

	<h1>Report</h1>	Agenda Item <h1>7</h1>
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Report to: **Planning Committee**
 Date of Meeting: **5 October 2010**
 Report by: **Executive Director (Enterprise Resources)**

Application No: HM/09/0407
 Planning Proposal: Erection Of Mixed Use Development (Class 4,5,6,7,And 8) (Planning Permission In Principle)

1 Summary Application Information

- Application Type : Planning Application in Principle
- Applicant : Muse Developments Limited
- Location : Craighead Special School
1 Whistleberry Road
Hamilton

2 Recommendation(s)

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

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

- (1) Grant Planning in Principle – Subject to Conditions (Based on the Conditions Attached)

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: GVA Grimley Ltd
- ◆ Council Area/Ward: 17 Hamilton North and East
- ◆ Policy Reference(s): **Scottish Planning Policy**

Glasgow and the Clyde Valley Joint Structure Plan 2006

Strategic Policy 5 – Competitive Economic Framework

Strategic Policies 9 – Assessment of Development Proposals

Strategic Policies 10 – Departures from the Structure Plan

South Lanarkshire Local Plan

Policy ECON3 – Strategic Locations for Work and Business

Policy ECON5 – Proposed Industrial Sites

Policy DM1 – Development Management

Policy ENV1 – Priority Green Space Land Use

Policy ENV2 – Local Green Network
Policy ENV11 – Design Quality
Policy ENV12 – Flooding
Policy ENV30 – New Development Design
Policy ENV32 – Design Statements
Policy ENV35 – Water Supply
Policy ENV36 – Foul Drainage and Sewerage
Policy ENV37 – Sustainable Urban Drainage
Systems

◆ Representation(s):

▶	0	Objection Letters
▶	0	Support Letters
▶	0	Comments Letters

◆ Consultation(s):

Roads & Transportation Services (Hamilton)

Environmental Services

Leisure Services

Transport Scotland

SEPA

Scottish Water

Scotland Gas Networks

SP Energy Networks

SNH

Planning Application Report

1 Application Site

- 1.1 The application site relates to land associated with the former educational facility of Craighead School which is located off Whistleberry Road, Blantyre.
- 1.2 The site is bounded to the north by the slip road, which becomes Whistleberry Road, from the East Kilbride Expressway and to the west by lands and buildings associated with Whistleberry Industrial Estate. The lands to the south and west are occupied by wooded areas which form part of the Back Muir Plantation.
- 1.3 In addition to the school site the access road, which is unmade and un-adopted, serves a couple of other industrial operations.

2 Proposal(s)

- 2.1 The applicants seek Planning in Principle for a mixed use development within the site of the former school. The initial application proposals were for business and trade units, hotel and conference facilities and a care home. However, the care home element has now been removed from the proposed scheme.
- 2.2 An indicative layout shows a new access road from Whistleberry Road serving three development areas to accommodate a hotel/leisure element (11,800 sq.m), Class 4 Business Units (9,600 sq.m) and Trade Park (18,410 sq.m).

3 Background

3.1 National Policy

- 3.1.1 Relevant Government guidance is set out within the consolidated Scottish Planning Policy 2010 which requires planning authorities to promote the efficient use of land by directing development towards sites within existing settlements where possible to make effective use of existing infrastructure and service capacity. The redevelopment of urban and rural brownfield site is preferred to development on Greenfield sites.
- 3.1.2 With regards to economic development the SPP advises that “authorities should respond to the diverse need and locational requirements of different sectors and sizes of businesses” and “development plans should support small business development and growth and promote opportunities for low impact industrial, business and service uses”.

3.2 Structure Plan

- 3.2.1 In terms of the Glasgow and Clyde Valley Structure Plan 2006 the main policy relevant to determination of this application is Strategic Policy 5 – Competitive Economic Framework. This seeks to ensure the maintenance of a marketable and serviceable industrial land supply. Furthermore, it requires that strategic economic locations (including Strategic Industrial and Business Locations (SIBL)) are developed for business and industry and safeguarded from inappropriate alternative uses.
- 3.2.2 The application site is located in the Blantyre/Whistleberry Strategic Industrial and Business Location and therefore development of this site for a use other than Class 4, 5 or 6 would therefore be contrary to Strategic Policy 5. Structure Plan policy allows for ancillary service provision, such as small scale retailing and offices, within

SIBLs but the definition does not specifically include hotel developments. However, it could be argued that small scale hotel facilities aimed primarily at meeting the needs of businesses and employees could be considered as ancillary service provision

3.2.3 In addition, the application also requires to be assessed against Strategic Policies 9 and 10. Strategic Policy 9 identifies the criteria which should be applied in the assessment of any planning proposal in order to determine if it accords with the Structure Plan. Strategic Policy 9A relates to the need for the development in terms of the relevant demand assessment. Strategic Policy 9B relates to the location of the development and its impact on strategic resources.

3.2.4 If it is considered that any element of a proposal of the application is contrary to 1 or more criteria in Strategic Policy 9, then a further assessment would be required against the criteria in Strategic Policy 10.

3.3 **Local Plan Policy**

3.3.1 In terms of the adopted South Lanarkshire Local Plan the site is identified as being a Proposed Industrial Site (Policy ECON 5) within which the Council will support development for industry and business. The site is also identified as a Strategic Industrial and Business Location (Policy ECON 3). Proposals for business, industrial and storage and distribution are encouraged and the loss of land to other non-industrial uses will be contrary to the development plan and assessed against Structure Plan policy.

3.3.2 In addition to the above, in terms of land use designations the site is also identified as being with an area designated as being a Green Network (Policy ENV2) and partly within a Priority Greenspace Land Use (Policy ENV1).

3.3.3 In terms of normal development management criteria, there is a requirement for all new developments to comply with Policies DM1 – Development Management, ENV11 – Design Quality, ENV12 – Flooding, ENV30 – New Development Design, ENV32 – Design Statements, ENV35 – Water Supply, ENV36 – Foul Drainage and Sewerage and ENV37 – Sustainable Urban Drainage

3.3.4 Policy DM1 requires that proposals take account of the local context and built form. Policies ENV11 and Policy ENV30 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 ENV32 requires design statements to accompany all planning applications.

3.3.5 Through Policy ENV37 – Sustainable Urban Drainage System the Council promotes the requirements for SUD's, in appropriate developments. Whereas, Policies ENV12 – Flooding, ENV35 – Water Supply and ENV36 – Foul Drainage and Sewerage seek to ensure that any development is adequately serviced and raises no flooding issues

3.4 **Planning History**

3.4.1 The use of the site for educational purposes is one of longstanding which became surplus to requirements and the site was successfully marketed on this basis. There has been no recent planning history relevant to this application.

4 **Consultation(s)**

4.1 **Roads and Transportation Services** – have offered no objections to the proposals subject to conditions relative to the upgrading of the access road to industrial

standards, the provision of adequate visibility splays, provision of a 2 metre wide footway on the access road, access road standards and parking level requirements.

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

- 4.2 **Environmental Services** - have no objections subject to the inclusion of conditions/informatives relative to noise control, health and safety and food safety.

Response: Noted. Where appropriate, conditions/informatives shall be imposed if planning permission is granted.

- 4.3 **Leisure Services** – have offered no response to the consultation request to date.

Response: Noted.

- 4.4 **Transport Scotland** – Have confirmed, through the issue of a TR/NPA/2 form, that they have no objection to the grant of consent, subject to the inclusion of conditions relative to road improvements, the submission of barrier/lighting details, and the submission/approval of a Travel Plan promoting sustainable travel prior to the occupation of the development.

Response: Noted. These requirements can be conditioned, where appropriate, as part of any such consent.

- 4.5 **SEPA** – have offered no objection in principle to the proposed development, subject to conditions relevant to the treatment of foul drainage discharge treatment, surface water being treated in accordance with the principles of Sustainable Urban Drainage Systems (SUDs) and flood risk matters.

Response: Noted. These requirements can be addressed through the use of conditions, where appropriate.

- 4.6 **Scottish Water** – have offered no response to the consultation request to date.

Response: Noted.

- 4.7 **Scotland Gas Networks** – have offered no objections to the proposals.

Response: Noted.

- 4.8 **SP Energy Networks** – have offered no objection, subject to the protection/alteration of existing apparatus within the location of the site.

Response: Noted. This matter can be addressed through the use of appropriate conditions.

- 4.9 **SNH** – Whilst noting that former school building has previously been host to a colony of bats, they have offered no objection to the proposals. This is on the basis that the recommendations of section 4.2 of the submitted Bat Survey, which requires further survey works being undertaken, be conditioned as part of any consent.

Response: Noted. Given that the current application seeks permission in principle for the future development of the site it is considered that it is appropriate, in this instance, to condition the approval in a manner which requires the undertaking, and submission, of a further Bat Survey as part of any future detailed submission for the site.

5 Representation(s)

- 5.1 Statutory Neighbour Notification was undertaken and the proposals advertised in the local press as being Development Contrary to the Development Plan. No letters of representations were received in respect of the amended proposals.

6 Assessment and Conclusions

- 6.1 The applicants seek planning permission in principle for a mixed use development; comprising hotel/leisure, Class 4 Business Units and Trade Park, within the site
- 6.2 The main determining issues therefore in assessing these proposals are whether the proposed works accord with national and local plan policy and their impact on road safety.
- 6.3 In terms of national planning policy guidance, as detailed within Scottish Planning Policy 2010, the proposals are considered to raise no issues. The SPP advises that planning authorities should ensure that there is a range and choice of marketable sites and locations for business allocated within local plans, including opportunities for mixed use developments. In addition the SPP advises that development plans should support small development and growth and promote opportunities for low impact industrial, business and service uses. Furthermore, the planning system should support economic development by supporting developments which will provide new employment opportunities and enhance local competitiveness and promote regeneration and the full and appropriate use of land. The application proposals are therefore consistent with these aims.
- 6.4 In terms of an assessment against the applicable policies with the Glasgow and Clyde Valley Structure Plan 2006 the applications initial proposals, which included a nursing home element, were considered contrary to the Structure Plan policy. However, this element has now been deleted from the application proposal and the remaining elements are considered acceptable when assessed against Structure Plan policies.
- 6.5 The definition of ancillary service provision does not specifically include hotel developments however it has been previously argued, and accepted, that small scale hotel facilities aimed primarily at meeting the needs of businesses and employees could be considered as ancillary service provision. Whilst there are no other examples of recent hotel developments in SIBLs in South Lanarkshire there are a number of recent developments and proposals for hotels in other urban out of centre locations, averaging between 40-60 bedrooms and would seem reasonable to limit the scale for a hotel development in this instance.
- 6.6 In terms of local plan policies the application site is covered by a number of land use policies designations, namely Policy ECON3 – Strategic Locations for Work and Business, Policy ECON5 – Proposed Industrial Sites, Policy ENV1 – Priority Green Space Land Use and Policy ENV2 – Local Green Network.
- 6.7 Through Policy ECON 3 the application site is identified as being within a Strategic Industrial and Business Location (SIBL) where proposals for business, industrial and storage and distribution are encouraged. The proposals for the business and trade elements of the proposals are therefore considered acceptable. However, the loss of land/premises to other non-industrial uses, which would apply to the proposed hotel/leisure element, will be considered contrary to development plan policy and require to be assessed against Structure Plan policy. As already set out within paragraph 6.5 above, the hotel/conference element of the proposals can be justified as being ‘ancillary’ service provision and therefore in compliance with Structure Plan policy. The support of development for industry and business on those sites identified is also reflected in Policy ECON 5.

- 6.8 Whilst part of the site falls within a Policies ENV1 designation, which seeks to protect and enhance areas of green space and advises that the loss of such areas will not be supported it is noted that no development is proposed within this area of the site and therefore there is no conflict with this policy.
- 6.9 It is considered that the future development of the site can be achieved without conflict with the aims of Policy ENV2, which seeks to protect and support action to enhance the Local Green Network. The existing site has been utilised as a school for a number of years and any future development of the site can provide for the retention of linkages through the site without any adverse effect on the existing connectivity or value for biodiversity.
- 6.10 In addition to the above land use designations any new development must comply with normal development management criteria, as detailed within Section 3.1 of the report. Whilst these raise matters which are more relevant to the determination of the future detailed elements of the proposals, it is considered that any such development can be accommodated within the site without conflict with the requirements of applicable policies. In addition, any further application, seeking detailed consent would be assessed against any requirements at that time.
- 6.11 In terms of road safety it is noted that both Roads and Transportation Services and Transport Scotland are satisfied that the scheme can be implemented, subject to conditions, without detriment to road safety.
- 6.12 No third party representations received in respect of the application and the requirements of the remaining statutory consultees can be addressed through the use of conditions where appropriate.
- 6.13 Whilst advertised as a development contrary to the local development plan it is considered, on the basis of the above assessment, that the proposals, as amended, do not conflict with applicable policies and can therefore be considered acceptable in this instance.
- 6.14 I therefore recommend that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposals are in accordance with Scottish Planning Policy as the proposals will provide opportunities for mixed use developments, including low impact industrial, business and service uses and will result in the reuse of the site for appropriate uses at this location. The proposals are in accordance with Policies Strategic Policy 5 – Competitive Economic Framework, Strategic Policy 9 – Assessment of Planning Proposals and Strategic Policy 10 – Departures from the Structure Plan of the Glasgow and Clyde Valley Structure Plan 2006. The development accords with the following policies of the adopted South Lanarkshire Local Plan: Policies ECON3 – Strategic Locations for Work and Business, ECON5 – Proposed Industrial Sites, DM1 – Development Management, ENV1 – Priority Green Space Land Use, ENV2 – Local Green Network, ENV11 – Design Quality, ENV12 – Flooding, ENV30 – New Development Design, ENV32 – Design Statements, ENV35 – Water Supply, ENV36 – Foul Drainage and Sewerage and Policy ENV37 – Sustainable Urban Drainage Systems. In addition there will be no amenity or road safety issues resulting from the proposed in relation to surrounding residential properties.

Colin McDowall
Executive Director (Enterprise Resources)

28 September 2010

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
 - Roads and Transportation Services (Hamilton Area) 21/09/2009
 - Environmental Services 04/09/2009
 - Power Systems 14/09/2009
 - TRANSCO (Plant Location) 03/09/2009
 - S.E.P.A. (West Region) 02/09/2009
 - Transport Scotland 13/09/2010
 - Scottish Natural Heritage 09/09/2009
26/11/2009

- ▶ 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 This decision relates to drawing numbers:

L(--) 02 Existing Plan
L(--) 03 rev A proposed Site Plan
10059/SK/01 Suggested Access Arrangements
- 2 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) submission of an energy statement which demonstrates that on-site zero and low carbon energy technologies contribute at least an extra 15% reduction in CO2 emissions beyond the 2007 building regulations carbon dioxide emissions standard.
- 3 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.
- 4 Unless development commences, planning permission in principle expires 2 years from approval of the specified matters being granted, or if different matters are

approved on different dates, then 2 years from the date of the last approval.

- 5 The energy statement required by condition (2) above, shall include:
- a) the total predicted energy requirements and CO₂ emissions of the development, clearly illustrating the additional 15% reduction beyond the 2007 building regulations CO₂ standard;
 - b) a schedule of proposed on-site zero and low carbon energy technologies to be included in the development and their respective energy contributions and carbon savings;
 - c) an indication of the location and design of the on-site energy technologies; and
 - d) a maintenance programme for the on-site zero and low carbon energy technologies to be incorporated.

The approved on-site zero and low carbon energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and shall remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Council as Planning Authority.

- 6 That the further application required under the terms of Condition 2 above, shall be accompanied by a Design Statement which shall set out the design principles, justify the design solution and show how the proposal responds to the wider context of the area as well as the characteristics of the site.
- 7 That no trees within the application site shall be lopped, topped, pollarded or felled, and no shrubs or hedges shall be removed from the application site without the prior written consent of the Council as Planning Authority.
- 8 That the further application required under the terms of condition 2 shall include revised access arrangements, as per the information contained within the sketch drawing Number 10059/SK/01 by Dougall Baillie Associates (dated 03/08/10) and further detailed drawing shall be submitted for approval by the Council as Roads and Planning Authority as part of any future planning application.
- 9 That no development shall take place until surveys to determine the presence or absence of badgers at the site have been undertaken and submitted to and approved by the Council as Planning Authority. The development shall not begin until any such action as is recommended by these surveys has been implemented and completed in accordance with the agreed details. These surveys shall provide details of measures to protect the property from potential future badger activity, measures to allow the free movement of badgers through the site, measures to reduce the risk of badger road mortalities and measures to prevent badgers establishing new setts within the application site during the various phases of development.
- 10 That prior to any work starting on site, 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 (and the Scottish Executive as Trunk Roads Authority).
- 11 That the further applications required in respect of the proposals hereby approved shall include the submission, for approval by the Councils as Planning Authority, a report addressing the Recommendations within section 4.2 of the Buildings Survey for Bats - Craighead Special School, Blantyre report by Wild Surveys Ltd on behalf of Muse Developments dated 14 September 2009.

- 12 That the further application required under the terms of condition 2 shall include details which confirm that:
- i) the foul drainage from the site shall be discharged to the public sewerage system.
 - ii) the proposed discharge of surface water to the water environment shall be treated in accordance with the principles of the SUDs Manual (C697)(CIRIA - March 2007)
- 13 That notwithstanding the terms of conditions 2 above, the detailed development of the hotel element of the proposals hereby approved shall be restricted to a 40 - 60 bedroom facility. Furthermore, in terms of any phasing details submitted these should confirm that the business element of the proposals are to be constructed and occupied in tandem or in advance of the hotel/conference facility.

REASONS

- 1 To ensure the continued safeguarding of protected species. For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 4 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 5 These details have not been provided or approved.
- 6 To provide an explanation of the design concept and to enable a greater understanding of the proposal. To ensure the continued safeguarding of protected species.
- 7 To ensure the protection and maintenance of the existing trees and other landscape features within the site.
- 8 In the interest of public safety
- 9 These details have not been provided or approved.
- 10 To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.
- 11 These details have not been provided or approved.
- 12 These details have not been provided or approved.
- 13 In the interests of amenity and in order to retain effective planning control.

