

# Report

Report to:	<b>Hamilton Area Committee</b>
Date of Meeting:	<b>27 June 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no:	HM/18/0405
Planning proposal:	Subdivision of Garden Ground to Form House Plot (Planning Permission in Principle) at 107 Townhead Street, Hamilton

## 1 Summary application information

Application type:	Permission in principle
Applicant:	Mr K Martyn
Location:	107 Townhead Street Hamilton ML3 7BX

## 2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant planning permission in principle (subject to conditions) based on conditions attached.

## 2.2 Other actions/notes

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

## 3 Other information

- ◆ Applicant's Agent: Bruce Scotland
  - ◆ Council Area/Ward: 17 Hamilton North And East
  - ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (2015)**  
Policy 4 - Development Management and Place Making  
Policy 6 - General Urban Area/Settlements  
Policy 17 - Water Environment and Flooding
- South Lanarkshire Local Development Plan: Supplementary Guidance (2015)**  
**Development Management, Place Making and Design**  
Policy DM1 - Design  
Policy DM3- Sub-division of Garden Ground  
Policy DM13 - Development within General Urban Area/Settlements

## **Residential Design Guide**

### **Sustainable Development and Climate Change**

Policy SDCC2 - Flood Risk

Policy SDCC3 - Sustainable Drainage Systems

Policy SDCC4 - Water Supply

Policy SDCC5 - Foul Drainage and Sewerage

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

Policy 3 - General Urban Area/Settlements

Policy 5 - Development Management

Policy DM3- Sub-division of Garden Ground

Policy DM 15- Water Supply

Policy DM16 - Foul Drainage and Sewerage

Policy SDCC2 - Flood Risk

Policy SDCC3 - Sustainable Drainage Systems

#### ◆ **Representation(s):**

▶	6	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

#### ◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

SP Energy Network

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site relates to land associated with the existing residential property at 107 Townhead Street, Hamilton, at its junction with Avonside Grove. Townhead Street is a primary traffic route to and from Hamilton. The surrounding area is residential in character, with a mixture of house types, sizes and designs. Barncluith Business Centre is located directly opposite the site on Townhead Street.
- 1.2 It is noted that Avonside Grove is a T-shaped cul-de-sac, serving 26 detached properties, one of which is accessed from the spine road into the development on the opposite side of the proposed house plot. Given ground level differences, the property to the rear of the site, a detached bungalow, is at a lower level. The boundary with this property is formed by a high brick wall and mature hedging and trees. The sites boundary with Avonside Grove is also formed by a high brick wall and hedging. An electricity sub-station is also located immediately adjacent to the rear of the site.

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

- 2.1 The applicant seeks Planning in Principle consent for the subdivision of their rear garden ground to provide an additional house plot. The proposed plot would be accessed directly from Avonside Grove, with access to the existing property being retained from Townhead Street.
- 2.2 The plan submitted in support of the application shows an indicative location for the proposed house within the plot, with 2 off street parking spaces also being shown. The submitted drawing also shows an indicative house type for the property, being a one and a half storey three bed-roomed property.
- 2.3 An existing garage within the site would be demolished to accommodate the new property.

### **3 Background**

#### **3.1 Local Plan Policy**

- 3.1.1 In determining planning applications, the Council must assess the proposed development against the policies contained within the adopted South Lanarkshire Local Development Plan (2015) (SLLDP) and associated Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.1.2 In terms of the SLLDP, the application site is designated as being within a residential area (Policy 6 - General Urban Area/Settlements). Within such areas, residential development may be acceptable provided it does not have a significant adverse impact on the amenity and character of the area.
- 3.1.3 A number of other policies within the adopted SLLDP are also considered appropriate to the determination of this application, namely, Policy 4 - Development Management and Placemaking and Policy 17 - Water Environment and Flooding. These policies are supported by Supplementary Guidance, which forms part of the Development Plan for South Lanarkshire, including:-

- Development Management, Place Making and Design SG  
Policies DM 1 – Design, DM3 - Sub-division of Garden Ground and DM13 – Development within General Urban Area/Settlements
- Sustainable Development and Climate Change SG  
Policies SDCC 2 - Flood Risk, SDCC 3 - Sustainable Drainage Systems, SDCC 4 - Water Supply and SDCC 5 - Foul Drainage and Sewerage
- Residential Design Guide

The collective aim of these policies and guidance is to seek well designed development which is located in an appropriate location, is appropriately serviced and results in no adverse impact from an amenity perspective.

3.1.4 The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

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

3.2.1 Scottish Planning Policy (2014) (SPP) highlights that the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision-making and advises that proposals that accord with up-to-date plans should be considered acceptable in principle. In terms of residential development, SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations.

### 3.3 **Planning Background**

3.3.1 There is no recent planning history relevant to this application.

3.3.2 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, Policies 3 - General Urban Area/Settlements, 5 – Development Management, DM3- Sub-division of Garden Ground, DM15 - Water Supply, DM16 - Foul Drainage and Sewerage, SDCC2 - Flood Risk and SDCC3 - Sustainable Drainage Systems are relevant

## 4 **Consultation(s)**

4.1 Roads and Transportation Services (Development Management Team) – have advised that they have no objections to the proposal subject to conditions relative to provision of a dropped kerb vehicular crossing, driveway standards and surface finishes and provision of a turning space.

**Response:-** Appropriately worded conditions can be incorporated into any consent granted to address these aspects.

4.2 Environmental Services – have offered no objections to the application.

**Response:-** Noted.

4.3 **SP Energy Network** – whilst offering no objections has highlighted that they have underground cables within the vicinity of the site and reserve the right to protect and/or deviate their apparatus at the applicants expense.

**Response:** - The applicants are aware of the presence of the apparatus within the vicinity of their site.

## 5 Representation(s)

5.1 Statutory neighbour notification was undertaken and, in response, 6 letters of representation were received. The grounds of objection can be summarised as follows:

a) **The submitted plans do not show all structures within the application site (existing brick built shed) or proposed tree removal works.**

**Response:** Applications for planning permission in principle require no plans or drawings other than a location plan; which should indicate the proposed access to the site. Having said that, the applicant has provided indicative details for a proposed scheme. This scheme would require the removal of the existing garage and shed along with trees within the site to accommodate a proposed house. Whilst this is not clearly detailed within the submitted drawings, it is considered that sufficient information has been provided to allow the consideration and determination of this planning in principle application.

b) **Concerns over the proposed access arrangements in terms of public safety (visibility issues, road gradient) and visual amenity through removal of existing wall.**

**Response:** Roads and Transportation Services have offered no objections to the proposal in terms of public or road safety. However, in terms of the visibility splay, they have recommended that a condition be attached to address their requirements, should consent be granted. This is likely to result in an altered access when compared with the indicative access but this, on its own, would not preclude the sites development.

In terms of the impact on visual amenity of the area as a result if the provision of the proposed access, it is not considered that there would be any significant concerns in this regard. Driveway accesses are common features within residential streets. Indeed one exists on the opposite side of Avonside Grove.

c) **Ground/structural stability of the site as a result of the proposed works.**

**Response:** These concerns relate primarily to the fact that the application site, given ground level differences, sits at a higher level than neighbouring properties. Any future detailed application would be conditioned in a manner which requires the submission of an appropriate ground assessment and retaining wall details for consideration. Furthermore, the proposed development of the site would require to be undertaken in accordance with current Building Regulations, which would, if appropriate, require a site investigation report relating to ground/structural stability aspects.

d) **Capability of existing services to accommodate the proposed development.**

**Response:** The application site is within an established residential area where appropriate water and sewerage provision exists. It is unlikely that a single dwelling would have a significant impact on such facilities; however any future detailed planning submission would be the subject of consultation with Scottish Water and appropriate utilities.

e) **Level of parking provision for development, lack of visitor parking and on street parking restrictions.**

**Response:** Roads and Transportation Services have offered no objections, subject to conditions, in terms of these aspects. On this basis, the proposal is considered acceptable in this regard.

Whilst there are on-street parking restriction along the frontage of the site and Avonside Grove, it is the responsibility of all road users to ensure compliance with any restrictions. This however is not a planning responsibility.

f) **Public safety concerns due to intensification of traffic; particularly with regard to children playing in the street and obstruction due to construction vehicles.**

**Response:** Roads and Transportation Services have offered no concerns in this regard and, as such, these concerns are unsupported. In amplification of this, it is not considered that the introduction of an additional dwellinghouse as proposed would result in any significant issues in terms of increased traffic generation or public safety. Furthermore, all road users, including construction traffic, are required to show due care and attention to both road users and pedestrians; however any issue would ultimately be addressed through road traffic legislation rather than the planning process.

g) **Loss of privacy, day lighting and sunlight.**

**Response:** The current application seeks Planning Permission in Principle for an additional house plot within the garden ground of the existing property. Whilst the applicant has provided indicative details of a proposed house type and location, these matters are not being assessed as part of this current application. Such matters would be dealt with through a future detailed submission. In terms of the principle of the proposal, it is considered that a dwellinghouse could be accommodated within the site without significant detriment to the privacy or amenity of neighbouring properties.

h) **Surface water run-off concerns due to redevelopment of the site.**

**Response:** Any future development of the site will require the provision of appropriate details for the treatment of surface water run-off. Such matters therefore would be the subject of detailed discussions with appropriate parties at that time.

- i) **Loss of views.**  
**Response:** This is not a material planning consideration as there are no rights to a view within current planning legislation. As such, this matter should not unduly influence the determination of this application.
- j) **Adverse impact on amenity and character of immediate surrounding area.**  
**Response:** The site lies within an established residential area within which a variety of house types and styles can be found. It is not considered that the introduction of a single house, as proposed, would significantly impact on the amenity and character of the wider area which is already characterised by a wide variety of house types, styles, sizes and designs.
- k) **Overdevelopment of the site.**  
**Response:** It is considered that the detailed development of this site can be achieved in accordance with applicable policies and guidance and would not result in overdevelopment. The surrounding area has a mixture of house types with plots of varying sizes and would not, therefore, if developed with an appropriately scale of property; appear out of character with the surrounding area.
- l) **Contrary to the standards set out within the South Lanarkshire Local Development Plan and supplementary guidance due to scale and massing, does not fit in with establish pattern, overdevelopment etc.**  
**Response:** These concerns relate, mainly to the indicative details provided in support of the application. As stated above, these have been provided for information only and it is the principle of the proposal which is currently under consideration, not the house details. However, it is considered that the detailed development of the site can be achieved in accordance with the policies and guidance contained within the Local Development Plan. If Planning in Principle is approved, these matters would be the subject of a further detailed submission and neighbouring properties would have the opportunity to make representation at this time on the detailed proposals for the site.
- m) **No ground level information provided in support of the submitted application.**  
**Response:** Whilst it is noted that there are existing ground level differences within the area, it is considered that such matters can be more appropriately addressed through the assessment of any future detailed application. Conditions can be attached to any consent issued requiring the submission of such details.

5.2 The letters of representation have been copied and are available for inspection in the usual manner and on the Planning Portal.

## **6 Assessment and Conclusions**

- 6.1 This application seeks approval in principle for the sub-division of the garden ground of a residential property at 107 Townhead Street, Hamilton to enable the provision of a further residential dwelling.
- 6.2 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 other material considerations indicate otherwise. The application must therefore be assessed against the policies contained within the adopted South Lanarkshire Local Development Plan (2015) (SLLDP) and associated Supplementary Guidance (SG) produced in support of the SLLDP.
- 6.3 In terms of the SLLDP the application site is designated as being a residential area (Policy 6 - General Urban Area/Settlements). Within such areas residential developments may be acceptable provided they do not have a significant adverse impact on the amenity and character of the area.
- 6.4 A number of other policies within the adopted SLLDP are also considered appropriate to the determination of this application, namely, Policy 4 - Development Management and Placemaking and Policy 17 - Water Environment and Flooding. These policies are supported by Supplementary Guidance, which forms part of the Development Plan for South Lanarkshire, including:-

- Development Management, Place Making and Design SG  
Policies DM 1 – Design, DM3- Sub-division of Garden Ground and DM13 – Development within General Urban Area/Settlements
- Sustainable Development and Climate Change SG  
Policies SDCC 2 - Flood Risk, SDCC 3 - Sustainable Drainage Systems, SDCC 4 - Water Supply and SDCC 5 - Foul Drainage and Sewerage
- Residential Design Guide

The aim of these policies and guidance is to seek well designed developments which are located in appropriate locations, appropriately serviced and result in no adverse impact.

- 6.5 The adopted South Lanarkshire Local Development Plan (2015) (SLLDP) identifies the application site as being as residential area (Policy 6). The principle of the proposed use of the site for an additional dwelling is therefore acceptable, subject to compliance with normal development management criteria.
- 6.6 In terms of Policies 4, DM1, DM13 and the requirements of the Council's approved Residential Design Guide, all development proposals require to take account of, and be integrated with, the local context and built form. The area surrounding the site is a mix of house types and plot sizes. In this instance, it is considered that the future detailed development of this site can be achieved without significant impact on the amenity of the general area or raise any specific issues in terms of the amenity and privacy of neighbouring properties.

- 6.7 With regard to the subdivision of the garden ground to accommodate the proposed property, Policy DM3 sets out specific criteria to be met. It is considered that the future development of the site can accord with the general aims set out. The proposed house plots; and that of the remaining property, are considered sympathetic to the surrounding area which contains a varied mix. The proposed house plot will have a proper road frontage and allow an acceptable level of garden ground to serve both properties. Furthermore, any future development can be achieved without significant impact on the amenity or privacy of neighbouring properties. These matters will however be the subject of further assessment, and neighbour notification, through the detailed determination of the detailed application proposals.
- 6.8 Given the sites location, it is considered that there should be no significant impact, in terms of flood risk and drainage, resultant from the introduction of a single house at this location. These matters will again be the subject of further detail assessment. On this basis, it is considered that the current proposal raises no concerns in terms of Policies 17, SDCC 2, SDCC 3, SDCC 4 and SDCC 5 of the SSLDP and supplementary guidance.
- 6.9 On the basis of the above, I am satisfied that the site is capable of being developed, subject to conditions, without conflict with the general requirements of the applicable policies and guidance of the adopted South Lanarkshire Local Development Plan.
- 6.10 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. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposal accords with Policies 3 - General Urban Area/Settlements, 5 - Development Management, DM3 - Sub-division of Garden Ground, DM 15 - Water Supply, DM16 - Foul Drainage and Sewerage, SDCC2 - Flood Risk and SDCC3 - Sustainable Drainage Systems in the Proposed plan.
- 6.11 No specific concerns, subject to conditions, have been raised by the various consultees. Any requirements of the various consultees can be addressed through the use of conditions, when appropriate to do so. The third party representations received in respect of the development are either unsupported or are not of significant weight or merit to warrant the refusal of the proposal, in this instance.
- 6.12 On the basis of the above assessment I would, therefore, raise no objection to the application and recommend that Planning Permission in Principle be granted subject to the conditions listed.

## **7 Reasons for Decision**

- 7.1 The development complies with the applicable provisions of the South Lanarkshire Local Development Plan (adopted 2015) namely (Policy 4 - Development Management and Placemaking, Policy 6 - General Urban Area/Settlements and Policy 17 - Water Environment and Flooding). In addition, the proposal accords with the relevant Development Plan Supplementary Guidance. Furthermore, the proposal also accords with the policies and guidance of the emerging South Lanark shire Local Development Plan 2 (namely Policies 3 - General Urban Area/Settlements, 5 - Development Management, DM3 - Sub-division of Garden Ground, DM 15 - Water Supply, DM16 - Foul Drainage and Sewerage, SDCC2 - Flood Risk and SDCC3 - Sustainable Drainage Systems in the Proposed plan.

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

18 June 2018

### **Previous References**

- ◆ None

### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (2015)(adopted)
- ▶ South Lanarkshire Local Development Plan – Supplementary Guidance (2015)
- ▶ South Lanarkshire Local Development Plan 2
- ▶ Neighbour notification letter dated 05.04.2018

- ▶ Consultations
  - Roads and Transportation Services (Flood Risk Management Section) 22/05/2018
  - Environmental Services 11/04/2018
  - SP Energy Network 13/04/2018
- ▶ Representations
  - Representation from : Mr William Hamilton, 26 Avonside Grove, Hamilton ML3 7DL, DATED 18 April 2018
  - Representation from : Mrs Helen Giusti, 27 Avonside Grove, Hamilton ML3 7DL, DATED 20 April 2018
  - Representation from : Mr Gavin Marshall, 2 Avonside Grove, Hamilton ML3 7DL, DATED 23 April 2018
  - Representation from : Mrs Lesley Davidson, 1 Avonside Grove, Hamilton ML3 7DL, DATED 23 April 2018
  - Representation from : Mr John Young, 105 Townhead Street ML3 7BX DATED 24 April 2018
  - Representation from : Mr Brian Cairns, 20 Avonside Grove, Hamilton ML3 7DL, DATED 26 April 2018

**Contact for further information**

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

James Watters, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 454970

Email: [james.watters@southlanarkshire.gov.uk](mailto:james.watters@southlanarkshire.gov.uk)

Detailed planning application

Paper apart – Application number: P/18/0405

### **Conditions and reasons**

01. Prior to the commencement of development on site, a further application(s) for the approval of any of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

These matters are as follows:

- a) the layout of the site, including all roads, footways, parking areas and amenity spaces;
- b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
- c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum.
- d) the design and location of all boundary treatments including walls and fences;
- e) the design and location of all retaining walls (existing and proposed).
- f) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs, including, where appropriate, the planting of fruit/apple trees;
- g) the means of drainage and sewage disposal.
- h) details of the proposed storage or material during construction.

Reason: To comply with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

02. That the further application(s) required under the terms of Condition 1 shall make reference to and incorporate the criteria specified within the approved South Lanarkshire Council 'Residential Design Guide'.

Reason: In the interests of amenity and to ensure that the Council's key residential design standards are met.

03. That no consent is hereby granted for any of the house design or layout of the site shown on the application plan.

Reason: Permission is granted in principle only and no approval is given for these details.

04. That the further application required under the terms of Condition 1 shall be accompanied by a Design Statement which shall set out the design principles, justify the design solution and show how the proposal responds to the wider context of the area as well as the characteristics of the site.

Reason: To provide an explanation of the design concept and to enable a greater understanding of the proposal.

05. That the further application required under the terms of Condition 1 above, shall include a detailed scheme for surface water drainage. Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland and with the Council's Sustainable Drainage Design Criteria and requirements and shall be agreed in writing with the Council as Planning Authority in consultation with SEPA.

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.

06. That no trees on the site shall be lopped, topped or felled without the prior written consent of the Council as Planning Authority and that two copies of a plan shall be submitted to the Council indicating the existing trees on the site, including a note of height, species, base level and extent of canopy or branch spread, those to be retained and any proposed planting of trees and that 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 amenity and to ensure the protection and maintenance of the existing trees within the site.

07. That notwithstanding the terms of Condition 1 above the submitted detailed application shall include details for a dropped kerb access to the site. This should be designed to the specification and to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

08. That notwithstanding the terms of Condition 1 above the submitted detailed application shall include details for the provision of a turning space within the site to enable vehicles to enter and leave the application site in forward gear at all times.

Reason: In the interests of traffic and public safety.

09. That notwithstanding the terms of Condition 1 above the submitted detailed application shall include details for the provision of visibility splay of 2.4 metres by 2.4 metres measured from the heel of the footway shall be provided on both sides of the vehicular access and everything exceeding 0.6 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.6 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of public safety.

10. That notwithstanding the terms of Condition 1 above the submitted detailed application shall include details for the driveway to be 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.

P/18/0405

107 Townhead Street, Hamilton



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Scale:  
1:1,250  
Date:  
18/06/2018



South Lanarkshire Council  
Community and Enterprise Resources  
Planning and Economic Development

