall detriment of the area. . However, after discussions with the Planning Services Plots 4, 5, 6, 7 and 8 have been re-orientated to ensure that there is no major encroachment into the amenity space and that the integrity of the open space is maintained. Due to the small area of land that is proposed to be developed on and the minimal impact it will have upon the area as a whole, and that the works represent stock improvement by a Housing Association it is considered that a departure from policy is justified in this instance.
- 6.6 In terms of the impact upon amenity, the proposed layout complies with the Councils Residential Development Guide while the residential amenity of existing houses adjacent to the site will not be adversely affected as detailed in paragraph 6.3.
- 6.7 The proposed layout features the intentional formation of a landlocked area of land to the rear of existing and proposed properties. This has been formed by the applicant to improve the security situation of the properties in this area to ensure that no access can be gained to the rear of the properties. A condition shall be attached to any consent issued to obtain detailed landscaping plans which should feature low lying dense shrubbery – preferably of a thorny variety to prevent access in the area.
- 6.8 The proposed development will significantly improve the appearance of the housing stock within the area as well as improving the amenity of the area through the replacement of existing poor quality housing and its replacement with new build properties. The materials proposed to be used by the applicant have been selected to ensure long term durability and that the housing continues to contribute to the amenity of the area.

- 6.9 In terms of flooding, potential flooding issues associated with the development have been fully addressed. A Flood Risk Assessment was undertaken by the applicant which confirmed that the development is likely to be outwith the 200 year flood envelope and that the potential flood risk is likely to be low. This assessment has been accepted by both SEPA and the Roads and Transportation Service (Flooding), as such this issue raises no concerns.
- 6.10 The proposal is contrary to the adopted Hamilton District Local Plan as part of the site forms an area of open amenity space and is therefore affected by Policy RES1 and Policy CU4 of the Hamilton District Local Plan. I am of the view, however, that a departure from the development plan is justified in this case for the following reasons:
- a) The area of the application site that extends into the area of amenity space represents a very small section of the development site. Consequently, although the development will impinge upon the area of amenity space, it will not adversely affect the character of the area. As such a departure from Policy RES1 and Policy CU4 of the Hamilton District Local Plan is considered acceptable.
 - b) The works represent an improvement of housing stock by a Housing Association which would help in the improvement of the surrounding area.
 - c) The amended proposal raises no environmental issues nor infrastructure considerations.
 - d) Potential flooding issues associated with the development have been fully addressed.

7 Reasons for Decision

- 7.1 For the reasons set out in paragraph 6.10 above.

Iain Urquhart
Executive Director (Enterprise Resources)

5 March 2007

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - Power Systems 17/08/06
 - Roads and Transportation Services (Hamilton Area) 21/11/06
 - S.E.P.A. (West Region) 26/09/06
 - S.E.P.A. (West Region) (Flooding) 11/01/07

- ▶ Representations
None

Contact for Further Information

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

Christine Laird, Planning Officer, Brandon Gate, Hamilton
Ext 3551 (Tel : 01698 453551)
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 the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 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.
- 4 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.
- 5 That before the development hereby permitted is occupied or brought into use, all the fences or walls for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 4 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 6 That before any of the dwellinghouses shaded ORANGE on the approved plans are occupied, a 1.8 metre high close boarded screen fence shall be erected along the boundary marked YELLOW on the approved plans.
- 7 That before the development hereby approved is brought into use, a dropped kerb accesses to the site shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.
- 8 That before the development hereby approved is completed or brought into use, private vehicular accesses or driveways of at least 6 metres in length shall be provided and the first 2 metres of this access from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.
- 9 That before the development hereby approved is completed or brought into use, 2 parking spaces shall be laid out within the curtilage of two and three bedroom houses, and 3 parking spaces shall be laid out within the curtilage of four bedroom houses and thereafter maintained to the specification of the Council as Roads and Planning Authority.
- 10 That no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.

- 11 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 requirements.
- 12 That prior to demolition the existing structure(s) requires to be surveyed in accordance with MDHS100 'Surveying and Sampling of Asbestos Containing Materials' and HSG 227 'Comprehensive Guide to Managing Asbestos in Premises' by a suitably competent person with UKAS accreditation for conducting asbestos surveys.

Once this survey has been completed, a risk assessment requires to be formulated, by a suitably accredited and competent person, which takes cognisance of the conclusions of the survey and which considers the safe removal and disposal of any identified asbestos in accordance with the Control of Asbestos at Work (as amended) Regs 2002 and the Environmental Protection (Duty of Care) Regs 1991.

This risk assessment requires to be forwarded to the Planning Authority from whom approval is required prior to the commencement of works.

The recommendations made in the approved report require to be implemented to the Council's satisfaction and confirmation of this provided to the Planning Service.
- 13 That before any work commences on the site, a scheme of landscaping ,for the area shaded green on the approved plan,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.; (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.
- 14 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.
- 15 That notwithstanding condition number 13 above, prior to the commencement of development a detailed scheme of landscaping shall be provided to the Planning Service for the area hatched BLUE which should include low lying dense vegetation of a thorny variety that is adequatley designed to prevent access in the area to the satisfaction of the Council as Planning Service.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 These details have not been submitted or approved.
- 5 In the interests of amenity and in order to retain effective planning control.

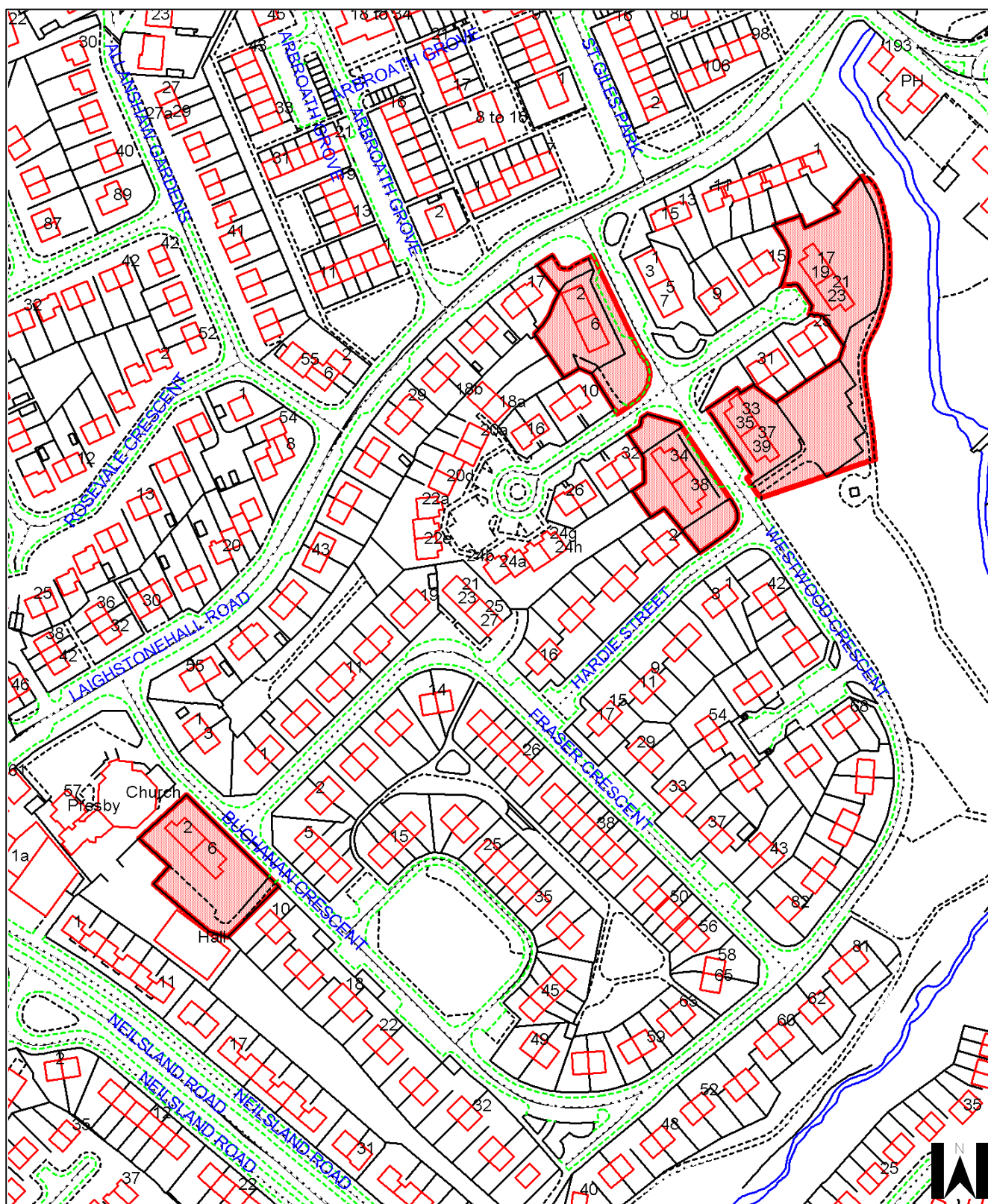
- 6 In the interests of amenity and in order to retain effective planning control.
- 7 In the interest of public safety
- 8 To prevent deleterious material being carried into the highway.
- 9 To ensure the provision of adequate parking facilities within the site.
- 10 To ensure the provision of a satisfactory sewerage system
- 11 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.
- 12 To ensure that any asbestos identified on site is adequately dealt with.
- 13 In the interests of the visual amenity of the area.
- 14 In the interests of amenity.
- 15 In the interests of security of properties surrounding the area of land in question.

INFORMATIVES

- 1 The developer should note the presence of Low/Medium/Intermediate Pressure gas main in the proximity of the application site. No mechanical excavations are to take place above or within 0.5m of the Low pressure system, 2m of the medium pressure system and 3 metres of the intermediate pressure system. The position of mains should where required be confirmed using hand dug trial holes.
- 2 The developer should be aware that Scottish Power has apparatus within/adjacent to the application site which may require alteration or protection, depending on the extent of the development. The cost of any such work will be fully rechargeable, as will the repair costs associated with any damage to this apparatus during the development work. The developer should advise Scottish Power if their proposals are likely to affect any apparatus.
- 3 It should be noted that street lighting columns may have to be relocated at the applicant's expense.

For information only

For information only



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