

Report

Report to:	Planning Committee
Date of Meeting:	12 March 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/23/0992
Proposal:	Erection of portal frame structure to use as car workshop with small office (Planning Permission in Principle)
Site Address:	Caldwellside Industrial Estate Lanark ML11 7SR
Applicant:	W & J Boyd's Properties Ltd
Agent:	BHC Ltd
Ward:	02 Clydesdale North
Application Type:	Planning Permission in Principle
Advert Type:	Schedule 2 Non-notification of neighbours Lanark Gazette 6 th September 2023
Development Plan Compliance:	Yes
Departures:	N/A
Recommendation:	Grant subject to conditions
Legal Agreement:	N/A
Direction to Scottish Ministers	N/A

1. Reason for Report

- 1.1. The application is required to be determined by the Planning Committee within the context of the approved Planning Application Decision Making Process (2015) as more than 5 representations have been submitted in relation to the proposal.

2. Site Description

- 2.1. The site extends to 0.1ha and is situated behind an existing business unit in the Caldwellside Industrial Estate, between Young Road and West Faulds Road. It comprises a neglected area of landscaping covered in densely planted trees. The trees were planted approximately 30 to 40 years ago – the species mix includes larch, rowan, cherry, willow and sycamore.
- 2.2. The site is bounded to the north, south and east by existing industrial/business units and to the west by vacant land.

3. Description of Proposed Development

- 3.1. The applicant seeks planning permission in principle for a 4 bay MOT and car repair workshop, including an office area. Access would be taken from Young Road. Indicative plans show a layout with the workshop to the back of the site, whilst vehicle and bicycle parking, turning area, electrical charging points and pedestrian path and dropped kerb site access would be positioned in front of the workshop. The pitched roof portal frame would be finished in profiled metal cladding, with door openings for each bay.
- 3.2. The applicant has an existing unit at the entrance to West Faulds Road, 80m to the east of the application site. The lease on the existing unit is due to expire. To allow his current business to expand, the aspiration is to relocate to the application site, for which the applicant has an outstanding offer to purchase, and where the purpose designed workshop, as described above, would be built.

4. Relevant Planning History

- 4.1. None.

5. Supporting Information

- 5.1. In support of the planning application, the applicant has submitted:-

- ◆ Supporting Statement
- ◆ Compensatory Planting Details
- ◆ Scottish Water assets

6. Consultations

- 6.1. Roads and Transportation Services – No objection subject to conditions to ensure the provision of suitable electrical vehicle charging points.
Response: Suitable conditions would be attached to any consent issued.
- 6.2. Environmental Services – No objections, subject to a condition requiring approval of details for storage and collection of commercial waste and advisory notes in respect of construction noise, pest control and nuisance.
Response: Appropriate conditions and informatives would be attached to any consent issued.
- 6.3. Scottish Water – No objection subject to the use of appropriate conditions.
Response: Noted

- 6.4. Scottish Forestry – No objection subject to appropriate compensatory planting being undertaken.

Response: Noted. An appropriate condition relating to compensatory planting would be attached to any consent issued.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement for non notification of neighbours in the local press, a total of 19 support letters, 10 objections and one representation have been received. The issues raised are summarised as follows:-

Objections:-

Amenity

- ◆ Cumulative impacts caused by the proximity of another nearby garage workshop.
- ◆ Removal of trees.

Roads Related Matters

- ◆ Exacerbate road related issues.
- ◆ Significant increase in traffic, especially along Young Road.
- ◆ The area of the build is already congested with cars, vans, and Council vehicles.
- ◆ Increasing the size of premises, in an already clogged area where there are multiple car garages will lead to a frequency of traffic disruption.

Other Matters Raised

- ◆ Yard space is nowhere near large enough for proposed development.
- ◆ Alternative sites for sale elsewhere in the Estate.
- ◆ Traffic noise.
- ◆ Entering site from the other side would make better sense.

Support:-

Economy

- ◆ Allows a successful business to expand.
- ◆ Opportunities to employ more people.
- ◆ Beneficial for applicant to own his own business giving future security.
- ◆ Due to reduction in the number of garages it is harder to find a reliable garage that can fix modern cars.
- ◆ Allows for a purpose built business.

Land Use Issues

- ◆ This is an industrial estate which exists for precisely the purpose of conducting the type of business Boyd Motor Engineers are involved in.
- ◆ Site is close to existing business.
- ◆ Little impact on traffic volumes or surrounding businesses.

Impact on Natural and Historic Environment

- ◆ The existing site is overgrown with trees that have been neglected and mismanaged over the years.
- ◆ Compensatory trees are to be planted in a more natural location.
- ◆ The site has been poorly managed, is unsightly and potentially unsafe with potential to attract vermin.

Other Matters Raised

- ◆ Sponsors local events on an annual basis.
- ◆ Wishes to progress and expand garage business rather than renting a shed.
- ◆ Sends staff on regular training.
- ◆ Offers support to other garages in the locality.

7.2. The above issues are considered in the assessment below. These letters are available for inspection on the planning portal.

8. Development Plan

8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

8.2. National Planning Framework 4

National Planning Framework 4 National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places and productive places.

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 3 - Biodiversity
- ◆ Policy 6 - Forestry, woodland, and trees
- ◆ Policy 15 - Local Living and 20 minute neighbourhoods
- ◆ Policy 26 - Business and industry

8.3. South Lanarkshire Local Development Plan 2 (2021)

For the purposes of determining planning applications the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

SLLDP2 Volume 1 Policies

- ◆ Policy 2 - Climate Change
- ◆ Policy 3 - General Urban Areas and Settlements
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 8 - Employment

SLLDP2 Volume 2 Policies

- ◆ Policy DM1 New Development Design

South Lanarkshire Council (SLC) Supporting Planning Guidance

- ◆ Supporting Planning Guidance Electric vehicle charging points

9. Guidance

9.1. None applicable.

10. Assessment and Discussion

10.1. Principle of Development

In the adopted SLLDP2 proposal's map, the site is included within the settlement boundary of Lanark where Policy 3 – General Urban Areas and Settlements advises that particular consideration will be given to the likely impacts on the amenity of the area. This will include locally important greenspace, local services and facilities,

proposed servicing, parking arrangements and access. Developments which would be detrimental to the amenity of residents and the wider community or to the character of the surrounding area will not be permitted. This particularly applies to 'bad neighbour' uses which can affect neighbours by virtue of visual impact, noise, smell, air pollution, disturbance, traffic, or public safety.

- 10.2. The nearest dwellings to the site are located 200m to the northwest and in between are existing industrial units. A proposed car repair workshop is an appropriate use within an established industrial estate. Adequate parking and access arrangements can be provided. Roads and Environmental Services have not raised any issues of concern subject to conditions and advisory notes. A small, neglected area of landscaping will have to be removed. However, in the wider context, it has limited amenity value. It does not form part of a designated priority greenspace and green network and nearby there is woodland cover integrated into the industrial estate. The applicant is proposing compensatory tree planting. The proposal, on balance is considered acceptable under the terms of Policy 3.
- 10.3. NPF4 Policy 15 relates to Local Living and 20 minute neighbourhoods. The site is within 2.0km of Lanark where there are public transport links, shops, and services. The site is connected to Lanark by a network of roads and footpaths. Many of the businesses' employees and customers will reside locally. In view of the circumstances described, the proposal accords with the aims and intent of Policy 15 Local Living and 20 minute neighbourhoods of National Planning Framework 4.
- 10.4. Economic Development
The application site is located within the Caldwellside Industrial Estate which is zoned as a Core Industrial and Business Area where SLLDP2 Policy 8: Employment applies. This states that the Council will support sustainable economic growth by encouraging the development of business in South Lanarkshire, and that Core Industrial and Business Areas should primarily be reserved for conforming uses (Class 4, 5 and 6). NPF4 Policy 26 - Business and industry supports proposals for business and industry uses on sites allocated for those uses in the local development plan (LDP). Development proposals for business and industry uses will be supported where they are compatible with the primary business function of the area. Other employment uses will be supported where they will not prejudice the primary function of the area and are compatible with the business/industrial character of the area.
- 10.5. The applicant has traded successfully from Caldwellside since 2009. The business has grown significantly to the extent it has outgrown the existing workshop rendering it too small for the level of business generated. The applicant wishes to relocate the existing car repair business in Caldwellside Industrial Estate from a unit he leases at the eastern end of West Faulds Road (Unit 4, Block 3), to the application site, only 80m to the northwest of the current workshop. Subject to planning, the applicant intends to purchase the site and thereafter construct a purpose built workshop. The offer to purchase the site only remains open until the end of March 2024. The current lease ends shortly, therefore, to allow for necessary expansion and long term security, a new and bigger unit near the existing location and customer base is sought. There are currently 7 employees with the possibility that additional posts would be created. The proposal is a conforming and acceptable use within a designated industrial area. Therefore, it accords with SLDLP2 Policy 8 and NPF4 Policy 26.
- 10.6. Natural and Historic Environment
NPF4 Policy 3 Biodiversity under part (c) details that all local developments shall include appropriate measures to conserve, restore and enhance biodiversity. The Development with Nature Guidance is pertinent in this case. The guidance

encourages a mitigation hierarchy to be applied – avoid, minimise, restore and offset to achieve a net positive biodiversity impact.

- 10.7. NPF4 Policy 6 - Forestry, woodland and trees seeks to support proposals which enhance, expand and improve woodland. The proposal will result in the loss of all trees as the whole of the site is required to accommodate a building and associated parking and hardstanding. There will be no space left within the confines of the site for new or compensatory planting. An Arboricultural Impact Assessment concludes the landscaping has been neglected and subject of poor growing conditions. At the outset the trees were planted too close together, resulting in spindly trees with suppressed, low functioning crowns and overall, are now in a declining state. Extensive removals are anticipated over the next ten years.
- 10.8. The dense canopy restricts light and along with thick leaf litter and insufficient spacing between trees has in effect inhibited ground flora. The habitat would not be suitable for protected species, however, if consent is granted a condition will be applied requiring checks for bats and nesting birds prior to tree felling. The applicant proposes compensatory tree planting. Compensatory planting is proposed and Scottish Forestry have confirmed that the compensatory planting plan would be acceptable in this instance. The tree loss will be mitigated by substantial compensatory tree planting which will enhance biodiversity. Therefore, the objectives of NPF4 policies 3 and 6 have not been compromised to the extent that refusal could be justified.
- 10.9. Climate Change
NPF4 Policy 1 requires that when considering all development proposals, significant weight will be given to the global climate and nature crises. NPF4 Policy 2 Climate Change and Mitigation expands on this, requiring all new developments to be sited and designed (1) to minimise lifecycle greenhouse gas emissions as far as possible and (2) to adapt to the current and future risks from climate change.
- 10.10. SDLLP2 Policy 2 Climate Change seeks to minimise and mitigate against the effects of climate change. The site is not at risk from flooding. If planning permission is granted, conditions would be attached requiring the submission and approval of details for low carbon technology, the installation of electric vehicle charging points and compensatory tree planting. The proposal involves development within a designated industrial area close to facilities and public transport links in Lanark. In consideration, the proposals would not undermine the objectives of SDLDP Policy 2.
- 10.11. Layout, Siting and Design
SLLDP2 Policy 5 Development Management and Placemaking and Policy DM1 New Development Design seeks to ensure well designed development that makes for successful places and considers the impact on residential amenity.
- 10.12. Indicative plans show a steel portal frame workshop, finished in metal cladding of a design commensurate with the character of an industrial area. The proposed building can comfortably be accommodated within the site along with onsite parking, accessing, and turning areas. There are no infrastructure constraints and Scottish Water has confirmed that there is sufficient capacity in the water and sewerage systems. Roads and Transportation Services have not raised any traffic or public safety issues in their consultation response and conditions are proposed which will ensure maintenance of vehicle visibility. Adequate parking, turning areas and access can be provided. The proposal is therefore satisfactory in terms of SLLDP Policies 5 and DM1 and DM7.

10.13. Conclusion

In conclusion, the location and design of the proposed car repair workshop is suitable for a designated industrial area. The proposal will facilitate the expansion and long term future of a thriving local business in a location close to its customer base. Whilst the removal of trees on site cannot be avoided, an Arboricultural Impact Assessment advises the trees are in a poor and declining condition. Compensatory tree planting on land owned by the applicant will significantly exceed the number of trees to be felled, resulting in benefits to biodiversity. Overall, it is considered that the proposals comply with the provisions of the relevant policies within National Planning Framework 4 and the South Lanarkshire Local Development Plan 2.

11. **Recommendation and Conditions**

11.1. The Committee is asked to agree the following recommendation:-

Grant Planning Permission in Principle (subject to conditions listed):-

01. The development to which this permission in principle relates shall be begun no later than the expiration of five years beginning with the date of grant of this decision notice.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. Prior to the commencement of development on site, a further application(s) for the approval of any of the matters specified in this condition must be submitted to and be approved by the Council as Planning Authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

These matters are as follows:-

- (a) the layout of the site, including all roads, footways, parking areas and open spaces;
- (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
- (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum;
- (d) the design and location of all boundary treatments including walls and fences;
- (e) the means of drainage and sewage disposal and;
- (f) energy statement.

Reason: To comply with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

03. That before the development hereby approved is completed or brought into use, 20 no. parking spaces including one accessible parking space for customers and staff including one accessible bay and 4 service bays shall be laid out, constructed, and thereafter maintained to the specification of the Council as Roads and Planning Authority.

Reason: To ensure the provision of adequate parking facilities within the site.

04. That before the development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 43 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

05. That prior to the commencement of works, details, and locations of charging points for electrical cars, at a rate of two dual electric vehicle charging points (EVCP) serving 4 standard parking spaces and one EVCP serving an accessible parking space, shall be submitted for the written approval of the Council as Planning Authority, unless otherwise agreed in writing with the applicant. Prior to the completion of the development the approved charging points shall be installed, available for use and thereafter maintained and replaced where necessary to the satisfaction of the Council .

Reason: To ensure facilities for recharging electrical cars are available for the use of the customers and staff.

06. 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 Developer Design Guidance (May 2020) and shall include the following signed appendices: C 'Sustainable Drainage Design Compliance certificate', D 'Sustainable Drainage Design Independent Check Certificate' and E 'Confirmation of Future Maintenance of Sustainable Drainage Apparatus' . The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved in writing by the Council as Planning Authority.

Reason: 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.

07. Prior to the commencement of the development, hereby approved, full details of a tree planting scheme, to compensate for the loss of trees on site, shall be submitted to and approved in writing by the Council as Planning Authority in consultation with Scottish Forestry. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the carrying out of the tree planting scheme, shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To enhance the natural heritage of the area.

08. That the approved tree planting shall be completed to the satisfaction of the Council as Planning Authority in consultation with Scottish Forestry, prior to commencement of work on the car workshop hereby approved and, shall thereafter be monitored and maintained regularly over a period of 15 years to ensure that the agreed stocking density (1600 trees per hectare) is achieved and that all trees are established and are thriving by year 15. All operations shall be undertaken in compliance with the United Kingdom Woodland assurance standard.

Reason: In the interests of landscape amenity and biodiversity and to maintain and expand woodland cover in South Lanarkshire.

09. That before the development hereby approved is brought into use, details of the storage and collection of waste arising from the development shall be submitted to and approved by the Council as Planning Authority. The storage and waste collection scheme shall be implemented before the development is brought into use and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: To minimise nuisance, littering and pest problems to nearby occupants.

10. The energy statement required by condition 02 above, shall include:-

- a) the total predicted energy requirements and CO₂ emissions of the development, clearly illustrating the additional 15% reduction beyond the 2007 building regulations CO₂ standard;
- b) a schedule of proposed on-site zero and low carbon energy technologies to be included in the development and their respective energy contributions and carbon savings;
- c) an indication of the location and design of the on-site energy technologies; and
- d) a maintenance programme for the on-site zero and low carbon energy technologies to be incorporated.

The approved on-site zero and low carbon energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and shall remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Council as Planning Authority.

Reason: These details have not been provided or approved.

11. That no car repair business shall commence on site until the developer provides a written agreement from Scottish Water that the site can be served by a water and sewerage scheme constructed to the specification and satisfaction of Scottish Water as the Water and Sewerage Authority.

Reason: To ensure that the development is served by an appropriate effluent disposal system and water supply.

12. Reason for Decision

- 12.1. The application site is within a designated Core Industrial and Business Area where the proposed use is compatible and can integrate without adverse impact upon neighbouring businesses and road safety. The proposal will enable the applicant to expand his business, at a location in proximity to the customer base, securing the future of the business and employment opportunities whilst contributing to the local economy. The removal of the trees can be compensated with appropriate tree planting on an alternative site within the applicant's control which will result in an expansion of tree cover. The proposal accords with Policies 1, 2, 3, 6, 15 and 26 of National Planning Framework 4 and policies 2, 3, 5, 8 and DM1 of the South Lanarkshire Local Development Plan 2.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 1 March 2024

Background Papers

[P/23/0992 | Erection of Portal frame structure to use as car workshop with small office \(Planning Permission in Principle\) | Caldwellside Industrial Estate Lanark ML11 7SR](#)

Corporate Considerations

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

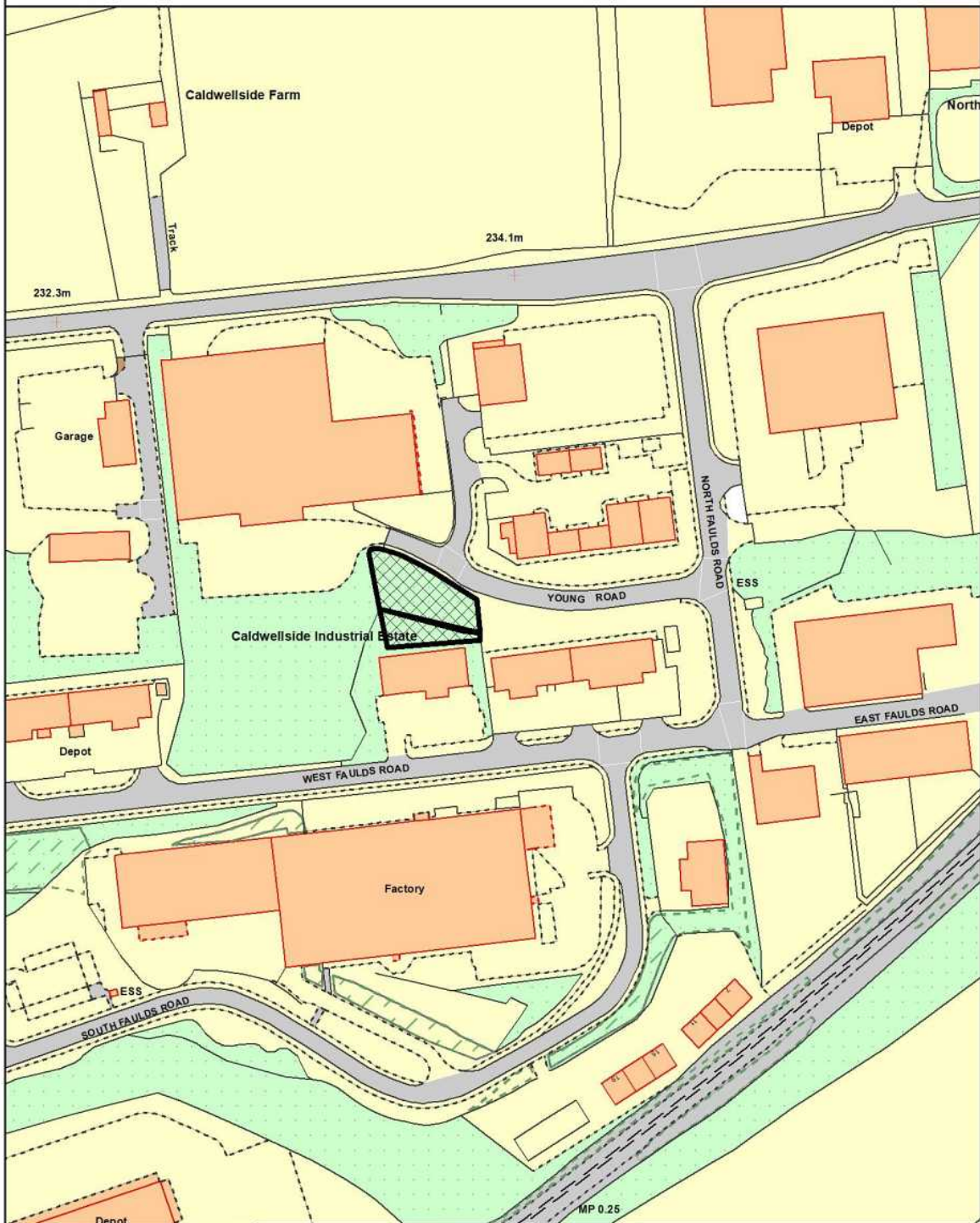
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/23/0992, Block1, North Faulds Road, Caldwellside Industrial Estate, Lanark



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Scale:
1:2,000
Date:
08/02/2024



South Lanarkshire Council
Community and Enterprise Resources
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