	<h1>Report</h1>	Agenda Item <h2>9</h2>
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Report to:	Planning Committee
Date of Meeting:	20 March 2007
Report by:	Executive Director (Enterprise Resources)

Application No	HM/06/0167
Planning Proposal:	Erection of 43 Flatted Properties with Associated Parking, Access and Landscaping

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Consort Homes (Scotland) Ltd
- Location : Eddlewood Farm
Strathaven 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

The Planning Committee has delegated powers to determine this application

3 Other Information

- ◆ Applicant's Agent: Drewdeans Design
- ◆ Council Area/Ward: 50 Cadzow
- ◆ Policy Reference(s): **Hamilton District Local Plan**
Policy RES1 – Residential Areas General
Policy DC1 - Development Control General
Finalised South Lanarkshire Local Plan
(after modifications)
Policy RES6 – Residential Land Use
Policy ENV11 – Design Quality
Policy ENV30 – New Housing Development
Policy DM1 – Development Management

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

◆ Consultation(s):

Roads & Transportation Services H.Q. (Flooding)

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

Roads and Transportation Services (Hamilton Area)

Scottish Water

Environmental Services

TRANSCO (Plant Location)

Hamilton Centre/Ferniegair Community Council

Planning Application Report

1 Application Site

- 1.1 The application site, which extends to 0.73 hectares in area, is located adjacent to a petrol filling station on Strathaven Road, located on the southern periphery of Hamilton. The site features residential boundaries to the south and west with the petrol filling station located to the north. To the east of the site runs Strathaven Road with further residential properties located beyond this. At the south eastern corner of the application site is a roundabout that provides access to both Galloway Avenue and Carscallan Road.
- 1.2 The application site slopes down from south to north, with a further slight slope from west to east. While the majority of the site is vacant, there are a number of general industrial buildings on site. The application site is currently fenced along the boundary with Strathaven Road, with further assorted fencing defining the northern boundary with the petrol filling station.

2 Proposal(s)

- 2.1 It is proposed to clear the site and erect 43 flatted properties in the form of five separate blocks. The blocks would vary between two and three storeys in height. The two most northerly blocks, adjoining the petrol filling station, are proposed to stand at three storeys in height, while the southern and western blocks which are in close proximity to the rear of the residential properties at Galloway Avenue are a combination of two and three storeys in height. A further three storey block is located between these units towards the centre of the application site.
- 2.2 The properties proposed are all two bedroom flats and adequate on site parking has been provided within the site. It is proposed to access the application site from the existing access point off Strathaven Road. The applicant proposes to use a mixture of render, facing brick and roof tiles as external finishes, to complement the nearby residential dwellings.
- 2.3 Originally the proposal was for 46 flatted units however in order to satisfy Roads Services criteria and to resolve possible drainage issues with regard to the maintenance and replacement of an existing culvert located within the site, the proposed layout was amended to its present form to accommodate and resolve these concerns.
- 2.4 A Road Traffic Noise Assessment has also been submitted in support of the proposals.

3 Background

3.1 Local Plan Status

- 3.1.1 The application is affected by Policy RES1 – Residential Areas General – as contained within the adopted Hamilton District Local Plan. 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 the application site is also affected by Policy RES6 – Residential Land Use Policy – as identified within the Finalised South Lanarkshire Local Plan. This policy states that within these areas, the Council will

oppose the loss of houses to other uses and will resist any development that will be detrimental to the amenity of those areas. In particular the Council will not approve 'bad neighbour' uses which may by virtue of visual impact, noise, smell be detrimental to residential areas.

3.1.2 Policy DC1 – Development Control General of the adopted Plan and Policy DM1 – Development Management Policy of the finalised plan – should also be referred to. These policies state 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 be compatible with adjacent buildings and surrounding streetscape in terms of scale, position and materials

3.1.3 Policy ENV11 – Design Quality Policy from the finalised SLLP – states that the quality of the design and layout of new developments must be such that they can demonstrate the application of the principles of sustainable development and make a positive contribution to the character and appearance of the urban or rural environment in which it is located. In addition Policy ENV30 – New Housing Development Policy from the finalised SLLP – states that in assessing new housing developments, the Council will seek well designed proposals which integrate successfully with their surroundings and which are well related to existing development, public transport, local services and facilities.

3.2 Relevant Government Guidance

3.2.1 Scottish Planning Policy 3 (Planning for Housing) advises that planning authorities should promote the re-use of previously developed land in preference to Greenfield land, provided a satisfactory residential environment can be created, as this can take advantage of existing infrastructure and public amenities. The guidance further encourages the creation of mixed residential communities through the provision of a range of house types and tenures. Housing is seen as complementing other forms of new development and acting as a catalyst for regeneration.

3.3 Site History

3.3.1 There are no previous planning applications relevant to this application.

4 **Consultation(s)**

4.1 **Roads and Transportation Service** – Made a number of comments on the application relating to sight lines, parking provision and bin stores. Amended plans have been received and the Roads and Transportation Service have advised that they are satisfied that the amended proposals are acceptable subject to conditions.

Response: Noted. Appropriate conditions will be attached to the consent

4.2 **SEPA** – Raised no objections to the proposal, but offered a number of comments including a request of written assurance from Scottish Water that the additional flow arising from this development will not cause or contribute to the premature operation of the consented storm overflows. Scottish Water should further confirm that there is capacity at the appropriate Waste Water Treatment Works for the development. Surface water should be treated in accordance with the principles of SUDS. The design of the system should be site specific and take into consideration any contamination or remediation strategy required on site. Suitable provision should be made with regard to space for waste storage at individual properties and the development as a whole.

Response: Noted. The appropriate conditions will be attached to any consent issued.

- 4.3 **Scottish Water** – Formally objects to the proposed development, although this objection can be withdrawn subject to compliance with a number of criteria. An agreement must be reached by the applicant with Scottish Water for the provision of a drainage and/or water scheme to serve the development. The applicant must apply to Scottish Water for permission to connect to the public wastewater system and/or water network.

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

- 4.4 **Roads and Transportation Service – Flooding** – Originally had serious reservations about the proposals due to the impact they would have on an existing culvert. However, they have now made a number of observations on the amended proposals with regards to issues relating to flooding both within and outwith the site and have requested a number of conditions be added to any consent to minimise any potential flood risk. These conditions relate to the submission of a Drainage Impact Assessment which will include details in respect of surface water drainage in accordance with S.U.D.S. In addition a 30 year post development critical storm for the development site is to be attenuated within the underground drainage system to appropriate standards. Furthermore, the difference between the 30 Year and 200 Year Post Development Critical Storms for the development site is to be accommodated within the development site without detriment to properties, within or outwith the development site. In addition the applicant must provide a “No built Wayleave” of 6 metres width to allow access for future maintenance, remedial or replacement works to the culvert. To ensure the above criteria are met a Design/Check Certificate together with a Method Statement detailing proposed construction details and possible future remedial works must be provided by the applicant.

Response: Noted. The applicants have reduced the scheme from 46 flats to 43 flats to accommodate the restrictions in respect of the culvert. Amended plans have been received and the Roads and Transportation Service (Flooding) have advised that they are satisfied with the amended design. In addition the appropriate conditions requested shall be attached to any consent issued.

- 4.5 **Environmental Services** – Have recommended that audible construction activities are restricted to certain hours and requested that a report compiled by a competent person be produced looking at the suitability of the site for residential development due to its proximity to Strathaven Road.

Response: The issue of restricting construction noise and controlling of dust arising from the site are normally matters that are best controlled through Environmental Services legislation. Due to the proximity of the site to surrounding residential development, however, it has been considered prudent of the Planning Service to attach a condition restricting the hours of construction in order to protect residential amenity. The Noise Impact Assessment has been undertaken and subject to the appropriate conditions being added to the consent with regard to minimizing the noise caused by the traffic on Strathaven Road, the site is considered suitable for residential development.

- 4.6 **TRANSCO** – The presence of Low/Medium/Intermediate pressure gas mains have been identified in the proximity of the site. The position of the gas mains should be confirmed using hand dug trial holes where required.

Response: Noted. An informative note will be added to any consent issued to ensure that the developer takes due heed of this.

4.7 **Hamilton Centre/Ferniegair Community Council** – No response to date

Response: Noted.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken during which period 2 letters of representation were received in relation to the application. Issues raised are as follows:

(a) There is a concern that the development will result in a reduction in the privacy currently enjoyed by residential properties surrounding the application site. It is further raised as a concern that the increase in noise and pollution from vehicles will have a detrimental impact upon my property.

Response: Noted. In terms of the impact upon privacy of surrounding residential properties, the original scheme submitted by the applicant included two points at which a number of windows were within 20 metres of windows of the surrounding residential properties and as such did not comply with the Council's Residential Development Guide. This has been amended and the scheme now achieves all requirements in terms of window to window distances. With regards noise and pollution from vehicles having a detrimental impact upon surrounding residential properties, it is considered that this is not a significant issue which would warrant refusal of the application. Furthermore, Environmental Services have not raised this issue within their consultation response in relation to this matter. In addition, appropriate boundary treatment will be conditioned.

(b) The development will result in the loss of sunlight to neighbouring properties.

Response: It is considered by the Planning Service that the proposed blocks are of a sufficient distance away from the boundaries of the site as to minimise any overshadowing that may occur as a result of the development. It should further be noted that the majority of the three storey blocks are located away from any surrounding residential properties. Where a three storey block is located nearer to adjoining residential properties, the block has been reduced in height from that originally submitted to ensure that the residential amenity of the properties is maintained.

(c) The noise of building work will be considerable and there is children's sleeping arrangements as well as work shifts to take into consideration.

Response: It is accepted that construction work must occur when development takes place. In order to attempt to minimise the impact upon the adjoining residential properties, however, a condition shall be attached to any consent issued restricting construction noise to those hours as recommended by Environmental Services in their consultation response.

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

6 Assessment and Conclusions

6.1 This planning application relates to the erection of 43 flatted properties with associated parking and accessing. The main determining factors in considering this

planning application relate to its ability to comply with relevant national and Local Plan policies, the impact upon the amenity of adjoining residents and the area in general as well as any infrastructure implications.

- 6.2 In terms of Government Advice, Scottish Planning Policy 3 (Planning for Housing) advises that planning authorities should promote the re-use of previously developed land in preference to Greenfield land, provided a satisfactory residential environment can be created, as this can take advantage of existing infrastructure and public amenities. The guidance further encourages the creation of mixed residential communities through the provision of a range of house types and tenures. The proposal involves the re-use of a previously developed site and also takes advantage of existing infrastructure. It should further be noted that the development would introduce a flatted development into an area which is largely formed of principally detached and semi-detached properties and would therefore be representative in the introduction of a range of house types into the area. It is considered that the development complies with SPP3.
- 6.3 In terms of local plan policy, the site is affected by Policy RES1 – Residential Areas General – as identified within the adopted Hamilton District Local Plan and Policy RES6 – Residential Land Use – as identified in the finalised SLLP. These policies state 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. It is considered that the proposed development complies with Policy RES1 and Policy RES6 and as such it is necessary to consider the detail of the proposed development.
- 6.4 Policy DC1 of the adopted Hamilton District Local Plan and Policy DM1 of the Finalised South Lanarkshire Local Plan should also be referred to. These policies state that it is necessary to ensure that the proposed development reflects the local context and built form. The proposal has been designed well to integrate with the surrounding residential properties in terms of scale with the 2 storey element of the proposal adjoining the existing 2 storey residential properties. In addition all proposed external finishes will be to complement the existing dwellings. As such it is considered that the proposed development adequately reflects the local context and built form of the surrounding area. In terms of ensuring that the materials used will complement the existing dwellings, 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. 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.
- 6.5 Policy ENV11– Design Quality of the finalised SLLP states that new developments must demonstrate the application of the principles of sustainable development and make a positive contribution to the character and appearance of the urban or rural environment in which it is located. In addition Policy ENV30 – New Housing Development Policy – which states that in assessing new housing developments, the Council will seek well designed proposals which integrate successfully with their surroundings and which are well related to existing development, public transport, local services and facilities. It is considered that the regeneration of this site which is located in close proximity to public transport and all local services and facilities will make a positive contribution to the visual amenity of the area. The proposal has

been well designed to integrate well with and enhance the surrounding area. As such the proposal raises no issues in respect of these policies.

- 6.6 With regard to infrastructure whilst the majority of statutory consultees have raised no objections to the proposal, Roads Services (Flooding) raised a number of concerns in respect of possible flooding and damage to the existing viaduct. However after lengthy discussions with the applicant and amendment to the original layout, they are satisfied that any outstanding issues can be resolved through the attachment of appropriate conditions. Whilst Scottish Water formally objected to the proposals, appropriate planning conditions attached to any consent granted, will deal with their concerns.
- 6.7 In terms of the objections received these are not considered sufficient to merit refusal of the application.
- 6.8 In terms of the scale of the proposed development, it is considered that the proposal accords with the Councils Residential Design Guide and that the design and layout of the development will assist in making a positive contribution to the appearance and amenity of this area, without detriment to the surrounding residential properties.
- 6.9 In normal circumstances a financial contribution would be required for a development of this nature. However, Community Resources have confirmed that there are no Council play facilities within close proximity to the site and that these facilities should be provided within the development site. I am satisfied that there is sufficient amenity space within the site to serve this purpose. Consequently in this instance no financial contribution will be sought. In view of the above I recommend that consent should be granted.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on either residential or visual amenity and complies with Policies RES1 and DC1 of the Hamilton District Local Plan, Policies RES6, DM1, ENV11 and ENV30 of the South Lanarkshire Local Plan (Finalised). There are no infrastructure implications raised through the amended scheme that cannot be addressed by planning conditions.

Iain Urquhart
Executive Director (Enterprise Resources)

6 March 2007

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - Roads and Transportation Services (Hamilton Area) 04/05/2006
 - S.E.P.A. (West Region) 04/05/2006

Scottish Water	08/03/2006
Roads & Transportation Services H.Q. (Flooding)	15/08/2006
Roads & Transportation Services H.Q. (Flooding)	15/08/2006
S.E.P.A. (West Region)	11/09/2006
Roads & Transportation Services H.Q. (Flooding)	10/10/2006
Roads & Transportation Services H.Q. (Flooding)	05/10/2006

► Representations

Representation from : Alison & David McGowan, 43 Grant Court, Avongrove,
Hamilton, ML3 7UT, DATED 08/06/2006

Representation from : Alan McMullan, 53 Galloway Avenue, Avongrove, Hamilton,
ML3 7UR, DATED 11/04/2006

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 45551)
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 within 2 months of the date of this permission, 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.; (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.
- 3 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.
- 4 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.
- 5 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.
- 6 All external colours shall be agreed in writing with the Council as Planning Authority prior to the commencement of works.
- 7 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.
- 8 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 7 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 9 That before the development hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 60 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 1.05 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 1.05 metres in height shall be planted, placed or erected within these sight lines.

- 10 That audible construction activities shall be restricted to the following hours:
8.00am - 7.00pm Monday to Friday
8.00am - 1.00pm Saturday
No audible activities Sunday
- 11 Prior to commencement of work on site, a Drainage Impact Assessment shall be submitted to, and approved in writing by the Council as Planning and Roads Authority (and the Scottish Executive as Trunk Roads Authority)
- 12 That the further submission required under the terms of Condition 11 (above), shall include a detailed scheme for surface water drainage. It should be noted that the Surface water discharge from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland and shall be agreed with the Council as planning Authority and the Scottish Environmental Protection Agency (SEPA).
- 13 That the Sustainable Surface Water Drainage Scheme to be provided, will be in accordance with the Council's Design Criteria and that it will be attenuate the difference between the 200 Year post Development Critical Storm (+ 20% for Climate Change) Volume and that of the 1 in 2 Year Greenfield Release Volume.
- 14 That the piled foundations of the proposed 3 storey flatted dwelling houses will be driven to rock level and that the applicant will provide a "No build wayleave" of 6.0m width between the blocks of flatted dwelling houses to allow access for future maintenance works and that these works will be in accordance with Scottish Water requirements.
- 15 That before any work commences on site a Design/Check Certificate together with Method Statement is to be submitted detailing construction details, possible future remedial works including any temporary shoring requirements necessary for the safe execution of these works.
- 16 That before any work commences on site full construction details of the Sustainable Drainage System (SuDS) serving the proposed development are to be provided to this office to enable an assessment of the proposed drainage system to be carried out by competent Consulting Engineer commissioned by the Council.
- 17 That prior to the commencement of development on site, details of the provision of flood prevention works, together with subsequent management and maintenance arrangements shall be submitted to and approved by the Council as Planning Authority.
- 18 That no dwelling unit shall be occupied until the flood prevention measures required under Condition 12 (above) have been completed in accordance with the approved scheme.
- 19 That no dwelling unit shall be occupied until the site is served by a sewerage scheme constructed as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority

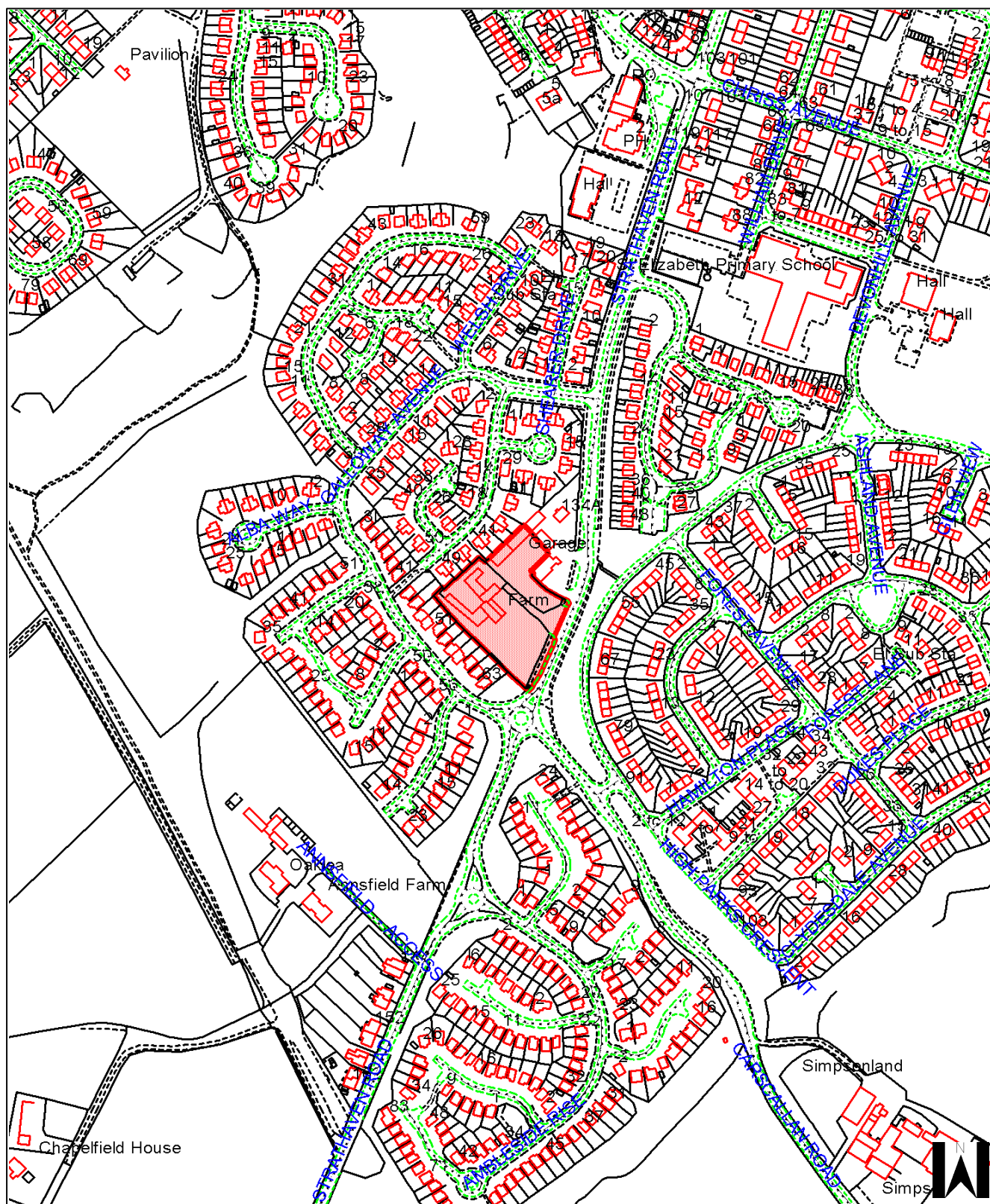
- 20 That no dwelling unit shall be occupied until the Applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish water standards.
- 21 That before any of the dwellings hereby approved are occupied the requirements of the Road Traffic Noise Assessment submitted by Hamilton & McGregor on 11 July 2006 shall be fully implemented to the satisfaction of Environmental Health Services and that all works undertaken will be to the satisfaction of the Council as Planning Authority.
- 22 That before the development starts, a report from a professionally qualified source detailing the nature, concentration and distribution of any contaminants found within the application site, shall be submitted to and approved by the Council as Planning Authority and the development shall not be commenced until such action as is recommended by this report, in order to remove, or render harmless, any such contaminants, has been implemented and completed to the full specification and entire satisfaction of the Council. The developer shall give the Council at least 7 working days notice in writing prior to the commencement of any decontamination works on the site.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of the visual amenity of the area.
- 3 In the interests of amenity.
- 4 In the interests of amenity and in order to retain effective planning control.
- 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 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 interest of road safety
- 10 In the interests of amenity and in order to retain effective planning control.
- 11 To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.
- 12 To ensure that the disposal of surface water discharge from the site is dealt with in a safe and suitable manner, to return it to the natural water cycle with minimum adverse impact on people, the environment and alleviate the potential for "off-site" flooding.
- 13 To ensure that the disposal of surface water discharge from the site is dealt with in a safe and suitable manner, to return it to the natural water cycle with minimum adverse impact on people, the environment and alleviate the potential for "off-site" flooding.
- 14 To ensure that a satisfactory means of access for maintenance can be achieved.
- 15 To ensure that the all maintenance operations can be carried out in a safe manner.
- 16 To ensure that the all maintenance operations can be carried out in a safe manner.

- 17 To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows, increased surface water run off and/or reduction of flood storage capacity.
- 18 To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows, increased surface water run off and/or reduction of flood storage capacity.
- 19 To ensure that the scheme for the disposal of sewerage is provided timeously in relation to the development of the site.
- 20 To demonstrate that a satisfactory means of sewerage management can be achieved.
- 21 To safeguard residential amenity
- 22 To ensure the site is free from contamination

For information only



For information only

