

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>10 August 2021</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/1680
Planning proposal:	Erection of 12 flats (4 storey), provision of off street parking spaces, refuse and recycling storage facilities and amenity space

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Apsis Solutions
Location:	Land Adjacent to St Andrews Parish Church Avon Street Hamilton 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.

## 3 Other information

- ◆ Applicant's Agent: Steve Convery
- ◆ Council Area/Ward: 19 Hamilton South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted April 2021)**  
Policy 1 - Spatial Strategy  
Policy 2 - Climate Change  
Policy 5 - Development Management and Place Making  
Policy 11 - Housing  
Policy 15 - Travel and Transport  
Policy DM1 - New Development Design

**Residential Design Guide (2011)**

◆ **Representation(s):**

▶	1	Objection Letter
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Scottish Water

SP Energy Network

## **Planning Application Report**

### **1 Application Sites**

- 1.1 The planning application site comprises vacant land which was previously occupied by a car park and church hall associated with St Andrew's Parish Church. The site is situated in an urban area, in close proximity to the strategic centre of Hamilton.
- 1.2 The application site extends to 0.11ha and is situated in a reasonably prominent location, part of which forms a corner between John Street and Haddow Street. There is an existing vehicular access to the site and there is a substation situated in the northern corner of the site. In terms of topography, the site falls relatively steeply towards John Street.
- 1.3 The site is enclosed to the north by John Street and further by residential properties and to the east by Haddow Street and further by residential and commercial properties. The site is enclosed to the south by St Andrew's Church and to the west by residential and commercial properties.
- 1.4 The area is predominantly characterised by a mix of land uses including a church, commercial operations such as a vehicular repair garage and residential accommodation. The residential accommodation in the surrounding area includes two and three storey flatted residential properties together with a small row of terraced houses on John Street.

### **2 Proposal(s)**

- 2.1 The applicant seeks detailed planning consent for the erection of 12 flats (4 storey), provision of off street parking spaces, refuse and recycling storage facilities and amenity space at land adjacent to St Andrews Parish Church Avon Street, Hamilton.
- 2.2 The proposal relates to the erection of 12 flatted units which would be operated by the West of Scotland Housing Association. The proposed property is four storeys in height accommodating 12 flatted units each with two bedrooms, a lounge, a kitchen and a bathroom. The design of the flatted block is of a traditional pitched roof and externally will be finished in a combination of facing brick, zinc cladding, glazing panels and a concrete roof tile.
- 2.3 Vehicular access to the site is proposed from a new access from Haddow Street and there is pedestrian access to the site from Haddow Street and John Street. The site will also accommodate 13 car parking spaces and amenity space, associated with the flats.

### **3 Background**

#### **3.1 Local Plan Status**

- 3.1.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan 2 and its impact on residential amenity, traffic safety and infrastructure issues.
- 3.1.2 The planning application site is designated as housing land in the adopted Local Development Plan 2. The site is affected by Policy 1 'Spatial Strategy,' Policy 2 'Climate Change,' Policy 5 'Development Management and Place Making,' Policy 11 'Housing,' Policy 15 'Travel and Transport' and Policy DM1 'New Development Design' of the adopted Local Development Plan.

### 3.2 **Relevant Government Advice/Policy**

3.2.1 In terms of residential development, SPP requires Councils to maintain a five year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by, where possible, directing development towards sites within existing settlements in order to make effective use of established infrastructure and service capacity.

3.2.2 **Designing Streets** - A Policy Statement for Scotland was introduced in March 2010 and establishes the Scottish Government's commitment to move away from a standardised engineering approach to streets and to raise the quality of design in urban and rural development. Development layouts should be designed to encourage a safe environment for pedestrians and cyclists with narrower streets, landscaping and off-street parking which can be more effective at achieving slower traffic movements. Permeability which encourages walking is now seen as a high priority and footpath links are encouraged to ensure that residential properties can be easily accessed from main public transport routes.

### 3.3 **Planning Background**

3.3.1 In terms of the planning history of the site, planning consent 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' (P/18/0194).

3.3.2 An application was submitted to the Planning Service for the 'erection of 12 flats (4 storey high) and formation of associated car parking' (P/18/0434) on 30 March 2018, however, this application was subsequently withdrawn by the agent.

## 4 **Consultation(s)**

4.1 **Roads Development Management Team** – had initially requested the deferral of the application as they advised that the parking would not meet the requirements for a private residential development. The agent subsequently submitted information which established that the proposed development is for the sole use of a Housing Association. Following review, they have advised that they have no objection to the development, subject to the imposition of conditions. These conditions include the provision of the parking spaces, the reinstalment of the existing vehicle access as a footpath along Haddow Street and the submission of a Construction Traffic Management Plan.

**Response:** Noted. It is advised that these requirements can be addressed through the use of planning conditions, where appropriate.

4.2 **Environmental Services** - have no objection to the proposal subject to the submission of further details relating to a scheme for the control and mitigation of dust and the storage and collection of refuse at the site.

**Response:** Noted. It is advised that these requirements can be addressed through the use of planning conditions, where appropriate.

4.3 **Scottish Water** - have offered no objection to the proposal.

**Response:** Noted.

4.4 **SP Energy Network** - have offered no objection to the proposal.

**Response:** Noted.

## 5 **Representation(s)**

5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local press. One letter of representation has been received in relation to the application and the grounds of objection are summarised below:

- (a) **I am concerned that the proposed four storey building will result in overshadowing and subsequent loss of light to my second floor flat in John Street.**

**Response:** The objector's property is situated to the southeast of the site and the sun rises in the east and sets in the west (due south). Therefore, it is noted that there may be a limited degree of overshadowing of the existing flats at 20 John Street in the evening. However, within a built up urban area, adjacent to Hamilton town centre, a degree of overshadowing of adjacent and nearby properties is generally accepted. In this instance it is not considered that the resulting overshadowing from the development will have a significant adverse effect on the surrounding properties.

- (b) **The proposed flats will result in overlooking and adversely affect my privacy.**

**Response:** The Councils Residential Development Guide identifies that ideally there should be a 20m window to window distance between properties in relation to habitable rooms. There is an approximate distance of 12m between the side elevation of the proposed flatted units and the existing block of flats at 20 John Street. The Councils Residential Development Guide further establishes that achieving the 20m distance, within higher density older more compact areas, may result in a design which is out of keeping with the established character of the area.

The area surrounding the site is characterised by high density residential development where a degree of overlooking is generally considered acceptable. Therefore, within this context, it is not considered that the proposed development would result in significant adverse overlooking or loss of privacy of the objector's property.

- (c) **The proposed four storey building is higher than the existing adjacent buildings.**

**Response:** It is noted that the surrounding area predominantly includes two and three storey flatted developments and the site and the surrounding area are situated on a steep gradient. However, the agent has submitted contextual elevations which illustrate that the proposed flatted development will be the same height as the existing adjacent tenement block in John Street and will be in keeping with the surrounding area. Subsequently, it is not considered that the proposed development will be overly dominant or adversely affect the existing streetscape.

- (d) **There is a lack of parking in John Street and the surrounding area and I struggle to get parked near my property. The proposal will exacerbate this situation.**

**Response:** The proposal includes 13 off street parking spaces associated with the flatted development, which will be managed by a Housing Association. It should be noted that the parking requirements for a private residential flatted development would be different.

Roads and Transportation Services were consulted in relation to the development and they did not raise any concerns in relation to parking provision associated with the flatted units.

- e) **Concern that during the construction process, the siting of machinery and the parking of the additional vehicles will make it more difficult for local residents to find a space.**

**Response:** Roads and Transportation Services were consulted in relation to the proposal and have advised that a condition should be attached to any consent which requires the submission and approval of a Construction Traffic Management Plan. This document would provide details regarding the proposed parking arrangements for deliveries, construction and staff vehicles. The works at the site would require to be undertaken in accordance with this approved document which should mitigate any potential parking issues. However as with any development, there will be a degree of disruption during the construction phase.

**f) The construction process will result in an increase in noise in the area.**

**Response:** Environmental Services were consulted regarding the proposal and have advised that they have no objection to the development subject to the use of appropriate conditions and informatives, including an informative relating to noise control.

Whilst it is acknowledged that the construction process can result in some increase in noise and disruption for nearby residents, it is noted that this is only short term until the completion of the development.

**g) The proposal will result in additional people in the area.**

**Response:** Noted.

5.2 This letter is available for inspection on the planning portal.

**6 Assessment and Conclusions**

6.1 The applicant seeks detailed planning consent for the erection of 12 flats (4 storey), provision of off street parking spaces, refuse and recycling storage facilities and amenity space at land adjacent to St Andrews Parish Church, Avon Street, Hamilton.

6.2 The determining issues in the consideration of this application are its compliance with the adopted and proposed Local Development Plan policies and its impact on residential amenity, traffic safety and infrastructure issues.

6.3 With regards to Government guidance and advice, as detailed in section 3.2, the site relates to vacant land which is situated within an established urban area and therefore it is considered that there are no significant issues raised by the proposal in this regard.

6.4 Policies 1 and 2 of the adopted Local Development Plan promote sustainable economic growth and regeneration, a move towards a low carbon economy, the protection of the natural and historic environment and mitigation against the impacts of climate change. The proposal involves the reuse of an area of vacant land, in close proximity to the strategic centre of Hamilton and key transport hubs, at a sustainable location. Therefore, it is considered that the proposal raises no issues within the context of Policies 1 and 2 of the adopted Local Development Plan.

6.5 The site is affected by Policy 11 of the adopted Local Development Plan and designated as part of the housing land supply. Subsequently, the principle of the site for residential use accords with the provisions of Policy 11 of the adopted Local Development Plan.

6.6 Policy 5 of the adopted Local Development Plan identifies that all development proposals will require to take account of and be integrated with the local context and built form. It is considered that the design, location and scale of the proposed development is acceptable and will not result in a significant material impact on the

streetscape or any nearby properties. Therefore, the proposal raises no issues within the context of Policy 5 of the adopted Local Development Plan.

- 6.7 Policy DM1 of the adopted Local Development Plan relates to the design and layout of all new developments. Given the physical characteristics of the site, it is considered that the development will not result in a significant adverse impact on the neighbouring properties in terms of privacy, overlooking, overshadowing or the character of the area in general. In addition, the external finishes of the proposed flats are considered acceptable within the context of the established area. Subsequently, the proposed development accords with the provisions of Policies DM1 of the adopted Local Development Plan. In addition, it is considered that the proposed layout for the development generally accords with the standards set out in the Council's Residential Design Guide.
- 6.8 Policy 15 of the adopted Local Development Plan seeks to ensure that development considers 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. The site is situated within walking distance to key strategic public transport facilities in Hamilton town centre and is well integrated into existing walking and cycling networks. In addition, Roads and Transportation Services consider that the proposal is acceptable in terms of access, parking and road safety issues. Subsequently, it is considered that the proposal accords with the provisions of Policy 15 of the adopted Local Development Plan.
- 6.9 With regards to infrastructure considerations, Scottish Water has not raised any concerns in relation to the proposal and it is considered that any detailed requirements can be dealt with by the use of planning conditions.
- 6.10 In conclusion, the proposal relates to a vacant urban site in close proximity to the strategic centre of Hamilton, which will provide residential accommodation for the housing association sector. The layout, design and general appearance of the proposals are acceptable. Overall and in view of the above, it is recommended that planning consent be granted.

## **7 Reasons for Decision**

- 7.1 The proposal will have no adverse impact on visual amenity, environmental matters or infrastructure issues and raises no issues within the policy context of 1, 2, 5, 11, 15 and DM1 of the adopted Local Development Plan 2. There are no other material considerations which would justify the refusal of planning permission.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

Date: 30 July 2021

### **Previous references**

- ◆ P/18/0194
- ◆ P/18/0434

### List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter, dated 16 December 2020
- ▶ Design and Access Statement, prepared by Convery Prenty Architects, dated October 2020
  
- ▶ Consultations
  - Roads Development Management Team 10.05.2021
  - Environmental Services 23.12.2020
  - Scottish Water 21.12.2020
  - SP Energy Network 21.12.2020
  
- ▶ Representations Dated:
  - Alastair Smith, Flat 4, 20 John Street, Hamilton, 05.01.2021
  - South Lanarkshire, ML3 7EU

### Contact for further information

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

Gail Neely, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Phone: 01698 455932  
Email: [gail.neely@southlanarkshire.gov.uk](mailto:gail.neely@southlanarkshire.gov.uk)



### **Conditions and reasons**

01. 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.

02. 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 in writing by the Council as Planning Authority.

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

03. That prior to the occupation of the approved flats, the fences and walls approved under the terms of Condition 2 above, shall be erected, thereafter maintained and remain in perpetuity to the satisfaction of 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 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.

05. 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.

06. That before any of the flats hereby approved are occupied, details of the proposed storage and collection of refuse within the development shall be submitted to and approved in writing by the Council and thereafter the approved scheme shall be maintained to the satisfaction of the Council as Planning Authority.

Reason: To ensure that adequate refuse arrangements are provided.

07. 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. 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.

08. That before the development is brought into use, all of the parking spaces illustrated on Drawing 547A\_200 Rev M shall be laid out, constructed and thereafter maintained to the satisfaction of the Council as Roads and Planning Authority.

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

09. That before the development hereby approved is completed or brought into use the existing vehicular access from Haddow Street shall be reinstated to footway along the frontage of the site to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of public safety.

10. That before the development is completed or brought into use, the surface of the 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 road.

Reason: In the interests of traffic safety and to prevent deleterious material entering the road.

11. That prior to the commencement of any works associated with the development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Council as Roads and Planning Authority and implemented thereafter. This plan should include details of access and parking provision for staff and visitors, intended working hours, the management and storage of deliveries and further information regarding the provision of wheel washing facilities to prevent mud being carried on to the adopted road.

Reason: in the interests of traffic and public safety as well as to preserve the amenity of the surrounding area.

12. That the existing stone boundary wall, enclosing the site adjacent to John Street, shall be retained and remain in perpetuity to the satisfaction of the Council as Planning Authority.

Reason: In the interests of amenity and in order to retain effective planning control.

13. That the development is for the use by the West of Scotland Housing Association or other registered social landlord and shall not be used for private rent or sale.

Reason: The parking provision does not meet the minimum requirements for a private flatted development.

14. Prior to commencement of the development hereby approved, details of measures to facilitate the provision of full fibre broadband to serve the development, including details of appropriate digital infrastructure and a timescale for implementation, shall be submitted to and approved in writing by the Council as Planning Authority, unless otherwise agreed in writing with the applicant. The approved measures shall thereafter be carried out in accordance with the agreed implementation timescale.

Reason: To ensure the provision of digital infrastructure to serve the development.

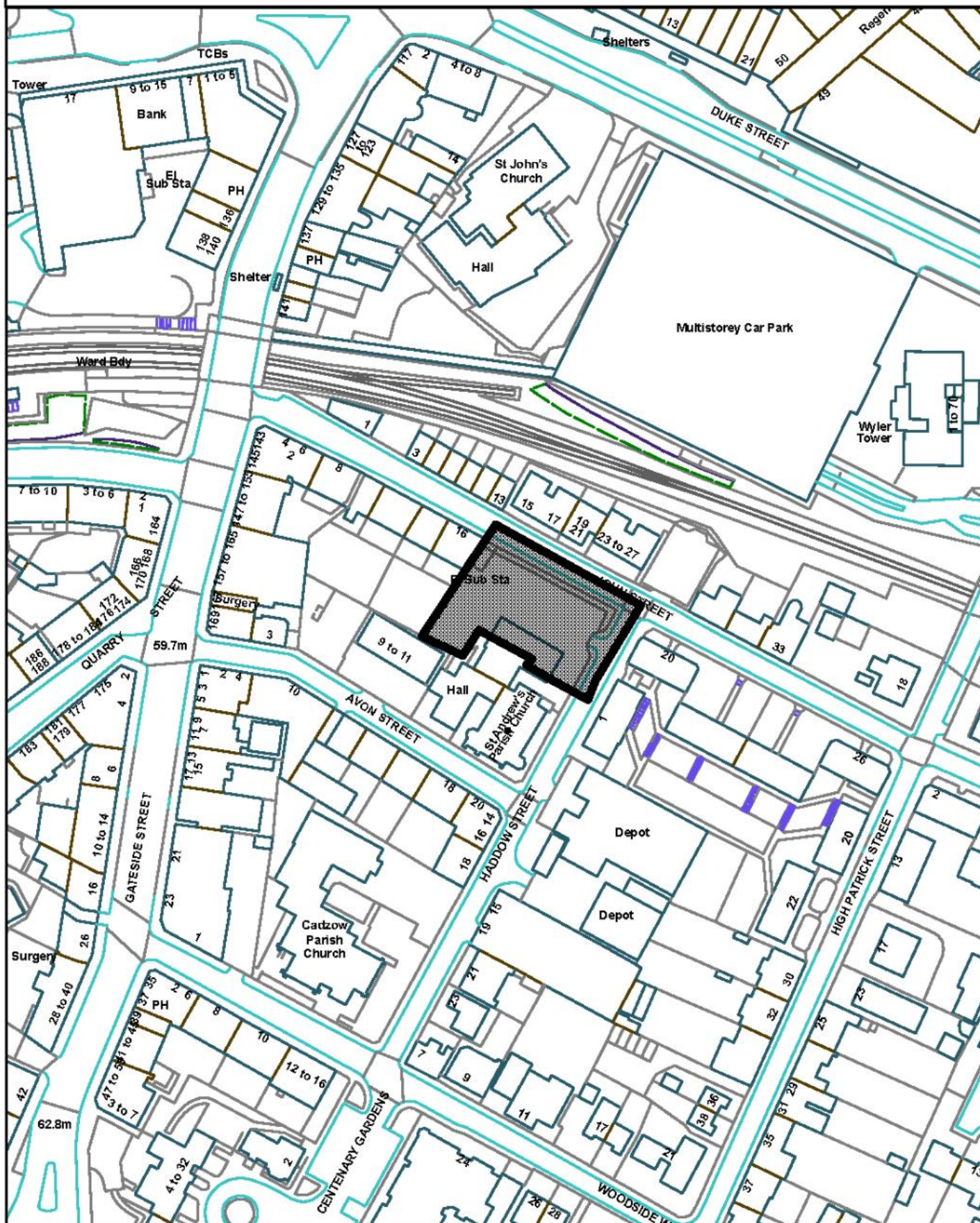
- 15 That before the development is completed or brought into use, details of electric vehicle charging points for the development shall be submitted to and approved in writing Council as Planning Authority. The charging points shall be installed and remain in perpetuity to the satisfaction of the Council as Planning Authority.

Reason: These details have not been submitted or approved.



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Land adjacent to St Andrews Parish Church, Avon Street, Hamilton



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Scale:  
1:1,500  
Date:  
07/07/2021



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development