

	<h1>Report</h1>	<b>Agenda Item</b>  <h1>10</h1>
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Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>27 February 2007</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	HM/06/0628
Planning Proposal:	Alterations To Existing Parking Area

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Kirkland Park Residents Association
- Location : Kirkland Park Estate  
Car Park  
Adjacent to 15 Farm Court  
Bothwell

## 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 the Conditions Attached)

### 2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) Objectors have requested that a hearing or site visit take place prior to determining the application. However, as the application is not contrary to policy nor has a substantial volume of objections been received, the request for a hearing/site visit does not satisfy the terms of the Councils procedures in this regard.

## 3 Other Information

- ◆ Applicant's Agent: Rhona Edgar
- ◆ Council Area/Ward: 40 Uddingston South/Bothwell
- ◆ Policy Reference(s): **Hamilton District Local Plan**  
Policy RES1 – Residential Areas – General  
Policy DC1 - Development Control – General  
**South Lanarkshire Planning Policies**  
SLP6 – Development Control – General

**South Lanarkshire Local Plan (Finalised)**

Policy RES 6 – Residential Land Use

Policy DM1 - Development Management

◆ Representation(s):

▶ 13 Objection Letters

◆ Consultation(s):

Roads and Transportation Services (Hamilton Area)

# Planning Application Report

## 1 Application Site

- 1.1 The application site is accessed from Farm Court, Bothwell. The site is used as private car parking by local residents. A number of private garages are located within the site. Access is taken from the site to No's 1 – 12 Farm Court and Kirkland House.

## 2 Proposal

- 2.1 The applicant seeks detailed planning permission to alter the car park by installing a 1.5m wide surface along the western side of the application site. A new kerb and tarmac surface will be laid along the western edge of the car park. It is also proposed to reduce the width of the access into the car park from 8m to 6m, by increasing the 'nosing'.

## 3 Background

### 3.1 Local Plan Status

- 3.1.1 In terms of the adopted Hamilton District Local Plan the site is identified as being within a general residential area (as defined in Policy RES 1). Through this policy the Council seeks to resist any developments detrimental to the amenity of these areas. Policy DC1 – Development Control General, which also applies, requires that all planning applications take fully into account the local context and built form. All new developments should aim to enhance the quality and appearance of the local environment.

- 3.1.2 In terms of the content of the Finalised South Lanarkshire Local Plan, the site is affected by Policy RES6 – Residential Land Use Policy. This policy states that within areas identified for primarily residential use, the Council will oppose the loss of houses to other uses and resist any developments which will be detrimental to the amenity of these areas. In addition, any development proposed must satisfy the following criteria. The development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use. The character and amenity of the area must not be impaired by reason of traffic generation, parking or visual intrusion.

- 3.1.3 Policy DM1 - Development Control General – should also be referred to. This policy states that all planning applications should take fully into account the local context and built form i.e. development should be compatible in terms of scale, massing and external materials and of adjacent buildings and streetscape. All development should aim to enhance the quality and appearance of the local environment with regard to the local context, layout, form, design and use of materials.

- 3.1.4 Policy SLP6 of the South Lanarkshire Planning Policies states that all planning applications should take fully into account the local context and built form i.e. development should be compatible in terms of scale, massing and external materials of adjacent buildings and surrounding streetscape. Proposals should seek to incorporate quality external materials.

### 3.2 Relevant Government Advice/Guidance

- 3.2.1 SPP3 – Planning for Housing provides national planning guidance on housing developments. SPP3 notes that “patterns of development should seek to reduce the

demand for travel and reliance on the private car, and help to reduce general energy consumption.”

### 3.3 Planning History

- 3.3.1 In terms of site history, the residential dwellings and car park, were constructed by the Lanarkshire Health Board by way of a ‘Notice of Proposed Development’ under the terms of S.D.D. Circular No. 21/1984. The Council approved the development, subject to a number of conditions, in September 1985 (HN/85/0344).
- 3.3.2 The car park (application site), was retained by Kirklands Hospital when the Health Board sold the residential dwellings for private use.
- 3.3.3 Kirklands Hospital then sold a large area of land, including the application site, to a developer who subsequently successfully gained planning permission for the erection of 68 dwellinghouses in January 1993 (HN/92/0430). The application site was then passed onto the Kirkland Park Residents Association once the housing estate was completed.

## 4 **Consultations**

- 4.1 **Roads and Transportation Services** - have responded to the consultation request by raising no objections to the proposal subject to a number of conditions. The applicant should construct the proposed nosing extension to the car park entrance to match that of the adjoining nosing and the area should be finished in grass. Furthermore, the proposed surface material of the border to the adjoining fence line should be finished in tarmac rather than gravel. The roads and Transportation Service have also verbally confirmed that the applicant requires to provide a 16m wide surfaced area between the existing garages on the east side of the application site and the proposed kerb on the west side of the application site. This 16m wide surfaced area is required to allow two lanes of parking spaces, 5m in depth, on either side of a 6m wide turning area,
- Response:** Noted. The applicant has amended the proposed surface material to be finished in tarmac rather than gravel. If planning permission is approved, appropriate conditions shall be attached.

## 5 **Representations**

- 5.1 Statutory neighbour notification was undertaken in respect of the proposal. Thirteen letters of representation were received.
- 5.2 The grounds of objection are summarised as follows: -
- (a) **The proposed works are not a ‘reinstatement’ of ground to car park as the land was never in this state, contrary to the supporting statement submitted by the applicant.**  
**Response:** Noted. The applicants’ supporting statement does make reference to the ‘reinstatement’ of the site, however it is noted that the proposal is not a reinstatement of the ground.
- (b) **Previous maintenance to the car park has been undertaken by the Health Board and residents of 1 – 12 Farm Court. The applicant has never**

**offered a contribution towards these works and there is a concern that the association will not maintain these works, if approved in the future.**

**Response:** This is a legal matter and is not a material planning consideration in determination of this application.

- (c) **The proposed car park was part of the application site covered by planning application HN/85/0344 for a residential development. This car park was approved as parking for residents of 1 – 12 Farm Court and there should be no signage preventing this.**

**Response:** It is noted that the site was originally constructed by Lanarkshire Health Board for the erection of accommodation for staff of Kirklands Hospital to provide off street car parking for 1 – 12 Farm Court as part of a planning application (HN/85/0344). The application site however was subsequently sold to the developer of Kirkland Park. The application site is now in the ownership of Kirkland Park Residents Association. The applicant has confirmed that the use of the car park shall remain unchanged and that the residents of 1 – 12 Farm Court will be able to continue to use the car park. The signage erected by the Association states 'PRIVATE ROAD Access and Parking for Residents only'.

- (d) **The car park was inherited by Kirklands Residents Association when the developer went into liquidation. No financial transaction was made.**

**Response:** This is not a material planning consideration.

- (e) **The car park was constructed for the sole purpose of the residents at 1 – 12 Farm Court.**

**Response:** The applicant does not propose to restrict the use of the car park by the residents of 1 – 12 Farm Court. This is not therefore a material planning consideration.

- (f) **The proposal will reduce the effective width of access into the car park and garaging, making it difficult to manoeuvre into garages, for emergency vehicles and refuse collection vehicles.**

**Response:** It is noted that the proposed works will narrow the access to the car park and alter manoeuvrability within the car park. Roads and Transportation Services have offered no objection to the proposal, as it adheres to their criteria subject to a number of conditions. If planning permission is granted, these conditions shall be imposed.

- (g) **The reduction in width of the car park may create a safety hazard.**

**Response:** Again, the Roads and Transportation Service have raised no objections to the proposed works, subject to conditions. Roads and Transportation Services have stated that the car park, as proposed, would adhere to the Council's standards on car parks.

- (h) **There should be no restriction imposed on 1 – 12 Farm Court for parking commercial vehicles.**

**Response:** Noted. The applicant has erected small signage which states 'PRIVATE ROAD – Access and Parking for Residents only'. This does not place a restriction on residents parking their commercial vehicles on site, and I am therefore satisfied that this point has been suitably addressed.

- (i) **There is already limited space for parking cars in the car park, and the alterations will result in residents not being able to park in front of their garages.**  
**Response:** Again, the Roads and Transportation Service have raised no objections to the proposed works, subject to conditions. Roads and Transportation Services have stated that the car park, as proposed, would adhere to the Council's standards on car parks. A 16m wide surfaced area is required to be provided between the existing garages on the east side of the application site and the proposed kerb on the west side of the application site. This 16m wide surfaced area will incorporate two lanes of parking spaces, 5m in depth, and a 6m wide turning area.
- (j) **Legal documentation of ownership of the ground should be produced by the Association, including any legal burden associated with the land.**  
**Response:** The applicant has signed to confirm ownership of the ground within the application form submitted.
- (k) **Further clarification should be sought on the materials to be used and the positioning of the proposed works. If the 1.5m wide border to be installed was reduced then the objector may withdraw his objection.**  
**Response:** After consideration, Roads and Transportation Services are satisfied that sufficient detail has been provided by the applicant to recommend approval of the application, subject to conditions, and these conditions shall be imposed if planning permission is granted.
- (l) **The application is described as 'Improvements to Existing Car Park Area' however it is unclear what improvements will be brought to the area, as it effectively reduces the area of land available for parking.**  
**Response:** Noted. The description of the application has been changed to 'Alterations to Existing Car Park'.
- (m) **The application has been submitted by Kirkland Park Residents Association, however only one person appears to benefit from the proposed works.**  
**Response:** The application has been made by the Kirkland Park Residents Association. The verge will allow access for maintenance of the boundary treatment which will in turn maintain and improve the amenity of the area for other residents.
- (n) **The installation of a verge approximately 0.9m in depth would meet the needs of the Residents Association, rather than a 1.8m verge. The verge, in our opinion, is therefore excessive and unjustified.**  
**Response:** The Roads and Transportation Service have raised no objection to the proposed car parking layout. The verge will allow access for maintenance of the boundary treatment which will in turn maintain and improve the amenity of the area for other residents.
- (o) **The proposal would adversely impact on the operation of a long established car park facility.**  
**Response:** The Roads and Transportation Service have raised no objection to the proposed car parking layout.

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

## **6 Assessment and Conclusions**

- 6.1 The applicants seek detailed planning consent for alterations to a private car park located on Farm Court, within the residential area of Bothwell. The scheme involves minor works, creating a border break between the car park and a residential property and the extension to a kerb, narrowing the entrance to the car park.
- 6.2 The main considerations in the determination of this application are the proposal's compliance with development plan policies, other applicable Council Policies and guidance and impact on road safety and the amenity and character of the surrounding area.
- 6.3 In terms of the local plan position, the application site is affected by Policy RES 1 in the adopted Hamilton District Local Plan which identifies the land as being within a primarily residential area. The proposed use does not conflict with this designation. In addition, Policy DC1: Development Control – General also applies. This seeks to achieve good quality design and development which makes a positive contribution to the local environment. Overall, I consider that the alterations to the car park will create no significant impact to the established residential area surrounding the site.
- 6.4 SLP6 of the South Lanarkshire Planning Policies requires planning applications to take fully into account the local context and built form i.e. development should be compatible in terms of scale, massing and external materials of adjacent buildings and surrounding streetscape. I am satisfied that the alteration to the car park will create minimal impact on the amenity of the surrounding area and is compatible in terms of mass, scale and materials.
- 6.5 The Finalised South Lanarkshire Local Plan is also a material consideration in the determination of this application. The plan encompasses the Local Plan strategy as well as development management policies and guidance. The relevant policies are RES6 – Residential Land Use Policy and DM1 – Development Management Policy. The requirements of these policies are consistent with the aims of Policies RES1 and DC1 of the existing adopted Local Plan and the supplementary policies and guidance detailed within SLP6 of the South Lanarkshire Planning Policies, which aim to protect residential areas from inappropriate forms of development and that adequate services are provided in respect of the development. On this basis, I am satisfied that the proposal is consistent with the emerging South Lanarkshire Local Plan.
- 6.6 In terms of road safety, Roads and Transportation Services have raised no objection to the proposals, subject to conditions which can be attached, where appropriate, to any such consent. Condition 5 requires the applicant to provide a 16m wide surfaced area between the existing garages on the east side of the application site and the proposed kerb on the west side of the application site. This 16m wide surfaced area will allow two lanes of parking spaces, 5m in depth, on either side of a 6m wide turning area, ensuring the proposals complies with approved Council parking standards.
- 6.7 In relation to amenity, the proposals involve minor alterations to an existing car par which will have no adverse impact on amenity.
- 6.8 In relation to the representations received, it is considered that these are not sufficient to merit the refusal of this application. On detailed examination the

proposals are compliant with local plan policy and other applicable guidance, and will have no adverse impact on either road safety or amenity.

6.9 In view of all the above, it is recommended that planning permission be approved.

## **7 Reasons for Decision**

7.1 The proposal is consistent with Policies DC1 & RES1 of the adopted Hamilton District Local Plan, Policies RES6 & DM1 of the South Lanarkshire Local Plan (Finalised Draft) and SLP6 of the South Lanarkshire Planning Policies. The proposals raise no issues in terms of road safety or amenity.

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

**19 February 2007**

### **Previous References**

- ◆ HN/85/0344
- ◆ HN/92/0430

## **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations

Roads and Transportation Services (Hamilton Area)

27/09/2006

- ▶ Representations

Representation from : Mr & Mrs S Rankin, 1 Farm Court, Bothwell, G71 8BU,  
DATED 19/09/2006

Representation from : Mr & Mrs J Ryan, 12 Farm Court, Bothwell, G71 8BU,  
DATED 20/09/2006

Representation from : Mr J McInnes, 11 Farm Court, Bothwell, G71 8BU, DATED  
20/09/2006

Representation from : Mr & Mrs P Brandon, 9 Farm Court, Bothwell, G71 8BU,  
DATED 20/09/2006

Representation from : Mrs A Ballantyne, 8 Farm Court, Bothwell, G71 8BU,  
DATED 20/09/2006



Representation from : Mrs P Mulholland, 7 Farm Court, Bothwell, G71 8BU,  
DATED 20/09/2006

Representation from : Mr & Mrs R Armstrong, 6 Farm Court, Bothwell, G71 8BU,  
DATED 20/09/2006

Representation from : Mr & Mrs H O'Neill, 5 Farm Court, Bothwell, G71 8BU,  
DATED 20/09/2006

Representation from : Mr & Mrs P Kelly, 4 Farm Court, Bothwell, G71 8BU,  
DATED 20/09/2006

Representation from : Mr & Mrs D Miller, 3 Farm Court, Bothwell, G71 8BU,  
DATED 20/09/2006

Representation from : Mrs M Deans, 2 Farm Court, Bothwell, G71 8BU, DATED  
20/09/2006

Representation from : Mr & Mrs R McClements, 10 Farm Court, Bothwell, G71  
8BU, DATED 20/09/2006

Representation from : Hugh O'Neil, Chairperson Farm Court Focus Group, 8 Farm  
Court, Bothwell G71 8BU DATED 17/11/2006

**Contact for Further Information**

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

Donald Wilkins, Planning Officer, Brandon Gate, Hamilton  
Ext 3513 (Tel: 01698 453513)  
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 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 the development hereby approved is completed or brought into use, all of the parking spaces shown in the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.
- 4 That the nosing extension at the car park entrance shall be constructed in kerbs to match the existing nosing and finished in grass to the rear, to the satisfaction of the Council as Roads and Planning Authority.
- 5 The footway vehicular access point shall be reduced in size to match the new nosing and all damaged kerb and footway must be made good to the satisfaction of the Council as Roads and Planning Authority.
- 6 Notwithstanding the conditions above, a surfaced area of 16m in width shall be provided between the existing garages shaded BLUE on the approved plans and the kerb hereby approved. The 16m wide surfaced area shall incorporate two lanes of parking bays on the east and west of the application site and a 6m wide turning area.

## **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 To ensure the provision of adequate parking facilities within the site.
- 4 In the interest of road safety.
- 5 In the interest of road safety.
- 6 To ensure the provision and retention of adequate parking facilities within the site.

