

Report

Report to:	Planning Committee
Date of Meeting:	23 February 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/1728
Planning proposal:	Siting of temporary accommodation associated with outdoor children's nursery

1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr John Hendrie
Location:	Land 100 metres north of 1 Blueknowes Road Blueknowes Road Law Carluke South Lanarkshire

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.
- (2) A corresponding planning application for this same site and proposal has been submitted under reference P/20/1006 Change of use of agricultural land (sui generis) to form an outdoor children's nursery (Class 10) associated access and parking which is also presented for determination to this Planning Committee.

3 Other information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s): **Proposed SLDP2:**
Policy 3 General Urban Areas
Policy 5 Development Management and Placemaking

Supplementary Guidance 3: Development Management, Placemaking and Design
Policy DM13 Development within general urban area/settlement
South Lanarkshire Local Development Plan:
Policy 4 Development management and placemaking
Policy 6 General urban area/settlements

◆	Representation(s):		
	▶	6	Objection Letters
	▶	0	Support Letters
	▶	0	Comment Letters
◆	Consultation(s):		
	None		

Planning Application Report

1 Application Site

- 1.1 The application site relates to an open field sited to the rear of residential properties, 58 and 60 Blueknowes Road, accessed via Blueknowes Road. The application site includes part of a tree lined track on its western boundary known as Blueknowes Road. The other boundaries are marked by a post and wire fence and boundary trees or hedges. To the north and west of the application site lies open land designated as the Green Belt. To the east of the site lies open land situated within the settlement boundary of Law. To the south of the site there are 4 residential properties. The application site includes Blueknowes Road, a private road connecting the site to the public road, Brownlee Road.

2 Proposal(s)

- 2.1 The proposal is to site a temporary building to provide shelter and toileting in association with an outdoor nursery. The portacabin building measures 2.97 metres in overall height and 14.5 metres by 4 metres wide sited on 300mm concrete pads and on jack legs. The change of use of the field to an outdoor nursery has been applied for separately under reference P/20/1006 and is also being presented to this Committee.
- 2.2 The applicants currently operate a childminding business from their property located at 1 Blueknowes Road, sited to the west of the site. The proposal is to relocate that childminding business from their dwellinghouse to this field. The childminding business caters for up to 7 children. The proposed outdoor nursey will cater for up to 10 children. The supporting statement details that the outdoor nursey will be operated by the applicant's family and the same people as the childminding business, which consists of 2 staff residing at 1 Blueknowes Road. Therefore, the proposal is to relocate an existing childminding business from a residential property to an adjacent field. The recommendation for the change of use application is for the overall numbers in the nursery to be limited to 10.

3 Background

3.1 Local Development Plan Status

- 3.1.1 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2 (SLLDP2) where a number of modifications to the Plan were recommended. At the Planning Committee on 1 December 2020, members agreed to the approval of all of the modifications; the publication and public deposit of the Plan, as modified; and the submission of the Plan to Scottish Ministers.
- 3.1.2 For the purposes of determining planning applications, the Council will, therefore, assess these against the policies contained within the adopted South Lanarkshire Local Development Plan (SLLDP) and those within the proposed SLLDP2. As the SLLDP2 is now approved for adoption, when considering planning applications, greater weight should be given to the policies and guidance contained in this Plan. If the relevant proposed SLLDP2 policy differs materially from those in the adopted SLLDP, this will be discussed within the assessment section of this report.
- 3.1.3 In land use terms, the application site is identified within this adopted SLLDP as a housing land supply site. However, following the 2019 housing land audit the site is no longer identified as a housing land supply site in the proposed SLLDP2. The application site is within the settlement boundary and designated as part of the general urban area of Law. As such, Policy 6 General Urban Area and Policy DM13 Development in the General Urban Area of the adopted SLLDP and Policy 3 General

Urban Area of the proposed SLLDP2 apply. These policies seek to retain the character and amenity of the general urban area which is predominately residential.

- 3.1.4 Policy 4 (Development Management and Place Making) of the adopted SLLDP and corresponding Policy 5 (Development Management and Place Making) of the proposed SLLDP2 are also considered to be relevant. These policies require all development proposals to take account of, and be integrated with, the local context and built form and also consider access and parking arrangements.

3.2 **Relevant Government Advice/Policy**

- 3.2.1 Scottish Planning Policy (SPP) provides guidance on various topics including business and employment and valuing the natural environment. SPP encourages local authorities to ensure there are suitable sites to meet the diverse needs of different sectors and sizes of business and accommodate changing circumstances and realisation of new opportunities. Planning should also support opportunities to enjoy and learn about the natural environment. Planning should direct the right development to the right place. Supporting development which is distinctive, safe and pleasant, welcoming, adaptable, resource efficient and easy to move around and beyond.
- 3.2.2 The Scottish Government policy statement on early education and care details a commitment to increasing outdoor play and learning. Scotland's Outdoor Play and Learning Coalition Position Statement details the various benefits of outdoor play, including improved physical health, mental, social and emotional wellbeing.

3.3 **Planning Background**

- 3.3.1 There is no previous planning application history on this site. A separate application, P/20/1006, has been submitted for a change of use of an agricultural field to outdoor nursery. The two elements have been applied for separately as a temporary building would only be granted a temporary permission as the building is not designed to last in the long term.

4 **Consultation(s)**

- 4.1 None

5 **Representation(s)**

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local press for non-notification of neighbours. A total of 6 representations have been received. The content of which is summarised and responded to below.

a) **Query as to whether the private road would be upgraded prior to any heavy plant/machinery being used to deliver modular building**

Response: During the assessment of planning application P/20/1006 Roads and Transportation Services were consulted and requested improvements were made to the private road to ensure it was desirable to patrons. It is the responsibility of the owner of the private road and operator of the business arranging delivery of the modular building to ensure suitable site access for construction purposes. The maintenance or any damage to a private road is a private legal matter.

b) **Queries as to what services and connections would be made – i.e. heating, sewerage, lighting and whether these are to be separate of 1 Blueknowes Road. The mains sewerage connection would require input from Scottish Water and SEPA. Would residents be subject to a constant pumping noise if a pump is required for sewerage.**

Response: The Supporting Statement details the cabin is to be connected to mains electricity and plumbed to mains water and sewerage. Whether or not these are separate of 1 Blueknowes Road is not relevant to the planning assessment. The applicant will require to make relevant contact with utility companies to provide these services.

- c) **Blueknowes Road was inaccessible in recent adverse weather by the refuse collection team, who is responsible/liable to ensure the road was free of snow and ice.**

Response: The applicant is the operator of the proposed nursery and the owner of the private road, as detailed on the application form. It would be the responsibility of the operator of the business to ensure the access is suitable for use by patrons, including in adverse weather conditions.

- d) **Requests clarification over the phrase ‘temporary accommodation’ is that it is not permanently fixed down or length of time sited**

Response: The phrase relates to the design of the building i.e. it is a building designed to last for a temporary basis, can be relocated or removed and would not be permanent. For that reason, the applicant was advised this type of building would only be permitted on a temporary basis and to submit a separate planning application for the building.

- e) **If the application was approved, does this enable the land to be developed further in the future.**

Response: Each proposal is assessed on its own merits against the relevant planning policies at the time. It should be borne in mind that the application site was until recently allocated as housing land and is within the settlement boundary. It is not part of the Green Belt.

- f) **Concerns in relation to the view of properties of 58 and 60 Brownlee Road**

Response: The right to a view is not a planning matter. The assessment considers whether a proposal would be overbearing or lead to loss of light or privacy. Given the distance of the temporary building from the rear of these properties and its scale, there is unlikely to be any significant loss of light or privacy and it will not be overbearing.

- g) **This is not a ‘gap site’ and our Green Belt requires to be protected for mental health and well being.**

Response: This site is allocated as part of the settlement boundary of Law. It is not designated as Green Belt. The desire for protection of the Green Belt is noted. The development of the temporary accommodation and the outdoor nursery does not prevent residents using Blueknowes Road as a walking route and enjoying the surrounding Green Belt.

- h) **Concerns relating to the suitability of a modular building and wider site as appropriate shelter for an outdoor nursery facility**

- ◆ **in relation to disabled access and whether a ramp is required and wheelchair access**
- ◆ **whether the cabin would be risk assessed**
- ◆ **maintenance of the cabin**
- ◆ **meets national space standards for childcare**
- ◆ **whether heating and ventilation would meet sustainable energy use and health protection Scotland requirements in relation to COVID-19**

- ◆ **whether any mains electricity cabling which is overhead is a danger and needs to be underground**
- ◆ **security of the site for children**

Response: Planning's assessment relates to the use of the land and the impact on the wider environment and residents. Planning conditions cannot cover the duties of other regulatory bodies. The suitability of the building for the purpose, in this case, would be guided by regulations governing childcare, such as The Care Inspectorate, and any building warrant process if required. If further works are required as a result of these regulations, they may require further planning permissions dependent on their scale. Building maintenance is the responsibility of the owner. It is for the operator to consider and meet current COVID-19 regulations and consider any health and safety regulations. However, as modular buildings can deteriorate on a quicker basis than permanent buildings. This is part of the reasoning for imposing a temporary planning permission, if granted.

- i) **If demand increased will there be a possibility of additional modular buildings on site?**

Response: Any additional modular buildings on site would be subject to further planning permission. The related planning application for the change of use to outdoor nursery has been recommended to be limited to 10 children on the basis of the suitability of the access and parking. Therefore, if demand and numbers were to increase, a wider assessment of the suitability of the site would be required.

- j) **Is there any infrastructure required around the cabin for paths, prams and buggys?**

Response: The applicant has advised that the temporary accommodation is the only development required.

- k) **Query whether the proposal makes provision for sustainable drainage of water, it is not clear from the application form**

Response: The proposal is not at the scale which would require consultation from the Council's Flooding service. As with many smaller scale proposals, it is the landowners responsibility to ensure suitable surface water drainage and avoid impact on any neighbouring land. The applicant has advised the intention is to use a waterbutt for a rainwater harvesting system.

- l) **Is a coal mining report required?**

Response: Where a proposal is a change of use and includes non-permanent structures with no significant ground works, no Coal Mining Risk Assessment is required. It is considered 300mm concrete pads are not significant ground works. The relevant informative on conducting exempt works within a High Risk Coal Area shall be added to any permission granted.

- m) **Trees that have been planted are planted against the perimeter fence with 58 and 60 Brownlee Road, these could cause ground disturbance and canopies could encroach over and into neighbouring properties.**

Response: Planning permission is not required to plant trees. A landscaping condition has been added to any permission granted for the change of use. The applicant has advised that this planting consists of hedging to supplement existing hedges.

- n) **Queries regarding why Mr J Frame of neighbouring Birks Farm has not been notified and whether this would be rectified prior to the Planning Committee.**

Response: The Council carries out neighbour notification and identifies the properties to be lettered. All properties within 20 metres of the red line site boundaries are required to be lettered. The dwellinghouse of Birks Farms lies out with 20 metres of the red line boundary. Where there is open land within the 20 metre buffer i.e. farm land, an advertisement for non-notification of neighbours is put in the local press. As the Council does not carry records of who owns land. The advertisement in the local press has been carried out.

- o) **There will be an increase in traffic volume generated as children numbers increase from 7 to 10. Access has been denied to local farmer and local walkers on Blueknowes Road as the applicant has parked his trailer in front of it since 2018/2019. Query as to whether the private road would upgraded to a tarmac road surface.**

Response: These comments are relevant to application P/20/1006 and have been responded to in that report.

- p) **Request assurances that the overall height of the portacabin will not exceed 3.5 metres once on foundation.**

Response: The applicant has advised the portacabin will be sited on 4 concrete pads off 300mm with jack legs to stabilise. This would not significantly alter the overall height of the portacabin, nor would it take it over 3.5 metres, which is considered to be suitable.

5.2 These letters are available for inspection on the planning portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks planning permission to site a temporary building in association with an outdoor nursery. The main planning considerations in determining the application are whether the proposal complies with the development plan and the impact upon the general urban area of Law, residential amenity and access arrangements.
- 6.2 The wider outdoor nursery's impact on residential amenity, access and parking arrangements have been considered under a separate planning application, P/20/1006. It is not considered the temporary accommodation raises any additional concerns in relation to impact on residential amenity, access or parking arrangements. The proposal, therefore, meets the terms of Policies 4, 6, and DM13 of the adopted SLLDP and Policies 3 and 5 of the proposed SLLDP2.
- 6.3 The temporary accommodation is being considered separately due to the design of the portacabin being of a temporary nature. It would, therefore, be inappropriate to grant a permanent planning permission. This is in accordance with the planning policies which relate to types of temporary accommodation, i.e. for extended family or in association with developing rural business. This allows appropriate controls over the building should it deteriorate and permits the applicant time to develop the business and consider a more permanent solution. A temporary consent of 5 years is considered a suitable juncture to re-consider the temporary accommodation.
- 6.4 The change of use to an outdoor nursery which has been assessed under planning reference P/20/1006 has been considered as a suitable use for the general urban area. The proposal relates to the relocation of an existing business which already uses Blueknowes Road. Suitable parking arrangements on the private road have

been proposed for the scale of the proposal. It is considered appropriate to limit the maximum numbers of the nursery to 10 as numbers beyond this would require further assessment to the suitability of the access, parking and impact on residential amenity. It is not appropriate to issue a planning permission with a portion of it being temporary. Therefore, the applicant was advised to apply separately for the temporary accommodation. It should be noted that both aspects of the proposal are interdependent and one could not function without the other.

- 6.5 In conclusion, it is considered that the outdoor nursery use is a suitable use for the location. The temporary accommodation is an essential part of the infrastructure for the outdoor nursery. It is small scale, simple in form and does not raise any significant adverse issues in terms of residential or visual amenity. The proposal is acceptable and it is, therefore, recommended that a temporary planning permission of 5 years is granted.

7 Reasons for Decision

- 7.1 The proposal relates to temporary accommodation in association with an outdoor nursery, applied for separately under P/20/1006. The temporary accommodation is an essential part of the infrastructure for the outdoor nursery. It is small scale, simple in form and does not raise any significant adverse issues in terms of residential or visual amenity. Due to the non-permanent design of the building proposed, it is appropriate to issue a temporary consent. The proposal meets the terms of Policies 4 and 6 of the adopted South Lanarkshire Local Development Plan 2015 and Policy DM13 of the relevant associated supplementary guidance. The proposal also meets the terms of Policies 3 and 5 of the proposed South Lanarkshire Local Development Plan 2. There are no other additional material considerations which would justify refusing to grant planning permission.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

3 February 2021

Previous References

- ◆ None

List of Background Papers

- ▶ Application form
- ▶ Application plans
- ▶ Supporting Statement
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 11 December 2020
- ▶ Lanark Gazette advert dated 16 December 2020

- | | |
|---|------------|
| ▶ Representations | Dated: |
| Mr and Mrs J Wishart, 66 Brownlee Road, Law, Carluke,
South Lanarkshire, ML8 5JD | 21.01.2021 |
| Fiona Rundell, 65 Brownlee Road, Law, Carluke, South
Lanarkshire, ML8 5JD | 21.01.2021 |

Mr William Jeffrey, 58 Brownlee Road, Law, Carluke, ML8 5JD	29.12.2020
Mrs Carol Martin, 60 Brownlee Road, Law, Carluke, ML8 5JD	29.12.2020
Mr Neil Martin, 60 Brownlee road, Law, Carluke, ML85JD	29.12.2020 29.12.2020
Mr John Rundell, 65 Brownlee Road, Law, Carluke, South Lanarkshire, ML8 5JD	21.01.2021

Contact for further information

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

Fiona Bailie, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455271

Email: fiona.bailie@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/20/1728

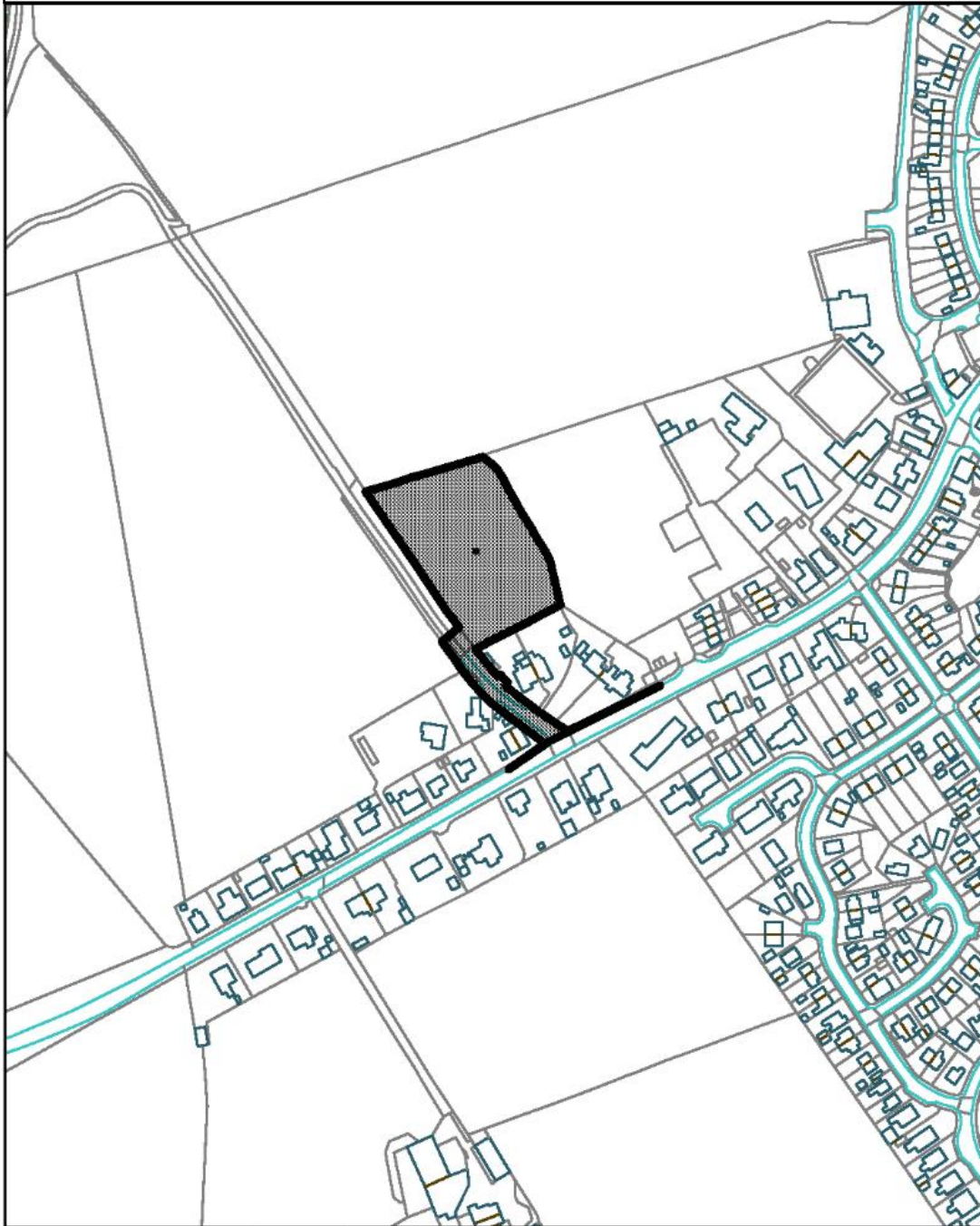
Conditions and reasons

01. That the permission hereby granted is for a temporary period only and shall expire on 21.01.2026. Thereafter, the temporary building shall be removed from site and the ground on which the building sited reinstated to its original condition to the satisfaction of the Council as Planning Authority within 3 months of the consent expiring.

Reason: The accommodation for the nursery is a temporary building and to ensure satisfactory reinstatement of the land.

P/20/1728

Land 100M North of 1 Blueknowes Road, Law



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Scale:
1:3,000
Date:
22/01/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development