

	<h1>Report</h1>	Agenda Item <h2>2</h2>
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Report to: **Planning Committee**
 Date of Meeting: **19 June 2007**
 Report by: **Executive Director (Enterprise Resources)**

Application No: HM/07/0016
 Planning Proposal: Erection of Residential Development Consisting of 78 Flatted Properties and Associated Parking

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Barratt West Scotland
- Location : Wellhall Road
Hamilton

2 Recommendation(s)

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

- (1) Grant Detailed 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
- (2) That consent be withheld until such times as financial contributions of £35,100 (non provision of play facilities) and £47,000 (for off site road improvements) have been lodged with the Council.

3 Other Information

- ◆ Applicant's Agent: The Kerr Practice
- ◆ Council Area/Ward: 18 Hamilton West and Earnock
- ◆ Policy Reference(s): **Hamilton District Local Plan**
Policy RES1 – Residential Areas – General
Policy DC1 – Development Control – General
South Lanarkshire Planning Policies
Policy SLP6 – Development Control – General
Policy SLP10 – Sustainable Urban Drainage System
Residential Development Guide
South Lanarkshire Local Plan (Finalised)
Policy RES2 – Proposed Housing Site
Policy RES6 – Residential Land Use
Policy DM1 – Development Management

Policy ENV11 – Design Quality
Policy ENV30 – New Housing Development
Policy ENV36 – Sustainable Urban Drainage
Systems
Policy STRAT10 – Developers' Contributions

◆ Representation(s):

▶	2	Objection Letters
	1	Comment Letter

◆ Consultation(s):

Environmental Services

Roads and Transportation Services (Hamilton Area)

S.E.P.A. (West Region)

Scottish Water

Roads & Transportation Services H.Q. (Flooding)

Scottish Power

Planning Application Report

1 Application Site

- 1.1 The application site relates to the part of the former Safeway Store site located on Wellhall Road, Hamilton. The site is l-shaped and wraps around the existing Aldi store which occupies the remainder of the original Safeway site.
- 1.2 To the north of the site is an area of open land, which extends along most of this boundary, beyond which are residential properties, and a further residential curtilage. The eastern boundary is defined by a high stone wall beyond which a cemetery can be found. Further residential properties are located to the west of the application site beyond the Aldi store. A new housing estate is currently under construction on part of the Philips Lighting Factory site on the opposite side of Wellhall Road.
- 1.3 The site is accessed via a roundabout on Wellhall Road, which is used in common with the Aldi store.

2 Proposal(s)

- 2.1 The applicants propose the erection of a residential development, comprising 78 units in the form of four blocks and associated parking for 147 vehicles.
- 2.2 The development will be in the form of four blocks, one located adjacent to the roundabout, fronting onto Wellhall Road with the remaining three located to the rear of the site. The blocks are 3 storeys in height (with some attic accommodation) and comprise a mix of 2 and 3 bedroom units.
- 2.3 Access to the site is directly from Wellhall Road and provides access to the parking courts, which are spread throughout the site. Bin storage and amenity areas will also be provided.

3 Background

3.1 Local Plan Policy

- 3.1.1 In terms of the adopted Hamilton District Local Plan the site is identified as being within a general residential area (Policy RES1), within such areas the Council will resist developments that would be detrimental to the amenity of these areas.
- 3.1.2 Policy DC1 – Development Control – General, which also applies, requires that all applications for planning permission shall take fully into account the local context and built form i.e. development should not take place in isolation and must take cognisance of scale, position and materials of adjacent buildings and surrounding streetscape. This is reiterated in Policy SLP6 – Development Control General of South Lanarkshire Planning policies, which are supplementary to those of the local plan. Policy SLP10 – Sustainable Urban Drainage Systems states that the Council will encourage the use of such systems in appropriate developments following liaison with SEPA and Scottish Water.
- 3.1.3 South Lanarkshire Council's Residential Development Guide provides additional advice. This advice sets out the criteria against which new housing development should be assessed.

3.1.4 In terms of the finalised South Lanarkshire Local Plan (after modification), which is also a material consideration in the determination of this application, this identifies the site as being within a general residential area (Policy RES6) and as a proposed housing site (Policy RES2). The Council will support residential development within such areas and will resist any development which is detrimental to residential amenity within such areas. Furthermore, there is a requirement for all new developments to comply with Policies DM1 – Development Management, ENV11 – Design Quality and ENV30 – New Housing Policy. Policy DM1 requires that proposals take account of the local context and built form. Where as policies ENV11 and ENV30 promote the principles of sustainable development through design and layout, which achieves a development which makes 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 ENV36 – Sustainable Urban Drainage System promotes the Council's requirements for SUD's in appropriate development following liaison with SEPA, Scottish Water and the Council's Flood Prevention Unit. Policy STRAT10 – Developers' Contributions advises that development proposals will be permitted only where the Council is satisfied that any capital works required to service the development concerned have, or will be, provided. The Council will seek either the direct provision of such works, or contributions towards the costs in whole, or in part, of works to be provided by others including the Council itself.

3.2 Relevant Government Advice

3.2.1 Relevant Government guidance is set out within SPP4 – Planning for Housing and PAN 67 – Housing Quality. SPP4 promotes the aim that good quality housing in the right location contributes to achieving the policy objectives of the Scottish Ministers. PAN 67 explains how 'Designing Places' – a Scottish Minister's Policy Statement for Scotland, should be applied to new housing developments. Government supports the reuse of "Brownfield" sites to meet development needs.

3.3 Planning History

3.3.1 Members may recall that outline planning permission for residential development of the portion of the site to the rear of the new Aldi stores was granted in April 2006 (Application No HM/05/0831). This consent relates to the majority of the site being considered in this report and shows an indicative layout of 31 detached and terraced properties. The portion of the site adjacent to the roundabout and the new Aldi store was granted consent in April 2006, for a retail development as part of the Aldi store approval, although this part of the proposal was never implemented. (HM/05/0835)

4 Consultation(s)

4.1 **Roads and Transportation Services (Hamilton)** – have no objection to the proposal subject to conditions relative to the provision of adequate access and parking facilities

Response: Noted. These requirements can be conditioned as part of any such consent.

4.2 **Roads and Transportation Services (Flooding)** – have no objection to the proposals subject to the undertaking of a Drainage Assessment, surface water being treated in accordance with the principles of Sustainable Urban Drainage Systems, the development is served with a sewerage system to Scottish Waters satisfaction and that the issues of flood prevention are adequately addressed.

Response: Noted. These requirements can be addressed through the use of conditions where appropriate.

- 4.3 **Environmental Services** – have no objection subject to conditions relative to noise control, drainage, dust and contamination.

Response: Noted. These requirements can be addressed through the use of conditions where appropriate.

- 4.4 **Scottish Environmental Protection Agency** – have no objection subject to the development being served with a foul drainage system, surface water being treated in accordance with the principles of Sustainable Urban Drainage Systems and domestic waste being treated in regards to the National Waste Strategy and Local Area Waste Plan.

Response: Noted. These requirements can be addressed through the use of conditions where appropriate.

- 4.5 **Scottish Power** - have objected to the proposal on the basis that the development will have an impact on their apparatus within the site.

Response: Whilst noting Scottish Power's objection, I am satisfied that this matter can be addressed through the use of a condition requiring that the relocation of any statutory undertaker's apparatus be at the applicant's expense.

- 4.6 **Scottish Water** – has offered no objection to the proposals.

Response: Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken in respect of the proposal. Three letters of representation have been received two of which raised objections to the proposals (one individual and another on behalf of 4 adjoining residents) and one letter of comment.

- 5.2 The grounds of objection are summarised as follows:-

- a) **Insufficient details in respect of boundary treatments, particularly to the rear of 21-31 Beattock Wynd.**

Response: Noted. In general terms it is normal for the submission of boundary treatment details to be conditioned as part of any consent, and therefore these concerns can be addressed at that stage. However, it is my understanding that Barratts have been in discussions with residents directly on this matter and will provide appropriate fencing at this location should consent be granted.

- b) **That three storey buildings (with attic accommodation) are out of character with existing residential area.**

Response: Noted. I am satisfied that given the proposed layout and the relationship with the existing properties within the adjacent Oakmills estate that there will be no conflict in this regard. Whilst the Oakmills Estate was designed on the basis of detached and semi-detached properties the application site is remote from these properties and, although visible from the estate, will be read within the context of the existing Aldi Store. I therefore do not support this concern.

- c) **Concerns over the impact on privacy/overshadowing given the proximity of the residential blocks, particularly Block 1 to the objectors properties.**
Response: Noted. It is confirmed that Block 1, which is closest to the existing properties is positioned 28 metres from the nearest property (19 metres from the rear garden fence). This is well in excess of the requirements of the current Residential Development Guide. Furthermore, it is noted that an area of open ground, currently containing unmaintained scrub plaiting, 14 metres wide, is located between the application site and residential properties. I am therefore satisfied that there will be no significant adverse impact in terms of overshadowing and overlooking resultant from the proposed development.
- d) **Concerns over potential damage to their property as a result of ground preparation and construction works.**
Response: Noted. It is advised that these concerns relate to a long standing issue relative to the structural integrity of properties within the Oakmills Estate and the perceived adverse impact should the development proceed. Whilst ultimately such issues would be a private legal matter between the residents and the developer, Barratts have been made aware of these concerns, with a suggestion that contact be made with the residents closest to the application site to discuss these concerns. It is further noted that Barratt were the developers of Oakmills Estate. Having said that, this is a private legal matter which should not unduly influence the determination of this application.

5.3 With regard to the letter of comment, which was received from the individual objector noted above, the following points were made:

- a) **Ground located outwith the application site but which forms a buffer between the application site and residential properties within the Oakmills Estate is poorly maintained. It forms part of the general amenity land associated with the Oakmills Estate and has been the subject of anti-social behaviour in the past. The residents now wish that this area of land comes under the control of the residents' properties which bound the site.**

Response: Noted. This area of land lies outwith the application site and therefore, it is considered inappropriate that these concerns should unduly influence the determination of this application. It is advised that the Planning Service is in discussions, independently of this current proposal, with the relevant parties to seek a resolution to this matter.

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 78 units and associated car parking within the Hamilton area of South Lanarkshire. The main determining issues in assessing this proposal are whether it accords with local plan policy, its impact on amenity and road safety matters.
- 6.2 With regards to the sites local plan designation, both the adopted Hamilton Local Plan and finalised South Lanarkshire Local Plan (after modifications) identifies the area as being general residential (Policies RES1 and RES6 respectively) and forming part of a proposed housing site (Policy RES2 – South Lanarkshire Local

Plan), therefore residential development of the site is appropriate, subject to compliance with normal development control criteria. In this instance Policy DC1 of the adopted Plan and Policies DM1, ENV11, ENV30 and ENV36 of the finalised Plan apply, as does policies SLP6 and SLP10 of the South Lanarkshire Planning Policies and the Council's approved Residential Development Guide. Policy STRAT10 of the finalised Plan relate to financial contributions from developers in respect of off site works required to enable the development to proceed.

- 6.3 I am satisfied that the proposed scheme can be adequately served by appropriate services without detriment to the amenity of the area.
- 6.4 In relation to the Residential Development Guide, which aims to provide advice and guidance on the key development standard for residential developments, I am satisfied that the proposed development is in general agreement with the aims of this document. In relation to the non-provision of sports/recreational provision the Guide advises that there would be a financial contribution towards the improvement of existing facilities in such instances. In this case I am of the opinion that a contribution of £450 per unit would be appropriate in this instance.
- 6.5 With regards to the financial contributions required under the terms of Policy STRAT10 of the finalised Plan, I am of the opinion that a financial contribution of £1,000 per unit is required in this instance towards the proposed road improvements to Wellhall Road, However, such a contribution would be solely based upon the increase in numbers from the outline consent (31 units) to this proposal (78 units). Therefore a contribution of £47,000 is required in this instance.
- 6.6 In relation to road safety the proposed development would be accessed via an existing roundabout, which would be used in conjunction with the Aldi Store however the Divisional Roads Engineer has offered no objections in this regard. Furthermore, the internal car parking arrangements and access have been amended to address initial Roads concerns.
- 6.7 The third party representations received in respect of the development are not significant to warrant refusal of the proposals and the requirements of the statutory consultees can be addressed through the use of conditions where appropriate.
- 6.8 It is therefore considered that the application is acceptable and I recommend that planning permission be granted. However, consent should be withheld until the appropriate funds have been lodged with the Council.

7 Reasons for Decision

- 7.1 The proposal accords with the policies of both the adopted Hamilton District Local Plan (Policy RES1 – Residential Areas General and Policy DC1 – Development Control General), the finalised South Lanarkshire Local Plan (Policies RES6 – Residential Land Use, Policy RES2 – Proposed Housing Site, DM1 – Development Management, EN11 – Design Quality, ENV30 – New Housing Development and ENV36 – Sustainable Urban Drainage Systems) and additional guidance contained within SLP6 – Development Control General, SLP10 – Sustainable Urban Drainage Systems, STRAT 10 – Developers Contribution and the Council's approved Residential Development Guide. There will be no amenity or road safety issues resulting from the proposal in relation to surrounding residential properties.

Iain Urquhart
Executive Director (Enterprise Resources)

12 June 2007

Previous References

- ◆ HM/05/0830
- ◆ HM/05/0835

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
 - Roads & Transportation Services H.Q. (Flooding) 21/03/2007
 - Environmental Services 24/01/2007
 - S.E.P.A. (West Region) 06/03/2007
 - Scottish Water 30/01/2007
 - Scottish Power 29/12/2006
 - Roads & Transportation Services (Hamilton) 11/06/2007

- ▶ Representations
 - Representation from : Alex Meek, 23 Beattock Wynd, Oakmills Estate, Hamilton, ML3 9JS, DATED 23/01/2007
 - Representation from : Mrs Winnifred Vettraino, 25 Beattock Wynd, Oak Mills, HAMILTON, ML3 9JS, DATED 17/01/2007
 - Representation from : Alex Meek, 23 Beattock Wynd, Oakmills Estate, Hamilton, ML3 9JS, DATED 15/05/2007 (Letter of Comment)

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

CONDITIONS

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 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.
- 4 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.
- 5 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.
- 6 That prior to any work commencing on the site, a maintenance management schedule for the landscaping scheme approved under the terms of Condition 5 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.
- 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 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.

- 9 That notwithstanding the terms of Condition 8 above no property shall be occupied until such time as detail of an acoustic barrier along the common boundary (shown BLUE on the approved plans) with the adjacent retail service yard have been submitted to and agreed, in writing, with the Council as Planning Authority.
- 10 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.
- 11 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.
- 12 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.
- 13 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.
- 14 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.
- 15 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.
- 16 (a) Prior to commencement of any works on site, a comprehensive site investigation carried out to the appropriate Phase level, shall be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:
 - (i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
 - (ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;
 - (iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.

(b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.

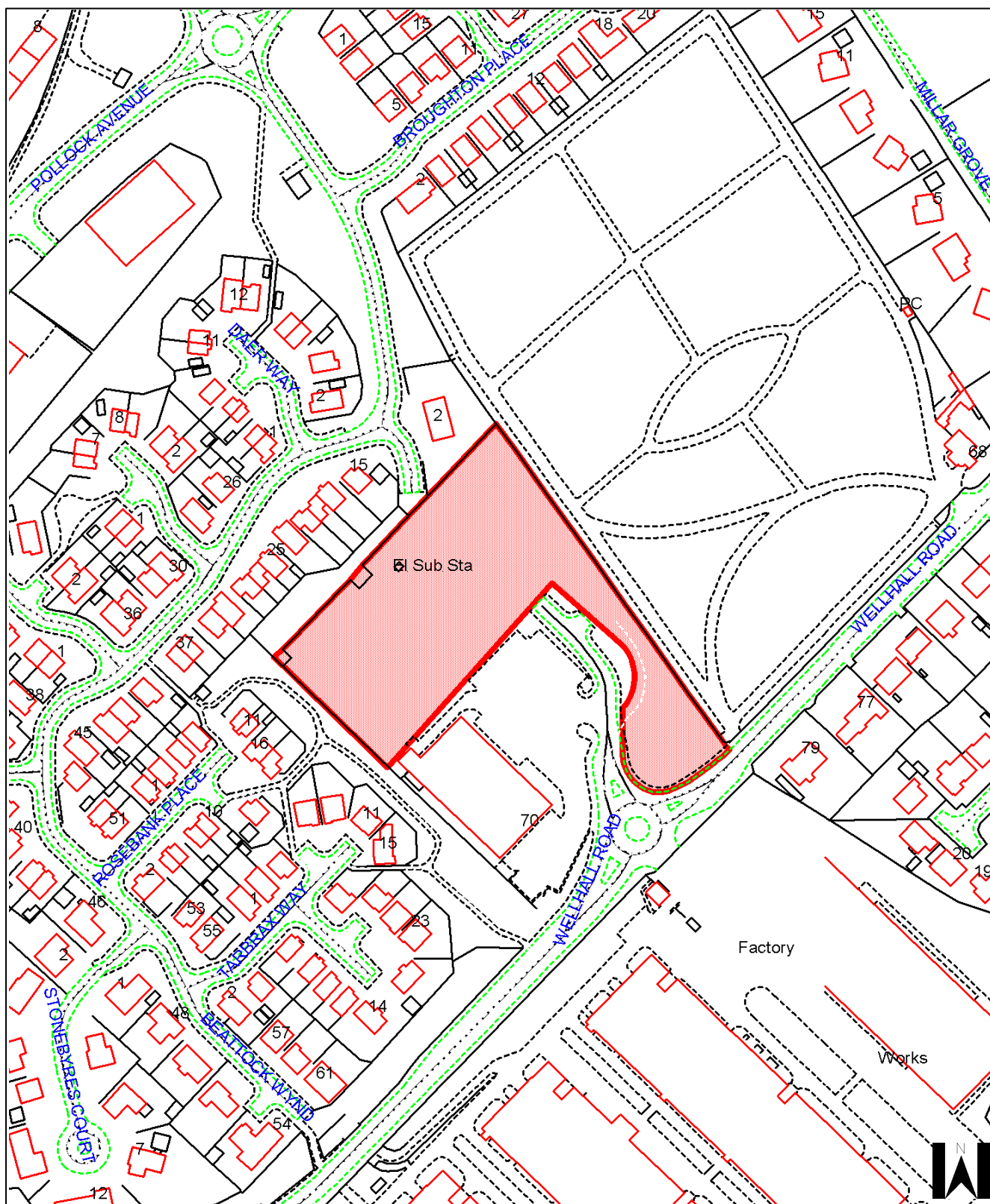
- (c) If the risk assessment identifies any unacceptable risks as defined under Part IIA of the Environmental Protection Act, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.
- 17 (a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.
- (b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.
- (c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.
- 18 That prior to the commencement of development on site, details of the provision of flood prevention works, together with subsequent management and maintenance arrangements shall be submitted to and approved by the Council as Planning Authority. The works will require to comply with the Council's Sustainable Drainage Design Criteria and requirements.
- 19 That no dwelling unit shall be occupied until the flood prevention measures required under Condition 18 above have been completed in accordance with the approved scheme.
- 20 That notwithstanding the terms of condition 8 above no works shall commence on site until a 2 metre timber slatted fence shall be erected along the boundary (shown Green on the approved plans). The fence shall be erected, and thereafter maintained, to the satisfaction of the Council as Planning Authority.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 In the interests of the visual amenity of the area.
- 5 In the interests of amenity.
- 6 In the interests of amenity.
- 7 These details have not been submitted or approved.
- 8 These details have not been submitted or approved.
- 9 In the interests of amenity and in order to retain effective planning control.
- 10 In the interest of public safety
- 11 To ensure the provision of adequate parking facilities within the site.
- 12 In order to retain effective planning control

- 13 To ensure the provision of a satisfactory land drainage system.
- 14 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.
- 15 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.
- 16 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 17 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 18 To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows, increased surface water run off and/or reduction of flood storage capacity.
- 19 To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows, increased surface water run off and/or reduction of flood storage capacity.
- 20 In the interest of Amenity.

For information only



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