

	<h1>Report</h1>	Agenda Item <h1>4</h1>
---	-----------------	--------------------------------------

Report to: **Planning Committee**
 Date of Meeting: **19 June 2007**
 Report by: **Executive Director (Enterprise Resources)**

Application No HM/07/0161
 Planning Proposal: Erection of 4 Unit Industrial Building and Erection of Pre School
 Nursery Building

1 **Summary Application Information**

- Application Type : Detailed Planning Application
- Applicant : Lyle Bay Ltd
- Location : 91 Bothwell Road
Hamilton

2 **Recommendation(s)**

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

- (1) Grant Detailed Planning Permission (Subject to Conditions - Based on Conditions Listed
- (2) Agree to the revocation of the planning consent for HM/06/0394

2.2 **Other Actions/Notes**

- (1) The Planning Committee has the delegated powers to determine this application
- (2) That planning permission is withheld until such times as the conclusion of the revocation order for application number HM/06/0394.

3 **Other Information**

- ◆ Applicant's Agent: James Baird Associates
- ◆ Council Area/Ward: 17 Hamilton North and East
- ◆ Policy Reference(s): **Hamilton District Local Plan**
Policy ED1 – Industrial Areas - General
South Lanarkshire Planning Policies
Policy SLP5 – Non-Conforming Uses in Industrial Areas
Finalised South Lanarkshire Local Plan (after modification)
Policy ECON1 – Industrial Land Use
Policy ECON4 – Industrial Land Supply
Policy ECON13 – Non-Conforming Uses in Industrial Areas

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

- ◆ Consultation(s):

Roads & Transportation Services H.Q. (Flooding)

Enterprise Resources - Estates

Scottish Water

Outreach BT

Education Resources

Enterprise Resources - HQ

Roads and Transportation Services (Hamilton Area)

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

Scottish Power

Scotland Gas Networks

Planning Application Report

1 Application Site

- 1.1 The application site relates to an area of undeveloped land within the Bothwell Road Industrial Area, a long established industrial estate at Bothwell Road, Hamilton.
- 1.2 The site is accessed via a communal service road from Bothwell Road. This is used as one of two access points for all the units within the Bothwell Road Industrial Area.
- 1.3 Undeveloped land relating to the industrial estate lies to the west of the site whilst an area of mix of uses including offices, industrial premises, and a bakery can be found to the south. Hamilton Fire Station can be found immediately to the north. To the east, a two storey building exists beyond which, across Bothwell Road is Hamilton Racecourse.

2 Proposal(s)

- 2.1 The application site is formed in two parts in that the applicants propose the erection a four unit industrial building and the establishment of a pre-school nursery. In relation to the pre-school nursery the applicants have submitted a supporting statement which advises that this element of their proposal entails the relocation of an existing pre-school nursery, at St. Andrew's Church, Avon Street, Hamilton and claims to be Hamilton's longest established pre-school nursery, being established for 24 years. However, given the proposed merger of St. Andrew's with St. John's Church the future use of the current site is uncertain and therefore the applicant is seeking an alternative location. At present the nursery has 37 children on its roll and employs six staff. No breakdown has been provided of the school roll.
- 2.2 The industrial units would be located adjacent to the existing building, known as 91 Bothwell Road which fronts the site. This building is a modern styled industrial building with two units accessed from either side of the building. The building would also be finished in a combined brick and cladding external exterior which is common in modern industrial developments. Vehicular parking for 8 cars would again be provided to serve the development. This area is currently utilised as a lock-up for the adjacent car rental business. Outline Consent was granted in November 2006 for the use of the site for a pre-school nursery.
- 2.3 The pre-school nursery would be located within an area adjacent to the new industrial block, further to the rear of the site and be accommodated within a two storey building designed as a modern office/business use property to reflect the sites location. The building would be finished externally in a combination of facing brick and render with a clad roofing system. An external play area would be provided to the rear of the building which would be enclosed by a 1.8m high fence. Eighteen parking spaces would be provided around the perimeter of the pre-school nursery's use.
- 2.4 As part of their current proposals it is intended to revoke the previous outline consent for the erection of a pre-school nursery on the adjoining site, which is now proposed for redevelopment for industrial use as part of this submission. This area of land would therefore contribute to the industrial land available within the estate. The original proposal to utilise this site for a pre-school nursery cannot not proceed for reasons outwith the control of the applicants.

- 2.5 It is noted that the submitted plan shows a further industrial block to the rear of the site. It is confirmed that this unit was granted consent in 2005 and does not form part of this current application. These details have been provided for information purposes and to show the relationship, both in terms of layout and design, of the current proposals to that development.

3 Background

3.1 Local Plan Status

- 3.1.1 The site is identified within the Hamilton District Local Plan as being covered by Policy ED1 – Industrial Areas General. This states that areas covered by this policy are recognised as main industrial areas. Within these areas general industrial development, storage or distribution uses and business uses will be supported. The Council will generally oppose the loss of industrial buildings or industrial land to other uses.

- 3.1.2 In addition, supplementary policy and guidance to those contained within the adopted Hamilton District Local Plan are detailed within the approved South Lanarkshire Planning Policies Document. Policy SLP5 on Non-Conforming Uses in Industrial Areas requires that any such proposal should seek to serve the industrial area within which it is located and must not undermine the vitality and viability of existing town and village centres. The following criteria should be considered when assessing such applications:

- a) The loss of the site from industrial land supply will not adversely affect the continuity of the long term supply (minimum of 10 years) of industrial land in terms of quantity, range and quality.
- b) The development of the site or premises would not adversely affect the industrial operations, amenity, industrial character and function of the area.
- c) The site or premises has been unsuccessfully marketed for an appropriate use to the Council's satisfaction.
- d) The site or premises is located at the edge of an industrial area and can easily be accessed from the main road routes and have satisfactory access by walking, cycling and public transport unless the proposal is ancillary to an existing industrial use.
- e) The site/premises is or can be served by public transport.
- f) The development will not adversely affect public or traffic safety.
- g) The infrastructural implications of the development are acceptable.
- h) The development makes provision for cycling, walking and public transport or Green Transport Plans, as appropriate.

- 3.1.3 In terms of the content of the Finalised South Lanarkshire Local Plan (after modifications), the site is affected by Policy ECON1 – Industrial Land Use Policy. This policy aims to safeguard the Council's industrial areas from inappropriate development and requires that proposals for other uses will only be appropriate when assessed against the criteria within Policy ECON13 – Non-conforming Uses in Industrial Areas. This reiterates the criteria set out within Policy SLP5 above. Policy ECON4 – Industrial Land Supply Policy advised that the Council will seek to maintain a 10 year supply of marketable industrial land.

3.2 Relevant Government Advice.

- 3.2.1 There is no specific government guidance relative to this proposal.

3.3 **Site History**

- 3.3.1 Outline consent was granted in November 2006 for the erection of a pre-school nursery within the area identified for the proposed industrial units within the current submission (Application No.: HM/06/0394). Planning consent was granted in July 2000 (HM/00/0258) for the adjacent two storey building and associated parking at 91 Bothwell Road. A subsequent planning for the erection of 8 industrial units in the form of two blocks, one occupying the area currently proposed for the pre-school nursery and the other located the rear of the was granted by the Council in 2005.

4 **Consultation(s)**

- 4.1 **Roads and Transportation Services (Hamilton)** - have no objections to this proposal subject to conditions relative the access, securing of the site and the provision of off street parking facilities
Response: Noted. The Division Roads Engineers requirements can be included as conditions attached to any consent.
- 4.2 **Roads and Transportation Services (Flooding)** – have offered no objection to the proposals subject to the undertaking of a Drainage Impact Assessment, surface water being treated in accordance with the principles of Sustainable Urban Drainage Systems (SUDs), the provision of adequate flood prevention measures, the serving of the development with a sewerage scheme to the satisfaction of Scottish Water.
Response: Noted. These requirements can be included, where appropriate, as conditioned attached to any such consent.
- 4.3 **Education Resources** – have not yet responded to the consultation request.
Response: Noted. It is advised that in response to the previous outline application Education Resources offered no objections to the proposals.
- 4.4 **Estates and Support Services** – have offered no objection to the proposals.
Response: Noted
- 4.5 **Scottish Water** – have no objection to the proposal subject to conditions relative to the protection of their apparatus, that the development can be implemented without impact on their assets or that suitable infrastructure can be put in place in support of the development and that surface water drainage should be treated in accordance with the principles of SUDs.
Response: Noted. These requirements can be conditioned, where appropriate, as part of any consent.
- 4.6 **Scotland Gas Networks** – have no objection to the proposal.
Response: Noted
- 4.7 **Scottish Power** – have no objection to the proposal subject to the protection of their existing apparatus within the vicinity of the application site.
Response: Noted
- 4.8 **Openreach BT** – have offered no objection to the proposals.
Response: Noted
- 4.9 **Scottish Environment Protection Agency** – have offered no objections subject to foul drainage being connected to the local authority foul sewer, surface water being

treated in accordance with the principles of Sustainable Urban Drainage Systems (SUDs) and construction/demolition works associated with the development are carried out with due regard to SEPA guidelines on the avoidance of pollution.

Response: Noted. These requirements shall be conditioned, where appropriate, should consent be granted.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the application was advertised as Development Potentially Contrary to the Development Plan, during which period no letters of representation were received.

6 Assessment and Conclusions

- 6.1 This detailed application seeks an approval of a proposal which entails two elements. The first being the erection of a four unit industrial building, whilst the second proposes the erection of a pre-school nursery within an established industrial area on a vacant site within at Bothwell Road in Hamilton.
- 6.2 The main issue in determining this application is whether the proposal complies with development plan policies, and if there is a policy conflict, can the development be justified.
- 6.3 In this regard, the application site is identified as being within a general industrial area as designated in the adopted Hamilton District Local Plan. Within these areas the Council will generally oppose the loss of industrial buildings to other uses. In terms of the policies of the finalised South Lanarkshire Local Plan (after modifications), Policies ECON1 – Industrial Land Use and ECON4 – Industrial Land Supply apply, which aim to safeguard the Council's industrial areas from inappropriate development and maintain an appropriate industrial land supply. The proposed use of the site of industrial purposes and the design and location of this building raises no issues and is therefore acceptable.
- 6.4 The proposed pre-school nursery is clearly not industrial and as such the application was advertised in the local press as a Development Potentially Contrary to the Development Plan. However, Policy SLP5 – Non-conforming Uses in Industrial Areas of the Hamilton District Local Plan and ECON13 – Non-Conforming Uses in Industrial Areas of the finalised South Lanarkshire Local Plan (after modifications), permits the introduction of non-industrial uses where a number of criteria can be met. An assessment of the suitability of this area to accommodate a pre-school nursery was undertaken through the determination of the previous outline consent, was deemed acceptable and consent granted. Whilst the current application proposed the relocation of that consent onto the adjoining site and revert the area of the previous approval back to industrial usage I am of the opinion that there has been no material change in circumstances that would require a further reassessments or that if a reassessment was undertaken that it would reach an alternative conclusion to that previously reached. I am satisfied that the current proposal does not conflict with the policies of both the adopted and merging local plans and that no new planning issues are raised by the current proposals. Furthermore, I am of the view that the design, scale and location of the proposed building are also acceptable.
- 6.5 Whilst involving the relocation of an established pre-school nursery, I am of the opinion that the operation could also provide an ancillary and valuable service to the existing operations within the Bothwell Industrial area. The existing established

industrial area contains a mix of uses within the estate and therefore the introduction of a nursery facility would not have a negative impact on the area. It is also proposed to provide a number of new industrial units within the application site. The use of the site for the scale of development proposed would not undermine the Council's policies, both approved and those contained within the emerging local plan, aimed at protecting industrial land supply. Furthermore, it is noted that permissions have been granted for similar types of operation within established industrial estates within South Lanarkshire. However, given the close relationship of the pre-school nursery to the proposed industrial units a condition shall be imposed to restrict the type of use to Class 4 (Business).

- 6.6 The statutory consultees have raised no objection to the proposal and no objections have been received as a result of the statutory neighbour notification process.
- 6.7 It is advised that given that a current consent, in outline, exists for the re-use of part of the site as a pre-school nursery I am of the opinion that it is appropriate to seek the revocation of that consent to ensure that it cannot be progressed through a detailed submission which could ultimately result in two pre-school nurseries at this location. Such a scenario would be unacceptable from a planning point of view and would undermine the viability of the industrial estate through the introduction of too many non-conforming uses. The applicants have advised they are agreeable to such a course of action. However, it is recommended that this consent be withheld until such time as the revocation order is concluded.
- 6.8 On the basis of the above I am satisfied that the proposal does not conflict with policy and is an appropriate use within the industrial estate and will permit the nursery to continue to make a contribution to providing such facilities within Hamilton and protect employment.
- 6.9 I therefore recommend that planning permission be granted in this instance.

7 Reasons for Decision

- 7.1 The proposed use of the site for industrial units and as a pre-school nursery does not conflict with the Council's policies (Policy ED1 – Industrial Areas – General of the adopted Hamilton District Local Plan; Policy SLP5 – Non Conforming Uses in Industrial Areas of the approved South Lanarkshire Planning Policies; Policies ECON1 – Industrial Land Use, ECON4 – Industrial Land Supply and ECON13 – Non-Conforming Uses in Industrial Areas of the Finalised South Lanarkshire Local Plan (after modification).

Iain Urquhart
Executive Director (Enterprise Resources)

12 June 2007

Previous References

- ◆ HM/00/0258
- ◆ HM/06/0394

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations

Outreach BT	30/03/2007
Scottish Power	28/03/2007
Scotland Gas Networks	28/03/2007
Enterprise Resources - Estates	04/04/2007
Scottish Water	05/04/2007
Roads & Transportation Services H.Q. (Flooding)	05/04/2007
Roads & Transportation Services (Hamilton)	11/06/2007

- ▶ Representations
None

Contact for Further Information

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

James Watters, Planning Officer, Brandon Gate, Hamilton
Ext 3522 (Tel: 01698 453522)
E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

CONDITIONS

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 4 That 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.
- 5 That before the development hereby permitted is occupied or brought into use, all the fences or walls for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 4 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 6 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), the use of the pre-school element of the development hereby approved shall be restricted to use as childrens nursery and for no other purpose within Class 10 and the industrial units shall be restricted to Class 4 as defined in the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997, without the prior written consent of the Council as Planning Authority.
- 7 That notwithstanding the provisions of the Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1984, no fascia signs, adverts or projecting signs shall be erected on the premises without the prior written consent of the Council as Planning Authority.
- 8 That before the development hereby approved is completed or brought into use, all of the parking spaces shown on the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.
- 9 That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at his or her own expense.
- 10 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.

- 11 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 10 above.
- 12 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.
- 13 That no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 These details have not been submitted or approved.
- 5 In the interests of amenity and in order to retain effective planning control.
- 6 In order not to prejudice policies contained in the adopted Hamilton District Local Plan and to retain effective planning control.
- 7 To safeguard the amenity of the area.
- 8 To ensure the provision of adequate parking facilities within the site.
- 9 In order to retain effective planning control
- 10 To ensure the provision of a satisfactory land drainage system.
- 11 To ensure the provision of a satisfactory land drainage system.
- 12 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.
- 13 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.

For information only

For information only

