

	<h1>Report</h1>	Agenda Item <h1>6</h1>
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Report to: **Planning Committee**
 Date of Meeting: **25 August 2009**
 Report by: **Executive Director (Enterprise Resources)**

Application No HM/09/0192
 Planning Proposal: Change of Use of Hospital (Class 8) with Ancillary Training
 Accommodation (Class 10) to Office (Class 4) and Training Facility
 (Class 10) with Associated Works and Landscaping

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : NHS Lanarkshire
- Location : Kirklands Hospital, Fallside Road, Bothwell

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)

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: G L Hearn
- ◆ Council Area/Ward: Bothwell & Uddingston 16
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (Adopted)**
 Policy RES 3 - Residential Masterplan Sites
 Policy RES 6 – Residential Land Use Policy
 Policy DM 1 – Development Management
 Policy

- ◆ Representation(s):
 ▶ 2 Objection Letters

- ◆ Consultation(s):

Bothwell Community Council

Environmental Services

Greenspace & Countryside

Leisure Services (Arboricultural Manager)

Roads and Transportation Service (Hamilton Area)

Roads and Transportation Service (Transportation)

Scottish Water

Roads and Transportation Service (Flooding)

SEPA

Planning Application Report

1 Application Site

- 1.1 The application relates to part of the existing Kirklands Hospital and its associated grounds on Fallside Road to the north of Bothwell Town Centre. The application site is bounded to the north by Fallside Road and amenity space, to the south by residential properties and the remainder of Kirklands Hospital and its grounds, to the east by the M74 Motorway and to the west by Fallside Road. The surrounding area is mainly residential with some commercial and industrial uses located to the north on Fallside Road.
- 1.2 The site is generally flat and extends to approximately 4.61 hectares. The existing buildings within the application site include the main hospital building, which is two storey in height, in addition to 2 one and a half storey buildings located mainly to the east of the main site access. The site has a number of mature and semi-mature broadleaf trees and a number of conifers and much of the site is covered by a Tree Preservation Order (TPO). Vehicular and pedestrian access to the site is via Fallside Road and a network of roads within the site serve the existing hospital buildings.

2 Proposal(s)

- 2.1 This is a detailed planning application submitted on behalf of NHS Lanarkshire for a change of use of the hospital (class 8) with ancillary training accommodation (class 10) to offices (class 4) and training facility (class 10) with associated works and landscaping. To facilitate the proposal the application also includes details of the proposed tree removal and landscape works. The change of use relates to the main hospital building and two 'cottages' located directly to the east of the main building and would create a total of 5,568 square metres of new Class 4 (Office) floor-space. The purpose of the training facility is to provide an up to date facility that would allow for a modernisation of current training and teaching methods. The Hospital, in its current use, has been declared surplus to the requirements of NHS Lanarkshire due to the relocation of services to Strathclyde Hospital in Motherwell. Rather than dispose of the site, NHS Lanarkshire have decided to reuse the main hospital building and ancillary cottages to create a new headquarters office and adult education and training centre. An element of the current use will be retained on the site through a newly developed care centre for which planning permission has already been granted. Minor alterations are also proposed to the exterior of the building in terms of the formation of new and replacement window and door openings.
- 2.2 It is not NHS's intention to bring all of the proposed Class 4 floor-space into use should planning permission be granted. A masterplan incorporating phasing diagrams was submitted with the application which outline the applicant's strategy in relation to the overall development of the Hospital grounds. Phase 1 of the development would see only the education and training facility and the two 'eastern' cottages occupied with the remainder of the proposed Class 4 floorspace occupied through a second phase of development. The application initially included the formation of a temporary car park for 120 spaces and associated landscaping, however, this part of the proposal is no longer required as a planning application has since been submitted for the construction of two permanent car parks and reconfiguration of existing car park and internal road layout to provide 280 car parking spaces with associated landscaping within the hospital grounds (HM/09/0296).

- 2.3 A Planning Statement, Transport Assessment, Tree Survey and Bat and Badger Survey were also submitted with the application as supporting documents.
- 2.4 Due to the scale of the proposal, the applicant requested that a screening opinion be carried out by the Council in line with EIA regulations. A screening opinion was issued to the applicant, stating that an EIA was not required for the proposal.

3 Background

3.1 Local Plan Status

- 3.1.1 The application site is located within a residential policy area in the adopted South Lanarkshire Local Plan. The relevant policies covering the site are Policies RES 3 - Residential Masterplan Sites, RES 6 – Residential Land Use Policy and DM 1 – Development Management Policy. The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.2 Relevant Government Advice/Policy

- 3.2.1 None relevant in this instance.

3.3 Planning Background

- 3.3.1 An outline planning application for residential development within the site was approved at the Planning Committee on 4 July 2006 subject to the conclusion of a Section 75 legal agreement to ensure the provision of a suitable area of land to accommodate the provision of 20 sheltered and amenity standard units for people with particular needs, the provision of play facilities within the site and the provision of a financial contribution to upgrade community facilities in the area (HM/06/0097). However, due to changes to NHS Lanarkshire's plans for the redevelopment of the site this legal agreement has never been concluded.
- 3.3.2 Detailed planning permission was granted to NHS Lanarkshire for the demolition of 2 cottage buildings and erection of single storey care & therapy unit within the site on 26 February 2008 (HM/07/0852). Detailed planning permission was granted for an amendment to this application on 10 March 2009 mainly relating to the design of the building's roof and window details (HM/09/0029).
- 3.3.3 A detailed planning application was submitted by the NHS Lanarkshire on 16 June 2009 for the construction of two permanent car parks and reconfiguration of existing car park and internal road layout to provide 280 car parking spaces with associated landscaping within the hospital grounds (HM/09/0296). This application is currently being assessed by the Planning Service.

4 Consultation(s)

- 4.1 **Bothwell Community Council** – no response to date.

Response: Noted.

- 4.2 **Environmental Services** – have no objections to the proposal subject to a condition requiring the submission of an assessment of the potential for the proposed use to cause noise nuisance to occupants in the area and the inclusion of advisory notes relating to audible construction activity, demolition and asbestos and land contamination.

Response: Noted. A condition and appropriately worded informatives would be incorporated into any consent granted to address the matters raised.

- 4.3 **Greenspace & Countryside** – have no objections to the application. They concur with the recommendations of the submitted Bat and Badger Survey that in the event that demolition of the buildings has not taken place by April 2010 then a further survey should be undertaken prior to demolition and that the four trees identified as offering potential suitable habitats for bats should be surveyed by a licensed bat surveyor to confirm the absence of bats. On the basis of the above comments it is considered that the survey report is acceptable.
Response: Noted and any consent granted would incorporate appropriately worded conditions and informatives to address the matters raised.
- 4.4 **Leisure Services – (Arboricultural Manager)** - Since the temporary car parking is no longer required at the wooded area and there would appear now to be no issue with the trees associated with this part of the application there is no objection to the proposal.
Response: Noted.
- 4.5 **Roads and Transportation Service (Hamilton Area)** – have no objections to the proposal as the parking has been agreed previously with Roads and Transportation Service (Transportation).
Response: Noted.
- 4.6 **Roads and Transportation Service (Transportation)** – have no objections to the application subject to incorporation of the following condition. That within three months of the initial occupation of Phase 1 of the development, a Travel Plan which shall consider measures to encourage sustainable transport in association with the development shall be submitted for the consideration and approval of the Council as Planning Authority. The approved Travel Plan should then be reviewed annually.
Response: Noted and any consent granted would be conditioned to this effect.
- 4.7 **Roads and Transportation Service (Flooding)** – have no objection to the proposed development subject to the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied through the completion of a self certification document.
Response: Noted and any consent granted would incorporate a condition to ensure the provision of a sustainable urban drainage system as part of the development. A copy of the required self certification document has been forwarded to the applicant's agent.
- 4.8 **Scottish Water** – No response to date.
Response: Noted.
- 4.9 **SEPA** – have no objections to the proposal subject to the provision of an acceptable sewerage system and a sustainable urban drainage system (SUDS) within the site. SEPA also advised that the previous use of the site as a hospital may have resulted in land contamination and that this may be a matter that the Council wishes to explore. They also noted their requirements in relation to construction pollution prevention and the Water Environment (Controlled Activities) (Scotland) Regulations 2005.
Response: Noted and appropriately worded conditions and informatives would be incorporated into any consent granted to address the matters raised.

5 Representation(s)

- 5.1 Neighbour notification procedures were undertaken and two letters of objection were received. The grounds of objection are summarised below.

- (a) **The site is designated for residential use in the Local Plan, therefore, any additional development of office accommodation on the site is contrary to the plan.**
Response: The application site is located within a residential policy area, however, under the Town and Country Use Classes (Scotland) Order a Class 4 (Office) use is considered an accepted use in a residential area provided it can be operated without detriment to the amenity of the area in terms of noise, vibration, smell etc.
- (b) **The planning application involves the removal of a number of trees which are covered by a Tree Preservation Order in addition to trees outwith the TPO and outwith the site. Most if not all of these trees are in a condition where their removal without good cause would be contrary to the TPO. The trees provide a natural barrier between adjacent dwellings and the Hospital site and a barrier for noise and pollution and their removal for a temporary car park cannot be justified.**
Response: The temporary car park was removed from the proposal as a detailed planning application has now been submitted for the formation of a permanent car park within the hospital grounds and those who submitted representations were advised of this amendment in writing by the Planning Service.
- (c) **There are trees which are not identified for removal but may be affected by the development and should be protected. In addition, the unmaintained grounds provide security for the dwellings on Rowans Gardens. Consideration should be given to the retention or replanting of suitable coverage to retain the security enjoyed by those properties.**
Response: As discussed, the formation of the temporary car park has been removed from the development, therefore, no works are proposed as part of this planning application that would have any impact on trees within the site.
- (d) **The east boundary of the site once had a close boarded timber fence which provided significant noise reduction from the M74 which fell down and was replaced by a wire mesh fence. A timber fence should be erected along this boundary to the standard of motorway development.**
Response: The applicant has advised that they have no plans to erect a timber fence at this location. The motorway is located approximately 30 metres from the boundary with the properties on Rowans Gardens at its closest distance, and Environmental Services have not required any works in relation to noise emanating from the Motorway.
- (e) **The removal of trees and the erection of a 2 storey office building which would replace the proposed temporary car park at a later date would have a negative impact on the natural environment and the privacy of adjacent residential properties.**
Response: An office block has been indicated on the supporting Phasing diagrams submitted with this application which outline the applicant's strategy in relation to the overall re-development of the site. However, the proposed building relates to a phase of development that has yet to be formalised with the required detailed planning application. The merits of that proposal and its potential impact on trees and the amenity of adjacent properties would be assessed at the time of the submission of that application.
- (f) **The siting of the car park to the north of the site is directly against the sandstone perimeter wall of 2 Rowans Gardens. Consideration should**

be given to moving this further away from the wall to allow a security, noise and pollution barrier between the car park and the walls.

Response: As discussed, the temporary car park has been removed from this planning application. However, it should be noted that the drawings submitted under Planning Application HM/09/0296 indicate that the proposed permanent car park would not be located in close proximity to the boundary wall with the above property.

- (g) Any damage to the existing sandstone wall surrounding Rowans Gardens due to work undertaken by contractors must be rectified using original materials.**

Response: This is a legal matter which would have to be resolved between the parties concerned.

- (h) In terms of drainage, an impact assessment of the increased load should be carried out to determine if the drains are capable of coping with the increased load.**

Response: Whilst Scottish Water have not responded to their consultation neither SEPA nor the Council's Roads and Transportation Service (Flooding) have raised any adverse comments in relation to this matter.

- 5.2 These letters have been copied and are available in the usual manner. It should be noted that additional comments were made in the representations submitted in relation to Planning Application HM/09/0296 and to future proposals within the Kirklands Hospital site where the required planning applications have yet to be submitted and these comments would be considered in the appropriate Committee or delegated reports at the time.

6 Assessment and Conclusions

- 6.1 The determining issues in consideration of this application are its compliance with local plan policy and its impact on the amenity of adjacent properties.
- 6.2 The proposal relates to a detailed planning application on behalf of NHS Lanarkshire for a change of use of the hospital (class 8) with ancillary training accommodation (class 10) to offices (class 4) and training facility (class 10) with associated works and landscaping within the main area of Kirklands Hospital and grounds. In terms of local plan policy the proposal can be assessed against Policies RES 3 - Residential Masterplan Sites, RES 6 – Residential Land Use Policy and DM 1 – Development Management Policy in the adopted South Lanarkshire Local Plan.
- 6.3 Policy RES 3 states that the Council will support residential development of the sites identified in Table 3.1 'Residential Masterplan Sites' where masterplans are brought forward for Council approval that address the requirements identified. In terms of Kirklands Hospital the key requirements for the Masterplan are mixed uses comprising health board office, health care and residential development. The site should provide improved access on Fallside Road and improvements to the surrounding road network if necessary and protection should be afforded to trees within the site. A masterplan was submitted with the application as a supporting document which outlines the applicant's strategy in relation to the overall development of Kirklands Hospital. The proposed office and training facility conforms with the masterplan requirements for the site and Roads and Transportation Services are satisfied with the content and conclusions of the submitted Transport Assessment and consider that the proposal raises no access, parking or road safety issues. In addition, the temporary car park has been removed

from the development and as such no works are proposed within this planning application that would have any adverse impact on trees within the site. As a result of this situation, the proposals comply with the terms of Policy RES3.

- 6.4 Policy RES 6 states that within these areas, the Council will oppose the loss of houses to other uses and resist any developments which will be detrimental to the amenity of those areas. Any new development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use. The character and amenity of the area must not be impaired by reason of traffic generation, parking or visual intrusion. The existing buildings on the site were previously used for medical and training purposes and the proposed uses relate to offices and training facilities. As they are both similar in character it is considered that the proposal will not be detrimental to the amenity of existing residential properties located adjacent to the site or in the surrounding area. I am, therefore, satisfied that the proposal meets the terms of this policy.
- 6.5 Policy DM 1 generally requires all development to take into account the local context and built form of the area and it provides guidance as to the relevant criteria to be adhered to. The proposed associated building works are small scale in nature and acceptable in terms of their design and materials. I am therefore, satisfied that the proposal meets the terms of this policy.
- 6.6 In terms of amenity, the proposal involves change of use and the existing building in the site will be retained and minor upgrading works carried out i.e. replacement windows and doors. On this basis and the fact that none of the consultees have raised concerns in connection with the uses proposed for the site, the proposal will raise no amenity issues for adjacent properties.
- 6.7 In summary, it is considered that the proposal complies with local plan policy and that it raises no amenity issues. I would, therefore, raise no objection to the application and recommend that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on residential or visual amenity nor raises any environmental or infrastructure issues and complies with Policies RES 3, RES 6, and DM 1 of the adopted South Lanarkshire Local Plan.

Colin McDowall
Executive Director (Enterprise Resources)

12 August 2009

Previous References

- ◆ HM/06/0097
- ◆ HM/07/0852
- ◆ HM/09/0029

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
 - Roads & Transportation Services H.Q. (Flooding)

11/06/2009

Roads & Transportation Services H.Q. (Transportation)	05/06/2009
Roads & Transportation Services H.Q. (Hamilton Area)	21/07/2009
Environmental Services	03/06/2009
S.E.P.A. (West Region)	11/06/2009
Greenspace and Countryside	
Leisure Services (Arboricultural Manager)	04/08/2009

► Representations

Representation from : Donald Kerr, 2 Rowans Gardens, Bothwell, G72 8BE,
DATED 18/05/2009

Representation from : Nicola Mason, 6 Reen Place, Bothwell, G71 8HB, DATED
14/05/2009

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 3551 (Tel : 01698 453508)
E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

CONDITIONS

- 1 That the development hereby permitted shall be started within 3 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 no trees within the application site other than those agreed shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.
- 4 That all trees to be retained within the site shall be fully protected during the period of construction and prior to any work commencing on the site, written details specifying the nature of such measures in accordance with methods as set out in BS5837/1991 shall be submitted to and approved by the Council as Planning Authority.
- 5 Development shall not commence until an assessment of the potential for the proposed use to cause noise nuisance including, if applicable, noise produced by the ventilation equipment, to occupants in adjacent properties, has been submitted to the Council as Planning Authority. Where potential noise disturbance is identified, proposals for the attenuation of that noise shall be submitted to and approved in writing by the Council as Planning Authority. The approved scheme shall be implemented prior to the development being brought into use and shall thereafter be retained in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.
Such an assessment and the recommendation of any attenuation measures shall be carried out by a suitably qualified person.
- 6 (a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.

(b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.

(c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.
- 7 That the change of use hereby approved shall not be implemented 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.

- 8 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.
- 9 That within three months of the initial occupation of Phase 1 of the development, a Travel Plan which shall consider measures to encourage sustainable transport in association with the development shall be submitted for the consideration and approval of the Council as Planning Authority. The approved Travel Plan should then be implanted to the satisfaction of the Council as Planning Authority and thereafter be reviewed annually.
- 10 That this consent relates to plan numbers:
- L(PA)101 – Site location plan
 - L(PA)103 – Proposed tree removal
 - PL 01 – Existing floor plan – main building
 - PL 02 – Proposed floor plan – main building
 - PL 03 – Existing Elevations
 - PL 04 – Existing Plans Plans & Elevs – Kirkfield Cottage
 - PL 05 – Proposed Plans Plans and Elevs – Kirkfield Cottage
 - PL 06 – Existing & Proposed Plans – Longdales Cottage
 - PL 07 – Existing & Proposed Elevs – Longdales Cottage
 - L(9-)004 – Landscape Planting Strategy
 - L(9-)003 – Landscape Materials Palette
 - L(9-)001 – Landscape Site Plan
 - L(9-)002 – Tree Retention, Removal and Protection

REASONS

- 1 To accord with the provisions of the Planning etc (Scotland) Act 2006
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 To ensure the protection and maintenance of the existing mature trees within the site
- 4 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 5 To minimise noise disturbance to adjacent occupants.
- 6 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 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.
- 8 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.
- 9 To encourage the use of sustainable transport.
- 10 To accord with the provisions of the Planning etc (Scotland) Act 2006

For information only

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