

# Report

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Report to:	<b>Hamilton Area Committee</b>
Date of Meeting:	<b>6 April 2011</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	HM/10/0588
Planning Proposal:	Change Of Use Of Open Space To Form Community Garden Facility Including The Erection Of Office/Store Building, Polytunnels and Ancillary Stores at Land to the rear of Wilson Street/West Clyde Street and Wilkie Crescent, Larkhall

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Larkhall Community Growers
- Location : Land to the rear of Wilson Street/West Clyde Street and Wilkie Crescent  
Larkhall

## 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 Conditions Listed)

## 2.2 Other Actions/Notes

The Area Committee has delegated powers to determine this application.

## 3 Other Information

- ◆ Applicant's Agent: James Baird Associates
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**  
Policy RES 6 – Residential Land Use  
Policy DM 1 – Development Management

- ◆ Representation(s):

- ▶ 3 Objection Letters
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

- ◆ Consultation(s):

Environmental Services

Roads and Transportation Services (Hamilton Area)

Scottish Water

Larkhall Community Council

Housing Services (Hamilton)

## Planning Application Report

### 1 Application Site

- 1.1 The application site relates to an area of ground to the rear of a number of residential streets in Larkhall. The site measures approximately 0.25 hectares and is split into two distinct sections linked by an access track. The site is bounded on all sides by the rear gardens of residential properties; to the east by properties on Wilson Street, to the West by properties on West Clyde Street, and to the north by properties on Wilkie Crescent.
- 1.2 The site consists of a vacant area of scrub land which is currently unused and in poor condition. There is a gradual upward slope within the site from north to south. Pedestrian and vehicular access to the site is taken from Wilkie Crescent which is a cul-de-sac at this location.

### 2 Proposal(s)

- 2.1 This is a detailed planning application for the formation of a community garden/allotment facility. The development would include the formation of 40 raised beds, erection of two polytunnel greenhouses, a fruit garden, a wildlife garden, an office and a tool store as well as the provision of associated composting facilities and landscaped areas. Four off street parking spaces are also proposed to be created within the application site.
- 2.2 It is intended that these facilities will be offered to residents who live in the vicinity of the application site with particular focus on the vulnerable, disengaged and those who suffer from ill health. The garden will seek to encourage activities in which locals will learn from each other and encourage healthier lifestyles.

### 3 Background

#### 3.1 Local Plan Status

- 3.1.1 The application site is located within a residential area in the adopted South Lanarkshire Local Plan. The relevant policies in this instance are Policy RES 6 – Residential Land Use and Policy DM 1 – Development Management. 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 Guidance/Advice

- 3.2.1 Scottish Planning Policy (SPP) notes the importance of landscape and open space in an urban setting and aims to facilitate positive change whilst maintaining and enhancing distinctive character in urban areas.
- 3.2.2 PAN 60 – Planning for Natural Heritage promotes the concept of green networks, which can contribute to wider landscape, biodiversity and urban design objectives.

### 4 Consultation(s)

- 4.1 Environmental Services – Offered no objection to the proposal.  
Response: Noted.
- 4.2 Roads and Transportation Services (Hamilton Area) – Noted the intention of the applicants to restrict usage of the facility to those who reside in the local area and to store all tools and materials to be utilised on an ongoing basis within the site. Based on the above they have confirmed that they are satisfied with the proposed development subject to the imposition of a number of conditions relating to access, parking and road safety.

**Response:** Noted. Any consent granted would be conditioned as requested by Roads and Transportation Services.

4.3 **Housing Services (Hamilton)** – Stated that they were supportive of the proposed development.

**Response:** Noted.

4.4 **Larkhall Community Council** – No response.

4.5 **Scottish Water** - No response.

## 5 Representation(s)

5.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the local press as development requiring advertisement due to the scale or nature of operations proposed. Three individual letters of representation were received in respect of the proposals. The grounds of objection are summarised as follows:

(a) **The development could create traffic and parking issues in the vicinity of the site.**

**Response:** The Council's Roads and Transportation Services have been consulted with regard to traffic and parking specifications. They have assessed the information supplied by the applicants and have noted that the development is intended for the use of those that live within walking distance of the site. Furthermore, they have noted that provisions would be put in place to allow the storage of tools and materials on site, thereby increasing the potential for the site to be accessed on foot.

Based on this information they have stated that the proposal would not adversely affect traffic or create parking issues in the vicinity of the site provided that a number of conditions relating to parking and access are imposed and subsequently adhered to by the applicants. Four off street parking spaces would initially be require to be provided within the site and visibility splays would require to be provided at the vehicular entrance off Wilkie Crescent. These conditions would be attached to any consent issued and it is considered that, subject to the conditions, the development would not create any insurmountable traffic or parking issues.

(b) **The development could create noise and pollution issues in the vicinity of the site.**

**Response:** The Council's Environmental Services were consulted on the proposed development and did not raise any concerns with regard to noise or pollution. Given the nature of the use proposed and the relatively small scale of the proposed development it is not considered likely that there would be any adverse impact on neighbouring properties in this regard.

(c) **The development could cause drainage issues for residents of surrounding properties.**

**Response:** It is considered unlikely that a development of this nature involving minimal earthworks below ground level would be likely to create any issues in this regard. However, it is considered appropriate for a condition to be attached to any consent issued requiring details of surface water drainage arrangements to be submitted to and approved in writing by the Council prior to commencement of development on site. This would ensure that any

potential issues in this regard have been mitigated and that all drainage works would be compliant with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements.

**(d) The development could create issues in the local area in terms of anti-social behaviour and cause security issues for residents of properties adjacent to the site.**

**Response:** Again, it is considered unlikely that a development of this nature would be likely to create issues in terms of anti-social behaviour, particularly given that it is intended for the use of local residents and it is intended for a supervisor to be employed on site to oversee the operation of the facility. In terms of security, there are no major proposals to alter existing boundary treatments and therefore it is unlikely that access to, or the security of, surrounding properties would be compromised in any material way when compared with existing arrangements. Nevertheless for the avoidance of doubt, a condition would be appropriate requiring exact details of the positioning, design and height of any fencing to be submitted to and approved by the Council prior to commencement of any works on site.

The above 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 relates to the development of a vacant area of ground to the rear of Wilson Street, West Clyde Street and Wilkie Crescent, Larkhall to form a community garden facility. The proposal involves the formation of 40 raised beds and two polytunnels for cultivation purposes together with associated stores, an office and a car parking area. It is intended that these facilities will be offered to residents who live in the vicinity of the application site with particular focus on the vulnerable, disengaged and those who suffer from ill health. The determining issues that require to be addressed in respect of this application are its compliance with Government guidance and advice, Local Plan policy as set out in the Adopted South Lanarkshire Local Plan as well as any other material considerations.
- 6.2 In terms of national policy and guidance Scottish Planning Policy (SPP) and PAN 60 - Planning for Natural Heritage - are of relevance to this application. SPP refers to the importance of landscape and open space in an urban setting and aims to facilitate positive change whilst maintaining and enhancing distinctive character in urban areas. PAN 60 promotes the concept of green networks, which can contribute to wider landscape, biodiversity and urban design objectives. It is considered that this proposed development would represent positive change through the creation of functional open space on a currently under used area of ground in an urban environment. The proposal is therefore considered to be consistent with the aims of these documents.
- 6.3 In terms of local plan policy, the application site is located within a residential area in the adopted South Lanarkshire Local Plan. The relevant policy covering the site in this instance is Policy RES6 – Residential Land Use. This policy states that the Council will oppose the loss of houses to other uses and will resist any development that will be detrimental to the amenity of residential areas. The policy seeks to improve the quality of life for those who reside in such areas through protection and enhancement of the areas in which they live. A community garden in this residential location is considered to be an acceptable use and in accordance with the above policy. It is considered that the establishment of a community garden would assist in

terms of the overall enhancement of the local area and would not affect the amenity of residential properties in the vicinity of the site. The proposal is therefore considered to be compliant with Policy RES6. Indeed the majority of allotments are located within residential areas.

- 6.4 In terms of the detail of the proposal Policy DM1 – Development Management - is relevant to the assessment of the application. Policy DM1 requires new development to have due regard to the layout, form, design and local context of the area while requiring all development to promote quality and sustainability in its design. I am satisfied that the scale and general layout of the community garden is acceptable. In terms of impact on amenity it is noted that parking and material storage facilities are proposed to be provided on site, thereby minimising the necessity for potential allotment holders to access the site by car. It is considered that the facility as a whole would contribute in a positive manner to the amenity of the overall area and the proposal is therefore considered to be compliant with Policy DM1.
- 6.5 In terms of statutory consultations undertaken, Environmental Services have advised that they have no objection to the proposed development. Roads and Transportation Services have also stated that they have no objection subject to the attachment of conditions relating to parking and access to any consent issued. Where appropriate and justified, relevant conditions should be imposed as requested. The Council's Housing Services have confirmed their support for the proposed development. A number of concerns have been raised by third parties in respect of the development, primarily relating to noise, traffic and amenity issues. The issues raised have been discussed in detail in Section 5 above. It is not considered appropriate in this instance for the proposal to be refused consent based on the issues raised.
- 6.6 Given the scale and nature of the proposed development and given that it accords with local plan policy the application would in normal circumstances have been determined under delegated powers. However, as the application site is in Council ownership the Council's approved Scheme of Delegation requires that the application be considered at Committee.
- 6.7 In summary, it is considered that the proposal complies with the provisions of the adopted South Lanarkshire Local Plan as well as all relevant Government policy and guidance. Furthermore there are no other material planning considerations of significant weight or merit that can justify the setting aside of the presumption in favour of issuing consent. It is therefore recommended that planning permission be granted for the development.

## **7 Reasons for Decision**

- 7.1 The proposal will have no adverse impact on either residential or visual amenity and complies with the provisions of Policies RES6 and DM1 of the adopted Local Plan.

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

**21 March 2011**

## **Previous References**

- ◆ None

## List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Plan 2009
- ▶ Scottish Planning Policy 2010
- ▶ Planning Advice Note 60 'Planning For Natural Heritage'.
  
- ▶ Consultations
  - Housing Services (Hamilton) 19/01/2011
  - Roads and Transportation Services (Hamilton Area) 09/02/2011
  - Environmental Services 05/01/2011
  
- ▶ Representations
  - Representation from : Mr Scott Savage, 25 Covenant Crescent, Larkhall, ML9 2EY  
DATED 17/12/2010
  - Representation from : Mr Scott Cavanagh, 23 Covenant Crescent, Larkhall  
DATED 23/12/2010
  - Representation from : Florance Devine, 34 Scott Street, Larkhall, ML9 2QH,  
DATED 10/01/2011

### Contact for Further Information

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

Declan King, Planning Officer, Brandon Gate, Hamilton  
Ext 3554 (Tel :01698 453554 )  
E-mail: [Enterprise.hamilton@southlanarkshire.gov.uk](mailto:Enterprise.hamilton@southlanarkshire.gov.uk)

**CONDITIONS**

- The consent shall be carried out strictly in accordance with drawing numbers:
- 1  
890/01 Revision C,  
890/02,  
890/03,  
Unnumbered Drawing - Fence Details,  
Unnumbered Drawing - Polytunnel Details.
  - 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 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.
  - 4 That before the development hereby approved is brought into use, a dropped kerb access to the site shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.
  - 5 That before the development hereby approved is completed or brought into use, a turning space shall be provided within the site to enable vehicles to enter and leave the application site in forward gears at all times.
  - 6 That before the development hereby approved is completed or brought into use, a private vehicular access or driveway of at least 10 metres in length shall be provided and shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.
  - 7 That before the development hereby permitted is brought into use, 4 no. car parking spaces shall be provided within the curtilage of the site and outwith the public road or footway and shall thereafter be maintained to the specification of the Council as Planning Authority.
  - 8 That before the development hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 35 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.
  - 9 That before the development hereby approved is completed or brought into use, a 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.
  - 10 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as



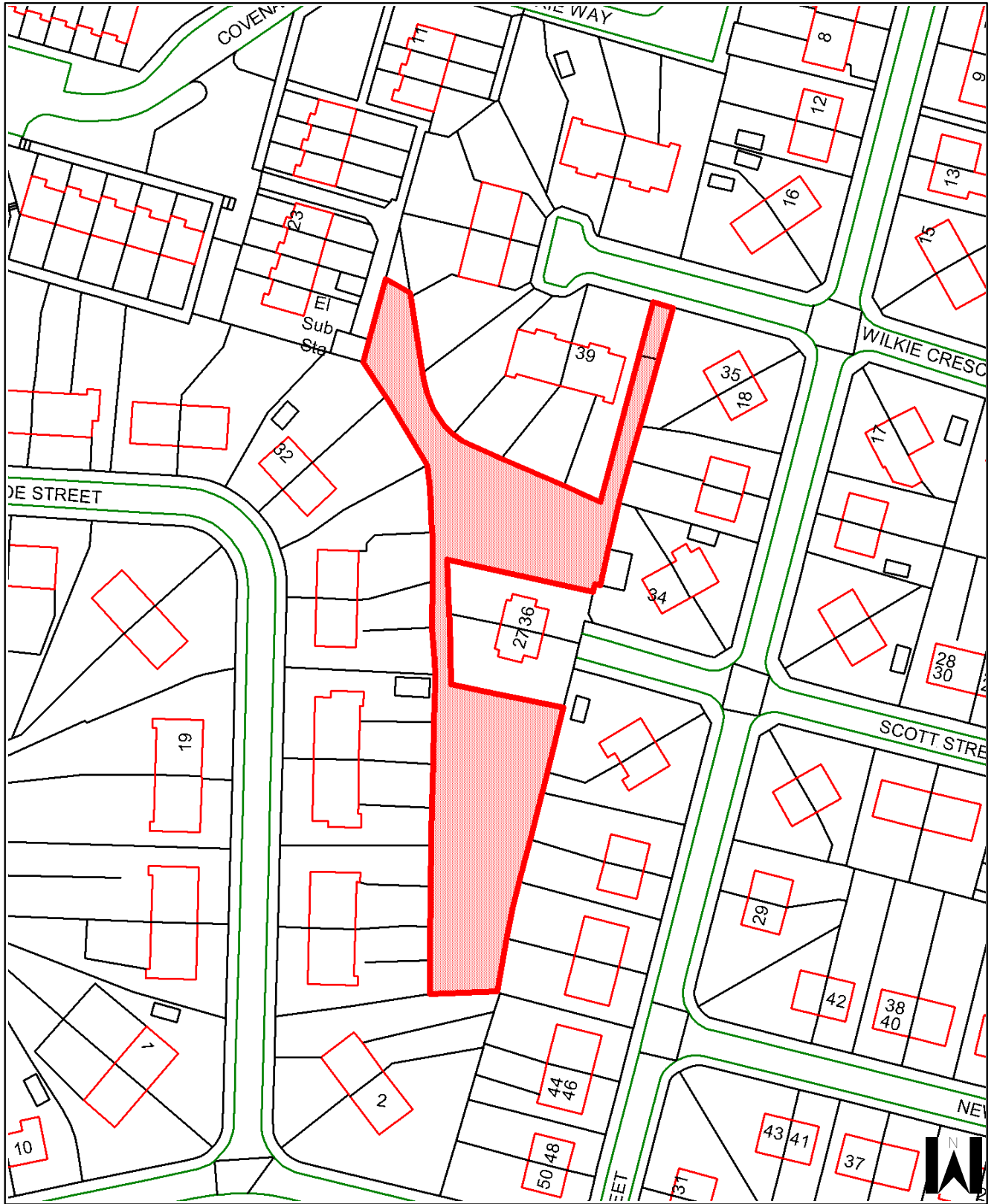
Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements.

- 11 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.
- 12 That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following completion of the development hereby approved, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

## **REASONS**

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 These details have not been submitted or approved.
- 4 In the interest of public safety
- 5 In the interest of public safety
- 6 To prevent deleterious material being carried into the highway.
- 7 To ensure the provision of adequate parking facilities within the site.
- 8 In the interest of road safety
- 9 In the interest of public safety
- 10 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.
- 11 In the interests of the visual amenity of the area.
- 12 In the interests of amenity.

For information only



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