



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 27 April 2020

Dear Councillor

Planning Committee

The Members listed below are requested to attend a meeting of the above Committee to be held as follows:-

Date: Tuesday, 05 May 2020

Time: 10:00

Venue: Committee Room 1, Council Offices, Almada Street, Hamilton, ML3 0AA

The business to be considered at the meeting is listed overleaf.

Yours sincerely

Cleland Sneddon
Chief Executive

Members

Isobel Dorman (Chair), Mark Horsham (Depute Chair), John Ross (ex officio), Alex Allison, John Bradley, Archie Buchanan, Jackie Burns, Stephanie Callaghan, Margaret Cowie, Peter Craig, Maureen Devlin, Mary Donnelly, Fiona Dryburgh, Lynsey Hamilton, Ann Le Blond, Martin Lennon, Richard Lockhart, Kenny McCreary, Davie McLachlan, Lynne Nailon, Carol Nugent, Graham Scott, David Shearer, Collette Stevenson, Bert Thomson, Jim Wardhaugh

Substitutes

John Anderson, Walter Brogan, Janine Calikes, Gerry Convery, Margaret Cooper, Allan Falconer, Ian Harrow, Ian McAllan, Catherine McClymont, Colin McGavigan, Mark McGeever, Richard Nelson, Jared Wark, Josh Wilson

BUSINESS

1 Declaration of Interests

- 2 **Minutes of Previous Meeting** 5 - 8
Minutes of the meeting of the Planning Committee held on 10 March 2020 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

- 3 **Application P/19/1792 for Erection of 56 Houses with Associated Roads and Landscaping at Land at Torheads Farm, Phase 8, Meikle Earnock Road, Hamilton** 9 - 26
Report dated 22 April 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 4 **Application P/19/1888 for Deletion of Part 9 of Section 75 Agreement Associated with Planning Consent HN/95/0630 Prohibiting Development Other than Access Roads at Land at Torheads Farm, Phase 8, Meikle Earnock Road, Hamilton** 27 - 34
Report dated 7 April 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 5 **Application P/20/0179 - Section 42 Application to Vary Condition 2 of Planning Consent CL/16/0482 Relating to a Leisure Development at Kersewell Mains Farm to Allow Details of External Lighting Arrangements to be included in Further Submissions for Approval** 35 - 46
Report dated 7 April 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 6 **Application P/19/1850 for Installation of 3.2 Kilometres 33kv Underground Cable and Associated Infrastructure and Substation at Kype Muir Wind Farm, Kype Highway, Strathaven** 47 - 58
Report dated 6 April 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 7 **Application P/20/0082 For Erection of 67 Houses (Including 16 Cottage Flats) with Associated Roads and Landscaping at Land 85 Metres North of 54 Tyne Avenue, Shields Road, East Kilbride** 59 - 72
Report dated 8 April 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 8 **Application P/19/1856 for Erection of 15 Flats (3 Storey Block) and 9 Houses (Semi-detached and Terraced) and Formation of Access Road, Associated Parking and Landscaping at Site of Former Columba Social Club, 52 Carlowrie Avenue, Blantyre** 73 - 88
Report dated 22 April 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 9 **Application P/19/0896 for Erection of Data Centre (Class 4 Business) and Associated 12MW Solar Farm and 7.5MW Gas Turbine with Light Industrial (Class 5) Area and Associated Infrastructure (Planning Permission in Principle) at Land 700 Metres North of Birkhill Mill, Cairnhouses Road, Douglas, Lanark** 89 - 102
Report dated 8 April 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)

- 10 Application P/19/0941 for Erection of Detached House and Formation of 4 House Plots at Land 50 Metres East of 10 Woodhall Road, Braidwood, Carluke** 103 - 118
Report dated 7 April 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 11 Application P/19/1665 for Demolition of 2 Houses and Erection of 21 Unit Residential Development and Associated External Works, Parking and Landscaping at 21 Douglas Street, Hamilton** 119 - 134
Report dated 22 April 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 12 Application P/19/1684 for Erection of House and Detached Double Garage at 93 Broompark Road, Blantyre** 135 - 146
Report dated 6 April 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 13 Application P/19/1698 for Installation of 2 Dormer Windows to House, Demolition of Outbuildings and Erection of Detached Garage with Attic Space at 1 Hill Cottage, Hill Road, Netherburn, Larkhall** 147 - 158
Report dated 8 April 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)

Urgent Business

14 Urgent Business

Any other items of business which the Chair decides are urgent.

For further information, please contact:-

Clerk Name: Pauline MacRae

Clerk Telephone: 01698 454108

Clerk Email: pauline.macrae@southlanarkshire.gov.uk

PLANNING COMMITTEE

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Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 10 March 2020

Chair:

Councillor Isobel Dorman

Councillors Present:

Councillor Alex Allison, Councillor John Bradley, Councillor Walter Brogan (*substitute for Councillor Margaret Cowie*), Councillor Stephanie Callaghan, Councillor Gerry Convery (*substitute for Councillor Bert Thomson*), Councillor Peter Craig, Councillor Maureen Devlin, Councillor Mary Donnelly, Councillor Fiona Dryburgh, Councillor Lynsey Hamilton, Councillor Mark Horsham (Depute), Councillor Ann Le Blond, Councillor Richard Lockhart, Councillor Kenny McCreary, Councillor Davie McLachlan, Councillor Lynne Nailon, Councillor Graham Scott, Councillor David Shearer, Councillor Jim Wardhaugh

Councillors' Apologies:

Councillor Archie Buchanan, Councillor Jackie Burns, Councillor Margaret Cowie, Councillor Martin Lennon, Councillor Carol Nugent, Councillor John Ross (ex officio), Councillor Collette Stevenson, Councillor Bert Thomson

Attending:

Community and Enterprise Resources

B Darroch, Area Manager, Planning and Building Standards Services (Hamilton); T Finn, Headquarters and Area Manager (Clydesdale), Planning and Building Standards Services; F Jack, Team Leader, Development Management Team, Roads and Transportation Services; T Meikle, Area Manager, Planning and Building Standards Services (Cambuslang/Rutherglen and East Kilbride)

Finance and Corporate Resources

M Canning, Legal Adviser; P MacRae, Administration Officer; G McCann, Head of Administration and Legal Services; K McLeod, Administration Assistant; A Thompson, Public Relations Officer

1 Declaration of Interests

The following interests were declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
Horsham	Application P/20/0069 for Erection of House (Substitution of House Type) (Amendment to Planning Application EK/17/0063) at 1 Floors Farm, Stonehouse Road, Strathaven	Close family member submitted a representation on the application
Shearer	Application P/20/0069 for Erection of House (Substitution of House Type) (Amendment to Planning Application EK/17/0063) at 1 Floors Farm, Stonehouse Road, Strathaven	Employed by an objector to the proposal
Allison	Application P/19/1180 for Demolition of Existing House, Erection of Replacement One and Half Storey Detached House and Ancillary Detached Vehicle Storage and Repair Building at The Manse, Main Street, Carnwath	Applicant known to him

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 11 February 2020 were submitted for approval as a correct record.

The Committee decided: that the minutes be approved as a correct record.

3 Application P/20/0069 for Erection of House (Substitution of House Type) (Amendment to Planning Application EK/17/0063) at 1 Floors Farm, Stonehouse Road, Strathaven

A report dated 19 February 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0069 by Burnhead Group Limited for the erection of a house (substitution of house type) (amendment to planning application EK/17/0063) at 1 Floors Farm, Stonehouse Road, Strathaven.

The Committee heard Councillor Campbell, a local member, on the application.

The Committee decided: that planning application P/20/0069 by Burnhead Group Limited for the erection of a house (substitution of house type) (amendment to planning application EK/17/0063) at 1 Floors Farm, Stonehouse Road, Strathaven be granted subject to the conditions specified in the Executive Director's report.

Councillors Horsham and Shearer, having declared an interest in the above application, withdrew from the meeting during its consideration

Councillor Campbell, having made representations to the Committee on this application, as local member, then withdrew from the meeting during its consideration

4 Application P/19/1180 for Demolition of Existing House, Erection of Replacement One and Half Storey Detached House and Ancillary Detached Vehicle Storage and Repair Building at The Manse, Main Street, Carnwath

A report dated 20 February 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1180 by Mr and Mrs Henderson for the demolition of an existing house, erection of a replacement one and a half storey detached house and ancillary detached vehicle storage and repair building at The Manse, Main Street, Carnwath.

The Committee decided: that planning application P/19/1180 by Mr and Mrs Henderson for the demolition of an existing house, erection of a replacement one and a half storey detached house and ancillary detached vehicle storage and repair building at The Manse, Main Street, Carnwath be granted subject to the conditions specified in the Executive Director's report.

Councillor Allison, having declared an interest in the above application, withdrew from the meeting during its consideration

5 Application P/19/1809 for Erection of 28 Flats with Associated Car Parking and Works at West Mains Garage, West Mains Road, East Kilbride

A report dated 18 February 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1809 by Carmichael Homes and Interiors for the erection of 28 flats with associated car parking and works at West Mains Garage, West Mains Road, East Kilbride.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Legal Agreement. If approved, the application would be subject to a Legal Agreement and/or other appropriate mechanism and the approved procedure would apply.

The Committee decided:

- (1) that planning application P/19/1809 by Carmichael Homes and Interiors for the erection of 28 flats with associated car parking and works at West Mains Garage, West Mains Road, East Kilbride be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Legal Agreement and/or other appropriate agreement between the Council and the applicant to ensure appropriate financial contributions were made at appropriate times during the development towards the provision of affordable housing, education facilities and community facilities
 - ◆ the applicants meeting the Council's legal costs associated with the Section 75 Agreement and/or other legal agreements
- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards the conclusion of the Legal Agreement within 6 months of the date of the meeting at which the application was considered, the proposed development could be refused on the basis that, without the planning control or developer contribution which would be secured by the Legal Agreement, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Legal Agreement had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Planning Obligation.

[Reference: Minutes of 7 July 2015 (Paragraph 15)]

6 Application P/19/1546 – Section 42 Application to Amend Planning Conditions 1(e) and 3 of Planning Permission in Principle CL/16/0536, Relating to Boundary Planting, to Amend Planting Details and Devise a Scheme for Ongoing Maintenance of Boundary Planting at Dalquhandy Opencast Coal Site, Middlemuir Road, Coalburn

A report dated 20 February 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1546 by Hargreaves Land Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary Conditions 1(e) and 3 of planning permission in principle CL/16/0536, relating to boundary planting at Dalquhandy opencast coal site, Middlemuir Road, Coalburn.

Details were given on the amendments to the conditions proposed by the applicant.

The Committee decided: that planning application P/19/1546 by Hargreaves Land Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary Conditions 1(e) and 3 of planning permission in principle CL/16/0536, relating to boundary planting at Dalquhandy Opencast Coal site, Middlemuir Road, Coalburn be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 1 November 2016 (Paragraph 21)]

7 Review of Legacy Planning Applications

A report dated 27 February 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning applications which had been approved by the Committee but for which consents had not been issued due to delays or failure to complete the associated Planning Obligations.

The Planning Service had undertaken a review of planning applications which were over a year old and for which the required Planning Obligation had not been concluded. Where little or no progress had been made, the applicant/agent had been contacted to seek a conclusion to the matter and allow a decision notice to be issued. Currently, 4 applications fell into this category and it appeared unlikely that the applications would be concluded in the near future, if at all. The relevant applications were detailed in the appendix to the report as follows:-

- ◆ HM/10/0414 for erection of 45 houses and associated works at Toftcombs Crescent, Stonehouse
- ◆ HM/15/0261 for erection of 31 houses and associated works at Wellhall Road, Hamilton
- ◆ HM/15/0470 for erection of 26 houses with associated works and landscaping at land to west of Toftcombs Crescent, Stonehouse
- ◆ HM/15/0471 for erection of 36 houses with associated works and landscaping at land to west of Toftcombs Crescent, Stonehouse

Those applications fell into the following 2 categories:-

- ◆ where it was understood that that the applicant was no longer operating and there was no legal entity with whom to negotiate an agreement
- ◆ where the applicant had refused to conclude or had delayed conclusion of the Planning Obligation

It was proposed that the applications be refused for the reasons detailed in respect of each as outlined in the appendix to the report .

The Committee decided: that the planning applications detailed in the appendix to the report be refused for the reasons detailed for each application.

8 Urgent Business

There were no items of urgent business.

Report

Report to:	Planning Committee
Date of Meeting:	5 May 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application No	P/19/1792
Planning Proposal:	Erection of 56 dwellinghouses with associated roads and landscaping

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Bellway Homes
- Location : Land at Torheads Farm Phase 8
Meikle Earnock Road
Hamilton

2 Recommendation(s)

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

- (1) Grant Detailed Permission - Subject to Conditions (based on the conditions attached)

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) If planning consent is granted, the decision notice should be withheld until a Planning Obligation to ensure the submission of an equitable financial contribution, on an agreed pro-rata basis, in relation to infrastructure and other costs associated with the Hamilton Community Growth Area, namely Roads Infrastructure, Education Provision, Community Facilities and Affordable Housing.

Should this Planning Obligation not be concluded within 6 months of the date of the Committee the proposed development shall be refused as being contrary:-

- i. to the requirements of Policy 5 of the South Lanarkshire Local Development Plan as these works, which are required to ensure the

educational/transport/community impacts of the development are addressed could not be undertaken.

- ii. to the requirements of Policy 13 of the South Lanarkshire Local Development Plan as the contribution required to meet the affordable housing needs across South Lanarkshire would not be provided.

If, however, this matter is being progressed satisfactorily the applicant will be offered the opportunity to enter into a Processing Agreement, if this is not already in place. This will set an alternative agreed timescale for the conclusion of the Planning Obligation.

3 Other Information

- Applicant's Agent:
- Council Area/Ward: 19 Hamilton South
- Policy Reference(s): **South Lanarkshire Local Development Plan**
Policy 1 - Spatial Strategy
Policy 4 - Development Management and Place Making
Policy 5 - Community Infrastructure Assessment
Policy 12 - Housing Land
Policy 13 - Affordable Housing and Housing Choice
Policy 14 - Green Network and Greenspace
Policy 15 - Natural and Historic Environment
Policy 17 - Water Environment and Flooding

South Lanarkshire Local Development Plan: Supplementary Guidance
Development Management, Place Making and Design SG
Policy DM1 - Design

Residential Design Guide SG

Green Network and Green Spaces SG

Affordable Housing SG

Natural and Historic Environment SG
Policy NHE18 - Walking, Cycling and Riding Routes
Policy NHE 19 - Protected Species
Policy NHE 20 - Biodiversity

Sustainable Development and Climate Change SG

Policy SDCC2 - Flood Risk

Policy SDCC3 - Sustainable Drainage Systems

Policy SDCC4 - Water Supply

Policy SDCC5 - Foul Drainage and Sewerage

South Lanarkshire Local Development Plan 2

Policy 1 - Spatial Strategy

Policy 5 - Development Management and Place Making

Policy 7 - Community Infrastructure Assessment

Policy 11 - Housing Land

Policy 12 - Affordable Housing and Housing Choice

Policy 13 - Green Network and Greenspace

Policy 14 - Natural and Historic Environment

Policy 16 - Water Environment and Flooding

Policy DM1 - New Development Design

Policy DM15 - Water Supply

Policy DM16 - Foul Drainage and Sewerage

Policy NHE9 - Protected Species

Policy NHE 20 - Biodiversity

○ Representation(s):

- ▶ 0 Objection Letter
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

○ Consultation(s):

Roads (Development Management Team)

Roads (Flood Risk Management)

Environmental Services

Countryside and Greenspace

Community Resources – Play provision

Facilities, Waste & Ground Services (Arboriculture)

Scottish Water

Planning Application Report

1 Application Site

- 1.1 The application relates to two areas of previously undeveloped land located at Meikle Earnock Road and Stewart Avenue, which lie to the west of Hamilton.
- 1.2 A wooded area to the north, and north-west, forms part of the Torheads residential area which was constructed in the late 1990's (application ref.: HN/95/0630). It is noted that the current application site formed part of the Torheads development area but was restricted from development through a legal obligation associated with that application.
- 1.3 The overall site extends to approximately 3.1 hectares in area. The site is in two distinct areas the first being oval in shape, located to the northern side of Meikle Earnock Road, and will be developed for residential purposes. The majority of this area is grassland with a number of trees located between the site and the adjacent Stewart Milne development. Further trees are found within an area of the site adjacent to Stewart Avenue. The trees within the site will be removed to accommodate the proposed development. The second part of the site, which is triangular in shape, sits to the north of Stewart Avenue. This area is currently occupied by a number of mature trees which will also be removed to accommodate the associated SUDs pond.
- 1.4 It is noted that the application site and parts of the adjoining land are identified as being part of the Hamilton Community Growth Area (CGA) within both the adopted South Lanarkshire Local Development Plan (SLLDP) and the emerging South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard, it is noted that "Planning Permission in Principle" was granted in May 2017, following the conclusion of the associated planning obligation under Section 75 of the Planning Act, for the development of parts of the designated Hamilton CGA (Application no. HM/10/0052). In addition, a number of detailed submissions for residential development have been approved and works have commenced on site to deliver these proposals at Meikle Earnock Road and Highstonehall Road. Meikle Earnock Road has been upgraded along the frontage of the current application site as part of these proposals.

2 Proposal(s)

- 2.1 The applicants initially sought planning permission for a residential development, comprising 57 dwellinghouses, associated car parking and the provision of a play area. However, following discussion the proposal has been amended to address general layout and parking concerns. As a result of changes undertaken, the scheme now proposes 56 units. Vehicular access to the site will be taken from Stewart Avenue, close to its roundabout junction with Meikle Earnock Road. Pedestrian access will also be provided onto Meikle Earnock Road close to the adjacent residential development. The revised scheme allows for an improved entrance feature into the Hamilton CGA at this location.

- 2.2 In terms of design, the proposed residential properties will be of a modern appearance and comprise detached and semi-detached units, comparable with the houses being erected within the Hamilton CGA.
- 2.3 In support of their proposal the applicant has submitted a Tree Survey Report, Site Investigation Report, Noise Impact Assessment and a Preliminary Ecology Assessment.
- 2.4 It is noted that a separate application for the discharge of the existing legal obligation, to allow the development of the site for residential purposes, is the subject of a separate report which is also being presented to this Committee for consideration (Application ref. P/19/1888).

3 Background

3.1 Local Plan Policy

- 3.1.1 In determining planning applications, the Council must assess the proposals against the policies contained within the adopted South Lanarkshire Local Development Plan (2015) (SLLDP) and associated Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.1.2 In terms of the SLLDP, the application site is designated as being a Community Growth Area for Hamilton (Policy 1 - Spatial Strategy) and as forming part of the Council's housing land supply (Policy 12). Residential uses are supported within such sites, subject to compliance with normal development management criteria.
- 3.1.3 A number of other policies within the adopted SLLDP are also considered appropriate to the determination of this application, namely, Policy 4 - Development Management and Placemaking, Policy 5 - Community Infrastructure Assessment, Policy 13 - Affordable Housing and Housing Choice, Policy 14 - Green Network and Greenspaces, Policy 15 - Natural and Historic Environment, and Policy 17 - Water Environment and Flooding. These policies are supported by Supplementary Guidance, which forms part of the Development Plan for South Lanarkshire, including:
- Development Management, Place Making and Design SG
Policy DM 1 - Design
 - Affordable Housing SG
 - Green Network and Greenspaces SG
 - Natural and Historic Environment SG
Policy NHE19 - Protected Species and Policy NHE 20 - Biodiversity
 - Sustainable Development and Climate Change SG
 - Policies SDCC 2 - Flood Risk, SDCC 3 - Sustainable Drainage Systems, SDCC 4 - Water Supply and SDCC 5 - Foul Drainage and Sewerage
 - Residential Design Guide SG

The aim of these policies and guidance is to seek well designed developments which are located in appropriate locations, appropriately serviced and result in no adverse impact.

3.1.4 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policy 1 - Spatial Strategy, Policy 5 - Development Management and Place Making, Policy 7 - Community Infrastructure Assessment, Policy 11 - Housing Land, Policy 12 - Affordable Housing and Housing Choice, Policy 13 - Green Network and Greenspace, Policy 14 - Natural and Historic Environment, Policy 16 - Water Environment and Flooding, Policy DM1 - New Development Design, Policy DM15 - Water Supply, Policy DM16 - Foul Drainage and Sewerage, Policy NHE9 - Protected Species, Policy NHE18 - Walking, Cycling and Riding Routes and Policy NHE 20 - Biodiversity are of relevance.

3.1.5 The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.2 **Relevant Government Advice/Policy**

3.2.1 Scottish Planning Policy (2014) (SPP) highlights that the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision-making and advises that proposals that accord with up-to-date plans should be considered acceptable in principle. In terms of residential development, SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements.

3.3 **Planning Background**

3.3.1 As noted above, the application site formed part of the application site for the development of the Torrheads development (HN/95/0630). An associated legal agreement prevented the development of the current application site.

3.3.2 The application site also forms part of the designated Hamilton CGA (Planning in Principle application HM/10/0052) which was approved in May 2017, following the conclusion of the associated planning obligation under Section 75 of the Planning Act, in relation to infrastructure and other costs associated with the Hamilton Community Growth Area.

3.3.3 It is noted that a number of detailed residential developments have been approved within the Hamilton CGA and works have commenced on site to deliver these

proposals at Meikle Earnock Road and Highstonehall Road (application no(s). HM/16/0022, HM/16/0486, HM/17/0047, HM/17/0424 and HM/18/0014).

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Hamilton Area)** – have offered no objections to the proposal subject to conditions relative to retaining walls, parking standards, traffic calming, SUDs, etc.

Response: - Appropriately worded conditions and/or informatives can be added to any consent issued to ensure compliance with this requirement.

- 4.2 **Roads (Flood Risk Management)** – have offered no objection to the proposal subject to compliance with the Council's drainage design guidance.

Response:- Appropriately worded conditions and/or informatives can be added to any consent issued to ensure compliance with this requirement.

- 4.3 **Environmental Services** – have advised that they have no objections to the proposal subject to standard conditions and/or informatives relative to noise control, dust control

Response:- Appropriately worded conditions and/or informatives can be added, where appropriate, to any consent issued.

- 4.4 **Facilities, Waste and Ground Services (Arboriculture)** – have recommended the deferral of any decision pending the submission of further information on the impact on trees, both within and adjoining the site.

Response: - A Tree Survey Report has been submitted in support of the application. This indicated that a number of trees within the site are of poor and declining condition and that whilst others could be kept in the short term they are of low retention value. It is confirmed that the applicants proposed the removal of the trees within the site to accommodate their development. However, no works are proposed to the trees adjoining, but outwith the site, as part of these proposals. Appropriately worded conditions will be attached to any consent issued to ensure the protection of the trees adjoining the site.

- 4.5 **Scottish Water** – have offered no objections to the proposal.

Response: - Noted.

- 4.6 **Community (Play Provision) and Countryside and Greenspace Services** – have offered no response to date.

Response:- Whilst noting the above, it is confirmed that the requirement for a financial contribution towards any impact on community facilities as a result of the development of the Hamilton CGA, have been addressed through the conclusion of the Planning Obligation entered into in respect of the Planning in Principle approval for the overall HCGA (HM/10/0052). A separate S75 Obligation will be entered into along the terms of that agreement which will cover this development.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the application advertised in the Hamilton Advertiser; in terms of the Non-notification of Neighbours. No letters of representation have been received.

6 Assessment and Conclusions

- 6.1 Permission is sought for the erection of a residential development, comprising 56 units, on a greenfield site close to the Torheads residential area on the edge of Hamilton. The application site and surrounding land, however, forms part of the designated Hamilton Community Growth Area and it is noted that the land to the south and west is currently being developed in connection with the delivery of the CGA.
- 6.2 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications have to be determined in accordance with the development plan unless other material considerations indicate otherwise. The determining issues in consideration of this application, therefore, are its compliance with national and local plan policy, and other applicable guidance, its impact on amenity and on the local road network. Furthermore, Scottish Planning Policy highlights that, where a proposal accords with an up-to-date development plan, it should be considered acceptable in principle. The site is identified within the adopted local plan as being suitable for residential development through its designation as part of the Community Growth Area for Hamilton. The proposed development, therefore, raises no issues from a land use perspective and can be considered to accord with national planning policy.
- 6.3 As noted above, the adopted South Lanarkshire Local Development Plan (2015) (SLLDP) identifies the application site as being largely within the Hamilton Community Growth Area (Policy 1) and forming part of the Council's housing land supply (Policy 12). It is considered that the proposals take account of wider visions that the Council has in respect of the Hamilton Community Growth Area. The principle of developing this site for housing is long established and, therefore, acceptable, subject to compliance with normal development management criteria. It is noted that part of the application site is also identified as being a Green Network/Priority Greenspace (Policy 14) within the adopted SLLDP. However, the development area lies largely outwith this designation and any loss will not have a significant impact on this designation due to the proposed development layout. The proposal, therefore, raises no issues in terms of Policy 14 and its supporting guidance.
- 6.4 The matters considered appropriate, in terms of development management criterion, are set out within Section 3.2.3 above. Principally, the stated policies and guidance seek to ensure that any development does not adversely impact on the amenity of such areas, can be adequately serviced and has been designed in a manner which takes account of appropriate guidance and the area within which it is located.

- 6.5 The matters considered appropriate, in terms of development management criterion, are set out within Section 3.1.2 above. Principally, the stated policies and guidance seek to ensure that any development does not adversely impact on the amenity of such areas, can be adequately serviced and has been designed in a manner which takes cognisance of appropriate guidance and the area within which it is located. Having considered the design and layout of the development, it is considered that the site is capable of being developed, subject to conditions, without conflict with the general requirements of the applicable policies and guidance.
- 6.6 The proposed development meets the main standards set out in the Council's Residential Design Guide, which provides additional advice and sets out the criteria against which new housing development should be assessed, particularly in relation to road layout, house to plot ratios, rear garden depths, open space and car parking provision. In addition, it is noted that the proposed dwellinghouses are of a similar scale and style to those being developed elsewhere within the Hamilton CGA. The proposal, therefore, raises no concerns in terms of Policies 4 - Development Management and Place Making and DM1 – Design. The layout, design and density of the development are considered to be acceptable.
- 6.7 The site has been assessed in terms of flood risk and drainage and will be developed in accordance with the principles of sustainable urban drainage. Foul drainage will be treated in accordance with the specification and requirements of both Scottish Water and the Council's Flood Risk Management guidance. The site is also located within easy access of the wider cycleway/footpath network proposals for the Hamilton CGA and on this basis, it is considered that the proposal accords with Policies 17 - Water Environment and Flooding, SDCC 2 - Flood Risk, SDCC 3 - Sustainable Drainage Systems, SDCC 4 - Water Supply and SDCC 5 - Foul Drainage and Sewerage of the SSLDP and supplementary guidance.
- 6.8 The proposal will result in the development of a site which is largely undeveloped. Given the nature of the proposed development, it is inevitable that there will be some impact in terms of wildlife habitats. The site has been assessed in terms of potential impact on wildlife species and habitats. This highlights that there are no statutory or non-statutory designated sites, nor ancient woodland, within or adjoining the site. Furthermore, no evidence of protected species was found. Any good practice mitigation measures highlighted within the documents can be conditioned as part of any consent issued. On this basis the proposal is considered to meet the requirements of Policies 14, 15, NHE19 and NHE20.
- 6.9 The Council's adopted policy on Community Infrastructure Assessment (Policy 5) requires that a financial contribution from developers will be sought where it is considered that a development requires capital or other works or facilities to enable the development to proceed. These matters were addressed through the determination of the previous Planning in Principle application (HM/10/0052) and a legal obligation has been agreed to ensure the provision of appropriate funding/delivery of works. As the application site lies within the designated Hamilton

CGA, it will be bound by the terms of this agreement, but will require to be the subject of a separate planning obligation to provide a contribution towards wider requirements associated with the site's designation as part of the Hamilton West Community Growth Area.. This is consistent with the requirements of Policy 5 - Community Infrastructure Assessment.

- 6.10 With regard to the provision of affordable housing, in accordance with Policy 13 - Affordable Housing and Housing Choice and the Affordable Housing SG, land has been allocated within the wider HCGA area and, therefore, there is no requirement within the current application site for such provision. However, a financial contribution would be required to assist in the provision of off-site accommodation. This will form part of the Planning Obligation which is the subject of ongoing discussion with the relevant parties. Planning permission would not be issued until the obligation, or other appropriate arrangement, has been concluded.
- 6.11 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposal accords with Policies 1 - Spatial Strategy, 5 - Development Management and Place Making, 7 - Community Infrastructure Assessment, 11 - Housing Land, 12 - Affordable Housing and Housing Choice, 13 - Green Network and Greenspace, 14 - Natural and Historic Environment, 16 - Water Environment and Flooding, DM1 - New Development Design, DM15 - Water Supply, DM16 - Foul Drainage and Sewerage, NHE9 - Protected Species and NHE 20 – Biodiversity in the Proposed plan.
- 6.12 In relation to road safety, it is noted that Roads and Transportation Services have offered no objections, subject to conditions, to the proposed development and the development can, therefore, be considered acceptable in road safety and transportation terms.
- 6.13 No specific concerns have been raised by the various consultees and any requirements raised by the consultees can be addressed through the use of conditions, where appropriate to do so. No third party representations were received in respect of the development proposals.
- 6.14 In conclusion, it is considered that in terms of the detailed development of the site, the application proposal conforms to both national and local plan policy and that it raises no significant environmental, infrastructure or road safety issues. The proposal will deliver a development which is of a high quality design, consistent with surrounding development, and will help towards the Council meeting its housing needs targets.

- 6.15 The proposed development is considered to be acceptable and complies with the relevant policies contained in the adopted and proposed local plans and relevant supplementary guidance. On the basis of the above assessment, it is recommended that planning permission be granted subject to the conditions listed. However, the issue of consent should be withheld until the conclusion of the associated planning obligation under Section 75 of the Planning Act.

7 Reasons for Decision

- 7.1 The proposal accords with the policies of the South Lanarkshire Local Development Plan and Supplementary Guidance (namely Policies 1 - Spatial Strategy, 4 - Development Management and Place Making, 5 - Community Infrastructure Assessment, 2 - Housing Land, 13 - Affordable Housing and Housing Choice, 14 - Green Network and Greenspace, 15 - Natural and Historic Environment, 17 - Water Environment and Flooding, DM1 – Design, NHE18 - Walking, Cycling and Riding Routes, NHE 19 - Protected Species, NHE 20 – Biodiversity, SDCC2 - Flood Risk, SDCC3 - Sustainable Drainage Systems, SDCC4 - Water Supply and SDCC5 - Foul Drainage and Sewerage).

Furthermore, the proposal accords with the requirements of the policies and guidance within the proposed South Lanarkshire Local Development Plan 2 (namely Policies 1 - Spatial Strategy, Policy 5 - Development Management and Place Making, Policy 7 - Community Infrastructure Assessment, Policy 11 - Housing Land, Policy 12 - Affordable Housing and Housing Choice, Policy 13 - Green Network and Greenspace, Policy 14 - Natural and Historic Environment, Policy 16 - Water Environment and Flooding, Policy DM1 - New Development Design, Policy DM15 - Water Supply, Policy DM16 - Foul Drainage and Sewerage, Policy NHE9 - Protected Species, Policy NHE18 - Walking, Cycling and Riding Routes and Policy NHE 20 - Biodiversity).

There are no other material considerations that would justify the refusal of consent.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 22 April 2020

Previous References

- ◆ HN/95/0630
- ◆ HM/10/0052

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted)

- ▶ South Lanarkshire Local Development Plan – Supplementary Guidance
- ▶ South Lanarkshire Local Development Plan 2 (proposed)

- ▶ Consultations

Roads & Transportation Services (Development Management Team)	03.02.2020
Roads & Transportation Services (Flood Risk Management Section)	05/04/2020
Environmental Services	13.01.2020
Facilities, Waste & Ground Services (Arboriculture)	21.01.2020
Scottish Water	09.01.2020

- ▶ Representations

None

Contact for Further Information

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

James Watters, Planning Officer
 Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
 Ext 4970 (Tel: 01698 454970)
 E-mail: planning@southlanarkshire.gov.uk

Approval of Detailed Planning Application

PAPER APART – APPLICATION NUMBER: P/19/1792

CONDITIONS

- 1 That all trees adjoining the site shall be fully protected during the period of construction and prior to any work commencing on the site, written details specifying the nature of such measures shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.

- 2 That all trees adjoining the site must be protected in accordance with methods as set out in BS5837/1991 during and until completion of all site operations and building works.

Reason: To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.

- 3 That the open space relating to the development shall be laid out simultaneously with the development or each phase thereof, and shall be completed to the satisfaction of the Council as Planning Authority.

Reason: In the interests of amenity.

- 4 That the landscaping scheme as shown on the approved plan shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or the completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of amenity.

- 5 That before any work commences on the site detail of the proposed equipped play area(s) within the application site shall be submitted to the Council as Planning Authority for written approval and this shall include :
 - (a) details of the type and location of play equipment, seating and litter bins to be situated within the play area(s);
 - (b) details of the surface treatment of the play area, including the location and type of safety surface to be installed;
 - (c) details of the fences to be erected around the play area(s); and
 - (d) details of the phasing of these works

Reason: To ensure the provision of adequate play facilities within the site and in order to retain effective planning control

- 6 That prior to the completion or occupation of the last dwellinghouses within the development all of the works required for the provision of equipped play area(s) included in the scheme approved under the terms of Condition 8 above, shall be completed, and thereafter, that area shall not be used for any purpose other than as an equipped play area.

Reason: In order to retain effective planning control

- 7 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.

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

- 8 That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of this consent, shall be erected and thereafter maintained to the satisfaction of the Council.

Reason: In order to retain effective planning control

- 8 Prior to development commencing on site, a dust management and monitoring scheme shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority. Monitoring results shall be readily available to Officers of the Council investigating adverse comments.

Reason: To minimise the risk of nuisance from dust to nearby occupants.

- 9 That before development hereby approved is completed or brought into use, the new vehicular access so far as it lies within the boundaries of the road abutting the site, shall be constructed in accordance with the specification of the Council as Roads and Planning Authority.

Reason: In the interest of public safety

- 10 That no dwellinghouse shall be occupied until the access roads and footpaths leading thereto from the existing public road have been constructed in accordance with the specification of the Council as Roads and Planning Authority. Unless otherwise agreed with the Council as Planning and Roads Authority, all footpaths shall be 2.0 metres in width and be of a bound construction.

The layout of the proposed footpaths shall be agreed with the Council as Roads Authority and thereafter implemented to the satisfaction of the Council as Planning Authority.

Reason: To ensure satisfactory vehicular and pedestrian access facilities to the dwellings

- 11 That no dwellinghouse shall be occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.

Reason: To ensure the provision of a satisfactory sewerage system

- 12 That all private vehicular accesses or driveways are provided to the following standards, unless otherwise agreed by the Council as Planning and Roads Authority:

- i) Driveways should be accessed via a drop kerb.
- ii) Double width driveways should be a minimum 5.0m wide and be a minimum of 6.0m in length.
- iii) Single width driveways should be 2.75m wide and be a minimum of 12.0m in length.
- iv) The first 2.0m of this should be of bound or block construction to ensure that loose material is not deposited on to the road.
- v) All driveways should be perpendicular to the road with 45 degree splays on either side (over verges).
- vi) The minimum gradient of the driveways should be 1:10.
- vii) All surface water should be contained, controlled and discharged within the confines of the driveway so that there is no discharge of water onto the footway/road and compliant with SEPA and Scottish Water requirements.

Reason: To ensure the provision of adequate parking facilities to serve the development.

- 13 That prior to the commencement of development, details of the land drainage works shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the provision of a satisfactory land drainage system

- 14 That, unless otherwise agreed with the Council as Planning and Roads Authority, before the development hereby approved is completed or brought into use, parking shall be provided to the following standards and thereafter maintained to the specification of the Council as Roads and Planning Authority.

Parking Standards

All terraced and detached units up to 3 bedrooms - 2 spaces

All terraced and detached units of 4 or more bedrooms - 3 spaces

Under National Roads Development Guide, a single garage can be counted towards a parking space providing the minimum internal dimensions are equal to or greater than 7.0m x 3.0m.

All parking bays serving terraced properties should be at right angles to the road and be 6.0m in length. All parking courtyards shall have a central aisle width of 6.0m with parking bays of 2.5m x 5.0m.

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

- 15 That before the development starts, a certificate or report from a recognised firm of chartered engineers shall be submitted to the Council as Planning Authority confirming the structural stability of the retaining walls shown on the submitted layout plans (as detailed in Informative 1 attached). Thereafter the developer shall incorporate the full recommendations and requirements of the certificate or report in the design and construction of the development approved under this consent.

Reason: In the interest of public safety.

- 16 Prior to commencement of the development hereby approved, details of measures to facilitate the provision of full fibre broadband to serve the development, including details of appropriate digital infrastructure and a timescale for implementation, shall be submitted to and approved in writing by the Council as Planning Authority, unless otherwise agreed in writing with the applicant. The approved measures shall thereafter be carried out in accordance with the agreed implementation timescale.

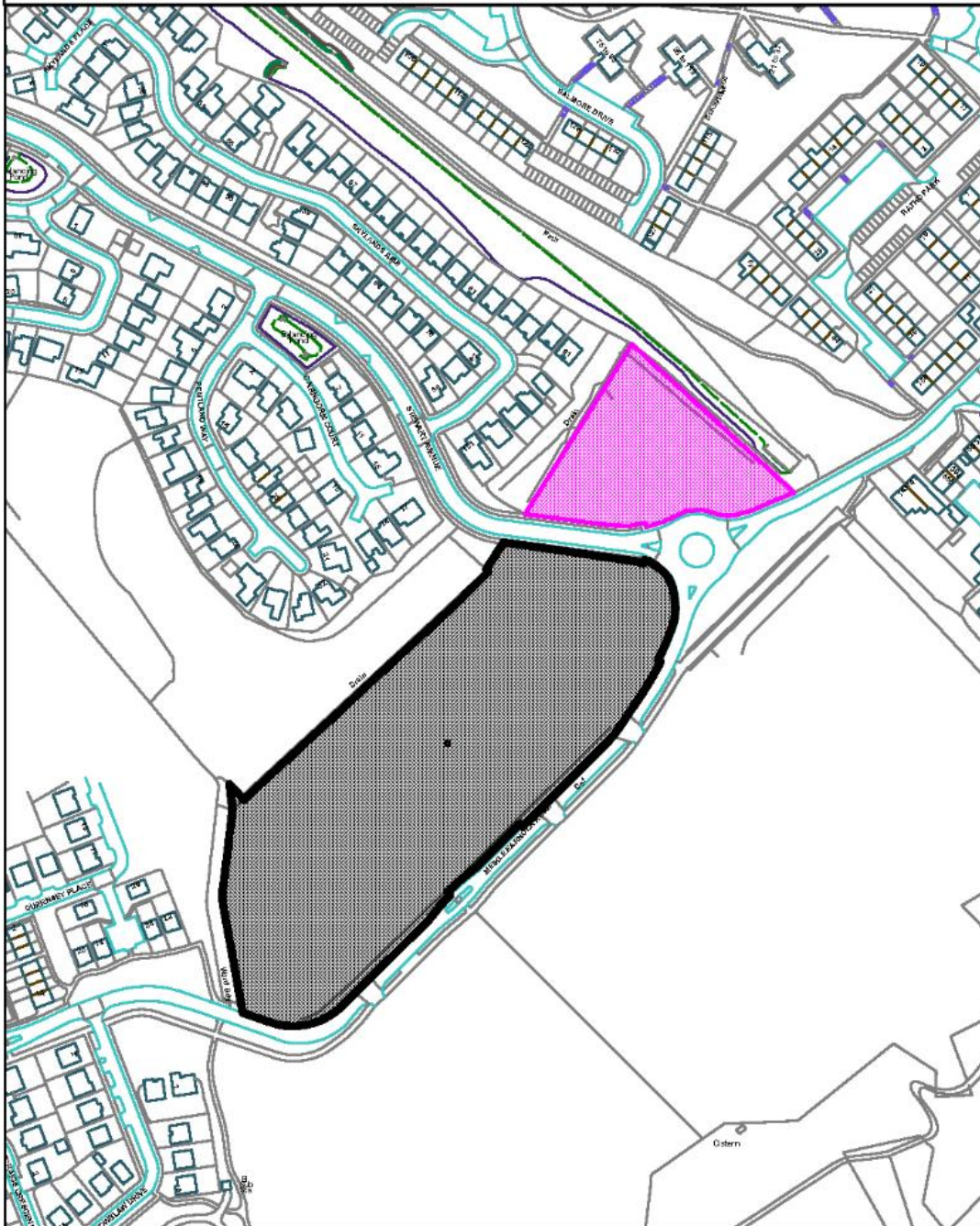
Reason: To ensure the provision of digital infrastructure to serve the development.

- 17 That, unless otherwise agreed in writing with the Council as Planning Authority, provision shall be made for electrical charging points within the development for motor vehicles and mobility scooters. Prior to any works commencing on site details of the proposed arrangements shall be submitted, and agreed in writing with the Council as Planning Authority. Thereafter the scheme shall be implemented and maintained to the satisfaction of the Council as Planning Authority.

Reason: To ensure the provision of appropriate facilities on site.

P/19/1792

Land at Torheads Farm Phase 8, Meikle Earnock Road, Hamilton



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Scale:
1:2,500
Date:
01/04/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development



Report

Report to:	Planning Committee
Date of Meeting:	5 May 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1888
Planning proposal:	Deletion of part 9 of Section 75 Agreement associated with consent HN/95/0630 prohibiting development other than access roads.

1 Summary application information

Application type:	Modification or discharge of planning obligation
Applicant:	Bellway Homes
Location:	Land at Torheads Farm Meikle Earnock Road Hamilton

2 Recommendation(s)

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

(1) Grant the modification to the Planning Obligation

2.2 Other actions/notes

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

3 Other information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 19 Hamilton South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan**
Policy 1 – Spatial Strategy
Policy 12 – Housing Land
Policy 14 – Green Network and Green Spaces

South Lanarkshire Local Development Plan 2 (proposed)

Policy 1 – Spatial Strategy
Policy 11 – Housing

Policy 13 – Green Network and Green Spaces

◆ **Representation(s):**

▶	0	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

None required

Planning Application Report

1 Application Site

- 1.1 The application site relates to previously undeveloped land located to the north side of Meikle Earnock Road, which lies to the west of Hamilton. The site formed part of the Torheads residential area which was constructed in the late 1990's (application ref. HN/95/0630).
- 1.2 It is noted that the application site and parts of the adjoining land are identified as being part of the Hamilton Community Growth Area (CGA) within both the adopted South Lanarkshire Local Development Plan (SLLDP) and the emerging South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard, it is noted that "Planning in Principle" was granted in May 2017, following the conclusion of the associated planning obligation under Section 75 of the Planning Act, for the development of parts of the designated Hamilton CGA (Application no. HM/10/0052). In addition, a number of detailed submissions for residential development have been approved and works have commenced on site to deliver these proposals at Meikle Earnock Road and Highstonehall Road. Meikle Earnock Road has been upgraded along the frontage of the current application site as part of these proposals.

2 Proposal(s)

- 2.1 The applicant seeks to modify the planning obligation through the deletion of part 9 of the Section 75 Agreement associated with consent HN/95/0630 which prohibits development within the site, other than for access roads and amenity purposes.
- 2.2 Following the removal of this restriction, if successful, it is intended to develop the site for residential purposes in association with the Hamilton Community Growth Area. It is advised that a separate planning application for the development of 56 residential units is presented separately to this Committee for consideration (Application ref.: P/19/1792).

3 Background

3.1 Local Plan Policy

- 3.1.1 In terms of current local plan policies the site is primarily designated, within the adopted South Lanarkshire Local Development Plan (SLLDP) as being both a Housing Land Supply site and forming part of the Hamilton Community Growth Area (HCGA) (Policies 1 and 12). As part of the proposals for the HCGA part of the site is identified as a landscape buffer (Policy 14 applies).
- 3.1.2 With regard to an assessment against local plan policies the previous development restrictions for the site were part of a residential development on the outer edge of the urban settlement. The restriction of further development within an area

designated, at that time, as Green Belt was in accordance with policies and guidance applicable at that time. However, the land use designation of the surrounding area has changed significantly through the designation of the Hamilton Community Growth Area. The implementation of which is now underway and, in particular, on land immediately adjoining the application site.

4 Consultation(s)

4.1 None required

5 Representation(s)

5.1 Under the requirements of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006 and The Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010 notifications were issued to interested parties. No representations were received in response to this process.

6 Assessment and Conclusions

6.1 The application site is now largely identified within the adopted, and emerging, South Lanarkshire Local Development Plans for residential purposes as part of the Hamilton Community Growth Area, and as part of the Council's Housing Land Supply.

6.2 The proposals to redevelop the site for residential purposes will be considered against relevant policies and guidance through the assessment of the associated application, reference P/19/1792.

6.3 In terms of the deletion of part 9 of the planning obligation, it is considered that the removal of this restrictive planning obligation is acceptable in this instance as:

- i) It has been accepted that the need for the restriction is no longer appropriate in this instance; and
- ii) Removing the restriction would have no material impact and would not adversely affect the character of the area, nor raise any issues or concerns in policy terms.

6.4 In view of the above, it is considered that the deletion of part 9 of the restrictive planning obligation is acceptable in this instance. Removing the restriction would have no material impact and would not adversely affect the character or integrity of the area. The modification of the planning obligation is therefore considered to be acceptable. However, the applicants shall be responsible for the Council's legal fees and any outlays incurred in respect of this application, where applicable.

Reasons for Decision

- 7.1 The Council is satisfied that due to changes in the designation of the application site within the adopted, and emerging, South Lanarkshire Local Development Plans, there is no longer a requirement for its development to be restricted.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 7 April 2020

Previous references

- ◆ HM/95/0630

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Interested Parties Notification letter dated 21 January 2020

- ▶ Consultations
None

- ▶ Representations
None

Contact for further information

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

James Watters, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton,
ML3 6LB

Phone: 01698 454970

Email: james.watters@southlanarkshire.gov.uk

Modification or discharge of planning obligation

PAPER APART – APPLICATION NUMBER: P/19/1888

CONDITIONS

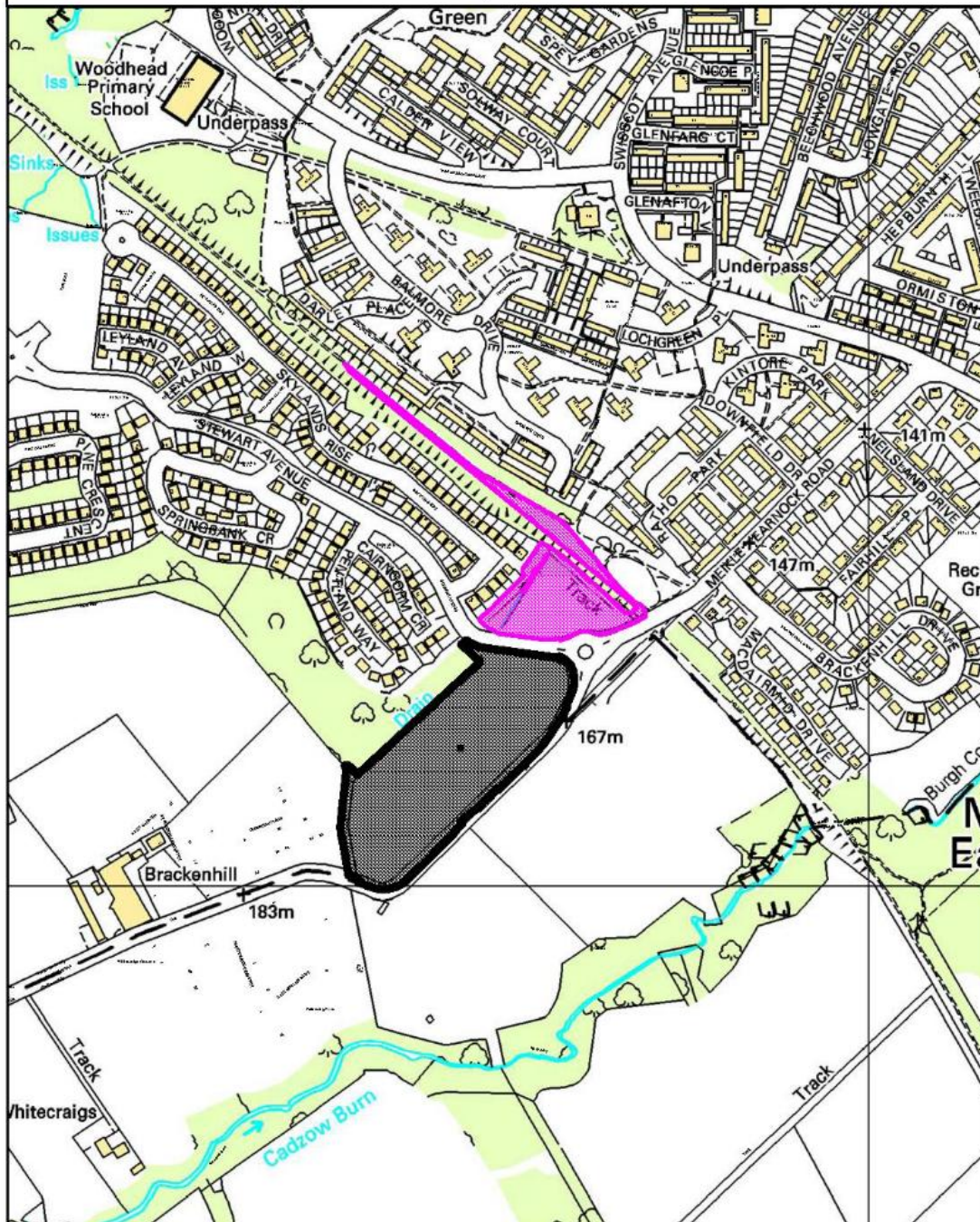
1 None

REASONS

1.1 Planning permission is granted unconditionally.

P/19/1888

Land at Torheads Farm Phase 8, Meikle Earnock Road, Hamilton



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Scale:
1:5,000
Date:
01/04/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

5

Report to:	Planning Committee
Date of Meeting:	5 May 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/0179
Planning proposal:	Section 42 application to vary condition 2 of Planning Permission CL/16/0482 (Leisure Development comprising 18 hole golf course, 200 bedroom hotel, leisure building incorporating pool, solarium, sauna, gym, squash and ancillary catering facilities, outdoor sport and leisure, holiday log cabins and lodges, equestrian centre, polo pitch and equine exercise area)

1 Summary application information

Application type:	Further application
Applicant:	Kersewell Plc (c/o agent)
Location:	Kersewell Mains Farm A70 From Carnwath To Boundary By Tarbrax Carnwath Lanark ML11 8LG

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: Lesley McGrath
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan**
Policy 1 Spatial strategy
Policy 2 Climate change
Policy 3 Green belt and rural area
Policy 4 Development management and placemaking

Policy 7 Employment
Policy 15 – Natural and Historic Environment

**Proposed 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

♦ **Representation(s):**

▶	0	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

♦ **Consultation(s):**

None required

Planning Application Report

1 Application Site

- 1.1 The application site consists of an extensive area of agricultural land and mixed woodland (approximately 193 hectares in area) situated between the A70 and the North Medwyn River, approximately 1½km to the north-east of Carnwath.
- 1.2 The southern section of the site is characterised by semi-natural woodland and conifer plantations interspersed by open areas of clear felled trees and enclosed fields of improved pasture and marshy grassland. An access road leads from the A70 past a lodge house through woodland areas to the settlement of Kersewell. The central section comprises mainly of large, open agricultural fields bounded by woodland belts. Conifer woodlands adjoin the boundary with the A70. A track leads from the A70 to a derelict quarry which sits on top of a knoll at the highest contour point within the site. There are steep sloping fields adjoining the western boundary which are being used for arable planting. The northern section includes large enclosed fields marked by woodland belts, fences and stone walls. A conifer woodland borders the A70. This area also includes Kersewell Mains Farm which incorporates a traditional stone-built farmhouse and byres.
- 1.3 Within the site there are a number of culverts and burns which drain surface water down to the North Medwyn. Topographically, the ground slopes in an east/west orientation from the A70 down to the North Medwyn, however, the ground does rise in the centre to a high point of 278m at the quarry location. The site is bounded to the north by the Medwyn Gorge Valley, Backmoor Wood and a moorland containing cairns and other archaeological sites. To the west, it adjoins the A70 and three houses (North Lodge, Kersewell Mains Cottage and Windygates) and beyond by moors, agricultural fields, woodland, a house and a Girl Guide Centre. To the south, there are agricultural fields and a minor road linking the A70 with Kaimend and the A721. To the east, the site adjoins woodland beyond which is Kersewell and fields and woodland which slope down to the North Medwyn River.

2 Proposal(s)

- 2.1 This application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary condition 2 attached to a previous section 42 approval CL/16/0482, granted in February 2017, for a leisure development comprising an 18 hole golf course, 200 bedroom hotel, leisure building incorporating pool, solarium, sauna, gym, squash and ancillary catering facilities, outdoor sport and leisure, holiday log cabins and lodges, equestrian centre, polo pitch and equine exercise area. That permission in turn involved the approval of the variation of conditions 1, 2, and 7 of Consent CL/13/0455 (see Planning Background para 3.3).
- 2.2 The relevant planning condition which the applicant seeks to vary in this case is worded as follows –

That unless otherwise agreed by the Council, before development starts on any part of each individual development phase, further applications shall be submitted to and approved in writing by the Council as Planning Authority in respect of the following matters specified in this condition in that phase, and all of which shall accord with the general principles set out in the approved masterplan required under condition 1 above:

- *the precise location, scale and quantity of individual uses;*
- *the siting, design, massing, height and external appearance of all buildings and other structures;*
- *the means of access to the site;*
- *the layout of the site including all roads, footways, cycle ways, servicing and parking areas;*
- *details of existing and proposed site levels;*
- *the provision of drainage works and the disposal of sewage and;*
- *a landscaping plan incorporating details of the hard and soft landscaping, which shall include*
 - *details of ground preparation works*
 - *existing and finished ground levels*
 - *a plan indicating the existing trees on site, and a report detailing height, species, base level and condition and whether they will be lopped, topped, felled or retained*
 - *layout and design, including walls, fences and gates.*
 - *the location, species number, density and size of new trees, shrubs, and hedges.*
- *The maintenance of landscaping within each phase*
- *The supply of water*
- *The treatment of surface water*
- *Updated ecology and habitat surveys as agreed as necessary by the Council.*

Any subsequent revisions to the individual development phases (including all the supporting information) shall be submitted for the approval of the Council as Planning Authority.

- 2.3 It is proposed to vary the condition so that an additional requirement for further applications includes details of external lighting, including floodlighting and street lighting arrangements for the development.
- 2.4 An Ecology Survey Report, Badger/Otter Survey, Bat Survey and letter statement from Findlay Ecology have been submitted as supporting information.

3 Background

3.1 Local Plan Status

- 3.1.1 In the adopted South Lanarkshire Local Development Plan, the site is located in the rural area where Policy 3 - Green Belt and Rural Area applies. In addition, Policies 1- Spatial Strategy, 2- Climate Change, 4 - Development Management and Place Making, 7 – Employment and Policy 15 – Natural and Historic Environment are relevant. Supplementary Guidance on Development Management, Placemaking and Design, Sustainable Development and Climate Change, Natural and Historic Environment and Green Belt and Rural Area are also relevant.

3.2 Relevant Government Advice/Policy

- 3.2.1 Scottish Planning Policy (SPP) encourages rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

3.3 Planning Background

- 3.3.1 Planning Permission in Principle CL/05/0439 was granted on 25 March 2011 for a hotel, leisure, golf course and chalet development. The consent was subject to a section 75 agreement to control the phasing of the development. A discharge of Planning Obligation CL/14/0101 was granted in April 2014.
- 3.3.2 A section 42 application CL/13/0455 to extend the period for the submission of matters of approval conditions attached to the Planning Permission in Principle was granted in February 2014.
- 3.3.3 A Section 42 approval CL/16/0482 was granted in February 2017 to vary Conditions 1, 2 and 7 of Consent CL/13/0455 for Leisure Resort Development to amend timescale for submission of ecological studies and surveys. Reference to ecology and habitat surveys was omitted entirely from condition 1. Condition 2 was varied to take account of potential changes to the masterplan resulting from recommendations contained in the ecological reports. In addition, condition 7 was re-worded to address this matter as a separate issue requiring the survey information to be submitted within 18 months of the date of the consent or 6 months of the date of the submission of the masterplan required by condition 1, whichever is the sooner. This was to give the applicant the necessary flexibility to carry out this work but ensure control over the development.

4 Consultation(s)

- 4.1 No consultation was required on this application

5 Representation(s)

- 5.1 Following the carrying out of statutory neighbour notification and advertisement of the proposal in the local press due to the non-notification of neighbours, no representations were received.

6 Assessment and Conclusions

- 6.1 The applicant has made an application to vary condition 2 attached to previous permission CL/16/0482 which granted a further Permission in Principle for a major leisure development at Kersewell Mains just outside Carnwath. In this case, the applicant is seeking to vary the said condition to ensure details of external lighting arrangements which take account of protective species and sensitive habitats are included in future applications for Approval of Matters Specified in Conditions. Section 42 of the Town and Country Planning (Scotland) Act, as amended, is clear that the Planning Authority, in determining applications made under this part of the legislation, shall consider only the conditions attached to the original planning permission and subsequent associated permissions in the further application. The original permission CL/05/0439 established the principle of development and it is, therefore, not necessary to revisit this matter when assessing the current proposal.
- 6.2 Ecological surveys submitted to comply with condition 7 attached to Planning Permission CL/16/0482 identified badgers, bats, barn owl and areas of semi-natural woodland. Therefore, it is important in the interests of the natural heritage that external lighting is designed and located to avoid light spillage impact upon sensitive habitats and protected species. This variation is supported by Findlay Ecology Services who carried out the ecological survey across the site. This in turn supports Policy 15 – Natural and Historic Environment in the adopted South Lanarkshire

Local Development Plan and associated Supplementary Guidance which seeks to ensure there will be no adverse impact on protected species.

- 6.3 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposals accord with Policies 1, 2, 4, 5, 8 and 14 in the proposed plan.
- 6.4 Overall, the suggested change to condition 2 does not alter the intent or purpose of the original permission and will ensure the impact of any development on habitats and ecology will be fully considered. The proposal therefore complies with Policies 1, 2, 3, 4, 7 and 15 and Supplementary Guidance on Development Management, Placemaking & Design, Sustainable Development and Climate Change, Natural and Historic Environment and Green Belt and Rural Area. As a result, it is recommended the application be granted.

7 Reasons for Decision

- 7.1 The proposal complies with Policies 1, 2, 3, 4, 7 and 15 and Supplementary Guidance on Development Management, Placemaking & Design, Sustainable Development and Climate Change, Natural and Historic Environment and Green Belt and Rural Area.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

Date: 7 April 2020

Previous references

- ◆ CL/16/0482
- ◆ CL/14/0101
- ◆ CL/13/0455
- ◆ CL/05/0439

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 20 February 2020

Contact for further information

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

Ian Hamilton, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455174

Email: ian.hamilton@southlanarkshire.gov.uk

Conditions and reasons

01. That unless otherwise agreed by the Council as Planning Authority prior to the submission of any applications for the approval of matters specified in conditions (as required by condition 2 below), a masterplan application shall be submitted for the approval of the Council as Planning Authority. The masterplan shall include the following details:

- the location of individual development phases and details of the forms and uses of development within each phase ;
- the layout of the site including all roads, footways, cycle ways, car and cycle parking and servicing areas;
- the location of woodland and public open spaces;
- opportunities for the protection and enhancement of the Green Network including links to the wider countryside by means of walking, cycling and horse riding.

It shall be accompanied by the following supporting information:

- An updated Transport Assessment;
- A phasing plan;
- A design framework that shall consider and provide an explanation for the proposals in terms of the following:
 - layout, streets and spaces, accessibility, safety and security, sustainability and energy efficiency;
 - Impact on the landscape;
 - Scale, density and mix of each of the development phases;
 - Design, massing and materials;
 - Maintenance including details of arrangements for landscaping, drainage and open space;
- a waste management plan;
- a woodland management and maintenance strategy;
- a Drainage Assessment and strategy (incorporating sewerage disposal and surface water drainage) and Flood Risk assessment
- a strategy for the supply of water
- an archaeological mitigation strategy
- a habitat management and construction strategy.

Any subsequent revisions to the masterplan (including the supporting information listed above) shall be submitted for the approval of the Council as Planning Authority.

Reason: These details have not been provided or approved.

02. That unless otherwise agreed by the Council, before development starts on any part of each individual development phase, further applications shall be submitted to and approved in writing by the Council as Planning Authority in respect of the following matters specified in this condition in that phase, and all of which shall accord with the general principles set out in the approved masterplan required under condition 1 above:

- the precise location, scale and quantity of individual uses;
- the siting, design, massing, height and external appearance of all buildings and other structures;
- the means of access to the site;
- the layout of the site including all roads, footways, cycle ways, servicing and parking areas;
- details of existing and proposed site levels;
- the provision of drainage works and the disposal of sewage and;
- a landscaping plan incorporating details of the hard and soft landscaping, which shall include
 - details of ground preparation works
 - existing and finished ground levels
 - a plan indicating the existing trees on site, and a report detailing height, species, base level and condition and whether they will be lopped, topped, felled or retained
 - layout and design, including walls, fences and gates.
 - the location, species number, density and size of new trees, shrubs, and hedges.
- The maintenance of landscaping within each phase
- The supply of water
- The treatment of surface water
- Updated ecology and habitat surveys as agreed as necessary by the Council
- Details of external lighting, including floodlighting and street lighting arrangements for the development which accords with Bat Trust Guidance note 08/18 (<https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting>)

Any subsequent revisions to the individual development phases (including all the supporting information) shall be submitted for the approval of the Council as Planning Authority.

Reason: These details have not been provided or approved.

03. Unless different specifications arise as a result of the updated Transport Assessment required under condition 1 above then the masterplan application above shall include provision for:

- (a) a 2 metre wide footway along the entire A70 site frontage with a pedestrian crossing point linking this to the existing footways;
- (b) a visibility splay of 9 metres by 215 metres at the northern access point with a right hand storage lane designed to comply with the Design Manual for Roads and Bridges;

- (c) vehicular access shall be solely restricted from the A70 to the northern access point with the central and southern accesses closed to traffic;
- (d) the access onto the A70 shall be 7.3 metres wide;
- (e) the A70/Stanemuir Road junction improvements resulting in a 9 metres by 215metres visibility splay to the right;
- (f) a drainage system capable of preventing any water from flowing onto the public road or into the site from surrounding land, provided and maintained at the applicants expense; and
- (g) the submission of a Travel Plan to encourage public transport and reduce reliance on private cars.

Reason: In the interest of public safety.

04. That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.

Reason: To ensure the protection and maintenance of the existing mature trees within the site.

05. That unless otherwise agreed by the Council as Planning Authority before the commencement of work on site the management practices for the use of pesticides, herbicides and fertilisers within the proposed golf course and other landscaped areas shall be submitted to and approved by the Council as Planning Authority in consultation with SEPA.

Reason: In the interests of pollution control.

06. That unless otherwise agreed by the Council as Planning Authority, the further applications for the approval of matters specified in conditions (as required by condition 2 above) shall include a survey and assessment of the impact of the proposed development upon the hydrology, habitats and ecology of all water courses within the site shall be carried out by a suitably qualified person and submitted to the Council as Planning Authority in consultation with SEPA and SNH. The report shall fully consider the impact upon aquatic plants, fish, amphibians, invertebrates and birds and mammals with habitats alongside watercourses with particular regard given to water voles, otters, Kingfishers, Sandmartins and common water-crowfoot. Any mitigation that is recommended by this report to minimise impacts upon the hydrology and ecology of water courses shall be implemented to the entire satisfaction of the said Authority.

Reason: To minimise the impacts on the hydrology and ecology of water courses which cross the application site.

07. That recommendations and mitigation measures detailed in CL-16-0482 Ecology Surveys Report (Findlay Ecology Services, June 2018) and associated appendices 1'Bat Survey Proposed Site for Leisure Resort Kersewell Mains (June

2018)' and 2 ' Badger and Otter Survey Results June 2018' shall be fully complied with to the satisfaction of the Council as Planning Authority.

Reason: To minimise risk to protected species and habitats and to ensure legal compliance with the requirements of the Protection of Badgers Act 1992, Wildlife and Countryside Act 1981, Nature Conservation (Scotland) Act 2004 and Conservation (Natural Habitats & c) Regulations 1994.

08. That unless otherwise agreed by the Council as Planning Authority, the further applications for the approval of matters specified in conditions (as required by condition 2 above) shall include a Phase 1 or Desk Study, to review all currently available information about the historical uses of this site, shall be carried out to determine any types of contamination likely to be encountered and possible pathways to sensitive receptors shall be submitted to and approved by the Council as Planning Authority. If this investigation gives any indication of the potential for contaminants to be present, development shall not begin until a full intrusive survey has been carried out and its findings submitted to and, approved by the Council as Planning Authority. This survey shall clearly document the methodology, findings and results. The risks posed by the presence of pollutants in relation to sensitive receptors shall be assessed to current guidelines and, where appropriate recommendations for further investigations or remediation options to reduce these risks identified.

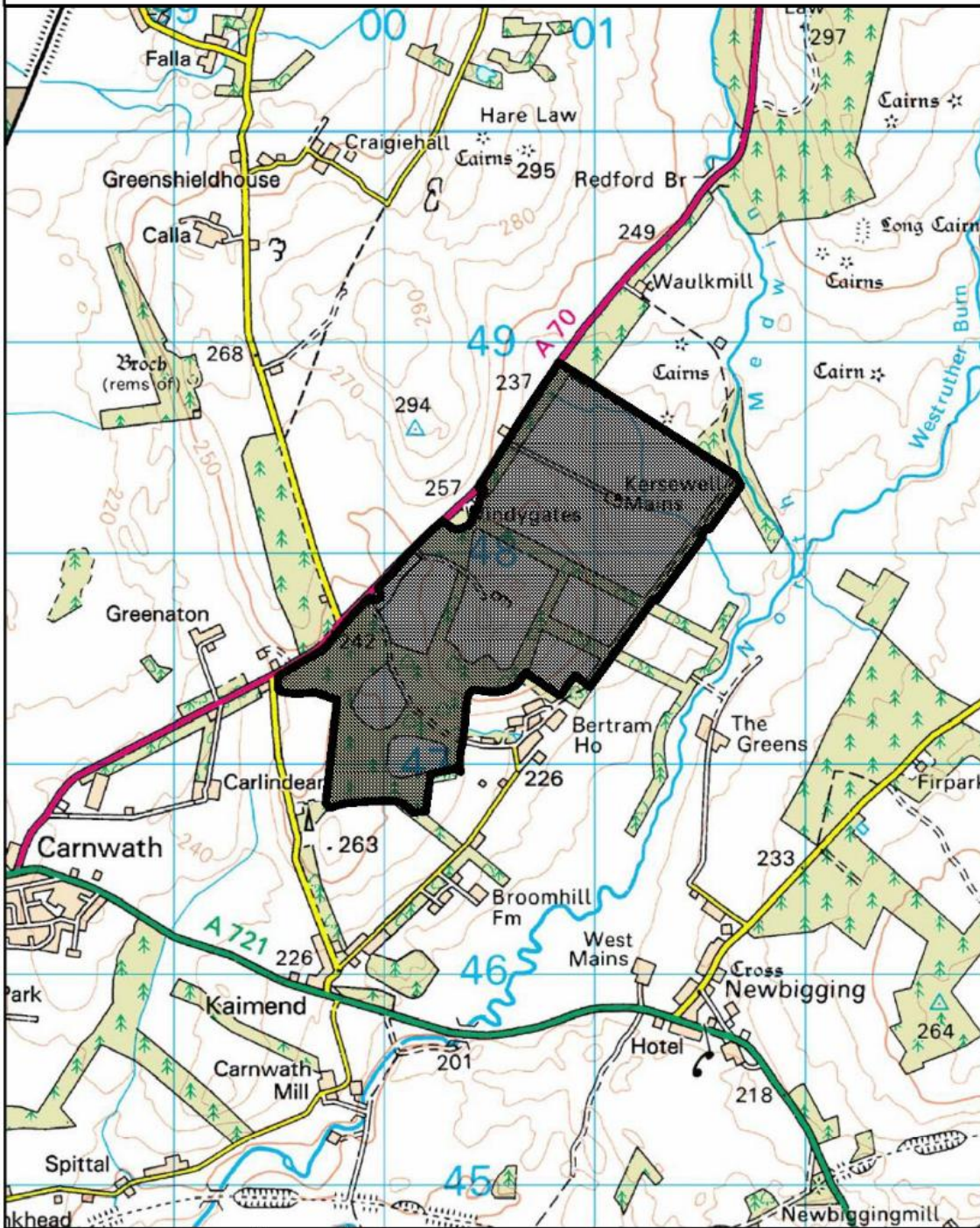
Reason: To ensure the site is free of contamination and suitable for development.

09. That the use of the tourist accommodation hereby approved shall be restricted to holiday occupation only and shall not be let or used as the sole residence of any one person, family or group. No individual, family, company, group or any other type of occupant shall occupy the accommodation for more than 12 weeks in any calendar year.

Reason: To ensure that the economic benefit of this tourism development is not lost by the accommodation becoming occupied by long term or permanent residents and to ensure compliance with local plan policy

P/20/0179

Kersewell Mains Farm, A70 from Carnwath to Boundary by Tarbrax, Carnwath



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Scale:
1:25,000
Date:
07/04/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

6

Report to:	Planning Committee
Date of Meeting:	5 May 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1850
Planning proposal:	Installation of 3.2km, 33kv, underground cable and associated infrastructure and substation.

1 Summary application information

Application type:	Detailed planning application
Applicant:	Banks Renewables (Harting Rig Wind Farm) Limited
Location:	Kype Muir Wind Farm Kype Highway Strathaven 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.

3 Other information

- ♦ Applicant's Agent: N/A
- ♦ Council Area/Ward: 05 Avondale And Stonehouse
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 2 - Climate Change
Policy 3 - Green Belt and Rural Area
Policy 4 - Development Management and Placemaking
Policy 15 - Natural and Historic Environment
Policy 17 - Water Environment and Flooding
Policy 19 - Renewable Energy

Supplementary Guidance 1: Sustainable Development and Climate Change

Policy SDCC2 – Flood Risk

Policy SDCC3 – Sustainable Drainage Systems

Supplementary Guidance 3: Development Management, Placemaking and Design

Policy DM1 - Design

Proposed South Lanarkshire Local Development Plan 2 (2018)

Policy 2 - Climate Change

Policy 4 – Green Belt and Rural Area

Policy 5 - Development Management and Placemaking

Policy 14 - Natural and Historic Environment

Policy 16 - Water Environment and Flooding

Policy 18 - Renewable Energy

Policy DM1 - New Development

Policy SDCC2 - Flood Risk

Policy SDCC3 - Sustainable Drainage Systems

◆ **Representation(s):**

▶	1	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Environmental Services

WOSAS

SEPA

Scottish Power Energy Networks

SNH

Planning Application Report

1 Application Site

- 1.1 The application site is approximately 21.1 hectares in size and is located within an area of land that will be occupied by Kype Muir Extension which was granted consent by the Scottish Ministers in September 2019. The application site is located approximately 6.5km southwest of Strathaven and 4.5km to the southeast of Drumclog. The site is currently predominantly commercial forestry although part of the application site is land which has previously been used as a construction compound area when building the Kype Muir Wind Farm

2 Proposal(s)

- 2.1 Planning permission is sought for the installation of approximately 3.2km of underground cabling to allow the transmission of electricity generated from the Kype Muir Extension Wind Farm. The application also seeks consent to erect a substation and this would be located in the north eastern portion of the application site next to an existing substation.
- 2.2 Normally, cabling for projects such as wind farms would be classed as 'permitted development' and not require an application for planning permission to be made if carried out by 'statutory undertakers' (Electricity Suppliers) but, in this instance, the developer has applied for planning permission as, whilst they are certificated for carrying out the work, they do not meet the definition of statutory undertakers. Given the pressure on statutory undertakers to connect wind farm development to the grid, the applicant has chosen to apply for planning permission to allow them to move forward with connecting the Kype Muir Extension when built.

3 Background

3.1 National Policy

- 3.1.1 National Planning Framework 3 (NPF3) June 2014 sets out the long term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3 also notes in paragraph 3.8 "We want to meet at least 30% of overall energy demand from renewables by 2020 - this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015".
- 3.1.2 Scottish Planning Policy (SPP) June 2014 aligns itself with NPF3 and one of its policy principles states that there will be "a presumption in favour of development that contributes to sustainable development" (page 9). At paragraph 28, SPP states that "the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost." The SPP

also identifies a number of considerations to be taken into account when determining energy infrastructure developments, including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).

3.2 Development Plan Status

3.2.1 The South Lanarkshire Local Development Plan (SLLDP) was adopted in 29 June 2015 and contains the following policies against which the proposal should be assessed:

- Policy 2: Climate change
- Policy 3: Green belt and rural areas
- Policy 4: Development management and placemaking
- Policy 15: Natural and historic environment
- Policy 17: Water environment and flooding
- Policy 19: Renewable energy

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

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

3.2.3 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, the following policies are relevant:

Volume 1

- Policy 2 Climate Change
- Policy 4 Green Belt and Rural Area
- Policy 5 Development Management and Placemaking
- Policy 14 Natural and Historic Environment
- Policy 16 Water Environment and Flooding
- Policy 18 Renewable Energy

Volume 2

- DM1 New Development
- SDCC2 Flood Risk
- SDCC3 Sustainable Drainage Systems

3.3 Planning Background

3.3.1 As noted above, this application is to provide infrastructure to the Kype Wind Farm Extension which has received consent from Scottish Ministers. As part of this

process, South Lanarkshire Council was a statutory consultee to the application and did not object to it (SLC Ref: P/18/1013).

- 3.3.2 Due to its size (being over 2 hectares), this planning application falls within that defined as a 'Major' planning application as set out within the hierarchy of development in The Planning etc. (Scotland) Act 2006 and the applicant has carried out the statutory Pre-Application Consultation (PAC) with the local community (Ref: P/19/0011/PAN). In support of the planning application, the applicant has submitted a Pre-Application Consultation Report, which sets out the community consultation exercise undertaken to comply with the statutory requirement of PAC. The applicant has, therefore, met the statutory, legislative requirements for pre-application consultation with the community.
- 3.3.3 The application, by nature of its scale and type, falls within the threshold of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. A request for an Environmental Impact Assessment (EIA) Screening Opinion was carried out for the proposals (Ref: P/19/1621). Given the existing consent for the wind farm and as the proposed works involve the installation of cable within this consented site, it was considered that the proposals did not constitute an EIA development. As such, an Environmental Report was not required as part of the planning submission. The wind farm application did, however, include a full Environmental Impact Assessment detailing the potential environmental effects of the wind farm (including infrastructure such as underground cables) and proposed mitigation measures.

4 Consultation(s)

- 4.1 **SEPA** – have no objection to the proposals.
Response: Noted.
- 4.2 **West of Scotland Archaeology Service (WOSAS)** – no objections to the proposals subject to a suitable condition requiring a suitable programme of archaeological works being required.
Response: Noted. The recommended archaeological condition forms part of this recommendation.
- 4.3 **Environmental Services** – no objections to the proposals but note that, as with any construction project, works should be carried out in relation to BS5228 'Noise control on construction and open sites'.
Response: Noted. If permission were granted an advisory note in relation to BS5228 would form part of any decision notice.
- 4.4 SNH and Scottish Power Energy Networks had no objections or comments to make in relation to the application.

5 Representation(s)

- 5.1 The proposal was publicised as an application requiring advertisement due to the non-notification of neighbours in the East Kilbride News on 22 January 2020.

Following this advertisement, 1 letter of representation has been submitted with the following concerns:-

- a) Ensure all flora and fauna are protected as part of the application. If there is excavation, moles should also be protected.

Response: The application site is within a consented wind farm which required a full Environmental Impact Assessment to be carried out prior to approval. A condition requiring the submission of a Construction Environmental Management Plan would be added to the consent if issued. It is considered that the cabling route and substation would have no additional impact upon the ecology of the site.

- 5.2 This letter has been copied and is available for inspection in the usual manner and on the planning portal.

6 Assessment and Conclusions

- 6.1 The application seeks consent for the provision of underground cabling and a substation to serve the extension to the Kype Muir windfarm. 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 adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance.
- 6.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. For the purposes of this report, SLLDP2 Policies are only referenced where they differ from the aims of SLLDP.
- 6.3 National Planning Framework 3 (NPF3) sets out the long term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3 also notes in paragraph 3.8 “We want to meet at least 30% of overall energy demand from renewables by 2020 - this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015”. Scottish Planning Policy (SPP) June 2014 aligns itself with NPF3 and one of its policy principles states that there will be “a presumption in favour of development that contributes to sustainable development” (page 9). At paragraph 28, SPP states that “the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term.” The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments, including net economic benefit, the contribution to renewable energy

targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169). It is considered that, given the proposals are to enable a wind farm to transmit the electricity they will generate, the proposals accord with national policy.

- 6.4 In terms of the adopted South Lanarkshire Local Development Plan, the site is within the rural area where Policy 3 'Green Belt and Rural Area' states that support will not be given for development proposals within the Countryside, unless they relate to uses which must have a countryside location. Policy 3 recognises that there are specific circumstances where proposals may require to be located within a rural area if it can be demonstrated that there is an established need for the proposed development. In this case, the proposals are associated with the Kype Muir Wind Farm and extension which have planning consent. It is, therefore, considered the proposals can demonstrate a required need at this specific location.
- 6.5 Policy 2 'Climate Change' of the SLLDP states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. Given the proposed development is ancillary development for the electricity generated from a wind farm and, therefore, benefits carbon reduction, the proposed development is considered to be in accordance with the aims of this Policy.
- 6.6 Policy 4 'Development Management and Placemaking' states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design. The cabling is to be underground and, therefore, will have no impact upon the landscape. The substation building is to be located adjacent to an existing substation building (serving Kype Muir Wind Farm) and, therefore, its visual impact will be negated as it will be viewed in relation to this existing development rather than being a standalone development within the landscape.
- 6.7 Policy 15 'Natural and Historic Environment' sets out a 3 tier category of protected natural and historic designations. There are no natural or historic designations within the application site. An Environmental Appraisal was submitted as part of the planning application. It noted that the majority of the cabling would be located within the verges of the access tracks that have been approved as part of the wind farm consent. The original wind farm application carried out a full scale Environmental Impact Assessment for the development including the access roads. It is, therefore, considered that the cabling within the verges of the tracks would have no further impact upon the environment. The remaining cables are located on commercial forestry and on land that fell within the wind farm application. It is considered that the installation of underground cabling would have no further impact upon the environment. The proposed substation building is to be located on land that has already been developed as a construction compound area and therefore it is considered that the proposed building would not have any further impact upon the environment.
- 6.8 The consent for the wind farm requires a Construction Environmental Management Plan to be followed for all construction activities and it is considered that in this instance it would be prudent to mirror this requirement to further minimise the

proposal's impact. It is, therefore, considered that, subject to a CEMP being implemented the proposals accord with this policy.

- 6.9 Policy 17 'Water Environment and Flooding' states that on sites where flooding or surface water may be an issue, development shall be the subject of a local flood risk management assessment. Development will only be supported if suitable flood management can be achieved. Further guidance on flood management and sustainable drainage is also provided within Supplementary Guidance Sustainable Development and Climate Change in Policies SDCC2 – Flood Risk and SDCC 3 – Sustainable Drainage Systems. After consultation, SEPA had no objections to the proposals. It is, therefore, considered that the proposals comply with the relevant criteria of the Development Plan in this respect.
- 6.10 Policy 19: Renewable Energy states that applications for renewable energy infrastructure developments will be supported subject to an assessment against the principles set out in the 2014 SPP, in particular, the considerations set out at paragraph 169 and, additionally, for onshore wind developments, the terms of Table 1: Spatial Frameworks. The proposals are required to facilitate a large scale renewable energy development (Kype Muir Wind Farm Extension) which benefits from planning permission and are therefore in line with the aims of Policy 19. The proposals are solely for the installation of cabling and a substation building within an already consented wind farm and do not include any wind turbines. It is, therefore, considered there is no further need for the proposals to be assessed against the specific wind turbine criteria within this policy.
- 6.11 In conclusion, the proposed development complies with planning policy and would not be detrimental to the environment. The cabling and substation building are all within the boundary of a consented wind farm and the proposals will ensure transmission of the electricity generated from this windfarm. It is, therefore, recommended that planning permission is granted subject to the imposition of the attached planning conditions.

7 Reasons for Decision

- 7.1 The proposal is considered to be acceptable and would not be detrimental to the environment subject to the attached conditions. It complies with Policies 2, 3, 4, 15, 17 and 19 of the adopted South Lanarkshire Local Development Plan 2015 and Policy DM1 of Supplementary Guidance 3: Development Management, Placemaking and Design and Policies SDCC2 and SDCC3 of Supplementary Guidance 1: Sustainable Development and Climate Change.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 6 April 2020

Previous references

- ◆ P/18/1013
- ◆ P/19/0011/PAN
- ◆ P/19/1621

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification advert dated 22.01.2020

▶ Consultations

Environmental Services	23.01.2020
WOSAS	28.01.2020
SEPA West Region	15.01.2020

▶ Representations

Dated:

Mr Joe Allan, 94 Franklin Place, East Kilbride, G75 8LS	31.01.2020
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Contact for further information

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

James Wright, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455903

Email: james.wright@southlanarkshire.gov.uk

Conditions and reasons

01. That the development hereby approved shall be for 33 years from the date of this decision unless otherwise approved in writing by the Council, as Planning Authority. For the avoidance of doubt, a restoration plan shall be submitted for the written approval of the Council, as Planning Authority, detailing the restoration of the site after this 33 year period and shall be submitted no later than 32 years from the date of decision. Once approved the restoration plan shall be implemented following the end of the 33 year period hereby approved.

Reason: In the interests of maintaining control of the development.

02. No development work shall commence until a Construction Environmental Management Plan (CEMP) including a Peat Management Plan and Ground Water and Surface Water Management Plan has been submitted to and approved by the Planning Authority in consultation with SEPA. Thereafter, all the measures described in the approved CEMP shall be implemented within the timescales set out.

Reason: In the interests of protecting the environment

03. That no development hereby approved shall commence until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service. For the avoidance of doubt the archaeological works are only in relation to breaking new ground through track widening or other requirements and the existing access tracks and roads would not be included in any programme.

Reason: In the interests of archaeology.

04. That before any work starts on site, details of all external finishes of the substation control building shall be submitted for the written approval of the Council, as Planning Authority. Once approved all external materials shall be maintained as such for the lifetime of the development, hereby approved.

Reason: In the interests of visual amenity.

P/19/1850

Kype Muir Wind Farm, Kype Highway, Strathaven



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Scale:
1:50,000
Date:
08/04/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

Report to:	Planning Committee
Date of Meeting:	5 May 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/0082
Planning proposal:	Erection of 67 residential dwellings (including 16 cottage flats) with associated roads and landscaping

1 Summary application information

Application type: Approval of matters specified in conditions.

Applicant: Taylor Wimpey West Scotland
 Location: Land 85M North Of 54 Tyne Avenue
 Shields Road
 East Kilbride
 Glasgow
 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.

3 Other information

- ♦ Applicant's Agent:
- ♦ Council Area/Ward: 05 Avondale And Stonehouse
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan 2015**
 Policy 4 Development management and placemaking
 Policy 5 Community infrastructure assessment
 Policy 6 General urban area/settlements
 Policy13 Affordable housing and housing choice
 Policy 14 Green Network
 Policy 15 Natural and historic environment

Policy 16 Travel and transport
Policy 17 Water environment and flooding

Supplementary Guidance 3: Development Management, Placemaking and Design

Policy DM1 Design
Policy DM13 Development within general urban area/settlement

Supplementary Guidance 9: Natural and historic environment

Policy NHE18 Walking cycling and riding routes
Policy NHE19 Protected species

Supplementary Guidance 1: Sustainable development and climate change

Policy SDCC2 Flood risk
Policy SDCC3
Policy SDCC4 Water supply
Policy SDCC5 Foul drainage and sewerage

Proposed South Lanarkshire Local Development Plan 2 2018

Policy 1 Spatial Strategy
Policy 3 General Urban Areas
Policy 5 Development Management and Placemaking
Placemaking
Policy 11 Housing
Policy 12 Affordable Housing
Policy 15 Travel and Transport
Policy DM1 New Development Design
NE12 Water Environment
NE18 Walking, cycling and riding routes
SDCC2 Flood Risk
SDCC4 Sustainable Transport

◆ **Representation(s):**

▶	3	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Scottish Water
Roads Development Management Team
SEPA Flooding
Auldhouse & Chapelton CC

Planning Application Report

1 Application Site

- 1.1 This application site relates to an open field which is located to the west of the existing Shields Road development in East Kilbride. The site is the social housing aspect of the previously approved development for Taylor Wimpey (West Scotland Ltd) granted in 2015. The site is bounded to the west by established residential development at Lindsayfield. To the south and south-west is open farmland and to the east and north-east is the remainder of the existing Shields Road development. To the north and north-west is an existing Site of Interest for Nature Conservation (SINC). The application site covers an area of approximately 2.1ha (21,000 sqm)

2 Proposal(s)

- 2.1 The applicants (Taylor Wimpey West Scotland) propose the erection of a residential development of 67 dwellings consisting a mix of 16 cottage flats, detached, terraced and semi-detached dwellings. This layout has been agreed with the Council's Housing and Technical Resources for whom the houses will be built. The development will be accessed from the current internal layout of the overall development via the main access from Auldhouse Road and new footpath links will be provided throughout the site and there will also be a vehicular access from Shields Road. There is an existing SUDs basin for the whole development to the south. As part of the proposal, the houses will be constructed by Taylor Wimpey on behalf of SLC Housing under a 'turn-key' arrangement. This will ensure that the site is tenure blind with no differentiation between the private and social housing.
- 2.2 The overall development was the subject of pre-application consultation, including a public exhibition held at The Byre in East Kilbride on 13 May 2014 and 14 May 2014. In addition, the Community Council has been consulted on this application. A number of documents were provided in support of the original PPP application - namely a Pre-application Consultation Report, Flood Risk Assessment, Transport Assessment, Noise Impact Assessment, Coal Authority Report, Phase 1 Habitat Survey, Tree Survey, Site Investigation Report and a Design & Access Statement. At the pre-application stage for the PPP the applicants submitted a screening opinion to enquire whether an Environmental Impact Assessment was required. The Council confirmed in February 2014 that whilst an EIA would not be required, the reports identified above would be required.

3 Background

3.1 Relevant Government Advice/Policy

- 3.1.1 Scottish Planning Policy (SPP) advises that proposals which accord with up-to-date plans should be considered acceptable in principle. In terms of residential development, the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements.

3.2 Planning History

- 3.2.1 As outlined above, the site represents the affordable housing element of the previously approved development for Taylor Wimpey, established previously by applications EK/14/0268 (PPP) and EK/16/0250 (Detailed). In addition, a further application by Miller Homes (EK/17/0312) was granted in 2017 to reconfigure the north-east portion of the site and reduce the number of houses by seven.

3.2.2 The overall site was subject to a Pre-Application Notice (EK/14/X0080/NEW). Under the regulatory framework following from the Planning etc (Scotland) Act 2006, applicants lodging a major planning application are required to undertake pre-consultation with the community and stakeholders 12 weeks in advance of lodging the formal planning application. The applicant previously followed this procedure and a Report of Consultation was submitted with the PPP application.

3.3 **Local Development Plan**

3.3.1 In determining this planning application, the Council must assess the proposed development against the policies contained within both the adopted South Lanarkshire Local Development Plan (2015) and Supplementary Guidance (SG) produced in support of the SLLDP.

3.3.2 In land use terms, the application site is identified within the adopted SLLDP, as being within both a general residential area (Policy 6) and as a forming part of the Council's housing land supply (Policy 12). The site has been identified as a housing site of the Local Development Plan to provide housing adjacent to Lindsayfield. In the Affordable Housing and Housing Choice Supplementary Guidance, the site is identified as providing both on-site and off-site affordable provision as per Policy 13. Policy 6 requires that new proposals should not adversely impact on the amenity and character of such areas. In terms of those sites identified as part of the Council's housing land supply (Policy 12), their development for residential purposes is supported (subject to compliance with normal development management criteria), as this will assist the Council in meeting its housing needs. The site is also identified as Green Network (Policy 14). Policy 14 advises that any development proposals should safeguard the local green network and that its protection and enhancement will be a core component of any masterplan.

3.3.3 With regard to normal development management criteria, a number of other policies within the adopted SLLDP are considered appropriate to the determination of this application, namely Policy 4 - Development Management and Placemaking, Policy 5 - Community Infrastructure Assessment, Policy 13 - Affordable Housing and Housing Choice, Policy 15 - Natural and Historic Environment, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding.

3.3.4 These principal policies are supported by its specific policy guidance provided through approved Supplementary Guidance on the following topics:

- Development Management, Place Making and Design SG 3
Policy DM 1 – Design and Policy DM13 – Development within General Urban Area/Settlement),
- Affordable Housing and Housing Choice SG 7
Policy 13 - Affordable Housing and Housing Choice
- Natural and Historic Environment SG 9
Policy NHE18 - Walking, Cycling and Riding Routes
Policy NHE19 - Protected Species
- Community Infrastructure Assessment SG4
Policy 5 Community Infrastructure Assessment
- Sustainable Development and Climate Change SG 1
Policy SDCC 2 - Flood Risk,
Policy SDCC 3 - Sustainable Drainage Systems,

Policy SDCC 4 - Water Supply
Policy SDCC 5 - Foul Drainage and Sewerage.

- Green Networks and Greenspaces SG 8
Policy 14 Green Network

The aim of these policies and guidance is to seek well-designed developments in appropriate locations, appropriately serviced and which result in no significant adverse impact.

- 3.3.5 In addition, the Council has prepared a Residential Design Guide. The aim of the associated policies and guidance is to seek well designed development which is in appropriate locations and is appropriately serviced.
- 3.3.6 An assessment of the proposal against these specific policies is contained in Section 6 of this report.
- 3.3.7 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policies 1, 3, 5, 11, 12, 15, DM1, NE12, NE18, SDCC2 and SDCC4 are all relevant.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Flood Risk Management Section)** - have no objections subject to conditions in relation to the implementation of a Sustainable Drainage Design designed and independently checked in accordance with the Council's SUDS Design Criteria Guidance.

Response: Conditions have been added in this respect.

- 4.2 **Scottish Water** – no objections.

Response: Noted. A condition will be attached to ensure adequate provision of water and sewerage infrastructure.

- 4.3 **S.E.P.A.** – No objections subject to the provision of the SUDs system required by the PPP application.

Response: Noted. The SUDs scheme will be provided as previously approved by both the PPP and detailed applications.

- 4.4 **Roads and Transportation Services (Development Management)** – no objections to the proposals subject to conditions relating to parking, access and construction.

Response: Noted. Conditions will be attached to any consent granted in respect of these issues.

- 4.5 **Environmental Services** – No response to date.

Response: Noted.

- 4.6 **Auldhouse and Chapelton Community Council** – no response to date.

Response: Noted.

5 Representation(s)

5.1 Following neighbour notification and the application being advertised in the East Kilbride News in respect of Non-notification of Neighbours, 3 letters of objection have been received. The points raised are summarised below:

a) There is likely to be conflict between traffic and pedestrians due to the lack of pavements and traffic calming.

Response: The site has been designed to ensure that pedestrians have priority throughout the development. Traffic calming will be installed as construction progresses.

b) The development should be directed to brownfield land. SLC's commitment to the Green Belt is contrary to this proposal. The proposal will have a negative impact in terms of roads and traffic, the natural environment, schooling and crime. There is no point conserving Langlands Moss and then permitting this development.

Response: As outlined in sections 1 and 2, the overall development site already has consent and is the result of a green belt release in the 2015 local development plan. As part of this release, the development provides housing land supply for the East Kilbride area. In order to offset this, road improvements have been made and community infrastructure will receive investment in terms of education and community facilities. This specific site represents the affordable housing element of the proposal, providing 67 much needed properties. The site has been designed to ensure that the adjacent Site of Interest for Nature Conservation is maintained together with a green network through the site. Furthermore, the site is located approximately 2 miles from the Langlands Moss Nature Reserve.

c) The development will have a significant impact on the deer population which live locally.

Response: As part of the development process, the site was surveyed for ecology. The resultant layout is as a result of the findings of these surveys. Whilst the development is part of a green belt release, a significant rural area will be maintained around the site allowing for several species to inhabit. In addition, there is a green corridor running through the entire site.

5.2 These letters of representation have been copied and are available for inspection on the Planning Portal.

6 Assessment and Conclusions

6.1 The applicants propose the erection of a residential development of 67 dwellinghouses associated landscaping and access on land to the north of Tyne Crescent, East Kilbride as part of a previously residential development granted in 2016. The main determining issues in assessing this proposal are whether it accords with local plan policy, its impact on amenity and road safety matters.

6.2 In terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, planning applications must be determined in accordance with the development plan unless other material considerations indicate otherwise.

6.3 The Scottish Planning Policy highlights that development proposals which accord with up-to-date plans should be considered acceptable in principle. The application

site has been in the South Lanarkshire Local Development Plan since 2015 as a housing site and therefore raises no issues in this regard. It is, therefore, considered that the proposal is in accordance with national planning policy.

- 6.4 With regard to the adopted South Lanarkshire Local Development Plan (2015) (SLLDP) and associated Supplementary Guidance (SG) the application site, as stated above, is identified as being both a proposed housing site (Policy 12) and located within a general residential area where Policy 6 applies. As the proposal relates to the construction of affordable housing, Policy 13 of the adopted plan also applies. The site was previously identified as a housing site linking in with the existing Lindsayfield part of East Kilbride. This site is ultimately the social housing element of the previously approved development. Initially SLC Housing were to construct the properties themselves, however the houses will now be constructed by Taylor Wimpey on their behalf. This will ensure that the development will be delivered quicker than anticipated and will provide a 'tenure blind' development thereby ensuring the houses blend in with those already constructed.
- 6.5 The issues considered relevant from a development management perspective, are set out within Section 3.3 above. Principally, these policies seek to ensure that any development within an area which is predominantly residential in character does not adversely impact on the amenity of such areas, that any such proposal can be adequately served by appropriate services and has been designed in a manner which takes cognisance of appropriate guidance. I am satisfied that the scheme is capable of being developed, subject to conditions, without conflict with the general requirements of the applicable policies and guidance. The layout complies with the Council's approved Residential Design Guide in terms of window to window distances, plot size and permeability. Furthermore, the layout and design of this portion of the site will link and relate well with the remainder of the development and the older adjacent Lindsayfield developments to the west.
- 6.6 In terms of Green Network, Policy 14 states that all relevant proposals should maintain biodiversity, provide water management and access into open space. The site is adjacent to an existing Site of Interest to Nature Conservation (SINC) and the overall development has been designed to maintain access to this whilst providing a buffer to protect its integrity. In addition, the watercourse through the site will also be protected with water management in place through a SUDs basin to the south of the site. Moreover, a green corridor will run through the site to provide access to wildlife. I am, therefore, satisfied that the proposal complies with policy 14 of the adopted plan.
- 6.7 Given the site's location it is considered that the site can be appropriately serviced in terms of water and sewerage as it forms part of a larger development which already has an established drainage scheme for both surface and foul water. No objections have been received from consultees in this regard. The site has been assessed by SEPA and the Council's Flood Risk Management Team who are satisfied subject to several conditions in relation to the proposed SUDs scheme, the level of treatment proposed and maintenance. In addition, the development will require to comply with the Council's sustainable drainage criteria and associated requirements. This can be achieved using appropriately worded conditions. The proposal is therefore acceptable when assessed against. Policy 17 - Water Environment and Flooding of the SLLDP and Policies SDCC 2 - Flood Risk, SDCC 3 - Sustainable Drainage Systems, SDCC 4 - Water Supply Policy and SDCC 5 -

- 6.8 With regard to road safety, Policy 16 - Travel and Transport - requires all new development proposals to consider the resulting impacts of traffic growth. The site has been fully assessed by Roads and Transportation Services who have offered no objections, subject to conditions. As part of the overall development, the applicants have already installed several off-site improvements such as the provision of new footpaths, street lighting, pedestrian signage, a new roundabout and new bus stop all of which were agreed with Roads and Transportation Services. The proposal can, therefore, be considered acceptable in transportation terms. In addition, Shields Road to the west of the development will either be closed to vehicular traffic or traffic calming installed to encourage continued use of pedestrians, cyclists and horse riders. The green corridor through the middle of the site will also be available to residents and locals. Policy NHE18 looks to protect existing pedestrian routes, particularly those within the natural environment. I am, therefore, satisfied that the proposal complies with both policy 16 and policy NHE18.
- 6.9 The Council's adopted policy on Community Infrastructure Assessment (Policy 5) advises that a financial contribution from the developer will be sought where it is considered that a development requires capital or other works or facilities to enable the development to proceed. Through an assessment of the original proposals, it was considered that contributions would be required in terms of the impact on educational and community facilities. These are currently being funded through a legal agreement tied to the development. The application fulfills the affordable housing development of this agreement (Policy 13 - Affordable Housing and Housing Choice applies). The proposal will contribute to meeting affordable housing needs across the East Kilbride housing area and therefore complies with Policy 13.
- 6.10 Three letters of representation have been received which have been addressed in Section 5 above. The requirements of the statutory consultees can be addressed using conditions where appropriate.
- 6.11 In summary, it is considered that the application conforms to both national and local plan policy and that the proposal raises no significant environmental or infrastructure issues. I would, therefore, advise that the proposal fully complies with the South Lanarkshire Local Development Plan and raise no objection to the application and recommend that planning permission be granted subject to the conditions listed.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on residential or visual amenity and raises no road safety concerns. The development complies with the provisions of the adopted South Lanarkshire Local Development Plan (adopted 2015) namely (Policies 4 - Development Management and Placemaking, 5 - Community Infrastructure Assessment, 6 - General Urban Area /Settlements, 12 - Housing Land, 13 - Affordable Housing and Housing Choice, Policy 14 - Green Network and Greenspace, 15 - Natural and Historic Environment, 16 - Travel and Transport and 17 - Water Environment and Flooding). In addition, the proposal accords with the relevant Development Plan Supplementary Guidance.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 8 April 2020

Previous references

- ◆ EK/14/0268
- ◆ EK/16/0250
- ◆ EK/17/0312

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 4 February 2020
- ▶ Consultations
 - Environmental Services
 - Roads Flood Risk Management
 - Scottish Water 07.02.2020
 - Roads Development Management Team 17.03.2020
 - SEPA Flooding 21.02.2020
 - Countryside and Greenspace
 - Auldhouse Chapelton CC
- ▶ Representations
 - Dr Douglas Oates, 50 Tyne Avenue, East Kilbride, Glasgow, South Lanarkshire, G75 9PT Dated: 11.02.2020
 - Mrs Carol Ann Bradley, 18 Tyne Avenue, East Kilbride, Glasgow, South Lanarkshire, G75 9PT 10.02.2020
 - Graham W Crichton, 40 Tyne Avenue, East Kilbride, Glasgow, South Lanarkshire, G75 9PT 20.02.2020

Contact for further information

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

Iain Morton, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Phone: 01698 455048
Email: iain.morton@southlanarkshire.gov.uk

Conditions and reasons

01. 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.

02. That before any of the dwellinghouses hereby approved are occupied, details of the storage and collection of refuse within the development shall be submitted to and approved by the Council as Planning Authority. Thereafter, prior to the occupation of any dwelling, the approved scheme shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason: To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.

03. Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

Response: To minimise the risk of nuisance from dust to nearby occupants.

04. That the applicants shall adopt the Flood Risk Management measures outlined in the Flood Risk Assessment Section 6.7 (Shields Road, East Kilbride, Kaya, 21 July 2014).

Reason: To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows, increased surface water run-off and/or reduction of flood storage capacity.

05. That no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site

can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.

Response: To ensure the provision of a satisfactory sewerage system

06. That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:
- (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development;
 - (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees;
 - (c) details of any top-soiling or other treatment to the ground;
 - (d) sections and other necessary details of any mounding, earthworks and hard landscaping;
 - (e) proposals for the initial and future maintenance of the landscaped areas;
 - (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

Reason: To ensure the appropriate provision of landscaping within the site.

07. That no trees or hedgerows within the application site (other than those identified on the approved landscaping scheme) shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.

Reason: To ensure the protection and maintenance of the existing mature trees within the site.

08. That all trees and hedgerows to be retained within the site shall be fully protected during the period of construction and prior to any work commencing on the site, written details specifying the nature of such measures shall be submitted to and approved by the Council as Planning Authority.

Reason: In the interests of amenity and in order to main effective planning control.

09. That the 12 metre buffer identified on plan no. 686 P01 B shall be maintained at all times to the satisfaction of the Planning Authority.

Reason: To maintain the integrity of the SINC.

10. That the approved landscaping scheme required by condition 6 above shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of the visual amenity of the area.

11. That prior to the commencement of any works on site, the developer shall submit for the written approval of the Council as Planning Authority, in consultation with

Strathclyde Partnership for Transport details of appropriate signage to identify existing public transport facilities.

Reason: To encourage use of public transport.

12. That prior to the commencement of any works on site, the developer shall submit for the written approval of the Council as Planning Authority, a Stage 2 Road Safety Audit for the new road works unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: In the interests of public safety.

13. That prior to the commencement of any works on site, the developer shall submit for the written approval of the Council as Planning Authority, a plan showing the route between the site along Shields Road and Jackton Road with proposals for localised road widening in the form of vehicle passing places. The approved works should be designed, constructed and completed on site prior to occupation of the first dwelling house unless otherwise agreed in writing with the Council, as Planning Authority.

14. That all new residents within the approved site shall be issued by the developer with a Residential Travel Pack.

Reason: In order to promote the use of public transport.

15. That prior to any development commencing on site, a Traffic Management Plan to cover construction traffic access and regress on the surrounding road network shall be submitted to and approved in writing by the Council as Planning Authority and shall thereafter implemented on site appropriately. This will include wheel washing facilities, hardstanding and parking facilities for the site. All vehicles should be able to access and exit the site in forward gears, therefore a turning area must be provided.

Reason: In the interests of road and public safety.

16. That the proposed method of peat translocation identified in the Peatland Translocation and Habitat Creation dated August 2016 shall be adhered to at all times unless otherwise agreed by the Council as Planning Authority.

Reason: To ensure that provision is made to safeguard the ecological interest on the site.

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

Reason: In the interests of traffic and public safety.

18. That before the development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 2.4 metres measured from the heel of the footway shall be provided on both sides of the vehicular access and everything exceeding 0.6 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.6 metres in height shall be planted, placed or erected within these sight lines.

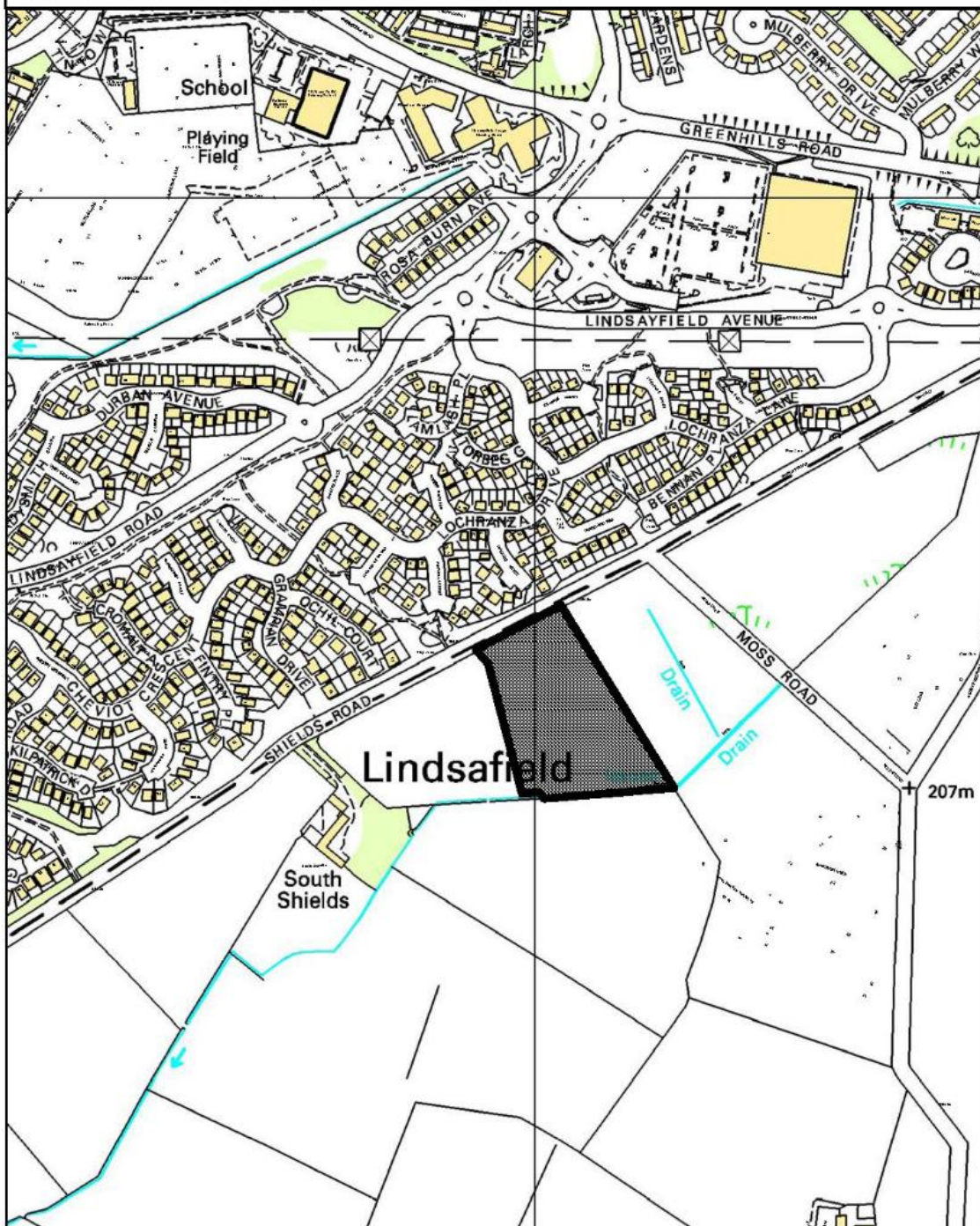
Reason: In the interests of public safety.

19. The first 2 metres of driveways must be surfaced, trapped and sealed to prevent any deleterious material or water from leaving the driveway and entering the carriageway.

Reason: In the interests of public safety.

P/20/0082

Land 85m North of 54 Tyne Avenue, Shields Road, East Kilbride



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Scale:
1:5,000
Date:
08/04/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

8

Report to:	Planning Committee
Date of Meeting:	5 May 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1856
Planning proposal:	Erection of 15 flats (3 storey block), 9 dwellinghouses (semi-detached and terraced), formation of access road, associated parking and landscaping

1 Summary application information

Application type: Detailed planning application

Applicant: Nutrire Ltd.
Location: Columba Social Club
52 Carlowrie Avenue
Blantyre

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: Robert Chalmers
- ♦ Council Area/Ward: 15 Blantyre
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan**
 - Policy 1 – Spatial Strategy
 - Policy 2 – Climate Change
 - Policy 4 – Development Management and Place Making
 - Policy 6 – General Urban Area/Settlements
 - Policy 12 – Housing Land
 - Policy 13 – Affordable Housing and Housing Choice
 - Policy 15 – Natural and Historic Environment
 - Policy 16 – Travel and Transport

**South Lanarkshire Local Development Plan:
Supplementary Guidance**

**Development Management, Place Making and
Design SG**

Policy DM1 – Design

Policy DM 13 – Development within General Urban
Area/Settlements

**Sustainable Development and Climate Change
SG**

Policy SDCC2 – Flood Risk

Policy SDCC3 – Sustainable Drainage System

Policy SDCC4 – Water Supply

Policy SDCC5 – Foul Drainage and Sewerage

Policy SDCC10 – Sustainable Transport

Residential Design Guide

**South Lanarkshire Local Development Plan 2
(proposed)**

Policy 1 – Spatial Strategy

Policy 2 – Climate Change

Policy 3 – General Urban Areas/Settlements

Policy 5 – Development Management and Place
Making

Policy 11 – Housing

Policy 12,- Affordable Housing

Policy 14 – Natural and Historic Environment

Policy 15 – Travel and Transport

Policy DM1 – New Development Design

Policy DM15 – Water Supply

Policy DM16 – Foul Drainage and Sewerage

Policy SDCC2 – Flood Risk

Policy SDCC3 – Sustainable Drainage Systems

Policy SDCC4 – Sustainable Transport

◆ **Representation(s):**

▶	3	Objection Letter
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Roads (Development Management Team)

Roads (Flood Risk Management)

Environmental Services

Housing Services

Arboricultural Services

Scottish Water

SEPA

Planning Application Report

1 Application Site

- 1.1 The application relates to the site of the former Columba Social Club which was located on the north side of Carlowrie Avenue, Blantyre, at its junction with Blantyre Farm Road. The former buildings associated with the club have been demolished and the site is now vacant. A number of trees are found within the suite around its boundaries.
- 1.2 The site is bound to the north and east by public amenity space which contains further wooded areas and a footpath network. Residential properties are found on the southern side of Carlowrie Avenue and to the west, beyond Blantyre Farm Road. An area of mature planting exists along the Blantyre Road frontage. Access to the site is directly from Carlowrie Avenue.

2 Proposal(s)

- 2.1 The applicants propose, on behalf of Clyde Valley Housing Association to redevelop the site for residential purposes. The development will comprise, 9 semi-detached and terraced properties and a 3 storey flatted development (15 units).
- 2.2 A new central access road will be formed from Carlowrie Avenue, with the residential dwellings located either side. The flatted development will be located at the north-west corner of the site, adjacent to Blantyre Farm Road. A parking court will be located adjacent to the flats with individual parking spaces provided to serve remaining properties. Minor alterations have been undertaken to address concerns raised through the processing of the application.
- 2.3 The proposed development layout will require the removal of the trees within the site.
- 2.5 In support of their proposal the applicant has submitted a Habitat Survey, Tree Survey and a Flood Risk Assessment.

3 Background

3.1 Local Plan Policy

- 3.1.1 In determining planning applications, the Council must assess the proposal against the policies contained within the adopted South Lanarkshire Local Development Plan (SLLDP) and associated Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.1.2 Given the nature of the application, it is considered that Policies 1 – Spatial Strategy, 2 – Climate Change, 4 – Development Management and Place Making, 6 – General Urban Area/Settlements, 12 – Housing Land, 13 – Affordable Housing and Housing Choice, 15 – Natural and Historic Environment and 16 – Travel and Transport are appropriate to the determination of this application. In addition, the Policies and Guidance within the Council's adopted Supplementary Guidance are of relevance; namely Development Management, Place Making and Design SG (Policies DM1 – Design and DM 13 – Development within General Urban Area/Settlements),

Sustainable Development and Climate Change SG (Policies SDCC2 – Flood Risk, SDCC3 – Sustainable Drainage System, SDCC4 – Water Supply, SDCC5 – Foul Drainage and Sewerage and SDCC10 – Sustainable Transport) and the Council's approved Residential Design Guide.

3.1.3 In addition, on 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) (SLLDP2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policies 1 – Spatial Strategy, 2 – Climate Change, 3 – General Urban Areas/Settlements, 5 – Development Management and Place Making, 11 – Housing, 12 – Affordable Housing, 14 – Natural and Historic Environment, 15 – Travel and Transport, DM1 – New Development Design, DM15 – Water Supply, DM16 – Foul Drainage and Sewerage, SDCC2 – Flood Risk, SDCC3 – Sustainable Drainage Systems and SDCC4 – Sustainable Transport are relevant.

3.1.4 The aim of the above policies and guidance is to seek a development that is appropriately designed, located, serviced and results in no adverse impact on the surrounding area. The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.2 Planning Background

3.2.1 Whilst it is noted that an application, on behalf of the property owner, in terms of the "Prior Notification for the Demolition" of the former club was submitted, it was returned as the works were Permitted Development under the Town and Country Planning (Scotland) Act 1997.

4 Consultation(s)

4.1 **Roads (Development Management)** – have advised that they have no objections to the proposal, subject to conditions relative to access standards and restriction in construction deliveries during school term.

Response: - Appropriately worded conditions can be incorporated into any consent to address the matters raised.

4.2 **Roads (Flood Risk Management)** – have advised that they have no objections to the proposal, subject to conditions relative flood management and drainage

Response: - Appropriately worded conditions can be incorporated into any consent to address the matters raised.

4.3 **Environmental Services** – have confirmed that they have no objection to the proposal subject to the inclusion of an informative relative to construction noise.

Response: - An appropriately worded informative can be attached to any consent to address this matter.

4.4 **Housing Services** – have confirmed that the site is included within the Strategic Housing Investment Plan (SHIP) as a priority site for Scottish Housing affordable grant funding approval, under Link HA, for the financial year 2023/204 but are happy for it to go ahead at this time.

Response: - Noted.

- 4.5 **Arboricultural Services** – have recommended the deferral of any decision pending the submission of further information on the impact on trees, both within and adjoining the site.

Response: - It is confirmed that the proposed development will result in the removal of the trees within the site. However, no works are proposed to the trees adjoining, but outwith, the site, as part of these proposals. Appropriately worded conditions will be attached to any consent issued to ensure the protection of the tree covered area adjoining the site.

- 4.6 **Scottish Water** – have offered no objections to the proposed development.

Response: - Noted.

- 4.7 **SEPA** – have offered no response.

Response: - Noted.

5 Representation(s)

- 5.1 Neighbour notification procedures were undertaken in respect of the initial submission. Three letters of representation were received following the undertaking of this process. The grounds of objection are summarised as follows:

a) Loss of Privacy

Response: Given the proposed layout and the development's relationship with surrounding properties, there is unlikely to be any significant impact on existing properties in this regard. The proposed development accords with the general aims of applicable policies and guidance, in this instance.

b) Road safety concerns – increased traffic

Response: It is considered that the scale of development proposed will not have a significant impact on the surrounding road network. The site is capable of accommodating the proposed development and access has been designed in accordance with roads guidelines. Furthermore, it is noted that Roads and Transportation Services do not support these concerns, having offered no objections on these grounds.

c) Noise

Response: Given the nature of development works, it is likely that there will be a level of noise and disturbance associated with the proposal. However, through appropriate on-site management, such issues should be limited. It is also unlikely that, once completed and occupied, there would be any significant concerns in this regard. It is noted, however, that any such issues would be more appropriately addressed through environmental legislation rather than the planning process.

d) Additional waste management issues

Response: The proposed development will be provided with an appropriate level of refuse bins and, as such, there should be no additional impact in terms of the concern raised.

e) Flatted development is out of keeping with area

Response: It is accepted that, currently, there are no flatted properties within the proximity of the application site. However, the provision of such structures is not an uncommon feature within many residential areas. Furthermore, it is considered that, given the location of the proposed flats, they will not appear out of character with surrounding properties and will not detract from the amenity of the surrounding area.

f) Impact on water and sewerage infrastructure

Response: The proposed development is located within an established urban area where sufficient capacity exists. It is noted that Scottish Water offered no objections to the proposal on these grounds.

- 5.3 These letters have been copied and are available for inspection in the usual manner and on the Planning Portal.

6 Assessment and Conclusions

- 6.1 This application proposes the erection of a residential development (comprising 24 units) with associated parking and amenity space within land associated with the former Columba Club in Blantyre.
- 6.2 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all planning applications are determined in accordance with the development plan, unless other material considerations indicate otherwise. The main determining issues, therefore, in the assessment of this application are whether the proposed development is in compliance with local plan policy and its impact on the amenity of adjacent properties and on the local road network.
- 6.3 The adopted South Lanarkshire Local Development Plan (SLLDP) seeks to ensure that future development takes place in a sustainable way, whilst recognising the need for economic growth and regeneration (Policies 1 – Spatial Strategy and 2 – Climate Change). The proposal accords with these aims as it relates to the redevelopment of a site within an established urban area with good links to public transport; with the site itself providing reduced on-site parking provision, the capability for electrical vehicle charging points and facilities for bicycle storage. Within the adopted plan, the site is designated as being within a general residential zoning (Policy 6). Furthermore, it is noted that whilst not originally identified as forming part of the Council's Housing Land Supply within the adopted SLLP, the site is now included (ref HM3414) and within the 2019 South Lanarkshire Strategic Housing Investment Plan for public sector housing. Policy 12 of the SLLDP supports development of such sites. The principle of use of the site for residential purposes is acceptable in this regard, subject to compliance with normal development management criteria.
- 6.4 The matters considered appropriate in the determination of this application are set out within Section 3.1.3 above. Principally, the stated policies and guidance seek to ensure that any development does not adversely impact on the amenity of such areas, can be adequately serviced and has been designed in a manner which takes cognisance of appropriate guidance and the area within which it is located. Having considered the design and layout of the revised proposal, it is considered that the scheme is capable of being developed, subject to conditions, without conflict with the general requirements of the applicable policies and guidance.

- 6.5 With regard to the detailed design of the development, it is considered that the proposal is acceptable and will be in keeping with the existing development in the surrounding area, which contains a mix of building styles. Given the design and layout of the proposed development, and its relationship with existing properties adjoining the site, it is also considered that there would be no significant detrimental impact to the amenity or overlooking issues, as a result of the introduction of this development. The redevelopment of this vacant site will bring the area back into beneficial use and enhance the overall amenity at this location. The proposed external material finishes raise no issues given the current mix within the area. The proposed development raises no road safety, amenity or privacy concerns and, therefore, accords with aims of Policies 4, 15, DM 1, DM7, DM13 of the SLLDP and supporting supplementary guidance.
- 6.6 The application site is within an urban location where sewerage and water infrastructure connections can be easily accessed. In addition, the site will incorporate a suitably designed urban drainage system, to be conditioned should consent be given, to serve the development. On this basis it is considered that the proposal raises no issues in terms of Policies SDCC3, SDCC 4 and SDCC 5 within the adopted SLLDP's supplementary guidance on Sustainable Development and Climate.
- 6.7 In terms of Policies 16 and SDCC10, which relate to the promotion of sustainable travel, the Council requires that new development schemes recognise the needs of cyclists and incorporate electric vehicle charging points within the development. In this regard it is noted that a secure bicycle storage facility will be provided within the development. The incorporation of vehicle charging points can be addressed through the use of an appropriately worded condition.
- 6.8 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. It is considered that the proposal accords with Policies 1, 2, 3, 5, 11, 14, 15, DM1, DM7, DM15, DM16, SDCC3 and SDCC4, – Sustainable Transport contained in the proposed plan.
- 6.8 Whilst third party representations have been received, it is considered that the issues raised are not of sufficient weight or merit, either individually or collectively, to justify the refusal of the application in this instance. No specific concerns have been raised by the various consultees that cannot be addressed through the use of appropriate conditions and/or informatives, where necessary.
- 6.9 In conclusion, and having considered all of the above, it is considered that the proposal accords with the policies contained in both the adopted South Lanarkshire Local Development Plan, and its supplementary guidance, and emerging South Lanarkshire Local Development Plan 2.
- 6.10 On the basis of the above, it is recommended that planning permission be granted, subject to the conditions listed.

7 Reasons for Decision

- 7.1 The proposal accords with the policies of the South Lanarkshire Local Development Plan and Supplementary Guidance (namely Policies 1 – Spatial Strategy, 2 – Climate Change, 4 - Development Management and Placemaking, 6 – General Urban Area/Settlements, 12 – Housing Land, 13 – Affordable Housing and Housing Choice, 15 – Natural and Historic Environment, 16 – Travel and Transport, DM1 – Design, DM 13 – Development within General Urban Area/Settlements, SDCC2 – Flood Risk, SDCC3 – Sustainable Drainage System SDCC4 – Water Supply, SDCC5 – Foul Drainage and Sewerage and SDCC10 – Sustainable Transport).

Furthermore, the proposal accords with the requirements of the policies and guidance within the proposed South Lanarkshire Local Development Plan 2 (namely Policies 1 – Spatial Strategy, 2 – Climate Change, 3 - General Urban Areas, 5 - Development Management and Place Making, 11 – Housing, 12 – Affordable Housing, 14 – Natural and Historic Environment, 15 – Travel and Transport, DM1 – Design, DM15 – Water Supply, DM16 – Foul Drainage and Sewerage, SDCC2 – Flood Risk SDCC3 – Sustainable Drainage Systems and SDCC4 – Sustainable Transport).

There are no other material considerations that would justify the refusal of consent.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 22 April 2020

Previous references

- ◆ P/18/0960

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 17.12.2019

- ▶ Consultations
 - Roads (Development Management Team) 31.01.2020
 - 06.03.2020
 - Environmental Services 09.01.2020
 - Scottish Water 10.12.2019
 - Roads (Flood Risk Management) 27.01.2020
 - Housing Services 20.12.2019
 - Arboricultural Services 03.02.2020
 - SEPA 17.12.2019

►	Representations	Dated:
	Mr James Shield, 23 Nairn Avenue, Blantyre G72 9NF	05.01.2020
	Mrs Kerry Stirling, 8 Dalcraig Crescent, Blantyre G72 9LW	04.01.2020
	Mrs Lesley Tester, 95 Linnhe Place, Blantyre G72 9NE	10.04.2020

Contact for further information

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

James Watters, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 454970

Email: james.watters@southlanarkshire.gov.uk

Conditions and reasons

01. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development 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.

02. That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on 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.

03. That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 02 shall be erected and thereafter maintained to the satisfaction of the Council.

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

04. That before development starts, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.

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

05. That before the development hereby approved is completed or brought into use, the new vehicular access so far as it lies within the boundaries of the road abutting the site, shall be constructed in accordance with the specification of the Council as Roads and Planning Authority. This shall include dropped kerb footway crossings both side of the private access and ensure that no fencing, vegetation, shrubs, trees, etc. above the height of 900mm are located within the sightlines.

Reason: In the interests of traffic and public safety.

06. That before the development hereby approved is completed or brought into use, all of the parking spaces shown on the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

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

07. 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.

08. Prior to commencement of the development hereby approved, details of measures to facilitate the provision of full fibre broadband to serve the development, including details of appropriate digital infrastructure and a timescale for implementation, shall be submitted to and approved in writing by the Council as Planning Authority, unless otherwise agreed in writing with the applicant. The approved measures shall thereafter be carried out in accordance with the agreed implementation timescale.

Reason: To ensure the provision of digital infrastructure to serve the development.

09. That, unless otherwise agreed in writing with the Council as Planning Authority, provision shall be made for electrical charging points within the development for motor vehicles and mobility scooters. Prior to any works commencing on site details of the proposed arrangements shall be submitted, and agreed in writing with the Council as Planning Authority. Thereafter the scheme shall be implemented and maintained to the satisfaction of the Council as Planning Authority.

Reason: To ensure the provision of appropriate facilities on site.

10. That prior to works commencing on site, unless otherwise agreed in writing with the Council as Planning Authority, a development plan shall be submitted to the Council for approval, and no work shall begin until the plan has been approved in writing.

Following approval, the development shall be implemented in accordance with the approved scheme.

The submitted information shall include details for:

- material storage/site compound
- material delivery arrangements and management
- construction staff facilities
- provisions for construction worker and visitor parking and parking provision of the existing operation(s) on site during construction works
- procedures for dust control
- procedures for the avoidance of mud and debris being carried onto the public road (wheel washing, street cleaners etc.)

- procedures for the avoidance of restrictions to traffic movements within the area, due construction traffic/deliveries using the local road network in the vicinity of the development site, particularly during peak time for local educational facilities.

Reason: These details have not been provided or approved and in the interests of amenity and road safety.

- 11 That the developer shall ensure that (prior to the development becoming occupied) the environmental and neighbourhood noise levels (including noise from industrial, commercial and transport sources) comply with the following-

Part 1

Between the hours of 08:00 and 20:00 the measured noise rating level emitted from any pre-existing industrial or commercial premises ($L_{Ar,1hr}$) shall not exceed the background noise level ($L_{A90,30 min}$) by more than 4dB within the curtilage of the new residential development. 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 any pre-existing industrial or commercial premises ($L_{Ar,15 min}$) 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 shall comply with BS 8233:2014 Guidance on sound insulation and noise reduction for buildings as follows-

- a) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an $L_{Aeq,16hr}$ of 40dB daytime (07:00 – 23:00)
- b) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an $L_{Aeq,8hr}$ of 30dB night-time (23:00 – 07:00).
- c) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an L_{Amax} of 45dB night-time (23:00 – 07:00).
- d) The external levels shall not exceed an $L_{Aeq,16hr}$ of 50dB daytime in any garden amenity areas, when measured free-field

Part 3

The Internal Noise Rating Values, within the residential property and resultant from the neighbourhood (industrial and commercial) and neighbour noise (installed services), shall not exceed-

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

Reason: To minimise noise disturbance to adjacent occupants.

- 12 That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:

- (a) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees;
- (b) details of any top-soiling or other treatment to the ground;
- (c) proposals for the initial and future maintenance of the landscaped areas;
- (d) details of the phasing of these works;

and no work shall be undertaken on the site until approval has been given to these details.

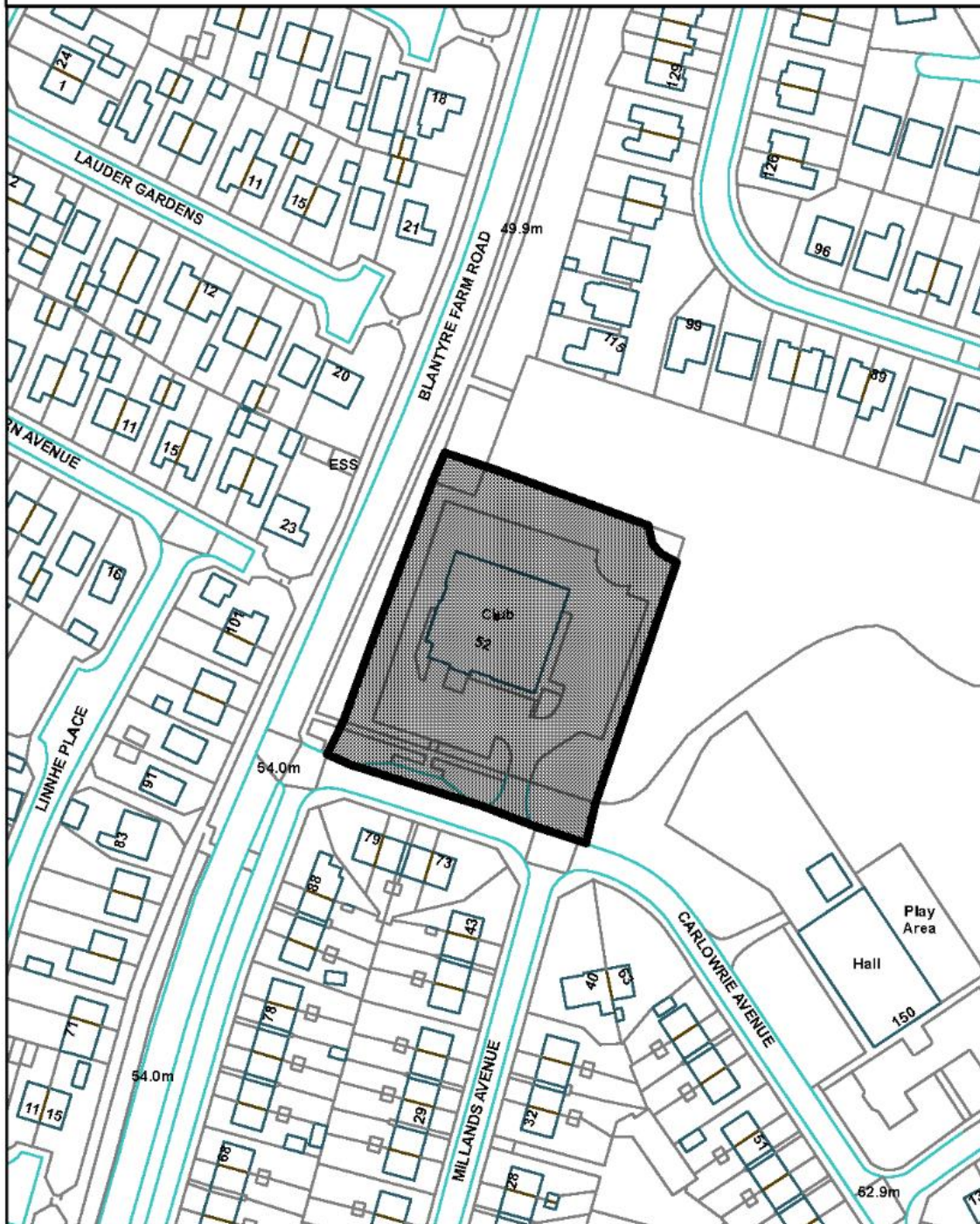
Reason: To ensure the appropriate provision of landscaping within the site.

- 13 That before any of the flatted units hereby approved are occupied, unless otherwise agreed in writing with the Council as Planning Authority, the storage and collection of refuse within the development shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason: To ensure that adequate refuse arrangements are and operational.

P/19/1856

Columba Social Club, 52 Carlowrie Avenue, Blantyre



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Scale:
1:1,250
Date:
01/04/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

9

Report to:	Planning Committee
Date of Meeting:	5 May 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/0896
Planning proposal:	Erection of data centre (Class 4 Business) and associated 12MW solar farm and 7.5MW gas turbine with light industrial (Class 5) area and associated infrastructure (Planning permission in principle)

1 Summary application information

Application type:	Permission in principle
Applicant:	C Capital (London) Ltd
Location:	Lanark 700M North of Birkhill Mill Cairnhouses Road Douglas Lanark South Lanarkshire

2 Recommendation(s)

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

- (1) Grant planning permission in principle (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: Lodge Architects
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 1 – Spatial Strategy
Policy 2 – Climate Change
Policy 3 - Green Belt and Rural Area
Policy 4 - Development Management and Placemaking

Policy 7 - Employment
 Policy 15 - Natural and Historic Environment
 Policy 16 – Travel and Transport
 Policy 17 - Water Environment and Flooding
 Policy 19 - Renewable Energy

Supplementary Guidance 1: Sustainable Development and Climate Change

Policy SDCC2 – Flood Risk
 Policy SDCC3 – Sustainable Drainage Systems

Supplementary Guidance 2: Green Belt and Rural Area

Policy GBRA1 – Economy/ business related developments

Supplementary Guidance 3: Development Management, Placemaking and Design

Policy DM1 - Design

Supplementary Guidance 10: Renewable Energy

Policy RE2 – Renewable Energy Developments

Proposed South Lanarkshire Local Development Plan 2 (2018)

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 15 – Travel and Transport
 Policy 16 - Water Environment and Flooding
 Policy 18 - Renewable Energy
 Policy DM1 - New Development
 Policy SDCC2 - Flood Risk
 Policy SDCC3 - Sustainable Drainage Systems
 Policy GBRA2 – Business Proposals within Green Belt and Rural Area
 Policy RE1 – Renewable Energy

♦ **Representation(s):**

▶	1	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

♦ **Consultation(s):**

SEPA Flooding

Roads Flood Risk Management

Roads Development Management Team

Environmental Services

Transport Scotland

Coalburn Community Council

Douglas Community Council

WOSAS

Countryside and Greenspace

Planning Application Report

1 Application Site

- 1.1 The application site is approximately 24.6 hectares of open, rough grassland located some 2.5km to southeast of the settlement of Lesmahagow. The eastern boundary of the site comprises the M74, with the B7078 (Carlisle Road) forming the western boundary of the site. To the north of the site is more open grassland with the nearest residential property some 200m further north of the boundary. The southern boundary comprises an existing animal feed business. The site can currently be accessed from the B7078 which is also used by the neighbouring animal feed business.

2 Proposal(s)

- 2.1 Planning permission in principle is sought for a mixed use development comprising the erection of a 37,161 square metre data centre (Class 4), a 7.5MW Gas Turbine, a 12MW Solar Farm and a light industrial (Class 5) area. Internal access roads and areas for staff parking are also proposed. An indicative masterplan has been submitted which identifies the location and scale of the various components of the proposal.
- 2.2 It is proposed that the gas turbine and solar array would provide the energy required for the coolant systems for the data centre but would be designed to allow excess energy to be transmitted to the national grid.

3 Background

3.1 National Policy

- 3.1.1 National Planning Framework 3 (NPF3) June 2014 sets out the long term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place.
- 3.1.2 Scottish Planning Policy (SPP) June 2014 aligns itself with NPF3 and one of its policy principles states that the planning system should set out a vision for vibrant rural areas with growing sustainable communities supported by new opportunities for employment.

3.2 Development Plan

- 3.2.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance.
- 3.2.2 The proposed development requires to be considered against the Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP). This strategic plan sets

a vision of making the Clydeplan region a resilient, sustainable, compact city region attracting and retaining investment and improving the quality of life for people and reducing inequalities through the creation of a place which maximises its economic, social and environmental assets and fulfils its potential by 2036. The GCVSDP is a strategic document and does not have specific policies relating to this local level of development within land designated as countryside within a Local Development Plan. Therefore, there is no further assessment of the application against the GCVSDP within Section 6 below and it will be assessed against the policies within the local development plan.

3.2.3 The South Lanarkshire Local Development Plan (SLLDP) was adopted on 29 June 2015 and contains the following policies against which the proposal should be assessed:

- Policy 1: Spatial Strategy
- Policy 2: Climate Change
- Policy 3: Green belt and rural areas
- Policy 4: Development management and placemaking
- Policy 7 - Employment
- Policy 15: Natural and historic environment
- Policy 16: Travel and Transport
- Policy 17: Water environment and flooding
- Policy 19: Renewable Energy

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

- Supplementary Guidance 1: Sustainable Development and Climate Change
- Supplementary Guidance 2: Green Belt and Rural Area
- Supplementary Guidance 3: Development Management, Placemaking and Design

3.2.5 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance the following policies are relevant:

Volume 1

- 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 15 Travel and Transport
- Policy 16 Water Environment and Flooding
- Policy 18 Renewable Energy

- DM1 New Development Design
- SDCC2 Flood Risk
- SDCC3 Sustainable Drainage Systems

3.2.6 It should be noted that LDP2 is only referenced should there be a specific conflict between a proposed policy and a policy within the approved SLLDP 2015.

3.3 Planning Background

3.3.1 Outline planning consent (CL/02/0693) was granted in November 2003 for the development of the site for general industrial (Class 5) and storage/distribution purposes (Class 6). The animal feed business was the subject of a subsequent reserved matters approval and it has been implemented and is operational. A reserved matters application (CL/04/0873) was granted in 2005 for the remainder of the undeveloped land, and this consisted of the formation of accesses and structural landscaping. A further reserved matters application (CL/08/0022) was granted consent in February 2009 for the erection of 14 industrial units with ancillary office space (Class 5 general industry and Class 6 storage or distribution) with associated car parking and infrastructure. In November 2011, planning permission was granted for the erection of a bio-gas production facility on a large portion of the current application site. Whilst some preparation works on site have been carried out in relation to this permission, they have not been deemed adequate in terms of securing the planning permission and these permissions have now lapsed.

3.3.2 Planning permission was granted in 2016 for two, 98.14 metres high wind turbines within the site (Ref: CL/16/0090) and this application was granted for a further 3 years in January 2020 (Ref: P/19/0363).

3.3.3 Due to its size (being over 2 hectares), this planning application falls within that defined as a 'Major' planning application as set out within the hierarchy of development in The Planning etc. (Scotland) Act 2006 and the applicant has carried out the statutory Pre-Application Consultation (PAC) with the local community (Ref: P/18/0013/PAN). In support of the planning application, the applicant has submitted a Pre-Application Consultation Report, which sets out the community consultation exercise undertaken to comply with the statutory requirement of PAC. The applicant has, therefore, met the statutory, legislative requirements for pre-application consultation with the community.

4 Consultation(s)

4.1 **SEPA** – originally objected to the proposals on the grounds of lack of information in relation to nearby watercourses, habitats, foul drainage and peat. Following additional information regarding these issues, SEPA removed their objection subject to conditions requiring further approval of drainage design and peat management as part of any permission in principle.

Response: Noted. Conditions requiring full details of all drainage and peat management form matters specified by condition within the recommendation to grant planning permission in principle.

4.2 **West of Scotland Archaeology Service (WOSAS)** – note that previous archaeological work carried out in relation to a previous planning approval

(CL/08/0022) did not result in any archaeological findings. Therefore, it is recommended that there is no further requirement for any archaeological works on the site.

Response: Noted.

- 4.3 **Transport Scotland** – no objections subject to conditions requiring further approval of site lighting, landscaping and barriers along the trunk road boundary and a condition stating that there shall be no drainage connection to the trunk road drainage system.

Response: Noted. Conditions requiring full details of all lighting, landscape, barriers and drainage form matters specified by condition within the recommendation to grant planning permission in principle.

- 4.4 **Roads Flood Risk Management** – no objections to the proposals subject to conditions requiring completion of the Council's drainage and flood design criteria.

Response: Noted. These form matters specified by condition within the recommendation to grant planning permission in principle.

- 4.5 **Roads Development Management** – no objections to the proposals subject to conditions requiring further details of the extent of the use of the site in the form of a Transport Statement.

Response: Noted. The application is for planning permission in principle and the applicant does not yet have full design details of the site as this would be subject to a further application(s) when the applicant has secured further investment. The requirement for a Transport Statement is therefore attached to the recommendation as a matter specified by condition.

- 4.6 The following consultees had no comments to make on the proposals:-

Environmental Services

Countryside and Greenspace

Coalburn Community Council

Douglas Community Council

5 Representation(s)

- 5.1 Statutory Neighbour notification was carried out by the Council on 18 June 2019. The proposal was publicised as an application requiring advertisement due to the non-notification of neighbours and the nature and scale of development (Schedule 3).

- 5.2 One letter of objection was received from the adjoining animal feed business in relation to this application with the following concerns:-

- a) **No issue with the development itself, in purpose, location or general plan so long as my right of access/ egress via the development site is maintained if planning permission is granted.**

Response: Noted. Matters of land ownership/ rights of access are separate legal matters outwith the scope of the planning system. Notwithstanding, it is noted that this planning application is in principle only and the site layout is

indicative and the development, should it be approved, would require further detailed approval. It is considered that the applicant would be required to take into account any right of access at this detailed design stage.

- 5.2 This letter has been copied and is available for inspection in the usual manner and on the planning portal.

6 Assessment and Conclusions

- 6.1 The application seeks planning permission in principle for a mixed use development on land bounded by the M74 and B7078 comprising a data centre, solar farm and class 5 industrial use. 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 adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance.
- 6.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted SLLDP. For the purposes of this report, SLLDP2 Policies are only referenced where they differ from the aims of SLLDP.
- 6.3 SPP states that the planning system should encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; promote economic activity and diversification including sustainable developments linked to, for example tourism and farm diversification, while ensuring the distinctive character of the area is protected and enhanced; allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area; and give due weight to net economic benefit of proposed developments.
- 6.4 There are a number of policies within the SLLDP that are relevant to the assessment of this application. Policy 1 'Spatial Strategy' of the SLLDP states that the SLLDP will encourage sustainable economic growth and regeneration, protect and enhance the built and natural environment and move towards a low carbon economy. This will be achieved, inter alia, by supporting development that accords with and supports the policies and proposals in the development plan and supplementary guidance. In this case, the site is within the rural area but, due to the previous permissions on site, it forms part of the Council's industrial land supply. As a result, it is considered the proposals accord with the Council's spatial strategy.
- 6.5 As the site is within the rural area, the application requires to be assessed under Policy 3 'Green Belt and Rural Area'. This states that in general support will not be given for development proposals within the Countryside, unless they relate to uses which must have a countryside location (agriculture, forestry, recreation and other uses appropriate to the countryside). Policy 3 recognises that there are specific circumstances where proposals may require to be located within a rural area if it can be demonstrated that there is an established need for the proposed development. Further guidance on appropriate uses in the rural area is contained

in Supplementary Guidance 2: Green Belt and Rural Area (SG2). In this specific case, the site was previously designated as an Industrial Development Opportunity within the Rural Investment Area within the previous South Lanarkshire Local Development Plan (2009) and is still included in the Council's marketable industrial land supply. This, in turn, reflects the previous granting of, firstly, outline planning permission in 2003 for class 5 and 6 uses and, furthermore, the subsequent approval and implementation of consent for the adjoining feed store business which has the effect of keeping the original outline consent alive.

- 6.6 In addition, Policy GBRA1 of the Supplementary Guidance on Green Belt and Rural Area states that exceptionally, proposals for larger scale business development that generate employment opportunities in the Green Belt or the rural area may come forward. They will be considered on their merits with particular regard to their economic benefits for the area. This policy criterion is further strengthened through SLLDP2 Policy GBRA2 which reiterates the SG Policy but explicitly includes this form of development as being appropriate in exceptional circumstances. Whilst Policy 3 is the overarching Policy for new development in the rural area, given the site is a marketable industrial land site, Policy 7 – Employment is also relevant. This states that sustainable economic growth will be encouraged through the identification of employment land use areas. Again, it is considered that the principle of the Class 4 and 5 uses now proposed aligns with Policy 7 and would bring economic benefit to the rural area as promoted through SPP. It is, therefore, considered that the proposals are acceptable in this instance and comply with Policies 1, 3 and 7 of the SLLDP and its associated Supplementary Guidance.
- 6.7 Policy 2 'Climate Change' of the SLLDP states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. Data Centre developments are very energy intensive as they require the data servers to be cooled as they generate heat. The proposals involve creating electricity from an onsite solar array to help provide power for the required cooling system. It is, therefore, considered that the proposed use of renewable energy to minimise non-renewable electricity requirements on site allows the proposals to accord with the requirements of SLLDP Policy 2, in this instance.
- 6.8 Policy 4 'Development Management and Placemaking' states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design.
- 6.9 Whilst the application is in principle and no detailed design details have been submitted, it is considered that as the site is adjacent to an existing light industrial premises that any new development would not appear isolated and it could be designed to be in keeping with the existing adjoining building. The M74 runs along the eastern boundary of the site which provides a strong visual barrier which would further minimise any development within the area. The solar panels are small scale in nature and their visibility could be minimised by landscaping. The indicative layout shows the proposed gas turbine as being again small scale and a freestanding unit. It is considered that the turbine would be housed in its own unit and would be of a functional design that would not look out of place within an Employment/ Industrial site. Furthermore, the site is not located within a residential area and the nearest individual property is over 250m away from the site. It is, therefore, considered that

it would not have any impact upon the amenity of the area. As well as a visual barrier, the M74 also provides a relatively consistent, high background noise level within the area which would normally not be associated with a rural location and this would minimise the impact of any potential noise created by the development. It is, therefore, considered that, in principle, the proposals comply with Policy 4 of the SLLDP subject to matters specified by conditions requiring full design details and noise level assessment to ensure detailed proposals are suitable at this location.

- 6.10 Policy 15 'Natural and Historic Environment' sets out a 3 tier category of protected natural and historic designations. There are no natural or historic designations within the application site. An Environmental Appraisal (EA), including Phase 1 Habitat Study, formed part of the planning submission. The EA did not find any protected species habitats on site. An otter resting site was identified 250m to the west of the site but it is considered that this is at a distance that would not be impacted upon by the proposals. The EA, therefore, concluded that the proposals would not have an impact upon any protected species but that further surveys were recommended prior to any construction starting on site. It is considered that further ecological surveys could be a matter specified by condition. It is, therefore, considered that, subject to a condition requiring further survey work prior to construction, the proposals are in line with Policy 15 of the SLLDP.
- 6.11 Policy 16 'Travel and Transport' states that new development must conform to South Lanarkshire's Guidelines for Development Roads. Policy 16 further states that new development proposals must consider and, where appropriate, mitigate the resulting impacts of traffic growth, particularly development related traffic, and have regard to the need to reduce the effects of greenhouse gas emissions and at the same time, support and facilitate economic recovery, regeneration and sustainable growth. The proposals are in principle. Roads Development Management are content with the principle of development subject to a full Transport Statement and assessment being carried out and submitted at the matters specified by condition stage when a detailed design and layout is applied for. It is, therefore, considered that the principle of the development complies with Policy 16 of the SLLDP.
- 6.12 Policy 17 'Water Environment and Flooding' states that on sites where flooding or surface water may be an issue, development shall be the subject of a local flood risk management assessment. Development will only be supported if suitable flood management can be achieved. Further guidance on flood management and sustainable drainage is also provided within Supplementary Guidance Sustainable Development and Climate Change in Policies SDCC2 – Flood Risk and SDCC 3 – Sustainable Drainage Systems. The site is designated as being of low risk of flooding from surface water on SEPA's flooding map. Seasonal drainage ditches transect the site with a small area of standing water located on the western boundary. A hydrological study formed part of the planning submission and it concluded that a suitably designed drainage scheme would effectively manage any surface water on site and that the area of standing water could be designed into a sustainable attenuation pond. SEPA and Roads Flood Risk Management are content with the conclusions of the Hydrological Study. It is, therefore, considered that, in principle, the proposals comply with Policy 17 of the SLLDP.
- 6.13 Policy 19: Renewable Energy states that applications for renewable energy infrastructure developments will be supported subject to meeting the criteria set out

within Paragraph 169 of SPP. Paragraph 169 of SPP states, inter alia, that considerations of energy infrastructure will vary depending on scale of the proposals and the area characteristics of the site. These considerations are replicated in further detail through Policy RE2 of SG10: Renewable Energy Developments. As the application is for a small scale solar farm and is an application in principle, the majority of the detailed RE2 criteria are not applicable. Nevertheless, in land use terms, the creation of a solar farm would be compatible with the character of the surrounding area comprising both existing built development (ie the adjoining feedstore business, M74, wind turbines and electricity pylons) and the proposals the subject of this application. In this instance, the solar panels would be a very small proportion of the site and would be considered to be of a suitable scale at this location. In the absence of detailed proposals at this stage, a condition is, therefore, proposed to ensure proposals involving solar panels demonstrate compliance with the checklist, the main consideration being a glint and glare assessment to ensure the solar panels are orientated correctly to ensure they do not impact outwith the site. As such, it is considered that the principle of solar farm development, subject to the aforementioned condition complies with the criteria of Policy 19 of the LLDP and Paragraph 169 of SPP.

- 6.14 Separate to the above planning assessment, it is noted that the Council's Supplementary Guidance on Renewable Energy (Appendix 3), whilst not mandatory and not a material consideration to the assessment of a planning application, encourages developers of renewable energy schemes to make contributions towards the South Lanarkshire Renewable Energy Fund. It is considered that once the details of the solar panels are established, the Developer would be offered the opportunity to enter into discussions with regard setting up a scheme of contributions.
- 6.15 In view of the above it is, therefore, considered that on balance, taking into account the planning history of the site that the principle of the form and scale of the proposed development complies with National Planning Policy and the Development Plan. As a result, it is recommended the permission in principle be granted.

7 Reasons for Decision

- 7.1 The principle of the development is considered to be acceptable and would not be detrimental to the strategy of the Development Plan and is in line with national policy. The principle of the development complies with SPP and Policies 1, 2, 3, 4, 7, 15, 16 17 and 19 of the adopted South Lanarkshire Local Development Plan 2015 and Policy DM1 of Supplementary Guidance 3: Development Management, Placemaking and Design and Policies SDCC2 and SDCC3 of Supplementary Guidance 1: Sustainable Development and Climate Change. The principle of development also complies with Policies 1, 2, 4, 5, 8, 14, 15, 16, 18, DM1, SDCC2, SDCC3, GBRA2 and RE1 of the proposed South Lanarkshire Development Plan 2 (2018).

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 8 April 2020

Previous references

- ◆ CL/02/0693
- ◆ CL/04/0873
- ◆ CL/08/0022
- ◆ CL/16/0090
- ◆ P/19/0363
- ◆ P/18/0013/PAN

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 18 June 2019

- ▶ Consultations

SEPA Flooding	20.02.2020
Roads Flood Risk Management	08.07.2019
Roads Development Management Team	04.07.2019
Transport Scotland	26.07.2019
WOSAS	26.06.2019

- ▶ Representations

John K Craig, Received Via Email	02.07.2019
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Contact for further information

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

James Wright, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455903

Email: james.wright@southlanarkshire.gov.uk

Conditions and reasons

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

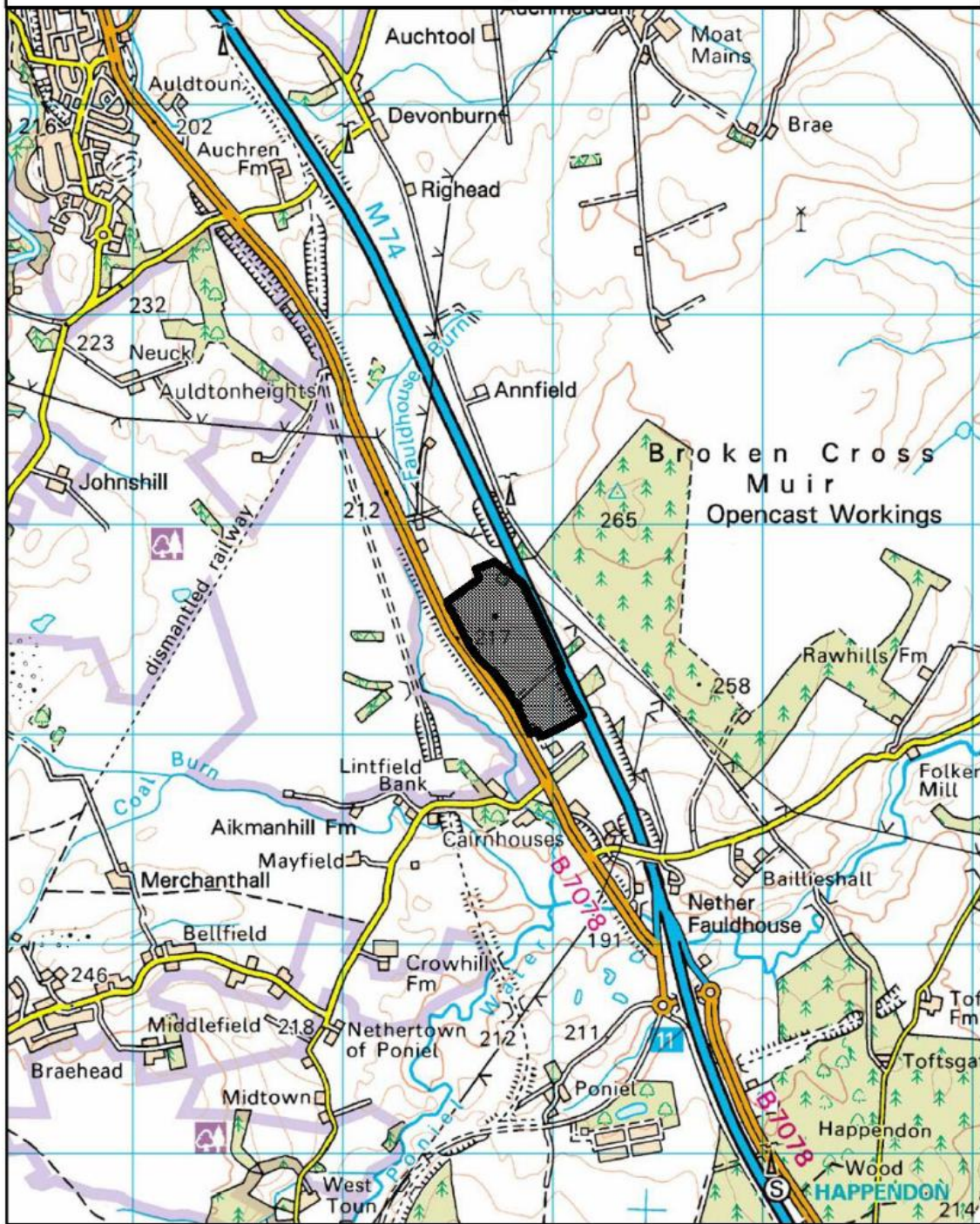
These matters are as follows:

- (a) the layout of the site, including all roads, footways, parking areas and open spaces;
- (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
- (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum.
- (d) the design and location of all boundary treatments including walls and fences;
- (e) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs;
- (f) the means of drainage and sewage disposal.
- (g) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);
- (h) Flood Risk Assessment and mitigation
- (i) Sustainable surface water drainage
- (j) A Transport Assessment and subsequent Transport Statement
- (k) further ecological surveys and associated mitigation measures where required.
- (l) a programme of pre-construction ecological surveys
- (m) Full access design and visibility splays
- (n) External lighting plan
- (o) details of any barriers bounding the M74
- (p) Noise Impact Assessments
- (q) Peat management plan
- (r) A detailed design assessment of the solar panels in relation to SG10 Policy RE2 checklist criteria, including but not limited to, a full glint and glare assessment.

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

P/19/0896

Lanark 700m North of Birkhill Mill, Cairnhouses Road, Douglas



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Scale:
1:25,000
Date:
07/04/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

10

Report to:	Planning Committee
Date of Meeting:	5 May 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/0941
Planning proposal:	Erection of detached dwellinghouse and formation of 4 house plots

1 Summary application information

Application type: Detailed planning application

Applicant: Mrs Anne and John Watson
 Location: Land 50M East Of 10 Woodhall Road
 Woodhall Road
 Braidwood
 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.

3 Other information

- ♦ Applicant's Agent: John Russell
- ♦ Council Area/Ward: 01 Clydesdale West
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan**
 Policy 2 Climate change
 Policy 3 Green belt and rural area
 Policy 4 Development management and placemaking
 Policy 14 Green network and green space
 Policy 15 Natural and historic environment

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

Supplementary Guidance 9: Natural and historic environment
Policy NHE16 Landscape

Proposed South Lanarkshire Local Development Plan 2
Policy 2 Climate change
Policy 4 Green Belt and Rural Area
Policy 5 Development Management and Placemaking
Policy 14 Natural and Historic Environment
Policy NHE16 Landscape
Policy DM1 New Development Design

◆ **Representation(s):**

▶	2	Objection Letters
▶	0	Support Letters
▶	1	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Roads Flood Risk Management

Planning Application Report

1 Application Site

- 1.1 The application site extends to approximately 0.58 ha in area and is located at the edge of Lower Braidwood within designated Greenbelt, on the western section of an agricultural field which fronts onto Woodhall Road. The western boundary is defined by a mature hedgerow which continues beyond the southern edge of the site boundary. Overhead electricity gables cross the field and Woodhall Road in a east – west direction.
- 1.2 The site is bounded to the north by existing dwellings and to the south and east by the remaining field area (further to the north east are the dwellings located along Mid Loan Street). To the west it fronts Woodhall Road, the opposite side of which are 3 detached dwellings and stables/ hardstanding area. A burn with wooded banking flows between Yett Holm (the southernmost house) and the stables.

2 Proposal(s)

- 2.1 The applicant seeks Planning Permission for the formation of 4 houseplots and the erection of a one and a half storey detached dwellinghouse with integral garage. All of the plots would be accessed directly from Woodhall Road. The detached dwelling and two of the plots would have separate driveways whilst the two northernmost plots will share a driveway. The proposals include the localised widening of Woodhall Road along the site frontage. This will necessitate the removal of the hedgerow, however, the proposed layout shows the establishment of a tree belt around the eastern and southern boundaries.
- 2.2 As supporting information, a Mining Stability Report and Design and Access Statement have been submitted.

3 Background

3.1 Local Plan Status

- 3.1.1 The application site is identified in the adopted South Lanarkshire Local Development Plan as being outwith the settlement boundary of Lower Braidwood and within the Green Belt where Policy 3 - Green Belt and Rural Area applies. Policies 2 – Climate Change, 4 - Development Management and Place Making, 14 Green Network and Greenspace, and Policy 15 -Natural and Historic Environment Natural are also relevant .The associated Supplementary Guidance on Development Management, Placemaking and Design, Green Belt and Rural Area, Natural and Historic Environment, Green Network and Greenspace and Sustainable Development and Climate Change are also applicable.

3.2 Relevant Government Advice/Policy

- 3.2.1 In terms of residential development, SPP advises that the planning system should identify a generous supply of land to support the achievement of housing land requirements and maintaining at least a 5 year supply of land at all times. It should also enable the development of well designed, energy efficient, good quality housing in sustainable locations and focus on the delivery of allocated sites. In terms of development in the rural area, SPP states that most new development should be guided to locations within or adjacent to settlements. Planning should take every

opportunity to create high quality places and direct development to the right places, in particular by encouraging the re-use of brownfield sites

3.2.2 The SPP states that the purpose of the Green Belt designation is to;

- Direct planned growth to the most appropriate locations and support regeneration
- Protect and enhance the quality, character, landscape setting and identity of towns and cities
- Protect and give access to open space within and around towns and cities.

3.3 Planning Background

3.3.1 Over the previous five years there have been no planning applications relating to the application site.

4 Consultation(s)

4.1 **Roads and Transportation Services** – No objection subject to conditions covering access, visibility, footpath provision, road widening and parking.

Response: Noted. Detailed plans have now been submitted showing the Roads requirements can be achieved. If planning permission is granted, appropriate conditions can be attached to the consent to address these issues.

4.2 **Roads and Transportation Services (Flood Risk Management Section)** – raised no objections subject to the provision of a Flood Risk Assessment and SUDS scheme.

Response: These matters would be covered by condition should consent be granted.

5 Representation(s)

5.1 In response to the carrying out of neighbour notification and the advertisement of the application in the local press as Development Contrary to the Development Plan and for the non-notification of neighbours, 2 letters of objection and 1 comment letter were received. Following the carrying out of further neighbour notification following the submission of drawings showing the road widening proposals, no additional representations were received. The issues raised are summarised below:

a) **Woodhall Road is too narrow and traffic from 5 additional dwellings will increase risk of accident at the blind corner to the north.**

Response: The proposals now include localised widening of Woodhall Road to ensure vehicles are able to pass each other. As a result, Roads have not objected on grounds of traffic safety.

b) **Given potential impact of the proposed development on surface water drainage, conditions should be attached to prevent surface water runoff across the road. There has been a history of blockages in the drainage system resulting in flooding risk.**

Response: Conditions covering drainage and flood risk would be attached to any consent issued.

c) **Potential overlooking because the site is on higher ground than existing properties across the road. The existing hedgerow should be retained and if it has to be removed where possible it should be reinstated to provide screening. Conditions should be attached to**

ensure that there will be no direct overlooking of properties along Woodhall Road.

Response: The proposed dwellings have been situated a sufficient distance back from the road frontage to ensure privacy standards are not compromised and meet the Council's guidelines on new residential development. There is sufficient depth in the proposed plots to ensure these standards can be complied with. Unfortunately, because of the requirement to widen the road and provide a footway along the site frontage, retention of the hedgerow is not possible, however, the proposals include replacement tree planting within the site.

- d) **Piecemeal sale and development of properties would result in considerable on going disturbance to Braidwood residents and may result in a mix of property which detracts from rather than enhances the amenity of the area. Conditions are requested to ensure consistency and completion within a set timeframe.**

Response: This is a small scale development, therefore, the level of disturbance is not expected to be significant. An informative will be attached to the decision notice if permission is granted advising the developer of the need to comply with construction noise standards. Under current legislation if a development commences within three years of the decision being issued a time bar cannot be imposed upon the completion date. There are a mixture of house types and styles of varying age within Braidwood which has no defined character or merit. This proposal represents a small scale development incorporating contemporary designs and a natural and sensitive rounding off to the settlement edge.

- e) **Planning Authority should consider restrictions in respect of any future development of the remaining land. Will encourage development on other Greenbelt land. Precedence.**

Response: Each application will be assessed on its individual merits.

- f) **The Design Statement makes reference to a number of recently built dwellings on Woodlands Road – only one house has been built on south side of Woodland Road in the last 15 years. It is somewhat disingenuous to suggest that the proposed development is bringing balance to the road.**

Response: The development mirrors the existing line of dwellings to the west of the site on the opposite side of Woodhall Road and, therefore, the proposal can be successfully integrated within the context of its local setting.

- g) **Health issues of applicant outlined in the Planning Statement should not be given weight.**

Response: Noted. The nature of the health issues has not been specified nor has a support letter from a Doctor been submitted, therefore, the matter has not been given any weight.

- h) **A Condition should be attached to ensure the roadside hedge is removed outwith the bird nesting season.**

Response: Noted. An appropriately worded condition would be attached if consent is granted.

- 5.2 These letters have been copied and are available for inspection in the usual manner and on the planning portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning consent for the erection of one detached dwellinghouse and formation of 4 plots on land at the settlement edge of Braidwood. The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Plan, National Policy and associated Supplementary Guidance and its impact on the amenity and roads safety.
- 6.2 In the South Lanarkshire Local Development Plan, the application site is located within the Green Belt where Policy 3 - Green Belt and Rural Area applies. This advises that development which does not require to be located in the countryside will be expected to be accommodated within the settlements, other than in a number of circumstances. These include instances where there is a specific locational requirement or established need for a proposal; the proposal involves the redevelopment of derelict or redundant land or buildings where environmental improvement can be shown; the proposal involves the conversion of traditional buildings; or the proposal is for limited development within identifiable infill or gap sites and existing building groups. Supplementary Guidance on the Green Belt and Rural Area goes on to provide detailed guidance on these types of development in order to determine if a proposal is appropriate in the context of a Green Belt location. The proposal has been carefully assessed against the policy and guidance and, while there are elements that accord with some of the criteria (which are explored below), it does not fully comply with the Local Development Plan or the SG. As a result, the proposed development in land use terms is contrary to the development plan.
- 6.3 The settlement boundary as defined in the South Lanarkshire Local Development Plan is drawn tightly to respect the existing extent of built development. It includes land on the western side of Woodhall Road which reflects the incremental extension of the settlement on that side of the road. While the application site is not within the village envelope, it is appropriate in assessing the current proposals to consider whether a small scale incursion beyond the settlement boundary is acceptable. A key factor is consideration of Scottish Planning Policy which, in relation to development in the Green Belt, states that the purpose of the Green Belt designation is to;
- Direct planned growth to the most appropriate locations and support regeneration
 - Protect and enhance the quality, character, landscape setting and identity of towns and cities
 - Protect and give access to open space within and around towns and cities.
- 6.4 As described above there are currently three dwellings and a stables on the opposite side of the public road to the site, one of which is modern and suburban in appearance and located downhill from the village core. These properties represent ribbon development resulting in a convoluted and irregular settlement boundary. The proposal in this case would mirror the existing settlement pattern on the westernside of Woodhall Road and create a more balanced and rounded settlement edge. The proposed structural planting will result in a clearly defined and defensible settlement boundary whilst enhancing landscape quality and character. The separation distance and intervening Greenbelt between Braidwood and Carluke will

be maintained without adversely affecting their settings. Unfortunately, a mature hedgerow will have to be removed to allow road widening, the loss of which will be compensated by extensive tree planting, otherwise there will be no significant impact upon landscape features, valuable habitats or protected species. In addition, the proposal involves a small extension to the settlement boundary which would not have an adverse impact on the character of the settlement. Overall, therefore, it is considered that the objectives of the SPP in respect of the Greenbelt will not be compromised.

- 6.5 Policy 4 - Development Management and Place Making along with supplementary guidance on Development Management, Placemaking and Design requires the Council to seek well designed proposals which integrate successfully with their surroundings, take account of the local context and built form and to be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. In addition, development should be well related to existing development, public transport, local services and facilities. The proposed bespoke designed dwelling although relatively unique in appearance will nevertheless be able to integrate with the established character of Braidwood which comprises a range of house styles and sizes. In addition, the proposed development complies with the requirements of the Council's Residential Development Guide in terms of plot ratio, garden size, window to window distance and parking provision. There would not be an adverse impact on the amenity of existing local residents in terms of overlooking or overshadowing given the distance between existing properties and the site. In terms of the proposed house plots, these matters are more properly dealt with at the further application stage, however; the development of the site for a housing development of the size and scale proposed would respect the local character of the area. A condition would be attached to the consent to ensure the submission of a Design Brief to justify the chosen house types and design and set parameters and guidelines for the future development of the site. Roads and Transportation Services have not raised any road safety concerns and the proposal will include the formation of a 2m footway along the site frontage. In view of this, the proposal is considered to be in compliance with Policy 4 and associated Supplementary Guidance.
- 6.6 Policy 2 - Climate Change seeks to minimise and mitigate against the effects of climate change. This application is for a small development of 1 dwelling and 4 house plots situated close to existing amenities and facilities in Carluke including education, health, community and retail uses and the park and ride at Carluke railway station. The proposal would not result in flood risk and there would not be an adverse impact on water, soils, habitat, air quality and green networks.
- 6.7 Policy 14 - Green Network and Greenspace states partial loss will only be considered where landscape enhancement can be achieved, there is no significant adverse impact upon natural/built heritage resources and compensatory provision can be provided elsewhere. The proposed development will establish a tree belt with an average depth of 14 metres which will add to the amenity value of the greenspace. Therefore, the proposal will not compromise the policy objectives.
- 6.8 The site falls within a designated Special Landscape Area where Policies 15 and NHE16 seek to conserve those features which contribute to local distinctiveness. All proposed development should take into account the detailed guidance contained in the South Lanarkshire Landscape Character Assessment 2010. The site falls

within the Incised River Valley Broad Valley Floor where settlement encroachment and suburban residential development is discouraged. The character of these areas would be very sensitive to any measures which resulted in the loss of natural river landscapes, or the introduction of modern, engineered structures. The proposed development reflects a sensitive extension to the settlement edge enhanced by extensive tree planting which avoids engineered solutions. The proposed dwellings will be visually contained by existing trees, buildings and topography and no features, other than a section of an existing hedgerow, which contribute to the landscape character of the area will be affected. Tree planting around the site boundaries will ensure further integration in the context of the wider area and only a small corner of a field is required for this development. In view of these circumstances, the proposal complies with policies 15 and NHE16.

- 6.9 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposal accords with Policies 2, 4, 5, 14, GBRA 5, DM1 and NHE16 and in the Proposed plan.
- 6.10 Following an assessment of the application, it is concluded the proposal does not accord with the adopted Local Development Plan. Section 25 of the Town and Country Planning (Scotland) Act 1997 does, however, allow for exceptions to be made to policy where other material considerations outweigh the provisions of the development plan. In this case, the applicant has demonstrated that a small housing development can be integrated without impact upon residential amenity, the character of the area and the environment and will facilitate a rounding off of the current irregular village boundary. The recommendation is, therefore, to grant planning permission. It is considered that an exception to policy has been demonstrated for the following reasons.
- (i) The objectives of Scottish Planning Policy in terms of the purposes of the Green Belt would not be compromised.
 - (ii) The proposal will enable the rounding off of the current irregular settlement edge and the creation of a robust and defensible boundary.
 - (iii) The small scale nature of the development will not have an adverse impact on the character of the area.
 - (iv) The additional tree planting will enhance the landscape character of the area.
 - (v) There would be no adverse impact on residential or visual amenity; infrastructure; or biodiversity

It is therefore recommended that planning permission be granted.

7 Reasons for Decision

- 7.1 The applicant has demonstrated that a small housing development can be integrated without impact upon residential amenity, the character of the area and the environment and will facilitate a rounding off of the current irregular village

boundary. On balance, this is considered acceptable and, therefore, an exception to policy has been demonstrated for the following reasons.

- (i) The objectives of Scottish Planning Policy in terms of the purposes of the Green Belt would not be compromised
- (ii) The proposal will enable the rounding off of the current irregular settlement edge and the creation of a robust and defensible boundary.
- (iii) The small scale nature of the development will not have an adverse impact on the character of the area
- (iv) The additional tree planting will enhance the landscape character of the area and compensate for the loss of the hedgerow.
- (v) There would be no adverse impact on residential or visual amenity; infrastructure; or biodiversity.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 7 April 2020

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 3 July 2019

- ▶ Consultations
 - Roads Development Management Team 16.03.2020
 - Roads Flood Risk Management 17.09.2019

- ▶ Representations Dated:
 - Mr Hew Campbell, Yett Holm, Woodhall Road, Braidwood, Carluke, South Lanarkshire, ML8 5NF 09.07.2019
 - Mr Colin Fleming, 10 Woodhall Road, Braidwood, Carluke, South Lanarkshire, ML8 5NF 23.07.2019
 - Mr David Wilson, 119 Braidwood Road, Braidwood, Carluke, South Lanarkshire, ML8 5NU 23.07.2019

Contact for further information

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

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Email: ian.hamilton@southlanarkshire.gov.uk

Conditions and reasons

01. That further applications shall be submitted to the Council as Planning Authority for the erection of individual dwellinghouses on the plots hereby approved, together with the requisite detailed plans and such plans shall include:-
- (a) Plans, sections and elevations of the proposed building together with the colour and type of materials to be used externally on walls and roof;
 - (b) Sections through the site, existing and proposed ground levels and finished floor levels;
 - (c) Detailed layout of the site as a whole including, where necessary, provision for car parking, details of access and details of all fences, walls, hedges or other boundary treatments; and,
 - (d) Existing trees to be retained and planting to be carried out within the site; and no work on the site shall be commenced until the permission of the Council as Planning Authority has been granted for the proposals, or such other proposals as may be acceptable.

Reason: To ensure that these matters are given full consideration.

02. That the further application required under the terms of Condition 01, shall be accompanied by a Design Statement which shall set out the design principles, justify the design solution and show how the proposal responds to the wider context of the area as well as the characteristics of the site.

Reason: To provide an explanation of the design concept and to enable a greater understanding of the proposal.

03. That no building to be erected on the site shall exceed 1.5 storeys in height.

Reason: To safeguard residential amenity and to ensure satisfactory integration with the surrounding area.

04. That before any work commences on the site, a scheme of landscaping for the area shaded green on the approved plans shall be submitted to the Council as Planning Authority for written approval and it shall include:
- (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development;
 - (b) details and specification of all trees, shrubs, grass mix, etc.including, where appropriate, the planting of fruit/apple trees;
 - (c) details of any top-soiling or other treatment to the ground;
 - (d) sections and other necessary details of any mounding, earthworks and hard landscaping;
 - (e) proposals for the initial and future maintenance of the landscaped areas;
 - (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

Reason: To ensure the appropriate provision of landscaping within the site.

05. That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the buildings or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of the visual amenity of the area.

06. That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on 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.

07. That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 06, shall be erected and thereafter maintained to the satisfaction of the Council.

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

08. That before the development hereby approved is brought into use, a 6 metre wide dropped kerb accesses to the proposed dwellings shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

09. That before the development hereby approved is completed or brought into use, the first 2 metres of the driveways from behind the edge of the footway heel kerb shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.

Reason: To prevent deleterious material being carried onto the road.

10. That before the development hereby approved is completed or brought into use, a visibility splay of 2.0 metres by 35 metres measured from the road channel shall be provided on both sides of the vehicular driveways and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

11. That before the development hereby approved is completed or brought into use, 2 metre wide footway shall be constructed along the frontage of the site to the specification of the Council as Roads and Planning Authority.

Reason: In the interests of public safety.

12. The carriageway of the public road shall be upgraded and widened to 5.5 metres over the frontage of the site.

Reason: To ensure the provision of satisfactory access to the site.

13. That before the dwellinghouses hereby permitted are occupied, 2 car parking spaces for 1-3 bedroom dwellings and 3 spaces for 4 or more bedroom dwellings (3m x 6m modules) shall be provided within the curtilage of each plot and outwith the public road or footway and shall thereafter be maintained to the specification of the Council as Planning Authority.

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

14. That the garage driveway shall not have a gradient in excess of 8%.

Reason: In the interests of traffic and public safety.

15. 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 the following signed appendices : 1 'Sustainable drainage design compliance certificate' , 2 'Sustainable drainage design - independent check certificate' 3 'Flood risk assessment compliance certificate', 4 'Flood risk assessment - independent check certificate' and 5 'Confirmation of future maintenance of sustainable drainage apparatus' . The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved 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.

16. That the dwellinghouse shall not be occupied until the developer provides a written agreement from Scottish Water and SEPA that the site can be served by a water supply and sewerage scheme in accordance with relevant standards and regulations.

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

17. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development 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.

18. That the roof of the proposed dwellings shall be clad externally in natural slate or a slate substitute which closely resembles slate.

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

19. That no consent is hereby granted for the indicative house footprints within each houseplot shown on the application plan.

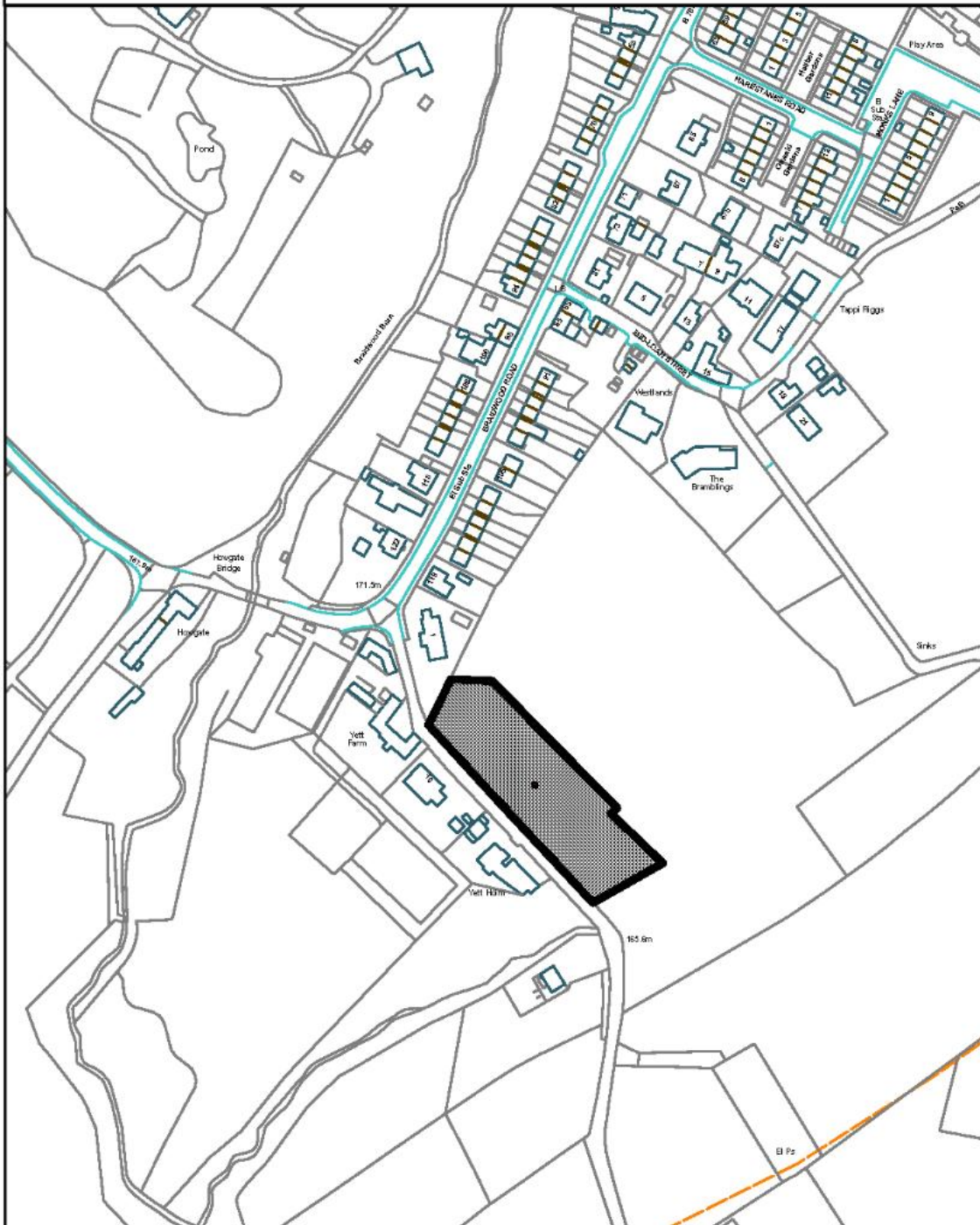
Response: Permission is granted in principle only and no approval is given for these details.

20. That the hedgerow shall not be removed during the bird nesting season between March and July.

Reason: To protect nesting birds and their fledglings.

P/19/0941

Land 50m East of 10 Woodhall Road, Woodhall Road, Braidwood



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Scale:
1:2,500
Date:
18/03/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

11

Report to:	Planning Committee
Date of Meeting:	5 May 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1665
Planning proposal:	Demolition of two houses and erection of 21 unit residential development with associated external works, parking and landscaping

1 Summary application information

Application type: Detailed planning application

Applicant: Wilson Developments (Scotland) Ltd
Location: 21 Douglas Street
Hamilton
ML3 0BP

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: DarntonB3 Architecture Ltd.
- ◆ Council Area/Ward: 17 Hamilton North and East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan**
Policy 1 – Spatial Strategy
Policy 2 – Climate Change
Policy 4 – Development Management and Place Making
Policy 6 – General Urban Area/Settlements
Policy 13 – Affordable Housing and Housing Choice
Policy 16 – Travel and Transport

**South Lanarkshire Local Development Plan:
Supplementary Guidance**

Development Management, Place Making and Design SG

Policy DM1 – Design

Policy DM7 – Demolition and Redevelopment for Residential Use

Policy DM 13 – Development within General Urban Area/Settlements

Sustainable Development and Climate Change SG

Policy SDCC3 – Sustainable Drainage System

Policy SDCC4 – Water Supply

Policy SDCC5 – Foul Drainage and Sewerage

Policy SDCC10 – Sustainable Transport

Residential Design Guide

South Lanarkshire Local Development Plan 2 (proposed)

Policy 1 – Spatial Strategy

Policy 2 – Climate Change

Policy 3 – General Urban Areas/Settlements

Policy 5 – Development Management and Place Making

Policy 15 – Travel and Transport

Policy DM1 – New Development Design

Policy DM7 – Demolition and Redevelopment for Residential Use

Policy DM15 – Water Supply

Policy DM16 – Foul Drainage and Sewerage

Policy SDCC3 – Sustainable Drainage Systems

Policy SDCC4 – Sustainable Transport

◆ Representation(s):

▶	4	Objection Letters
▶	0	Support Letters
▶	1	Comment Letters

◆ Consultation(s):

Roads Development Management Team

Environmental Services

Scottish Water

Housing

Education Resources – School Modernisation Team

Planning Application Report

1 Application Site

- 1.1 The application site is currently occupied by two residential properties located at 21 and 23 Douglas Street, Hamilton and an area of waste land immediate to the north. The existing buildings are traditionally styled single storey properties which sit to the front of the existing curtilages, facing onto Douglas Street, with small front garden areas and larger garden areas to the rear. The adjoining land, which previously provided pedestrian access to the former Hamilton Academicals Football Ground which was located to the rear of the site, is undeveloped and has been left to re-vegetate naturally.
- 1.2 The properties sit within an area containing a mix of uses and property styles including residential units (semi-detached two storey properties, semi-detached bungalows, detached houses and flatted properties). In addition, a number of non-residential uses are also found within the immediate area, including a health centre (immediately adjoining the site to the south), a steel fabrication unit (immediately to the north), commercial offices and a retail park to the rear. A large Council staff car park is located diagonally to the north-east, at the junction of Douglas Street and Bothwell Street.
- 1.3 The application site has good access to public transportation links (Hamilton West Rail Station and bus routes) and public amenity area at Bothwell Road Park.
- 1.4 The applicant has submitted a number of documents in support of their application, namely:
- Design Statement
 - Drainage and Water Management Strategy
 - Civil and Structural Engineering Geotechnical Commentary
 - Noise Impact Assessment
 - Tree Survey/Visual Assessment
 - Phase 1 Habitat Survey

2 Proposal(s)

- 2.1 The applicants propose the demolition of the existing buildings within the site and, thereafter, redevelop the site for residential purposes, in the form of a flatted development, on behalf of Clyde Valley Housing Association.
- 2.2 It was the applicant's initial intention to provide a four storey flatted development comprising 24 units, with parking to the rear. It was initially proposed that the building would sit immediately adjacent to the pavement fronting the site, with no private amenity space to the front, breaching the established building line with adjacent properties. However, following discussions with the Planning Services the proposed scheme has been revised.
- 2.3 The revised scheme re-positions the building back within the site, in line with adjacent buildings, and now provides an area of amenity to the front of the site. In addition, the proposed building has been redesigned in an effort to reduce its visual impact on the streetscape having 3 storeys to the front and a four storey element to the rear. The revised scheme will accommodate 21 units rather than the 24 previously proposed. The re-design solution has also addressed potential

overlooking/privacy issues with neighbouring properties, in particular with the adjoining health centre. This proposed design approach introduces an element of amenity space at roof level. Further amenity space, parking, cycle and bin storage will be accommodated within the rear of the site, access to which will be formed to the north of the site onto Douglas Street.

- 2.4 The proposed building will be finished externally in a combination of light grey/buff stonework and zinc vertical cladding.

3 Background

3.1 Local Plan Policy

- 3.1.1 In determining planning applications, the Council must assess the proposal against the policies contained within the adopted South Lanarkshire Local Development Plan (SLLDP) and associated Supplementary Guidance (SG) produced in support of the SLLDP.

- 3.1.2 Given the nature of the application, it is considered that Policies 1 – Spatial Strategy, 2 – Climate Change, 4 – Development Management and Place Making, 6 – General Urban Area/Settlements, 13 – Affordable Housing and Housing Choice, and 16 – Travel and Transport are appropriate to the determination of this application. In addition, the Policies and Guidance within the Council's adopted Supplementary Guidance are of relevance; namely Development Management, Place Making and Design SG (Policies DM1 – Design, DM7 – Demolition and Redevelopment for Residential Use and DM 13 – Development within General Urban Area/Settlements), Sustainable Development and Climate Change SG (Policies SDCC3 – Sustainable Drainage System, SDCC4 – Water Supply, SDCC5 – Foul Drainage and Sewerage, SDCC4 – Sustainable Transport and SDCC10 – Sustainable Transport) and the Council's approved Residential Design Guide.

- 3.1.3 In addition, on 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) (SLLDP2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policies 1 – Spatial Strategy, 2 – Climate Change, 3 – General Urban Areas/Settlements, 5 – Development Management and Place Making, 15 – Travel and Transport, DM1 – New Development Design, DM7 – Demolition and Redevelopment for Residential Use, DM15 – Water Supply, DM16 – Foul Drainage and Sewerage, SDCC3 – Sustainable Drainage Systems and SDCC4 – Sustainable Transport are relevant.

- 3.1.4 The aim of the above policies and guidance is to seek a development that is appropriately designed, located, serviced and results in no adverse impact on the surrounding area. The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.2 Planning Background

- 3.2.1 There is no recent planning history relevant to the determination of this current application.

4 Consultation(s)

- 4.1 **Roads (Development Management)** – raised concerns over the initial proposal in terms of the level of parking provision and access standards. However, they have confirmed that they offer no objections to the revised scheme

Response: - Noted.

- 4.2 **Environmental Services** – have confirmed that they have no objection to the proposal subject to the inclusion of conditions and informatives relative to noise, contamination, waste control, pest control, demolition works etc.

Response: - Appropriately worded conditions and/or informatives can be attached to any consent to address this matter.

- 4.3 **Scottish Water** – have offered no objections to the proposed development.

Response: - Noted.

- 4.4 **Housing** – have offered no response to date.

Response: - Noted.

- 4.5 **Education Resources (School Modernisation)** – have noted that, due to the impact of the development on existing educational provision, a financial contribution would be expected.

Response: - Whilst noting the above comments, it is confirmed that, as the proposed development is on behalf of a social housing provider, no contributions would be sought in this instance.

5 Representation(s)

- 5.1 Neighbour notification procedures were undertaken in respect of the initial submission. Three letters of representation were received and the grounds of objection are summarised as follows:

a) **Density/Layout**

Response: It is considered that the proposed development, as amended, accords with the aims of the relevant policies and guidance of both the adopted and proposed South Lanarkshire Local Development Plans, against which any new development should be considered. As such, it is not considered to result in an overdevelopment of the site. An assessment of the proposal is addressed within Section 6 below.

b) **Overlooking/privacy/loss of daylight/overshadowing concerns**

Response: Given the relationship of the proposed building with existing residential properties, it is considered that any impact in this regard would not be significant and not to a level that would justify the refusal of the application on these grounds.

In terms of any potential impact on the adjacent medical centre it is considered that, through the redesign of the accommodation within the proposed building to reduce any overlooking from habitable rooms, the applicant has minimised any potential for overlooking.

With regard to overshadowing, given the scale of the proposed building it is accepted that there is likely to be a higher potential for overshadowing than currently is the case. With existing established urban areas, such as this, there is a difficult balance to be achieved in this regard. Indeed, it is noted that there is an existing disparity between the existing medical centre and neighbouring residential properties. In addition, the proposed building will be no closer to the medical centre than the existing flats to the south. It is, therefore, considered that any overshadowing of the adjacent building would not be to an unacceptable level which would justify the refusal of the application.

c) Road safety concerns – increased traffic/insufficient parking

Response: It is accepted that there will be an increase in the volume of traffic associated with the site than was previously the case. However, it is noted that Road and Transportation Services have offered no objection to the proposal on these grounds and it is therefore considered that there will be no significant impact in terms of road safety as a result of the development. Access/egress arrangements to the site would be in accordance with road guidance and the proposed parking provision within the site is considered sufficient to serve the development given its access to bus and rail links within close proximity.

An objection has been submitted in terms of the unauthorised use of a private rear parking area associated with adjacent medical centre which may be exacerbated by the approval of the proposed development having insufficient parking provision. As a private parking facility, it is for the land owner/operator to monitor and control. However, as stated above, Road and Transportation Services are satisfied that sufficient parking has been provided to serve the development.

d) Out of character with surrounding properties

Response: It is noted that there is a mix of property types, both commercial and residential which includes flat units, within the area. As such, it is not considered that the proposed development would have a significant impact on the streetscape. Indeed it is noted that the building has been redesigned and repositioned within the site to reduce any perceived impact and provide a degree of amenity space along its frontage, which will benefit the surrounding area.

e) Impact on drainage infrastructure

Response: The application site lies within an established urban area where connection to existing water and drainage provision is easily achievable. Furthermore, it is noted that Scottish Water have offered no objection to the proposal and it is, therefore, considered acceptable on these grounds.

f) Impact on Listed Building (County Buildings)/Conservation Area

Response: It is noted that the application site, and buildings, are neither within a designated conservation area nor listed structures. Whilst the County Buildings is located nearby, it is considered that the proposed building is neither of a scale or design which would impact adversely on its designation as a listed building.

g) Loss of trees and nature conservation concerns

Response: The proposed development will result in the loss of a small linear area containing trees and vegetation. However, the area has been poorly maintained and left largely to reseed. The area has also been the subject of unauthorised dumping and therefore offers little in amenity value. The area is not designated as a tree preservation order area or any other such designation which offers the trees any formal protection. That being said, there would be a requirement, should permission be granted, for the further assessment of this area, prior to any tree removal, to ensure that any habitat interests are appropriately addressed.

In addition, it is noted that the proposed development now incorporates planting, including trees along its frontage which will in some way, compensate for any loss and contribute to an improvement of amenity value at this location.

5.2 In addition to the above objections, the following comments were made:

- i) **That the submitted location plan incorrectly designates the adjacent buildings as a government office rather than a medical centre.**

Response: The information provided on these drawings is based on the information provided by third party companies, such as Ordnance Survey, and, therefore, generally outwith the developer's control. It is considered that the information provided satisfied current requirements and enables the clear identification of the application site.

- ii) **Concerns over the methodology used to establish parking and amenity provision with the submitted information.**

Response: It is advised that general standards for parking provision are set out within the Scots National Guide, however, local authorities can adopt different standard which can result in a minor difference in assessments carried out. Additionally, standards can be relaxed if it is considered justifiable and appropriate to do so.

In terms of amenity space provision again general guidance is provided within the Council's approved Residential Design Guide. However, these are guidelines and cannot be set in stone as each development is individual, as is the character of the area surrounding it. These standards can, therefore, be the subject to relaxation if it is considered acceptable to do so.

Notwithstanding the above, it should be noted that application proposals should be treated on their individual merits taking into consideration any applicable policies and guidance and other material considerations.

5.3 Following the submission of the revised proposal, neighbour notifications were undertaken again. One letter of objection and one comment letter were received in response.

5.4 The grounds of objection, on behalf of NHS Lanarkshire reiterate the points raised above in terms of Layout/Density, Overlooking/Loss of Privacy, Parking and Noise and Disturbance. It is considered that these matters have been addressed within Section 5.1 above. However, the following additional concerns have been raised:

- a) **Overlooking/ Loss of privacy associated with the proposed roof terrace.**

Response: It is confirmed that conditions would be attached to any consent issued, requiring the submission, and approval, of such details such as boundary treatments and safety railings.

- b) **That the proposal should not impede the operation of the medical centre; which provides an out of hours service.**

Response: Given the nature of demolition and development works there is always a potential for some level of disturbance. It considered that, through appropriate on site management during construction, any such issues would be minimised.

In terms of such issues occurring following the occupation of the building, these would be a private matter between the medical centre and neighbouring development to resolve.

- 5.5 The further letter received, on behalf of a neighbouring resident, considers the scheme to be significantly improved. However, they offered the following comments:

- i) **Building still tall and bulky but not as overbearing.**

Response: It is considered that the new design, which incorporates a split level 3 and 4 storey building, reduces any potential impact of the building on the existing streetscape.

- ii) **The provision of electric vehicle charging facilities.**

Response: It is confirmed that a conditions would be attached to any consent issued, requiring details for the provision of such facilities within the site.

- iii) **That the roof terrace be designed to minimise noise and disturbance.**

Response: Please refer to response given at 5.4(a) above.

- iv) **Bin storage facilities – That only recycle waste storage be located at the front of site to reduce potential odour issues.**

Response: Appropriate facilities have been provided on site to serve the development. However, it would be for the Council's cleansing Service and developer to agree the location for each type of bin provision.

- 5.6 These letters have been copied and are available for inspection in the usual manner and on the Planning Portal.

6 Assessment and Conclusions

- 6.1 This application proposes the demolition of a semi-detached residential building and thereafter the erection of a flatted residential development, with associated parking and amenity space within an established urban area in Hamilton. The proposed development is being developed on behalf of the Clyde Valley Housing Association. Following discussions on the proposal, the applicants have amended the proposed development, in terms of both the number of units and the scale/design of the proposed building. The proposed building now comprises 21 units, within a split 3

and 4 storey building. The building has been set back within the site, providing amenity space to the front, with the 3 storey element also being located at the street frontage to lessen its impact.

- 6.2 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all planning applications are determined in accordance with the development plan, unless other material considerations indicate otherwise. The main determining issues, therefore, in the assessment of this application are whether the proposed development is in compliance with local plan policy and its impact on the amenity of adjacent properties and on the local road network.
- 6.3 The adopted South Lanarkshire Local Development Plan (SLLDP) seeks to ensure that future development takes place in a sustainable way whilst recognising the need for economic growth and regeneration (Policies 1 – Spatial Strategy and 2 – Climate Change). The proposal accords with these aims as it relates to the redevelopment of a site within an established urban area with good links to public transport; with the site itself providing reduced on-site parking provision, the capability for electrical vehicle charging points and facilities for bicycle storage. Within the adopted plan, the site is designated as within a general residential zoning (Policy 6), the principle of use of the site for residential purposes is therefore acceptable, subject to compliance with normal development management criteria.
- 6.4 The matters considered appropriate in the determination of this application are set out within Section 3.1.3 above. Principally, the stated policies and guidance seek to ensure that any development does not adversely impact on the amenity of such areas, can be adequately serviced and has been designed in a manner which takes cognisance of appropriate guidance and the area within which it is located. Having considered the design and layout of the revised proposal, it is considered that the scheme is capable of being developed, subject to conditions, without conflict with the general requirements of the applicable policies and guidance.
- 6.5 The demolition of the existing buildings within the site raise no significant concerns from a planning perspective. With regard to the detailed design of the proposed development, it is considered that the proposal, as amended, is acceptable and will be in keeping with the existing development in the surrounding area, which contains a mix of building styles. The amendments to the proposal were undertaken, following discussions with the Planning Service, to enable a better integration with the existing streetscape. Given the design and layout of the proposed development, as amended, and its relationship with existing properties adjoining the site, it is also considered that there would be no significant detrimental impact to the amenity or overlooking issues, as a result of the introduction of this development. The proposed external material finishes raise no issues given the current mix of materials within the area. No concerns have been raised by Roads and Transportation Service and the proposal is, therefore, considered acceptable in road safety terms. No specific concerns, subject to the inclusion of conditions and/or informatives, have been raised by the remaining consultees. Any requirements can be addressed through the use of conditions and/or informatives, where appropriate. The proposal, therefore, accords with the aims of Policies 4, 16, DM 1, DM7, DM13 of the SLLDP and supporting supplementary guidance.

- 6.6 The development is being undertaken on behalf of Clyde Valley Housing Association and, as such, will assist the Council aim of ensuring the availability of a range of housing types to cater for the increasing number and variety of households.
- 6.7 The application site is within an urban location where sewerage and water infrastructure connections can be easily accessed. In addition, the site will incorporate a suitably designed urban drainage system, to be conditioned should consent be given, to serve the development. On this basis it is considered that the proposal raises no issues in terms of Policies SDCC3, SDCC 4 and SDCC 5 within the adopted SSLDP's supplementary guidance on Sustainable Development and Climate.
- 6.8 In terms of Policies 16 and SDCC10, which relate to the promotion of sustainable travel, the Council requires that new development schemes recognise the needs of cyclists and incorporate electric vehicle charging points within the development. In this regard it is noted that a storage facility for bicycles has been provided within the revised scheme. The incorporations of vehicle charging points can be addressed through the use of an appropriately worded condition.
- 6.9 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. It is considered that the proposal accords with Policies 1, 2, 3, 5, 15, DM1, DM7, DM15, DM16, SDCC3 and SDCC4 contained in the proposed plan.
- 6.10 Whilst third party representations have been received, it is considered that the issues raised are not of sufficient weight or merit, either individually or collectively, to justify the refusal of the application in this instance. In addition, the proposed development has been amended and is considered to satisfactorily address the issues/concerns present within the original proposal.
- 6.11 In conclusion, following assessment of the proposal, it is considered that the proposal accords with the policies contained in both the adopted South Lanarkshire Local Development Plan, and its supplementary guidance, and emerging South Lanarkshire Local Development Plan 2.
- 6.12 On the basis of the above it is recommended that planning permission be granted, subject to the conditions listed.

7 Reasons for Decision

- 7.1 The proposal accords with the policies of the South Lanarkshire Local Development Plan and Supplementary Guidance (namely Policies 1 – Spatial Strategy, 2 – Climate Change, 4 - Development Management and Placemaking, 6 – General Urban Area/Settlements, Land13 – Affordable Housing and Housing Choice, 16 - Travel and Transport, DM1 – Design, DM7 – Demolition and Redevelopment for Residential Use, DM 13 – Development within General Urban Area/Settlements, SDCC3 – Sustainable Drainage System SDCC4 – Water Supply, SDCC5 – Foul

Drainage and Sewerage, SDCC10 – Sustainable Transport and Residential Design Guide).

Furthermore, the proposal accords with the requirements of the policies and guidance within the proposed South Lanarkshire Local Development Plan 2 (namely Policies 1 – Spatial Strategy, 2 – Climate Change, 3 - General Urban Areas, 5 - Development Management and Place Making, 15 – Travel and Transport, DM1 – Design, DM7 – Demolition and Redevelopment for Residential Use, DM15 – Water Supply, DM16 – Foul Drainage and Sewerage, SDCC3 – Sustainable Drainage Systems and SDCC4 – Sustainable Transport).

There are no other material considerations that would justify the refusal of consent.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 22 April 2020

Previous references

◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 21.11.2019 and 03.03.2020

- ▶ Consultations

Roads Development Management Team	06.02.2020 16.03.2020 07.04.2020
Environmental Services	29.11.2019 09.03.2020
Scottish Water	26.11.2019
Education Resources – School Modernisation Team	26.11.2019

- ▶ Representations

Mr And Mrs Lawson, 18 Douglas Street, Hamilton, South Lanarkshire, ML3 0BP	Dated: 11.12.2019
Maureen And Ronnie Gibb, 20 Douglas Street, Hamilton, South Lanarkshire, ML3 0BP	10.12.2019 23.03.2020
NHS Lanarkshire, Law House (NHS), Airdrie Road, Carluke, ML8 5EP	28.11.2019 20.03.2020

Contact for further information

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

James Watters, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton,
ML3 6LB

Phone: 01698 454970

Email: james.watters@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/19/1665

Conditions and reasons

01. That before development starts, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.

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

02. That before the development hereby approved is completed or brought into use, the new vehicular access so far as it lies within the boundaries of the road abutting the site, shall be constructed in accordance with the specification of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

03. That before the development hereby approved is completed or brought into use, all of the parking spaces shown on the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

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

04. That, unless agreed in writing with the Council as Planning Authority, 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.

05. Prior to commencement of the development hereby approved, details of measures to facilitate the provision of full fibre broadband to serve the development, including details of appropriate digital infrastructure and a timescale for implementation, shall be submitted to and approved in writing by the Council as Planning Authority, unless otherwise agreed in writing with the applicant. The approved measures shall thereafter be carried out in accordance with the agreed implementation timescale.

Reason: To ensure the provision of digital infrastructure to serve the development.

06. That, unless otherwise agreed in writing with the Council as Planning Authority, provision shall be made for electrical charging points within the development for motor vehicles and mobility scooters. Prior to any works commencing on site details of the proposed arrangements shall be submitted, and agreed in writing with the Council as Planning Authority. Thereafter the scheme shall be implemented and maintained to the satisfaction of the Council as Planning Authority.

Reason: To ensure the provision of appropriate facilities on site.

07. That before any of the flatted units hereby approved are occupied, unless otherwise agreed in writing with the Council as Planning Authority, the storage and collection of refuse within the development shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason: To ensure that adequate refuse arrangements are and operational.

08. That before any of the flatted properties hereby approved are occupied, unless otherwise agreed in writing with the Council as Planning Authority, details of the cycle storage facility within the development shall be submitted to and approved by the Council as Planning Authority. Thereafter, prior to the occupation of any dwelling, the approved scheme shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of amenity and to ensure that a satisfactory external appearance is achieved.

- 09 That, unless otherwise agreed in writing with the Council as Planning Authority, the recommendations of the submitted Noise Impact Assessment Rev 00 (New Acoustics dated 29 February 2020) shall be fully implemented and complied with.

Reason: To ensure that the development is in accordance with appropriate legislation

- 10 That, unless otherwise agreed in writing with the Council as Planning Authority, all work undertaken on site shall be in accordance with the recommendation(s) within the submitted Habitat Survey, Acorna Ecology Ltd. Dated February 2020.

Reason: To ensure that the development is undertaken in a manner which minimises any impact on wildlife or the natural environment.

- 11 That prior to works commencing on site, unless otherwise agreed in writing with the Council as Planning Authority, details of the screening/barrier to the upper floor garden terrace shall be submitted to, and agreed in writing with the Council as Planning Authority. Thereafter the agreed scheme shall be fully implemented and maintained to the satisfaction of the Council as Planning Authority.

Reason: These detailed have not been submitted or approved.

- 12 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development 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.

- 13 That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:

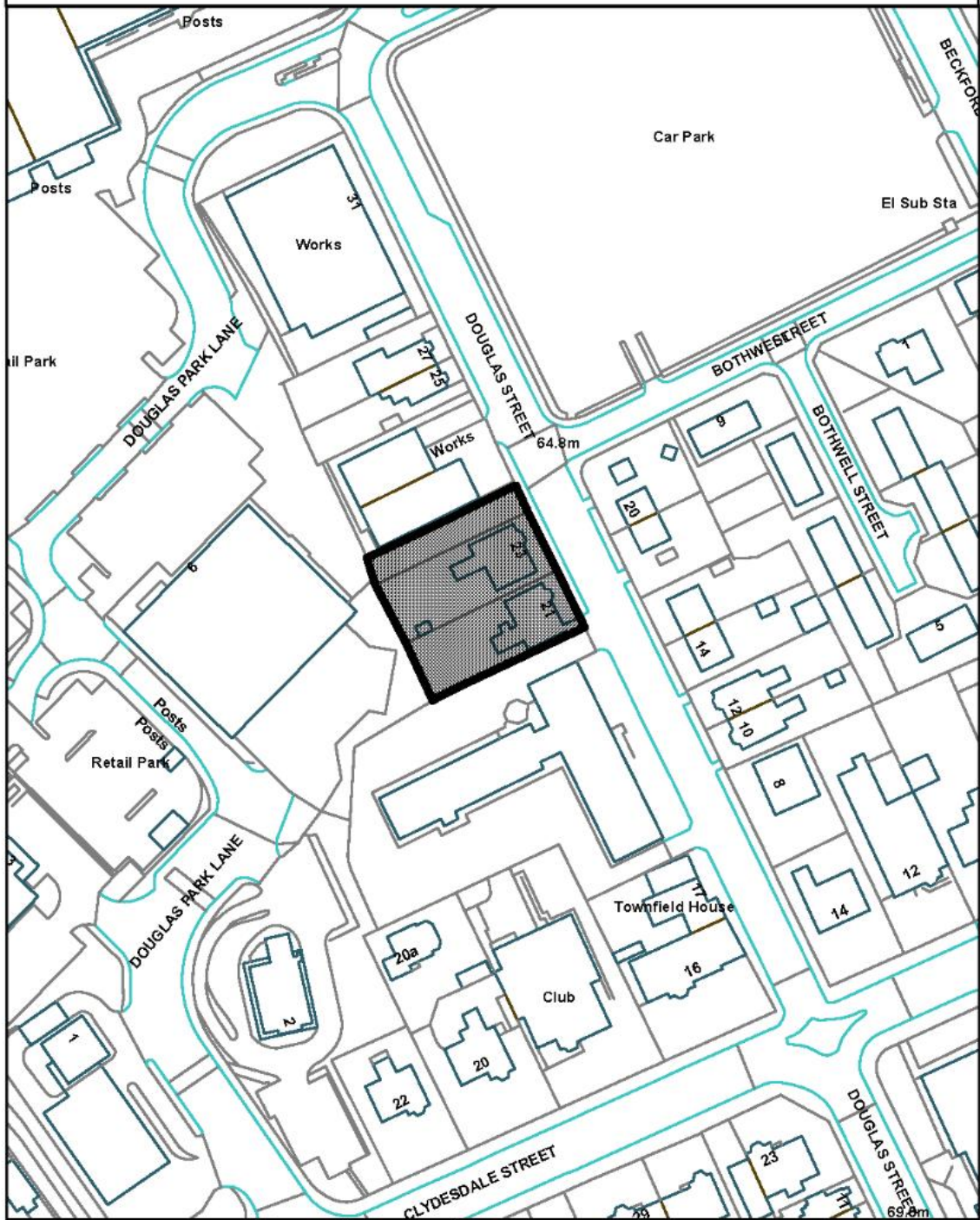
- (a) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees;
- (b) details of any top-soiling or other treatment to the ground;
- (c) proposals for the initial and future maintenance of the landscaped areas;
- (d) details of the phasing of these works;

and no work shall be undertaken on the site until approval has been given to these details.

Reason: To ensure the appropriate provision of landscaping within the site.

P/19/1665

21 Douglas Street, Hamilton



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Scale:
1:1,250
Date:
01/04/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report to:	Planning Committee
Date of Meeting:	5 May 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1684
Planning proposal:	Erection of dwellinghouse and detached double garage.

1 Summary application information

Application type: Detailed planning application

Applicant: Mrs Margaret MacDonald
Location: 93 Broompark Road
Blantyre
G72 9SQ

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:
- ◆ Council Area/Ward: 15 Blantyre
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 - Development Management and Placemaking
Policy 6 - General Urban Area/Settlements

Proposed South Lanarkshire Development Plan 2 (2018)

Policy 3 - General Urban Areas

Residential Design Guide

◆ **Representation(s):**

▶	8	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

SEPA Flooding

Roads Flood Risk Management

Roads Development Management Team

Environmental Services

Scottish Water

Planning Application Report

1 Application Site

- 1.1 The application site is roughly triangular in shape (on an east west axis), extends to 550 square metres or thereby and is located at the rear of the Doon Inn Public House, 93 Broompark Road, Blantyre.
- 1.2 The land to the rear of the Doon Inn Public House is currently used as an informal car park. As a result of the proposed development, the depth of the informal car park will be reduced to approximately 14 metres. The site is bounded to the north by Watson Street (private road) beyond which are residential properties (semi-detached bungalows) approximately 16-18 metres away. The site is bounded to the south by residential properties off Stonefield Crescent, approximately 22 metres away.
- 1.3 The site at present is relatively level, unmaintained and enclosed by a low boundary wall along Watson Street.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning consent for the erection of a dwellinghouse and detached double garage. The application site will be accessed off Watson Street.
- 2.2 The proposed 3 bedroom dwellinghouse will be set 2 metres off both side boundaries and will have a rear garden 10 metres in depth.
- 2.3 It should be noted that the applicant has submitted amended drawings resulting in the proposed dwellinghouse moving approximately 1 metre closer towards Watson Street and the removal of the existing wall (which fronts onto Watson Street) within the curtilage of the application site. Neighbour notification was reissued.

3 Background

3.1 Local Plan Status

- 3.1.1 With regard to the South Lanarkshire Local Development Plan (adopted 2015) the site falls within the general urban area where Policy 6 – General urban area/settlements applies. Policy 4 – Development Management and Placemaking is also of relevance to the proposal.
- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policy 3 - General urban areas and settlements, Policy 5 - Development management and placemaking are relevant to the proposal.

3.2 Relevant Government Advice/Policy

- 3.2.1 Given the nature and scale of the proposed extension, there is no specific government guidance relative to the determination of this application.

3.3 Planning Background

- 3.3.1 A planning application (P/19/0354) for the erection of a detached dwellinghouse, associated double garage and formation of off street parking was withdrawn in 2019.

4 Consultation(s)

- 4.1 **Environmental Services** – no objection subject to the imposition of a standard informative relating to noise.

Response: Noted.

- 4.2 **Scottish Water** – no objection.

Response: Noted.

- 4.3 **S.E.P.A** – no objection.

Response: Noted.

- 4.4 **Roads (Flood Risk Management)** – no objection.

Response: Noted.

- 4.5 **Roads and Transportation Services** – no objection subject to standard planning conditions relating to driveway design, car parking and statutory undertaker's apparatus.

Response: Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification procedures were undertaken in respect of the proposal. In response, eight letters of objection were received from five neighbouring proprietors.

- 5.2 The grounds of objection are summarised as follows: -

(a) Watson Street is a private road in need of repair. It has had a huge increase in traffic in recent years with cars randomly parking to access Carrigans pub, the local school, community centre and shops. Additional traffic and construction vehicles will exacerbate the existing parking issues to the detriment of public safety, create further deterioration in the road and the proposed development will have access issues. The reduction in car parking at the Doon Inn with the closure of the proposed application site has already increased car parking congestion.

Response: It is considered that the erection of one additional dwellinghouse and a reduction in the depth of the informal Doon Inn 'car park' to approximately 14 metres would not have a materially significant impact on car parking congestion that would merit refusal of the application. Indeed, Roads and Transportation Services have raised no objections to the proposal as detailed previously.

- (b) **The amended plan has moved the proposed house one metre towards Watson Street with a new fence being built on the grass verge which will look out of character in the street. It will also have safety implications as the grass verges are used as a passing place and turning area.**

Response: It is considered that a boundary treatment to enclose the garden ground is acceptable. Indeed, several properties throughout South Lanarkshire Council have fences along their boundaries adjacent to roads. The imposition of a planning condition, should consent be granted, will ensure that details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority. As detailed previously, Roads and Transportation Services have raised no objections to the proposal.

- (c) **Loss of privacy/overlooking.**

Response: The application site and neighbouring properties are within an established residential area where a degree of mutual overlooking already occurs. Given the distances and juxtaposition of the proposed dwellinghouse and all neighbouring properties it is considered that the proposal will be within acceptable parameters all aspects considered and will not result in a material loss of privacy that would merit refusal of the application.

- (d) **Loss of sunlight/daylight. The house will dominate and overshadow neighbouring houses on the opposite side of the road.**

Response: All forms of development will generate a shadow of some description and, therefore, it is the extent and duration of shadow that is important. Given the position/relationship of the existing dwellings and the location of the proposed dwellinghouse, it is considered that any impact on neighbouring properties will not be a significant or material degree in terms of overshadowing/loss of daylight that would justify refusal of this application.

- (e) **Loss of private view.**

Response: The loss of view/outlook does not constitute a material planning consideration in the assessment of a planning application.

- (f) **Noise and disturbance – construction traffic and additional traffic.**

Response: The erection of a dwellinghouse is likely to result in some form of disruption for a temporary period only. This is not unusual or unreasonable. Any issues of inconvenience including noise associated with a development will not be permanent and with appropriate site management can be minimised. In any event the possibility of temporary inconvenience is not sufficient grounds to justify the refusal of planning consent. Whilst it is not anticipated that noise nuisance would occur once the development is complete, any such noise issues during construction would be a matter initially for Environmental Services to address.

- (g) **The proposed access road (Watson Street) is in a state of disrepair and the increased use with additional vehicles and construction traffic will exacerbate this. No maintenance has been undertaken by the Doon Inn on the Watson street side of the property. The wall is an eyesore.**

Response: Watson Street is a private road and any potential damage/repairs is a civil issue and does not constitute a material planning consideration in the assessment of a planning application.

- (h) The proposed dwelling will have a side elevation facing the street which is in contrast to other homes in the area.**

Response: The application site which is located behind a public house is relatively unique and the position and orientation of the proposed dwellinghouse will ensure that there is no direct overlooking of neighbouring properties from 'habitable' windows. Indeed the shape of the plot results in a particular design solution in respect of the siting of the dwelling, and, in turn, provision of garden ground. Whilst acknowledging that this layout is not conventional, it is considered that, in this instance, it is acceptable. Further, it is considered that the bespoke design and layout in itself does not provide sufficient grounds to refuse planning consent in this instance.

- (i) A previous proposal for a bungalow was rejected approximately 30 years ago.**

Response: Notwithstanding that there are no current planning records of this, every planning application must be assessed on its own merits in accordance with the relevant development plan.

- (j) The foundations for the proposed garage will damage the roots of a large sycamore tree at the bottom of the garden of 12 Stonefield Crescent making it unsafe.**

Response: There are no planning records to suggest that the tree is protected by a tree preservation order. Nevertheless, any potential damage to the roots of a neighbouring proprietor's tree as a result of the proposed development is a civil issue and does not constitute a material consideration in the assessment of a planning application.

- 5.3 The letters of objection have been copied and are available for inspection in the usual manner and on the Planning Portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning consent for the erection of a dwellinghouse and detached double garage at 93 Broompark Road, Blantyre. The determining issues in the assessment of this application are its compliance with local development plan policy as well as its impact on surrounding amenity. 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 framework against which the proposal requires to be assessed is the South Lanarkshire Local Development Plan (adopted 2015), its associated supplementary guidance and the Proposed South Lanarkshire Local Development Plan 2 (2018).
- 6.2 With regard to adopted planning policy as set out in the South Lanarkshire Local Development Plan (adopted 2015), Policy 4 – Development management and placemaking requires all proposals to take account of and be integrated with the local context and built form. The policy advises that proposed developments should not have any significant adverse impact on adjacent buildings or the surrounding streetscape in terms of layout, scale, massing, design, materials or amenity. In addition, Policy 6 – General urban area/settlements is also of relevance and states that, while the principle of residential developments will be supported within the

general urban area, 'bad neighbour' developments will not be permitted if they are detrimental to the amenity of existing residents.

6.3 It is considered that the proposed development from a land use perspective raises no issues. In relation to policies 4 and 6 of the South Lanarkshire Local Development Plan and DM2 of the Development Management, Place Making and Design Supplementary Guidance, it is noted that:

- It is considered that the proposed dwellinghouse and detached double garage will not have a negative impact on the visual quality and amenity of neighbouring properties and the local environment. The imposition of a planning condition, should consent be granted, would ensure that before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- The application site and neighbouring properties are within an established residential area where a degree of mutual overlooking already occurs. Given the distances and juxtaposition of the proposed dwellinghouse and all neighbouring properties, it is considered that the proposal will be within acceptable parameters and will not result in an unacceptable loss of privacy that would merit refusal of the application.
- Given the position of the existing dwellings and the proposed extension, along with the travel path of the sun, it is considered that there will not be a significant or unacceptable impact in terms of overshadowing/loss of sunlight/daylight.

6.4 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. It is considered that the proposal accords with Policies 3 and 5 in the proposed plan.

6.5 Statutory neighbour notification was undertaken and 8 letters of objection have been received. The points of representation have been summarised in Section 5 above. It is considered that the concerns raised, either individually or collectively, are not of sufficient weight or merit from a planning perspective that could justify the refusal of consent.

6.6 In conclusion, following detailed consideration of the proposed development as set out above, it has been determined that the proposal generally complies with Policies 4 and 6 of the South Lanarkshire Local Development Plan (adopted 2015). The proposal is also considered to be compliant with the relevant policies of the Proposed South Lanarkshire Local Development Plan 2, specifically Policies 3 and 5. It is therefore recommended that planning permission is granted for the proposed dwellinghouse and detached double garage in this instance.

7 Reasons for Decision

- 7.1 The proposal generally complies with the relevant policies of the adopted South Lanarkshire Local Development Plan (Policies 4 and 6) and the proposed Local Development Plan 2 (Policies 3 and 5). There are no other material considerations which would justify the refusal of planning permission.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 6 April 2020

Previous references

- ◆ HM/02/0174 – Formation of pitched roof to public house, granted 2002.
- ◆ HM/10/0171 – Installation of 2 new window openings, granted 2010.
- ◆ P/19/0354 - Erection of detached dwellinghouse, associated double garage and formation of off street parking, withdrawn 2019.

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 12.11.2019 and 25.02.2020

- ▶ Consultations
 - SEPA Flooding 18.11.2019
 - Roads Flood Risk Management 20.11.2019
 - Roads Development Management Team 09.12.2019
 - Environmental Services 13.11.2019
 - Scottish Water 18.11.2019

- ▶ Representations Dated:
 - Andy Macgregor, 10 Stonefield Crescent, Blantyre, Glasgow, 28.01.2020
South Lanarkshire, G72 9TJ
 - Mr And Mrs Buchanan, 40 Watson Street, Blantyre, Glasgow, 04.02.2020
South Lanarkshire, G72 9SJ
 - Mrs Elizabeth Anderson, 46 Watson Street, Blantyre, 03.12.2019
Glasgow, South Lanarkshire, G72 9SJ
 - Mr William Henderson, 48 Watson Street, Blantyre, Glasgow, 28.01.2020
South Lanarkshire, G72 9SJ

James Mackie, Received Via Email	28.01.2020
James Mackie, Received Via Email	03.12.2019
Mrs Elizabeth Anderson, 46 Watson Street, Blantyre, Glasgow, South Lanarkshire, G72 9SJ	30.01.2020
Mrs Elizabeth Anderson, 46 Watson Street, Blantyre, Glasgow, South Lanarkshire, G72 9SJ	07.02.2020

Contact for further information

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

Murray Reid, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 453625

Email: murray.reid@southlanarkshire.gov.uk

Conditions and reasons

01. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development 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.

02. That before the development hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 20 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

03. That before the development hereby approved is completed or brought into use, 2 no. parking spaces (3m x 6m modules) shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

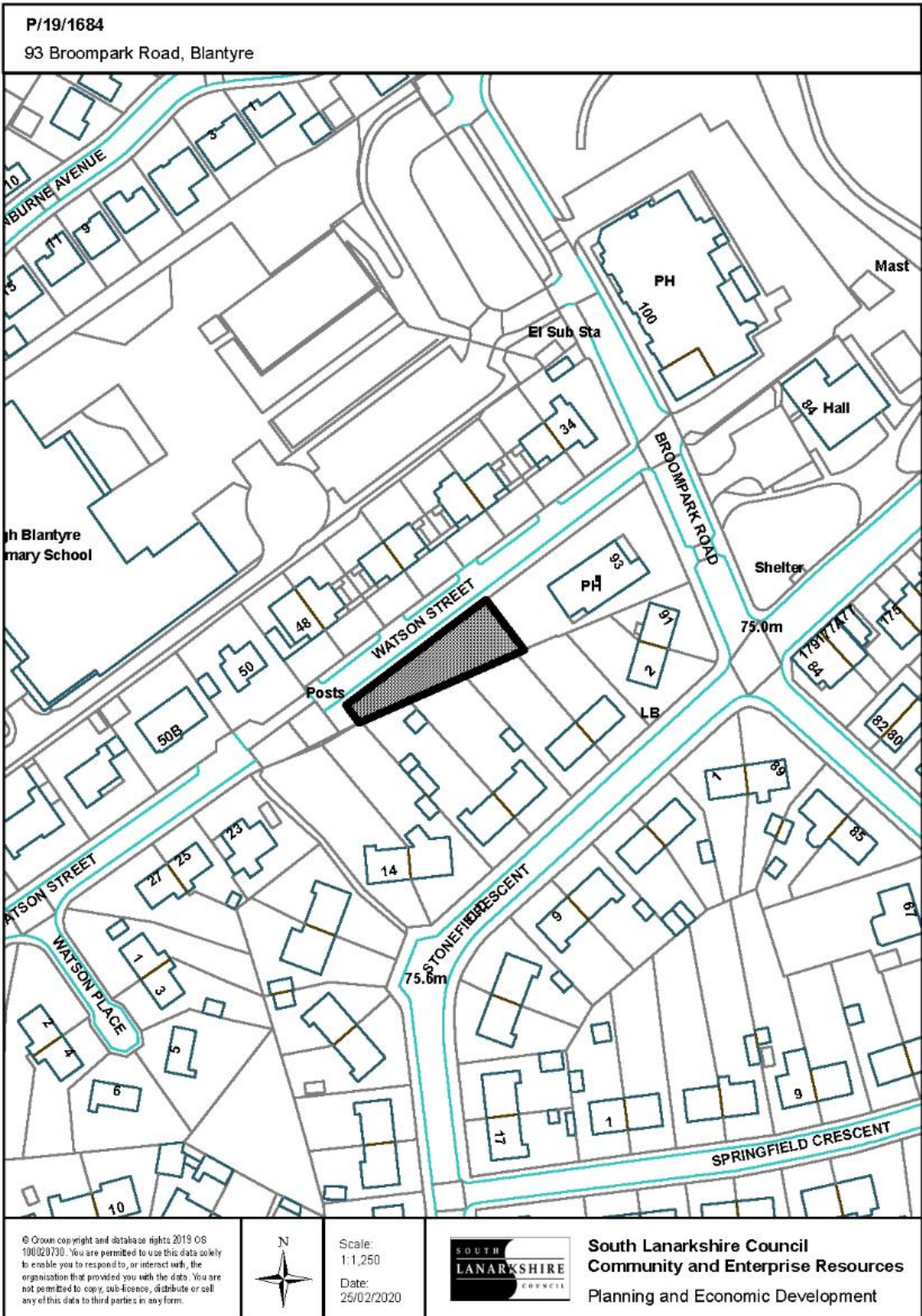
Reason: To ensure the provision of adequate parking facilities within the site.

04. That before the development is completed or brought into use, the surface of the driveway shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the road.

Reason: In the interests of traffic safety and to prevent deleterious material entering the road.

05. That before development starts, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.

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



Report

13

Report to:	Planning Committee
Date of Meeting:	5 May 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1698
Planning proposal:	Installation of two dormer windows to dwellinghouse, demolition of outbuildings and erection of detached garage with attic space

1 Summary application information

Application type:	Householder
Applicant:	Mr Jordan Smith
Location:	1 Hill Cottage Hill Road Netherburn Larkhall ML9 3DJ

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: David Dalziel
- ♦ Council Area/Ward: 20 Larkhall
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted)**
Policy 3 - Green Belt and Rural Area
Policy 4 - Development Management and Placemaking

Supplementary Guidance 3: Development Management, Placemaking and Design
Policy DM2 – House Extensions and Alterations

Proposed South Lanarkshire Development Plan 2

Policy 4 - Green Belt and Rural Area

Policy 5 - Development Management and
Placemaking

Policy DM2 – House Extensions and Alterations

◆ Representation(s):

▶	11	Objection Letters
▶	7	Support Letters
▶	0	Comment Letters

◆ Consultation(s):

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The irregular shaped application site extends to 0.13 Ha and is located at Hill Cottage, within the Green Belt to the west of the village of Netherburn. It consists of a detached one and a half storey dwellinghouse, a single car garage and a range of domestic outbuildings/stables. The generally level site is accessed by a shared private vehicular access from Hill Road.
- 1.2 The site is bounded by a recently constructed, single storey dwellinghouse and stable outbuilding to the west, by an older, one and a half storey dwellinghouse to the south and east, and by a vacant, former horticultural nursery with an associated single storey dwellinghouse to the north.

2 Proposal(s)

- 2.1 The detailed plans submitted indicate that a number of existing domestic outbuildings, (approximately 102 sq metres), are to be removed from the site, to facilitate the erection of a detached domestic garage with attic space above. Planning permission is also sought for the installation of 2 no. traditional dormer windows on the north-west facing roof plane of the applicant's dwellinghouse.
- 2.2 The detailed plans submitted indicate that the proposed double garage will have a footprint of 81 square metres and be 5.8 metres high, and that it will provide for vehicle storage with a home gym facility and a WC/shower room above. 2 traditional dormer windows are proposed on the west facing roof plane of the garage, whilst a larger box dormer structure is proposed on the rear, east facing roof plane. External finishes for the garage are proposed to be a slate roof, timber clad walls and dormer cheeks, and a stone base. The proposed dormers on the existing house are also proposed to be clad in natural slate with timber clad cheeks. Vehicular access to the proposed new garage is to be taken from the existing private access.

3 Background

3.1 Local Plan Status

- 3.1.1 The 2015 adopted South Lanarkshire Local Development Plan identifies the application site as being within the Green Belt, subject to assessment against Policy 3 – Green Belt and Rural Area and Policy 4 - Development Management and Place Making. In addition, the proposals require to be assessed against the guidance contained within the associated supplementary guidance documents, namely that within the Development Management, Placemaking and Design SG. Policy DM2 – House Extensions and Alterations is considered to be relevant to the assessment of the application.
- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. Policies 4, 5 and DM2 are relevant to the assessment of the current application.

3.2 Relevant Government Advice/Policy

- 3.2.1 The Scottish Planning Policy document consolidates and updates previous Scottish Government advice, containing a section on promoting rural development. This document states that 'the planning system should in all rural and island areas promote a pattern of development that is appropriate to the character of the particular area and the challenges it faces, and encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.'

3.3 Planning Background

- 3.3.1 There are no records of any previous planning applications submitted for the site.

4 Consultation(s)

- 4.1 **Roads Development Management Team** - no objections or adverse comments, noting that the site is accessed via an existing private vehicular access from Hill Road, and that there is sufficient space to park 3 cars within the site.

Response: Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken, resulting in the submission of 11 letters of objection and 7 letters of support. The grounds of objection are summarised as follows;

- a) **Why has there been a change to the case officer for this application?**

Response: The case officer has changed due to an assessment of current caseloads and recent staff changes/appointments.

- b) **The scale, mass, design and siting of the proposed garage is unacceptable for the small site. It will dominate and overwhelm both the existing house on the site, and the adjacent residential properties, and create adverse amenity issues.**

Response: The submitted plans indicate that the footprint (ground floor only) of the proposed garage extends to some 81 square metres, whereas the existing dwelling has a footprint of approximately 140 square metres. Further, the applicant's substantial sized residential curtilage extends to approximately 1300 square metres. The total footprint of the existing dwelling and the new proposed garage (221 square metres) would, therefore, only represent 17% built development of the total site area. This is not considered to be excessive or unacceptable. In terms of the overall height of the new garage, concerns have been raised by this Service that the height of the original proposed building was unacceptable, noting that it would be higher than the height of the existing dwelling within the plot. The applicant has submitted amended plans, reducing the overall height of the garage by some 1.5 metres, to 5.8 metres. Following a detailed assessment, it is considered that the overall scale of the new amended garage is acceptable for the site, noting that there will be significant garden ground remaining. In terms of the scale, mass and design of the garage relative to the surrounding dwellings, it is considered that the scale and design of the new garage is appropriate, taking full cognisance of the design and siting of all surrounding properties. Further, an assessment of the application has been undertaken against the relevant policy for domestic garages, Policy DM2 of the Development Management, Placemaking and Design Supplementary Guidance. This

assessment concludes that the proposal is in accordance with the criteria of Policy DM2, noting that the amended scale and design of the garage respects the shape and form of the original dwellinghouse, and that it does not result in a significant loss of amenity to neighbouring properties.

- c) **The height, size and scale of the proposed garage will reduce and undermine the amount of daylight and sunlight currently afforded to the objector's rear garden area. A sunlight/overshadowing assessment of the impact of the proposed garage should be carried out. In addition, the proposed dormer windows will overlook the neighbours' gardens and properties, creating privacy/amenity issues.**

Response: The proposals have been subject to a daylight/overshadowing assessment by the Planning Service. The outcome of this assessment indicates that there will be a slight increase in the amount of overshadowing of a small part of the objector's garden in the evening, particularly during winter months, however, there will be minimal impacts for the remainder of the day. This is principally due to the orientation of the application site, relative to the adjacent neighbours. The amended design solution for the garage takes account of all surrounding properties and helps minimise the collective impact of the proposed structure. Whilst there will be a degree of overshadowing/loss of daylight, this will not be to a significant extent that justifies the refusal of the application. In terms of overlooking and privacy issues associated with the box dormer on the rear elevation of the garage, one of the 3 windows is within a shower room/WC and will therefore be obscure glazed. The other 2 (home gym) windows are positioned 19 metres from the closest affected neighbouring property. The next nearest objector's dwelling is set over 64 metres distant from the proposed garage, at an offset angle. In view of the above, it is considered that the proposed dormer windows on the new garage will not create any notable overlooking or privacy/amenity issues.

- d) **The plans submitted cannot be used to scale from and do not indicate required dimensions.**

Response: The note 'not to scale plans' is normally placed on an architect's plans, and is aimed primarily at builders undertaking the actual construction works. It should also be noted that there are a number of different dimensions indicated on the submitted plans, enabling a full assessment of the proposals to be undertaken.

- e) **The Dalsarf Estate should be neighbour notified as they own the shared access road to the site.**

Response: The neighbour notification process is undertaken by the Council. All necessary neighbour notification for this householder planning application has been carried out. Further, the applicant's agent has confirmed that all necessary owners of any part of the site have been owner notified.

- f) **There is an existing garage on the site, why does the applicant require an additional garage?**

Response: The applicant's agent has confirmed that the applicant requires the new building in order to house a number of motor vehicles and to provide a home gym facility. The existing garage structure on the site is a modern, small, single vehicle building. It should also be noted that it is not unusual for

rural properties of this type to have more than one associated garage or outbuilding, and that in this particular case, the new building will be replacing a range of older, redundant outbuildings and stables.

- g) **How will the resultant rainfall and sewerage drainage from the new building be treated, noting that the existing shared septic tank is at capacity?**

Response: These concerns are noted, however do not constitute grounds for refusal of the application. The proposed garage will be connected to existing drainage infrastructure within the site. Further, the works proposed, if approved, would require the submission of a separate Building Warrant. The Council's Building Standards Service would require all existing services and infrastructure to be indicated on warrant plans. With regard to the capacity and condition of the shared septic tank, this is a private legal matter between the relevant parties.

- h) **The proposed garage is of a scale and design that could be converted into a separate dwelling, or a self-contained residential unit at a future date. The proposed building is also of a scale that could be used for commercial activities. Restrictive planning conditions should be placed on any approval, preventing any unauthorised uses or future changes. The proposals should also be assessed against Policy DM5 – Extended Family Accommodation.**

Response: Planning permission is sought for a domestic garage with an attic home gym area above. Any future use as a separate dwelling or as a self-contained residential unit, or for commercial activities would require a further planning application to be submitted and assessed. There is no requirement at this time to assess the application against Policy DM5 – Extended Family Accommodation as this is not what has been applied for. Notwithstanding this, it would be considered appropriate to place a planning condition on any approval, restricting the use of the new garage.

- i) **The term 'accommodation' should be removed from the application description as this infers the attic in the proposed garage could be used as living space.**

Response: In the interests of clarity the description of the application has now been changed to 'erection of detached garage with associated attic space'.

- j) **The proposed garage will be sited close to existing hedges and trees, where it could cause damage to them.**

Response: The submitted plans indicate that the existing outbuildings are sited close to the same existing hedges and trees. It should also be noted that none of the trees and hedges are subject to any statutory protection in terms of planning legislation.

- k) **The applicant could apply for a non material variation to the garage, as this 'loophole' can permit large changes to proposals to be sought and granted, without any associated neighbour notification being undertaken.**

Response: A non material variation cannot be sought for any changes to an approved planning application that will potentially have more of an impact on

any adjacent neighbours. The correct process for this would be to submit a further detailed planning application, seeking an amendment to the original consent. It is considered that the non material variation route is not a 'loophole', as suggested by one of the objectors.

l) The Council has moved away from recognising the value of the Green Belt, where the building of further houses should be discouraged.

Response: The current submitted application only seeks consent for alterations to an existing dwellinghouse and for the erection of a domestic garage. No consent is being sought for the building of a further house within the designated Green Belt.

m) The shared private access could be obstructed by construction and associated contractor's vehicles during construction works. Further, the submitted plans indicate that the new garage will be served by a new access point, where new gates will open outwards onto the shared access.

Response: The submitted plans indicate that the new gates will open into the site, not onto the shared access. With regard to construction traffic, this is only likely to be for a limited time, during the actual build of any approval, and is not considered to be a reason to refuse the application.

There have also been 7 letters of support submitted for the application. The grounds of support are summarised as follows:

a) The area along Hill road has been made more appealing with the renovations/builds which have taken place over the last few years. The representees fully support the area and the properties being updated and modernised.

Response: These comments and opinions are noted.

5.2 These letters have been copied and are available for inspection in the usual manner and on the planning portal.

6 Assessment and Conclusions

6.1 The applicant seeks detailed planning permission for the Installation of two dormer windows on his existing dwellinghouse, and for the erection of a detached garage with attic space to be utilised as a home gym. The determining issues in the consideration of this application are its compliance with local plan policy, the acceptability of the dormer extensions and domestic garage in terms of scale and design, and their potential impact upon the residential and visual amenity of the surrounding area.

6.2 Within the adopted 2015 South Lanarkshire Local Development Plan, the application site lies within the Green Belt. Policies 3 – Green Belt and Rural Area and 4 - Development Management and Place Making therefore apply. The proposals also require to be assessed against the guidance contained within the associated supplementary guidance documents, namely that within the Development Management, Place Making and Design SG. These policies seek to promote the principles of sustainability in development and aim for them to make a positive contribution to the character and appearance of the environment in which they are located, taking account of and being integrated with the local context and

built form. Proposals which integrate successfully with their surroundings and which are well related to existing development, public transport, local services and facilities are also encouraged.

- 6.3 Policy DM 2 provides specific guidance on house alterations and extensions, including domestic garages. Following a detailed assessment, it is considered that in terms of scale, design and potential overlooking/loss of daylight, the application site can accommodate the proposed new garage structure and proposed dormer extensions without having any notable detrimental impact on the amenity of the existing adjacent houses. In addition, it is also considered that, subject to the use of appropriate external materials which are in keeping with the streetscape character of the immediate area, the new garage and dormer extensions can be constructed on the site in an acceptable manner. In summary, it is considered that the proposals do comply with Policies 3 and 4 of the adopted South Lanarkshire Local Development Plan. The proposals are also considered to comply with the relevant policies and guidance contained in the Development Management, Place Making and Design SG, namely Policy DM2.
- 6.4 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the adopted South Lanarkshire Local Development Plan. It is considered that the proposals accord with Policies 4, 5 and DM2 in the proposed plan.
- 6.5 Eleven letters of objection to the application have been received, raising concerns over the scale, design, overlooking, overshadowing, site drainage, construction traffic, impact on trees/hedges and the future potential use of the new garage. All of the issues raised have been considered in Section 5 above, however, they are not of sufficient weight or merit, either individually or collectively, to justify the refusal of consent. It should also be noted that 7 letters of support for the application have been submitted, supporting the updating and modernisation of properties in the local area.
- 6.6 In view of all of the above, and noting that the proposals accord with the policies and guidance of the adopted South Lanarkshire Local Development Plan, its associated supplementary guidance and the policies of the emerging, proposed SLLDP2, it is considered that the proposals represent an appropriate form of development for the site, and the normal presumption to issue consent for development that accords with policy should prevail.

7 Reasons for Decision

- 7.1 The proposals will have no adverse impact on either residential or visual amenity and comply with Policies 3 and 4 of the adopted South Lanarkshire Local Development Plan (2015), and with the associated supplementary guidance contained in the SG on Development Management, Place Making & Design. The proposals are also consistent with the relevant policies of the proposed South Lanarkshire Local Development Plan 2.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 8 April 2020

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Supplementary Guidance 3: Development Management, Placemaking and Design

- ▶ Neighbour notification letters dated 12 November 2019 and 25 February 2020

- ▶ Consultations
 - Roads Development Management Team 29.11.2019

- ▶ Representations
 - Karen Gibson, Glen Harvie Nursery, Hill Road, Netherburn, Larkhall, South Lanarkshire, ML9 3DJ Dated: 04.12.2019
 - Mrs Julie Reid, Ashburn House, Hill Road, Netherburn, Larkhall, South Lanarkshire, ML9 3DJ 10.12.2019
 - P McGillivray, 3 Hill Cottage, Hill Road, Netherburn, Larkhall, South Lanarkshire, ML9 3DJ 03.12.2019
 - Mr Colin Reid, Ashburn House, Hill Road, Netherburn Larkhall, South Lanarkshire, ML9 3DJ 10.12.2019
 - Jayne Blair, Received via Email 16.01.2020
 - Mr P McGillivray, Received Via Email 03.12.2019
 - Mr Josh Reid, Ashburn House, Hill Road, Netherburn, Larkhall, ML9 3DJ 15.01.2020
 - Owner Occupier, No Address Given In Letter 03.01.2020
 - Owner Occupier, 7 Marlage, Candermill and Marlage Road, Larkhall, South Lanarkshire, ML9 3DJ 23.12.2019
 - Mrs Irene McGoldrick, 3 Crossing Lane, Netherburn, ML9 3DP 04.12.2019
 - James McGoldrick, 3 Crossing Lane, Netherburn, ML9 3DP 04.12.2019
 - William Craig, Woodside, Netherburn 04.12.2019

Robin Frame, Glenharvie, Netherburn, Larkhall, ML9 3DJ	04.12.2019
Mrs Hunter - Farrell, 7 Marlage, Candermill And Marlage Road, Larkhall, South Lanarkshire, ML9 3DJ	20.12.2019
Mr P McGillivray,	18.03.2020
Mrs P McGillivray,	18.03.2020
Mr Robin Frame, Glenharvie, Netherburn, ML9 3DJ	18.03.2020
Karen Gibson, Glenharvie, Netherburn, Larkhall, ML9 3DJ	17.03.2020

Contact for further information

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

Stuart Ramsay, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
 Phone: 01698 453601
 Email: stuart.ramsay@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/19/1698

Conditions and reasons

01. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.

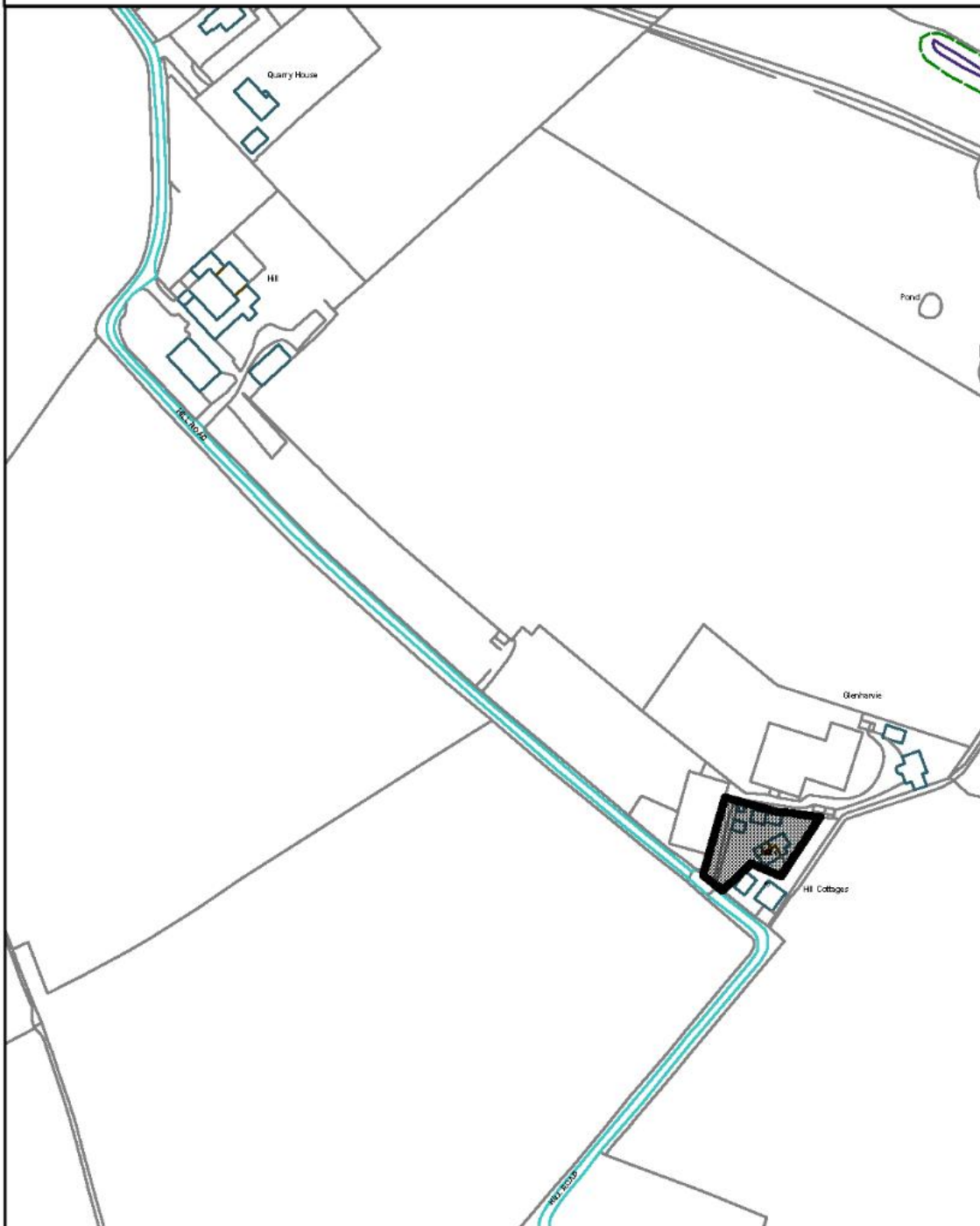
Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

02. That the use of the garage hereby permitted shall be restricted to private use incidental to the enjoyment of the dwellinghouse on the site and no commercial activity shall be carried out in or from the garage.

Reason: To safeguard the residential amenity of the area.

P/19/1698

1 Hill Cottage, Hill Road, Netherburn



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Scale:
1:2,500
Date:
08/04/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development