

	<h1>Report</h1>	<b>Agenda Item</b>  <h1>9</h1>
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Report to: **Planning Committee**  
 Date of Meeting: **5 December 2006**  
 Report by: **Executive Director (Enterprise Resources)**

Application No: HM/05/0312  
 Planning Proposal: Erection of 30 Flats, 38 Dwellinghouses and Formation of Park and Ride Facility for New Train Station

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Persimmon Homes West Scotland
- Location : Carlisle Road  
Ferniegair  
Hamilton

## 2 Recommendation(s)

### 2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant Detailed Planning Permission (Subject to the Conditions – Based on Conditions Listed Overleaf)

### 2.2 Other Actions/Notes

- (1) The Planning Committee has delegated Powers to determine this application.
- (2) If Committee is minded to grant consent for the proposed development the decision notice shall not be issued until the Section 75 Agreement has been concluded for the park and ride facility which was subject to planning application no. HM/03/0676.

## 3 Other Information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 47 Hamilton Centre/Ferniegair
- ◆ Policy Reference(s): **Hamilton District Local Plan (adopted)**  
 Policy EN2 – Village Envelope  
 Policy EN8 – Tree Planting/Tree Management  
 Policy RES2 – New Housing Sites  
 Policy M2 – Hamilton/Larkhall Rail Link  
 Policy M4 – Public Transport Improvements  
 Policy DC1 – Development Control – General  
 Policy DC2 – New Residential Development  
**South Lanarkshire Planning Policies**  
 SLP6 – Development Control General  
**South Lanarkshire Local Plan (finalised)**

Policy RES2 – Proposed Housing Sites  
Policy TRA6 – Bus and Railway Interchange  
Improvements Proposal  
Policy DM1 – Development Management Policy  
Policy ENV30 – New Housing Development

◆ Representation(s):

▶	2	Objection Letters
▶	0	Support Letters
▶	0	Comments Letters

◆ Consultation(s):

Strathclyde Passenger Transport

Education Resources

Environmental Services

Leisure Services

Transport Scotland

Roads and Transportation Services (Hamilton Area)

Railtrack

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

Power Systems

TRANSCO (Plant Location)

Scottish Wildlife Trust

# **Planning Application Report**

## **1 Application Site**

- 1.1 The application site is made up of two separate parcels of ground. Both areas are located to the east of Carlisle Road in Ferniegair. They are located on either side of Valleyfield Road, the new main road into the adjoining village of Allanton and are bounded to the rear by the new rail link to Larkhall.
- 1.2 The northern parcel of ground comprises of approximately 1.4 hectares and slopes down to the railway line from Carlisle Road, from west to east. It is made up of rough grassland and is interspersed with trees and shrubs. Some dumping has occurred within this ground.
- 1.3 The southern parcel of ground comprises of approximately 0.7 hectares and also slopes downwards in a west to east direction to the railway line. It is made up of rough grassland and is edged by trees and shrubs. Within the south west corner of the site there is a vacant dwellinghouse that has been bought by the applicant. To the south of this boundary is the former road into Allanton, Clyde Avenue.
- 1.4 Between these two pieces of ground is Valleyfield Road and the road is elevated to the two sites to allow access to Allanton over the new railway line.

## **2 Proposal(s)**

- 2.1 Within the northern site the applicant seeks planning permission for the erection of 38 dwellinghouses of which 32 would be terraced and 6 semi-detached providing 2-3 bedroom accommodation. Vehicular access to this site would be formed at the centre point of the frontage of the site to Carlisle Road.
- 2.2 Within the southern site the applicant seeks planning permission to form a park and ride facility for the new Chatelherault train station and to erect 30 flats. The proposed park and ride facility would be formed in the northern half of the site and would provide 93 car parking spaces and 6 disabled spaces. Access to the platform would be formed in the north eastern corner of the site and would tie in with the existing access off Valleyfield Road.
- 2.3 The proposed flats would be formed in an 'L' shaped block and would be 3 storeys in height with the corner of the block positioned in the south-eastern corner of the site. The proposed building would provide 2 bedroom accommodation and parking for the flats would be formed to the front and side. Vehicular access to the southern site would be formed near the centre of the frontage of the site and a right hand turning lane would be formed within Carlisle Road.
- 2.4 Originally the applicant sought consent for the erection of 40 flats within a four storey building and for a different housing layout within the northern site. However the mass and scale of the flats was considered to be out of keeping for the area and the proposed housing inadequately laid out and after discussion the plans were amended to reflect the above proposals.

## **3 Background**

- 3.1 Local Plan Status

- 3.1.1 Within the adopted Hamilton District Local Plan both of the sites are located within the village envelope under Policy EN2. Within these areas the Council will seek to maintain and improve the character and amenity of each settlement. Residential development will be acceptable in principle provided that proposals do not have adverse traffic, parking or service implications and the design of any development is satisfactory.
- 3.1.2 However the southern site and a small part of the northern site are also affected by Policy EN8 – Tree Management. This policy states that the Council will undertake tree planting and woodland management as part of an environmental improvement programme with the assistance of appropriate agencies, subject to suitable finance and land being made available either through ownership or lease.
- 3.1.3 In addition to the above, part of the site is identified as a new housing site under Policy RES2a. This area of ground is located within the northern parcel and is the remainder of the ground that has not been identified under Policy EN8.
- 3.1.4 In terms of movement Policy M2 – Hamilton/Larkhall Rail Link and Policy M4 – Public Transport Improvements are also applicable. Policy M2 requires the Council's support of the reinstatement of the Hamilton/Larkhall Rail Link and Policy M4 requires the Council to seek to work with operators, Passenger Transport Authorities and developers to achieve the highest level of access to public transport.
- 3.1.5 Also of relevance to this planning application are development control policies, Policy DC1 – Development Control – General and Policy DC2 – New Residential Development. Both of these policies require all development to take into account the local context and built form of the area and provide guidance as to the criteria to be adhered to. This guidance is also reflected in SLP6 – Development Control General of the South Lanarkshire Planning Policies document.
- 3.1.6 In terms of the finalised South Lanarkshire Local Plan both of the proposed housing sites are identified for this purpose under Policy RES2 and the proposed park and ride facility is also identified for this use under Policy TRA6A.
- 3.1.7 In addition to these policies, Policy DM1 – Development Management and Policy ENV30 – New Housing Development are also applicable and these broadly reflect the terms of Policies DC1 and DC2 of the adopted local plan.
- 3.2 Relevant Government Advice/Guidance
- 3.2.1 Scottish Planning Policy 3 – Planning for Housing states that Planning Authorities should promote the re-use of previously developed land in preference to greenfield land. Where brownfield and infill sites cannot meet the full range of housing requirements it will be necessary to release greenfield land next to built up areas. Where possible, most housing requirements should be met within or adjacent to existing settlements to prevent the sprawl and coalescence of settlements while making efficient use of existing infrastructure and public services to conserve natural heritage and rural amenity.
- 3.3 Planning History
- 3.3.1 In January, 2000 an application was lodged seeking outline consent for the residential development of this site together with additional land to the north, east and south of the site (Planning Application No. HM/00/0104). This application however was withdrawn and an amended outline application was submitted in

October 2003 incorporating the application site and only the additional ground to the north and east (Planning Application No. HM/03/0676).

3.3.2 This outline planning application was approved at Planning Committee on 1 March 2005 subject to a Section 75 Agreement being secured for the provision of the proposed park and ride facility. The Section 75 Agreement has been prepared and is about to be concluded. The outline consent required the submission of a masterplan and this has now been lodged. The planning application forms the first of two phases of the masterplan.

3.3.3 In addition to the above a detailed planning application has been lodged to form the main spine road to access phases 3 and 5 of the proposed masterplan. This application has been lodged in order to lay the drainage connections to allow the proposed development and phases 3 and 5 to be satisfactorily serviced (Planning Application No. HM/06/0578).

#### **4 Consultation(s)**

4.1 **Education Resources** – has no objection to the proposed development.  
**Response:** Noted.

4.2 **Scotland Gas Networks** – has no objection to the proposed development.  
**Response:** Noted.

4.3 **Environmental Services** – has no objection to the proposed development so long as conditions are imposed regarding the control of noise and dust during construction and that any contamination found within the site is remediated.  
**Response:** The control of construction noise is a matter to be dealt with under Environmental Services legislation. If planning permission is granted appropriate conditions shall be imposed for the remaining concerns.

4.4 **Network Rail** – has no objection in principle to the proposed development and their comments have been copied to the applicant.  
**Response:** Noted

4.5 **Transport Scotland** – has no objection to the proposed development.  
**Response:** Noted

4.6 **Roads and Transportation Services** – has no objection to the proposed development so long as conditions are imposed regarding access, parking, visibility splays and traffic calming.  
**Response:** Noted. If planning permission is granted appropriate conditions shall be imposed to meet there requirements.

4.7 **SEPA** – objects to the proposed development as it is understood that the adjacent public foul sewerage system does not have sufficient capacity to accept this additional loading. SEPA has stated that this matter should be clarified with Scottish Water and if the foul drainage issue can be resolved then SEPA would withdraw their objection.  
**Response:** Noted. Scottish Water has no objection to the proposal subject to adequate drainage being installed.

4.8 **Scottish Water** – would have no objection to the proposed development providing the applicant bears the cost of providing a satisfactory sewerage scheme.  
**Response:** Noted. Details of a sewage scheme are being progressed by the applicant and a suspensive condition shall be imposed in this respect if planning permission is granted.

4.9 No reply has been received to date from the Scottish Wildlife Trust, Leisure Services, Strathclyde Passenger Transport

## 5 Representation(s)

5.1 Statutory neighbour notification was carried out and two letters of objection were received based on the following grounds:

(a) **The proposed development would have a detrimental impact on the natural environment, particularly given the upheaval caused by the construction of the new rail link.**

**Response:** A masterplan for the development of Ferniegair has recently been submitted and the applicant has carried out an ecological assessment of the site and the wider area. If planning permission is approved an appropriate condition will be imposed to ensure the proposed development is effectively controlled in this respect.

(b) **The proposed development would lead to severe traffic congestion.**

**Response:** After consultation Roads and Transportation Services had no objection to the proposed development subject to conditions. These conditions shall be imposed if planning permission is granted.

(c) **The entrance to the proposed dwellinghouses will be opposite 160 Carlisle Road and will make exiting the objector's property difficult.**

**Response:** After consultation Roads and Transportation Services had no objection to the proposed development subject to conditions. These conditions shall be imposed if planning permission is granted.

(d) **The additional noise made by vehicles pulling away from the proposed housing will be detrimental to the residential amenity of 160 Carlisle Road.**

**Response:** Given this property is located adjacent to the main road to Hamilton from Larkhall. It is not considered that any additional noise generated by the proposed development would justify refusal of this planning application.

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

## 6 Assessment and Conclusions

6.1 This planning application seeks consent for the erection of 38 dwellinghouses, 30 flats and the formation of a park and ride facility at Chatelherault train station at Carlisle Road, Ferniegair. The main issues in determining this application are local plan policy, site history, drainage, traffic and road safety implications and impact on residential amenity.

6.2 In relation to local plan policy, the application site is divided into two parcels of ground and both of these sites are located within the village envelope of Ferniegair under Policy EN2 of the adopted Hamilton District Local Plan. Within these areas

residential development is acceptable in principle provided that proposals do not have adverse traffic, parking or servicing implications and the design is acceptable.

- 6.3 In addition to this designation both sites are also affected by Policy EN8 – Tree Management whereby the Council will promote tree planting and woodland management. However given the application site has outline planning consent for residential development it is considered that the principle of the development of this land for residential use has been established. Furthermore this use has been reflected under Policy RES2 of the Finalised South Lanarkshire Local Plan.
- 6.4 In terms of movement Policies M2 and M4 of the adopted Hamilton District Local Plan have identified the importance of the reinstatement of the Hamilton/Larkhall Rail Link and the support of public transport, respectively and the creation of the proposed park and ride is in accordance with these policies as well as being in accordance with the terms of the outline consent and Section 75 Agreement for the site. With regard to the finalised local plan the identification of this facility is also reflected in Policy TRA6 of the plan.
- 6.5 In terms of drainage Ferniegair's existing infrastructure is insufficient to take the additional load that would be generated by this proposal, SEPA have objected to the proposal on this basis but they have stated that they would withdraw their objection if agreement can be reached with Scottish Water. The applicant is aware of this issue and is progressing a scheme to meet Scottish Water's satisfaction. It is therefore considered acceptable in this instance to impose a suspensive condition until Scottish Water approves this scheme, subject to planning permission being granted.
- 6.6 In terms of traffic and road safety implications, Roads and Transportation Services are satisfied that the proposed development is acceptable subject to conditions being imposed regarding access, parking, visibility splays and traffic calming and that the proposed park and ride would meet the terms of the Section 75 Agreement.
- 6.7 In terms of impact on residential amenity the layout and design of the proposed development has been amended to take into account ground level differences, massing and density and it is now considered to be acceptable and in accordance with the terms of the Council's Residential Development Guide. Whilst the objector's concerns are noted the grounds raised are not considered to be valid reasons to justify refusal of this application.
- 6.8 On the basis of the above points it is therefore recommended that planning permission is granted.

## **7 Reasons for Decision**

- 7.1 The proposed development is in accordance with Policies EN2, M2, M4, DC1 and DC2 of the adopted Hamilton District Local Plan, Policies RES2, TRA6A, DM1 and ENV30 of the finalised South Lanarkshire Local Plan and SLP6 of the South Lanarkshire Planning Policies. The proposals are also consistent with the terms of the outline planning application HM/03/0676, the Section 75 Agreement currently being concluded and the Masterplan which is currently under consideration. The proposals also conform to the Council's Residential Development Guide.

**Iain Urquhart**  
**Executive Director (Enterprise Resources)**

**27 November 2006**

### **Previous References**

- ◆ HM/00/0104
- ◆ HM/03/0676
- ◆ HM/06/0578

### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
  
- ▶ Consultations

Education Resources	26/05/05
Railtrack Outside Parties Section	01/06/05
S.E.P.A. (West Region)	14/06/05
Amey Highways Ltd (South West Unit)	14/06/05
Roads and Transportation Services (Hamilton Area)	05/07/05
National Roads Directorate	28/09/05
Environmental Services	26/05/05
TRANSCO (Plant Location)	26/05/05

- ▶ Representations

Representation from : Mr. J. & Mrs. L. Armstrong, 6 Denbeath Court, Ferniegair,  
ML3 7TR, DATED 18/05/05

Representation from : Elaine Mangat, Chatelherault Cottage, 160 Carlisle Road,  
Ferniegair, Hamilton, ML3 7LX, , DATED 20/05/05

### **Contact for Further Information**

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

Gwen McKillop, Planning Officer, Brandon Gate, Hamilton  
Ext 3561 (Tel : 01698 453561 )  
E-mail: [Enterprise.hamilton@southlanarkshire.gov.uk](mailto: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 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.; (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 before any work commences on the site, a scheme for the provision of an equipped play area within the application site shall be submitted to the Council as Planning Authority for written approval and this shall include :(a) details of the type and location of play equipment, seating and litter bins to be situated within the play area(s); (b) details of the surface treatment of the play area, including the location and type of safety surface to be installed; (c) details of the fences to be erected around the play area(s); and (d) details of the phasing of these works.
- 5 That prior to the completion or occupation of the 30th dwellinghouse within the northern development, all of the works required for the provision of equipped play area included in the scheme approved under the terms of Condition 4 above, shall be completed, and thereafter, that area shall not be used for any purpose other than as an equipped play area.
- 6 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.
- 7 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.
- 8 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.

- 9 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 8 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 10 That notwithstanding the terms of condition 8 above use, details of a wall or wall and railings/timber fence to be erected along the boundary marked YELLOW on the approved plans, shall be submitted to and approved by the Council as Planning Authority and this structure shall be erected prior to the development being completed.
- 11 That before development starts, 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 prior to the development hereby approved being occupied or brought into use.
- 12 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any such order revoking or re-enacting that order), no development shall take place within the curtilage of the application site other than that expressly authorised by this permission without the submission of a further planning application to the Council as Planning Authority.
- 13 That no dwellinghouse shall be occupied until the access roads and footpaths leading thereto from the existing public road have been constructed in accordance with the specification of the Council as Roads and Planning Authority.
- 14 That before the development hereby approved is completed or brought into use, all of the parking spaces shown on the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.
- 15 That before the development hereby approved is completed or brought into use, a visibility splay of 4.5 metres by 90 metres measured from the road channel shall be provided on both sides of each 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.
- 16 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.
- 17 That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at his or her own expense.
- 18 That before the development starts, a report from a professionally qualified source describing the soil and ground conditions prevailing over the application site (including details of the nature, concentration and distribution of any contaminants), 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 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.

- 19 That prior to any work starting on site, a Drainage Assessment in accordance with 'Drainage Assessment - A Guide for Scotland', shall be submitted to and approved in writing by the Council as Planning and Roads Authority.
- 20 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.
- 21 That the further application required under the terms of Condition 19 above, shall include a detailed scheme for surface water drainage. Surface water 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 with the Council's Sustainable Drainage Design Criteria and requirements and shall be agreed in writing with the Council as Planning Authority in consultation with SEPA.
- 22 That prior to work commencing details shall be submitted of measures to ensure that dust from the site shall not give rise to nuisance conditions and these measures shall be implemented to the satisfaction of the Council as Planning Authority when work starts.
- 23 That the recommendations contained within the Reports prepared by JDC Ecology Ltd, Phase 1 Habitat Survey in July 2005 and Badger, Bat and Breeding Birds Survey in August 2006 shall be carried out to the satisfaction of the Council as Planning Authority.
- 24 That no dwellinghouse or flat hereby approved shall be sold, conveyed, let or occupied until construction work has been completed on the park and ride facility to the satisfaction of the Council as Roads and Planning Authority.
- 25 That the park and ride facility hereby approved shall be completed within six months of the date of delivery of the Bond referred to in the Section 75 Agreement or within six months of the date of commencement of the construction work for the facility whichever is the earlier.

## 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 To ensure the provision of adequate play facilities within the site and in order to retain effective planning control
- 5 In order to retain effective planning control
- 6 In the interests of amenity and in order to retain effective planning control.
- 7 In the interests of amenity and in order to retain effective planning control.
- 8 These details have not been submitted or approved.

- 9 In order to retain effective planning control
- 10 In the interests of amenity.
- 11 These details have not been submitted or approved.
- 12 In the interests of amenity and in order to retain effective planning control.
- 13 To ensure satisfactory vehicular and pedestrian access facilities to the dwellings
- 14 To ensure the provision of adequate parking facilities within the site.
- 15 In the interest of road safety
- 16 To ensure the provision of a satisfactory sewerage system
- 17 In order to retain effective planning control
- 18 To ensure the site is free of contamination and suitable for development.
- 19 To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.
- 20 To ensure the provision of a satisfactory sewerage system
- 21 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.
- 22 In the interests of amenity and in order to retain effective planning control.
- 23 In order to protect the ecology and wildlife in the area.
- 24 In order to ensure the timeous delivery of this facility.
- 25 To ensure the proposed development is in accordance with the terms of the Section 75 Agreement for the site.

For information only

For information only

