

Report

Report to:	Planning Committee
Date of Meeting:	8 August 2023
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/22/0390
Proposal:	Change of use of land from agriculture to Class 6 (Storage or Distribution), installation of modular office building, erection of vehicle washing bay and creation of hardstanding area (in retrospect) and formation of haul road
Site Address:	Townhead Farm Ponfeigh Road Sandilands Lanark ML11 9UA
Applicant:	JHP Transport Lanark Ltd
Agent:	David Graham
Ward:	04 Clydesdale South
Application Type:	Full Planning Permission
Advert Type:	Development Contrary to Development Plan: Lanark Gazette 25 May 2023 Non notification of neighbours: Lanark Gazette 25 May 2023 Bad neighbour: Lanark Gazette May 25 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 under Clause 5.1 of the Decision-Making Process 2015 as it constitutes a major planning application.

2. Site Description

- 2.1. The application site relates to land at Townhead Farm located on the edge of the small settlement of Ponfeigh in the Douglas Valley. The village of Rigside is located approximately 500m to the south of the site on the opposite side of the A70. The application site previously formed part of a farm business that was purchased by the applicant in 2016 along with the farm steading which is outwith the application site. It comprises a farmhouse and traditional U-shaped building complex which has been converted into 5 residential units. In addition, there is a detached modern house sited directly opposite the site entrance and a small traditional cottage approximately 50m north east of the application site. The site currently has an existing access onto the public road (Ponfeigh Road).
- 2.2. The application site is approximately 2.95 hectares in area. The site comprises 3 agricultural style, metal sheds, an area for the parking of refrigerated units, a vehicle wash bay including 1.8m high, timber screening fence, a 2 storey modular office block and an extensive area of hardstanding to provide lorry parking and staff parking associated with a haulage business being operated at the site. The application site also comprises an area of farmland in third party ownership that runs east and then north of the farm area to link onto Ponfeigh Road.
- 2.3. The application site is on land designated as Rural within the South Lanarkshire Local Development Plan 2 (SLLDP2) and due to the area's mining legacy is on land defined as a Development High Risk Area by the Coal Authority.

3. Description of Proposed Development

- 3.1. The applicant has applied in retrospect to retain the use of the site and buildings as a storage and distribution yard. Other works that are the subject of the application are the formation of additional hardstanding, the installation of portable office buildings and formation of a wash bay area.
- 3.2. The application also seeks consent for the formation of a new link road which would provide an access to serve the haulage business directly from Ponfeigh Road approximately 300m to the east of the existing access point. The new road would effectively bypass the residential properties described above and provide a new route for the articulated vehicles associated with the storage and distribution use. This link road has not been created and is not in retrospect. The operations are 24 hours and currently employ 140 people.

4. Relevant Planning History

- 4.1. The applicant is an established haulage business that was previously based in Shotts which relocated to this site in 2016 following the purchase of Townhead Farm. The applicant has stated that at the time of purchase and establishment of the change of use that they did not consider that planning permission was required as the land was previously used for storing agricultural vehicles and equipment. Whilst the site was used for the storage of agricultural machinery that also included an element of plant hire, this use related to an existing farm business and was therefore an ancillary operation associated with an established agricultural unit and is a significantly different use from that currently operating on site. The applicant did not seek advice from the Planning service regarding the status of the site nor in relation to locating a haulage business on the land prior to purchasing the site and establishing the haulage business there.

- 4.2. A retrospective planning application for the change of use of the site, formation of hardstanding and the installation of the modular office building was submitted in March 2017. A report on this original application was included on the agenda for the Planning Committee on 6 November 2018. It concluded that the proposed use was not an acceptable permanent form of development for the site due to the adverse impact on road safety and residential amenity. The Committee report recommended that planning permission be granted for a temporary period of one year to allow the operator to explore suitable alternative sites. Following publication of this report the applicant withdrew it prior to it being presented to the Committee.
- 4.3. Following the withdrawal of this application an enforcement notice was served on 22 November 2018 which required the use of the site as a haulage yard to cease and for the associated wash bay and portable buildings used as office accommodation to be removed from site. Following a meeting with Council officers in November 2018, the notice was withdrawn after the operator gave an undertaking to address the outstanding concerns in a new application.
- 4.4. A new application Ref: P/19/0816 was submitted attempting to address the issues raised within the previous application. However, the application was refused by Planning Committee in September 2020 for the following reasons:-
- 1.The application site lies within the Rural Area and is not on land designated for Employment. The proposal is therefore contrary to SPP (2014) and Policies 1, 3, 7 and 11 of the approved South Lanarkshire Local Development Plan (2015), Policy GBRA1 of Supplementary Guidance 2: Green Belt and Rural Area, and Policies 1, 4, 8 and GBRA2 of the proposed Local Development Plan2 (2020).
 - 2.The proposal, by nature of its 24 hour operations, would have an adverse impact upon existing residential amenity within the immediate area and is, therefore, contrary to Policies 3 and 4 of the Adopted South Lanarkshire Local Development Plan (2015), Policy DM1 of Supplementary Guidance 3: Development Management, Placemaking and Design and Policies 4, 5 and GBRA2 of the Proposed South Lanarkshire Local Development Plan 2 (2020).
 - 3.The proposal by nature of its location and use would have an unacceptable and detrimental impact upon the public road network and is, therefore, contrary to Policy 16 of the Adopted South Lanarkshire Local Development Plan (2015) and Policy 15 of the Proposed South Lanarkshire Local Development Plan 2 (2020).
- 4.5. The applicant appealed this decision to the Planning and Environmental Appeals Division (DPEA) with the appeal being dismissed in August 2021. Following this appeal decision, a further Enforcement Notice was issued against the site operations. The applicant also submitted an appeal against the Notice which was dismissed by the DPEA in February 2022.
- 4.6 The current proposals, due to the site area being over 2 hectares, constitute a “Major” development and, as such, the applicant was required to carry out statutory pre-application consultation which they did (Planning Ref: P/22/0001/PAN) prior to the submission of this application.

5. Supporting Information

- 5.1. The application was submitted with a Noise Assessment, Supporting Statement, Coal Mining Risk Assessment and Roads Construction Details. An indicative programme of approximately 18 months for the construction and implementation of the proposed link road has also been submitted.

6. Consultations

- 6.1. **Environmental Services** – no objections subject to conditions relating to appropriate noise levels on site, provision of acoustic barriers, noise and dust management policies and a lighting assessment.

Response: Noted. Should planning permission be approved appropriate conditions could be attached to any decision issued.

- 6.2 **Roads and Transportation (Development Management Team)** – originally objected on lack of information. Following discussions with the applicant's agent and further information being submitted have no objections to the proposals subject to conditions relating to visibility splays (including future maintenance), all goods vehicles using the new link road only, link road construction details (including drainage and signage), a Stage 2 Road Safety Audit, parking details, provision of electric vehicle charge points, a Traffic Management Plan (TMP) and a joint dilapidation survey being carried out with the Council.

Response: Noted. Should planning permission be approved appropriate conditions could be attached to any decision issued.

- 6.3 **West of Scotland Archaeology Service (WoSAS)** – note that the application site is on land that has previously been developed in some form and therefore has little archaeological value. As such no archaeological investigation is proposed.

Response: Noted.

- 6.4 **The Coal Authority** – note that the application sits on land within the defined Development High Risk Area and as such a Coal Mining Risk Assessment was submitted. Following review of this, have no objections subject to conditions relating to site investigation.

Response: Noted. Should planning permission be approved appropriate conditions could be attached to any decision issued.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement, no representations have been received.

8. Development Plan

- 8.1 Section 33 of the Town and Country Planning (Scotland) Act 1997 allows a Planning Authority, should they be minded, to grant planning permission to a development including development that has already been carried out (i.e. in retrospect). Therefore, the retrospective nature of this application does not prohibit the Council, as Planning Authority, to carry out a detailed assessment of the planning application as required under Section 25 of the Town and Country Planning Act 1997.

- 8.2 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.

8.3. 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 13 – Sustainable Transport
- ◆ Policy 26 – Business and Industry
- ◆ Policy 29 - Rural Development

8.4. South Lanarkshire Local Development Plan 2 (2021)

For the purposes of determining planning applications the Council will, therefore, assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2).

8.5. In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

SLLDP2 Volume 1 Policies

- ◆ Policy 1 – Spatial Strategy
- ◆ Policy 2 - Climate Change
- ◆ Policy 4 – Green Belt and Rural Area
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 8 - Employment
- ◆ Policy 15 - Travel and Transport

SLLDP2 Volume 2 Policies

- ◆ Policy GBRA2 – Business Proposals within Green Belt and Rural Area
- ◆ Policy DM1 – New Development Design

9. **Guidance**

9.1. None

10. **Assessment and Discussion**

10.1 Full planning permission is sought for the change of use of land from agriculture to Class 6 (Storage or Distribution), installation of modular office building, erection of vehicle washing bay and creation of hardstanding area and formation of haul road. As noted above, the majority of the proposals are in retrospect with the exception of a new link road from the site onto Ponfeigh Road. The main issues to be addressed in the determination of this application includes the acceptability in principle of the proposed development, its layout, siting and design, impact upon residential amenity and an assessment of technical matters. The policies contained within National Planning Framework 4 and the South Lanarkshire Local Development Plan 2 are the main consideration in this case, together with an assessment of any other material planning considerations.

10.2 Section 4 of the report describes the planning history of the application site which includes the refusal of a retrospective application in 2020 and the subsequent dismissal of an appeal against that decision. In addition, there is an extant enforcement notice requiring the current use to cease and the associated buildings to be removed from the site. The non-compliance with the notice has not been pursued while the current application has been under consideration.

- 10.3 The application was refused in 2020 on the grounds that the application site was not on land designated for employment use, that there would be an adverse impact on existing residential amenity within the immediate area due to the noise generated by articulated vehicles during the night, and that the proposal would have an unacceptable and detrimental impact on the public road network; and as a result would be contrary to Scottish Planning Policy (SPP) and the adopted South Lanarkshire Local Development Plan 1. Since that decision, SPP has been superseded by National Planning Framework 4 and South Lanarkshire Local Development Plan 2 has been adopted as a replacement plan by the Council. In addition, the applicant has amended their proposals to include a new link road to serve their business in an attempt to address the reasons for refusal relating to the impact on residential amenity and the road network. The assessment of the application firstly considers whether the original reasons for refusal have been addressed as a result of the intervening changes to national and local planning policy and the revised proposals. It will go on to consider other material planning matters.
- 10.4 Principle of Development
The application site is not within the defined boundary of a settlement but is located within land designated as Rural within the SLLDP2. NPF4 Policy 26 – Business and Industry states that proposals for storage and distribution uses outwith areas identified for this type of use will only be supported where it is shown there are no suitable alternatives allocated in the LDP and that the nature and scale of the activity is compatible with the surrounding area. NPF4 Policy 29 - Rural Development states that development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported. Proposals should be suitably scaled, sited and designed to be in keeping with the character of the area.
- 10.5 Policy 4 – Green Belt and the Rural Area in SLLDP2 states that within the Rural Area the Council will seek to protect the amenity of the area while supporting small scale development in the right places that is appropriate in land use terms. Policy GBRA2 of SLLDP2 provides further guidance on business proposals within the Rural Area, setting out a list of development that is considered appropriate and includes, in exceptional circumstances, proposals for larger scale business development that generates strategic or locally important employment opportunities where wider economic benefits and a specific locational need can be demonstrated and satisfactory mitigation of any adverse impacts can be achieved.
- 10.6 It is noted that the business currently employs 140 jobs which is of a scale that can be considered to generate locally important business opportunities as set out within Policy GBRA2. The business is one of the local area's largest employers and contributes to the viability of the local rural economy, in line with the policy intent of NPF4 Policy 29. Policy 26 also provides for the type of use proposed to be located out with established employment areas where it can be shown that alternative locations are unavailable. In this case the applicant has carried out a search of employment sites allocated in SLLDP2 in the local area that could accommodate the business but has shown that they are not suitable in terms of the size or availability. In view of this outcome, it is considered that the proposals accord in principle with national and local planning policy on this form of development in a rural location.

10.7 Impact Upon Residential Amenity

While the principle is acceptable, NPF4 Policies 26 and 29 require proposals in the circumstances described to be compatible with the nature and character of the surrounding area. SLLDP2 Policy 5 also states that new development should also have no significant adverse impacts on the local community. As noted in section 4, the vehicle movements associated with the business were considered to create an unacceptable noise impact at night times as they passed neighbouring residential properties. As a solution to mitigate this impact the proposals have been amended to include a link road to the rear of the site to then join Ponfeigh Road whilst avoiding passing the affected residential properties. The noise impact assessment submitted with the application has been reviewed by Environmental Services and they have confirmed that this link road would reduce any noise impact to acceptable levels and therefore minimising any impact the proposals have on residential properties.

10.8 Impact on Public Road Network

The current access arrangements to serve the business have resulted in damage to a stretch of Ponfeigh Road due to the vehicle movements. Investigations carried out by Roads and Transportation Services have shown that the make-up of this part of the road is unsuitable for the continued intensive use by heavy goods vehicles and the road may have to be closed without mitigation being put in place. The proposed new link road would exit onto a part of Ponfeigh Road that can accommodate the haulage vehicles. Roads and Transportation Services have advised that these arrangements are acceptable and have no objections subject to a number of conditions referred to in section 6 of the report. In particular, the applicant has provided a programme of works required to form the new road which they anticipate will take 18 months to complete. As a result, they are satisfied the proposals will improve the public road network in this area and therefore it is considered they accord with NPF4 Policy 11 and Policy 15 in SLLDP2.

10.9 NPF4 Policy 1 Tackling the Climate and Nature Crises and NPF4 Policy 2 Climate Mitigation and Adaptation aim to ensure that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. These policies are further supported by SLLDP2 Policy 2 - Climate Change which states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. It is considered that, while the distribution of goods via motor vehicle is intrinsically unsustainable in nature, this is currently a necessary part of society. In this instance it is also considered, in relation to sustainability and climate change, that the majority of the proposals are on land that has previously been subject to some form of development and therefore do not involve the loss of green field land and soils. The location of the site within 5km of the M74 Motorway and its national transport links is also considered to minimise vehicle travel distances.

10.10 SLLDP2 Policy 5 - Development Management and Placemaking and Policy DM1 - New Development Design state that development proposals should take account of and be integrated within the local context and built form. The effect on residential amenity is considered above. The application site sits on a plateau that is prominent within the local landscape. The buildings are clustered together which helps minimise their visual impact within the area but it is noted that the plateau nature of the site, with bare slopes dropping down out with the site does result in the proposals having a visual impact within the broad open landscape. The main shed building is red in colour which adds to the negative impact as it is not in keeping with the natural pallet surrounding the site. It is considered that painting this building in a more natural, recessive colour such as dark green could soften its impact upon the landscape. The bare slopes at the edges of the site result in the development being prominent and it

is considered that these could be landscaped with planting which would soften the developments visual impact on the landscape. It is considered that the use of suitable colours on the main building and screen planting would reduce the site's visual impact to a degree where it could be considered acceptable within the surrounding landscape.

10.11 Conclusion

In conclusion, the planning history of the site is an important consideration of the assessment of the current application. The previous application was refused on the basis of national and local planning policy that has since been superseded. In addition, the applicant has sought to address concerns about the impact on residential amenity and the local road network. Overall, it is considered that the principle of the proposals accord with NPF4 Policies 26 and 29 which seeks to encourage rural economic activity and support a development proposal that contributes to the viability of the local rural economy through the employment of approximately 140 jobs. The scale of jobs within the local rural area is considered to be large enough for the proposals to fall within the exceptional circumstances that allow business proposals within the Rural Area to be supported by SLLDP2 Policy GBRA2. It has been demonstrated that adverse impacts from the development have been mitigated with the introduction of the link road. It is therefore considered that the current policy context allows the development to be supported subject to appropriate conditions relating to the implementation of the link road, noise levels, external finishes and landscaping. It is therefore recommended that the Planning Committee approve the application subject to the conditions set out within the paper apart.

11. **Recommendation and Conditions**

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

Grant subject to conditions:-

01. That within 3 months following the date of this permission, a construction programme setting out an appropriate timeline for construction and subsequent implementation of the haul road shall be submitted for the written agreement of the Council as Planning Authority. For the avoidance of doubt the programme should be based on the document titled Indicative Construction Programme and unless otherwise agreed in writing should be no longer than an 18 month programme.

Reason: In order to define the terms of the consent

02. That within 3 months following the date of this permission, details of all landscaping shall be submitted for the written approval of the Council, as Planning Authority. For the avoidance of doubt the landscaping details shall also include maintenance of the landscaping. Once approved, the landscaping shall be implemented and maintained as such for the lifetime of the development and change of use, hereby approved.

Reason: In the interests of visual amenity.

03. That within 3 months following the date of this permission, details of all external finishes of the sheds on site, shall be submitted for the written approval of the Council, as Planning Authority. Once approved, the external materials shall be implemented and maintained as such for the lifetime of the development and change of use, hereby approved.

Reason: In the interests of visual amenity.

04. That no new development shall be carried out on site until:-
a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.
The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: In the interests of mining legacy

05. Prior to any new development being implemented, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Council as Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In the interests of mining legacy

06. That within three months from the date of this planning permission, a 4.5m by 60metre visibility splay, as shown on drawing 19006_013 Revision A, shall be provided and maintained by the applicant in both directions from the new haul road access onto Ponfeigh Road such that no obstructions greater than 1.05metres in height are permitted within the visibility splays when measured above the adjacent nearside road channel level, and that the visibility splay should be maintained free of any obstructions or planting all to the satisfaction of the Council as Planning and Roads Authority.

Reason: In the interests of road safety

07. That all light goods vehicles and heavy goods vehicles shall enter and exit site using the new haul road access onto Ponfeigh Road and travel between this location and the A70 along Ponfeigh Road via the A70/Ponfeigh Road/B7055 crossroads junction.

Reason: In the interests of road safety

08. That within three months from the date of this planning permission, the applicant shall submit detailed designs for the new haul road access showing road markings, high containment kerbs, appropriate junction radii, surfacing details, road tie-in details, adoption delineation kerb, road signage and drainage arrangements all for the written approval of the Council as Planning and Roads Authority. Once approved, all works shall be implemented on site in accordance with the agreed drawings and specification to the satisfaction of the Council as Planning and Roads Authority prior to the site being brought into use. Following completion of these works there will be a 24-month monitoring period of the road condition from and including the new haul road access and the A70 whereby any defects as identified by the Council shall be rectified by the applicant at their expense within timescales acceptable to the Council as Planning and Roads Authority.

Reason: In the interests of road safety

09. That the applicant shall submit a Stage 2 Road Safety Audit and Designer's Response in respect of those works referred to above that are being undertaken on or immediately adjacent to Ponfeigh Road associated with formation of the proposed haul road access; the audit shall be undertaken in accordance with the Design Manual for Roads and Bridges and, thereafter, any agreed measures shall be implemented on site to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of road safety

10. That within three months from the date of this planning permission, the first 20 metres of the haul road access shall be surfaced in a bound material and trapped to prevent any surface water or deleterious material from entering Ponfeigh Road all to the satisfaction of the Council as Planning and Roads Authority.

Reason: In the interests of road safety

11. That within three months from the date of this planning permission, the applicant shall submit, for the written approval of the Council as Planning and Roads Authority, details and spacing of the proposed bollard separation between the staff car park and the HGV parking area, and the associated locked gate. Once approved these works shall be implemented on site in accordance with the approved designs and all to the satisfaction of the Council as Planning and Road Authority prior to occupation of the development hereby approved.

Reason: In the interests of road safety

12. That within three months from the date of this planning permission, the applicant shall resurface the full carriageway width of Ponfeigh Road over the length of the proposed bellmouth all in accordance with a specification to be agreed in writing by the Council as Planning and Roads Authority.

Reason: In the interests of road safety

13. That within three months from the date of this planning permission, the applicant shall submit details of the high containment kerb to be provided over the full extents of the proposed bellmouth on both to the nearside and farside road channel lines of Ponfeigh Road, all for the written approval of the Council as Planning and Roads Authority and once approved implement the works in accordance with the agreed drawings and specification to the satisfaction of the Council as Planning and Roads Authority.

Reason: In the interests of road safety

14. That within three months from the date of this planning permission, the applicant shall form 69No spaces for parking of heavy goods vehicles (lorry parking) and these shall be laid out generally in accordance with the Proposed Site Layout Revision B by Burrell Design Studio dated March 2022.

Reason: In the interests of road safety

15. That within three months from the date of this planning permission, the applicant shall form 50No car parking spaces (staff and visitors parking) and these shall be laid out generally in accordance with the Proposed Site Layout Revision B by Burrell Design Studio dated March 2022 and that these shall be provided in 2.5metre by 5.5metre modules.

Reason: In the interests of road safety

16. That within three months from the date of this planning permission, the applicant shall install and then maintain 6No dual charge units (or 12No single charge points) in accordance with the Council's supporting planning guidance for electric vehicle charging points (August 2022).

Reason: In the interests of providing electric vehicle infrastructure.

17. That within three months from the date of this planning permission, the applicant shall submit, for the written approval of the Council as Planning and Roads Authority, a Traffic Management Plan (TMP) to cover all construction traffic access entering and exiting off Ponfeigh Road. Construction traffic shall only use Ponfeigh Road southeast to A70/Ponfeigh Road/B7055 crossroads junction. The TMP shall include wheel washing arrangements, delivery routes, compound layout including on-site parking facilities for staff and visitors. Once approved works shall be undertaken in accordance with the approved TMP to the satisfaction of the Council as Planning and Roads Authority. All vehicles, including delivery vehicles, shall be parked within the site and no vehicles shall be parked at any time on the public road.

Reason: In the interests of road safety.

18. That within three months from the date of this planning permission, the applicant shall undertake a joint dilapidation survey of the construction traffic route identified and agreed through the Traffic Management Plan with representatives of the Roads Area Office and submit to the Council a record of the survey, together with arrangements for subsequent inspection and repair during the construction phase; all for the written approval of the Council as Roads Authority.

Reason: In the interests of road safety

19. That following completion of the haul road the developer shall ensure that the neighbourhood noise levels (including noise from industrial, commercial noise sources and associated Road Traffic Noise) comply with the following:-

Part 1

Between the hours of 08:00 and 20:00 the measured noise rating level emitted from the proposed development (L_Ar,1hr) shall not exceed the background noise level (L_A90,30 min) by more than 4dB within the curtilage of any residential property. This shall be measured in accordance with British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound at the proposed development. Between the hours of 20:00 and 08:00 the noise rating level emitted from the proposed development (L_Ar,15 min) shall not exceed the background noise level (L_A90,30min) by more than 4dB. This shall be measured in accordance with BS4142:2014 at the proposed development.

Part 2

The internal noise levels at any existing residential property and resultant from the development shall comply with BS 8233:2014 Guidance on sound insulation and noise reduction for buildings as follows:-

- a) The internal levels with windows open do not exceed an LAeq,16hr of 40dB daytime (07:00 - 23:00)
- b) The internal levels with windows open do not exceed an LAeq,8hr of 30dB night-time (23:00 - 07:00).
- c) The internal levels with windows open do not exceed an LAmax of 45dB night-time (23:00 - 07:00).
- d) The external levels shall not exceed an LAeq,16hr of 55dB daytime in any garden amenity areas, when measured free field

Part 3

The Internal Noise Rating Values, within the residential properties and resultant from the industrial, commercial and installed services associated with the development shall not exceed:-

- o NR25 between 23.00hrs and 08.00hrs
- o NR35 between 08.00hrs and 23.00hrs

Reason: In the interests of residential amenity

20. That within three months of the date of this permission, the applicant shall submit details of an acoustic barrier to provide a minimum insertion loss of 10dB. This shall comprise of materials with an average surface density of 13kgm⁻². The construction shall have a minimum height of 2.5m and shall be placed around the north facing boundary of the haul road and parts of the yard facing onto any non-financially associated properties.

Elevations, plans and construction materials shall be agreed with and approved by the Planning Authority prior to construction. Thereafter, a maintenance scheme for the barrier shall be put in place to for the lifetime of the development.

Reason: In the interests of residential amenity

21. That within three months from the date of this permission, a Noise Management Policy shall be submitted to the Planning Authority for their approval. Further to approval the Noise Management Policy as agreed shall be adhered to.

The policy shall consider the following aspects of noise control:-

- ◆ The use of reversing beepers on mechanical handling plant and vehicles during noise sensitive times.
- ◆ The use of diesel generators for refrigerated vehicles during noise sensitive periods. Electrical Hook Up Points should be the preferred option.
- ◆ The use of the car wash at night.
- ◆ Sounding horns during noise sensitive periods.

Reason: In the interests of residential amenity

22. That within three months from the date of this permission details for the storage and the collection of waste arising from the proposed development shall be submitted to, and approved in writing by the Planning Authority. The agreed details shall thereafter be implemented and satisfactorily maintained.

Reason: In the interests of amenity

23. That within three months from the date of this permission, the applicant shall submit written details of the proposed floodlighting scheme to the Planning Authority. In addition, the applicant must undertake and submit for approval a Lighting Impact Assessment in line with the Institute of Lighting Professionals and International Commission on Lighting (CIE) guidance.

The assessment shall consist of a technical report prepared by a qualified competent person (e.g. Lighting Engineer) setting out the type of lights, performance, height and spacing of lighting columns; the light levels to be achieved over the intended area, at the site boundaries and, for very large schemes, 50m outside of the boundary of the site should be superimposed on a map of the site and its surrounding area.

The agreed scheme shall be implemented as approved and thereafter be operated in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.

Reason: In the interests of light pollution

12. Reason for Decision

- 12.1. It is considered that the scale of employment created by the business in tandem with the noise and road mitigation provided by the link road allow the proposals to be considered acceptable in a rural location subject to appropriate conditions. It is considered that the proposals therefore accord with policies 1, 2, 26 and 29 of the National Planning Framework 4 and policies 2, 5, 15, GBRA2 and DM1 of the adopted South Lanarkshire Local Development Plan 2.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 31 July 2023

Background Papers

Further information relating to the application can be found online:

[P/22/0390 | Change of use of land from agriculture to Class 6 \(Storage or Distribution\), installation of modular office building, erection of vehicle washing bay and creation of hardstanding area \(in retrospect\) and formation of haul road | Townhead Farm Ponfeigh Road Sandilands Lanark ML11 9UA \(southlanarkshire.gov.uk\)](https://southlanarkshire.gov.uk/P/22/0390)

Corporate Considerations

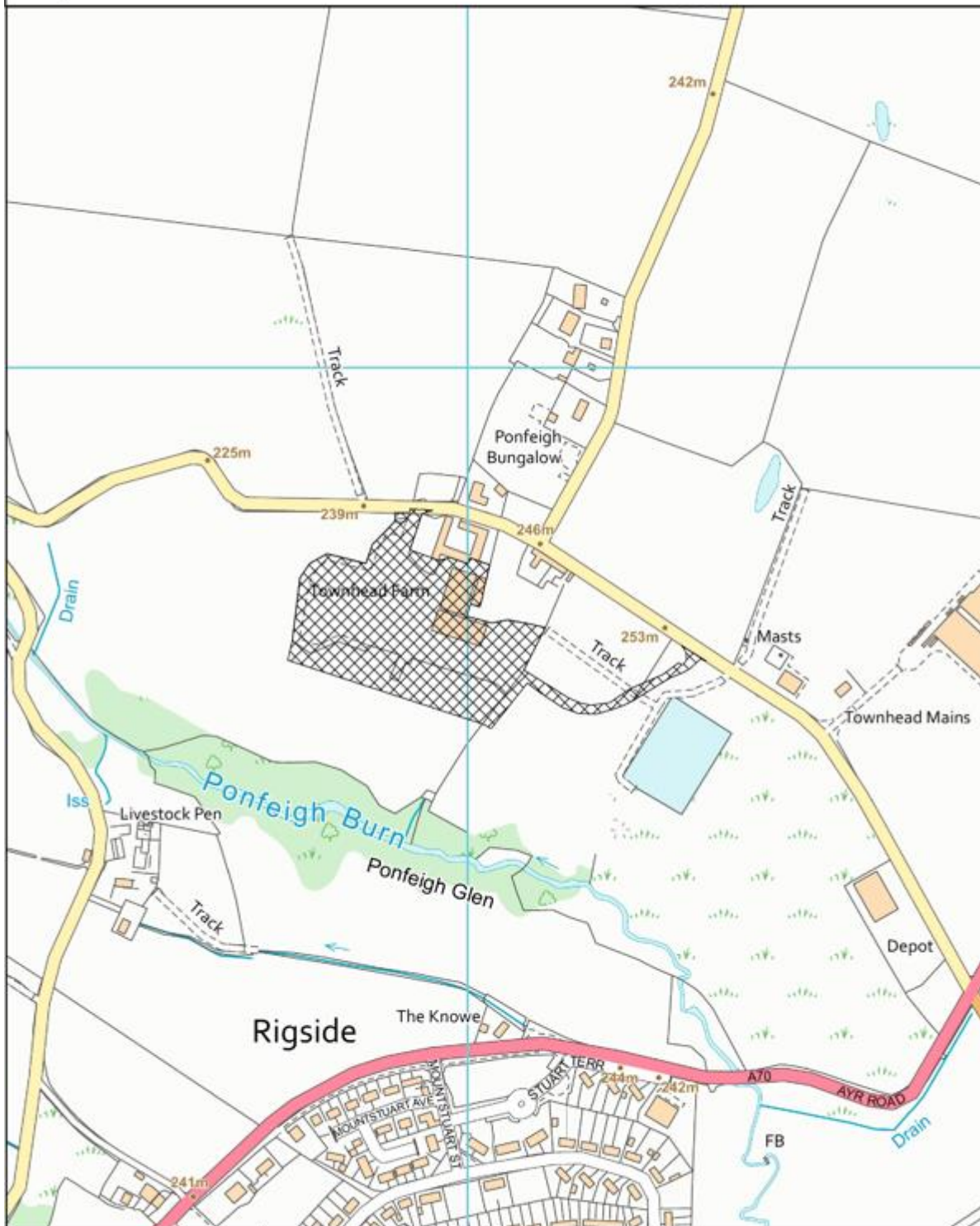
The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

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



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Scale:
1:5,000
Date:
13/07/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services