

Report to: **Planning Committee**
 Date of Meeting: **13 December 2011**
 Report by: **Executive Director (Enterprise Resources)**

Application No: HM/10/0361
 Planning Proposal: Residential Development (6 units) and Associated Works (Planning Permission in Principle)

1 Summary Application Information

- Application Type : Planning Permission in Principle
- Applicant : Higgans & McCully
- Location : Residential Development
Junction of Townhill Road/Brankholme Brae
Hamilton

2 Recommendation(s)

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

- (1) Grant Planning Permission in Principle – (Subject to Conditions – Based on Conditions Listed)

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: None
- ◆ Council Area/Ward: 18 Hamilton West and Earnock
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**
 RES 6 - Residential Land Use Policy
 ENV 1 - Priority Green Space Land Use Policy
 ENV 2 - Local Green Network Policy
 ENV 11 - Design Quality Policy
 ENV 12 - Flooding Policy
 ENV 21 - European Protected Species
 ENV 31 - New Housing Development Policy
 ENV 35 - Water Supply Policy
 ENV 36 - Foul Drainage and Sewerage Policy
 ENV 37 - Sustainable Urban Drainage Systems Policy
 DM 1 - Development Management Policy

- ◆ Representation(s):

- ◆
 - ▶ 1 Objection Letter
 - ▶ 0 Support Letters
 - ▶ 1 Comments Letter

◆ Consultation(s):

Roads and Transportation Services (Hamilton Area)

Roads and Transportation Services (Flooding)

Environmental & Strategic Services

Estate Services

S.E.P.A.

Scotland Gas Networks

Scottish Water

Planning Application Report

1 Application Site

- 1.1 The application site relates to a section of a former railway line and bridge parapet located to the rear of 203 – 237 Townhill Road, Hamilton. It extends to approximately 4800 square metres and is roughly 'L-shaped'. An access road exists into the site from Townhill Road, at its junction with Brankholm Brae, which terminates at the former railway line.
- 1.2 A public footpath, which is a designated Right of Way (SH21), runs from Townhill Road through the adjacent West Craigs development to Newhousemill Road, crossing over the north western edge of the site. The site has been the subject of historical earth engineering operations associated with the formation of a railway embankment. As a result part of the site is at a higher level than neighbouring ground. The site has been left unmaintained and therefore has become overgrown with mature trees and vegetation.
- 1.3 Surrounding uses are predominately residential in character. Although at present the land to the south-west of the site is currently vacant; having been previously reserved as a potential school site for the West Craigs development, it now has the benefit of consent for residential development for social housing (HM/11/306 granted September 2011).
- 1.4 The applicants retain ownership of the remaining section the former railway embankment which lies to the south east of the application site. This land extends along the rear of the properties on Townhill Road until its termination at number 155a.
- 1.5 A small section of the site, adjacent to the access road, is within the ownership of the Council.

2 Proposal(s)

- 2.1 The applicants seek Planning Permission in Principle for the creation of residential plots and associated access road within the site. An indicative layout suggest that 6 house plots can be accommodated on site. The house plots would be located on the south-western boundary, parallel to the vacant housing site adjoining the site. The existing access point from Townhill Road would be upgraded and extended into the site along the rear boundaries of the existing properties on Townhill Road, An access would be retained into the neighbouring former railway land for maintenance purposes.
- 2.2 Given the ground level differences within the site a combination of "cut and fill" earth moving operations will be undertaken to achieve a level development platform. This will result in the removal of all trees/bushes and so on.
- 2.3 The former railway parapet present within the site would be removed as part of the redevelopment of the site and the existing Right of Way would be unaffected by the application proposals.
- 2.4 In support of their proposals the applicants have submitted a Site Investigation Report, Ground Investigation Report and a Badger and Bat Survey Report.

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). Within such areas the Council will resist any development considered to be detrimental to residential amenity. In addition, the site is also identified as being a Priority Greenspace Land Use (Policy ENV1) and a Local Green Network (Policy ENV2). Through these policies the Council seeks to protect the connectivity and value for biodiversity of such areas.
- 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 Development, 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 Given the current condition of the site, as overgrown and containing trees and shrubs, it is considered that the site requires to be assessed against Policy ENV21 – European Protected Species. This states that the Council will encourage the management and maintenance of areas supporting habitats and species listed in the EC Habitats Directive.
- 3.1.5 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 Relevant Government guidance is set out within the consolidated Scottish Planning Policy (SPP) 2010. Planning authorities are required to promote the efficient use of land by directing development towards sites within existing settlements in order to make effective use of existing infrastructure and service capacity. New housing developments should be integrated with public transport and active travel networks, such as footpaths and cycle routes, rather than encouraging dependence on the car. New streets should connect well with existing streets and with walking and cycling networks, and allow for links into future areas of development.
- 3.2.2 The SPP also requires planning authorities, and developers, to have regard to the risk of flooding when determining planning applications. Surface water from new development shall be treated by a sustainable drainage system (SUDS) before it is discharged into the water environment.

3.3 **Planning History**

- 3.3.1 In terms of planning proposals for this site the applicants have been in discussions with the Council with regards to the redevelopment of the site for residential purposes for a number of years. A formal planning application was lodged in 2009 (HM/09/0306). However, this was subsequently withdrawn due to insufficient information being provided in support of the application.
- 3.3.2 The site has also been the subject of numerous complaints to the Planning Service, other Council Services and the Police, with regards to anti-social behaviour at this location. Given the secluded nature of the railway embankments and parapet and the proximity of public footpath links, it has become a regular meeting point for youths, with alleged drinking and vandalism being reported, particularly from residents within the existing West Craigs development.
- 3.3.3 Ongoing discussions with complainants in relation to anti-social behaviour experience have involved suggestions that the existing right of way be closed or re-routed through the current application site. The right of way is however very well used and there is no obvious alternative route which would not involve a significant additional distance for users. In addition as the current application site is located at a much lower level than the adjoining proposed housing site it would be extremely difficult to re-route the right of way through the current application site. As the current proposals involve the removal of the existing railway embankment, where youths gather, and the right of way will now be overlooked by any new houses on the site, it is considered that the current development will significantly improve the anti-social behaviour situation by removing the location occupied by youths and providing ongoing overlooking of the existing right of way.

4 **Consultation(s)**

- 4.1 **Roads and Transportation Services (Hamilton)** – have no objection to the proposed development subject to conditions relative to access and road standards, visibility splays, driveways and parking requirements.
Response: Noted. The requirements of the Area Roads Manager can be conditioned as part of any consent that is issued.
- 4.2 **Roads and Transportation Services (Flooding)** – offered no objections subject to the inclusion of conditions relative to the undertaking of a Flood Risk Assessment and that the applicants satisfy the design criteria guidance in respect of managing surface water using Sustainable Urban Drainage Systems
Response: Noted. These requirements can be conditioned as part of any consent issued.
- 4.3 **Environmental and Strategic Services** – have no objections subject to conditions and advisory notes relative to refuse storage, contaminated land and noise. With regards to the submitted contamination report they have confirmed that these are acceptable subject to the recommendation (section 11.5 of the Terrenus Site Investigation Report dated 30 March 2010) that human health risk be reviewed.
Response: Noted. Conditions and advisory notes can be included, where appropriate.
- 4.4 **Estates Service** – have advised that the Council has ownership interests in land around the proposed access point from Townhill Road and whilst no agreement has been made with regards to the sale of any land informal discussions have taken place with the applicants with regards to this matter.

Response: Noted.

- 4.5 **S.E.P.A.** – have advised that in respect of small scale local developments they have prepared guidance note providing standing advice for local authorities. This advises that proposal must be assessed in terms of flood risk, drainage, sustainable urban drainage (SUDs) and contaminated land.

Response: Noted. The Council Flooding Unit and Environmental Service have assessed the proposal and supporting documents and have offered no objections subject to conditions and advisory notes which can be included, where appropriate, should the application be determined favourably.

- 4.6 **Scotland Gas Networks and Scottish Water** – have offered no response to date.

Response: Noted. An informative can be attached to any consent granted to ensure that the applicants contact the relevant parties directly in relation to any matters.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken in respect of the proposal. Two letters of representations have been received in respect of the application. Both letters were submitted on behalf of an adjoining land owner. The first related to a request for details of the application including a request for a further period of time in which to lodge representation and the other was a formal objection.

- 5.2 The grounds of objection can be summarised as follows:

- a) **Raised concerns over the neighbour notification undertaken in respect of the application, particularly as the adjacent landowner received no formal notification although the ownership of the adjoining site was known to the Council due to discussion on the development of that site.**

Response: As a result of changes to Planning Legislation the onus of undertaking neighbour notification now rests with the Council. Whilst the owners of the adjoining site was known legislative requirements dictate that where there are no premises on land adjoining an application site, a press advert should be placed in the local press. In this instance this was the course of action followed by the Council. Having said that, the landowner did become aware of the application proposals and has made representations and therefore their opportunity to submit representation has not been prejudiced.

- b) **Concerns in respect of the limited details provided in support of the application particularly with regard to type of development, access, ownership, proposed works to embankment, drainage, flood risk and contamination.**

Response: In terms of current requirements an application for Planning Permission in Principle only requires a plan showing the site boundary and access details. The specific details of the proposal would be provided through a further application(s) for matters specified in conditions, should the principle of the development be acceptable. This would include details relating to any work proposed to the embankment, drainage details etc.

The submitted plans clearly show how the site is to be accessed from Townhill Road. With regards to ownership any dispute in this regard would be a private legal matter between the parties involved and should not therefore influence the determination of this application.

With regards to flood risk and contamination, the Council's Flooding Unit has recommended the undertaking of a Flood Risk Assessment as part of any future planning application(s). Ground and Site investigation Reports have been submitted in support of the application, which have been assessed and agreed by Environmental Services.

c) **Concerns over the impact on the adjacent retention pond.**

Response: It is confirmed that the Council's Flooding Unit raised no concerns in this regard within their consultation response. However, given the proximity of the adjacent retention pond to the application site it is considered appropriate, in this instance, that this matter be assessed as part of any future Flood Risk and Drainage Assessments should consent be granted.

d) **Concerns over the potential for the former mine working discharge within the site.**

Response: The Council does consult with the Coal Authority where necessary in respect of former mine workings. No part of the application site however has been identified as being within an area requiring formal referral. Nevertheless an advisory note can be added to any consent in respect of the Coal Authority's Standing Advice on such matters.

e) **Proposal is contrary to Policies ENV2 – Local Green Networks and STRAT 7d – Strategic Green Networks.**

Response: Noted. It is confirmed that application site is not designated as being within a Strategic Green Network and therefore Policy STRAT 7d does not apply. With regards to Policy ENV2 this will be assessed within Section 6 of the report below.

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 seeks consent for Planning in Principle for residential development (6 plots) on a site situated between established residential areas of Hillhouse and 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 a general residential in character (Policy RES6). Development of the site for residential purposes therefore accords with this policy designation, 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,. In addition the Council's approved Residential Development Guide, which aims to provide advice and guidance on the key development standards for residential developments, is also applicable.
- 6.4 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. In terms of the future development of the site it is considered that this is capable of being achieved without conflict with the requirements of Policies DM1, ENV11, ENV31 and the Council's approved Residential Development Guide. However, this will be a matter for further assessment when a further planning submission(s) is/are made in respect of the site.

- 6.5 With regards to flooding, drainage and services it is noted that the Council's Flooding Unit have recommend the inclusion of conditions requiring the undertaking of a further assessment to accompany any future planning application. It is intended therefore that the requirement for such details would be conditioned should consent be given for the current proposals and these would again be fully assessed during the determination of any detailed application.
- 6.6 In relation to the to the sites designation as a Priority Greenspace Land Use area and Local Green Network (Policies ENV1 and ENV2 respectively) it is considered that the proposed development is capable of being implemented without significant conflict with these designations. The site in its current form offers no recreation value to the area and is poorly maintained. In addition it has become a magnet for anti-social behaviour, to the detriment of the amenity of the surrounding properties. In terms of its value for biodiversity (Policy ENV2) it is anticipated that the redevelopment of the site can include provision to compensate for any impact in this regard.
- 6.7 Given the existing ground condition and the potential for bat and badgers to be present on site a Wildlife Survey has been undertaken. This recommended that further detailed survey works should be conducted prior to any works commencing on site. This requirement can be conditioned as part of any consent given. On this basis it is considered that there is no conflict with Policy ENV21.
- 6.8 In terms of impact on the amenity of the area and adjoining residents it is considered that the site is capable of being development in a manner which would result in no detriment in this regard. Furthermore, the removal of the railway line and associated parapet will contribute to improving the visual amenity of neighbouring properties and could also improve the amenity in terms of the sites association with anti-social activity.
- 6.9 In relation to road safety, Roads and Transportation Services have offered no objections, subject to conditions, and it can therefore be considered acceptable in transportation terms.
- 6.10 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.
- 6.11 On the basis of the above it is 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 ENV1 – Priority Greenspace Land Use, Policy ENV2 – Local Green Network, ENV12 – Flooding, Policy ENV21 – European Protected Species, ENV31 – New Housing Development, ENV35 – Water Supply, ENV36– Foul Drainage and Sewerage and ENV37 –

Sustainable Urban Drainage Systems Drainage Systems of the adopted South Lanarkshire Local Plan and the Council's Residential Development Guide. Furthermore, there will be no amenity or road safety issues resulting from the proposal in relation to surrounding residential properties

Colin McDowall
Executive Director (Enterprise Resources)

24 November 2011

Previous References

List of Background Papers

Previous References

- ◆ HM/09/0306

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Plan 209
- ▶ SLC Residential development Guide
- ▶ Bat/Badger Survey, Alpha Ecology Ltd, September 2011
- ▶ Ground Investigation Report, Aitken Laboratories Ltd
- ▶ Press advertisement, Hamilton Advertiser, dated 5 August 2010

- ▶ Consultations
 - Roads and Transportation Services (Hamilton Area) 28/02/2011
 - S.E.P.A. (West Region) 28/07/2010
 - Roads & Transportation Services H.Q. (Flooding) 09/08/2010
 - Environmental Services 03/08/2010
 - Estates Services 09/11/2011

- ▶ Representations
 - Representation from : Montagu Evans, 302 St Vincent Street, Glasgow, G2 5RU
DATED 10/12/2010 and 21/12/2010

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

CONDITIONS

- 1 This decision relates to drawing numbers:
DM/PL/02
DM/PL/04
DM/PL/05
DM/PL/06
- 2 That the total number of dwellinghouses within the site shall be no more than 6.
- 3 Prior to the commencement of development on site, a further application(s) for the approval of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority. These matters are as follows:
 - (a) the layout of the site, including all roads, footways, parking areas and open spaces;
 - (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
 - (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum.
 - (d) the means of access to the site;
 - (e) the design and location of all boundary treatments including walls and fences;
 - (f) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs;
 - (g) the means of drainage and sewage disposal.
 - (h) details of the phasing of development (covering all relevant aspects of development detailed in (a) above),
 - (i) proposals for the provision of a wildlife corridor through the application site,
 - (j) provision of further detail surveys, in respect of the potential presence of bats and badgers within the site.
- 4 That the further application(s) required under the terms of Condition 3 above, shall make reference to and incorporate the criteria specified within the approved South Lanarkshire Council 'Residential Development Guide'.
- 5 The application(s) for approval of these further matters must be made to the Council as Planning Authority before whichever is the latest of the following:
 - (a) expiry of 3 years from when permission in principle was granted
 - (b) expiry of 6 months from date when an earlier application for approval was refused, and
 - (c) expiry of 6 months from date on which an appeal against the refusal was dismissed.

Approval of the further specified matters can be made for -

- (i) different matters, and
- (ii) different parts of the development at different times.

Only one application for approval of matters specified in conditions can be made

after 3 years from the grant of planning permission in principle.

- 6 That the further application required under the terms of Condition 3 above, shall include a detailed scheme for surface water drainage. Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland and with the Council's Sustainable Drainage Design Criteria and requirements and shall be agreed in writing with the Council as Planning Authority in consultation with SEPA.
- 7 That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.
- 8 That the further application(s) required under the terms of Condition 3 above, shall include the following requirements within their design submissions:
 - i) 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.
 - ii) a visibility splay of 2.5 metres by 60 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.
 - iii) that none of the garage driveways shall have a gradient in excess of 1:10.
 - iv) that all dwellinghouses without garages shall have driveways with a minimum length of 12 metres measured from the heel of the footway/service strip and the first 2 metres of each driveway as measured from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the public footway and/or carriageway.
 - v) that all dwellinghouses with garages shall have driveways with a minimum length of 6 metres measured from the heel of the footway/service strip and the first 2 metres of each driveway as measured from the heel of the footpath shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.
- 9 That prior to any work starting on site, a Flood Risk Assessment and 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.
- 10 (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.

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 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 4 In the interests of amenity and to ensure that the Council's key residential development standards are met.
- 5 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 6 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.
- 7 To ensure the protection and maintenance of the existing mature trees within the site
- 8 In the interest of public safety
- 9 To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.
- 10 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

For information only

For information only

