	<h1>Report</h1>	Agenda Item <h1>3</h1>
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Report to:	Special Planning Committee
Date of Meeting:	7 July 2005
Report by:	Executive Director (Enterprise Resources)

Application No	HM/04/0370
Planning Proposal:	Residential Development (Outline)

1 Summary Application Information

- Application Type : Outline Planning Application
- Applicant : Turner & Townsend Project Management Ltd
- Location : Earnock High School
Wellhall Road
Hamilton

2 Recommendation(s)

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

- (1) Grant Outline 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) The application has been the subject of a substantial number of objections and therefore in accordance with Council procedures a hearing should be offered prior to a decision being taken.
- (3) If Committee are minded to grant consent, in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997, the application must be referred to the Scottish Ministers because the proposed development has been the subject of a substantial body of objections and the Council have a financial interest in the development.

3 Other Information

- ◆ Applicant's Agent: Keppie Planning Ltd
- ◆ Council Area/Ward: 45 Earnock
- ◆ Policy Reference(s): **Hamilton District Local Plan**
Policy RES1 – Residential Areas – General

◆ Representation(s):

- ▶ 45 Objection Letters
- ▶ 1 Petition containing 32 signatures

◆ Consultation(s):

Strathclyde Police - Community Safety Dept. (SLC)

Coal Authority Mining Reports Office

Environmental Services

Leisure Services (Arboriculture)

Roads and Transportation Services (Hamilton Area)

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

Scottish Power - use 'Power Systems'

Scottish Gas, Digital Records Department 'TRANSCO'

Scottish Water

West of Scotland Archaeology Service

Hillhouse & Earnock Community Council

Sports Scotland

Planning Application Report

1 Application Site

- 1.1 This application relates to the site of Earnock High School which is located on Wellhall Road in the south-western part of the town. The site is surrounded mainly by residential properties on Royellen Avenue/Rederech Crescent to the west, Earnock Gardens to the south, Lady Watson Gardens to the south-east and Woodfoot Road/Jura Gardens to the east. A church also abuts the site to the east (to the south of Jura Gardens), whilst a petrol station and a group of shops sit on either side of the Wellhall Road frontage.
- 1.2 The application site also contains an existing pub which is situated alongside the present access to the school.

2 Proposal(s)

- 2.1 Outline planning consent is sought for the residential use of the site, accessed via the existing school access on Wellhall Road and a second access from Woodfoot Road through land currently used as a church car park. The initial submission included a third access point via an existing pedestrian access on Rederech Crescent but that has since been omitted.

3 Background

3.1 Government Policy/Advice:

- 3.1.1 SPP3 'Planning for Housing' encourages the re-use of previously developed land in preference to greenfield land provided that a satisfactory residential environment can be created.
- 3.1.2 National Planning Policy Guidance 11 entitled 'Sport, Physical Recreation and Open Space' advises of a general presumption against the redevelopment of playing fields and sports pitches and confirms that they should not be redeveloped except where alternative provision of equal community benefit and accessibility would be available or where there is a clear over provision in the wider area.

3.2 Local Plan Status

- 3.2.1 The site is covered by Policy RES1 of the adopted local plan which seeks to protect the residential amenity of the area. Proposals involving residential development will therefore be acceptable in principle.

3.3 Planning Background

- 3.3.1 This proposed development forms part of the SLC Public Private Partnership involving the construction of new schools across the area. It is intended that the pupils from Earnock High will be transferred to a new school to be built in Blantyre.
- 3.3.2 A separate outline application for residential development of the site was lodged in Jan 2004 (HM/05/0022), proposing that access be taken via a spur from the existing Wellhall Road/Hillhouse Road roundabout through land currently occupied by the Avon pub. That application is also under consideration on this agenda.

4 Consultation(s)

- 4.1 **Roads and Transportation Services** – advise that the Rederech Crescent access would have a detrimental impact on road safety and should be omitted from the application, leaving the double access arrangement of the existing school access on Wellhall Road and from Woodfoot Road via land currently used as a church car park. The existing school access will require the introduction of revised junction markings and a new box junction. The access at Woodfoot Road should take the form of a mini-roundabout.

The internal road layout for this site should be designed in such a way as to reduce the likelihood of vehicles using the site as a 'rat-run' (i.e., to avoid existing roundabouts).

In terms of wider traffic impact, it is recognised that this development would have an impact on overall journey times along Wellhall Road. It is the Council's longer term objective to construct a link road at Peacock Cross and a revised traffic management system around Almada Street. However, more immediate short term mitigation measures will be required to improve capacity on this busy road network and to this end a contribution of £35k will be made towards such improvements.

Response: Noted. The capital contribution shall be incorporated into the sale of the land by the Council to the developer. The Rederech Crescent access had been omitted from the proposals.

- 4.2 **Environmental Services** – have no objections to the proposal subject to a contaminated land survey being carried out.

Response: This can be required by a condition on any consent granted.

- 4.3 **Scottish Water** – object to the application unless the applicant either pays for upgrading of existing infrastructure or promotes a scheme that does not compromise the quality or quantity of discharge.

Response: This aspect will be dealt with more fully at detailed application stage. However, in further discussion about the schools projects generally, Scottish Water have indicated that the existing system should be able to accommodate the proposed development.

- 4.4 **SEPA** - raise the issue of foul drainage and request that consent is withheld until Scottish Water confirm that acceptance of foul drainage arising from the development will not cause or contribute to the premature operation of existing consented storm overflows and that sufficient capacity exists within the network.

Response: As mentioned above, Scottish Water have indicated that the existing system will be able to accommodate the proposed development in light of the existing level of development on the site.

- 4.5 **Power Systems** – advise that they have an operational sub-station and underground cables within the vicinity of the development. Without knowing whether the plant will be affected by any proposed development, they have no option but to object at the present time.

Response: Again, this matter would be dealt with fully as part of any detailed application. Any alteration to statutory undertakers apparatus requires to be agreed with the operator and paid for by the developer.

4.6 **West of Scotland Archaeology Service**- no issues raised.

Response: Noted.

4.7 **TRANSCO**- No issues raised.

Response: Noted

4.8 **SportScotland** – refer to government advice which presumes against the loss of playing fields and point out that the current development proposal will result in the loss of one full size blaes pitch and a grass pitch. However, SportScotland are also aware of wider proposals by the Council to offset the loss of pitches at various schools by providing enhanced facilities at the new schools and to undertake upgrading works at Jock Stein recreation ground which is located in neighbouring Hillhouse. They are satisfied that these proposed works will be of at least equal community benefit and therefore consistent with government advice. However, there needs to be an assurance that these works will be delivered to an agreed timescale and to an appropriate standard. Without such a guarantee, SportScotland would object to the application as it stands.

SportScotland also highlight the importance of providing open space, including for informal recreation, within the development site in accordance with the Council's Residential Development Guidelines.

Response: This matter has been the subject of discussion between the Council and SportScotland and it has been agreed that the most appropriate vehicle to secure the timeous delivery of the proposed and upgraded facilities at the Jock Stein recreation ground is an Agreement under Section 69 of the Local Government (Scotland) Act 1973. At time of writing, the signing of such an Agreement is imminent and a verbal update shall be given at Committee. In terms of open space provision within any future development, any such proposals will have to comply with the Council's Residential Development Guidelines in all respects.

4.9 **Strathclyde Police** – No response.

4.10 **Coal Mining Authority Reports Office** - No response.

4.11 **Leisure Services (Arboriculture)** – Advise that there are a number of important trees within the site which should be retained.

Response: A tree survey will be required as part of any reserved matters.

4.12 **Hillhouse and Earnock Community Council** – No response.

5 Representation(s)

5.1 Statutory Neighbour Notification was undertaken following which 45 letters of objection and a petition containing 32 signatures were received.

5.2 Grounds of objection can be summarised as follows:

(a) The vast majority of objections relate to the proposed access on Rederech Crescent. Residents strongly object on safety grounds given the poor position of the proposed access next to a blind bend and in too close proximity to the junction with Langoreth Avenue. Concern is also raised about the increased use of a dangerous and congested junction at Royellen Avenue/Wellhall Road;

increased traffic levels on estate roads incapable of absorbing such levels; resultant pollution levels and about the likelihood of drivers using these roads as a short cut through this access from the top of Wellhall Road to Woodfoot Road or Hillhouse Road, thereby avoiding peak hour traffic queues.

Response: I concur that this proposed access point is unacceptable in terms of road safety. It has therefore been removed from the proposed development.

(b) The local road network, especially Wellhall Road, is already congested and incapable of absorbing additional traffic.

Response: This issue has been recognised by the Council who have a longer term objective to construct a link road at Peacock Cross. However, it is also recognized that more immediate short term measures are required in light of the growing number of houses in this part of the town and to this end capital contributions towards these works are being requested from new developments.

(c) The proposed Woodfoot Road access is too close to existing roundabouts and the increase in traffic volume raises safety concerns.

Response: The area roads engineer is satisfied that this access would operate safely.

d) Existing problems of obstruction caused by parked cars on Woodfoot Road will be exacerbated by the loss of the church car park.

Response: It is anticipated that as part of any land deal, the car park will be relocated within the school site. Any parking problems will be monitored by the Roads Services and restrictions imposed if necessary.

e) The land required for the Woodfoot Road access is not in the control of the applicant but is owned by the church.

Response: The owners have been served the requisite notification as part of this application and contact has been made with the Church with a view to negotiating acquisition of the land.

f) The submitted plan is not up to date, does not show a recently constructed development and contains no detail.

Response: The submitted plan is adequate for the purposes of the application which is for outline consent only. Details such as a layout, house types etc would be lodged as part of a detailed application.

g) Insufficient capacity exists in the drainage and sewage system.

Response: As stated in 4.3 of this report, Scottish Water are satisfied that sufficient capacity exists.

h) The application contains no indication as to what type of residential use is proposed.

Response: In planning terms, there is no distinction between different tenures or styles of housing. Whilst it is anticipated that the site will be developed for private sale, this will only be confirmed at detailed application stage.

i) The Education Act (Scotland) states that the proposal requires approval of the Scottish Ministers and states that if a school is discontinued the land will revert to the grantor. Will there be “adequate and efficient provision of school education” after the closure of Earnock High?

Response: These are legal matters which have no bearing on the consideration of this application although it is understood that these points do not apply in this particular case. It is the aim of the Schools Modernisation Project to provide adequate and efficient provision of school education.

j) Will the palisade fence between the school and Earnock Gardens be retained?

Response: Some form of boundary treatment will be provided at this location and there shall be no vehicular access into the site.

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

6 Assessment and Conclusions

- 6.1 This application relates to the site of Earnock High School which is to close down as part of the school renewal programme. The proposal entails the use of the land for residential development, accessed via the existing school access and from a new access on Woodfoot Road. A separate application for the same land use but including a different access arrangement is also being considered on this agenda.
- 6.2 The main issues to be assessed in determining this application relate to compliance with local plan policy, satisfactory access provision, traffic generation and loss of playing fields.
- 6.3 In policy terms, the site lies within a residential area where proposals involving residential development will obviously be acceptable in principle. Access is proposed via the existing school access and through land currently used as a church car park. This double access arrangement is acceptable to the Area Roads Engineer. Initially, a third access from Rederech Crescent to the west of the site was proposed but was subsequently deleted on safety grounds. Concerns over that access proposal also formed the basis for the vast majority of objections to the application.
- 6.4 In terms of the wider traffic impact, a contribution of £35k will be taken from this development towards the implementation of short term mitigation measures designed to improve capacity on this busy road network. In the longer term it is intended that a link road will be constructed at Peacock Cross in order to alleviate congestion.
- 6.5 The site presently contains a blaes pitch and a grass playing field. Government policy presumes against the loss of playing fields and sports pitches unless it can be demonstrated that there would be no loss of amenity and that alternative provision of equal community benefit and accessibility would be available. In this respect the Council have prepared and submitted to SportScotland a strategic statement in which the issue of sports pitch provision in the Hamilton area is considered. This statement has been produced to address the loss of pitches at various school sites resulting from the rebuilding programme and advises that the Council are committed to providing enhanced facilities at the new/upgraded schools and to undertake works at the Jock Stein recreation ground involving both upgrading of existing facilities and the provision of new facilities. The Jock Stein ground is located approximately 1 mile from Earnock School and will serve the same community. The delivery of these facilities both timeously and to a specified standard has been agreed with SportScotland and is to be formalised by legal agreement. SportScotland are

satisfied that the end result will be the provision of facilities of at least equal benefit to those presently available.

6.6 In view of the above, I recommend that consent is granted.

Iain Urquhart
Executive Director (Enterprise Resources)

29 June 2005

Previous References

♦ HM/05/0022

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - S.E.P.A. (West Region) 15/07/2004
 - Roads and Transportation Services (Central Division) 05/04/2005
 - West of Scotland Archaeology Service 11/06/2004
 - Environmental Services 15/06/2004
 - Power Systems 15/06/2004
 - Scottish Water 29/06/2004
 - Roads and Transportation Services (Central Division) 07/07/2004
 - Keppie Planning Ltd 16/02/2005
 - Roads and Transportation Services (Hamilton Area) 18/02/2005
 - Leisure Services (Arboriculture) 25/06/2004
- ▶ Representations
 - Representation from : K W Barrie, Treetops, Earnock Gardens, Hamilton, ML3 8RQ, DATED 20/04/2004
 - Representation from : Mr R Souter, 1 Royellen Avenue, Earnock, Hamilton, ML3 8QH, DATED 28/05/2004
 - Representation from : Ms Joan McAllister, 17 Royellen Avenue, , Hamilton, ML3 8QH, DATED 01/06/2004
 - Representation from : Owner/Occupier, 19 Rederech Crescent, , Hamilton, ML3 8QF, DATED 27/05/2004

Representation from : Mrs Patrica McAndrew, 91Woodfoot Road, , Hamilton, ML3 8RA, DATED 26/05/2004

Representation from : Mr Robert Fox, 12 Royellen Avenue, Earnock, Hamilton, ML3 8QH, DATED 27/04/2004

Representation from : P G Flarry, 4 Gilmour Drive, , Hamilton, ML3 9UF, DATED 05/06/2004

Representation from : Mr Philip Hogg, UK & Ireland Real Estate Manager, The Church of Jesus Christ of Latter-Day Saints, 751 Warwick Road, Solihull, West Mldlands, England B91 3DQ, DATED 08/06/2004

Representation from : Mr Derek R Hotchkiss, 81 Rederech Crescent, , Hamilton, ML3 8QE, DATED 16/06/2004

Representation from : Mr James Willet, 26 Swift Bank, Earnock, Hamilton, ML3 8PX, DATED 15/06/2004

Representation from : G.W. Reeves (Area Real Estate Manager), The Church of Jesus Christ Latter-Day Saints, 751 Warwick Road, Solihull, West Midlands, ENGLAND, B91 3DQ, DATED 05/01/2005

Representation from : Mrs Carlan Lang, 15 Langoreth Avenue, Earnock, Hamilton, ML3, DATED 02/02/2005

Representation from : Mrs Higgins, 76 Rederech Crescent, Earnock, Hamilton, ML3 8QE, NO DATE

Representation from : Lauretta S McNeill, 29 Rederech Crescent, Earnock, Hamilton, ML3, DATED 03/02/2005

Representation from : Mr Gavin Robertson, 61 Rederech Crescent, Earnock, Hamilton, ML3 8QF, DATED 05/02/2005

Representation from : Mr & Mrs Poggi, 8 Rederech Crescent, Earnock, Hamilton, ML3 8QF, DATED 07/02/2005

Representation from : Alan Hinshelwood, 16 Rederech Crescent, , Hamilton, ML3 8QF, DATED 03/02/2005

Representation from : Mrs R Nimmo, 8 Royellen Avenue, , Hamilton, ML3 8QH, DATED 03/02/2005

Representation from : Suzanne Brown, 13 Langoreth Avenue, , Hamilton, ML3 8QG, DATED 10/02/2005

Representation from : David Fairfull, 23 Rederech Crescent, , Hamilton, ML3 8QF, DATED 07/02/2005

Representation from : W Colguhoun, 27 Royellen Avenue, , Hamilton, ML3 8QH,
DATED 07/02/2005

Representation from : Steve Wright, 7 Langoreth Avenue, , Hamilton, ML3 8QH,
DATED 05/02/2005

Representation from : John S Ronie, 14 Rederech Crescent, Earnock, Hamilton,
ML3 8QF, DATED 04/02/2005

Representation from : J Dunlop, 69 Rederech Crescent, , Hamilton, DATED
11/02/2005

Representation from : Alice Kelly, 42 Rederech Crescent, , Hamilton, NO DATE

Representation from : Mr & Mrs Joseph Woods, 22 Rederech Crescent, Earnock
Estate, Hamilton, ML3 8QF, DATED 10/02/2005

Representation from : Mr & Mrs McCusker, 13 Rederech Crescent, Earnock,
Hamilton, ML3 8QF, DATED 09/02/2005

Representation from : James Johnstone, 10 Langoreth Avenue, , Hamilton, ML3
8QG, DATED 10/02/2005

Representation from : Mrs Isabel Alder, 4 Royellen Avenue, , Hamilton, ML3 8QH,
DATED 07/02/2005

Representation from : Muriel J Dewar, 15 Kenniel Place, , Hamilton, ML3 8QQ,
DATED 16/02/2005

Representation from : Mr Robert Trussler, 19 Royellen Avenue, Earnock, Hamilton,
ML3 8QH, DATED 17/02/2005

Representation from : Mrs Elizabeth Trussler, 19 Royellen Avenue, Earnock,
Hamilton, ML3 8QH, DATED 17/02/2005

Representation from : Ms A M Hughes, 9 Royellen Avenue, Earnock, Hamilton,
ML3 8QH, DATED 17/02/2005

Representation from : Mr David Trussler, 9 Royellen Avenue, Earnock, Hamilton,
ML3 8QH, DATED 17/02/2005

Representation from : Jim McMahon, 12 Kinneil Place, Earnock Estate, Hamilton,
ML3 8QQ, NO DATE

Representation from : Anna McMahon, 12 Kinneil Place, Earnock Estate, Hamilton,
ML3 8QQ, NO DATE

Representation from : A Martin, 84 Rederech Crescent, Earnock Estate, Hamilton,
NO DATE

Representation from : Kirsty McMahon, 12 Kinneil Place, Earnock Estate,
Hamilton, ML3 8QQ, NO DATE

- Representation from : Mr Stevenson, 28 Langoreth Avenue, Earnock, Hamilton
(Petition containing 32 signatures), NO DATE
- Representation from : Mr N Quigley, 83 Rederech Crescent, Earnock, Hamilton,
ML3 8QE, DATED 20/02/2005
- Representation from : William B Reid, "Twin Firs", 30 Royellen Avenue, Hamilton,
ML3 8QH, DATED 20/02/2005
- Representation from : M J Buchanan, 45 Rederech Crescent, Earnock, Hamilton,
ML3 8QF, DATED 24/02/2005
- Representation from : J Wright, 31 Rederech Crescent, Earnock, Hamilton,
DATED 14/02/2005
- Representation from : Mr & Mrs Barber, 13 Kinneil Place, , Hamilton, ML3 8QQ,
DATED 01/03/2005
- Representation from : William Douglas, 9 Langoreth Avenue, , Hamilton, ML3
8QG, DATED 28/02/2005
- Representation from : Janet Barber, 13 Kinneil Place, Hamilton, , ML3 8QQ,
DATED 01/03/2005

Contact for Further Information

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

Lynda Dickson, Planning Officer, Brandon Gate, Hamilton
Tel: Ext 3521 (01698 453521)
E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

CONDITIONS

- 1 That before the expiration of three years from the date of this outline permission and before any development starts, a written application and plans in respect of the following Reserved Matters shall be submitted to and approved by the Council as Planning Authority:
 - (a) a site layout plan at a scale of 1:500 showing the position of all buildings, roads, footpaths, parking areas (distinguishing where appropriate between private and public spaces), walls, fences, landscaping, open space and recreational provision;
 - (b) plans and elevations of each house and garage type showing their dimensions and type and colour of materials;
 - (c) a detailed tree survey and landscaping plan showing the location, species, condition and ground spread of existing and proposed trees, shrubs and hedges;
 - (d) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);
 - (e) detailed cross-sections of existing and finished ground levels and finished floor levels, in relation to a fixed datum, preferably ordnance datum.
- 2 That the only vehicular accesses to the application site shall be from both Wellhall Road and Woodfoot as shown on the approved plan.
- 3 that the reserved matters application required under the terms of condition 1 above shall include details of all works required in connection with the provision of vehicular accesses from Wellhall Road and Woodfoot Road, including all off site roadworks.
- 4 That the development hereby permitted shall be started either within five years of the date of this permission or within two years of the date on which the last of the reserved matters are approved, whichever is the later;
- 5 That within three years of the date of this permission, an application for approval of the reserved matters, specified in condition 1 above, shall be made to the Council as Planning Authority.
- 6 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.
- 7 That before the development starts, a report from a professionally qualified source detailing the nature, concentration and distribution of any contaminants found within the application site, shall be submitted to and approved by the Council as Planning Authority and the development shall not be commenced until such action as is recommended by this report, in order to remove, or render harmless, any such contaminants, has been implemented and completed to the full specification and entire satisfaction of the Council. The developer shall give the Council at least 7 working days notice in writing prior to the commencement of any decontamination works on the site.

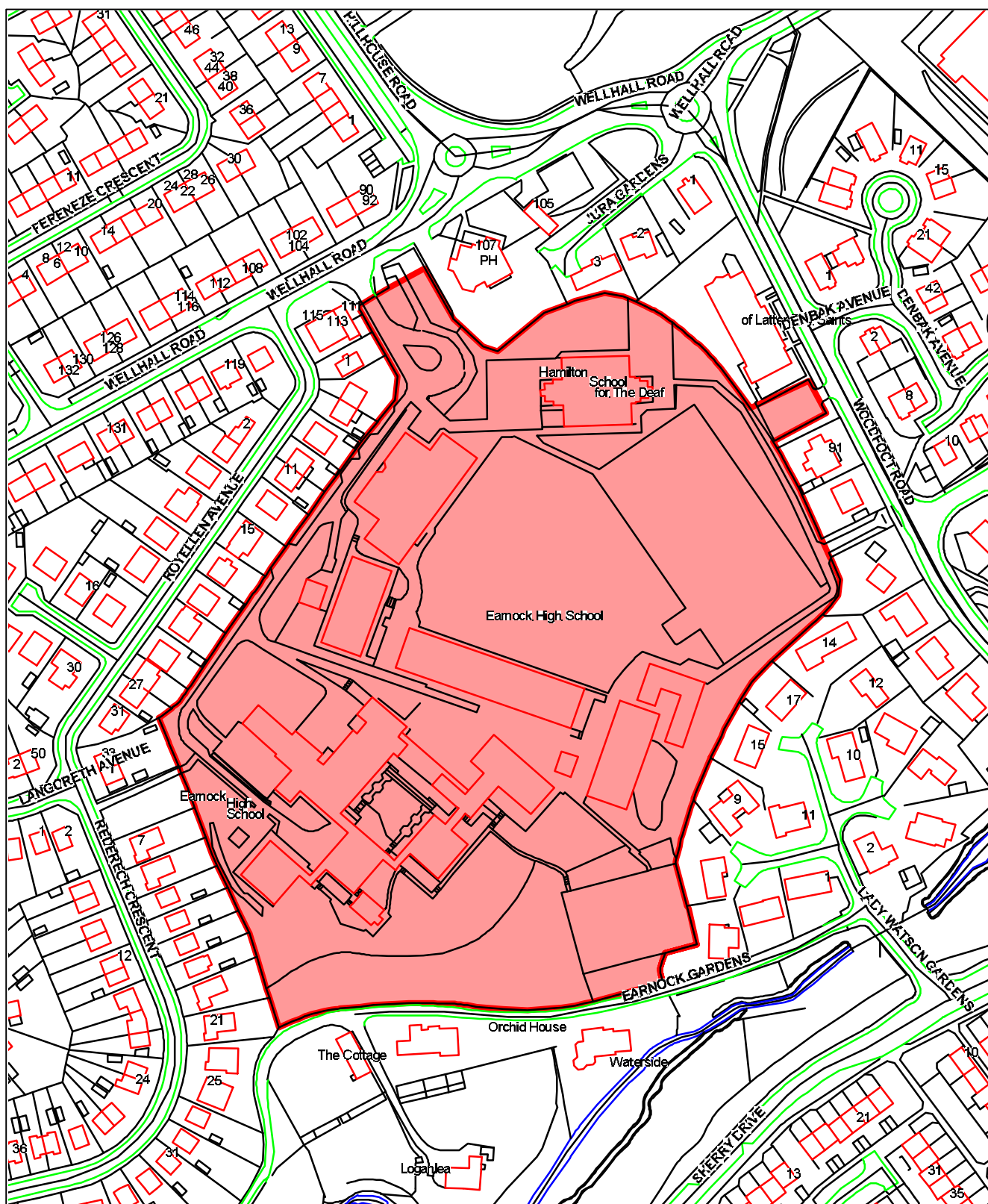
- 8 That the reserved matters required under the terms of condition 1 shall comply with the Council's approved Residential Development Guidelines.
- 9 That notwithstanding the terms of condition 1, the internal road layout required under the terms of condition 1 shall be designed in such a way so as to create a circuitous route between the two approved access points, thereby minimising the likelihood of vehicles 'rat-running' through the development.
- 10 That no dwellinghouse shall be occupied until the site is served by a sewerage scheme constructed to the specification and satisfaction of Scottish Water as Sewerage Authority.
- 11 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.

REASONS

- 1 Consent is granted in outline only.
- 2 In the interest of road safety
- 3 In the interest of road safety
- 4 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 5 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 6 To ensure the protection and maintenance of the existing mature trees within the site
- 7 To ensure the site is free from contamination
- 8 In the interests of amenity.
- 9 In the interest of public safety
- 10 To ensure the provision of a satisfactory sewerage system
- 11 To ensure the provision of a satisfactory land drainage system.

For information only

For information only



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