

	<h1>Report</h1>	Agenda Item <h1>6</h1>
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Report to:	Planning Committee
Date of Meeting:	20 March 2007
Report by:	Executive Director (Enterprise Resources)

Application No	HM/06/0872
Planning Proposal:	Erection Of 33 Flatted Properties With Associated Roads, Parking And Landscaping

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Tulloch Homes
- Location : Bent Road
Hamilton

2 Recommendation(s)

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

- (1) Grant Detailed Planning Permission – Subject to Conditions (Based on the Conditions Attached)

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) A request for a hearing has been made and in accordance with Council procedures this will require to be held before any decision is taken on the application as it constitutes development contrary to the development plan.
- (3) Should Committee be minded to grant planning permission for the proposals, the application will require to be referred to the Scottish Ministers as the Council has a financial interest, the proposals constitute development contrary to the development plan and an objection has been received.
- (4) Planning consent should not be issued until the Council receives a capital contribution of £44,550 towards the upgrading of infrastructure and recreational facilities.

3 Other Information

- ◆ Applicant's Agent: Bracewell Stirling Architects
- ◆ Council Area/Ward: 37 Hamilton Centre/North
- ◆ Policy Reference(s): **Hamilton District Local Plan**
Policy CU4 – Retention Open Space Provision/
Joint Use of Facilities
Policy DC1 – Development Control General
South Lanarkshire Planning Policies
SLP6 – Development Control General

Residential Development Guide

**Finalised South Lanarkshire Local Plan
(after modifications)**

Policy RES2 – Proposed Housing Sites
Policy CTY4 – Sports Pitch Strategy Proposals
Policy DM1 – Development Management
Policy ENV11 – Design Quality
Policy ENV30 – New Housing Development
Policy ENV36 – Sustainable Urban Drainage
Systems

- ◆ Representation(s):
 - ▶ 1 Objection Letter

- ◆ Consultation(s):

Environmental Services

Roads and Transportation Services (Hamilton Area)

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

Power Systems

TRANSCO (Plant Location)

British Telecom

Sports Scotland

Enterprise Resources - Estates

Leisure Services (Arboriculture)

Scottish Water

Roads & Transportation Services H.Q. (Flooding)

Planning Application Report

1 Application Site

- 1.1 The application relates to an area of ground which extends to approximately 0.75 hectares in area, located to the north east of the Laigh Bents Playing Fields, Bent Road, Hamilton and forms part of this recreational area. The site comprises a red blaes sports pitch and woodland around the perimeter of the area on three sides.
- 1.2 The site is adjacent to housing and is bounded to the east by one and a half storey semi-detached properties and across Bent Road to the north east by three storey flats. To the north immediately across Bent Road the site is bounded by Bent Road Cemetery. Further residential properties can be found to the northwest beyond Bent Road.
- 1.3 Hamilton town centre which contains a range of shops and other facilities, including bus and rail links is within walking distance of the site. In addition to this there are a number of schools and community and recreational facilities in the area.

2 Proposal(s)

- 2.1 The applicants propose the erection of a residential development, comprising 33 flats, with associated parking and landscaping.
- 2.2 In detail the proposal entails the erection of two three storey flatted blocks. The first block fronts onto Bent Road, positioned in the north west corner of the site, and contains 21, 2 bed units. The second unit is located within the south east of the site and provides 12, 2 bed flats.
- 2.3 The vehicular access from Bent Road will provide access to 67 car parking spaces to serve the development. Amenity space and two bin store areas are provided within the site. However, it is noted that in response to concerns raised by a neighbouring proprietor the scheme has been amended to reduce its impact on that property. These amendments relate to the relocation of one of the bin stores, repositioning the proposed rear block to approximately 7 metres from the common boundary, rather than the 1 metre initially proposed and alterations to the car parking layout.

3 Background

3.1 Local Plan Policy

- 3.1.1 Within the adopted Hamilton District Local Plan the site is designated under CU4 – Retention Open Space Provision/Joint Use of Facilities whereby the Council will prepare an open space strategy and will oppose the loss of these facilities to other uses. It is noted that the Council has prepared a Sports Pitch Strategy which identified the main issue was the quality of playing surfaces and of associated changing facilities and that there was no justification for the loss of any grass pitches within the Council area. The Council therefore seeks to improve the quality of grass pitches and to significantly extend the stock of synthetic grass pitches whilst phasing out old red blaes pitches.
- 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 The finalised South Lanarkshire Local Plan (after modifications), which is also a material consideration in the determination of this application, identifies the site as being a proposed housing site (Policy RES2). Within these areas the Council will support development for housing. Policy CTY4 – Sports Pitch Strategy Proposal of the Plan identifies 'Red Blaes Pitch Provision for Review' to establish their suitability for redevelopment or upgrade as part of the phasing out of red blaes pitches. Whilst not detailed within the specified list it is advised that Bent Road blaes pitch was identified for redevelopment as part of the Sports Pitch Strategy review that led to the formulation of this policy within the emerging South Lanarkshire Local Plan.

3.1.5 Furthermore, there is a requirement for all new developments to comply with Policies DM1 – Development Management, ENV11 – Design Quality and ENV30 – New Housing Policy of the finalised plan.

3.1.6 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.

3.2 **Relevant Government Advice/Policy**

3.2.1 Relevant Government guidance is set out within SPP4 – Planning for Housing and PAN 67 – Housing Quality. SPP3 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.

3.2.2 With regard to the provision of sports facilities Government guidance is contained within NPPG 11 – Sport, Physical Recreation and Open Space. This guidance promotes the presumption against the redevelopment of playing fields or sports pitches. However, redevelopment may be appropriate in certain circumstances. Important issues will include whether there is or would be a surplus or deficiency in open space within the area. Redevelopment opportunities may be allowed which have the potential to result in an overall improvement in local amenity and facility provision. Consideration should take into account the leisure or sports and recreation strategy for the area.

3.3 Planning History

- 3.3.1 The application site was marketed as a development site, following the preparation of a Sports Pitch Strategy which promoted the phasing out of red blaes pitches, and a Development Brief prepared by the relevant Council Services. A proportion of the money raised through the sale of the site will be used to improve the existing facilities within the adjoining recreational area.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Hamilton)** have offered no objections to the proposals subject to the relocation of two disabled parking spaces.

Response: Noted. The applicants have amended their proposal to accord with these requirements. Roads and Transportation Services are satisfied with the amended proposals.

- 4.2 **Roads and Transportation (Flooding)** - Have no objection to the proposal subject to undertaking of a Drainage Impact Assessment, surface water being treated in accordance with the principles of Sustainable Urban Drainage Systems, the provision of details of flood prevention works and the provision of adequate sewerage scheme.

Response: Noted. These requirements can be conditioned as conditions attached to any consent granted.

- 4.3 **Environmental Services** - Have no objections subject to noise control during construction, control of dust and the treatment of contamination.

Response: Noted. The issue of construction noise can be adequately dealt with by Environmental Services legislation; however issues of dust and contamination can be conditioned into any consent granted.

- 4.4 **Estates Services** - have offered no objection to the proposals.

Response: Noted.

- 4.5 **SEPA** – have offered no objection to the proposals subject to conditions relative to the treatment of foul drainage and surface water in accordance with the principles of Sustainable Urban Drainage Systems, domestic waste and construction and pollution prevention.

Response: Noted. SEPA's requirements can be addressed through the use of conditions where appropriate.

- 4.6 **Sportscotland** – initially objected to the proposal on the basis that insufficient information had been provided to demonstrate that the proposal was consistent with the provisions of paragraph 47 of NPPG11. However, on the basis of further discussions they are now satisfied that the development can proceed without any detrimental impact on the Council's sports pitch provision and therefore accords with Government guidance in this regard.

Response: Noted. It is confirmed that the Council has undertaken a review of the sports pitch provision within its area, prepared a Sports Pitch Strategy and formulated revised local plan policies within the emerging South Lanarkshire Local Plan. These have identified that there is a sufficient level of sport pitch provision within the area and that the main issue relates to the quality of such facilities. Through this process the Council seeks to improve the quality of its grass pitch provision, significantly extend its synthetic grass pitch provision and phase out old red blaes pitches. I am of the view that the reuse of this red blaes pitch, which in its current condition does not provide any recreational use, for residential purposes, is

consistent with the guidance contained within NPPG11 and other government guidance on the reuse of inner city 'brownfield' site to relieve pressure for Greenfield development. Furthermore, a financial contribution will also provide for improvements to other existing facilities within the area.

- 4.7 **Scotland Gas Networks** - Have offered no objection to the proposal subject to the protection of their apparatus adjoining the site.

Response: - Noted. The applicants have been made aware of these requirements.

- 4.8 **Scottish Power** - Have no objection to the proposal subject to the protection of their apparatus adjoining the site.

Response: - Noted. The applicants have been made aware of these requirements.

- 4.9 **Scottish Water** – have offered no objection to the proposals.

Response: Noted.

- 4.10 **Openreach BT** – have no objections to the proposals.

Response: Noted.

- 4.11 **Leisure Services** – have not yet responded.

Response – Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification was carried out by the applicant and the application was advertised as a Development Potentially Contrary to the Development Plan. One letter of representation was received from a neighbouring proprietor.

- 5.2 Whilst stating that they are not against the principle of the redevelopment of the site for residential purposes they would raise the following objections to the scheme submitted:

- a) **The development does not comply with the Development Brief in that it exceeds two storeys in height adjacent to their property and results in overlooking and loss of daylight.**

Response: It is noted that the Development Brief states that flats 'no higher than two storeys adjacent to the adjoining one and a half storey properties on Bent Road'. However, I am of the view that this statement relates to any development along the frontage of the site, where a building constructed at this location would require to be stepped down to reduce any impact on the neighbouring property and streetscene in general. However, it is noted that 3 storey flats already exist on Bent Road, across from the site. I do not feel that the provision of a three story block within the rear of the site raises the same issues in respect of the impact on the streetscene. In terms of overshadowing and overlooking it must be accepted that, in comparison to the current use of the site, there will be an increase as a result of residential development of the site. However, the proximity of the proposed block to the neighbouring property has been amended and the building will now be positioned 7 metres from that boundary and therefore I am satisfied that any such impact would not be at a level which would merit the refusal of the application in this instance. Furthermore, no gable windows are proposed and there will be no directly facing habitable rooms within 20 metres.

- b) **Concerns over the proximity of the rear block to the common boundary.**

Response: As stated above, the proposed block will be positioned 7 metres from the boundary which exceeds the Council's current guidelines in this regard, as contained within the Residential Development Guide.

c) Concerns over the stability of the existing retaining wall between the application site and their property.

Response: The applicants have advised that it is not their intention to undertake any works to the retaining wall as part of their proposal. However, it is my intention to condition consent, if approved, that a pre and post development survey by the applicant's be undertaken of this structure to ensure that it is unaffected by the development.

d) Concerns over the location of a bin store given their recent planning permission for an extension to their property adjacent to the site.

Response: Noted. It is confirmed that the applicant's have relocated the bin store in question.

This letter has been copied and is available for inspection in the usual manner.

6 Assessment and Conclusions

- 6.1 The application proposes a residential development, comprising 33 units and associated parking and amenity within the Bent Road area of Hamilton.
- 6.2 The main planning considerations in the determination of this application are whether the proposals accords with government guidance, local planning policies, other applicable Council policies and guidance, traffic implications, the impact on the amenity of the area and if there is conflict with policy can a departure be justified in this instance.
- 6.3 In terms of Government Guidance, the proposal does not conflict with guidance in relation to housing development as detailed within SPP4 – Planning for Housing, PAN67 – Housing Quality and SPP3 – Planning for Housing. In terms of NPPG11 – Sports, Physical Recreation and Open Space, I am satisfied that the redevelopment of the site is consistent with the aims of this guidance and that it will allow the protection and enhancements of other facilities within the area. The pitch is no longer actively used and has fallen into disrepair and the phasing out of red blaes pitches is promoted by the Council's Sport Pitch Strategy and policies within the finalised South Lanarkshire Local Plan. The loss of this pitch will not adversely impact on the council's outdoor pitch provision and therefore is consistent with NPPG11. Furthermore, the applicant has agreed to make a financial contribution towards the upgrade of existing facilities in the area.
- 6.4 In terms of local plan policy, the existing playing field forms part of the Laigh Bent Playing fields and is designated as being Policy CU4 – Retention of Open Space Provision/Joint Use of Facilities and RES2 – Proposed Housing Site within the adopted Hamilton District Local Plan and finalised South Lanarkshire Local Plan respectively. Whilst Policy CU4 opposes the loss of such facilities to other use I am satisfied that a departure from the approved local plan can be justified in this instance. The red blaes sports pitch is no longer actively used and has fallen into disrepair and as stated at 6.3 the loss of the pitch will not impact on the Council's outdoor pitch provision. Policy CTY4 – Sports Pitch Strategy Proposals promotes the phasing out of red blaes pitches within South Lanarkshire. This is reflected in the re-designation of the site as a Proposed Housing Site within the emerging South Lanarkshire Local Plan, which is a material consideration in the determination of this application, and the Council's decision to market the site for redevelopment.

However, the proposal was advertised as a Development Potentially Contrary to the Development Plan given the requirements of Policy CU4 and an objection has been received.

- 6.5 In addition, all planning applications require to be assessed on their individual merits and against normal development control criteria. In this instance, Policy DC1 – Development Control General of the adopted Plan and Policies DM1 – Development Management, ENV11 – Design Quality, ENV30 – New Housing Development and ENV36 – Sustainable Urban Drainage System of the finalised Plan apply, as does both policies SLP6 – Development Control General and SLP10 – Sustainable Urban Drainage Systems of South Lanarkshire’s Planning Policies. The Council approved Residential Development Guide is also a material consideration in this instance.
- 6.6 The proposed development integrates well with surrounding properties in terms of scale, design and orientation. I am therefore satisfied that the proposed development accords all of the policies set out in paragraph 6.5 above and can be implemented in accordance with the criteria set out within the Council’s Residential Development Guide. I am also satisfied that there will be no detrimental impact on the amenity of adjoining properties.
- 6.7 The third party representations received in respect of the development raised issues that have been addressed through amending the plans or by attaching planning conditions to any consent granted. The issues raised in relation to the scale and orientation of the development are not sufficient to merit the refusal of the proposals. The requirements of the statutory consultees can be addressed through the use of conditions where appropriate.
- 6.8 In summary, the proposed development does not conflict with relevant government guidance, or the local planning policies of the emerging South Lanarkshire Local Plan or the detail policy guidance of the Council’s with regards to residential development. The proposal also raises no amenity or road safety issues and the re-development of the site, if approved, would result in an improvement to the general amenity and visual appearance of the area that exists at present. However the proposal is contrary to the requirements of Policy CU4 of the currently adopted Local Plan in that it would result in the re-development of a sports pitch for another use. However, I am satisfied that a departure can be justified in this instance for the following reasons:
- a) The red blaes sports pitch is no longer actively used for sports provision.
 - b) The Councils Outdoor Pitch Strategy supports the release of the pitch
 - c) There will be no adverse impact on the Council’s ability to provide an appropriate level of outdoor sports facilities as a result of the re-development of this site.
 - d) The proposal complies with the terms of the finalised South Lanarkshire Local Plan (after modifications) which identifies the site as a RES2 – Proposed Housing site.
 - e) The proposal complies with Policy CTY4 – Sports Pitch Strategy Proposals which promotes the phasing out of red blaes pitches.
 - f) The proposals comply with Policy DC1 of the adopted local plan and Policies DM1, ENV11, ENV30 and ENV36 of the finalised SLLP(after modifications).

- g) The proposals comply with the terms of the Council's Residential Development Guide and there will be no amenity or road safety issues resulting from the proposal in relation to surrounding residential properties.

6.9 It should be noted that given the Council's financial interest in the site and the recommendation for an approval contrary to the Development Plan there will be a requirement for the referral of the application to the Scottish Ministers for consideration. Furthermore, should the Committee be minded to grant consent I would recommend that consent be withheld until such time as the financial contribution has been received.

7 Reasons for Decision

7.1 For the reasons set out in paragraph 6.8 above.

Iain Urquhart

Executive Director (Enterprise Resources)

13 March 2007

Previous References

None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - S.E.P.A. (West Region) 20/02/2007
 - Enterprise Resources - Estates 09/01/2007
 - Environmental Services 16/01/2007
 - Scottish Water 28/12/2006
 - Sports Scotland 11/01/2007
- ▶ Representations
 - Representation from : Mr & Mrs K Murray, 99 Bent Road ,Hamilton ,MI3 6PU,
DATED 23/11/2006

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 all trees to be retained within the site shall be fully protected during the period of construction and prior to any work commencing on the site, written details specifying the nature of such measures shall be submitted to and approved by the Council as Planning Authority.
- 5 That the existing trees to be retained must be protected in accordance with methods as set out in BS5837/1991 during and until completion of all site operations and building works.
- 6 All trees to be removed must be replaced by semi-mature/mature trees of a similar species at the locus to the satisfaction of the Council as Planning Authority.
- 7 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.
- 8 That prior to any work commencing on the site, a maintenance management schedule for the landscaping scheme approved under the terms of Condition 7 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.
- 9 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.
- 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 the development hereby approved shall not be commenced until the land drainage works have been completed in accordance with the plans submitted to and approved by the Council as Planning Authority under the terms of Condition 1 above.
- 15 That prior to any work starting on site, a Drainage Assessment in accordance with 'Drainage Assessment - A Guide for Scotland', shall be submitted to and approved in writing by the Council as Planning and Roads Authority (and the Scottish Executive as Trunk Roads Authority).
- 16 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.
- 17 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.
- 18 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.
- 19 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.
- 20 That no dwelling unit shall be occupied until the flood prevention measures required under Condition 20 above have been completed in accordance with the approved scheme.
- 21 That details of the measures to be employed on site, to ensure that dust arising from the site does not give rise to nuisance conditions shall be submitted to and agreed, in writing, with the Council as Planning Authority.
- 22 That prior to works commencing on site a condition survey, at the applicants expense, of the existing boundary wall between the application site and adjoining residential property at 99 Bent Road (shown BLUE on the approved plans) shall be undertaken and the findings submitted to the Council as Planning Authority.

Upon completion of the development hereby approved the wall will be resurveyed and any damage fully repaired to the satisfaction of said Council.

- 23 That the Council, as Planning and Environmental Health Authority shall be contacted immediately if any material, which is suspected of being contaminated, is encountered. An Action Plan shall be formulated and be available in the event of contaminated material being encountered. This should address the problems of safe handling of the material, its storage and ultimate disposal, for which the advice of SEPA should be sought.

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 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 5 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 6 In the interests of amenity.
- 7 In the interests of amenity.
- 8 In the interests of amenity.
- 9 These details have not been submitted or approved.
- 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 the provision of a satisfactory land drainage system.
- 15 These details have not been submitted or approved.
- 16 To ensure the provision of a satisfactory sewerage system
- 17 In the interests of amenity.
- 18 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.
- 19 These details have not been submitted or approved.
- 20 In the interests of amenity and in order to retain effective planning control.
- 21 In the interest of amenity.
- 22 In the interest of public safety.
- 23 In the interest of public safety.

For information only

For information only



