

	<h1>Report</h1>	<b>Agenda Item</b>  <b>9</b>
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Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>20 September 2011</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	HM/11/0306
Planning Proposal:	Residential Development (25 unit)

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Miller Homes Limited
- Location : Thorn Avenue  
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.

## 3 Other Information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 18 Hamilton West and Earnock
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**  
Policy RES6 – Residential Land Use  
Policy ENV2 – Local Green Network  
Policy DM1 – Development Management  
Policy ENV11 – Design Quality  
Policy ENV12 – Flooding  
Policy ENV31 – New Housing Development  
Policy ENV35 – Water Supply  
Policy ENV36 – Foul Drainage and Sewerage  
Policy ENV37 – Sustainable Urban Drainage Systems

### Residential Development Guide

- ◆ Representation(s):
  - ▶ 5 Objection Letters
  - ▶ 0 Support Letters

◆ Consultation(s):

Environmental Services

Roads and Transportation Services (Hamilton Area)

Roads & Transportation Services H.Q. (Flooding)

Scottish Water

Education Resources

# Planning Application Report

## 1 Application Site

- 1.1 The application site relates to an area of vacant land off Thorn Avenue, Westcraigs Hamilton. The site is bounded by a disused railway embankment to the north-east, by a public footpath to the north west, beyond which residential properties can be found and by further residential properties on the remaining boundaries. The properties surrounding the site are a mix of detached, semi-detached and terraced properties.
- 1.2 Vehicular access to the site is from Westerpark Avenue via Blackcraig Brae, Dalbeattie Drive and Thorn Avenue. The footpath, which runs along the north west edge of the site forms part of a Public Right of Way, asserted in 1982, which runs from Dykehead Farm, Newhousemill Road to the disused railway bridge on Townhill Road.
- 1.3 The site extends to approximately 1 hectare and is relatively flat over most of it. However, it does slope towards the disused railway line.

## 2 Proposal(s)

- 2.1 The applicant seeks detailed consent for the erection of a residential development, comprising 25 units, associated road works and installation of a SUDs pond within the site. The proposed properties will be in a mix of two storey detached and semi detached and three storey townhouse properties. A footpath link will be provided onto the existing Right of Way.
- 2.2 A Site Investigation Report has been provided in support of the development.

## 3 Background

### 3.1 Local Plan Policy

- 3.1.1 The adopted South Lanarkshire Local Plan identifies the site as being within a general residential area (Policy RES6 – Residential Land Use applies). The Right of Way, into which a link is intended, falls within an area identified as a Local Green Network (Policy ENV2) which the Council seeks to support and enhance.
- 3.1.2 Furthermore, there is a requirement for all new developments to comply with Policies DM1 – Development Management, ENV11 – Design Quality, ENV12 – Flooding, ENV31 – New Housing, ENV35 – Water Supply, ENV36– Foul Drainage and Sewerage and ENV37 – Sustainable Urban Drainage Systems.
- 3.1.3 Policy DM1 requires that proposals take account of the local context and built form. Policies ENV11 and ENV31 promote the principles of sustainable development through design and layout, and seek to achieve developments which make 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 ENV12 – Flooding advises that in accordance with the precautionary principle, the Council will seek to avoid increasing any flood risk resultant from the development. Policies ENV35 – Water Supply and ENV36 – Foul Drainage and Sewerage seek to ensure that the development is suitably serviced.

Policy ENV37 – Sustainable Urban Drainage System promotes the Council's requirements for SUD's in appropriate developments following liaison with SEPA, Scottish Water and the Council's Flood Prevention Unit.

3.1.4 South Lanarkshire Council's Residential Development Guide provides additional advice and sets out the criteria against which new housing development should be assessed.

### 3.2 Relevant Government Advice/Policy

3.2.1 There is no Government guidance relevant to this application.

### 3.3 Planning History

3.3.1 The application site was identified, within the Masterplan proposals for the Hamilton Western Expansion Area (Application HM/00/0439) as a potential location for a new school. However, the Council confirmed in November 2006 that it did not require a school at this location and would not be exercising their right to acquire the site. It is also noted that the adjoining railway embankment site is the subject of a separate planning application for residential development, which is currently under consideration by the Council (Application No. HM/10/0361).

## 4 **Consultation(s)**

4.1 **Roads and Transportation Services (Hamilton)** – have no objection to the proposed development subject to conditions relative to sight lines, parking, driveways and surface water trapping.

**Response:** Noted. These requirements can be included as conditions where appropriate.

4.2 **Roads and Transportation (Flooding)** – have no objection to the proposal, subject to conditions relevant to the management of surface water drainage and associated flood risk.

**Response:** Noted. The requirements of the Flooding Unit can be included as conditions, where appropriate, attached to any consent given.

4.3 **Environmental Services** - have no objections subject to noise control during construction, refuse storage, control of dust and contamination land.

**Response:** Noted. Where appropriate conditions/advisory notes shall be imposed if planning permission is granted.

4.4 **Education Services** – have not yet responded to the consultation request.

**Response:** Whilst it is noted that that Education Services have not yet offered any comment on the current application it is advised that Education Services confirmed in November 2006 that it was not exercising their right, under Clause 7 of the Minute of Agreement, to acquire this site within the Hamilton Western Expansion Area for use as a school.

4.5 **Scottish Water** – have no objection to the proposed development.

**Response:** Noted.

## 5 **Representation(s)**

5.1 Statutory neighbour notification was undertaken in respect of the proposals. Five letters of objection have been received.

5.2 The grounds of objection can be summarised as follows:

- a) **Concerns that the proposals do not include the diversion of the existing footpath, which has been the subject of anti-social behaviour and contrary to previous Council commitments.**

**Response:** 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. In this regard the application does not include the closure or re-direction of the footpath as part of its proposals. Whilst the Council has previously indicated that it would not be opposed to the relocation of the footpath its closure would be difficult to support as it is a right of way. However, to achieve any re-alignment/repositioning would require a co-ordinated approach and would be subject to statutory procedures. In addition the footpath in question is located on land which is outwith the control or ownership of the applicant.

- b) **Potential for anti-social behaviour associated with the site during construction.**

**Response:** Whilst noting these concerns it is advised that this would be primarily a site security and management issue and any issue of anti-social behaviour would be a Police matter rather than a matter to be controlled or addressed through Planning Legislation.

- c) **Road safety concerns due to the proposed single access arrangement.**

**Response:** The road layout proposed is fairly consistent with those of surrounding street patterns. Furthermore, Roads and Transportation Service, who were consulted on the proposals, have offered no objection in this regard.

- d) **Concern that the site extends into the adjacent railway embankment which is believed to be owned by others.**

**Response:** It is advised that any disputes over land ownership would be a private matter between the parties involved. It is noted however, that within the Land Ownership Certificates submitted in support of their application, the applicants have confirmed that they do not own the application site but have notified the relevant parties as required by Regulation 15 of the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008.

- e) **Concerns over the siting of a further SUDs pond within the site given the location of another in close proximity, with which there has been operational issues, which involved Scottish Water.**

**Response:** Noted. The applicants have provided on-site SUDs provision in accordance with current guidance. The existing facility is outwith the ownership and control of the applicants and would not be capable of accommodating water arising from the additional development. Furthermore, it is noted that Scottish Water, within their consultation response, has offered no objections to the proposals.

These letters have been copied and are available for inspection in the usual manner and on the Planning Portal.

## **6 Assessment and Conclusions**

- 6.1 The application proposes a residential development, consisting 25 units and associated car parking within the established residential area of West Craigs,

Hamilton. 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 In terms of local plan policies the adopted South Lanarkshire Local Plan identifies the area as being residential in character (Policy RES6). Whilst noting that the site was previously identified as a potential school site, the Council did not take up this option. The site lies within the Hamilton Western Expansion Area within which there is a provision of “social housing” in accordance with the Council’s Affordable Housing Policy and it is considered that there is no further requirement, in this regard, within this site. Development of the site for residential purposes is therefore appropriate, subject to compliance with normal development management criteria.
- 6.3 In this instance development management criteria consists of Policies DM1 – Development Management, ENV11 – Design Quality, ENV12 – Flooding, ENV31 – New Housing, ENV35 – Water Supply, ENV36– Foul Drainage and Sewerage and ENV37 – Sustainable Urban Drainage Systems of the adopted Local Plan, as does the Council’s approved Residential Development Guide. In relation to the above detailed policies, these seek to ensure that any development within an area which is predominantly residential in character does not adversely impact on the amenity of such areas and that any such proposal can be adequately served by appropriate services. Having considered the design and layout of the development, I am satisfied that the scheme is capable of being developed and serviced, subject to conditions, without conflict with the general requirements of the applicable policies and guidance.
- 6.4 In relation to the Residential Development Guide, which aims to provide advice and guidance on the key development standards for residential developments, I am satisfied that the proposed development is in agreement with the aims of this document.
- 6.5 The proposal to provide a pedestrian connection to the existing right of way and an area designated as a Local Green Network (Policy ENV2) is acceptable and raises no issues in this regard.
- 6.6 In terms of impact on the amenity of the area and adjoining residents I am satisfied that the proposed development has been designed in such a manner that it will not be detrimental to the amenity or privacy of this residential area or those neighbours immediately adjoining the site. Indeed in many ways the proposed layout reflects the characteristics of other nearby housing developments within the Hamilton Western Expansion Area.
- 6.7 In relation to road safety, Roads and Transportation Services have offered no objections, subject to conditions, to the proposal and it can therefore be considered acceptable in transportation terms.
- 6.8 The third party representations received in respect of the development are not significant enough to warrant the refusal of the proposal and the requirements of the statutory consultees can be addressed through the use of conditions where appropriate.
- 6.9 I therefore recommend that planning permission be granted.

## **7 Reasons for Decision**

- 7.1 The development accords with the Policies RES6 – Residential Land Use, DM1 – Development Management, ENV11 – Design Quality, Policy ENV2 – Local Green Network, ENV12 – Flooding, ENV31 – New Housing, ENV35 – Water Supply, ENV36– Foul Drainage and Sewerage and ENV37 – Sustainable Urban Drainage Systems of the adopted South Lanarkshire Local Plan and the Council’s Residential Development Guide. Furthermore, there will be no significant amenity or road safety issues resulting from the proposal in relation to surrounding residential properties

**Colin McDowall**  
**Executive Director (Enterprise Resources)**

**13 September 2011**

**Previous References**  
HM/00/0439

### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
  
- ▶ Consultations
  - Scottish Water 03/08/2011
  
  - Environmental Services 05/08/2011
  
- ▶ Representations
  - Representation from : Mrs Elizabeth Radford, 15 Pittenweem Path, West Craigs High Blantyre, G72 0GZ, DATED 23/08/2011
  
  - Representation from : Mary Duncan, 35 Elie Road, West Craigs, G72 0GX, DATED 24/08/2011
  
  - Representation from : John Duncan, by e-mail, DATED 28/07/2011
  
  - Representation from : Mr. P. McCullagh, 17 Pittenweem Path, West Craigs Blantyre, G72 0GZ, DATED 29/07/2011
  
  - Representation from : Mr. C. Radford, 15 Pittenweem Path, West Craigs High Blantyre, G72 0GZ, DATED 29/07/2011

### **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, Hamilton  
Ext 4970 (Tel : 01698 454970)  
E-mail: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

**CONDITIONS**

- 1 This decision relates to drawing numbers:

hwe/LOC  
hwe/I001 rev B  
CAR/2007/TF/01  
CAT/TF/PD/1002 rev A  
GLE/TF/PD/1005  
HUG/TF/PD/1003  
4BTH-1514

- 2 That before any work commences on the site, or as otherwise agreed with the Council as Planning Authority, 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.

- 3 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.
- 4 That prior to any work commencing on the site, or as otherwise agreed with the Council as Planning Authority, a maintenance management schedule for the landscaping scheme approved under the terms of Condition 2 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.
- 5 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.
- 6 That before development starts, or as otherwise agreed with the Council as Planning Authority, 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.
- 7 That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council



as Planning Authority has been obtained under the terms of Condition 6 above, shall be erected and thereafter maintained to the satisfaction of the Council.

- 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 before any development commences on site, or as otherwise agreed with the Council as Planning Authority, details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwelling unit shall be occupied until these facilities have been provided in accordance with the approved scheme or such alternative as may be agreed in writing with the Council as Planning Authority.
- 10 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any such order revoking or re-enacting that order), no development shall take place within the curtilage of the application site other than that expressly authorised by this permission without the submission of a further planning application to the Council as Planning Authority.
- 11 Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.
- 12 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.
- 13 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 12 above.
- 14 That prior to any work starting on site, a Flood Risk Assessment and 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.
- 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.

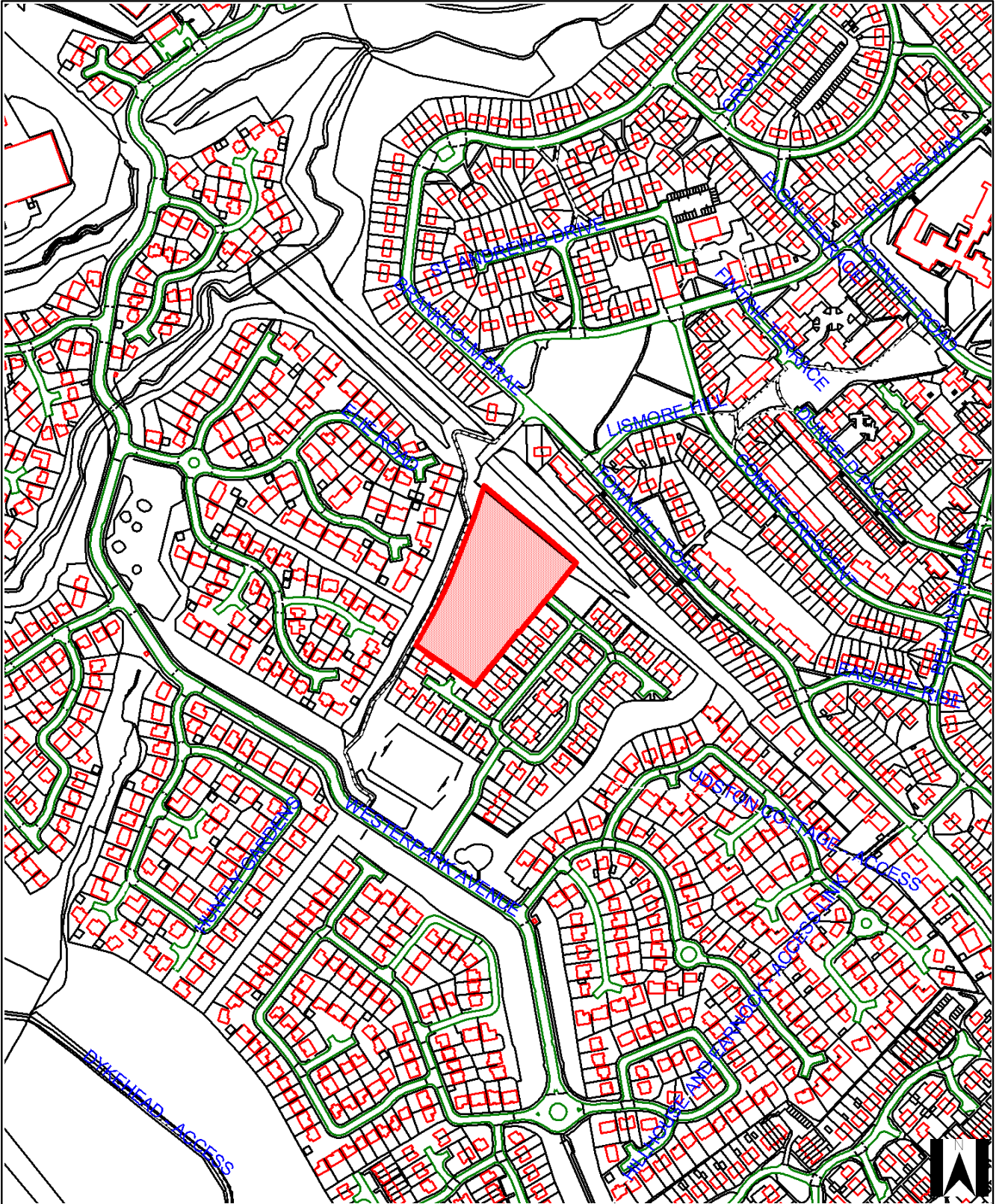
- 17 That notwithstanding the terms of Condition 1 above, revised engineering details of the road layout with specific regard to its irregular alignment midway along the cul-de-sac in the middle of the site, shall be submitted for the written approval of the Council as Planning and Roads Authority and thereafter implemented to the satisfaction of said Council.

## REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 In the interests of the visual amenity of the area.
- 3 In the interests of amenity.
- 4 In the interests of amenity.
- 5 In the interests of amenity and in order to retain effective planning control.
- 6 These details have not been submitted or approved.
- 7 In order to retain effective planning control
- 8 These details have not been submitted or approved.
- 9 To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.
- 10 In the interests of amenity and in order to retain effective planning control.
- 11 To minimise the risk of nuisance from dust to nearby occupants.
- 12 To ensure the provision of a satisfactory land drainage system.
- 13 To ensure the provision of a satisfactory land drainage system.
- 14 To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.
- 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 In the interest of road safety



For information only

For information only