

Report

Report to:	Planning Committee
Date of Meeting:	31 October 2006
Report by:	Executive Director (Enterprise Resources)

Application No	HM/06/0394
Planning Proposal:	Erection Of Pre-School Nursery

1 Summary Application Information

- Application Type : Outline Planning Application
- Applicant : Mr T Fulton
- Location : Land adjoining
91 Bothwell 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 Conditions Listed)

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: Stanley C Cook
- ◆ Council Area/Ward: 38 Whitehill
- ◆ Policy Reference(s): **Hamilton District Local Plan**
Policy ED1 – Industrial Areas - General
South Lanarkshire Planning Policies
Policy SLP5 – Non-Conforming Uses in Industrial Areas
South Lanarkshire Local Plan (Finalised Draft)
Policy ECON1 – Industrial Land Use
Policy ECON4 – Industrial Land Supply
Policy ECON13 – Non-Conforming Uses in Industrial Areas

- ◆ Representation(s):
None

◆ Consultation(s):

Education Resources

Environmental Services

Roads and Transportation Services (Hamilton Area)

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

Power Systems

TRANSCO (Plant Location)

Scottish Water

Planning Application Report

1 Application Site

- 1.1 The application site relates to a vacant site within 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 To the west and south, the area has a mix of uses including offices, industrial premises, and a bakery whilst to the north of the site Hamilton Fire Station can be found. Immediately to the east, a two storey building exists beyond which, across Bothwell Road is Hamilton Racecourse.

2 Proposal(s)

- 2.1 The applicants propose, in outline, the establishment of a pre-school nursery at this location. An indicative layout provided in support of the application indicates the provision of a two storey building and associated car parking (16 spaces) within the application site. A supporting statement advises that the 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.

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 Draft of the South Lanarkshire Local Plan, 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 Planning consent was granted in July 2000 (HM/00/0258) for the adjacent two storey building and associated parking at 91 Bothwell Road. A further application in 2005 for the erection of 8 industrial units was granted by the Council. However, this consent has not yet been implemented.

4 **Consultation(s)**

4.1 **Roads and Transportation Services** - 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 **Environmental Services** - have raised no objection to the proposal subject to conditions relative to noise control during construction, the undertaking of a noise impact assessment in respect of external play areas and confirmation of the acceptance of the application to both SEPA and Scottish Water.

Response: Noted. However, noise control is a matter properly addressed through Environmental Health Legislation, not the planning process.

4.3 **Education Services** – have offered no objection to the proposal.

Response: Noted.

4.4 **Scottish Environmental Protection Agency** – have no objection subject to foul drainage is connected to the local authority foul sewer, that surface water is treated in accordance with the principles of Sustainable Urban Drainage Systems (SUDs) and the provision of written assurance from Scottish Water that the additional flow arising from this development will not cause or contribute to the premature operation of consented storm overflows.

Response: Noted. These requirements can be conditioned, where appropriate, as part of any consent. It is also noted that Scottish Water have been formerly consulted on the application.

- 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** – has not yet responded to the consultation request.

Response: Noted

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 outline application seeks an approval in principle for the provision of a pre-school day nursery, on a vacant site, within an established industrial area 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. 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.

- 6.3 However, Policy SLP5 – Non-conforming Uses in Industrial Areas permits the introduction of non-industrial uses where a number of criteria can be met. These criteria are listed below together with a detailed assessment of the proposals.

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.

It is noted that the current application site formed part of a larger site which has been partly developed with the construction of the unit fronting Bothwell Road, currently occupied by Enterprise Car Rentals and Bikepod. The site was removed from the marketable industrial land supply at the time of the construction of that building and therefore is not included within the marketable land supply. Furthermore, it is noted that within the Bothwell Road Industrial Estates there are a number of vacant units and sites. I would therefore conclude that there is adequate supply of industrial land/buildings within the area and that the current proposals would not adversely affect supply in this regard.

b) The development of the site or premises would not adversely affect the industrial operations, amenity, industrial character and function of the area.

It is considered that the proposal will not affect the industrial operation of the area. The application site is in a discrete location, at the rear of an existing industrial building which cannot be viewed from the main Bothwell Road.

c) The site or premises has been unsuccessfully marketed for an appropriate use to the Council's satisfaction.

The existing consent for industrial units has not been progressed as a result of low demand and the availability of alternative premises within South Lanarkshire.

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.

Whilst the premises are not at the edge of the industrial area, they do have direct access to the main road.

e) The site/premises are or can be served by public transport.

The main Bothwell Road which is served by a bus route is within walking distance of the application site.

f) The development will not adversely affect public or traffic safety.

Roads and Transportation have offered no objections to the proposal in this regard.

g) The infrastructural implications of the development are acceptable.

There are no infrastructure implications relating to the proposal.

h) The development makes provision for cycling, walking and public transport or Green Transport Plans, as appropriate.

Whilst it is unlikely that those using the facility would cycle, I am satisfied that there is potential for any future development of the site to address the issues of walking and public transport or Green Transport Plans, as appropriate.

In carrying out this assessment, it would appear that the proposal meets the requirements set out in Policy SLP5.

6.4 In terms of the policies of the South Lanarkshire Local Plan (Finalised), Policies ECON1 – Industrial Land Use, ECON4 – Industrial Land Supply and ECON13 – Non-Conforming Uses in Industrial Areas, which aim to safeguard the Council's industrial areas from inappropriate development and maintain an appropriate industrial land supply, reiterate the requirements of the adopted Hamilton District Local Plan , and therefore the proposal raises no issues in this regard on the basis of the above assessment.

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. A number of vacant units exist within the area and the previous consent to develop the site for industrial unit has never been implemented. 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 type of operations within established industrial estates within South Lanarkshire.

- 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 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.
- 6.8 I therefore recommend that planning permission be granted in this instance.

7 Reasons for Decision

- 7.1 The proposed use of the site 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 South Lanarkshire Local Plan (Finalised).

Iain Urquhart
Executive Director (Enterprise Resources)

24 October 2006

Previous References

- ◆ HM/00/0258

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - Scottish Water 29/06/2006
 - TRANSCO (Plant Location) 13/06/2006
 - S.E.P.A. (West Region) 18/07/2006
 - Roads and Transportation Services (Hamilton Area) 06/07/2006
 - Environmental Services 18/07/2006
 - Education Services 21/06/2006

- ▶ 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 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;
- 2 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) siting, design and external appearance of all buildings and other structures;
 - (b) means of access to the site;
 - (c) design and location of all boundary walls and fences;
 - (d) provision of equipped play areas;
 - (e) provision of drainage works;
 - (f) disposal of sewage
- 3 That no building to be erected on the site shall exceed 2 storey(s) in height.
- 4 That no consent is hereby granted for any of layout shown on the application plan.
- 5 That car parking for the proposed pre- school nursery shall be on the following basis:

0.75 spaces per staff member
plus 20% of the school roll
plus the provision for buses where required

Confirmation of precise school roll (both full and part time) and associated staffing levels are to be provided in support of any application submission

Car parking spaces to be 2.5m x 6m.
- 6 A noise impact report shall be submitted to and agreed by the Council as Planning Authority, in support of any application with regard to the design and use of any outdoor facility.
- 7 That the further application required under the terms of Condition 2 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.

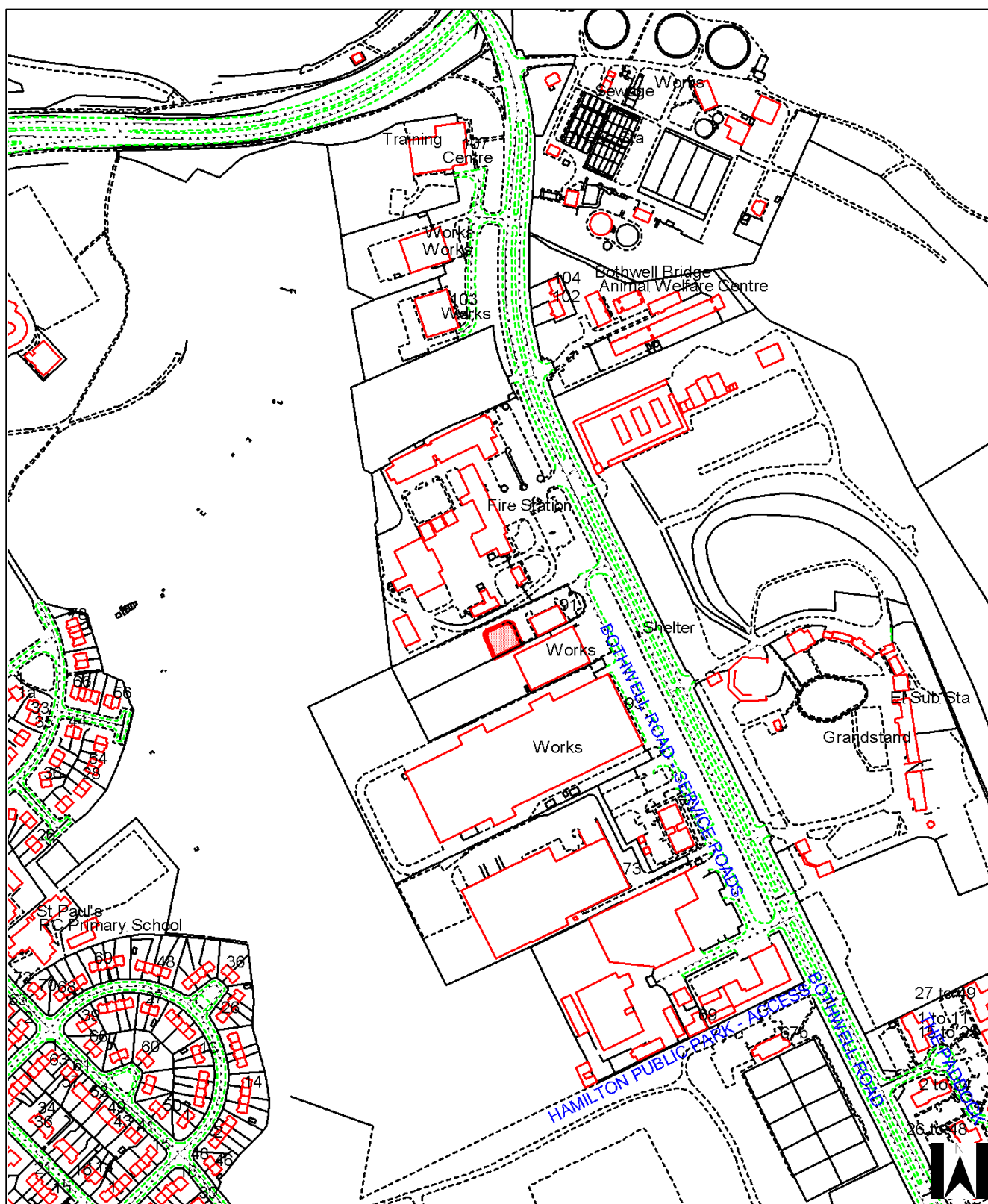
REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 Consent is granted in outline only.

- 3 In the interests of amenity.
- 4 Consent is granted in outline only.
- 5 In the interest of public safety
- 6 In the interests of amenity and in order to retain effective planning control.
- 7 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

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