

Report

Report to:	Planning Committee
Date of Meeting:	6 June 2023
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/22/1247
Planning proposal:	Change of use from agricultural to horticultural and landscape gardening yard and orchard for soils, gravel and a maximum of 2 screened off shipping containers

1 Summary application information

- Application type: Detailed planning application
- Applicant: GGM Limited
- Location: Land 50M Northeast of Dalton School Lodge
Flemington Road
Cambuslang

2 Recommendation(s)

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

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached.

2.2 Other actions/notes

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

3 Other information

- ◆ Applicant's Agent: Gerard Creanor
- ◆ Council Area/Ward: 14 Cambuslang East
- ◆ Policy Reference(s): **National Planning Framework 4**
Policy 1 - Tackling the Climate and Nature Crises
Policy 2 - Climate Mitigation and Adaptation
Policy 8 - Green Belts
Policy 26 - Business and Industry

Adopted South Lanarkshire Local Development Plan 2

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 14 - Natural and Historic Environment

Policy GBRA2 - Business Proposals within Green Belt and Rural Area

Policy DM1 - New Development Design

◆ Representation(s):

▶	17	Objection Letters
▶	1	Support Letter
▶	0	Comment Letters

◆ Consultation(s):

Roads Development Management Team

Environmental Services

West of Scotland Archaeology Service

Planning Application Report

1 Application Site

- 1.1 The application site is an open area of agricultural land located within the Green Belt and is adjacent to the settlement boundary of Cambuslang. The site area is approximately 0.4 hectares and is bound to the north-east by Hamilton Road, to the north-west by Flemington Road, the south-west by Dalton School House and the south east by agricultural land. The site is located 10 metres east of a major new housing development and would be accessed from Flemington Road, where a new access would be formed. The site is currently covered in rough grassland with boundary planting of trees and shrubs along the north-east and south-west boundaries. The site gradient rises gradually from the north of the site to the south.

2 Proposal(s)

- 2.1 Detailed planning permission is sought for the change of use from an agricultural field to a horticultural and landscape gardening yard, an orchard, storage for soils and gravel and the siting of a maximum of 2 screened off shipping containers. Entrance to the site would be from Flemington Road with the gates set back from the road. The site would be bound by a 2-metre-high fence with boundary planting proposed along most of the site boundary. The site would contain an area for growing trees, storage booths for gravel, bark and sand and two shipping containers for lockable storage. The site would also provide 6 parking spaces constructed from a permeable surface material, 2 electrical charging points and a vehicle turning circle.

3 Development Plan

3.1 National Planning Framework 4

- 3.1.1 The National Planning Framework 4 was approved by the Scottish Ministers on 13 February 2023 and now forms part of the Development Plan. National Planning Framework 4 (NPF4) provides 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.

- 3.1.2 In respect of NPF4 the following policies are of relevance in the assessment of this proposal:-

- ◆ Policy 1 - Tackling the Climate and Nature Crises
- ◆ Policy 2 - Climate Mitigation and Adaptation
- ◆ Policy 8 - Green Belts
- ◆ Policy 26 - Business and Industry

3.2 South Lanarkshire Local Development Plan 2

- 3.2.1 The site is identified within the adopted South Lanarkshire Local Development Plan 2 (2021) (SLLDP2) as being located within the Green Belt. The following policies require to be taken into consideration:-

- ◆ 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 14 - Natural and Historic Environment
- ◆ Policy GBRA2 - Business Proposals within Green Belt and Rural Area
- ◆ Policy DM1 - New Development Design

3.3 **Planning Background**

- 3.3.1 Planning Application P/22/0628 for the change of use from agriculture to landscape gardening company yard and store for soils, gravel and siting of two shipping containers was validated on 17 May 2022. The application was withdrawn by the applicant on 8 July 2022.

4 **Consultation(s)**

- 4.1 **Roads and Transportation Services (Development Management)** – raise no objection to the proposed development subject to a number of relevant conditions relating to matters such as parking, visibility, footpath provision and signage.

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

- 4.2 **Environmental Services** – raised no objection to the proposed development subject to conditions in relation to noise levels from the site, commercial waste control, dust mitigation and an advisory note relating to the Health and Safety at Work Act 1974 etc, noise – construction and demolition, nuisance, demolition and pest control and contamination caution.

Response: Noted. Should planning permission be approved, the appropriate condition and advisory note would be attached to any decision issued.

- 4.3 **West of Scotland Archaeology Service** – the proposal raises no archaeological matters.

Response: Noted.

5 **Representation(s)**

- 5.1 Following the statutory period of neighbour notification and advertisement in the Rutherglen Reformer in relation to non-notification of neighbours, eighteen letters of representation (17 objection and 1 support) have been received. The issues raised are summarised as follows:-

- ◆ Road, traffic and pedestrian safety implications
- ◆ Inappropriate use in the Green Belt
- ◆ Noise, light and dust implications
- ◆ Archaeological concerns
- ◆ Implications for local wildlife
- ◆ Disregard for planning protocols
- ◆ Removal of existing trees

- 5.2 The above issues are considered in section 6 of this report and full copies of the representations are available to view on the planning portal.

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 National Planning Framework 4 2023 (NPF4) and the adopted South Lanarkshire Local Development Plan 2 2021 (SLLDP2).

- 6.2 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. The proposal would involve the extensive planting of trees and shrubs for the boundary planting and horticultural stock at the site, which would assist with reducing local CO₂ levels. The plans also contain the proposal to provide two electrical vehicle charging

points. It is, therefore, considered that the proposed development would comply with the aims of Policy 1 or 2 of NPF4.

- 6.3 Policy 8 - Green Belts of NPF4 advises that proposals within the Green Belt will be supported if they are for the creation of woodland, horticulture, including market gardening. This policy also requires that the purpose of the Green Belt at the location is not undermined. The development of the site is proposed to locate an expanding landscaping and horticultural business with the requirement to cultivate trees and shrubs for landscaping proposals at this location. The function of the Green Belt would not be undermined as there are no permanent structures proposed within the site and the temporary shipping containers can be easily removed if required.
- 6.4 The proposed parking and hardstanding would be constructed of a permeable surfacing material. This would allow for the through growth of vegetation and the site would be able to return to a natural state without intervention if the use discontinued at the site. It is therefore considered that the proposed use is acceptable in terms of Policy 8 and that the proposal would not permanently impact on the purpose of the Green Belt and, as such, complies with Policy 8 of NPF4.
- 6.5 Policy 26 - Business and Industry of NPF4 seeks to encourage, promote and facilitate business and industry and that recovery within business and industry is sustainable and inclusive. Proposals shall take into account the impact on surrounding residential amenity and the natural and historic environment. There also needs to be consideration for appropriate site restoration at the end of a period of commercial use. This proposal would facilitate the expansion of a local horticultural and landscaping business. The temporary nature of the proposed structures would not permanently impact on the natural environment and consideration has been given to the restoration of the site to a natural form should the business use end. The applicant has advised that the business supports a significant number of local employees and also has an apprenticeship programme for staff members. The type of business is considered an appropriate use within the Green Belt and a number of conditions to control the use, what is stored at the site, boundary fencing and planting can be added if the proposal is approved.
- 6.6 In terms of the adopted South Lanarkshire Local Development Plan 2, Policy 1 - Spatial Strategy of the SLLDP2 states that the LDP will encourage sustainable economic growth and regeneration and protect and enhance the built and natural environment. The proposal would contribute to the sustainable economic growth of South Lanarkshire and the temporary nature of the structures and parking areas within the site would not have a permanent lasting impact on the natural environment at this location. It is therefore considered that the proposed development complies with Policy 1 Spatial Strategy.
- 6.7 Policy 2 – Climate Change states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. The proposed development would facilitate a substantial amount of tree and shrub planting at the site which mitigate against the effects of climate change and, as such, is considered to comply with Policy 2 of the SLLDP2.
- 6.8 Policy 4 - Green Belt and Rural Area of the SLLDP2 advises that the purpose of the Green Belt is to direct development to the most appropriate locations and support regeneration, protect and enhance the character, landscape setting and identity of the settlement. The proposed site is located on land identified in the SLLD2 as Green Belt and is directly opposite the settlement boundary which includes a site for residential development. The proposed use as a landscape and horticultural yard would primarily

be used to store and grow materials to be used to support an expanding horticultural business. It is considered that, with a comprehensive range of operational conditions, that the proposal complies with Policy 4 - Green Belt and Rural Area of the SLLDP2.

- 6.9 Policy 5 - Development Management and Placemaking advises that proposals should have no unacceptable significant adverse impacts on the local community and the environment, and that the development shall not have an unacceptable significant adverse impact on the amenity of any nearby residential properties in terms of overshadowing, overlooking or other loss of residential amenity as a result of light, noise, odours, dust or particulates or other emissions. The site would be opposite a new housing development, however, there would be no built structures which would impact on the privacy of adjacent residential properties. An objection raised a potential issue relating to dust from the site. The site would remain predominantly surfaced in vegetation which is unlikely to result in a significant increase of dust levels from the site. However, should issues relating to dust levels arise, this can be measured and monitored by the Council and any required mitigation measures can be implemented.
- 6.10 Policy 8 - Employment of the local development plan states that the Council will support sustainable economic growth and regeneration by encouraging the development of business in South Lanarkshire through the identification of employment land use areas. Proposals for business developments out with the identified land will be assessed against the relevant SLLDP2 policies which apply in the area where they are located. As mentioned previously, the mixed nature of the land type required for this type of business is not ideally located within an industrial site as land for horticulture is rarely available. The applicant has advised that the business employs a substantial number of local people and that a larger site where materials can be stored and grown on site would assist with the economic growth and additional employment opportunities. There is a justifiable reason for the proposed location which would support the economic growth of the business and, as such, the proposal is compliant with Policy 8 of the SLLDP2.
- 6.11 Policy GBRA2 - Business Proposals within Green Belt and Rural Area of the local development plan states that agricultural, forestry and horticultural developments are considered appropriate in the Green Belt and Rural Area. Given that the proposal relates to a landscaping and horticultural business, the proposal is considered to comply with Policy GBRA2.
- 6.12 It is noted that trees have been removed at the entrance of the site to achieve the required visibility splays. The trees removed were not in a protected Conservation Area, associated with a Listed Building or subject to a Tree Preservation Order. The existing trees along the boundary with Hamilton Road and Dalton School Lodge are considered to contribute to the local character and visual amenity. The proposal is therefore not considered contrary to Policy 14 of the SLLDP2.
- 6.13 Policy DM1 - New Development Design states that new development will require to promote quality and sustainability in its design and layout and should enhance or make a positive contribution to the character and appearance of the urban or rural environment in which it is located. The policy also requires that new development shall respect the local context and be appropriate to the character and topography of the site in terms of layout, scale, proportion, massing and appearance of buildings, structures and landscaped and hard surfaced areas. It is considered that the siting of the landscaping and horticultural yard at this location respects the character and appearance of the Green Belt as the appearance of the temporary buildings will reflect the setting with appropriate cladding. Although the proposal is located within the Green Belt, the site is on the settlement edge and is accessible by public transport. It

is considered that with the inclusion and compliance with the relevant conditions, that the proposal would be acceptable in terms of Policy DM1.

- 6.14 A comprehensive set of conditions in relation to roads matters have been attached following consultation with the Roads Service covering matters such as access, parking, pedestrian provision and construction management. It should also be noted that the West of Scotland Archaeology Service has confirmed that the proposal raises no archaeological matters and Environmental Services are satisfied that there will be no issues in relation to noise light or dust subject to appropriate conditions being applied. In addition, the applicant is required to liaise with BT Openreach in relation to the existing telegraph poles on site. The Planning Service would recommend that a temporary (3 years) and personal consent for the development proposal be included to allow for a period to assess the operation of the development and the compliance with any conditions attached to the decision notice. The applicant would also be made aware that there would be a number of conditions which would require to be discharged before works commenced on site. Whilst it is acknowledged that some work has commenced on site, these works have been suspended until further notice.
- 6.15 In conclusion, it is noted that the principle for this type of business, at this location is supported by NPF4 and SLLDP2 policies. The proposal is for the expansion of an existing local landscaping and horticultural business which provides local employment. The site is accessible by public transport and would have no significant or permanent impact on the Green Belt or the natural or historic environment. There are no objections from statutory consultees. It is therefore recommended that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposed development would have no significant adverse impact on the Green Belt setting or local amenity and complies with Policies 1, 2, 7, 8 and 26 of NPF4 (2023) and Policies 1, 2, 4, 5, 8, 14, GBRA2 and DM1 of the South Lanarkshire Local Development Plan (2021).

David Booth

Executive Director (Community and Enterprise Resources)

26 May 2023

Previous references

♦ P/22/0628

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ NPF4
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 09.09.2022

- ▶ Consultations
 - Roads Development Management Team 12.04.2023
 - Environmental Services 23.09.2022
 - West of Scotland Archaeology Service 07.06.2022

Contact for further information

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

Iain Morton, Team Leader, Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA

Phone: 07551 842 788

Email: iain.morton@southlanarkshire.gov.uk

Conditions and reasons

01. That the granting of planning consent is for a temporary period of three years and shall expire after three years from the date of the consent.

Reason: To allow for a period to assess the operation on site and to retain effective planning control.

02. In the event that a further planning application is not approved after the temporary three-year period, all structures on the site must be removed and the site reinstated to the satisfaction of the planning authority.

Reason: In order to ensure the satisfactory reinstatement of the land and in the interests of visual amenity.

03. That this permission shall operate for the benefit of Jordan Grant of GGM Limited only and for no other person and on the discontinuance of the occupation of the site by the said person, the hereby approved use shall cease to the satisfaction of the Council as Planning Authority.

Reason: Permission is granted in this case solely because of the business requirements of the applicant.

04. That within one month of the date of the planning approval, full details of the proposed boundary tree planting shall be submitted to and approved in writing by the Council as Planning Authority. This will include details of the species and maturity and shall be carried out in accordance with those details. The approved planting scheme shall be implemented within the first available planting season.

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

Reason: To safeguard and enhance the amenity of the area and to enhance its setting within the immediate locality.

05. That before any development commences on site or before any materials are ordered or brought to the site, details of the proposed fencing and gates to be erected at the site shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

06. That before any development commences on site details of timber cladding for the shipping containers shall be submitted to and approved by the Council as Planning Authority. The approved cladding shall be attached to the shipping containers within one month from the date the materials are approved.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

07. That prior to any works commencing on site, the applicant shall take down the existing metal parapet wall and stone abutments in accordance with drawing 022-326-006 (Revision A) and that the applicant ensure that all stages of the works are inspected by the Council's Bridges and Structures Section and approved prior to any works being backfilled or the new footway and vehicular access works being progressed.

Reason: In the interest of road and pedestrian safety.

08. That the applicant shall arrange for the existing street lighting column R1 on Flemington Road to be relocated by the Council's Street Lighting Department at the applicant's expense and that these works be completed prior to final surfacing of the new footway.

Reason: To ensure the street lighting column is positioned on the new footway.

09. That the applicant shall arrange for the existing back-to-back 40mph/National Speed Limit sign on Flemington Road to be relocated to the back of the new footway on a 76mm diameter galvanised pole with mounting height to underside of both signs being 2300mm and that these works be completed prior to final surfacing of the new footway.

Reason: To ensure the speed limit sign is correctly positioned on the new footway.

10. That prior to the site hereby approved being completed or brought into use, a 2.5metre by 43metre visibility splay, as shown on drawing 022-326-002 (Revision D), shall be provided and maintained by the applicant in both directions from the new access onto Flemington Road such that no obstructions greater than 1.05metres in height shall be permitted within the visibility splays when measured above the adjacent nearside road channel level, and that the visibility splay shall be maintained by the site owner free of any obstructions or planting all to the satisfaction of the Council as Planning and Roads Authority.

Reason: In the interest of road safety and ensure the required visibility splays are maintained.

11. That a 4.5 metre by 215 metre visibility splay shall be maintained in perpetuity looking east along Hamilton Road therefore no material storage, plants, trees, equipment, vehicles, buildings or storage containers shall be located within the development site hereby approved within this visibility splay.

Reason: In the interest of road safety and ensure the required visibility splays are maintained.

12. That prior to the site hereby approved being completed or brought into use, a new 2.0metre wide pedestrian footway shall be formed on Flemington Road across the site frontage and be extended to the existing footway on Hamilton Road incorporating a 2.0metre wide pedestrian dropped kerb on both sides of the new site access.

Reason: To ensure the provision of a pedestrian footway to access the site.

13. That the proposed vehicular access shall incorporate a flush bullnose kerb set 2.0metres behind and parallel to the nearside road channel line of Flemington Road to delineate the limit of proposed adoption and that a flush heel kerb shall be laid within the new footway to delineate the limit of footway adoption.

Reason: To delineate the footpath adoption area.

14. That prior to the site hereby approved being completed or brought into use the site access shall be formed generally in accordance with drawing 022-326-002 (Revision D) and 022-326-007 (Original) and to the specification to be agreed in writing with the Council and thereafter shall be implemented in accordance with the approved drawings and specification and thereafter maintained all to the satisfaction of the Council as Planning and Roads Authority.

Reason: In the interest of road and pedestrian safety.

15. That the proposed vehicle access gate shall be located 18 metres back from the nearside channel line of Flemington Road as shown on drawing 022-326-002 (Revision D) and open inwards to the site.

Reason: In the interest of road safety.

16. That prior to works commencing on site the applicant shall submit a Stage 2 Road Safety Audit and Designer's Response in support of the Road Construction Consent application relating to the proposed access and footway works; 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 Planning Authority.

Reason: In the interest of road safety.

17. That prior to the site hereby approved being completed or brought into use the applicant shall form 6 No car parking spaces and these shall be laid out generally in accordance with the drawing 022-326-002 (Revision D) and that the spaces be provided in 2.5metre by 5.5metre modules. The car parking spaces shall be constructed of permeable grass surfacing materials.

Reason: To ensure the provision of parking facilities at the site which minimises the visual and environmental impact of any hard standing within the Green Belt setting.

18. That prior to the site hereby approved being completed or brought into use the applicant shall install and then maintain 1No dual charge units (or 2No single charge points) as shown on drawing 022-326-002 (Revision D) and in accordance with the Council's supporting planning guidance for electric vehicle charging points (August 2022).

Reason: In the interest of sustainability and climate change.

19. That prior to commencement of any works on site 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 off Flemington Road via Hamilton Road. The TMP shall include wheel washing arrangements ensuring Flemington Road is kept clear of deleterious material, delivery routes, compound layout, construction staff parking, on-site turning area and arrangements for a road dilapidation survey of Flemington Road. 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 interest of road and traffic safety.

20. That prior to any works commencing on site, 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: To assess the road condition prior to the occupation of the site and to ensure that any required repairs are implemented.

21. 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.

22. That only materials which relate to the landscaping business shall be stored at the site.

Reason: To safeguard the amenity of the area.

23. That no consent is hereby approved for any floodlighting at the site. Any proposed flood lighting will require the submission of a further planning application.

Reason: To safeguard the surrounding amenity and road safety.

24. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any such order revoking or re-enacting that order), the use of the site hereby approved shall be restricted to use as a landscaping and horticultural yard and for no other purpose without the prior written consent of the Council as Planning Authority and no visiting members of the public are permitted to visit the site at any time.

Reason: To ensure that the Council retains control over future developments on the site.

25. That the existing trees along the north-eastern boundary with Hamilton Road and the south-western boundary with Dalton School shall be retained. Any works to the trees will require further written approval from the Council as Planning Authority.

Reason: to safeguard the existing amenity of the area.

26. 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 Sustainable Drainage Design Criteria and shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved 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.

27. That prior to the site hereby approved being completed or brought into use, the first 18 metres of the site access shall be surfaced in a bound material and trapped to prevent any surface water or deleterious material from entering Flemington Road all to the satisfaction of the Council as Planning and Roads Authority.

Reason: In the interest of road and traffic safety.

28. That the hours of operation at the site shall be:

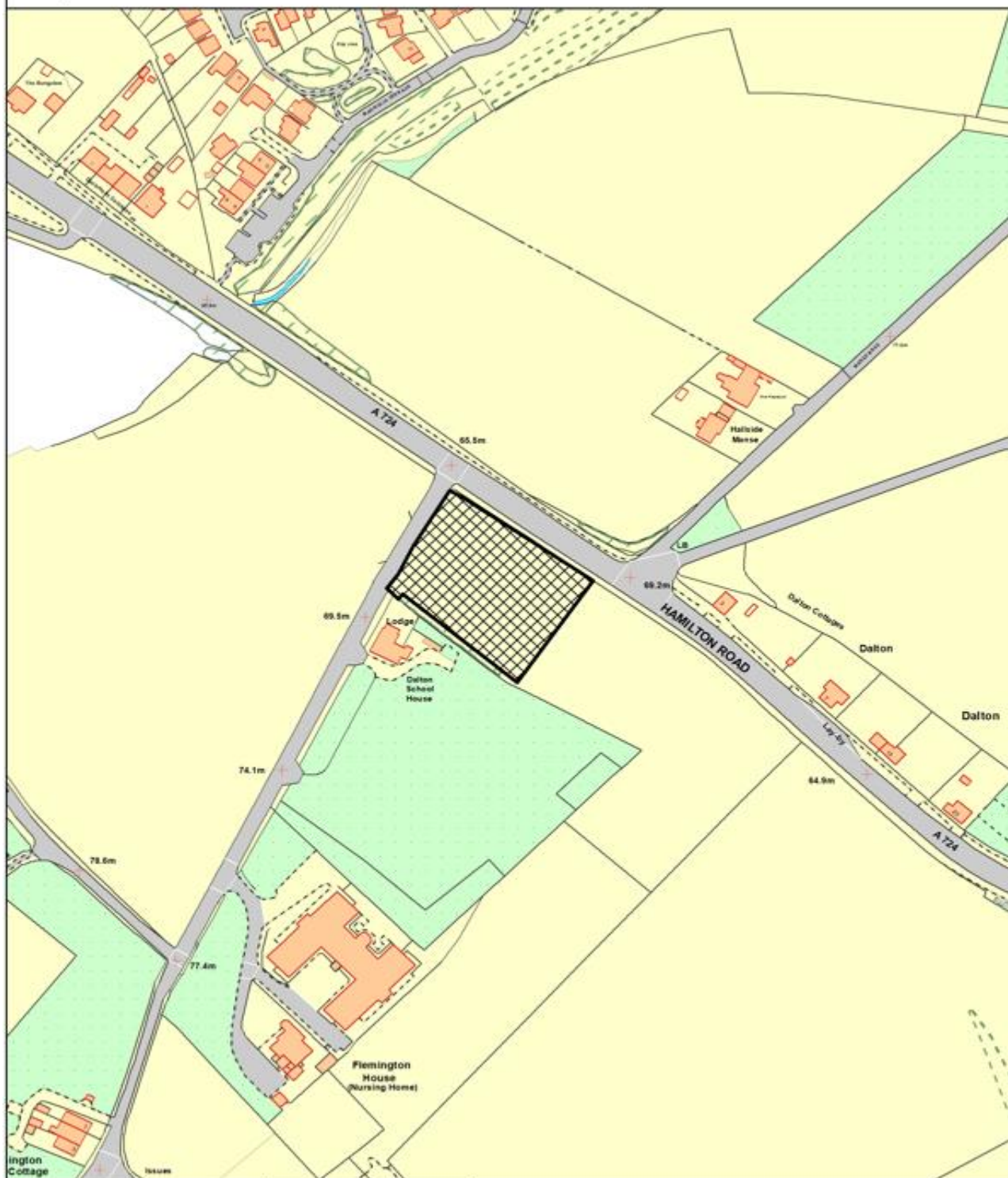
8am - 7pm Monday – Friday

8am - 1pm Saturday

No audible operations on Sunday

Reason: In the interest of amenity and in order to retain effective planning control.

P/22/1247 Land 50m North East of Dalton School Lodge, Flemington Road, Cambuslang



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Scale:
1:2,500
Date:
25/05/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services