

Report

Report to:	Planning Committee
Date of Meeting:	13 March 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application No	EK/17/0403
Planning Proposal:	Part Change of Use of Storage Yard (Class 6) to Allow for the Storage and Ancillary Recycling and Processing of Minerals

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Enviro-Clean (Scotland) Ltd
- Location : 1 Dixon Place
College Milton Industrial Estate
East Kilbride
G74 5JF

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Approve the planning application subject to Conditions (based on the conditions overleaf)

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: AED Planning & Development
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 1 - Spatial Strategy
Policy 2 - Climate Change
Policy 4 - Development management and placemaking
Policy 7 - Employment
Policy 16 - Travel and Transport
Policy 17 - Water Environment and Flooding
Policy 18 – Waste

Supplementary Guidance 1: Sustainable Development and Climate Change

- SDCC 2 - Flood risk
- SDCC 3 - Sustainable drainage systems
- SDCC 11 - Waste management facilities

Supplementary Guidance 3: Development Management, Placemaking and Design
Policy DM1 - Design

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

Roads & Transportation Services (Flood Risk Management Section)

Scottish Water

S.E.P.A.

Environmental Services

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site is an existing industrial yard within the College Milton Industrial Estate, East Kilbride. The application site extends to some 0.395 hectares and is located centrally within the estate with an existing access off Dixon Place. The site is bounded on all sides by other industrial and commercial uses. A small strip of green space bounds the site at its north eastern corner but is outwith the boundary of the application site.
- 1.2 The application site (and surrounding industrial estate) is within land designated as a 'Core Industrial and Business Area' within the Adopted South Lanarkshire Local Development Plan 2015 (SLLDP).
- 1.3 In line with the majority of the College Milton Industrial Estate, the site is permitted for Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage or Distribution) as prescribed within the Town and Country Planning (Use Classes) (Scotland) Order 1997.

2 Proposal(s)

- 2.1 Planning permission is sought for the change of use of the site from Classes 4 to 6 to allow for the storage of minerals on site (a Sui Generis Use) as well as the ancillary processing and recycling of inert construction waste such as road planings and stone from demolition projects. It is proposed that up to 50,000 tonnes per annum of minerals (construction aggregate) and inert construction waste would be imported and stored on site for sale and exportation. When required, the minerals and inert construction waste would be processed (screened and crushed) on site. The proposals, therefore, also include the siting of a screening grading unit and a crushing unit. A wheeled loading shovel and a back actor would be employed on site for moving and loading of material. A single storey workshop for the onsite plant and a modular cabin for on-site staff welfare facilities are also proposed; as is on site staff parking.
- 2.2 The proposals would involve the permanent employment of 4 people, with a further 4 drivers being involved in importing and exporting of material. It is proposed to operate the screening and processing of materials from 0600 to 1800 Monday to Friday and 0600 to 1400 on a Saturday and Sunday. It is proposed that importation and exportation of materials will follow the same operating hours but given the sporadic nature of supply and demand of material it is proposed that there may be vehicle movements outwith these hours, in line with how the site could presently operate.

3 Background

3.1 National Policy and Guidance

- 3.1.1 The SPP promotes the delivery of waste infrastructure at appropriate locations and waste management should be prioritised through the Scottish Government's waste hierarchy. The hierarchy is: waste prevention, reuse, recycling, energy recovery and waste disposal. SPP also advises that industrial and business locations may be appropriate for accommodating waste management facilities.
- 3.1.2 Planning Advice Note (PAN) 63 'Waste Management Planning' and PAN 1/2011 'Planning and Noise' also provide additional advice on best practice for waste management and developments that may generate noise respectively.

3.1.3 PAN 63 Waste Management Planning provides advice on the role of the planning system for more informed consideration of development proposals for waste management facilities.

3.1.4 PAN 1/2011 also establishes best practice, and the planning considerations that should be taken into account with regard to developments that may generate noise or developments that may be subject to noise.

3.1.5 All the national policy advice has been considered in the assessment section of this report.

3.2 Development Plan

3.2.1 The Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) is a strategic plan with a strong focus on future growth with a broad spatial framework and a lesser focus on detailed area/site specific policy criteria. Nonetheless, the GCVSDP recognises its position within the Development Plan process relative to development management. As such, Policy 11 Planning for Zero Waste reiterates the Scottish Government's waste hierarchy and also states, inter alia, that development proposals for waste management facilities will generally be acceptable, subject to local considerations, on land designated for industrial, employment or storage and distribution uses.

3.2.2 The adopted South Lanarkshire Local Development Plan 2015 (SLLDP) contains the following policies against which the proposal should be assessed:

- Policy 1 Spatial Strategy
- Policy 2 Climate Change
- Policy 4 Development Management and Placemaking
- Policy 7 Employment
- Policy 16 Travel and Transport
- Policy 17 Water Environment and Flooding
- Policy 18 Waste

3.2.3 The following approved Supplementary Guidance documents support the policies in the SLLDP and also require assessment:

- Supplementary Guidance 1: Sustainable Development and Climate Change
- Supplementary Guidance 3: Development Management, Placemaking and Design

3.2.4 All these policies and guidance are examined in the assessment and conclusions section of this report.

3.3 Planning History

3.3.1 The site was last formally used approximately 5 years ago as a vehicle yard and since then has predominantly lain vacant, with the current applicant occasionally using the site for storage and processing of minerals on an ad hoc basis. Following discussions with the Planning Authority, the applicant wishes to regularise the use of the site to allow formal, permanent storage and ancillary processing of minerals on site.

3.3.2 The application is for a part change of use and does not involve the construction of a new waste facility so, therefore, falls within the 'Local' development category of the Planning Development hierarchy. The Council's scheme of delegation does not make the same provision and states that waste management facilities with a capacity of over 25,000 tonnes per annum will be required to be reported to the Planning Committee. In

this instance, whilst the inert construction material receives an exemption under SEPA's Waste Management Licensing (Scotland) 2011 Regulations, in general planning terms, it is still classed as 'waste'; and as stated the proposed capacity of the site (up to 50,000 tonnes per annum) falls outwith the Council's Scheme of Officer Delegation and the application is therefore required to be reported to the Planning Committee for determination.

4 Consultation(s)

- 4.1 **Environmental Services** – No objection subject to conditions imposing standard noise levels on the site and requirement for further approval of a dust management scheme.

Response: Noted. Noise levels and dust management have been attached as conditions as part of the recommendation.

- 4.2 **Roads and Transportation Services (Flood Risk Management Section)** – No objection subject to conditions to comply with the Council's Design Criteria for Sustainable Drainage and to complete the necessary forms and provide required information prior to commencement on site.

Response: Noted. If planning permission is granted, a condition to address this matter shall be attached.

- 4.3 **SEPA** – have no objection to the proposals but provide detailed advice to the applicant regarding other regulatory requirements for the operation of the site.

Response: Noted. The regulatory advice is outwith the remit of the Council as Planning Authority but has been forwarded to the applicant. If planning permission is granted, the applicant will be required to apply to SEPA for further permits and/ or exemptions relating to The Waste Management Licensing (Scotland) Regulations 2011 and The Pollution Prevention and Control (Scotland) Regulations 2012.

- 4.4 **Scottish Water** – have no objections to the proposals.

Response: Noted.

- 4.5 **Roads and Transportation Services (Development Management)** – No objections to the proposals subject to conditions relating to turning areas, road surfacing, provision of on-site parking, visibility splays, average load numbers (40 in total per day) and wheel and road cleaning being employed.

Response: Noted. These matters have been conditioned as part of the recommendation.

5 Representation(s)

- 5.1 The application was advertised as a Schedule 3 development and for non-notification of neighbours in accordance with Regulation 20 of the Development Management Regulations, within the East Kilbride News on the 6 December, 2017.

- 5.2 Following this publicity, no objections have been received to the proposals.

6 Assessment and Conclusions

- 6.1 Under the terms of 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. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GVCSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance.

6.2 National Planning Policy

- 6.2.1 The Scottish Planning Policy (SPP) promotes the use of the plan-led system to provide a practical framework for decision making on planning applications thus reinforcing the provisions of Section 25 of the Act. The SPP also promotes the delivery of waste infrastructure at appropriate locations and waste management should be prioritised through the Scottish Government's waste hierarchy. The hierarchy is: waste prevention, reuse, recycling, energy recovery and waste disposal. SPP also advises that industrial and business locations may be appropriate for accommodating waste management facilities.
- 6.2.2 PAN 63 Waste Management Planning provides advice on the role of the planning system for more informed consideration of development proposals for waste management facilities.
- 6.2.3 PAN 1/2011 'Planning and Noise' also establishes the best practice and the planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise. It provides further detailed guidance on noise assessments and noise mitigation measures.
- 6.2.4 The application is for the storage of minerals with ancillary processing and recycling of inert construction waste. The recycling of materials is supported through the Scottish Government's waste hierarchy.
- 6.2.5 It is therefore considered that the principle of the proposal complies with National Planning Policy. The overall acceptability of such a development must however also meet other detailed advice within PANs 50 and 1/2011 as well as other Policy and Development Management criteria. These issues are considered in further detail in the report below.

6.3 Strategic Development Plan

- 6.3.1 The Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) is a strategic plan with a strong focus on future growth with a broad spatial framework and a lesser focus on detailed area/site specific policy criteria. Nonetheless, the GCVSDP recognises its position within the Development Plan process relative to development management. As such, Policy 11 Planning for Zero Waste reiterates the Scottish Government's waste hierarchy and also states, inter alia, that development proposals for waste management facilities will generally be acceptable, subject to local considerations, on land designated for industrial, employment or storage and distribution uses.
- 6.3.2 It is, therefore, considered that the principle of the proposal complies with the Strategic Development Plan (GCVSDP) given the proposals are to support a site with an element of inert construction waste recycling located within a designated industrial area. Again, the overall acceptability of such a development must however also meet other Policy and Development Management criteria and these issues are considered in detail further in the report.

6.4 South Lanarkshire Local Development Plan

- 6.4.1 At a local level the application requires to be assessed against the policy aims of both the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance.
- 6.4.2 SLLDP Policy 1 'Spatial Strategy' states that developments that accord with the policies and proposals of the development plan will be supported. The application is located within an area zoned as 'Core Industrial and Business' under Policy 7 of the SLLDP which states that these areas are retained for industrial/ business use (Classes 4, 5 and 6). Policy 7 is designed to protect established business/industrial uses by avoiding siting incompatible uses (such as residential) within these areas and to protect supply of business and industrial land. Supplementary Guidance 5: Industrial and Commercial Development expands on Policy 7 and provides further guidance on appropriate uses within Core Industrial and Business Areas. Paragraph 3.9 of the SG notes that SPP advises that industrial business locations may be appropriate for accommodating waste management facilities. The SG states that further guidance on this is found within the waste management section of Supplementary Guidance 1: Sustainable Development and Climate Change (SG1).
- 6.4.3 Policies SDCC 11 and 12 of SG1 state the need to provide waste management facilities, including for recycling, in appropriate locations ensuring the facilities themselves are safeguarded from inappropriate, adjacent development such as housing and protecting established residential amenity by the suitable siting of facilities in areas where they will not create nuisance such as noise or dust.
- 6.4.4 SLLDP Policy 18 'Waste' states that, in general, waste management facilities and transfer stations will be directed to employment land unless other material considerations indicate otherwise. The other criterion of this policy is assessed further below (paragraphs 6.4.16 to 6.4.17).
- 6.4.5 It is considered that the storage and processing of minerals and inert construction waste involves a quasi industrial use that would be compatible within an industrial location. The development does not introduce any sensitive receptors (such as residential or offices) into the Core Area that would then restrict the surrounding industrial uses. The industrial nature of the surrounding area also limits the potential for sensitive receptors to be introduced adjacent to the application site. The proposals relate to a part change of use of the site. The proposed development would utilise the existing hard standing with only temporary buildings proposed on site. On this basis, it is considered that the full site could easily be reverted back to a service yard in the future should it be required.
- 6.4.6 It is, therefore, considered that the application site is located within a suitable location as designated within the development plan. The principle of the development, therefore, accords with the Development Plan and National Policy in this instance.
- 6.4.7 SLLDP Policy 2 'Climate Change' states that new developments should minimise and mitigate against the effects of climate change by, inter alia, maximising the reuse of vacant and derelict land, having no significant adverse impacts on the water and soils environments, air quality and minimising waste.
- 6.4.8 The application site involves the utilisation of a service yard with existing hardstanding that has been rarely used in the last 5 years and is already connected to the existing road network. .. Whilst the storage of minerals and ancillary processing and screening on site do have the potential to cause air borne dust, it is considered that this can be mitigated by a dust management scheme. This requirement will be conditioned if planning permission is granted.

- 6.4.9 SLLDP Policy 4 'Development Management and Placemaking' states that development proposals should, inter alia, have no significant adverse impacts on amenity as a result of light, noise, odours, dust or particulates. Policy 4 also states that development proposals should take account of and be integrated within the local context and landscape character. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design.
- 6.4.10 As referenced in paragraph 6.4.8, onsite dust management can be conditioned to ensure that it is managed effectively. Effective management techniques include dampening the material on site, minimising loading drop heights and providing wheel washing facilities. The site is located within an industrial area with no nearby sensitive receptors so would be unlikely to have an effect on the amenity of the area. Environmental Services are content with the proposals but would require a dust management plan for the site and for standard noise levels being set for the site. Should planning permission be granted appropriate conditions shall be imposed to control these matters.
- 6.4.11 It is considered that the operating hours as proposed (Para 2.2) are in keeping with the industrial area, including the unrestricted vehicle movement. The proposed site layout, workshop and welfare facilities are functional rather than aesthetic but are again in keeping within the surrounding industrial area.
- 6.4.12 SLLDP Policy 16 'Travel and Transport' states that new development must conform to South Lanarkshire Council's Guidelines for Development Roads.
- 6.4.13 The existing Class 4 to 6 use is unrestricted in terms of vehicle trips and therefore it is considered that a proposal with an upward processing limit (i.e. material that can be imported, processed and exported) of 50,000 tonnes (daily average volume of 10 vehicles entering and exiting the site) would not be onerous to the infrastructure of the Industrial Estate. The industrial estate was pre-planned for Class 4, 5 and 6 users and therefore the site's access and estate's internal roads were designed for use by industry and storage or distribution users. The unrestricted vehicle movement currently allowed on the application site could result in a much heavier user utilising storage or distribution from the site without any further input from the Planning Authority. This application, therefore allows the Planning Authority to introduce an element of control onto the site by being able to condition vehicle trips in and out of the site. Given the proposed use is dependent on material from other sources supply is not constant and therefore it is appropriate that when conditioning daily vehicle movements it is on an average, annual basis to account for the peaks and troughs of material being available. Roads and Transportation Services have no objections to the proposals subject to the average daily limit of vehicles being conditioned to 40 two way movements over the course of a year and other conditions relating to on-site parking provision, turning areas, visibility splays and road surfacing. Conditions requiring these form part of the recommendation.
- 6.4.14 SLLDP Policy 17 'Water Environment and Flooding' states that sites where flooding may be an issue shall be the subject of a local flood risk management assessment. Development will only be supported if suitable flood management can be achieved. Further guidance on flood management and sustainable drainage is also provided within Supplementary Guidance Sustainable Development and Climate Change in Policies SDCC2 – Flood Risk and SDCC 3 – Sustainable Drainage Systems.
- 6.4.15 The application site is not located within any identified flood area on SEPA's flood risk map. Roads and Transportation Services (Flood Risk Management Section_) have no objections to the proposals but require the provision of a sustainable drainage system on site for surface water and to complete the necessary appendices that form part of

the current South Lanarkshire Council SuDS Design Criteria Guidance Note. A condition requiring sustainable drainage for surface water and completion of the relevant appendices forms part of the recommendation of approval.

6.4.16 SLLDP Policy 18 'Waste' of the adopted South Lanarkshire Local Development Plan (SLLDP) states that waste management proposals should be tested against a set list of criteria which, inter alia, ensures that proposals contribute to the Zero Waste Plan (Waste Hierarchy), do not lead to an adverse impact on local communities and no significant impact in terms of local environment effects including noise, dust, vibration, odour and air quality.

6.4.17 As referenced in paragraph 6.4.8, onsite dust management can be conditioned to ensure that it is managed effectively. As set out in sections 6.2 and 6.3 it is considered that the recycling element of the proposals are in line with the waste hierarchy which seeks to minimise any form of waste being sent to landfill. In terms of noise, it is considered that the industrial nature of the surrounding estate limits the potential impact the proposals may have, particularly given the lack of noise sensitive receptors. This would also be the case in relation to potential odours from the site. Environmental Services are comfortable that, as with dust, noise can be controlled through the imposition of standard noise levels to ensure they are mitigated to acceptable levels within an industrial setting. Therefore a condition setting noise levels also forms part of this recommendation.

6.5 Conclusion

6.5.1 In conclusion, the location of the proposal within an established industrial estate is considered acceptable in meeting the terms of the Development Plan and national guidance. The proposals are also considered compatible and acceptable within an industrial setting. Given the site's location and the planning conditions attached to this recommendation it is considered that the proposed development would not lead to issues in terms of noise, odour, air quality and transportation, and would not have a detrimental visual impact within the surrounding area. It is therefore recommended that planning permission be granted.

7 Reasons for Decision

7.1 The proposal complies with national planning policy and advice and with the principles of the approved Glasgow and Clyde Valley Strategic Development Plan 2017 and the relevant policies contained within the adopted South Lanarkshire Local Development Plan 2015 and relevant Supplementary Guidance.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

5 March 2018

Previous References

♦ None

List of Background Papers

- Application Form
- Application Plans

- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Neighbour notification advert dated 06.12.2017
- ▶ Consultations

Roads & Transportation Services (Flood Risk Management Section)	11/12/2017
SEPA	11/12/2017
Scottish Water	01/12/2017
Environmental Services	21.02.2018
Transportation Services (Development Management)	22.02.2018

Contact for Further Information

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

James Wright, Minerals Officer, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
 Ext 5903 (Tel : 01698 455903)
 E-mail: james.wright@southlanarkshire.gov.uk

CONDITIONS

- 1 That HGV movements to and from the site shall be limited to an average of 40 two way movements (20 vehicles entering and exiting the site) per day over a 12 month period unless otherwise approved in writing by the Council. For the avoidance of doubt the first 12 month period shall commence from the date of this permission. Written documentary evidence of all importation and exportation of all materials to and from the site shall be made available at all times for inspection on request of the Planning Authority.
- 2 That between the hours of 08:00 and 20:00 the measured noise rating level emitted from the premises (LAeq,1hr) shall not exceed the pre-existing background noise level (LA90,30 min) by more than 4dB when measured in accordance with British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound at buildings where people are likely to be affected. Between the hours of 20:00 and 08:00 the noise rating level emitted from the premises (LAeq,15min) shall not exceed the pre-existing background noise level (LA90,30min) by more than 4dB when measured in accordance with BS4142:2014 at buildings where people are likely to be affected.
- 3 That prior to the commencement of the use hereby approved, the developer shall submit, for the approval of the Council as Planning Authority, a detailed scheme for dust control and monitoring in relation to any mineral stacks and on site operations and thereafter shall abide by the terms of the approved scheme unless otherwise agreed in writing with the Council as Planning Authority.
- 4 That the processing, grading and recycling of materials, hereby approved, shall be ancillary and only in connection with supplementing the mineral stock on site and shall not be run as a recycling facility in its own right.
5. That before the use, hereby approved, is implemented, compliance with the Council's Sustainable Drainage Systems (SuDs) design criteria guidance and inclusive sign off by the relevant parties carrying out the elements of work associated with the design criteria appendices 1 to 5 shall be submitted for the written approval of the Council, as Planning Authority and thereafter be carried out as approved for the lifetime of the development, hereby approved.
6. That before the use, hereby approved, is implemented, a turning space shall be provided within the site to enable vehicles to enter and leave the application site in forward gears at all times.
7. That before the use, hereby approved, is implemented, a private vehicular access or driveway of at least 15 metres in length shall be provided and the full 15 metres of this access from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.
8. That before the development hereby approved is completed or brought into use, 6 No. parking spaces (2.9m x 5.5m modules) shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning

Authority.

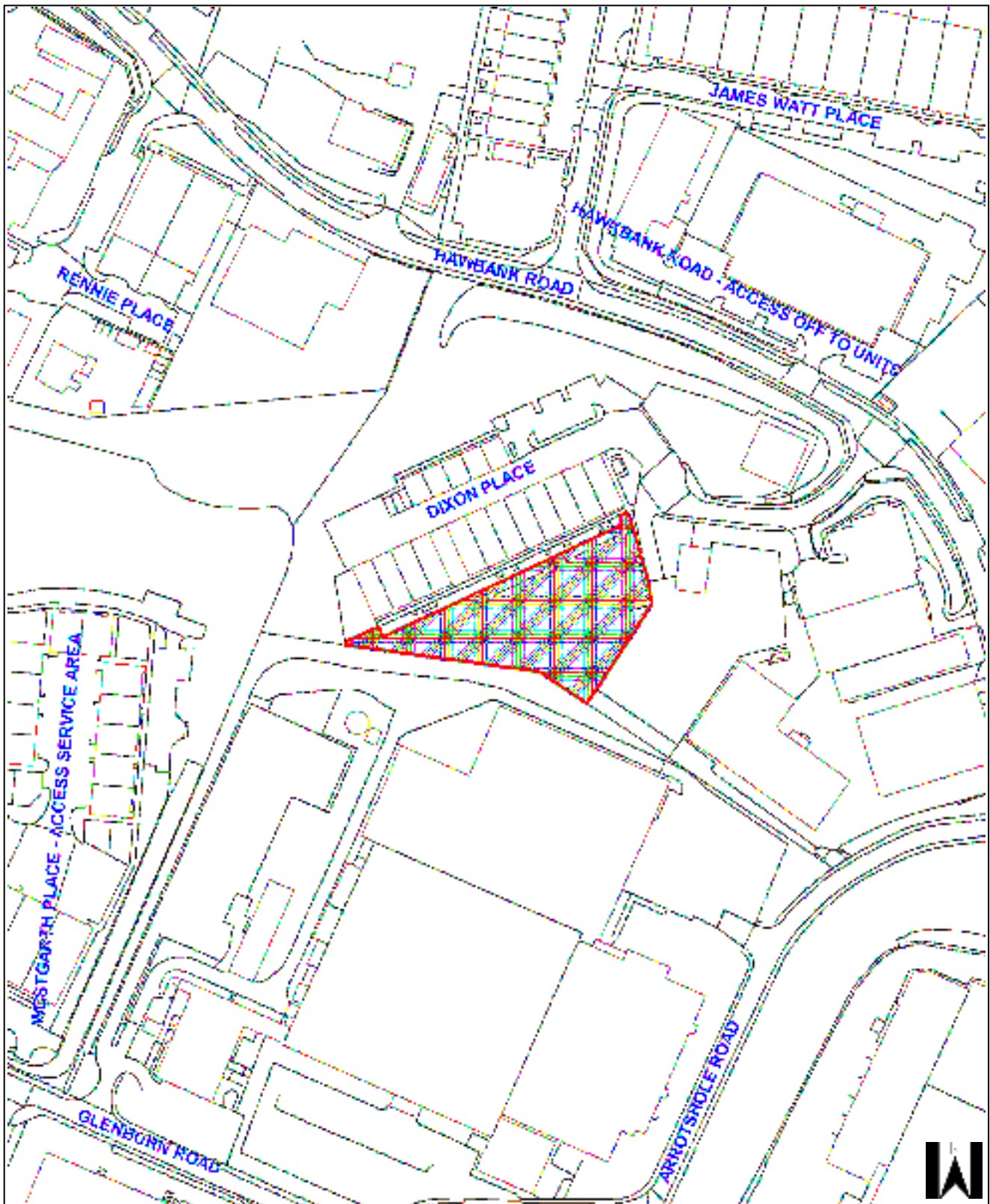
9. The surface of the access required by condition 7 above shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the highway.
10. That before the use, hereby approved, is implemented details of wheel cleaning facilities, including sweeping of the public road if necessary, shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter, operations shall be undertaken in accordance with the approved wheel cleaning plan for the lifetime of the use hereby approved.
11. That before the use, hereby approved, is implemented measures such as bollards/ pedestrian barrier to maintain the visibility splays for Dixon Place and Hawbank Road shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter, the visibility splays will be maintained in accordance with the approved details for the lifetime of the use hereby approved.
12. That before the use, hereby approved, is implemented details of resurfacing and repair works on Dixon Place shall be submitted to and approved in writing by the Council as Planning Authority in consultation with Roads and Transportation Services. Thereafter all work shall be carried out to the satisfaction of the Council within 3 months of the date of approval.
13. That the screening, grading and processing of material on site shall only occur between the hours of 0600 to 1800 Monday to Friday and 0600 to 1400 on a Saturday and Sunday and at no other time.
14. That before the use, hereby approved, is implemented details of the workshop, hereby approved, shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter the workshop shall be constructed as approved and maintained as such for the lifetime of the development hereby approved.

REASONS

- 1.1 In order to control the terms of the consent.
- 2.1 In the interests of noise control.
- 3.1 In the interests of controlling fugitive dust.
- 4.1 In order to define the terms of the consent.
- 5.1 In the interests of drainage and surface water management.
- 6.1 In the interests of Road Safety.
- 7.1 In the interests of Road Safety.

- 8.1 In the interests of Road Safety.
- 9.1 In the interests of Road Safety.
- 10.1 In the interests of Road Safety.
- 11.1 In the interests of Road Safety.
- 12.1 In the interests of Road Safety.
- 13.1 In order to control the terms of the consent.
- 14.1 In order to control the terms of the consent.

For information only



For information only