

Report

Report to:	Planning Committee
Date of Meeting:	4 December 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/0434
Planning proposal:	Erection of 12 flats (4 storey high) and formation of associated car parking.

1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr Craig Smith
Location:	St Andrews Parish Church Avon Street Hamilton South Lanarkshire ML3 7HU

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 conditions attached

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) Detailed planning permission should not be issued until an appropriate financial contribution towards the upgrading of community facilities is received.

3 Other information

- ♦ Applicant's Agent: Convery Prenty Architects
- ♦ Council Area/Ward: 19 Hamilton South
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 – Development Management and Place Making
Policy 6 – General urban area/settlements
Policy 16 - Travel and Transport
Policy 17 - Water environment and flooding

Development Management, Placemaking and Design Supplementary Guidance (2015)
DM1 - Design
DM13 – Development within general urban area/settlement

**Proposed South Lanarkshire Local
Development Plan 2 (2018)**

Policy 3 – General Urban Areas and Settlements

Policy 5 – Development Management and
Placemaking

DM1 – New Development Design

Policy 15 - Travel and Transport

Policy 16 - Water Environment and Flooding

Residential Design Guide

◆ **Representation(s):**

▶	2	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Environmental Services

Roads Development Management Team

SP Energy Network

Planning Application Report

1 Application Site

- 1.1 The applicant seeks detailed planning permission for the erection of a flatted development within the grounds of the vacant car park to the rear of the former St Andrews Church, Avon Street, Hamilton. The site is situated close to the town centre within a general residential area. St Andrews Church itself is a Grade B Listed Building.

2 Proposal(s)

- 2.1 The proposal relates to the construction of a four storey flatted development consisting of twelve flats within the grounds of the former car park associated with the vacant church. The existing hall is to be demolished and consent (P/18/0194) was issued on 2 November 2018 in respect of these works. The ground floor, first and second floor will comprise of 9 two bedroom flats with the third floor comprising of 3 one bedroom flats. Vehicle access to the site will be from Haddow Street. A proposed landscape decking area together with ground floor areas of green space will provide, in total, approximately 548 square metres of private communal amenity green space. In terms of car parking provision 21 spaces will be provided 6 spaces will operate via a platform lift which stacks the cars in pairs (one parks sub terrain with one remaining at ground level – accessed through the vehicle lift/ramp system). This, in effect, doubles this provision to 12. In addition, 9 parking spaces will be provided at ground floor level.
- 2.2 The applicant has submitted a design and access statement in support of the original scheme. Since the submission of these details, the proposal has been subject to a number of amendments which have included the introduction of a landscape deck together with alterations to the parking arrangements involving the provision of several car parking spaces on the lower ground floor accessed by a number of vehicular lifts.

3 Background

3.1 Relevant Government Advice/Policy

- 3.1.1 Scottish Planning Policy (2014) (SPP) advises that proposals that accord with up-to-date plans should be considered acceptable in principle. In terms of residential development, the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements.

3.2 Local Plan Status

- 3.2.1 In determining this planning application the Council must assess the proposed development against the policies contained within both the adopted South Lanarkshire Local Development Plan (2015) and Supplementary Guidance (SG) produced in support of the SLLDP. In particular, Policy 4 - Development Management and Placemaking, Policy 6 - General Urban Area/Settlements, Policy 16 – Travel and Transport and Policy 17 – Water Environment and Flooding. In addition, Policy DM1 - Design and Policy DM13 – Development within general urban area/settlements of the Development Management, Placemaking and Design Supplementary Guidance are also relevant to the assessment of this application.

- 3.2.2 The Council's Residential Design Guide requires a financial contribution to address any impact on sport/ recreational facilities within the local area for flatted developments. In this instance, a figure of £1,500 has been requested in respect of this proposal.
- 3.2.3 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policy 3 – General urban areas/settlements, Policy 5 – Development Management and Placemaking and Policy DM1 – New Development Design are also relevant to the assessment of this application.
- 3.2.4 An assessment of the proposal against these specific policies is contained in Section 6 of this report.

3.3 Planning Background

- 3.3.1 Planning Consent (P/18/0194) was granted on 30 October 2018 for the demolition of the activity hall and vestibule to the west of St Andrew Church to form a single dwelling. The activity hall forms part of the current application site.

4 Consultation(s)

- 4.1 **SP Energy Network** – have no objection to the proposal. They have, however, commented that they have underground cables and an operational substation within the vicinity of the proposal. They reserve the right to protect and/or deviate their cable/apparatus at the applicant's expense.

Response: The applicant has been advised of this and a suitably worded informative can be attached to any consent issued.

- 4.2 **Environmental Services** – have no objection to the proposal subject to the imposition of conditions relating to the control of waste and suitable dust mitigation measures being put in place. In addition, they have commented that noise levels should be controlled during the development phase and that formal action may be taken should any nuisance occur as a result of these operations. In addition, in the unlikely event of encountering any contaminants, an action plan should be prepared in advance of works starting.

Response: It is considered that these matters can be addressed by use of a number of suitably worded conditions and informatives.

- 4.3 **Roads Development Management Team** – raised no objections subject to conditions

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

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken in respect of this proposal following which two letters of representation were received. The grounds of these objections are summarised as follows:

- a) **The erection of a 4 storey block of flats which is to be the same height as the tenement flats next to the church grounds from an already elevated**

position will completely overlook and overshadow the adjacent property and will result in a loss of privacy.

Response: It is considered that the height of the proposed block of flats is in keeping with the surrounding streetscape given it will be the same height as the existing adjacent tenement block which runs alongside John Street.

- b) In consulting the residential design guide, building heights should be determined by the character of the area in relation to the street or public space and in relationship with buildings adjacent to the proposed site i.e. not overlooking or overshadowing any other properties**

Response: The Council's Residential Design Guide seeks to advise developers on the factors they should take into account when designing development proposals which takes account of the local context and built form. In this regard, as part of this proposal, the applicant has submitted a design and access statement which provides an analysis of the character of the local area. The report recognises that the area contains a mixture of buildings ranging from one and a half to three storeys. It is recognised that this building will be 4 storeys in height, however, given it is no higher than the adjacent building, it is considered that it is compatible with the surrounding streetscape

- c) Landmark buildings (in this case Cadzow Parish Church which is being proposed to be converted into 5 flats) should be greater in height in relation to a new building to emphasise their significance in the streetscape. The proposed flats would be the same height as the tenement flats which is greater in height to the church therefore it would block out completely and in turn remove the church as a focal point and landmark in the community**

Response: St Andrews Church is the subject of two applications currently being considered by the Council for Listed Building Consent and Detailed Planning Permission ref P/18/0933 and P/18/0432 respectively and not Cadzow Parish Church. It is acknowledged that the proposed flatted development will, to a degree, screen the rear elevation of the church in respect of the view from John Street however it is already to a degree screened by the existing activity hall. In addition the main facade of the church which is viewed from Avon Street will not be affected by this proposal

- d) New residential developments must allow for adequate sunlight and daylight to reach adjoining properties in line with the Building Research Establishment (BRE).**

Response: The applicant has submitted details relating to shadow paths analysis and it is considered that the proposal will not have a significant adverse effect on the surrounding properties in terms of sunlight / daylight issues.

- e) In the design of the flats in particular where refuse is collected the length of a cleansing vehicle, which is in the region of 10 metres, an estimated turning circle of 15 metres will be required. Vehicles should not have to reverse for more than 12 metres. Bearing this in mind if adequate space is not available within the new development for the cleaning vehicle to manoeuvre, parking the vehicles in Haddow Street would not be an option as it would completely block the road to all traffic due to the width of the road.**

Response: The applicant would be required to submit further details in relation to the collection and storage of refuse for the prior written approval of the Council as Planning Authority should consent be issued in this regard by use of a condition before any development commenced on the site. It should be noted,

however, that Roads and Transportation Services have not raised any objections to the proposal.

- f) **The entrance to the proposed flats would be from the existing entrance on Haddow Street. This is completely impractical as this is a secondary road, not a main road and not conducive to further traffic being generated from more properties being built.**

Response: Roads Development Management Team have been consulted in respect of this proposal and have raised no objections in this regard.

- f) **The plans do not really give a proper idea of the situation or layout of the flats i.e. will the front of the flats look onto Haddow Street?**

Response: The flatted development would be fronting on to 21 – 27 and 20 John Street.

- g) **A number of properties in John Street are privately rented and the letter will have gone to the tenants of the property and not the owners**

Response: Statutory neighbour notification was carried out in respect of this proposal and letters were sent out to all properties as per the relevant legislation.

- h) **Having lived in my property for over ten years and having spent a lot of money over the years in making it a home it is very disappointing that a building of this size is being considered for a quiet street in Hamilton. One of the factors in purchasing this property was the fact there was a bit of privacy and the property was not looking onto anything or having anyone looking on to it.**

Response: The existing site is a vacant car park which is no longer used. This proposal will enable this ground to be brought back into productive use and will provide residential accommodation close to Hamilton Town Centre and the main transport links. The proposal complies with the Council's guidance on privacy and it is not considered that the development of the site will result and any overlooking of existing properties.

- i) **Noise and pollution would come from having a working site in front of my home This would have a massive impact on residents particularly those who work shifts. Having a disturbed sleep with construction work going on will have an impact on health and ability to work.**

Response: Environmental Services were consulted in respect of this proposal and they advised with regards to noise that works carried out on site must be carried out in accordance with BS 5228 Parts 1-4 1997, 'Noise control on construction and open sites' and that formal action may be taken should any nuisance occur as a result of these actions. It is considered that should consent be issued in this regard the applicant can be advised of these matters by use of a suitably worded informative.

- 5.2 These letters has been copied and are available for inspection in the usual manner and on the planning portal.

6 Assessment and Conclusions

- 6.1 The applicant proposes to construct a four storey flatted development consisting of twelve units within the grounds of the former car park adjacent to St Andrew's Church which is currently vacant. In terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, planning applications have to be determined in accordance with the development plan unless material considerations indicate otherwise. The main

determining issues in assessing this proposal are whether it accords with local plan policy, its impact on amenity and road safety matters.

- 6.2 Policy 4 seeks to ensure that development takes account of and is integrated with the local context and built form. Within this general area, there is a mixture of predominately two storey and three storey flatted residential properties together with a small row of terraced houses which run alongside John Street. Although this development is four storeys in height, it is no higher than the adjoining tenement block which lies adjacent to the application site. That being the case, it is considered that, given the area contains mostly tenement blocks and that the scale of the development is in keeping with the adjoining properties, no issues are raised in respect of this policy.
- 6.3 With regards to Policy 6, residential developments are acceptable provided they do not have a significant adverse impact on the amenity and character of the area. It is considered that this proposal is compatible with the character of the surrounding area. Indeed, the proposed landscaped decking will provide areas of communal green space in an area where there is very little. It is considered that this will improve the amenity of the area in general.
- 6.4 In terms of Policy 16 – Travel and Transport seeks to ensure that developers consider, and where appropriate, mitigates the resulting impacts of traffic growth and encourages sustainable transport options that take account of the need to provide proper provision for walking, cycling and public transport. It goes on to say that existing and proposed walking and cycling routes will be safeguarded, including former railway lines which can provide walking, cycling and horse riding opportunities. The application site is readily accessible by public transport and is situated close to Hamilton Town Centre Rail Station and Bus Depot and would be well integrated into existing walking and cycling networks. Furthermore, Roads and Transportation Services are satisfied that the proposal raises no access, parking or road safety issues. It is, therefore, considered that the proposal will not have an adverse impact on traffic flows or road safety and that the proposal complies with the terms of Policy 16.
- 6.5 Policy 17 - Water Environment and Flooding states that any development proposals which have a significant adverse impact on the water environment will not be permitted. It is considered that the development will have no significant adverse impact on the water environment and any consent granted would be suitably conditioned to ensure the provision of a sustainable urban drainage system (SUDS) within the site. It is, therefore, considered that the proposal complies with the terms of Policy 17.
- 6.6 In relation to Policy DM1 the applicant has submitted a Design and Access Statement in support of this proposal. The report notes that, within the local area, the building form is regular and linear with elevations generally dominated by strong horizontal eaves or parapet lines, with considered proportions and varied building mass. It is considered that the design of the building reflects this local context. In addition the materials to be used on the roof and the walls of the external finishes have been selected to deliver a quality finish and ensure longevity of appearance continuing the approach of the surrounding 19th and 20th century developments. That being the case, it is considered that the overall design is compatible with the surrounding streetscape and that no issues are raised in respect of this policy.
- 6.7 With regards to Policy DM13, development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use. In this case, it is considered that the proposals can be readily accommodated within the

local area and that no issues are raised in respect of this policy for the reasons as stated above in paragraph 6.6 of this report.

- 6.8 The proposed development has also been considered against the relevant policies in the Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. It is considered that the proposal accords with Policy 3 – General Urban Areas and Settlements, Policy 5 – Development Management and Placemaking, Policy DM1 – New Development Design, Policy 15 – Travel and Transport and Policy 16 – Water Environment and Flooding of the Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2). I would, therefore, consider that the proposal is acceptable and recommend that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on residential or visual amenity and complies with Policy 4, Policy 6, Policy 16 and Policy 17 of the adopted South Lanarkshire Local Development Plan. In addition the proposal complies with Policy DM1 and Policy DM13 of the Development Management, Placemaking and Design Supplementary Guidance (2015). The proposal also complies with Policy 3, Policy 5 Policy DM1, Policy 15 and Policy 16 of the Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2).

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 23 November 2018

Previous references

- ◆ P/18/0194

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 16 April 2018
- ▶ Development Management, Placemaking and Design Supplementary Guidance (2015)
- ▶ Design and Access Statement

- ▶ Consultations
 - SP Energy Network 25.05.2018
 - Environmental Services 21.05.2018
 - Roads Development Management Team 13.08.2018
- ▶ Representations
 - Jill Farmer, 15 John Street, Hamilton, ML3 7EU Dated: 30.05.2018
 - Stephanie Allan And John Gavin, Flat 1, 1 Haddow Street, Hamilton, ML3 7HX 21.05.2018

Contact for further information

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

Mary McGonigle, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455103

Email: mary.mcgonigle@southlanarkshire.gov.uk

Conditions and reasons

01. That before any development commences on site, details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwelling unit shall be occupied until these facilities have been provided in accordance with the approved scheme or such alternative as may be agreed in writing with the Council as Planning Authority.

Reason: To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.

02. Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

Reason: To minimise the risk of nuisance from dust to nearby occupants.

03. 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.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

04. 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.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

05. 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.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

06. 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 shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been

completed in accordance with the details submitted to and approved by the Council as Planning Authority.

Reason: 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.

07. That the development shall not 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.

Reason: To ensure the provision of a satisfactory sewerage system.

08. 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., including, where appropriate, the planting of fruit/apple trees;
 - (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.

Reason: To ensure the appropriate provision of landscaping within the site.

09. That the approved landscaping scheme in relation to Condition 8 above relating to the development shall be laid out simultaneously with the development or each phase thereof, and shall be completed to the satisfaction of the Council as Planning Authority.

Reason: In the interests of the visual amenity of the area.

10. That proposals for the maintenance of all areas of open space within the development shall be submitted to the Council as Planning Authority and no work on the site shall be commenced until the permission of the Council has been granted for these proposals or such other proposals as may be acceptable.

Reason: In the interests of the visual amenity of the area.

11. That the vehicular lifts hereby approved shall be installed and fully operational prior to the occupation of any of the flatted dwellings hereby approved are occupied and shall thereafter be maintained in perpetuity to the satisfaction of the Council as Planning Authority.

Reason: To ensure the provision of adequate parking facilities within the site.

12. That before any development commences on site, details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwelling shall be occupied until these facilities have been provided in

accordance with the approved scheme or such alternative as may be agreed in writing with the Council as Planning Authority.

Reason: To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.

13. That before the development hereby approved is brought into use, a 5.5 metre wide dropped kerb vehicular footway crossing to the site shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

14. That before the development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 43 metres measured from the road channel shall be provided on the south side of the vehicular access and everything exceeding 0.9 metres in height above the footway level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

15. That before the development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 25 metres measured from the road channel shall be provided on the north side of the vehicular access and everything exceeding 0.9 metres in height above the footway level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

16. That before the development hereby approved is completed or brought into use, 21 parking spaces shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

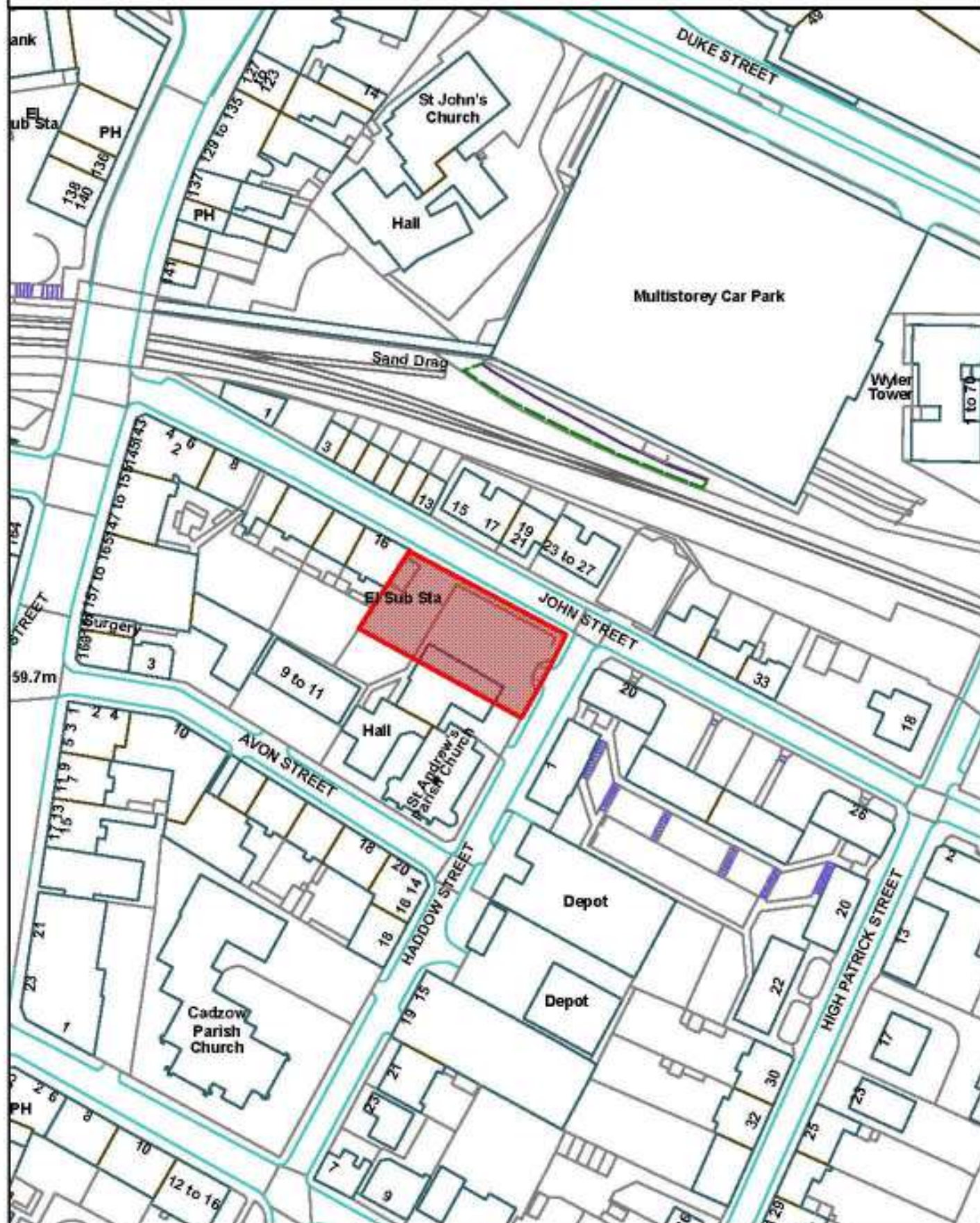
Reason: To ensure the provision of adequate parking facilities within the site.

17. That during the construction phase sufficient parking should be provided within the development site for all site personnel to the satisfaction of the Council as Roads and Planning Authority.

Reason; In the interests of Road Safety

P/18/0434

St Andrews Parish Church, Avon Street, Hamilton



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Scale:
1:1,250

Date:
08/11/2018



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development