

Report

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Report to:	Hamilton Area Committee
Date of Meeting:	22 June 2011
Report by:	Executive Director (Enterprise Resources)

Application No	HM/11/0124
Planning Proposal:	Change of Use and Sub-Division of a Social Club To Form Light Industrial Units (Class 4) and Erection Of Perimeter Security Fence

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Robert and Margaret Sinclair
- Location : Wilson Street, Burnbank
Hamilton

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 attached)

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: RGB Design
- ◆ Council Area/Ward: 17 Hamilton North and East
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**
Policy RES 6 –Residential Land Use
Policy DM 1 – Development Management

- ◆ Representation(s):

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

- ◆ Consultation(s):

Environmental Services
Roads and Transportation Services (Hamilton Area)
Scottish Water
Regeneration Service
Enterprise Resources - Estates

Planning Application Report

1 Application Site

- 1.1 The application site is located close to the local neighbourhood centre of Burnbank which is a predominately residential area within the town of Hamilton. The site extends to approximately 1470 square metres and includes the former Burnbank and District Masonic Club together with an adjacent area of car parking which is owned by South Lanarkshire Council. Access to the site is from Wilson Street which is off Purdie Street which is the main route through the local neighbourhood centre of Burnbank which provides a day to day retail function as well as essential services within the local area.
- 1.2 The site itself is bounded on both its north eastern and north western edge by a number of houses, the majority of which have their back gardens adjoining a gable wall of the former club building. To the south west and south eastern the site adjoins Holyrood Street and Wilson Street respectively. It should be noted that the small section of Holyrood Street which adjoins the site is a private road. The southern boundary adjoins a vacant building which was last used as a store.

2 Proposal(s)

- 2.1 The proposal itself involves the subdivision of the former Masonic Club which is a single storey building into five light industrial units (Class 4). Units 1 – 3 measure approximately 102 square metres each with units 4 and 5 being slightly larger extending to 118 and 189 square metres respectively. It is proposed that units 1 - 4 will each contain a small office and toilet accommodation. In terms of unit 5, which will be the largest unit, it is the intention to provide 2 offices as well as toilet accommodation. Each unit will have a single pedestrian door opening as well as a larger opening for vehicular access which will be secured by roller shutters. The proposal also includes the provision of 21 car parking spaces to be marked out within the existing car parking area together with an additional 4 car parking spaces provided within the private road area. Appropriate fencing is also proposed.
- 2.2 The applicant's agent has advised that it is likely that one of the units will be occupied by a double glazing company and that he has no specific details as yet regarding the occupation of the remaining units.

3 Background

3.1 Local Plan Status

- 3.1.1 The relevant policies in terms of the assessment of this application are Policies RES 6 – Residential Land and DM 1 – Development Management. The content of these policies and how they relate to this proposal are assessed in detail in section 5 of this report.

3.2 Relevant Government Guidance/ Advice

- 3.2.1 The recently published Scottish Planning Policy (which supersedes other SPP's) contains a section on Economic Development. This states that Planning Authorities should adopt a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised. Development plans should support small business development and growth and promote low impact industrial, business and service uses which can co-exist with housing and other sensitive uses without eroding amenity.

4 Consultation(s)

4.1 **Roads and Transportation Services (Hamilton Area)** - No objection. Sufficient off street car parking (26 spaces) are proposed.

Response – Noted. This provision of all of these spaces can be addressed by condition should consent be issued.

4.2 **Environmental Services** – Have indicated that a noise assessment be carried out prior to the commencement of development and that details of the storage of waste be submitted prior to the development being brought into use. As the premises will be used for commercial purposes, health and safety regulations are also applicable. They have also commented that noise levels both during the construction phase and during the operation of the business should be strictly controlled.

Response – Noted. As regards the requirement for a noise assessment and details relating to the storage of waste, these issues can be addressed by way of attached conditions should consent be issued. In terms of health and safety regulations and noise levels during the construction phase the applicant will be advised by the use of suitably worded informatives. It should be noted however that the responsibility for noise nuisance and the investigation of such accusations rests primarily with Environmental Services.

4.3 **Scottish Water** – Have no objection to this proposal. They have indicated that the applicant should contact them directly to discuss matters of detail in respect of connection to the existing infrastructure and the waste water network

Response – Noted. The applicant will be advised of these matters by the use of suitably worded informatives should consent be granted.

4.4 **Regeneration Services** – Have no objection to this proposal.

Response – Noted

4.5 **Enterprise Resources (Estates)** – Have no objection to this proposal

Response – Noted

5. Representation(s)

5.1 Statutory neighbour notification was undertaken and one letter of objection was received which can be summarised as follows:

(a) Concerned about noise (what kind of industry?), possibility of shift working, extraction fans, band saws, delivery's etc. In addition highlights potential nuisance of smells and that waste materials may attract vermin. Also highlights nuisances of perimeter fence blocking sunlight first thing in the morning and flood lighting.

Response: The applicant's agent has indicated that it is likely that one of the units will be occupied by a double glazing company who will use the premises to assemble glazed units. It is not known however who will occupy the remaining units.

I accept that some potential occupiers could generate adverse environmental conditions. Class 4 uses however in terms of the 1997 Use Classes (Scotland) Order specifically relate to uses 'which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, ash, dust or grit.' On this basis I am of the view that as long as future

occupiers are class 4 uses they can co-exist with the neighbouring residential properties without generating adverse conditions. In reaching this viewpoint I am mindful of the fact that the property was formerly a club which would have been open late at night and that it could reopen as similar without requiring planning consent. With appropriate conditions however, including a restriction on the hours of operation and noise levels, I am of the view that the proposal would not be unreasonable. In addition a condition will also require a noise assessment report to be submitted to the Council as Planning Authority for each unit prior to occupation in order to assess the likelihood of any noise issues and any required mitigation measures.

In relation to the storage of waste this also can be addressed by an appropriate condition.

Finally in respect of the proposed fencing the applicant will be required to submit further details of same. In any event I am not convinced that a fence would obstruct, to a material extent, sunlight. No element of floodlighting has been included as part of this proposal.

6. Assessment and Conclusions

- 6.1 The determining issues in the consideration of this application are its compliance with the South Lanarkshire Local Plan and its impact on the amenity of the area in general.
- 6.2 In relation to Policy RES 6 – Residential Land - it is important to ensure that the amenity of the area is not adversely affected by this proposal. The building was previously used as a social club and residents adjacent to the building have historically raised concerns in respect of noise levels associated with this use. This proposal relates to the conversion of the existing building into 5 light industrial units which would fall within Class 4 of the Use Class (Scotland) Order 1997. The agent has indicated that one of the units may be occupied by a double glazing company but as yet no future occupiers have been identified for the remaining four units. In any event to comply with Class 4 any use, in all its aspects, will require to operate without detriment to the amenity of the area. It is considered that the requirement for each of the units to provide a noise assessment prior to occupation will further ensure that the amenity of the area is safeguarded as will the restriction on opening hours. On this basis it is considered that this proposal can be accommodated within the provisions of this policy.
- 6.3 In terms of Policy DM 1 – Development Management - all proposals must take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape. This proposal involves the re use and remodelling of an existing building which is in a relatively poor condition lying vacant and unused. This proposal will reoccupy the building, improve its appearance and in so doing should help create local employment opportunities whilst helping to enhance the existing streetscape. Roads and Transportation Services have concluded that there is adequate parking within the site to meet the needs of the units. Collectively therefore it is considered that this proposal complies with this policy.
- 6.4 Overall given the history of the building and the fact that the units will be occupied by Class 4 'Business' uses in terms of the Use Classes Order 1997, I am of the view that the proposal merits support and will help increase the range and availability of small 'nest' units for local businesses.

7. Reasons for Decision

- 7.1 The proposal will have no adverse impact on either residential or visual amenity and complies with Policies RES6 and DM1.

Colin McDowall
Executive Director (Enterprise Resources)

8 June 2011

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
 - Scottish Water 04/04/2011

 - Roads and Transportation Services (Hamilton Area) 16/05/2011

 - Regeneration Service 11/04/2011

 - Environmental Services 11/04/2011

- ▶ Representations
 - Representation from : Hugh Brown, 18 McGowan Place, Burnbank, Hamilton, ML3 0NP, DATED 07/04/2011

Contact for Further Information

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

Mary McGonigle, Planning Officer, Brandon Gate, Hamilton
Ext 3550 (Tel :01698 453550)
E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

Detailed Planning Application

PAPER APART – APPLICATION NUMBER : HM/11/0124

CONDITIONS

- This decision relates to drawing numbers: WS – 04, WS – 03, WS – 02, WS -01
- 1
 - 2 That each of the units hereby approved shall not be occupied 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 the neighbouring 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.
 - 3 Prior to the development being brought into use, details of the storage of waste arising from the commercial activity shall be submitted to and approved in writing by the Council as Planning Authority. The agreed details shall be in place prior to the development being brought into use.
 - 4 That before the development hereby approved is completed or brought into use, all of the 26 parking spaces shown on the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.
 - 5 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.
 - 6 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.
 - 7 The use of the premises (with the exception of maintenance works not audible outside the premises), shall be restricted to the following hours of operation:
Mondays to Fridays: Between 8.00am and 18.00pm
Saturdays: Between 8.00 am and 13.00 pm
Sundays: No Sunday Working

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To minimise noise disturbance to adjacent occupants.
- 3 To minimise nuisance, littering and pest problems to nearby occupants.
- 4 To ensure the provision of adequate parking facilities within the site.
- 5 These details have not been submitted or approved.
- 6 In the interests of amenity and in order to retain effective planning control.
7. To minimise noise disturbance to adjacent occupants.

For information only

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