

Report to: **Planning Committee**
 Date of Meeting: **29 November 2011**
 Report by: **Executive Director (Enterprise Resources)**

Application No: HM/11/0439
 Planning Proposal: Change of Use from Industrial Yard to Car Sales Area

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Oliver Ewing
- Location : Yard 1 Dunedin Road
Larkhall Industrial Estate
Larkhall

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 the Conditions Listed)

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: None
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**
Policy ECON 1 - Industrial Land Use Policy
Policy ECON13 - Non-conforming uses in Industrial Areas
Policy DM 1 - Development Management Policy

◆ Representation(s):

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

◆ Consultation(s):

Roads and Transportation Services (Hamilton Area)

Environmental Services

Estates Services - Housing & Technical Resources

Planning Application Report

1 Application Site

- 1.1 The application relates to a vacant Council owned yard in the Larkhall Industrial Estate which is located to the south of Larkhall Town Centre. The site is essentially rectangular in shape and extends to approximately 0.03 hectares. The site is bounded to the north by residential properties, to the south by industrial units, to the east by Pyatshaw Road and to the west by a vacant industrial yard. Access to the site is via an existing industrial cul-de-sac on Dunedin Road.

2 Proposal(s)

- 2.1 This is a detailed planning application for a change of use from an industrial yard to a car sales area. The details submitted show the provision of a yard formed in concrete with a steel storage container located within the south-eastern corner of the site measuring approximately 9 square metres in floor area and approximately 2.5 metres in height. In addition, 2 security lights with motion sensors, which would be active during the night, would be erected close to the north-eastern boundary of the site. The lights would be facing into the yard away from the adjacent houses. Access to the site would be via the existing industrial cul-de-sac on Dunedin Road.
- 2.2 The applicant has advised that he currently sells between 3 and 5 cars per week with approximately one or two appointments per day. The yard would not be open for general visiting with all viewings by appointment only. The applicant's proposed core operating hours for the business would be between 9.30 am and 18.00 pm Monday to Saturday and 11.00 am to 16.00 pm on Sundays.

3 Background

3.1 Local Plan Policy

- 3.1.1 The application site is located within an area designated for industrial use in the adopted South Lanarkshire Local Plan. The relevant policies in terms of the assessment of the application are Policies ECON 1 – Industrial Land Use Policy, ECON 13 - Non-conforming Uses in Industrial Areas Policy and DM 1 – Development Management Policy. The content of the above policies and how they relate to the proposal are assessed in detail in Section 6 of this report.

3.2 Planning Background

- 3.2.1 A planning application was submitted on behalf of the Council in November 2010 for the formation of two serviced industrial yards and the erection of a 1.8 metre boundary fencing on land which included the current application site. However, the application was later withdrawn (HM/10/0539).
- 3.2.2 As the Council has an ownership interest in this site the application cannot be delegated but must be reported to Committee for a decision in line with the new planning legislative changes which came into force in 2009.

4 Consultation(s)

- 4.1 **Environmental Services** – have no objections to the application subject to the inclusion of a condition specifying the acceptable noise levels that can be emitted from the premises. In addition, informatives should be attached to any consent

granted in relation to acceptable hours for audible construction activity, potential contamination and demolition issues and general health and safety matters.

Response:- Noted. Any consent granted would incorporate appropriately worded conditions and informatives to address the above matters.

- 4.2 **Estates Service** – it is appreciated that the proposed use is not a use which the Council as Landlord would normally consider appropriate within an industrial location. This would certainly be the position if the proposal envisaged an industrial unit within the estate being used as opposed to a yard. However the premises in this proposal comprise a self-contained yard with exclusive secure parking adjacent to but separate from the industrial units. Any lease which may ensue from the application will not incorporate the common areas within the industrial estate and the tenant of the yard will have no rights to use these common areas. Consequently, there should be no issues with the tenants of the industrial estate. Small yards attached to industrial estates have long been associated with the vehicle trade and yards at Hamilton Road, Strathaven for example were for many years used for commercial vehicle sales without additional management issues being created. Since 2008 the level of enquiries for industrial space has declined due to economic factors. This Service has no objection to this proposed use and potential letting as the lease will be on an annual basis and the tenant will take the lease in his personal name. Additionally there is arguably a precedent for ‘sales’ within industrial locations already provided by showrooms and trade counters. No repairs or vehicle preparation will be permitted within the yard and other terms of the lease will be more restrictive than usual due to the possible sensitivity of the use. In this regard if planning consent is granted, any conditions attached to the consent, could be incorporated within the lease if required.

Response:- Noted.

- 4.3 **Roads and Transportation Services (Hamilton Area)** – have no objections to the application subject to the inclusion of conditions requiring the provision of five car parking spaces for staff and customers within the site and restricting the display of advertising signs on the public road or on any street furniture within the public road.

Response:- Noted. Any consent granted would incorporate appropriately worded conditions to address the above matters.

5 Representation(s)

- 5.1 Statutory neighbour notification procedures were undertaken and the application was advertised in terms of Non-Notification of Neighbours and Development Contrary to the Development Plan in the Hamilton Advertiser. No letters of representation were received.

6 Assessment and Conclusions

- 6.1 The determining issues that require to be addressed in respect of this application are compliance with local plan policy, the visual impact of the proposal and its impact on the amenity of the adjacent properties.
- 6.2 With regard to the adopted South Lanarkshire Local Plan the application requires to be assessed against the terms of Policies ECON 1 – Industrial Land Use Policy, ECON 13 - Non-conforming Uses in Industrial Areas Policy and DM 1 – Development Management Policy.
- 6.3 Policy ECON 1 states that areas identified for industry will continue primarily in industrial use and the Council will direct new industrial development to them. This

includes Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and Distribution) uses. Proposals for other uses will only be appropriate if the criteria contained in Policy ECON 13 – Non-conforming uses in Industrial Areas are met. All new development must comply with Council design policies as set out in Volume II and DM 1 – Development Management Policy.

- 6.4 Policy ECON 13 states that in all non-strategic industrial areas proposals for uses which do not conform to the general industrial policy will be assessed against the following:
- a. The effect the loss of the site will have on the continuity of the industrial land supply in terms of quantity, range and quality
 - b. The development of the site or premises not having an adverse affect on the industrial operation, amenity, industrial character and function of the area
 - c. The site or premises being subject to an independent development viability and marketing appraisal for classes 4, 5 and 6 to the Council's satisfaction
 - d. The site or premises being located at the edge of an industrial area and being easily accessible from main road routes and having satisfactory access by walking, cycling and public transport unless the proposal is ancillary to an existing industrial use.
 - e. The site/premises being served by public transport
 - f. The development not adversely affecting public safety
 - g. The infrastructural implications including the impact on the transport network of the development being acceptable or being able to be mitigated to an acceptable level.
 - h. The development not adversely affecting the natural or built environment
 - i. The development making provision for cycling, walking and public transport and/or having a Green Travel Plan, as appropriate.
- 6.5 The application site is not currently included in the industrial land supply, although it is identified on the vacant and derelict land register with industrial as the preferred after-use. The 2011 industrial land supply assessment indicates that there is a 13 year industrial land supply for the Hamilton sub area, which exceeds the 10 year supply required by the adopted Local Plan. Therefore, the loss of this very small site for non industrial uses is not considered to raise issues for continuity of the industrial land supply in terms of quantity, range and quality. It is considered that development of the site would not adversely affect the industrial operation, amenity, industrial character and function of the area. In terms of the marketing of the site the Council's Estates Service have advised that they made the availability of the yard known to potential enquirers. No enquiries have been made which they advised is surprising given that in the past, yard space would normally let quicker than industrial units. This is probably a measure of the economic downturn. In addition it is considered that the site is located at the edge of an industrial area and is accessible on foot or cycling and is in close proximity to public transport and the main road. It is also considered that the development would not adversely affect public safety, that it does not raise any infrastructure issues and that it would not adversely affect the natural or built environment. In view of the above it is considered that the proposed change of use to a car sales area conforms with the main criteria set out in Policy ECON 13.
- 6.6 In terms of the design and layout of the development, Policy DM 1 is relevant to the assessment of the application. This policy generally requires all development to take into account the local context and built form of the area and requires that new development support quality and sustainability in its design and layout and enhance or make a positive contribution to the character and appearance of the environment. The proposal is small scale in nature and it is considered that the general layout of

the yard is acceptable and that it would not be detrimental to the amenity of the area. It is considered that the proposed metal container is acceptable and that it would not be out of keeping with existing industrial development in the surrounding area. The container would be located within the south-eastern corner of the yard away from the adjacent residential properties and the 2 security lights would face into the yard again, away from the adjacent houses. In order to protect residential amenity a condition would be attached to any consent granted restricting the repair or preparation of any vehicles within the yard. Furthermore, Roads and Transportation Services are satisfied that the proposal raises no access, parking or road safety issues. It is considered, therefore, that the proposal meets the terms of the above policies.

- 6.7 The application was originally advertised as development contrary to the development plan (DCDP) as it relates to a proposed commercial use within an industrial area. However, having carefully considered the proposal against Policy ECON 13 it is considered that the proposed use conforms with the main policy criteria and, therefore, is an appropriate use in this location. It should be noted that any consent granted would be restricted solely to the use of the applicant and it would be of a temporary nature for a period of two years to enable the Council to monitor the operation of the development in relation to any potential issues which may arise.
- 6.8 In summary, given the above assessment it is considered that the proposal is in compliance with the adopted South Lanarkshire Local Plan and in particular, Policies ECON 13 and DM 1. It is therefore recommended that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on residential or visual amenity and complies with Policies ECON 1, ECON 13 and DM 1 of the adopted South Lanarkshire Local Plan.

Colin McDowall
Executive Director (Enterprise Resources)

21 November 2011

Previous References

HM/10/0539

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
 - Environmental Services [e-consult] 17/10/2011
 - Roads and Transportation Services (Hamilton Area) 11/10/2011
 - Estates Service 10/11/2011

- ▶ Representations
None

Contact for Further Information

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

Jim Blake, Planning Officer, Montrose House, Hamilton
Ext 3657 (Tel :01698 453657)
E-mail: planning@southlanarkshire.gov.uk

Detailed Planning Application

PAPER APART – APPLICATION NUMBER : HM/11/0439

CONDITIONS

- 1 The consent shall be carried out strictly in accordance with drawing numbers:
 - 1 - Location Plan
 - 2 - Site Layout
 - 3 - Elevations
- 2 That the permission hereby granted is for a temporary period only and shall expire on 29 November 2013.
- 3 That this permission shall operate for the benefit of Oliver Ewing only and for no other person and on the discontinuance of the occupation of the site by the said person, the hereby approved use shall cease to the satisfaction of the Council as Planning Authority.
- 4 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.
- 5 That notwithstanding the provisions of the Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1984, no fascia signs, adverts or projecting signs shall be erected on the premises without the prior written consent of the Council as Planning Authority.
- 6 Between the hours of 0800 and 2000 the measured noise level emitted from the premises (LAeq (1hour)) shall not exceed the pre-existing background noise level (LA90(1/2hour)) by more than 4dB (A) when measured in accordance with BS4142:1997 at buildings where people are likely to be affected.
Between the hours of 2000 and 0800 the noise emitted from the premises (LAeq (5mins)) shall not exceed the pre-existing background noise level (L A90 (1/2hour)) by more than 4dB(A) when measured in accordance with BS4142:1997 at buildings where people are likely to be affected.
- 7 All customer and staff parking shall be located within the confines of the yard at all times.
- 8 That there shall be a minimum of 5 car parking spaces reserved within the application site for the use of customers only to the satisfaction of the Council as Planning and Roads Authority.
- 9 That no advertising signs shall be placed on any part of the public road or any street furniture within the public road.
- 10 That the opening hours of the premises hereby granted consent shall be limited to between 9.30 am and 18.00 pm Monday to Saturday and between 11.00 am and 16.00 pm on Sundays.
- 11 That no vehicle repairs or vehicle preparation shall take place within the application site without the prior written approval of the Council as Planning Authority.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To enable the Planning Authority to monitor the development and to ensure that it is carried out in accordance with the terms of this consent.
- 3 To retain effective planning control and safeguard the amenity of the area.
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 To safeguard the amenity of the area.
- 6 To minimise noise disturbance to adjacent occupants.
- 7 In the interest of road safety.
- 8 To ensure the provision of adequate parking facilities to serve the development.
- 9 In the interest of public safety
- 10 To safeguard the amenity of the area.
- 11 In the interests of amenity and in order to retain effective planning control.

For information only

For information only

