

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>03 November 2009</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	HM/09/0447
Planning Proposal:	Residential Development (13 no. Amenity Houses)

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Hanover (Scotland) Housing Association Ltd
- Location : St Giles Way  
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

- (1) The Planning Committee has delegated powers to determine this application

## 1 Other Information

- ◆ Applicant's Agent: Robert Potter & Partners
- ◆ Council Area/Ward: 18 Hamilton West and Earnock
- ◆ Policy Reference(s): **Adopted South Lanarkshire Local Plan**  
 Policy RES2 – Proposed Housing Site  
 Policy DM1 – Development Management  
 Policy ENV11 – Design Quality  
 Policy ENV12 – Flooding  
 Policy ENV16 – Renewable Energy  
 Development  
 Policy ENV31 – New Housing Development  
 Policy ENV35 – Water Supply  
 Policy ENV36 – Foul Drainage and Sewerage  
 Policy ENV37 – Sustainable Urban Drainage  
 Systems

### Residential Development Guide

- ◆ Representation(s):
  - ▶ 3 Objection Letters
  - ▶ 1 Petition

- ▶ 0 Support Letters
- ▶ 1 Comments Letter

◆ Consultation(s):

Environmental Services

Roads and Transportation Services (Hamilton Area)

Scottish Water

# Planning Application Report

## 1 Application Site

- 1.1 The application site relates to an area of open grass land to the north of St Giles Way, Hamilton. The site is bound on two sides by the rear fences of residential properties, located on Allanshaw Grove and Marshall Grove (north and west). Immediately to the south a footpath, which serves as access to houses on St Giles Way and St Giles Path, can be found. The remaining side is occupied by further grassed areas and an existing red ash playing field, which fronts onto Chantinghall Road. An informal access, for maintenance purposes, has been created from St. Giles Way across a small grassed areas associated with the adjacent residential estate.

## 2 Proposal(s)

- 2.1 The applicants propose the redevelopment of the area for residential purposes, in the form of amenity housing. In detail the applicants propose the erection of 13 residential units, in the form of a courtyard comprising three blocks. Two of the blocks will be two storeys in height and the remainder would be single storey. Amenity garden ground is located to the rear of the proposed properties and as a central Resident's Courtyard Garden. Seating areas, drying greens and bin stores are provided throughout the site.
- 2.2 It is proposed to create a new vehicular access, which includes a turning facility, from St Giles Way across the area currently used as an informal access. This would provide access to a car park area for 13 vehicles.
- 2.3 A Ground Investigation Report and a letter from Scottish Water confirming that there is currently sufficient capacity within the Daer WTW and Hamilton WwTW to accommodate the proposed development have been provided in support of the application.

## 3 Background

### 3.1 Local Plan Policy

- 3.1.1 The adopted South Lanarkshire Local Plan identifies the site as being part of a Proposed Housing Site (Policy RES2), within which the Council will support development for housing. The application site covers approximately half of the Proposed Housing Site identified in the Local Plan, which includes the playing field and associated land extending to Chantinghall Road.
- 3.1.2 Furthermore, there is a requirement for all new developments to comply with Policies DM1 – Development Management, ENV11 – Design Quality, ENV12 – Flooding, ENV16 – Renewable Energy Development, ENV31 – New Housing, ENV35 – Water Supply, ENV36– Foul Drainage and Sewerage and ENV37 – Sustainable Urban Drainage Systems.
- 3.1.3 Policy DM1 requires that proposals take account of the local context and built form. Policies ENV11 and ENV31 promote the principles of sustainable development through design and layout, and seek to achieve developments which make a positive contribution to the character and appearance of the area within which they are located and which are well related to existing development, public transport, local

services and facilities. Policy ENV12 – Flooding advises that in accordance with the precautionary principle, the Council will seek to avoid increasing any flood risk resultant from the development. Policy ENV16 – Renewable Energy Development advises that SPP6 shall be a principle material consideration, in respect of incorporation on-site zero and low carbon equipment to contribute to a reduction in CO2 emissions. Policies ENV35 – Water Supply and ENV36 – Foul Drainage and Sewerage seek to ensure that the development is suitably serviced. Policy ENV37 – Sustainable Urban Drainage System promotes the Council's requirements for SUD's in appropriate developments following liaison with SEPA, Scottish Water and the Council's Flood Prevention Unit.

- 3.1.4 South Lanarkshire Council's Residential Development Guide provides additional advice and sets out the criteria against which new housing development should be assessed.

3.2 Relevant Government Advice/Policy

- 3.2.1 There is no Government guidance relevant to this application.

3.3 Planning History

- 3.3.1 There is no planning history relevant to the determination of this application.

**4 Consultation(s)**

- 4.1 Roads and Transportation Services (Hamilton) – have no objection to the proposed development subject to conditions relative to the proposed access road being constructed in accordance with SLC guidelines

**Response:** Noted. This requirement can be included as a condition attached to any approval.

- 4.2 Environmental Services - have no objections subject to noise control during construction, refuse storage, control of dust, the treatment of contamination, pest control and confirmation of the application to both SEPA and Scottish Water.

**Response:** Noted. Where appropriate conditions/advisory notes shall be imposed if planning permission is granted.

- 4.3 Scottish Water – no response to date.

**Response:** Whilst acknowledging the absence of a formal response from Scottish Water it is noted that in support of their proposals the applicants have submitted a copy of a letter from Scottish Water which advises that there is currently sufficient capacity within the Daer WTW and Hamilton WwTW to accommodate the proposed development.

**5 Representation(s)**

- 5.1 Statutory neighbour notification was undertaken in respect of the proposals. Four letters of representation, one of which was accompanied by a petition containing 17 signatures, have been received. Three letters and the petition raised objection to the proposal. The remaining letter did not offer any objections to the application but made comment on the requirements for additional works outwith the application site.

- 5.2 The main grounds of objection can be summarised as follows:

a) **Concerns over road and public safety due to the location of the proposed vehicular access, and requirement for traffic calming/road improvements.**

**Response:** Noted. The applicants propose the formation of a new access road into the site from St Giles Way, which is an adopted road. Roads and Transportation Service, who have been consulted on the proposals, do not support the concerns raised in terms of road and public safety having offered no objections, subject to condition that the proposed access is constructed in accordance with their current guidelines. Furthermore, no requirements for additional road improvements have been highlighted within Roads and Transportation Service's consultation response.

b) **Concerns over impact on residential parking.**

**Response:** Noted. On site car parking provision, which meets current requirements, has been accommodated within the site, Roads and Transportation Service have offered no comments in terms these concerns and the proposal is therefore considered acceptable..

c) **Concerns over the loss of views.**

**Response:** Noted. It is advised that under current planning legislative requirements there are no rights to a view. This objection should not therefore materially affect the determination of this application.

d) **Concerns over the impact on property values.**

**Response:** Noted. The impact of a planning proposal on property values is not a material planning consideration.

e) **Loss of amenity/public space.**

**Response:** Noted. It is advised that the application site forms part of a site which is identified in the adopted local plan as a Proposed Housing Site (Map Ref. 281). The inclusion of the application site as a potential housing site was as a result of the Council undertaking both a Greenspace and Housing Land Audit within its area. The area was not considered to be a significant contributor in terms of amenity space within the Greenspace Audit and was promoted as a suitable housing site. Having said that, it is noted that the application occupies only half of the site identified within the local plan is being proposed for development and the remaining area will be retained as a playing field/public space, at this time.

f) **Impact on wildlife, in particular badgers.**

**Response:** Noted. It is intended to attach planning conditions to any such consent requiring the undertaking of habitat survey prior to any construction works commencing on site.

g) **Residential amenity – location of bin stores.**

**Response:** Noted. It is advised that the proposed bin store have been sited in close proximity to the proposed residential blocks, which is common practice within such development. The location of the bin stores is such that there will be no adverse impact on the amenity of adjoining residential properties.

h) **Concerns over impact on public footpath network.**

**Response:** Noted. Whilst acknowledging that the proposed access from St Giles Way will require to cross over an existing footpath at this location it is confirmed that this will be constructed to an acceptable standard and the footpath network will remain in place. It is further noted that Roads and Transportation Services have offered no objections in this regard.

i) **Concerns over proposed tree planting and adverse impact in terms of overshadowing.**

**Response:** Noted. The proposed layout plan provides an indicative landscaping layout for the proposed development. However, the submission of a further detailed landscape scheme for the consideration and approval of the Council would be conditioned as part of any approval given. Any impact on neighbouring properties can be assessed and addressed, if appropriate, through the discharge of the condition.

- 5.4 It should be noted that the petition received, whilst objecting to the proposals, does not specify any ground for the objection.
- 5.5 With regards to the remaining letter of representation it is noted that this raises no objection to the application proposals but suggests the consideration should be given to the undertaking of repairs to the concrete slabbed areas and paths within the area and that the lock-up garages, adjacent to the entrance to the application site are in need for attention and maintenance.

**Response:** Noted. The responsibility for the repair and maintenance of the footpath network surrounding the application site and adjacent lock-up garages does not lie with the applicants in this instance. There is no requirement, resulting from an approval of this development, for the applicant to undertake these off site improvement works and it would therefore be unreasonable to impose any such requirements through a planning approval for the works.

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

## **6 Assessment and Conclusions**

- 6.1 The application proposes a residential development, consisting of 13 new units, associated car parking and landscaping on land within an established residential area in Chantinghall, Hamilton. The Hanover Housing Association is a non-profit making organisation which mainly specialises in housing for older people and providing housing for families, often designed around a cul-de-sac or courtyards to provide a safer environment. All developments aim to meet the individual housing and support needs of people, ensuring they are able to retain their independence, live within a local community, and enjoy as much privacy or company as they desire.
- 6.2 The main determining issues in assessing this proposal are whether it accords with local plan policy, its impact on amenity and road safety matters.
- 6.3 In terms of local plan policies the adopted South Lanarkshire Local Plan identifies the application site as forming part of a proposed housing site (Policy RES2) and therefore the principle of residential use on the site is acceptable, subject to compliance with normal development control criteria.
- 6.4 In this instance development control criteria consists of Policies DM1 – Development Management, ENV11 – Design Quality, ENV12 – Flooding, ENV16 – Renewable Energy Development, ENV31 – New Housing, ENV32 – Design Statements, ENV35 – Water Supply, ENV36 – Foul Drainage and Sewerage and ENV37 – Sustainable Urban Drainage Systems of the adopted Local Plan.
- 6.5 In relation to the above detailed policies, these seek to ensure that any development within an area which is predominantly residential in character does not adversely impact on the amenity of such areas. They also seek to ensure that any such proposal can be adequately served by appropriate services, has been designed in a manner which takes cognisance of appropriate guidance and takes account of Government policies on the provision of low and zero carbon developments. Having considered the design and layout of the development, I am satisfied that the scheme

is capable of being developed, subject to conditions, without conflict with the general requirements of the applicable policies and guidance.

- 6.6 In relation to the Residential Development Guide, which aims to provide advice and guidance on the key development standards for residential developments, I am satisfied that the proposed development is in agreement with the aims of this document.
- 6.7 In terms of impact on the amenity of the area and adjoining residents I am satisfied that the proposed development has been designed in such a manner that it will not be detrimental to the amenity or privacy of this residential area or those neighbours immediately adjoining the site. With regards to the loss of the area, in terms of amenity space, this is also acceptable in planning terms. The release of the larger site was considered through a Greenspace Audit carried out in association of the preparation of the South Lanarkshire Local Plan and was identified for release as a suitable housing site. However, it is noted that the application occupies only half of the site identified within the local plan is being proposed for development and the remaining area will be retained as a playing field/public space, at this time.
- 6.8 In relation to road safety, Roads and Transportation Services have offered no objections, subject to conditions, to the proposal and it can therefore be considered acceptable in transportation terms.
- 6.9 The third party representations received in respect of the development are not significant enough to warrant the refusal of the proposals and the requirements of the statutory consultees can be addressed through the use of conditions where appropriate.
- 6.10 On the basis of the above it is therefore recommended that planning permission be granted, subject to conditions.

## **7 Reasons for Decision**

- 7.1 The development accords with the Policies RES2 – Proposed Housing Site, DM1 – Development Management, ENV11 – Design Quality, Policy ENV2 – Local Green Network, ENV12 – Flooding, ENV16 – Renewable Energy Development, ENV31 – New Housing, ENV35 – Water Supply, ENV36– Foul Drainage and Sewerage and ENV37 – Sustainable Urban Drainage Systems Furthermore, there will be no amenity or road safety issues resulting from the proposal in relation to surrounding residential properties.

**Colin McDowall**  
**Executive Director (Enterprise Resources)**

**26 October 2009**

### **Previous References**

- ◆ None

### **List of Background Papers**

- ▶ Application Form

- ▶ Application Plans
- ▶ South Lanarkshire Local Plan

- ▶ Consultations

Environmental Services 05/10/2009

Roads and Transportation Services (Hamilton) 16/10/2009

- ▶ Representations

Representation from : Robert Miller, 46 St Giles Way, Hamilton,  
DATED 01/10/2009

Representation from : Michelle M Lennon, 44 St Giles Way, Hamilton, ML3 8PG,  
DATED 08/10/2009

Representation from : Mr. Stewart Redfern, 43 St Giles Way, Hamilton, ML3 8PG,  
DATED 01/10/2009

Representation from : Mrs. Harriet Syme, 44 St Giles Park, Hamilton, ML3 8PQ,  
DATED 12/10/2009

### **Contact for Further Information**

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

James Watters, Planning Officer, Brandon Gate, Hamilton  
Ext 3522 (Tel: 01698 453522)  
E-mail: [Enterprise.hamilton@southlanarkshire.gov.uk](mailto:Enterprise.hamilton@southlanarkshire.gov.uk)



**CONDITIONS**

- 1 This decision relates to drawing numbers:  
  
6226/01  
6226/02D  
6226/02A  
6226/04A  
6226/05B  
6226/06A  
G7291/C/021
- 2 The development hereby permitted shall be started within three years of the date of this permission.
- 3 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.
- 4 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.
- 5 That prior to any work commencing on the site, a maintenance management schedule for the landscaping scheme approved under the terms of Condition 4 above shall be submitted to and approved by the Council as Planning Authority. Thereafter, the landscaping shall be maintained in accordance with the approved management schedule to the satisfaction of the Council.
- 6 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.
- 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 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.
- 10 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.
- 11 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.
- 12 That before the development hereby approved is completed or brought into use, the new vehicular access so far as it lies within the boundaries of the road abutting the site, shall be constructed in accordance with the specification of the Council as Roads and Planning Authority.
- 13 That before the development hereby approved is completed or brought into use, a turning space shall be provided within the site to enable vehicles to enter and leave the application site in forward gears at all times.
- 14 That before the development hereby approved is completed or brought into use, a private vehicular access or driveway of at least 6 metres in length shall be provided and the first 6 metres of this access from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.
- 15 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.
- 16 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.
- 17 The surface of car park shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the highway.
- 18 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.

- 19 That prior to the commencement of development, details of the land drainage works shall be submitted to and approved by the Council as Planning Authority.
- 20 That the development hereby approved shall not be commenced until the land drainage works have been completed in accordance with the plans submitted to and approved by the Council as Planning Authority under the terms of Condition 16 above.
- 21 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 (and the Scottish Executive as Trunk Roads Authority).
- 22 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.
- 23 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.
- 24 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements.
- 25 Prior to the commencement of development on site, an energy statement which demonstrates that on-site zero and low carbon energy technologies contribute at least an extra 15% reduction in CO<sub>2</sub> emissions beyond the 2007 building regulations carbon dioxide emissions standard, shall be submitted to and approved in writing by the Council as Planning Authority. The statement shall include:
  - a) the total predicted energy requirements and CO<sub>2</sub> emissions of the development, clearly illustrating the additional 15% reduction beyond the 2007 building regulations CO<sub>2</sub> standard;
  - b) a schedule of proposed on-site zero and low carbon energy technologies to be included in the development and their respective energy contributions and carbon savings;
  - c) an indication of the location and design of the on-site energy technologies; and
  - d) a maintenance programme for the on-site zero and low carbon energy technologies to be incorporated.
- 26 The approved on-site zero and low carbon energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and shall remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Council as Planning Authority.

- 27 That all trees to be retained within the site shall be fully protected during the period of construction and prior to any work commencing on the site, written details specifying the nature of such measures shall be submitted to and approved by the Council as Planning Authority.
- 28 That prior to works commencing on site a survey to determine the presence or absence of badgers at the site shall be undertaken and submitted to and approved by the Council as Planning Authority. The development shall not begin until any such action as recommended by the survey has been implemented and completed in accordance with the agreed details.
- 29 That notwithstanding the terms of Condition 1 above and prior to the occupation of any dwellinghouse hereby approved a revised scheme for the provision of bin storage facilities shall be submitted to and agreed by the Council as Planning Authority.
- 30 That prior to works commencing on site a site management plan, detailing the location of the proposed site compound, office and worker facilities, workers parking provision, and proposals for ensuring the limiting of conflict with the existing car park areas and footpath networks, shall be submitted to and agreed by the Council as Planning and Roads Authority.

## **REASONS**

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3 In the interests of the visual amenity of the area.
- 4 In the interests of amenity.
- 5 In the interests of amenity.
- 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 These details have not been submitted or approved.
- 10 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.
- 11 To minimise the risk of nuisance from dust to nearby occupants.
- 12 In the interest of public safety
- 13 In the interest of public safety
- 14 To prevent deleterious material being carried into the highway.
- 15 To ensure satisfactory vehicular and pedestrian access facilities to the dwellings
- 16 To ensure the provision of adequate parking facilities within the site.
- 17 In the interest of public safety
- 18 In order to retain effective planning control
- 19 To ensure the provision of a satisfactory land drainage system.
- 20 To ensure the provision of a satisfactory land drainage system.
- 21 To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.
- 22 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.
- 23 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.
- 24 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.
- 25 To secure a reduction in carbon dioxide emissions.
- 26 To secure the timeous implementation of on-site zero and low carbon energy technologies.
- 27 To ensure the protection and maintenance of the existing mature trees within the site and to retain effective planning control.
- 28 These details have not been provided or approved.
- 29 In the interests of amenity.
- 30 These details have not been provided or approved.

For information only

For information only

