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|  | <h1>Report</h1> | <b>Agenda Item</b><br><br><h1>7</h1> |
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| Report to:       | <b>Planning Committee</b>                        |
| Date of Meeting: | <b>20 March 2007</b>                             |
| Report by:       | <b>Executive Director (Enterprise Resources)</b> |

|                    |                                   |
|--------------------|-----------------------------------|
| Application No     | HM/06/0596                        |
| Planning Proposal: | Residential Development (Outline) |

## 1 Summary Application Information

- Application Type : Outline Planning Application
- Applicant : Whitelaws Coaches
- Location : Lochpark Industrial Estate  
Kirk Street  
Stonehouse

## 2 Recommendation

### 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 is contrary to the Development Plan and representations have been received. In accordance with Council procedures, a hearing may be required prior to determining the application.

## 3 Other Information

- ◆ Applicant's Agent: Graham Jinks
- ◆ Council Area/Ward: 54 Larkhall South
- ◆ Policy Reference(s): **Hamilton District Local Plan**  
Policy ED1 – Industrial Areas - General  
**Finalised South Lanarkshire Local Plan**  
Policy RES6 – Residential Development

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

◆ Consultation(s):

Environmental Services

Roads and Transportation Services (Hamilton Area)

Scottish Water

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

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

Power Systems

TRANSCO (Plant Location)

Stonehouse Community Council

# Planning Application Report

## 1 Application Site

- 1.1 The application site incorporates the Whitelaw Coach depot and extends to 1.63 hectares in area. The rear boundary of the application site extends along the Stonehouse By-Pass (A71) to the north, along the side boundaries of the existing residential properties of Thomson Court and New Street to the south east and is bounded by Kirk Street on the south west. The site currently accommodates two large buildings associated with the function of the Whitelaw Coach depot, however the majority of the application site is laid in tarmac and concrete to provide parking facilities for the coaches.

## 2 Proposals

- 2.1 This planning application relates to an outline planning application for the erection of a residential development. No indicative layout has been submitted for consideration however this will be covered by a detailed planning permission. The development is proposed to be accessed from Kirk Street and the applicant has intimated that improvements to Kirk Street will be carried out to meet the Council's specification.
- 2.2 The applicant's agent has submitted a statement in support of the proposals advising that the present location for the Whitelaw Coaches operation, while long established, has given rise to conflicts on occasion with surrounding housing on the north side of New Street/Kirk Street. His client is already seeking alternative premises within South Lanarkshire to meet their operational requirements.

## 3 Background

### 3.1 Local Plan Status

- 3.1.1 The application site is affected by Policy ED1 – Industrial Areas General – as contained within the adopted Hamilton District Local Plan. This policy recognises areas designated by this policy as main industrial areas, and states that industrial development, storage and distribution uses and business uses will be supported. The Council will generally oppose the loss of industrial buildings or land to other uses.

- 3.1.2 In terms of the Finalised South Lanarkshire Local Plan, the site has been identified as a 'pressure for change site' and the industrial designation for the site has now been changed to residential. As such the site is affected by Policy RES6 of the Finalised South Lanarkshire Local Plan. Policy RES6 – Residential Land Use notes that the Council will judge each application on its own merits with particular consideration given to the impact on residential amenity. All new development is required to comply with Council design policies.

### 3.2 Relevant Government Guidance

- 3.2.1 Scottish Planning Policy 3 – Planning for Housing – advises that planning authorities should promote the re-use of previously developed land in preference to Greenfield land, provided a satisfactory residential environment can be created, as this can take advantage of existing infrastructure and public amenities. The guidance further encourages the creation of mixed residential communities through the provision of a range of house types and tenures. Housing is seen as complementing other forms of new development and acting as a catalyst for regeneration.

### 3.3 Site History

3.3.1 In terms of site history, planning permission was approved for the erection of a fence and gates on the site in May 2001 (HM/01/0170).

3.3.2 A further planning approval was issued in February 2003 for the erection of a commercial garage which is currently used in connection with the coach business (HM/02/0650).

## 4 **Consultations**

4.1 **Roads and Transportation Services** - In principle have no objections to the proposal however have deferred their decision until a detailed planning application is submitted. The developer would however require a Construction Consent and the roads within the site should be in accordance with the South Lanarkshire Councils 'Guidelines for Development Roads'.

**Response:** Noted.

4.2 **S.E.P.A.** – In principle have no objections to the proposal. A risk assessment regarding contamination of the site should be provided on submission of a detailed planning application or application of reserved matters. Furthermore, SEPA request that conditions regarding the provision of a suitable sewerage system and a sustainable urban drainage system within the site are placed on the development, should planning permission be granted.

**Response:** Noted. The appropriate conditions can be attached to any consent issued.

4.3 **Environmental Services** - In principle have no objections to the proposal, however they have raised a number of considerations with regards to issues such as noise, contamination, asbestos, nuisance and pest control measures. In terms of the noise impact assessment submitted, Environmental Services are in agreement with the measures proposed to attenuate noise from the nearby A71 Stonehouse By Pass. For the noise attenuation measures to be effective however, a suitable person should be appointed to ensure the close board timber fence is satisfactorily maintained.

**Response:** The issue of restricting construction noise, the control of dust arising from the site and pest control measures are matters that are best controlled through Environmental Services legislation. With regards the site investigation regarding contamination and asbestos and the maintenance of the noise attenuation measures, these matters will be covered by attaching conditions to any consent issued.

4.4 **Scottish Water** - have no objections to the proposal subject to the provision of a suitable sewerage system for the development.

**Response:-** Noted. Any consent granted will be conditioned to ensure that no dwellings are occupied until a satisfactory sewerage scheme is in place.

4.5 **Stonehouse Community Council** – raise no objections to the proposal however they do express concerns with regards to the following points;

**a)The application site is currently industrial land, and although the Finalised South Lanarkshire Local Plan seeks to change the land to residential land, this application is premature at the present time.**

**Response:** Noted. This issue is discussed in the Assessment and Conclusions section of the report.

**b) The scale of the housing development should be assessed to establish if it can be integrated into the built environment.**

**Response:** Noted. This issue is discussed in the Assessment and Conclusions section of the report.

**c) The availability of Social and Community needs should be assessed.**

**Response:** This issue will be subject to scrutiny if/when a full detailed planning application is submitted.

Further to the representations made regarding this particular planning application, it is worth noting that Stonehouse Community Council also made comments with regards to the re-designation of the application site from industrial land to residential land, as designated by Policy ED1 of the adopted Hamilton District Local Plan and Policy RES6 of the Finalised South Lanarkshire Local Plan (through the local plan public consultation period). These comments have been summarised below;

**a) That affordable housing should be provided within part of the site to enable younger generations within the village to step onto the housing market.**

**Response:** Noted. Control over the provision of affordable housing is guided by Policy RES3b of the adopted Hamilton District Local Plan and Policy RES5 of the Finalised South Lanarkshire Local Plan. An assessment over the provision of affordable housing shall be made if/when the applicant seeks detailed planning permission.

**b) Strict control over the site should be exercised as the site is controlled by multiple owners/developers**

**Response:** Noted. Strict planning control shall be exercised over any proposals to develop this area.

**c) Provisions should be made for small unit operators who will be required to move to other industrial sites**

**Response:** Noted. The Finalised South Lanarkshire Local Plan intends to enlarge the existing industrial areas to the south of Larkhall. These enlarged industrial areas at Canderside will result in the additional provision of industrial land supply which will be capable of accommodating small unit operators who intend to move from the re-designated area. The application site in question is however currently owned by one owner and will not effect the smaller units located adjacent to the application site. Furthermore, the re-designation of the land from industrial to residential will support the introduction of residential use within the area whilst allowing the small unit operators to continue business at this location.

**4.6 Scottish Power Energy Networks – have no objections to the proposal.**

**Response:-** Noted.

**4.7 TRANSCO – Low/Medium/Intermediate Pressure gas mains are present in the site. No mechanical excavations are to take place above or within 0.5m of the Low pressure system, 2m of the medium pressure system and 3m of the intermediate pressure system. The position of mains should, where required, be confirmed using**

hand dug trial holes.

**Response:** Noted. The appropriate informatives shall be attached to any consent issued.

## 5 Representations

- 5.1 Statutory neighbour notification was undertaken and the application was advertised as 'Development Potentially Contrary to Development Plan'. No letters of objection were received with regards to the proposed development, however two comment letters were received. The details of the comments are summarised as follows:

**(a) Both the applicant and the Council have title to a small section of the application site, adjacent to the Stonehouse By Pass. It would appear the Registers of Scotland have made an error by registering the area of ground in two titles to two different parties.**

**Response:** Noted. The original application site, as bound by a red line, included an area of land which both the applicant and South Lanarkshire Council have declared title to. The applicant has however amended the application site boundary to exclude this piece of land and the ownership issue will require to be resolved between the two parties. This issue does not however affect the determination of this application.

**(b) The application site incorporates a piece of land which was purchased from the Council to allow access to the rear of 81 & 83 New Street. I am concerned that the developers will build across the entrance of the road, therefore denying access.**

**Response:** The applicant has confirmed in writing that the application site correctly reflects the applicants legal site boundary. The strip of land in question was gifted to the residents of New Street, by Whitelaws coaches, however the gift does not constitute legal right of access. The applicant has confirmed in writing that it is most unlikely that any developer would require to restrict this access by constructing a building or wall. An assessment of the developments impact on the access can be undertaken when a detailed planning application is submitted.

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

## 6 Assessment and Conclusions

- 6.1 The applicant seeks outline planning permission for a residential development in the Stonehouse area. The determining issues that require to be addressed are whether the proposal complies with local planning policy, and if not, whether there is a material justification for the departure from the development plan and whether infrastructure in the area can accommodate a development of this scale.
- 6.2 In terms of local plan policy, the applicant seeks outline planning consent for residential development on the site of Whitelaws Coaches which is covered by Policy ED1 – Industrial Areas – General adopted Hamilton and District Local Plan and Policy RES6 of the Finalised South Lanarkshire Local Plan.
- 6.3 The application site is identified as being within the settlement boundary of Stonehouse and being zoned for industrial use in the adopted Hamilton District Local Plan, however the Finalised South Lanarkshire Local Plan designates the land for residential use. The development is therefore considered to be 'Development Contrary to the Development Plan' and as such, an assessment of the application is

required to be carried out to determine whether the departure from the Local Plan is acceptable.

- 6.4 A number of sites have been identified as 'pressure for change sites' within the Finalised South Lanarkshire Local Plan. The application site is located within one of these 'pressure for change' sites and has been identified for the change of use from industrial to residential. It is considered that having expanded the industrial land allocation within the Finalised South Lanarkshire Local Plan at Canderside and Larkhall south there is adequate industrial land provision within the area to meet the needs of Stonehouse. The emerging Finalised South Lanarkshire Local Plan is therefore supportive of the proposed application
- 6.5 In addition to this, it is worth noting that the application site is located relatively close to the village centre of Stonehouse and will be within close proximity to local amenities and the main transport corridor within Stonehouse. In terms of the potential nuisance of noise, Environmental Services have confirmed that they are satisfied with the mitigating measures proposed to attenuate noise generated by traffic travelling along the Stonehouse By Pass.
- 6.6 In terms of design, no details have been submitted as part of the outline planning application. Whilst the application is for outline planning permission a condition will be attached to any consent granted requiring the submission of a development brief for the site which would provide guidance on the key development standards required. Any subsequent detailed or reserved matters application would also be required to comply with the Council's Residential Development Guide and be in keeping with development in the surrounding area.
- 6.7 With regard to the impact on road safety and the local road network, Roads and Transportation Services have deferred their decision on the application until further details are submitted as part of the detailed planning application. They have not however raised any objections to the principle of residential development on the site.
- 6.8 Given the above, I would raise no objections to the proposal and recommend that planning permission be granted. A departure from the development plan can be justified for the following reasons:
- The area of land that forms the application site designated by Policy RES6 within the Finalised South Lanarkshire Local Plan.
  - Adequate provision of suitable industrial land is located in the nearby Canderside and Larkhall areas, which will be capable of accommodating Stonehouse's industrial needs.
  - The site lends itself for residential development due to its location close to the centre of Stonehouse and local amenities.
  - No objections to the proposed development have been received
  - There are no insignificant issues

## **7 Reasons for Decision**

- 7.1 For the reasons stated in Section 6.8 above.

**Iain Urquhart**  
**Executive Director (Enterprise Resources)**

**7 March 2007**

**Previous References**

- HM/01/0170
- HM/02/0650

**List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
  - Environmental Services 08/09/2006
  - Power Systems 31/08/2006
  - TRANSCO (Plant Location) 01/09/2006
  - Scottish Water 01/09/2006
  - Stonehouse Community Council 02/10/2006
  - Roads and Transportation Services (Hamilton Area) 10/10/2006
  - Stonehouse Community Council 28/09/2006
  - S.E.P.A. (West Region) 29/09/2006
- ▶ Representations (Letters of comment)
  - Representation from : Mr & Mrs MacWhinney, 81 New Street, Stonehouse,  
ML9 3LT DATED 07/09/2006
  - Representation from : Ian Ross, Property Adviser, South Lanarkshire Council  
DATED 25/08/2006

**Contact for Further Information**

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

Jim Blake, Planning Officer, Brandon Gate, Hamilton  
Ext 3508 (Tel :01698 453508 )  
E-mail: [Enterprise.hamilton@southlanarkshire.gov.uk](mailto: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 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 landscaping plan at a scale of [1:500] showing the location, species 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.
- 3 That the further application required under the terms of Condition 2 above shall comply with the guidance on new residential development contained in the Council's Residential Development Guide.
- 4 That before the site is marketed the applicant shall prepare a development brief for the site which shall be submitted to and approved by the Council as Planning Authority. The development brief shall consider matters relating to:
  - (a) scale, design and external appearance of all buildings and other structures which shall reflect the local development context;
  - (b) access to the site;
  - (c) layout of site, including all roads, footways and parking;
  - (d) design and location of all boundary walls and fencing;
  - (e) details of hard and soft landscaping;
  - (f) provision of open space and equipped play areas;
- 5 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.

- 6 That the further application required under the terms of Condition 2 above shall include written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme. The developer shall be responsible for all costs involved in upgrading the existing public sewerage system to serve the residential development at this site. No dwellinghouse within the site shall be occupied until the upgrading works have been completed to the specification and satisfaction of Scottish Water as the Water and Sewerage Authority.
- 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 shall be agreed with the Council as Planning Authority in consultation with SEPA.
- 8 That the further application required under the terms of Condition 2 above shall include details of a suitable person/company to be appointed or of a scheme to be implemented to ensure the maintenance of the closed board fence, to be located adjacent to Stonehouse By-pass detailed within the Noise Impact Assessment.
- 9 That no dwelling to be erected on the site shall exceed two storeys in height, and no flatted property to be erected on site shall exceed three storeys in height.
- 10 That the further application required under the terms of Condition 2 above shall include details of all parking provision within the site and these details shall comply with the Council's Guidelines for Development Roads and the maximum standards as set down in SPP17.
- 11 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.
- 12 Prior to demolition, the existing structures should be surveyed for the presence of materials containing asbestos. Where such materials exist, removal works and any statutory notifications should comply with current legislation and Health and Safety Executive guidance.

## 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 and in order to retain effective planning control.
- 4 To ensure the appropriate future development of the site.
- 5 To ensure the site is free from contamination
- 6 To ensure the provision of a satisfactory sewerage system
- 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 off-site flooding.
- 8 In the interests of amenity and in order to retain effective planning control.
- 9 In the interests of amenity.
- 10 To ensure the provision of adequate parking facilities to serve the development.
- 11 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.
- 12 In the interests of safety

For information only

For information only

