

Report

Report to:	Planning Committee
Date of Meeting:	12 December 2023
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/23/0434
Proposal:	Erection of 6 no. dwellings
Site Address:	Butterburn Park Hamilton
Applicant:	Housing and Technical Resources South Lanarkshire Council
Agent:	N/A
Ward:	19 – Hamilton South
Application Type:	Full Planning Permission
Advert Type:	N/A
Development Plan Compliance:	Yes
Departures:	N/A
Recommendation:	Grant subject to conditions
Legal Agreement:	N/A
Direction to Scottish Ministers	N/A

1. Reason for Report

- 1.1. This application must be presented to the Planning Committee for determination as it has received more than 5 objections, as detailed in paragraph 3.5 (b) of the approved South Lanarkshire Council Planning Application Decision Making Process April 2015.

2. Site Description

- 2.1. The site relates to land situated at the corner of Butterburn Park and Morris Street, Hamilton adjacent to residential uses composed mainly of 2-storey post-war semi-detached houses and cottage flats, and a few 1½ storey semi-detached cottages with stone frontages.
- 2.2. The site is enclosed by a wire mesh fence and contains an area of informal hardstanding, with several trees along its roadside boundaries. The site was formerly a playground, however, the play equipment was removed many years ago and has since been used by the Council as an informal storage depot for vehicles and containers.

3. Description of Proposed Development

- 3.1. The proposed development relates to the erection of a 3-storey block of 6no. residential flats (4 x 1-bedroom and 2 x 2-bedroom). The proposed block of flats will have a 186m² rectangular footprint; a gable roof finished in slate effect rooftiles, with a ridge height of 10.6m; external walls finished in cream facing brick with anthracite grey mortar joints; vertically emphasised fenestration with anthracite grey frames; and anthracite grey facias, soffits, external doors, and rainwater goods.
- 3.2. The building would be positioned to face Morris Gardens and the rear court would contain a communal drying area, fenced bin storage for 24 wheelie bins, an enclosed sprinkler tank, and an enclosed air-source heat pump. Vehicular access would be taken from Butterburn Park, leading to a parking court with 6 off-street parking spaces including 2no. accessible spaces. Provision is also made for cycle storage.
- 3.3. The application has been revised since initial validation to remove 2 parking spaces to increase the size of the rear court and enhance landscaping.

4. Relevant Planning History

- 4.1. There are no recent planning applications on the site.

5. Supporting Information

- 5.1. In support of the planning application, the applicant has submitted:-

- ◆ Tree Survey Report and Tree Constraints Plan
- ◆ Preliminary Ecological Appraisal

6. Consultations

- 6.1. Roads Development Management - No objections subject to conditions relating to parking.
Response: Noted.
- 6.2. Scottish Water - There is sufficient water capacity to service the development and connect to the waste water network.
Response: Noted.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement, a total of 8 representations have been received (8 objections, 0 support). The issues raised are summarised as follows:-

Design

- ◆ Flats taller than existing dwellings

Roads

- ◆ Road in state of disrepair
- ◆ Traffic volume and parking

Amenity Impacts

- ◆ Overshadowing
- ◆ Noise
- ◆ Construction disruption
- ◆ Loss of play area
- ◆ Loss of trees

- 7.2. The above issues are considered in the assessment below and full copies are available to view on the planning portal.

8. Development Plan

- 8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the South Lanarkshire Local Development Plan 2 and National Planning Framework 4.

8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crisis
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 3 - Biodiversity
- ◆ Policy 9 - Brownfield, vacant and derelict land and empty buildings
- ◆ Policy 12 - Zero waste
- ◆ Policy 13 - Sustainable transport
- ◆ Policy 14 - Design, quality and place
- ◆ Policy 15 - Local living and 20 minute neighbourhoods
- ◆ Policy 16 - Quality homes
- ◆ Policy 19 - Heating and cooling
- ◆ Policy 21 - Play, recreation and sport
- ◆ Policy 22 - Flood risk and water management

8.3. South Lanarkshire Local Development Plan 2 (2021)

For the purposes of determining planning applications the Council will, therefore, also assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

SLLDP2 Volume 1 Policies

- ◆ Policy 2 - Climate Change
- ◆ Policy 3 - General Urban Areas and Settlements
- ◆ Policy 5 - Development Management and Placemaking

SLLDP2 Volume 2 Policies

- ◆ Policy SDCC3 - Sustainable Drainage Systems
- ◆ Policy SDCC7 - Low and Zero Carbon Emissions for New Buildings
- ◆ Policy DM1 - New Development Design
- ◆ Policy DM15 - Water Supply
- ◆ Policy DM16 - Foul Drainage and Sewerage

South Lanarkshire Council (SLC) Supporting Planning Guidance

- ◆ Residential Design Guide 2011
- ◆ Electric Vehicle Charging Point Supporting Guidance 2022

9. Guidance

9.1. None relevant.

10. Assessment and Discussion

10.1. Principle of Development

The site is located within the general urban area of Hamilton, as defined by Policy 3 of SLLDP2 and is approximately ½ mile south of Hamilton Town Centre. Consequently shops, services, employment and transportation options are available within a short distance from the site.

10.2. Policy 9 of NPF4 supports the sustainable reuse of vacant land, provided that biodiversity value and contamination are considered. The site has never hosted a permanent building, but it is affected by its previous uses as a playground and storage depot. While the site has greenery, it is fenced off from the street and cannot be considered public greenspace. The site is not known or suspected to be contaminated and as such redevelopment of the site can be supported by Policy 9 of NPF4.

10.3. Policy 3 of the SLLDP2 does not specifically allocate sites for housing, however, the principle of residential development is acceptable in an urban location. Policy 16 of NPF4 seeks to encourage, promote and facilitate the delivery of high quality, affordable and sustainable homes in the right locations.

10.4. 6 dwellings in the context of Hamilton is considered a small-scale opportunity within an existing settlement boundary and, as such, the proposals are consistent with local living and 20-minute neighbourhoods as referred to in Policy 15 of NPF4.

10.5. Climate Change

Policies 1 and 2 of NPF4 and Policy 2 of SLLDP2 relate to the climate crisis and states that all development should seek to minimise and mitigate the effects of climate change. Policy 13 of NPF4 aims to facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

10.6. The site is well located for services and the majority of daily needs could be achieved by sustainable travel means. Provision has been made for electric vehicle charge points and for low and zero carbon energy and heating technologies through solar panels and an air source heat pump. Furthermore, the proposal will redevelop a vacant site without any adverse impact on the water or soil environment, flood risk, air quality, biodiversity and/or green networks. Therefore, on balance, the proposal is

considered to meet the terms of Policies 1, 2, 13 and 19 of NPF4 and Policies 2 and SDCC7 of the SLLDP2.

10.7. Biodiversity

Policy 3 of NPF4 outlines that local developments should conserve, restore and enhance the biodiversity value of a site. A preliminary ecological appraisal accompanying the application does not discourage development of the site but makes recommendations relating to birds and hedgehogs. Three of the nine mature trees on the site would require to be felled, while some crown trimming would occur on remaining trees. Measures to enhance the biodiversity value of the site and implement the recommendations of the ecological appraisal would be secured by condition.

10.8. Layout, Siting and Design

Policies 14 and 21 of NPF4 and Policies 5 and DM1 of the SLLDP2 relate to liveable places, placemaking and the quality of the design of a development. Policy 14 of NPF4 sets out that all development should be designed to improve the quality of an area and be consistent with the six qualities of a successful place: healthy, pleasant, connected, distinctive, sustainable, and adaptable.

10.9. It is considered that in terms of scale, design and materiality that the proposed building will be sympathetic to the character and setting of the locale. The proposed external materials would be original within the locale but be clearly residential in character and add some visual diversity to the streetscape. The 3-storey block of flats will be taller than surrounding 2-storey dwellings, however, this height difference is not considered to be significantly impactful considering its separation from existing buildings. Therefore, while the design is distinctive, the development will not result in a detrimental impact on the character of the area, the streetscape or any adjacent properties.

10.10. The proposed dwellings will introduce new structures to the rear of existing residential properties, however, minimum garden depths (10m) and distances between facing windows (18m) as set out in the Council's Residential Design Guide will be maintained. A degree of overlooking and overshadowing is to be expected in dense residential areas, but it is not considered to be of a significantly detrimental degree in this instance. Representations raised concerns over noise impacts from the construction and occupation of the flats. However, residential use is appropriate in this location and construction noise is temporary and regulated by Environmental Services.

10.11. Overall, it is considered that the proposed development would not have a significant detrimental impact on the amenity and character of the area, the streetscape, or any adjacent properties and will contribute to improving the quality of the site as a liveable and successful place. Furthermore, the site has not been a playground for many years, thus the proposal cannot be considered as the loss of a playground, and the proposed flats will also have a good-sized rear court which will be appropriate for children's play. Consequently, the proposal accords with the considerations of Policies 14 and 21 of NPF4 and Policies 5 and DM1 of the SLLDP2.

10.12. Technical Matters

Policy 12 of NPF4 identifies that proposals which generate waste, including residential, should make provision to maximise the reduction and separation of waste at source and for the storage and convenient access for the collection of waste. Provision has been made within the site for the storage of waste bins including recycling bins.

10.13. Policy 22 of NPF4 and Policy SDCC3 of the SLLDP2 relate to the water environment and sustainable urban drainage systems. These require that development proposals will not increase the risk of surface water flooding to others, or themselves be at risk, that they manage all rain and surface water through sustainable urban drainage systems (SUDS) and seek to minimise the area of impermeable surface. The site is not at risk of flooding and several permeable areas proposed within the site. No details of a SUDS system have been provided, however, considering the site area and scale of development, it is considered that the site can accommodate a suitable SUDS system; details of which would be secured by condition.

10.14. Policies DM15 and DM16 of the SLLDP2 seek to ensure appropriate supply of water and waste water services. Scottish Water have confirmed availability and capacity for a water supply but can only confirm availability but not capacity for waste water services. Therefore, the proposal meets the terms of Policy DM15 and DM16.

10.15. The site plan shows a parking court with 6 spaces. The Planning Service specifically requested this level of parking in order to increase the amenity space for the flats. Considering that the site is a 15-minute walk from the town centre, and that the surrounding streets are wide roads with on street parking, it is not considered acceptable to compromise resident amenity. Each proposed flat will have an off-street parking space. The Roads Authority have not raised any concern regarding traffic volumes and have recommended conditions to ensure the proper formation of the access and that a traffic management plan be submitted prior to commencement of development. This should ensure that any further damage to the road is minimised.

10.16. Conclusion

In conclusion, the proposal seeks planning permission for 6 dwelling flats on a plot of vacant land at the corner of Butterburn Park and Morris Street within the defined settlement of Hamilton. The site is a suitable location for residential use. The proposed flats can be accommodated on the site without significant adverse impact on surrounding amenity and the design is distinctive, while complementing the residential character of the surrounding area. Overall, it is considered that the proposals comply with the provisions of the relevant policies within National Planning Framework 4 and the South Lanarkshire Local Development Plan 2.

11. Recommendation and Conditions

11.1. The Committee is asked to agree the following recommendation:-

Grant Planning Permission Subject to the following Conditions:-

01. The development to which this permission relates shall be begun no later than the expiration of three years beginning with the date of grant of this decision notice.

Reason: To comply with Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. 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.

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

03. 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.

04. That before any development commences on site details of biodiversity measures shall be submitted for the written approval of the Planning Authority. For the avoidance of doubt these details shall include compensatory tree planting and measures to address the recommendations within the Preliminary Ecological Appraisal. The biodiversity measures shall thereafter be implemented prior to occupation of the approved dwellings.

Reason: In order to ensure the provision of biodiversity measures which restore and enhance the site and surrounding area.

05. 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.

06. 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 05 shall be erected as approved.

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

07. That before the development is completed or brought into use, details for the management and operation of the electric vehicle charging points shown on drawing XX-SP-A-102 Rev L of the approved plans shall be submitted for the written approval of the Council as Planning Authority. Prior to the completion of the development the approved charging points shall be installed, and available for use.

Reason: To ensure facilities for recharging electric vehicles are available for the use of the residents.

08. That before the development is completed or brought into use, all of the parking spaces shown on drawing XX-SP-A-102 Rev L of the approved plans shall be laid out and constructed to the specification 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 entire access road serving the development shall be laid out and constructed in accordance with the specification of the Council as Roads and Planning Authority.

Reason: To ensure the provision of satisfactory access to the dwellings.

10. That prior to any works associated with the construction of the development commencing, a Construction Traffic Management Plan shall be submitted to the Council as Roads and Planning Authority for approval. This should provide details of access and parking provision for staff and visitors, intended working hours, how deliveries of materials will be managed and stored and what wheel washing facilities will be provided 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. Reason for Decision

- 12.1. The proposed dwellings would redevelop a plot of vacant land which represent a small-scale opportunity within a settlement and is a sustainable location due to the availability of services and infrastructure. The design of the flats respects the local residential character, and the site layout ensures that neighbouring amenity would not be significantly impacted. Technical matters have also been met or could be met through condition. Consequently, the proposal is considered to comply with Policies 1, 2, 3, 9, 12, 13, 14, 15, 16, 19, 21, and 22 of National Planning Framework 4 and Policies 2, 3, 5, SDCC3, SDCC7, DM1, DM15, and DM16 of the South Lanarkshire Local Development Plan 2.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 1 December 2023

Background Papers

Further information relating to the application can be found online:

[P/23/0434 | Erection of 6no. dwellings | Butterburn Park Play Area - Former Butterburn Park Hamilton](#)

Corporate Considerations

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

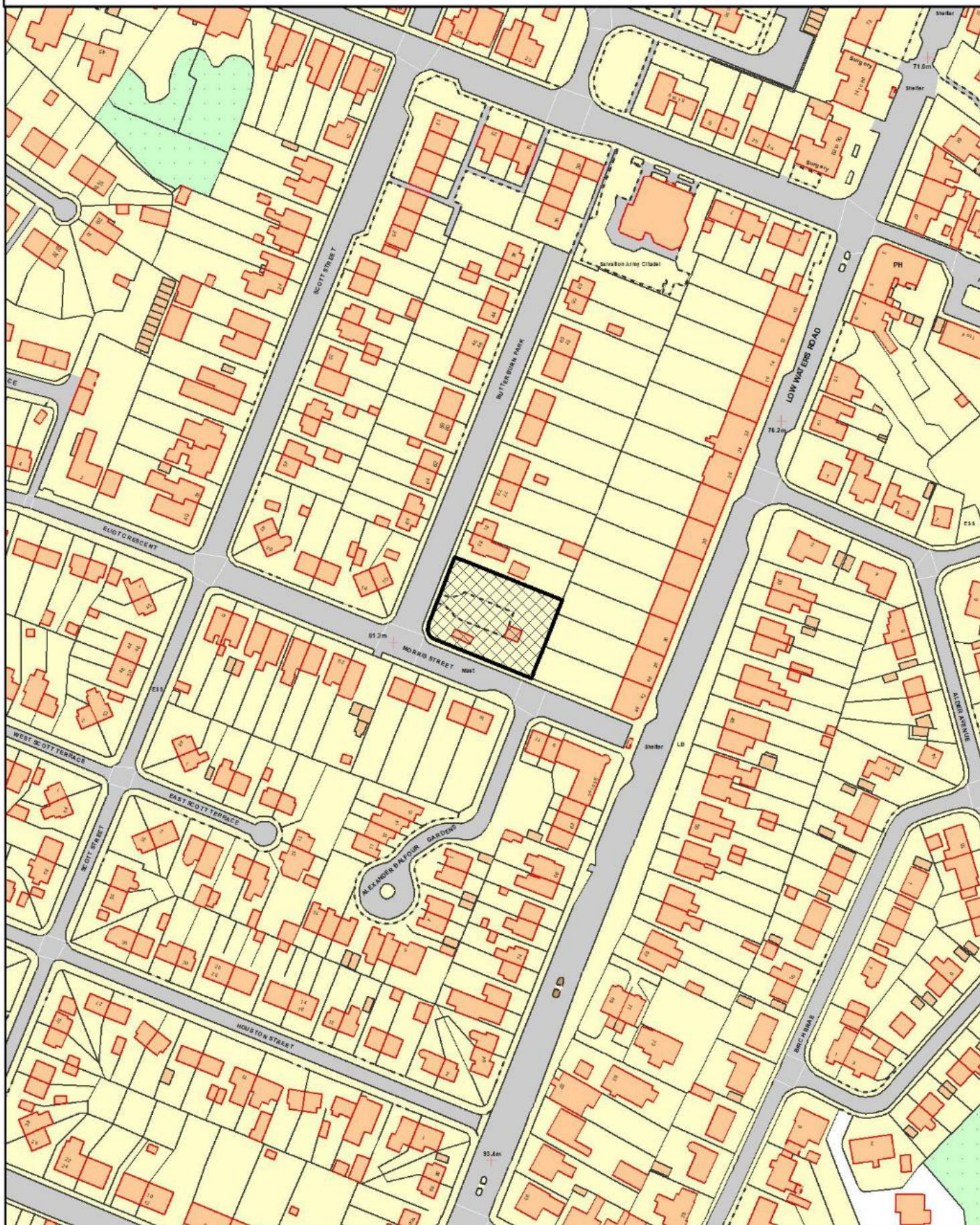
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/23/0434 former Butterburn Park Play Area, Hamilton



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Scale:
1:2,000
Date:
20/11/2023



South Lanarkshire Council
Community and Enterprise Resources
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