



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 04 March 2024

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, 12 March 2024

Time: 10:00

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

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

Yours sincerely

Paul Manning
Chief Executive

Members

Richard Nelson (Chair), Gerry Convery (Depute Chair), Joe Fagan (ex officio), Alex Allison, Ralph Barker, Archie Buchanan, Ross Clark, Margaret Cowie, Maureen Devlin, Colin Dewar, Mary Donnelly, Elise Frame, Alistair Fulton, Celine Handibode, Graeme Horne, Ross Lambie, Martin Lennon, Monique McAdams, Lesley McDonald, Davie McLachlan, Norman Rae, John Ross, Graham Scott, David Shearer, Helen Toner, David Watson

Substitutes

Walter Brogan, Robert Brown, Mathew Buchanan, Margaret Cooper, Poppy Corbett, Allan Falconer, Grant Ferguson, Gladys Ferguson-Miller, Martin Hose, Julia Marrs, Ian McAllan, Kenny McCreary, Bert Thomson

BUSINESS

1 Declaration of Interests

- 2 Minutes of Previous Meeting** 5 - 8
Minutes of the Meeting of the Planning Committee held on 13 February 2024 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

- 3 Applications EK/18/0023 and EK/18/0024 for Erection of 35 Houses with Associated Infrastructure and Landscaping and Erection of 14 Houses with Associated Landscaping and Infrastructure at Land 110 Metres Northwest of Littlepark Cottage, Jackson Road, East Kilbride** 9 - 16
Report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 4 Application P/21/1072 for Residential Development (Erection of 23 Houses, Formation of Access Road and Associated Works) (Planning Permission in Principle) at Loaningdale School, B7016 from Carnwath to Biggar, Biggar** 17 - 24
Report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 5 Application P/22/1466 for Residential Development with Associated Parking, Landscaping, Open Space and Drainage (Planning Permission in Principle) at Land Adjacent to Stewart Avenue, Hamilton** 25 - 40
Report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 6 Application P/23/0485 for Extraction of Sand and Gravel with Restoration to Form Balancing Pond, Wetland, Agriculture and Grassland (Section 42 Application to Amend Conditions 22 and 23 of Planning Consent CL/17/0092 to Permit Quarry Operations to Start at 07:00 Monday to Saturday) at Ryeflatt Quarry, Carnwath** 41 - 56
Report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 7 Application P/23/0851 for Erection of a Restaurant and Drive-Through Hot Food Takeaway, Associated Car Parking, Access, External Seating Area, Play Structure, Landscaping and Associated Structures/Works at 1 Lindsayfield Road, East Kilbride** 57 - 72
Report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 8 Application P/23/0992 for Erection of Portal Frame Structure to Use as Car Workshop with Small Office (Planning Permission in Principle) at Caldwellside Industrial Estate, Lanark** 73 - 84
Report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 9 Application P/23/1214 for Installation of 50 Megawatt Battery Energy Storage Facility (BESS) with Associated Infrastructure at Land Southeast of Seath Road, Rutherglen** 85 - 94
Report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources). (Copy attached)

- 10 Application P/23/1409 for Change of Use of Office Space to Form 6 Flatted Dwellings at 29 St James Avenue, East Kilbride** 95 - 102
Report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 11 Application P/23/1532 for Erection of 10 Wind Turbines (149.9 Metres to Tip Height) and Associated Infrastructure Including Access Tracks, Cabling and Transformer Equipment (Section 42 Application to Re-site Turbine 8 (T8), Installation of a Meter Housing Adjacent to Turbine 2 and to Extend the Operational Lifetime of the Wind Farm Previously Approved Under Consent P/19/1636 for a Further 5 Years, to 30 Years From the Date of Final Commissioning) at Broken Cross Wind Farm, Tower Road, Douglas** 103 - 118
Report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 12 Application P/23/1543 for Demolition and Rebuild of 2-Storey House at 9 Sunningdale Wynd, Bothwell** 119 - 126
Report dated 1 March 2024 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 13 Application P/23/1586 for Change of Use of Former Betting Shop (Sui Generis) to Hot Food Takeaway (Sui Generis) with Associated Flue at 100 Union Street, Larkhall** 127 - 134
Report dated 1 March 2024 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:	Stuart McLeod
Clerk Telephone:	07385 370 117
Clerk Email:	stuart.mcleod@southlanarkshire.gov.uk

PLANNING COMMITTEE

2

Minutes of meeting held via Confero and in Committee Room 1, Council Offices, Almada Street, Hamilton on 13 February 2024

Chair:

Councillor Richard Nelson

Councillors Present:

Councillor Alex Allison, Councillor Ralph Barker, Councillor Archie Buchanan, Councillor Ross Clark, Councillor Gerry Convery (Depute), Councillor Margaret Cowie, Councillor Maureen Devlin, Councillor Colin Dewar, Councillor Mary Donnelly, Councillor Elise Frame, Councillor Celine Handibode, Councillor Graeme Horne, Councillor Lesley McDonald, Councillor Davie McLachlan, Councillor Julia Marrs (*substitute for Councillor Alistair Fulton*), Councillor Norman Rae, Councillor John Ross, Councillor Graham Scott, Councillor David Shearer, Councillor Helen Toner, Councillor David Watson

Councillors' Apologies:

Councillor Joe Fagan (ex-officio), Councillor Alistair Fulton, Councillor Ross Lambie, Councillor Martin Lennon, Councillor Monique McAdams

Attending:

Community and Enterprise Resources

F Carlin, Head of Planning and Regulatory Services; B Darroch, Planning and Building Standards Manager (East); F Jack, Team Leader, Development Management Team, Roads, Transportation and Fleet Services

Finance and Corporate Resources

S Jessup, Administration Assistant; S McLeod, Administration Officer

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 12 December 2023 were submitted for approval as a correct record.

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

3 Application P/21/0540 for Installation of Access Gates for Emergency Vehicles with Associated Side Panels (Retrospective) at Uddingston Cricket and Sports Club, Castle Avenue, Uddingston

A report dated 5 February 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/0540 by A McGill for the installation of access gates for emergency vehicles with associated side panels (retrospective) at Uddingston Cricket and Sports Club, Castle Avenue, Uddingston.

At its meeting on 10 August 2021, the Committee deferred the application to allow planning officers to consult with the relevant emergency services on the requirement for the installation of access gates for emergency vehicles.

The Committee decided: that planning application P/21/0540 by A McGill for the installation of access gates for emergency vehicles with associated side panels (retrospective) at Uddingston Cricket and Sports Club, Castle Avenue, Uddingston be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 10 August 2021 (Paragraph 8)]

Councillor Horne joined the meeting during consideration of the above item of business

4 Application P/22/1139 for Erection of 3 Wind Turbines with a Maximum Height to Tip of 149.9 Metres and Associated Infrastructure Including Access Track, Crane Pad, Electrical Housing and Cabling at Land 750 Metres Southeast of Dungavel House Immigration Removal Centre, Muirkirk Road, Strathaven

A report dated 5 February 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/1139 by Clean Earth Energy for the erection of 3 wind turbines with a maximum height to tip of 149.9 metres and associated infrastructure including access track, crane pad, electrical housing and cabling at land 750 metres southeast of Dungavel House Immigration Removal Centre, Muirkirk Road, Strathaven.

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/22/1139 by Clean Earth Energy for the erection of 3 wind turbines with a maximum height to tip of 149.9 metres and associated infrastructure including access track, crane pad, electrical housing and cabling at land 750 metres southeast of Dungavel House Immigration Removal Centre, Muirkirk Road, Strathaven be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Section 75 Agreement and/or other appropriate agreement between the Council and the applicant to ensure:-
 - ◆ community contributions per megawatt generated
 - ◆ the repair of roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements
 - ◆ the applicant meeting the Council's costs associated with the legal agreement and the restoration guarantee quantum
- (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 could 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 Legal Agreement.

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

5 Application P/23/1076 for Erection of Roof Extension to Bungalow to Add Additional Floor to Property and Erection of One and a Half Storey Garage with Ancillary Accommodation at 21B Douglas Gardens, Uddingston

A report dated 5 February 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/1076 by P Oliver for the erection of a roof extension to a bungalow to add an additional floor to the property and the erection of a one and a half storey garage with ancillary accommodation at 21B Douglas Gardens, Uddingston.

The Committee decided: that planning application P/23/1076 by P Oliver for the erection of a roof extension to a bungalow to add an additional floor to the property and the erection of a one and a half storey garage with ancillary accommodation at 21B Douglas Gardens, Uddingston be granted subject to the conditions specified in the Executive Director's report.

6 Application P/23/1284 for Demolition of Existing Buildings and Erection of 4 Detached Houses, Formation of Access Road and Associated Landscaping Works and Ancillary Development at 83 Meikle Earnock Road, Hamilton

A report dated 5 February 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/1284 by C Revie for the demolition of existing buildings and erection of 4 detached houses, formation of access road and associated landscaping works and ancillary development at 83 Meikle Earnock Road, Hamilton.

There followed a discussion on the application during which officers responded to a member's questions on aspects of the report.

The Committee decided: that planning application P/23/1284 by C Revie for the demolition of existing buildings and erection of 4 detached houses, formation of access road and associated landscaping works and ancillary development at 83 Meikle Earnock Road, Hamilton be granted subject to the conditions specified in the Executive Director's report.

Councillor Rae joined the meeting after consideration of the above item of business

7 Application P/23/1477 for Amendment to Application Site Boundary, Adjustment of Driveway Head, Positioning of House, Erection of Fence and Erection of Detached Double Garage (Retrospective) (Amendment to Planning Consent P/19/1093) at Mid Crosshill Farm, Langlands Road, Auldhouse

A report dated 5 February 2024 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/1477 by J Kean for an amendment to application site boundary, adjustment of driveway head, positioning of house, erection of fence and erection of detached double garage (retrospective) (amendment to planning consent P/19/1093) at Mid Crosshill Farm, Langlands Road, Auldhouse.

The Committee decided:

that planning application P/23/1477 by J Kean for an amendment to application site boundary, adjustment of driveway head, positioning of house, erection of fence and erection of detached double garage (retrospective) (amendment to planning consent P/19/1093) at Mid Crosshill Farm, Langlands Road, Auldhouse be granted subject to the conditions specified in the Executive Director's report.

8 Urgent Business

There were no items of urgent business.

Report

3

Report to:	Planning Committee
Date of Meeting:	12 March 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	EK/18/0023 and EK/18/0024
Proposal:	Erection of 35 dwellinghouses with associated infrastructure and landscaping and erection of 14 dwellinghouses with associated landscaping and infrastructure
Site Address:	Land 110m Northwest of Littlepark Cottage Jackton Road East Kilbride South Lanarkshire
Applicant:	CSK Land Limited
Agent:	None
Ward:	6 - East Kilbride South
Application Type:	Full Planning Permission
Advert Type:	Schedule 2 'Non-notification of Neighbours' East Kilbride News 24 January 2018
Development Plan Compliance:	No
Departures:	Not applicable
Recommendation:	Refuse
Legal Agreement:	N/A
Direction to Scottish Ministers	N/A

1. Reason for Report

- 1.1. The applications that are subject to this report need to be determined by the Planning Committee under Clause 5.2 of the Decision-Making Process 2015 which requires that the Planning Committee deals with all detailed planning applications for housing proposals comprising 11 to 50 units.
- 1.2. Members will note that both applications were submitted in 2018 and it is noted that since then, the land identified in the relevant Plans has been developed as a single residential site by Stewart Milne Homes comprising 50 new build dwellinghouses under consent references P/19/1794 and P/21/0295.
- 1.3. All the dwellinghouses have subsequently been constructed and given that the site had been progressed by another developer, the applicants had been asked to withdraw these applications. However, they have so far failed to respond to these requests and for this reason they must be presented to the Planning Committee for a decision.

2. Site Description

- 2.1. This report relates to two planning applications on adjacent sites located to the east of Eaglesham Road and the south of Jackton Road in Jackton, East Kilbride. The sites sit within the northern section of the East Kilbride Community Growth Area, as approved under Planning Permission in Principle reference EK/11/0202.

3. Description of Proposed Development

- 3.1. The applications, which were submitted prior to the separate submission by Stewart Milne on the same site which has been consented and subsequently constructed, seek permission for the construction of a total of 49 dwellinghouses, with 35 dwellinghouses proposed as part of application reference EK/18/0023 and a further 14 dwellinghouses proposed as part of application reference EK/18/0024.
- 3.2. Both applications were originally submitted by Cala Homes (West) Limited. However, the Council was subsequently informed that Cala Homes were no longer party to a contract for the land which is the subject of these applications and CSK Land Limited became the applicant.

4. Relevant Planning History

- 4.1. EK/11/0202 - Development of part of Community Growth Area comprising residential, new access roads and green network. Granted 10 September 2020.
- 4.2. P/19/1794 - Erection of 50 residential dwellings, associated landscaping and infrastructure. Granted 22 September 2020.
- 4.3. P/21/0295 - Amendment to planning consent P/19/1794 in respect of substitution of house types plots 1 to 50 and minor amendments to layout. Granted 11 May 2021.

5. Supporting Information

- 5.1. Design, Access and Sustainability Statement December 2017.

6. Consultations

- 6.1. Environmental Services – offered no objection subject to conditions relating to environmental matters associated with the proposed development.
Response: Noted.

- 6.2. Roads and Transportation Services (Development Management) – offered no objection subject to access and road safety conditions.
Response: Noted.
- 6.3. Roads and Transportation Services (Flood Risk Management) – offered no objection subject to flood risk management conditions.
Response: Noted.
- 6.4. Jackton and Thorntonhall Community Council – objected to the application due to concerns regarding compliance with the wider masterplan, flooding issues and access arrangements.
Response: Noted.
- 6.5. Scottish Water – Offered no objection to the proposed development.
Response: Noted.
- 6.6. SP Energy Networks – Offered no objection to the proposed development.
Response: Noted.
- 6.7. West of Scotland Archaeology Service – Offered no objection subject to a condition relating to the undertaking of appropriate archaeological assessments as part of the development works.
Response: Noted.

7. Representations

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

8. Development Plan

- 8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. National Planning Framework 4
National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 14 - Design, quality and place
- ◆ Policy 15 - Local Living and 20-minute neighbourhoods
- ◆ Policy 16 - Quality Homes

- 8.3. South Lanarkshire Local Development Plan 2 (2021)
For the purposes of determining planning applications the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

SLLDP2 Volume 1 Policies

- ◆ Policy 1 - Spatial Strategy
- ◆ Policy 2 - Climate Change
- ◆ Policy 3 - General Urban Areas
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 11 - Housing

SLLDP2 Volume 2 Policies

- ◆ Policy DM1 - New Development Design

9. Guidance

- 9.1. The South Lanarkshire Council Residential Design Guide (2011).

10. Assessment and Discussion

10.1. Introduction

Full planning permission is sought for the erection of 49 dwellinghouses on land bounding Jackton Road and Eaglesham Road, Jackton, East Kilbride. The main issues to be addressed in the determination of this application include the acceptability in principle of the proposed development, its layout, siting and design, and an assessment of technical matters. The policies contained within National Planning Framework 4 and the South Lanarkshire Local Development Plan 2 are the main consideration in this case, together with an assessment of any other material planning considerations.

10.2. Principle of Development

The application site is located within the East Kilbride Community Growth Area which is designated for residential development in the South Lanarkshire Local Development Plan 2. Additionally, the site holds permission in principle for residential development under planning consent reference EK/11/0202. As such, the principle of residential development is acceptable in this case.

10.3. Climate Change

Policies 1 and 2 of NPF4 and Policy 2 of the South Lanarkshire Local Development Plan 2 seek to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis, and which minimises emissions and adapts to the current and future impacts of climate change. Given that development has already been established here, this application is not considered to raise any issues which conflict with the aims of policies 1 and 2 of NPF4 and Policy 2 of the South Lanarkshire Local Development Plan 2.

10.4. Layout, Siting and Design

Policies 14 and 15 of NPF4 relate to liveable places. Policy 14 sets out that all development should be designed to improve the quality of an area and be consistent with the six qualities of a successful place: healthy, pleasant, connected, distinctive, sustainable, and adaptable. Policy 15 seeks to encourage, promote and facilitate the application of the Place Principle.

- 10.5. In this case a residential development is proposed on land which has already been developed for residential purposes. The footprint of the development as proposed in these applications would significantly conflict with the footprint of the built development that has already been constructed on the site and would require the existing development to be removed to facilitate this proposed development. Given that the site has already been developed, it would not be possible for the proposed development to be undertaken in a manner that would be consistent with the six

qualities of successful places as set out in the policy. As such, the proposed development cannot be considered to comply with Policy 14 of NPF4.

- 10.6. Policy 16 of NPF4 relates to Quality Homes. The policy supports proposals for new homes on allocated sites for housing in the local development plan (LDP). In this regard, the application is not considered to raise any issues which conflict with the aims of Policy 16 and Policy 11 of the South Lanarkshire Local Development Plan 2. With regard to the provisions of the South Lanarkshire Local Development Plan 2 (adopted 2021), Policies 3, 5 and DM1 require all proposed developments to be well integrated with the local area, complement existing land uses and make a positive contribution to the character and appearance of the environment in which they are located. Additionally, proposals must not have any significant adverse impacts on existing amenity within or in the vicinity of the proposed development site. This is further reinforced by the provisions of the South Lanarkshire Council Residential Design Guide (2011).
- 10.7. Once again, given that this site has already been developed for residential purposes, it would not be possible for the proposed development to be well integrated, complement existing uses, make a positive contribution to the appearance of the area or protect the amenity enjoyed by existing residents. As such, the proposals cannot be considered to comply with Policies 3, 5 or DM1 of the adopted South Lanarkshire Local Development Plan 2.
- 10.8. Conclusion
In conclusion, it is noted that the site in question has already been developed for residential purposes under planning consent P/19/1794. The footprint of the proposed development would significantly conflict with the footprint of the built development that has already been constructed on the site. It is therefore not possible for this proposed development to proceed without significantly adversely affecting the existing development. As such, the proposals fail to comply with the provisions of Policy 14 of National Planning Framework 4 and Policies 3, 5 and DM1 of the South Lanarkshire Local Development Plan 2 (adopted 2021). It is therefore recommended that planning permission is refused for both applications for the reasons set out below.

11. Recommendation and Reasons

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

Refuse Detailed Planning Permission for the reasons outlined below:-

01. The proposed development fails to comply with Policy 14 of National Planning Framework 4 as it would be detrimental to residential amenity and is inconsistent with the six qualities of successful places as set out in the policy, given that the site has recently been developed for housing under a separate planning consent.
02. The proposed development fails to comply with Policy 3 of the South Lanarkshire Local Development Plan 2 (adopted 2021) as it would be detrimental to the amenity of existing residents and the wider community and to the character of the surrounding area.
03. The proposed development fails to comply with Policy 5 of the South Lanarkshire Local Development Plan 2 (adopted 2021) as it would not be well integrated with the local area, would significantly adversely impact on the local community and would have a significant adverse impact on existing buildings and the streetscape in terms of layout, scale, massing, design and amenity.

04. The proposed development fails to comply with Policy DM1 of the South Lanarkshire Local Development Plan 2 (adopted 2021) as it would conflict with existing land uses, would have a significant adverse amenity impact on existing dwellings, would not respect the local context and would fail to make a positive contribution to the character and appearance of the environment in which it is located.

David Booth
Executive Director (Community and Enterprise Resources)

Date: 1 March 2024

Background Papers

Further information relating to the applications can be found online:

[EK/18/0023 | Erection of 35 dwellinghouses with associated infrastructure and landscaping. | Land 110M Northwest Of Littlepark Cottage Jackton Road East Kilbride Glasgow South Lanarkshire](#)

[EK/18/0024 | Erection of 14 dwellinghouses with associated landscaping and infrastructure | Land 110M Northwest Of Littlepark Cottage Jackton Road East Kilbride Glasgow South Lanarkshire](#)

Corporate Considerations

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

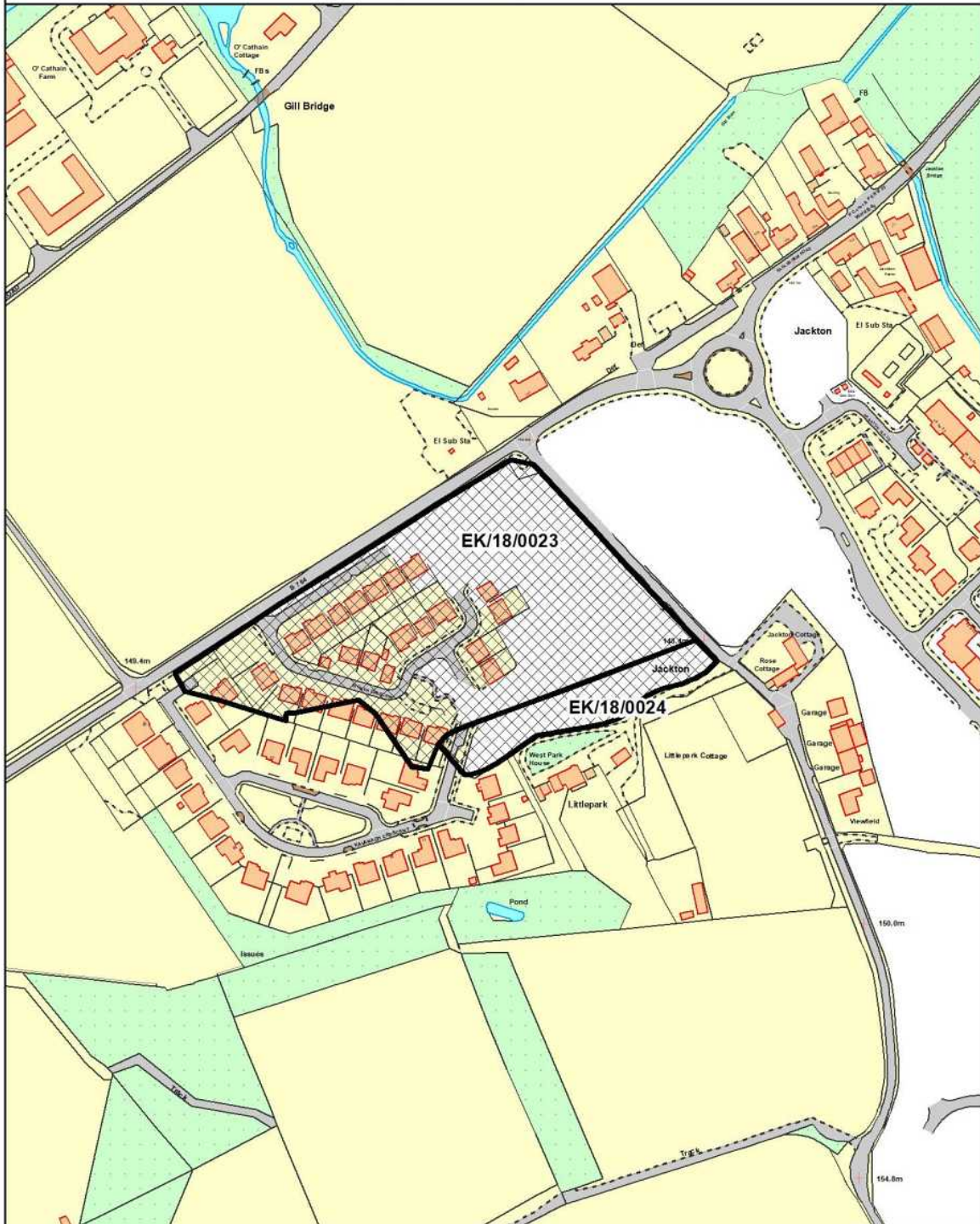
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

EK/18/0023, Land 110m northwest of Littlepark Cottage, (Stoker Crescent) Jackton, East Kilbride
EK/18/0024, Land 35m northwest of Littlepark Cottage, (Kavanagh Crescent) Jackton, East Kilbride



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Scale:
1:3,000
Date:
13/02/2024



South Lanarkshire Council
Community and Enterprise Resources
 Planning and Regulatory Services

Report

4

Report to:	Planning Committee
Date of Meeting:	12 March 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/21/1072
Proposal:	Residential development (erection of 23 houses, formation of access road and associated works) (Planning Permission in Principle)
Site Address:	Loaningdale School B7016 From Carnwath to Biggar Biggar ML12 6LX
Applicant:	Mr James Cameron
Agent:	APS
Ward:	03 Clydesdale East
Application Type:	Planning Permission in Principle
Advert Type:	Non-notification of neighbours: Lanark Gazette 30 June 2021
Development Plan Compliance:	No
Departures:	N/A
Recommendation:	Refuse
Legal Agreement:	N/A
Direction to Scottish Ministers	N/A

1. Reason for Report

- 1.1. The application is required to be determined by the Planning Committee under Clause 5.2 of the Decision-Making Process 2015. The Planning Committee deals with all housing proposals of between 11 to 50 units if in detail and sites of between one and two hectares in size if in principle.

2. Site Description

- 2.1. The application site extends to 1.49ha and is located at the northern edge of Biggar, comprising a rectangular grass paddock. The southern boundary is defined by a belt of Beech trees which runs along one side of the access road to Loaningdale School and on the northern boundary, is a single mature sycamore. Topographically the site slopes gently from the northeast to the southwest.
- 2.2. The site is bounded to the east by the mature woodlands of Loaningdale House, to the north by agricultural land, to the west by Carwood Road (B7016) and beyond by agricultural land and to the south by the Story Homes residential development which is nearing completion.

3. Description of Proposed Development

- 3.1. The applicant seeks planning permission in principle for 23 dwellings. The indicative layout shows access taken from Carwood Road and 23 plots of varying size positioned around an internal access comprising a principal road and two subsidiary cul-de-sacs. A SUDS pond to deal with surface water drainage is proposed for the southeast corner. Tree and hedgerow planting would be established along the northern boundary along with the retention of the existing tree and the maintenance of a buffer zone to protect neighbouring mature woodland and trees.

4. Relevant Planning History

- 4.1. None.

5. Supporting Information

- 5.1. In support of the planning application, the applicant has submitted:-

- ◆ Supporting Statement
- ◆ Arboricultural Appraisal

6. Consultations

- 6.1. Estates Services – No objection.
Response: Noted.
- 6.2. Roads and Transportation Services – Objection. The proposed vehicle access is unsatisfactory as the required visibility splay, which traverses land out with the red line boundary and applicant's control, cannot be achieved. Whilst the applicant has been advised of this issue, an acceptable solution has not been forthcoming.
Response: Noted.
- 6.3. Scottish Water – No objection.
Response: Noted.
- 6.4. Education Resources – No objection with the proposal although developer contributions of £1,143 per dwelling (totalling £26,289) for nursery provision would be sought.
Response: If planning permission was to be granted then this matter would be dealt with through an appropriate legal agreement.

- 6.5. Biggar Community Council – They neither support nor object to the proposal. However, some of the concerns they wish to highlight relate to infrastructure constraints; road safety; already sufficient housing in Biggar; loss of Greenbelt; impact upon wildlife; insufficient parking and contrary to Local Plan policies. Comments in support of the proposal included: need for more houses; it would benefit local economy and; the site is suitable for development.
Response: Noted.
- 6.6. Countryside and Greenspace – No objection.
Response: Noted.
- 6.7. West of Scotland Archaeology Service – No objection subject to a condition requiring a programme of archaeological investigations.
Response: Noted.
- 6.8. Roads Flood Risk Management – No objection subject to conditions requiring SUDS and a Flood Risk Assessment.
Response: Noted.
- 6.9. Biggar and District Civic Society - In principle, they are supportive of housing at this location.
Response: Noted.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement for non-notification of neighbours one letter of objection was received. The issues raised are summarised as follows:-

Amenity

- ◆ The character of the surrounding countryside would be ruined due to the additional traffic that the development would generate.

Other Matters Raised

- ◆ Local infrastructure cannot support more housing.

- 7.2. The above issues are considered in the assessment below. This representation is available for inspection on the planning portal.

8. Development Plan

- 8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places and productive places.

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the Climate and Nature Crises
- ◆ Policy 2 - Climate Mitigation and Adaptation
- ◆ Policy 3 – Biodiversity
- ◆ Policy 14 - Design, quality and place
- ◆ Policy 15 - Local Living and 20 minute neighbourhoods
- ◆ Policy 16 - Quality Homes

8.3. South Lanarkshire Local Development Plan 2 (2021)

For the purposes of determining planning applications the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

SLLDP2 Volume 1 Policies

- ◆ Policy 2 - Climate Change
- ◆ Policy 3 - General Urban Areas and Settlements
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 7 - Community Infrastructure Assessment
- ◆ Policy 13 - Green Network and Greenspace

SLLDP2 Volume 2 Policies

- ◆ Policy DM1 - New Development Design

South Lanarkshire Council (SLC) Supporting Planning Guidance

The Community Infrastructure Assessment Supplementary Guidance (2022)

9. **Guidance**

9.1. None applicable.

10. **Assessment and Discussion**

10.1. Principle of Development

In the adopted SLLDP2 proposal's map the site is included within the settlement boundary of Biggar where Policy 3 – General Urban Areas and Settlements advises that residential developments on appropriate sites will generally be acceptable. The site is not allocated for housing in the Development Plan and is identified (along with the adjacent Loaningdale House), as a Green Network site.

10.2. NPF4 Policy 16 – Quality Homes seeks to encourage, promote and facilitate the delivery of high quality homes, in the right locations. It advises that development proposals for new homes on land not allocated for housing in the local development plan (LDP) will only be supported in limited circumstances. This includes where a proposal is supported by an agreed timescale for completion, complies with the spatial strategy or the proposal is for a smaller scale opportunity within an existing settlement.

10.3. The proposed housing development is for 23 houses on an unallocated site within the settlement of Biggar. Although the definition of small scale in the context of NPF4 remains to be defined, proportionally to the size of Biggar, this application represents a relatively significant number of new homes and it exceeds the number where South Lanarkshire's Decision Making Process requires that it be reported to the Planning Committee. It is therefore considered that the 23 homes proposed in this location constitutes a small-scale opportunity within the existing settlement boundary. As such, the proposal is contrary to Policy 16 – Quality Homes of NPF4.

10.4. The proposal satisfactorily complies with aims of Policies 3 – General Urban Areas and Settlements of the adopted local development plan. However, Policy 13 – Green Network and Greenspace advises that development proposals should safeguard the Green Network and therefore the proposal is contrary to Policy 13 of SLLDP2.

10.5. Junction Visibility

The Council's Roads Service has raised concerns that part of the visibility splay to the north, crosses land out with the applicant's control. The landowner of the neighbouring land has confirmed that they do not wish any legal burden on the land. Other options

including re-engineering the public road to remove a blind summit, extending the 30mph speed restriction, introducing count down markers, signs, and gateway features have all been put forward by the applicant. After due consideration of these options, Roads have discounted them as being inappropriate solutions in this instance. It is the layout as currently submitted which is being assessed and that is deemed to be unacceptable due to the visibility issues highlighted above. Negotiations between Roads and the applicant have continued for over two years without resolution and the Roads Service objects to the proposal. The proposal is therefore contrary to Policy 5 Development Management and Placemaking of SLLDP2.

10.6. Climate Change

NPF4 Policy 1, NPF4 Policy 2 and SLLDP2 Policy 2 aim to ensure that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change.

10.7. The principle of developing a Green Network site for housing raises issues in terms of the intent of Policy 1 of NPF4 and Policy 2 of SLLDP2. Whilst the loss of green network land to development is generally resisted, there are possible exceptions if the applicant can demonstrate that the proposal would in fact strengthen such networks. As this is an application for planning permission in principle, such information has not been submitted at this time and the loss of Green Network land is contrary to Policy 2 of SLLDP2.

10.8. In terms of NPF4 Policy 2, were planning permission in principle granted, conditions requiring the submission and approval of details for low carbon technology and the installation of electric vehicle charging points could all be addressed at the Application for Matters Specified in Condition stage.

10.9. Layout, Siting and Design

This proposal is for planning permission in principle rather than approving detailed layouts. However, NPF4 Policy 14 Design, Quality and Place and SLLDP2 Policy 5 Development Management and Placemaking and Policy DM1 New Development Design, seek to ensure well designed development that makes for successful places and considers the impact on residential amenity.

10.10. The indicative layout shows a low density housing proposal with adequate amenity space and tree and hedge planting along selected boundaries. There would be suitable space at each dwelling for access, parking, bin storage and garden ground. Given the location of the site within Biggar, there is good quality recreation facilities in the surrounding area. There are also opportunities for informal play within the site. There will be internal footpath linkages which connect into safe pedestrian routes into Biggar. The proximity to bus routes to Lanark and surrounding villages will ensure that an alternative form of transport is available rather than solely relying on car journeys. In considering the screening effects of existing trees and the distance to the nearest dwellings, it is concluded that there would be no adverse impact upon residential amenity. There are no infrastructure constraints. Drainage and sewerage disposal would be dealt with by SUDS and connection into the public sewerage network. Adequate parking, turning areas and internal access can be provided, however, the main access point onto the public road remains unacceptable in road safety terms due to the inability to achieve the required visibility splays.

10.11. NPF4 Policy 15 Local Living and 20 minute neighbourhoods states: 'Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with

the surrounding area, including local access to sustainable access (including local public transport and safe, high quality walking, wheeling and cycling networks), employment, shopping, health and social care facilities, schools and play areas.'

10.12. The site lies at the northern periphery of Biggar, within 1.2km of the town centre where there is a wide range of community facilities. Biggar High School and Biggar Primary School are a similar distance from the site. These facilities can be accessed via safe walking routes and for the person of average fitness are within 20 minutes walking distance. In view of the circumstances described, the proposal accords with the aims and intent of Policy 15 of National Planning Framework 4.

10.13. Community Infrastructure Assessment

SLLDP2 Policy 7 Community Infrastructure Assessment states where development proposals would require capital or other works or facilities to enable to proceed, financial contributions towards their implementation will be required. Contributions will be sought in relation to affordable housing; roads and transportation; education provision; recreation; and council-owned community facilities where respective providers assess that the additional demands placed on the services necessitate financial contributions. These contributions must be proportionate, reasonable and be necessary to make the proposed development acceptable in planning terms. Where contributions are required, these should be secured through a planning condition or legal agreement before permission is issued. The Community Infrastructure Assessment Supplementary Guidance (2022) covers developer contributions and how required contributions are to be assessed in respect of Education, Housing, Community Facilities and Roads infrastructure. Under the terms of this guidance, developer contributions can be sought for developments comprising 5 or more dwellings other than for affordable housing. Where on site provision or contributions for offsite provision in relation to affordable housing apply, proposals for 20 or more dwellings require to provide affordable housing at the rate of 25% of total units or equivalent contribution.

10.14. Roads have not requested a contribution. Community Facilities have requested a contribution of £34,500 towards improvements to play areas, the public park and local pedestrian routes. Education Resources require a total of £26,289 as a contribution towards local nursery provision.

10.15. Natural and Historic Environment

NPF4 Policy 3 Biodiversity under part (c) details that all local developments shall include appropriate measures to conserve, restore and enhance biodiversity. The Development with Nature Guidance is pertinent in this case. The guidance encourages a mitigation hierarchy to be applied – avoid, minimise, restore, and offset to achieve a net positive biodiversity impact.

10.16. Policy 13 - Green Network and Greenspace states development proposals should safeguard the green network, as identified on the proposals map, and identify opportunities for enhancement and/or extension which contributes towards supporting biodiversity, quality of life, and leisure activity.

10.17. All neighbouring and existing trees along the site boundaries will be unaffected other than selected removals, to enhance structure and longevity to the line of beech trees, along the southern boundary, (an outgrown beech hedge), as recommended by the supporting Arboricultural Appraisal. No other information on measures to preserve or enhance biodiversity as part of the proposal have been submitted by the applicant. Therefore, the proposal fails to accord with either NPF4 Policy 3 or SLLDP2 Policy 13.

10.18. Conclusion

The site falls within the settlement boundary of Biggar, however, it is not an allocated housing site, nor a small-scale opportunity that could be supported on unallocated land. Instead, the site is designated as part of the Green Network and the principle of redeveloping such sites into housing is generally discouraged by the Development Plan. In addition to the above land use planning principles that do not support the proposal, the applicant has been unable to demonstrate that a safe vehicle access can be formed to facilitate any redevelopment of the site. As such, the recommendation is that Planning Permission in Principle is refused.

11. **Recommendation and Reasons**

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

Refuse planning permission in principle for the following reasons:-

01. The proposal is contrary to Policy 16 Quality Homes of National Planning Framework 4 as the proposal is for new homes on land not specifically identified for housing in the LDP.
02. The proposal is contrary to Policy 13 Green Network and Greenspace of South Lanarkshire Local Development Plan 2 as the proposal fails to safeguard the Green Network.
03. The proposal is contrary to Policy 3 Biodiversity of National Planning Framework 4 as it fails to demonstrate that the proposals will contribute to the enhancement of biodiversity, including the strengthening of nature networks.
04. The proposal is contrary to Policy 1 Tackling the Climate and Nature Crises of National Planning Framework 4 and Policy 2 Climate Change of South Lanarkshire Local Development Plan 2 as the proposed use of designated Green Network land for housing is considered to impact negatively upon the Green Network and does not promote nature recovery and restoration.
05. The proposal is contrary to Policy 5 Development Management and Placemaking of South Lanarkshire Local Development Plan 2 as the proposed development fails to provide a suitable vehicle access junction on to Carwood Road (B7016) that achieves the required road safety specifications.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 1 March 2024

Background Papers

[P/21/1072 | Residential development \(erection of 23 houses, formation of access road and associated works\)\(Planning Permission in Principle\) | Loaningdale School B7016 From Carnwath To Biggar ML12 6LX](#)

Corporate Considerations

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

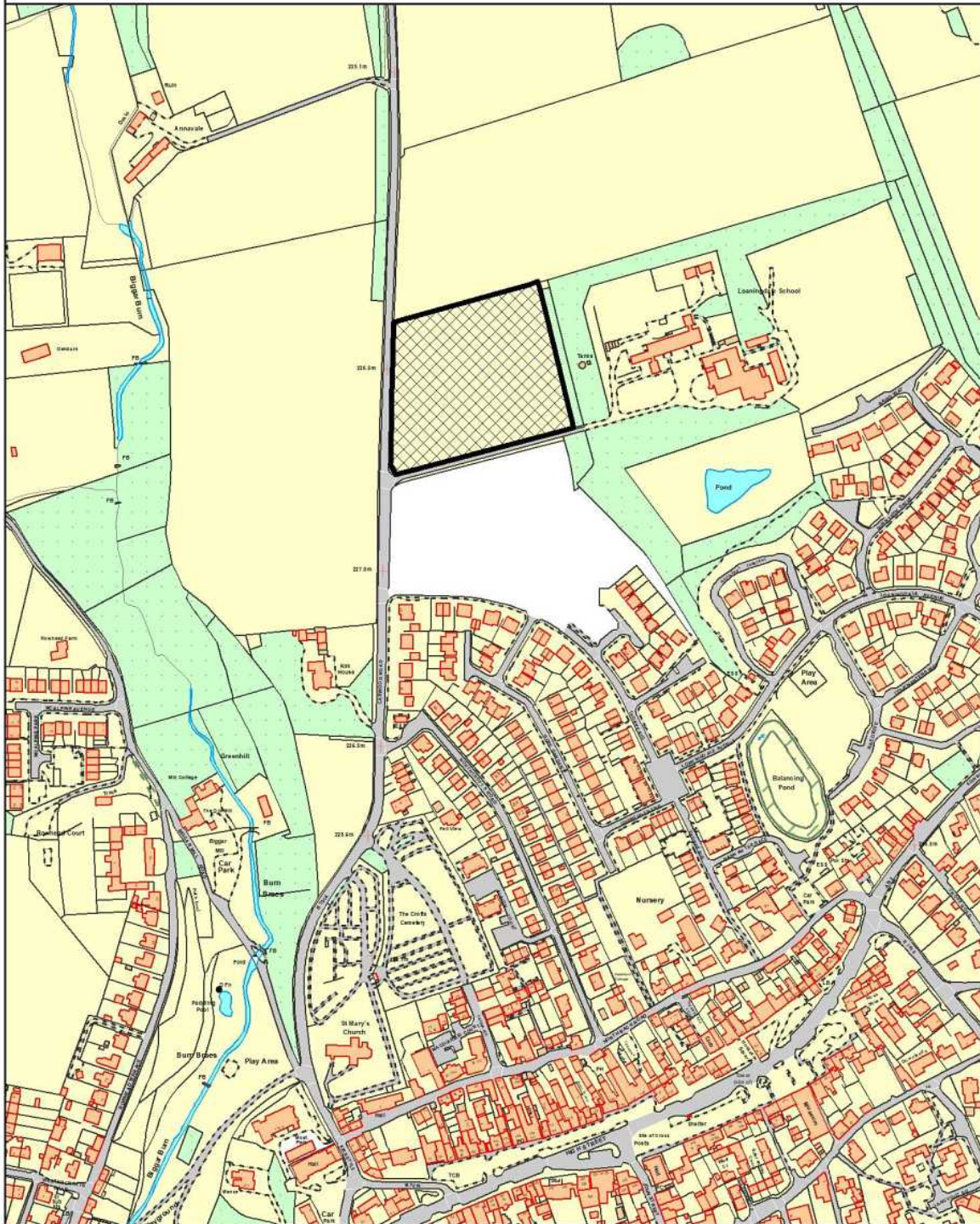
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

**P/21/1072, Loaningdale School, B7016 From Carnwath, Biggar
Residential development of 23 houses**



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Scale:
1:4,000
Date:
13/02/2024



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

Report to:	Planning Committee
Date of Meeting:	12 March 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/22/1466
Proposal:	Residential development with associated parking, landscaping, open space and drainage (Planning Permission in Principle)
Site Address:	Land Adjacent to Stewart Avenue, Hamilton
Applicant:	Mr Thomas Barr
Agent:	Barton Willmore
Ward:	18 - Hamilton West and Earnock
Application Type:	Planning Permission in Principle
Advert Type:	Non-notification of Neighbours Development Potentially Contrary to the Development Plan
Development Plan Compliance:	Yes
Departures:	No
Recommendation:	Grant subject to conditions and legal agreement
Legal Agreement:	<p>Planning permission should not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council, the applicants and the site owner(s). This planning obligation should ensure that appropriate financial contributions are made at appropriate times during the development.</p> <p>In accordance with agreed procedures, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Planning Obligation within 6 months of the date of the Committee, the proposed development may be refused on the basis that, without the planning control/developer contribution which would be secured by the Planning Obligation, the proposed development would be unacceptable.</p>

	<p>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.</p> <p>All reasonable legal costs incurred by the Council in association with the above Section 75 Obligation shall be borne by the developers.</p>
Direction to Scottish Ministers	No

1. Reason for Report

- 1.1. This application is required to be determined by the Planning Committee within the context of the approved Planning Application Decision Making Process (2015) as the proposal relates to more than 10 residential units.

2. Site Description

- 2.1. The application site extends to approximately 0.8ha. The site relates to an area of undeveloped land with the southern part of the site being woodland. The site is identified as being part of the Hamilton Community Growth Area (CGA) within the adopted South Lanarkshire Local Development Plan 2.
- 2.2. The site is enclosed to the north by Highstonehall Road, including a roundabout, and further by residential properties. The site is enclosed to the east by Stewart Avenue, which includes a road bridge, and further by open space. The site is enclosed to the south by a watercourse and further by open space and to the east by open space.
- 2.3. The site has considerable level differences and the gradient of the site falls from west to east towards Stewart Avenue and north to south towards the watercourse.

3. Description of Proposed Development

- 3.1. This is an application for planning permission in principle for residential development with associated parking, landscaping, open space and drainage at land adjacent to Stewart Avenue, Hamilton.
- 3.2. An indicative layout has been submitted which illustrates a development of 12 residential units on the site and the formation of a vehicle access from Highstonehall Road. The proposal also includes an indicative road layout, a SUDS attenuation system and amenity areas. In addition, the layout includes retaining structures along the western boundary of the site.
- 3.3. Following review, the originally submitted layout was revised and the key changes were a reduction from 18 to 12 residential units, which allowed for the removal of retaining structures in the southern part of the site. In addition, the proposed vehicle access from Highstonehall Road was repositioned approximately 4m to the east.

4. Relevant Planning History

- 4.1. A screening opinion was undertaken for the 'erection of residential development (approximately 18 dwellings) with associated parking, landscaping, open space and drainage (Environmental Impact Assessment (EIA) Screening opinion request)' (P/22/1185) at the site. The screening opinion concluded that the proposal would not constitute EIA development.

5. Supporting Information

- 5.1. In support of the planning application, the applicant has submitted the following:-
 - ◆ Planning Statement including an NPF4 Addendum
 - ◆ Report of Phase 1 Habitat Survey, Protected Species Survey and Preliminary Ecology Appraisal
 - ◆ Transportation Statement on Relocated Access
 - ◆ Drainage and Engineering Assessment Report

6. Consultations

- 6.1. Environmental Services - No objection to the proposal, subject to the attachment of a condition to ensure that a comprehensive site investigation is submitted in relation to the future matters specified in conditions application.
Response: Noted.
- 6.2. Scottish Water - No objection to the proposal.
Response: Noted.
- 6.3. Estates Services - No objection to the proposal.
Response: Noted.
- 6.4. Countryside and Greenspace - No objection to the proposal.
Response: Noted.
- 6.5. NatureScot - No objection to the proposal.
Response: Noted.
- 6.6. Education Resources School Modernisation Team - No objection to the proposal subject to the applicant agreeing to a financial contribution towards addressing education requirements.
Response: Noted.
- 6.7. Roads Development Management Team – Following the amendments to the proposed layout and the submission of additional supporting documentation, they have advised that they have no objection to the proposal subject to the attachment of conditions to ensure that further information is brought forward as part of a future matters specified in conditions application. These conditions include the submission of a Construction Phase Traffic Management Plan, the layout and construction of the car parking spaces, the submission of an invasive weed survey and the provision of minimum visibility splays.
Response: Noted.
- 6.8. Roads Geotechnical - No objection to the proposal, subject to the attachment of a condition to ensure that a slope stability analysis is submitted in relation to the future matters specified in conditions application.
Response: Noted.

7. Representations

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

8. Development Plan

- 8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places and productive places.

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the Climate and Nature Crises
- ◆ Policy 2 - Climate Mitigation and Adaptation
- ◆ Policy 3 – Biodiversity
- ◆ Policy 4 - Natural Places
- ◆ Policy 13 - Sustainable Transport
- ◆ Policy 14 - Design, Quality and Place
- ◆ Policy 15 - Local Living and 20 Minute Neighbourhoods
- ◆ Policy 16 - Quality Homes

8.3. South Lanarkshire Local Development Plan 2 (2021)

For the purposes of determining planning applications the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

SLLDP2 Volume 1 Policies

- ◆ Policy 1 - Spatial Strategy
- ◆ Policy 2 - Climate Change
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 13 - Green Network and Greenspace
- ◆ Policy 15 - Travel and Transport

9. **Guidance**

9.1. None

10. **Assessment and Discussion**

10.1. Principle of Development

Planning permission in principle is sought for a residential development with associated parking, landscaping, open space and drainage at land adjacent to Stewart Avenue, Hamilton. The determining issues in the consideration of this application are its compliance with national policy, local development plan policy and its impact on residential amenity, traffic safety, environmental matters and infrastructure issues.

10.2. Policy 16 of NPF4 seeks to encourage, promote, and facilitate the delivery of more high quality, affordable and sustainable homes in the right locations. Whilst the site is situated within the designated Hamilton Community Growth Area, it is not specifically allocated for housing within the local development plan (LDP). Therefore in terms of Policy 16 part (f), the proposal is contained within the defined settlement boundary where the principle of development is considered to be acceptable in accordance with the LDP and NPF4 and is therefore considered to comply with part (iii) as the proposal is for smaller scale opportunities within an existing settlement boundary. A timing condition will be applied to any permission

granted in line with part (i). Overall, the principle of the small-scale housing development can therefore be accepted in this case. Therefore, the principle of the development of the site for a residential use raises no issues within the context of Policy 16 of NPF4.

- 10.3. The application site is designated as being a Community Growth Area for Hamilton under the terms of Policy 1 of the Local Development Plan. The proposal involves the development of an area of vacant land, at a sustainable location in Hamilton as part of the Community Growth Area. Therefore, it is considered that the proposal raises no issues within the context of Policy 1 of the Local Development Plan.

10.4. Climate Change

Policy 1 of NPF4 requires that when considering all development proposals, significant weight will be given to the global climate and nature crises. Policy 2 of NPF4 seeks to minimise and mitigate against the effects of climate change by considering various criteria including being sustainably located, the reuse of vacant and derelict land, the avoidance of flood risk areas, incorporating low and zero carbon generating technologies, opportunities for active travel routes and trips by public transport and the provision of electrical vehicle charging infrastructure. The site is situated at a sustainable location in Hamilton, in close proximity to existing supporting facilities and local services and in future should incorporate low and zero carbon generating technologies and electrical vehicle charging infrastructure at the site. Therefore, it is considered that the proposal raises no issues within the context of Policies 1 and 2 of NPF4.

- 10.5. Policies 1 and 2 of the Local Development Plan encourage sustainable economic growth and regeneration, a move towards a low carbon economy, the protection of the natural and historic environment and mitigation against the impacts of climate change. The proposal involves the development of an area of vacant land, at a sustainable location within the designated Community Growth Area and therefore raises no issues within the context of Policies 1 and 2 of the Local Development Plan.

10.6. Layout, Siting and Design

Policies 14 and 15 of NPF4 relate to 20 minute neighbourhoods and liveable places. The proposed development site is located within the Hamilton settlement boundary, which has a wide range of facilities and services. The site is considered to be reasonably well connected (the transport infrastructure will be further improved as more of the Hamilton CGA is developed in future) and situated within a sustainable location, which will contribute to minimising emissions. Therefore, it is considered that the proposal raises no issues within the context of Policies 14 and 15 of NPF4.

- 10.7. In terms of the detailed design of the development, Policy 5 of the Local Development Plan requires new development to have due regard to the layout, form, design and local context of the area and to promote quality and sustainability in its design. As the application is for planning permission in principle, limited details have been submitted in relation to the detailed design of the proposal. Consequently, any subsequent application(s) submitted for the approval of matters specified in conditions would have to take account of the design guidance contained within the Council's Residential Design Guide and be in keeping with development in the surrounding area whilst protecting and enhancing the local green network. However, in terms of the indicative layout submitted, it is considered that the

proposed development could successfully integrate into the local context and built form. Therefore, the proposal raises no issues within the context of Policy 5 of the Local Development Plan.

10.8. Natural and Historic Environment

NPF4 Policy 3, under part (c), details that all local developments shall include appropriate measures to conserve, restore and enhance biodiversity. The site is greenfield and the existing trees adjacent to the watercourse are ancient semi woodland. Any subsequent application(s) submitted for the approval of matters specified in conditions should not impact on these established trees and should include a high-quality landscaping scheme in order to conserve the biodiversity impact of the development, in accordance with the provisions of Policy 3 of NPF4.

10.9. Policy 4 of NPF4 requires that where proposals are likely to have an impact on a protected species, steps must be taken to establish the presence of the species and the level of protection then afforded. A Phase 1 Habitat Survey, Protected Species Survey and Preliminary Ecology Appraisal for the site has been submitted and assessed in accordance with the provisions of Policy 4 of NPF4.

10.10. The site is designated as part of the established green network and the southern part of the site is designated as priority greenspace. Policy 13 of the Local Development Plan establishes that development proposals should safeguard the green network and identifies that there is a presumption against the loss of areas of priority greenspace. The indicative layout illustrates that the proposed dwellings, road, parking and ancillary works will only occupy a proportion of the development site. In addition, there is no development proposed in the part of the site which is designated as priority greenspace and the neighbouring watercourse, which is an important component of the green network for wildlife movement, will be unaffected. Therefore, it is considered that the proposal would not significantly adversely impact on the priority greenspace or the connectivity of the site within the established South Lanarkshire green network. Therefore, the proposal raises no issues within the context of Policy 13 of the Local Development Plan.

10.11. Transport

Policy 13 of NPF4 provides support for development proposals which have links to local facilities, are accessible via public transport, provide low emission vehicle charging points, provide cycle parking and take into account the transport needs of diverse groups whilst simultaneously reducing the dominance of the car. Whilst construction work at the Hamilton CGA is still ongoing, the site is considered to be accessible, integrated within existing walking networks and the future detailed design shall address these infrastructure requirements, in accordance with the provisions of Policy 13 of NPF4.

10.12. Policy 15 of the Local Development Plan seeks to ensure that development considers, and where appropriate, mitigates the resulting impacts of traffic growth and encourages sustainable transport options. In this regard, the site is situated adjacent to a key route through Hamilton and the development would be well integrated into existing walking and cycling networks. In addition, Roads and Transportation Services consider that the proposal is acceptable in terms of access and road safety issues. Subsequently, it is considered that the proposal accords with the provisions of Policy 15 of the Local Development Plan.

10.13. Technical Matters

A Sustainable Urban Drainage System (SUDS) would be installed to deal with surface water run-off from the roofs, access road and driveways within the development and this matter can be addressed through the use of a planning condition.

10.14. Conclusion

The site is situated within the Hamilton Community Growth Area and the general impact of the development is considered to be acceptable. In addition, the proposal raises no significant environmental or infrastructure issues. Overall, it is considered that the proposals comply with the provisions of the relevant policies within National Planning Framework 4 and the South Lanarkshire Local Development Plan. However, the issue of consent should be withheld until the conclusion of the associated planning obligation under Section 75 of the Planning Act, or other appropriate legal agreement.

11. **Recommendation and Conditions**

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

Grant Planning Permission in Principle (subject to conditions listed and the conclusion of a Section 75 agreement for financial contributions towards education provision, roads and community facilities as necessary):-

- 1) Planning Permission in Principle should not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council, the applicant(s) and the site owner(s). This planning obligation should ensure that appropriate financial contributions are made at appropriate times during the development towards the following:-

- Financial contribution towards educational facilities
- Financial contribution towards roads infrastructure
- Financial contributions towards community facilities

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Planning Obligation within 6 months of the date of the Committee, the proposed development may be refused on the basis that, without the planning control/developer contribution which would be secured by the Planning Obligation, the proposed development would be unacceptable.

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.

All reasonable legal costs incurred by the Council in association with the above Section 75 Obligation shall be borne by the applicant.

2) Conditions and Reasons

01. The development to which this permission in principle relates shall be begun no later than the expiration of five years beginning with the date of grant of this decision notice.

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

02. That 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 maintenance details and 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, including, where appropriate, the planting of fruit/apple trees;
- (f) the means of drainage and sewage disposal; and
- (g) details of the phasing of development (covering all relevant aspects of development detailed in (a) above).

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

03. That the further application(s) required under the terms of Condition 2 above shall comply with the guidance on new residential development contained in the Council's Residential Design Guide or any subsequent update to this document.

Reason: In the interests of amenity.

04. That the further application(s) required under the terms of Condition 2 above shall include a comprehensive site investigation as follows:-

- (a) The applicant shall undertake a comprehensive site investigation, carried out to the appropriate Phase level, to be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with advice given in the following:-

- Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995)
- Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11)'- issued by DEFRA and the Environment Agency
- BS 10175:2011 - British Standards Institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'

(b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.

(c) If the risk assessment identifies any unacceptable risks, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.

Reason: The site appears to consist of filled ground of unknown composition/origin.

05. That the further application required under the terms of Condition 2 above shall include a detailed scheme for surface water drainage for the consideration and detailed approval of 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.

06. That no dwelling 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.

07. That the further application(s) required under the terms of Condition 2 above shall include a scheme of landscaping for the detailed consideration and approval of the Council as Planning Authority 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 proposed trees, shrubs, grass mix, etc;
- (c) details of any top-soiling or other treatment to the ground;
- (d) hard and soft landscape specifications for amenity areas;
- (e) details of the phasing of these works; 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.

08. That the further application(s) required under the terms of Condition 2 above shall include a Construction Phase Traffic Management Plan (CPTMP) which details the matters below. No works shall commence on site prior to the approval in writing of the Construction Phase Traffic Management Plan by the Council as Roads and Planning Authority.
- (i) Proposed delivery route for HGV traffic and construction vehicles using Sherry Drive via Woodfoot Road. No construction traffic shall be permitted to use Highstonehall Road west of the proposed site access.
 - (ii) Details of all temporary construction direction signage and route signage between site and Woodfoot Road.
 - (iii) Arrangements for notifying suppliers and contractors of designated access route referred to under item (i) above and arrangements for monitoring and enforcements.
 - (iv) Provisions for emergency vehicle access.
 - (v) Location and specification for wheel wash equipment to prevent mud, detritus and surface water being deposited on the public road and/or the existing public car park.
 - (vi) Arrangements for additional road sweeping visits as and when required by site activities and conditions or as requested by the Council's Road Inspector.
 - (vii) Arrangement of construction compound(s) and contractor/staff car parking on site to ensure that no vehicles are parked on the public road.
 - (viii) Location and layout of delivery area and turning area within the site to ensure that all construction delivery vehicles can enter and exit site in a forward gear.
 - (ix) Identification of a nominated person to whom any road safety issues can be referred.
 - (x) Arrangements for undertaking initial joint road dilapidation surveys with a representative of the Council Roads Department at locations specified by the Council and for ongoing dilapidation surveys including submission of written reports/photographs for the route referred to under item (i) above.

Reason: In the interests of traffic and public safety as well as to preserve the amenity of the surrounding area.

09. That the further application(s) required under the terms of Condition 2 above shall include the submission of a slope stability analysis of the site for approval in writing by the Council as Planning Authority. The analysis shall be carried out by a suitably qualified geotechnical engineer and be based on parameters and stratigraphy obtained by intrusive investigation and shall be backed by suitable public indemnity insurance. In addition, the analysis shall take account of the effects of the watercourse, the groundwater regime, the felling of trees and any proposed SUDS features.

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

10. For the avoidance of doubt, no work shall commence on site until the slope stability analysis referred to under Condition 9 above has been approved in writing by the Council as Planning Authority. Any development at the site shall be undertaken in accordance with the requirements of the approved slope stability analysis.

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

11. That the further application(s) required under the terms of Condition 2 above shall include an update to the submitted 'Report of Phase 1 Habitat Survey, Protected Species Survey and Preliminary Ecology Appraisal' (prepared by ESS Ecology). The requirements and recommendations of this report shall be implemented to the satisfaction of the Council as Planning Authority.

Reason: To protect any established species.

12. That the further application(s) required under the terms of Condition 2 above shall include a detailed design of the proposed surface water and foul drainage and written confirmation from Scottish Water that the proposals, including the surface water outfall to the nearby watercourse, are acceptable to them for the purposes of vesting. This information shall include the agreed drainage adoption extents to the satisfaction of the Council as Roads and Planning Authority.

Reason: In order to retain effective planning control.

13. That the further application(s) required under the terms of Condition 2 above shall detail that the proposed retaining wall along the western boundary of the site is located at a sufficient distance from the adoptable development road and outwith the zone of influence of the road.

Reason: In the interests of traffic and public safety.

14. That the further application(s) required under the terms of Condition 2 above shall include the appropriate parking provision in accordance with SCOTS National Roads Development Guide as follows:-

- ◆ 1 bedroom - 1 parking space
- ◆ 2 and 3 bedrooms - 2 parking spaces
- ◆ 4 and 5 bedrooms - 3 parking spaces

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

15. That the further application(s) required under the terms of Condition 2 above shall include driveway parking of a minimum 3.0metre wide by 6.0metre long modules with a separate footway access provided between the prospectively adoptable road and each dwelling entrance.

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

16. That the further application(s) required under the terms of Condition 2 above shall include the submission of a Residential Travel Plan.

Reason: These details have not been submitted.

17. That the further application(s) required under the terms of Condition 2 above shall include an invasive weed survey, which provides details of any required remediation strategy, to be approved in writing by the Council as Roads and Planning Authority.

Reason: These details have not been submitted.

18. That prior to the development being completed or brought into use, a visibility splay of 2.4 metres by 43 metres shall be provided in both directions from the new access and that everything exceeding 0.9 metres in height, when measured above the adjacent road channel level, shall be removed from the visibility splay and thereafter nothing exceeding 0.9 metres in height shall be placed, erected, planted or allowed to grow within these sight lines to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

19. That prior to the development being completed or brought into use, a new 3.0 metre wide shared use footway for pedestrians and cyclists shall be formed from the site entrance around the site boundary to the existing pedestrian refuge island on Stewart Avenue as shown on drawing 22-134(PL)01 Revision M to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of public safety.

20. That prior to the development being completed or brought into use, the site entrance shown on drawing 22-134(PL)01 Revision M shall be formed as a 5.5metre wide road with 2.0metre wide footways and 6.0metre radii on both sides incorporating dropped kerbs and tactile paving and all to the specification to be approved in writing by the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

21. That prior to the development being completed or brought into use, the first 2.0 metres of the driveway serving each dwelling shall be so surfaced in a bound material and trapped to prevent any surface water or deleterious material from entering the prospectively adoptable road to the satisfaction of the Council as Roads and Planning Authority.

Reason: In order to retain effective planning control.

22. That prior to the development being completed or brought into use, the driveway serving each dwelling shall be constructed such that a gradient of 1 in 12 is not exceeded to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of public safety.

12. Reason for Decision

- 12.1 The proposal raises no significant amenity, environmental or infrastructure issues and complies with Policies 1, 2, 3, 4 13, 14, 15 and 16 of the National Planning Framework 4 and Policies 1, 2, 5, 13 and 15 of the adopted South Lanarkshire Local Development Plan 2. There are no other material considerations which would justify the refusal of planning permission.

David Booth
Executive Director (Community and Enterprise Resources)

Date: 1 March 2024

Background Papers

Further information relating to the application can be found online:-

[P/22/1466 | Residential development with associated parking, landscaping, open space and drainage \(Planning Permission in Principle\) | Land Adjacent To Stewart Avenue Hamilton \(southlanarkshire.gov.uk\)](#)

Corporate Considerations

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

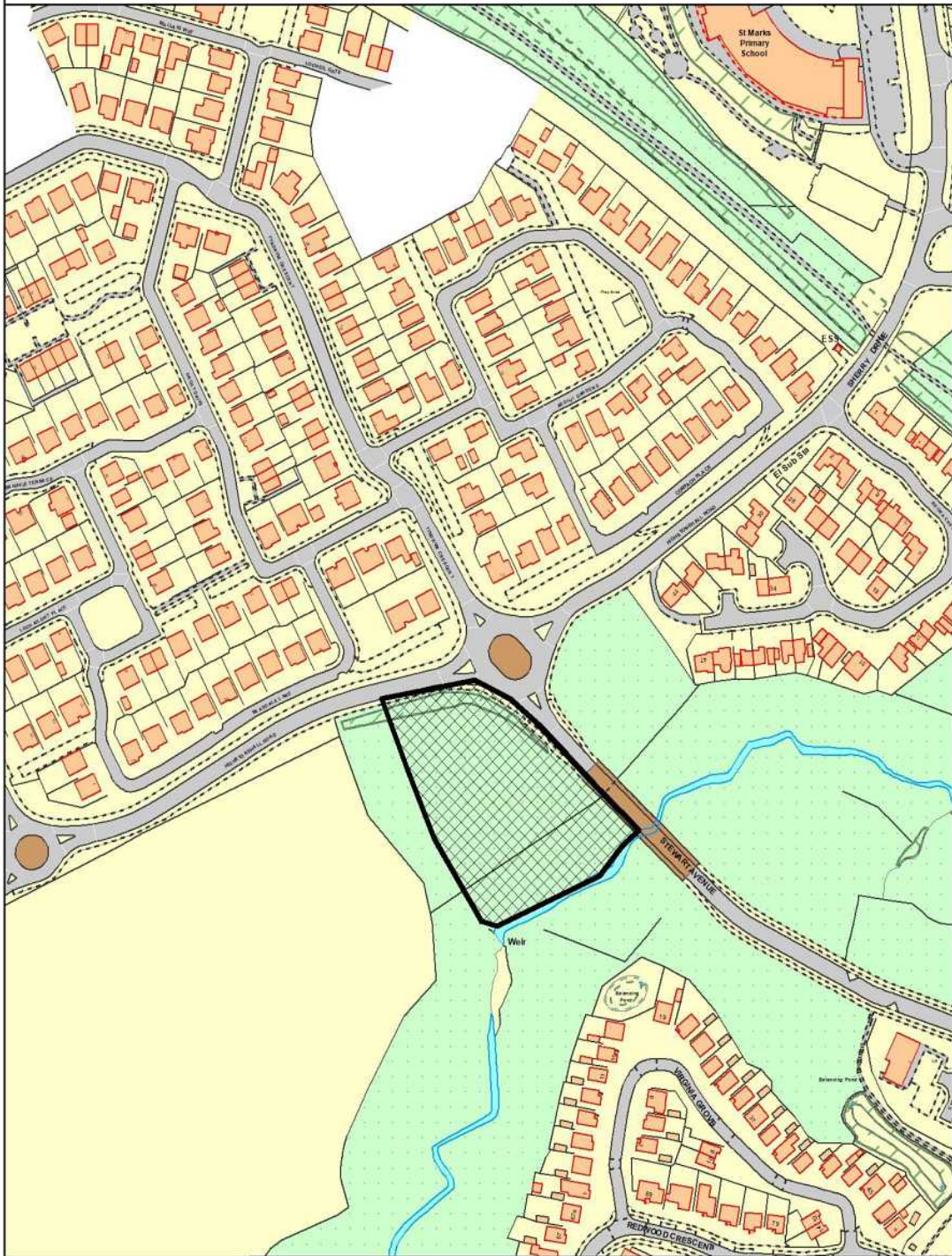
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/22/1466 Land 250m Northwest of 2 Cypress Lane, Hamilton



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Scale:
1:2,500
Date:
08/02/2024



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

6

Report to:	Planning Committee
Date of Meeting:	12 March 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/23/0485
Proposal:	Extraction of sand and gravel with restoration to form balancing pond, wetland, agriculture and grassland (Section 42 application to amend conditions 22 and 23 of CL/17/0092, to permit quarry operations to start at 07:00 hours Monday to Saturday)
Site Address:	Ryeflatt Quarry West End Carnwath ML11 8SA
Applicant:	Tillicoultry Quarries Ltd
Agent:	Abigail Brown - Wardell Armstrong LLP
Ward:	04 – Clydesdale South
Application Type:	Modification, Variation or Removal of Planning Conditions
Advert Type:	Environmental Impact Assessment (EIA) Report submitted - Edinburgh Gazette 18 August 2023 EIA Report submitted - Lanark Gazette 16 August 2023 Non-notification of neighbours - Lanark Gazette 16 August 2023
Development Plan Compliance:	Yes
Departures:	None
Recommendation:	Grant subject to conditions and the modification of the existing section 75 agreement
Legal Agreement:	The Committee should note that the application shall not be granted until the following matters are concluded:- The modification of the original Legal Agreement attached to the site securing:- <ul style="list-style-type: none"> • A restoration guarantee bond to secure restoration of the site should the applicant not fulfill or be able to fulfill this task; • financial contributions to the South Lanarkshire Rural Communities Trust Fund; and

	<ul style="list-style-type: none"> the carrying out of hydrological monitoring and water flow equipment maintenance.
Direction to Scottish Ministers	Not Required

1. Reason for Report

- 1.1. The application is required to be determined by the Planning Committee under Clause 5.1 of the Decision-Making Process 2015 as it constitutes a major planning application.

2. Site Description

- 2.1. The application site lies on the northern side of the A70 Carstairs to Carnwath road approximately 700 metres to the north-west of the village of West End. The site is an active sand and gravel quarry, extending to some 35.5 hectares in area and is served by a vehicular access taken directly from the A70. The A70 runs parallel with the southern boundary of the application site. The site is mainly bounded on all sides by agricultural land, and by Redland Poultry Farm to the immediate south of the extraction area. A water body (the White Loch) is located within the north-east part of the application site but not within any worked extraction area. A further loch (the Red Loch) is located out with the application site, approximately 200m from the northern boundary.
- 2.2. The nearest residential properties to the mineral extraction area are Woodside Cottage (360 metres to the south-west), 2 no dwellings associated with Redland Poultry Farm (160 metres to the south), and Ryeflat Farm (430 metres to the north-west). A further dwelling occupied by the operator of a plant hire business that currently operates from associated premises is located approximately 400 metres to the east of the extraction area.

3. Description of Proposed Development

- 3.1. The application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 as the applicant wishes to vary a number of conditions attached to a previous Section 42 application for the site, ref: CL/17/0092 and granted on 18 January 2019, (hereon referred to as the original permission). That approval granted consent to extend the original approved period of consent for the extraction of sand and gravel and site restoration by a further 5 years, to 01 July 2026. The current submitted application seeks consent to extend the operating hours of the quarry, to permit the commencement of operations at 07.00, rather than 08.00 hours, on weekdays and on Saturdays.
- 3.2. Condition 22 of the original permission states:-
That, without the prior written approval of the Planning Authority, the site shall not operate outwith the hours stated below, and during these hours the site shall be adequately manned and supervised.

	Weekdays	Saturdays
Time of Opening	8.00am	8.00am
Time of Closing	7.00pm	1.00pm

There shall be no working on Sundays or local bank holidays (with the exception of essential maintenance work), unless otherwise agreed in writing with the Planning Authority.

The applicant has requested that condition 22 be varied to read:-

That, without the prior written approval of the Planning Authority, the site shall not operate outwith the hours stated below, and during these hours the site shall be adequately manned and supervised.

	Weekdays	Saturdays
Time of Opening	7.00am	7.00am
Time of Closing	7.00pm	1.00pm

There shall be no working on Sundays or local bank holidays (with the exception of essential maintenance work), unless otherwise agreed in writing with the Planning Authority.

3.3. Condition 23 of the original permission states:-

That with respect to the control of noise resulting from the operations at this site, the developer shall comply with the following:-

- that during the working week (08.00 to 19.00 hours Monday to Friday inclusive and 08.00 to 13.00 hours on Saturday) the nominal noise limit from site operations at all noise sensitive properties, in the vicinity of the site, shall not exceed 55 dB(A) LAeq, over any one hour period,
- as the site is only to be operational during day time there shall be no audible noise, from the site at noise sensitive properties, between the hours of 19.00 hours and 08.00 hours
- between Saturdays (from 13.00 hours) and Mondays (to 08.00 hours), there shall be no audible noise from the site at noise sensitive properties in the vicinity of the site.

The applicant has requested that condition 23 be varied to read:-

That with respect to the control of noise resulting from the operations at this site, the developer shall comply with the following:-

- that during the working week (07.00 to 19.00 hours Monday to Friday inclusive and 07.00 to 13.00 hours on Saturday) the nominal noise limit from site operations at all noise sensitive properties, in the vicinity of the site, shall not exceed 55 dB(A) LAeq, over any one hour period,
- as the site is only to be operational during day time there shall be no audible noise, from the site at noise sensitive properties, between the hours of 19.00 hours and 07.00 hours
- between Saturdays (from 13.00 hours) and Mondays (to 07.00 hours), there shall be no audible noise from the site at noise sensitive properties in the vicinity of the site.

- 3.4. If successful, the effect of a Section 42 application to modify a planning condition or conditions is to grant a further planning permission for the whole development but with the amended condition or conditions replacing those that were previously issued, or with conditions removed if required. All other conditions, if relevant, are also required to be attached to any new planning permission. If the proposed changes to the condition or conditions are deemed unacceptable, then Section 42 of the Act requires the application to be refused. Any refusal of an application under Section 42 of the Act does not have any effect on the original planning permission which remains intact.

4. **Relevant Planning History**

- 4.1. The extraction of sand and gravel has taken place throughout parts of the application site for in excess of 70 years. Planning applications PM/52/388, P/LK/76/23 and P/LK/84/515 all allowed sand and gravel extraction within the application site.
- 4.2. Planning application CL/05/0806 granted permission for the further extraction of sand and gravel and the associated restoration of the site. This permission was granted subject to a Section 75 legal agreement to secure a restoration guarantee bond to

secure restoration of the site should the applicant not fulfill or be able to fulfill this task; financial contributions to the South Lanarkshire Rural Communities Trust Fund; and for hydrological monitoring and water flow equipment maintenance.

- 4.3. A further Section 42 planning application, CL/17/0092, was submitted in 2017 to amend condition 2 of CL/05/0806, to permit an additional period of 5 years to extract sand and gravel and to fully restore the site. Consent was granted for this in August 2017, with the consent being issued on 18 January 2019, following the conclusion of a Section 75 agreement to address the issues described in 4.2 above.

5. Supporting Information

- 5.1. The applicant has submitted a detailed supporting statement with the application. A number of previously submitted supporting documents for earlier approved applications at the site have also been submitted.

6. Consultations

- 6.1. Health and Safety Executive – no objections, noting that the application will not increase the number of people at the development site and will not involve the construction of floorspace for an industrial process.

Response: Noted

- 6.2. Environmental Services – no objection, subject to the attachment of a planning condition requiring the applicant to investigate any reasonable complaints received, and the carrying out of any required mitigation measures to remediate the complaint.

Response: Noted

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement in the local paper and the Edinburgh Gazette, one representation (objection) has been received. The issues raised are summarised as follows:-

- ◆ The proposed restoration scheme, in particular the positioning of the water features, will potentially adversely affect the objector's adjacent poultry farm, by encouraging wild birds to the area, significantly increasing the risk of Avian Influenza bird flu.

The above issue will be considered in the assessment below and full copies are available to view on the planning portal.

8. Development Plan

- 8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the adopted National Planning Framework 4 and the adopted South Lanarkshire Local Development Plan 2.

- 8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crisis
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 3 - Biodiversity
- ◆ Policy 4 - Natural Places
- ◆ Policy 5 - Soils
- ◆ Policy 29 - Rural Development
- ◆ Policy 33 - Minerals

8.3. South Lanarkshire Local Development Plan 2 (2021)

The application site and associated proposals are affected by the following policies contained in the South Lanarkshire Local Development Plan 2 (SLLDP2):-

SLLDP2 Policies

- ◆ Policy 1 - Spatial Strategy
- ◆ Policy 2 - Climate Change
- ◆ Policy 4 - Green Belt and Rural Area
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 13 - Green Network and Greenspace
- ◆ Policy 14 - Natural and Historic Environment
- ◆ Policy 15 - Travel and Transport
- ◆ Policy 16 - Water Environment and Flooding
- ◆ Policy 19 - Minerals Development
- ◆ Policy DM1 - New Development Design
- ◆ Policy GBRA2 - Business Proposals within Green Belt and Rural Area
- ◆ SDCC3 - Sustainable Drainage Systems
- ◆ MIN1 - Settlements
- ◆ MIN2 - Cumulative Impact
- ◆ MIN3 - Restoration
- ◆ MIN5 - Controlling Impacts from Extraction Sites
- ◆ MIN6 - Community Benefit

9. Guidance

- 9.1. Planning Advice Note 50 – Controlling the environmental effects of surface mineral workings and its associated Annex A: The control of noise at surface mineral workings are considered to be of relevance in the assessment of the application.

10. Assessment and Discussion

- 10.1. 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. The policies contained within National Planning Framework 4 and the South Lanarkshire Local Development Plan 2 are the main consideration in this case, together with an assessment of any other material planning considerations.
- 10.2. In this case the application is made under section 42 of the Act to vary conditions attached to a planning permission for an operational sand and gravel quarry near the village of West End, by Carnwath. As the proposals involve an amendment to an existing live consent, there is no opportunity for the Council to revisit the principle of the development, or any facets of the original permission that do not form part of the proposed amendments. Therefore, in this instance, the assessment of the proposals relates solely to consideration of any impacts that may arise from an earlier permitted start time at the quarry. The main matters for the Council's consideration are therefore

whether the proposed changes to the existing hours of operations at the quarry would continue to comply with the Development Plan and Government advice.

- 10.3. Planning Advice Note 50 – Controlling the environmental effects of surface mineral workings and its associated Annex A. The control of noise at surface mineral workings gives advice on how to consider the main impacts that may arise from proposals for surface mineral extraction and suggests ways in which these impacts can be controlled or minimised. It states that definitions of daytime and night-time may depend on local circumstances. Daytime should normally be defined as 0700-1900 hours, and night-time as 1900-0700 hours. In some areas 0800 hours may be more appropriate than 0700 hours. The working week should generally be regarded as Monday to Friday, and Saturday morning, while Saturday afternoons, Sundays and Public/Bank Holidays would normally be regarded as periods of rest. A noise survey submitted with the application has established that the background noise levels during the period between 07:00 – 08:00 do not differ significantly from the representative level over the whole day period. In the case of the weekdays, the background noise levels between 07:00 and 08:00 are actually higher than the representative day period.
- 10.4. The supporting statement also refers to the potential impacts of traffic movements associated with the quarry as a result of the proposed change of hours of operation. A traffic survey carried out for a 12 hour period between 06.00 and 18.00 hours concludes that a small number of quarry vehicles are likely to arrive at the site up to an hour earlier than in the existing situation. The recorded data collected for the quarry access/A70 Main Street junction shows that the level of traffic during the hours of 0700 - 0800 is lower than 0800 - 0900 hours and the AM peak hour. The cumulative level of traffic generated by the quarry and the existing traffic on A70 is therefore predicted to be lower during the proposed additional hour of operation than during the current permitted first hour of operation at the quarry.
- 10.5. A single letter of representation to the application has been submitted, stating that the proposed restoration scheme, in particular the positioning of the water features, will potentially adversely affect the objector's adjacent poultry farm, by encouraging wild birds to the area, significantly increasing the risk of Avian Influenza bird flu. Discussions have taken place with the agent acting for the objector, clarifying that the submitted application only seeks to amend the hours of operation of the quarry, and that no changes to any of the previously approved restoration plans are under consideration. Despite the agent confirming verbally that his clients have misunderstood the reason for the submission of the Section 42 application, and that he would discuss this matter with them further to explain that the details of the previously submitted restoration plans are not being considered, the original letter of representation remains on the application file.
- 10.6. Overall, it is considered that the proposed change to the hours of working will not have an adverse impact on the amenity of the surrounding area particularly in terms of the effect on residential amenity due to an increase in noise or traffic generation. As a result, it is concluded that the proposals comply with relevant policy in the adopted National Planning Framework 4 and the South Lanarkshire Local Development Plan 2.
- 10.7. Conclusion
It is considered that the changes to the conditions to accommodate an earlier start time at the quarry are acceptable and it is recommended that the Planning Committee grant the application subject to the conclusion of a modification of the original Section 75 legal agreement to secure a restoration guarantee bond to secure restoration of the site should the applicant not fulfill or be able to fulfill this task; financial contributions

to the South Lanarkshire Rural Communities Trust Fund; and the carrying out of hydrological monitoring and water flow equipment maintenance.

11. Recommendation and Conditions

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

Grant consent subject to the conditions listed below and the conclusion of the modification of the original legal agreement to secure the following:-

- ◆ A restoration guarantee bond to secure restoration of the site should the applicant not fulfill or be able to fulfill this task;
- ◆ financial contributions to the South Lanarkshire Rural Communities Trust Fund; and
- ◆ the carrying out of hydrological monitoring and water flow equipment maintenance.

The applicant will be responsible for meeting the Council's reasonably incurred legal expenses in respect of the legal agreement and restoration guarantee quantum. In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Legal Agreement within 6 months of the date of the Committee, the proposed development may be refused on the basis that, without the planning control/developer contribution which would be secured by the Legal Agreement, the proposed development would be unacceptable.

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 Legal Agreement. If granted the planning permission shall not be released until the Legal Agreement has been concluded.

01. That all extraction operations on the site shall be discontinued and the entire site shall be restored in accordance with the restoration plan approved by the Council, as Planning Authority (as required by condition 2) not later than 1st July 2026.

Reason: To ensure that the Planning Authority retains effective control of the development.

02. That indicative details only for the final restoration scheme are hereby approved, and that, within 12 months of the date of this permission, a detailed restoration, habitat/wetland management and aftercare scheme for the entire site shall be submitted for the written approval of the Council as Planning Authority and the restoration, habitat/wetland management and aftercare of the site shall thereafter be carried out in accordance with the approved scheme including timescales.

Reason: To ensure the satisfactory reinstatement of the site.

03. That upon the termination of extraction operations, all plant, machinery, buildings and the foundations thereof, shall be removed from the site, and the areas so occupied restored in accordance with the approved restoration plan to the satisfaction of the Planning Authority.

Reason: To ensure that the site is satisfactorily restored.

04. That the applicant shall at all times deal with the areas forming the subject of this consent in accordance with the provisions of this application, statement of intentions and plans submitted except as otherwise provided for by this consent, and shall omit no part of the operations provided for therein except with the prior written consent of the Planning Authority.

Reason: To ensure that the Planning Authority retains effective control of the development.

05. That reversing alarms used on plant and vehicles shall be either non-audible, ambient related, or low tone devices.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

06. That the movement of plant, vehicles and machinery on the site shall be carried out in such a manner as to avoid, as far as possible, the crossing of undisturbed, reclaimed or restored land.

Reason: To avoid any unnecessary incursion onto parts of the site which are undisturbed or have been restored; in the interests of the general amenity of the site.

07. That all hardcore material used to form hardstandings shall be removed prior to subsoil replacement, and all roadways, storage sites and other areas of compaction shall be sub-soiled prior to restoration, unless otherwise approved in writing by the Planning Authority.

Reason: To ensure satisfactory reinstatement of the site.

08. That, in the event of extraction operations on the site ceasing for a period of 12 months or more, the Planning Authority shall deem operations to have ceased permanently and shall require immediate implementation of the approved restoration scheme, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure the Planning Authority retains effective control of the development.

09. That the developer shall ensure that sufficient water is maintained on site, at all times, to address the requirements for dust suppression.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

10. That the operator shall minimise dust emissions from the site by every practicable means, in accordance with current best practice.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

11. That, in the event of dust nuisance problems being created by operations on site, the operator shall take all reasonable remedial measures to minimise the transmissions of dust, to the satisfaction of the Council as Planning Authority.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

12. The applicant or subsequent operator(s) shall prevent mud, deleterious material and surface water from being deposited/flowing onto the public highway for the duration of operations.
- Reason: In the interests of road safety.
13. That all laden lorries leaving the site shall be sheeted before entering the public highway.
- Reason: In the interests of road safety.
14. That visibility splays of 2.5m by 215m shall be maintained on both sides of the existing access point onto the A70, and shall be retained for the duration of works on the site. For the avoidance of doubt, this shall be the only vehicular access for the entering and egress of the site.
- Reason: In the interests of road safety.
15. Except where otherwise agreed in writing by the Planning Authority, the applicants shall make stockproof and maintain until restoration of the site is complete all the existing perimeter hedges and fences, and shall protect the same from damage.
- Reason: To ensure site safety and maintenance of boundary security.
16. The hard surfaced access road entering the site from the A70, extending 100 metres into the site, shall be maintained as such for the lifetime of the development, hereby approved.
- Reason: To minimise the chance of any debris from the site being trailed onto the public highway; in the interests of road safety.
17. The section of the access road between the wheel washing equipment and the A70 shall be maintained in such a condition as to prevent ruts, potholes and ponding of water and kept clear of mud and dirt at all times, for the lifetime of the development, hereby approved.
- Reason: To minimise the chance of any debris from the site being carried onto the public highway; in the interests of road safety.
18. Efficient silencers shall be fitted to and used and maintained in accordance with manufacturer's instructions on all vehicles, plant and machinery used on the site. Save for the purposes of maintenance, no machinery shall be operated with the covers open or removed.
- Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.
19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or of any order revoking, amending or re-enacting that Order), no buildings, structures or fixed plant, including that required for lighting the site, shall be erected or installed within the site, unless details of their location and appearance have received the prior written approval of the Planning Authority.

Reason: To ensure control over such development on the site so as to minimise the potential visual and landscape intrusion.

20. That from the date of this permission, until completion of the final restoration, a copy of this permission, and all approved documents and subsequently approved documents, shall be kept available for inspection in the site offices during the approved working hours.

Reason: To ensure the site operator and visiting officials are aware of the approved details.

21. That all containers being used to store liquids within the application site shall be labelled clearly to show their contents, and located in a bund which shall be at least 110% of the capacity of the largest container stored within it. Bunds shall conform to the following standards:-

- ◆ The walls and base of the bund shall be impermeable
- ◆ The base shall drain to a sump
- ◆ All valves, taps, pipes and every part of each container shall be located within the area served by the bund when not in use;
- ◆ Vent pipes shall be directed down into the bund;
- ◆ No part of the bund shall be within 10 metres of a watercourse;
- ◆ Any accumulation of any matter within the bund shall be removed as necessary to maintain its effectiveness.

Reason: To ensure the safekeeping of such liquids.

22. That, without the prior written approval of the Planning Authority, the site shall not operate outwith the hours stated below, and during these hours the site shall be adequately manned and supervised.

	Weekdays	Saturdays
Time of Opening	7.00am	7.00am
Time of Closing	7.00pm	1.00pm

There shall be no working on Sundays or local bank holidays (with the exception of essential maintenance work), unless otherwise agreed in writing with the Planning Authority.

Reason: To safeguard the residential amenity of the area.

23. That with respect to the control of noise resulting from the operations at this site the developer shall comply with the following:-

- that during the working week (07.00 to 19.00 hours Monday to Friday inclusive and 07.00 to 13.00 hours on Saturday) the nominal noise limit from site operations at all noise sensitive properties, in the vicinity of the site, shall not exceed 55 dB(A) LAeq, over any one hour period
- as the site is only to be operational during day time there shall be no audible noise, from the site at noise sensitive properties, between the hours of 19.00 hours and 07.00 hours
- between Saturdays (from 13.00 hours) and Mondays (to 07.00 hours), there shall be no audible noise from the site at noise sensitive properties in the vicinity of the site.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

24. That the operator shall at all times abide by the terms of the noise and dust monitoring and management programmes submitted and approved as part of planning permission CL/05/0806 for the lifetime of the development, hereby approved.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

25. That all topsoil and subsoil shall be retained on site and shall be used for the restoration scheme as required by condition 2.

Reason: To ensure the satisfactory reinstatement of the site.

26. All soil storage bunds shall be kept free of weeds and the sward shall be managed in accordance with agricultural management techniques throughout the period of storage; all to the satisfaction of the Planning Authority.

Reason: In the interests of visual amenity.

27. That the stand off areas identified and then fenced off as required under planning permission CL/05/0806 for the protection of badgers and otters shall be fully maintained as undisturbed areas for the lifetime of the development, hereby approved.

Reason: To safeguard ecological resources within the site.

28. That no material shall be deposited within the White Loch.

Reason: To safeguard the quality of the White Loch.

29. That no other material shall be imported to the site without the prior written permission of the Planning Authority.

Reason: To ensure the Planning Authority retains effective control over the importation of materials to the site.

30. No operations involving soil lifting/replacement shall take place between the months of October to March inclusive except with the prior written approval of the Planning Authority.

Reason: To preserve the quality of the soils and to secure the eventual restoration of the site.

31. That within one year from the date of this permission (and each year thereafter) the operator shall submit to the Planning Authority an annual progress plan detailing:-

- ◆ The extent of ongoing extraction operations;
- ◆ Areas prepared for extraction;
- ◆ The extent of backfilling or restoration operations carried out;
- ◆ The extent of landscaping, nature conservation and agricultural works that have been implemented;
- ◆ Current and anticipated production figures;

- ◆ Remaining reserves;
- ◆ Compliance with statutory permissions; and
- ◆ Site complaint logs and actions taken.

Reason: To ensure that the Planning Authority is informed at regular intervals of the progress of the site; to assist with site monitoring; and to help inform development plan production.

32. That all mitigation measures required for Otter and Badger protection, as approved by planning permission CL/05/0806, shall be maintained for the lifetime of the development, hereby approved.

Reason: To safeguard ecological resources within the site.

33. That no trees within the application site shall be felled without the prior written approval of the Planning Authority and trees that are to be felled must be surveyed to determine the presence of breeding birds.

Reason: To safeguard ecological resources within the site.

34. That no later than 3 months from the date of decision, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the Council as Planning Authority. Such guarantee must, unless otherwise approved in writing by the Council as Planning Authority:-

- i) be granted in favour of the Council as Planning Authority
- ii) be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
- iii) be for a specified amount which covers the value of all site restoration and aftercare liabilities as agreed between the developer and the Planning Authority at the commencement of development
- iv) either contain indexation provisions so that the specified amount of the guarantee shall be increased on each anniversary of the date of this consent by the same percentage increase in the General Index of Retail Prices (All Items) exclusive of mortgage interest published by or on behalf of HM Government between the date hereof and such relevant anniversary or be reviewable to ensure that the specified amount of the guarantee always covers the value of the site restoration and aftercare liabilities
- v) come into effect on or before the date of commencement of development, and expire no earlier than 12 months after the end of the aftercare period unless other suitable multiple guarantee arrangements are agreed in writing by the Council as Planning Authority. For the avoidance of doubt, more than one guarantee may be agreed but any multiple guarantees shall cover the period from on or before commencement and to 12 months after the end of the aftercare period without any break in cover.

No works shall begin at the site until (1) written approval of the Council as Planning Authority has been given to the terms of such guarantee and (2) thereafter the validly executed guarantee has been delivered to the Council as Planning Authority.

Reason: To ensure that provision is made for the restoration and aftercare of the site.

35. That the operator shall at all times abide by the terms of the wheel washing facilities, detailed drainage system, and culvert clearing scheme approved under planning permission CL/05/0806 for the duration of the lifetime of the development, hereby approved.

Reason: In the interests of road safety and drainage.

36. That the operator shall at all times abide by the terms of the monitoring regime and the dewatering scheme for the White Loch Road approved under planning permission CL/05/0806 for the duration of the lifetime of the development, hereby approved.

Reason: In the interests of local hydrology.

37. That the operator shall abide by the final ground levels as proscribed within the contour plans approved under planning permission CL/05/0806 unless otherwise agreed under condition 2.

Reason: In the interests of suitable restoration.

38. At the reasonable request of the Planning Authority and following a complaint to it relating to noise or dust emissions arising from the operation of the Quarry the operator shall investigate the complaint using suitably competent persons as appropriate. Where an assessment of any noise impact or dust emissions/accumulations are, in the opinion of the Planning Authority acting reasonably, found to be in breach of the noise limits or to cause nuisance the Quarry operator shall carry out mitigation measures to remediate the breach so caused. Details of any such mitigation measures required shall be, on request, submitted to the Planning Authority for prior approval.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

12 Reason for Decision

- 12.1. The proposals to vary conditions 22 and 23 to permit a change to the start of works time at the quarry by an extra hour, from 08.00 to 07.00 hours weekdays and Saturdays, are considered acceptable, subject to the imposition of the previous suite of applicable environmental conditions. The proposals are therefore considered to accord with policies 1, 2, 3, 4, 5, 29 and 33 of the National Planning Framework 4, and with policies 1, 2, 4, 5, 13, 14, 15, 16, 19, DM1, GBRA2, SDCC3, MIN1, MIN2, MIN3, MIN5 and MIN6 of the adopted South Lanarkshire Local Development Plan 2.

David Booth
Executive Director (Community and Enterprise Resources)

Date: 1 March 2024

Background Papers

Further information relating to the application can be found online: -

[P/23/0485 | Extraction of sand and gravel with restoration to form balancing pond, wetland, agriculture, and grassland \(Section 42 application to amend conditions 22 and 23 of CL/17/0092, to permit quarry operations to start at 07:00 hours Monday to Saturday\) | Ryeflatt Quarry Carnwath ML11 8SA \(southlanarkshire.gov.uk\)](#)

Corporate Considerations

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

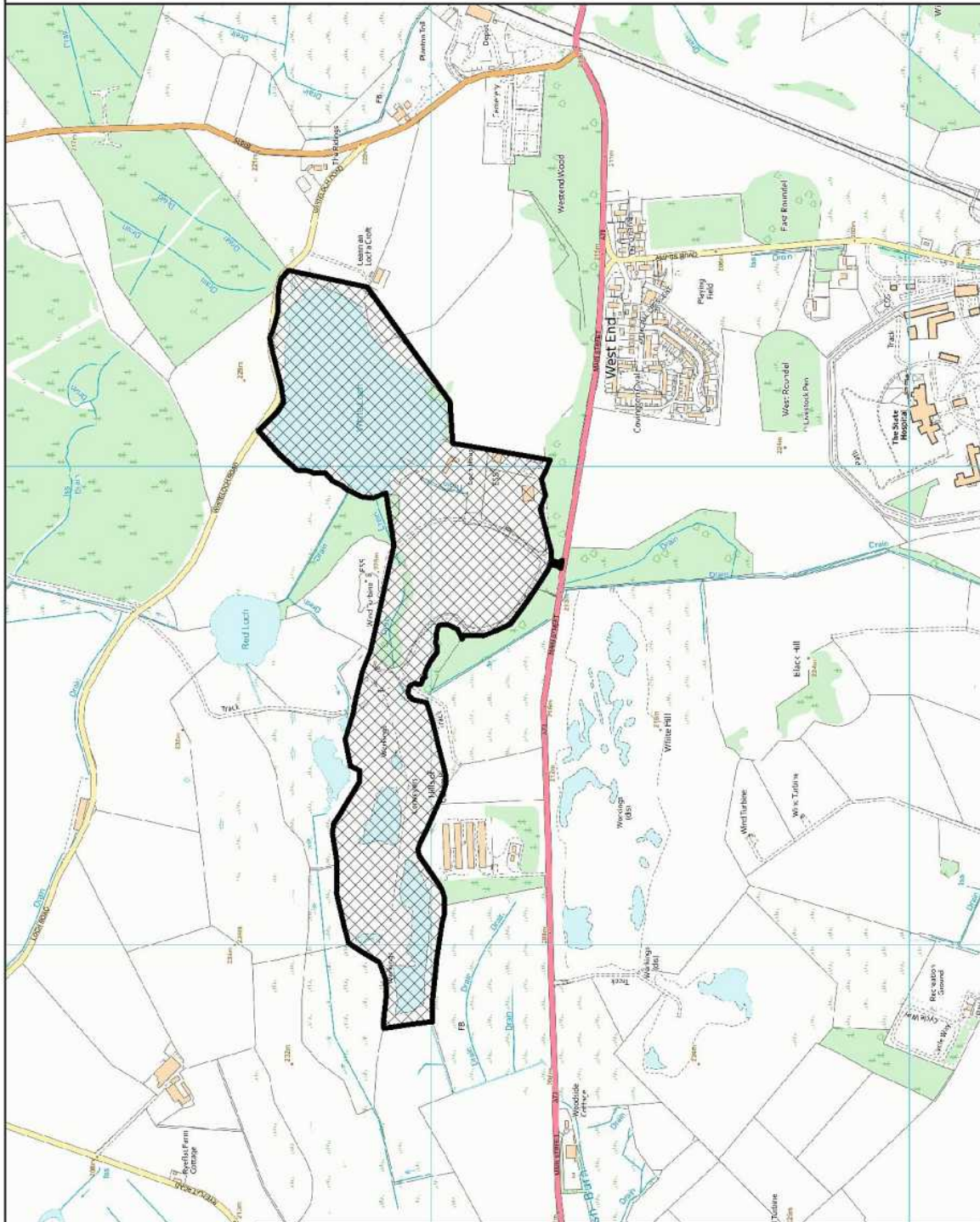
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/23/0485 Ryeflatt Quarry, West End, Carstairs



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Scale:
1:11,000
Date:
08/02/2024



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

7

Report to:	Planning Committee
Date of Meeting:	12 March 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/23/0851
Proposal:	Erection of a restaurant and drive-through hot food takeaway, associated car parking, access, external seating area, play structure, landscaping and associated structures/works
Site Address:	1 Lindsayfield Road East Kilbride
Applicant:	McDonald's Restaurant Ltd
Agent:	Sarah Carpenter, Planware Ltd
Ward:	6 East Kilbride South
Application Type:	Full Planning Permission
Advert Type:	Schedule 2: Non Notification of Neighbours Schedule 3: Potential 'Bad Neighbour' Proposal East Kilbride News 2 August 2023
Development Plan Compliance:	Yes
Departures:	N/A
Recommendation:	Grant subject to conditions
Legal Agreement:	N/A
Direction to Scottish Ministers	N/A

1. Reason for Report

- 1.1. This application must be presented to the Planning Committee for determination as it has received more than 5 objections, as detailed in paragraph 4.1 of the approved South Lanarkshire Council Planning Application Decision Making Process April 2015.

2. Site Description

- 2.1. The application site is located on a section of the existing Morrison's car park at 1 Lindsayfield Road, East Kilbride. To the northwest is a small parade of retail units, to the west is the Oyster Catcher pub/restaurant and the Morrisons petrol station, and to the east lies the existing Morrisons Superstore and associated car parking.
- 2.2. The site is within the commercial area of Lindsayfield Local Centre as designated by the adopted South Lanarkshire Local Development Plan. To the south of the local centre the land rises upwards into a residential development. The existing Morrison's car park has some small hedge planting along most of their boundaries and some clusters of small trees within the car park.
- 2.3. It should be noted that since the submission of this planning application, the East Kilbride Community Growth Area spine road - which links to Lindsayfield Road - has opened.

3.1 Description of Proposed Development

- 3.1. Planning permission is sought for the erection of a restaurant (Class 3) and drive-through, hot food takeaway, associated car parking, access, external seating area, play structure, landscaping, and associated structures/works.
- 3.2. Vehicular access to the site would utilise the existing access road to Morrisons from Lindsayfield Road. Provision would be made for takeaway customers, both from the counter and from the drive-thru lane. The restaurant would have a seating area of 97 covers.
- 3.3. The proposal includes car parking (inclusive of electrical vehicle charging points (EVCP)). Cycle and pedestrian access points have been included within the design. There would be a corral at the south of the building, where the refuse is stored and managed for recycling in large containers.
- 3.4. A tree report has been submitted to support this application, which specifies the tree removal required to facilitate the development, with protective fencing proposed to safeguard the remaining trees on the boundary.

4. Relevant Planning History

- 4.1. A planning application for a similar scheme was submitted in December 2021 (Application Ref P/21/2142). Following discussion with the Planning and Roads Services, the application was withdrawn to allow for further review.

5. Supporting Information

- 5.1. Transport Assessment
Delivery Management Plan
Flood Risk Assessment
Drainage Maintenance Report
Construction Management Plan Supporting Statement
Site Investigation Report
Desktop Study Report (includes Coal Mining Report)
Tree Survey
Biodiversity Report

Landscape Management Scheme
Environmental Noise Assessment
Odour Report
Refuse and Recycling Statement
Litter Plan
Response statement to NPF 4/objections

6. Consultations

- 6.1. Environmental Services – No objection subject to the imposition of planning conditions relating to delivery hours and noise with standard informatives relating to noise, contamination and pest control.
Response: Noted.
- 6.2. Roads and Transportation Services (Development Management) – No objection subject to the imposition of planning conditions relating to visibility, parking, submission/implementation of a traffic management plan and construction of the road and footpath network. Additionally, it is commented that on the basis of the Traffic Impact Assessment, traffic associated with the proposed McDonalds can be accommodated on the local road network.
Response: Noted.
- 6.3. Scottish Environment Protection Agency (SEPA) – No objection, commenting that the site appears to be at risk from pluvial (surface water) flood risk, however, this is a matter for the planning authority.
Response: Noted. The appropriate SUDs condition to deal with this matter would be attached to any consent issued.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement, a total of 531 representations have been received (356 objections, 172 support and 3 comments). The issues raised are summarised as follows:-

Objections:-

Roads Related Matters

- ◆ Inadequate existing infrastructure.
- ◆ Exacerbate existing traffic congestion at only route to residential development blocking three roundabouts into the estate and preventing emergency vehicles from accessing the care home.
- ◆ Adverse impact on pedestrian and vehicular safety.
- ◆ Illegal speeding and parking.
- ◆ Loss of parking to Morrisons.
- ◆ Transport Assessment outdated.

Amenity

- ◆ Air pollution/odour contrary to low emission zones and net zero aspirations for carbon emissions.
- ◆ Noise pollution – drive through loudspeaker, cars idling.
- ◆ Light pollution.
- ◆ Littering/increase in vermin/birds and smells.
- ◆ Antisocial behaviour
- ◆ Signage will impact entrance to Lindsayfield.
- ◆ Loss of privacy to neighbouring residential properties.

Location

- ◆ Proposal located centrally within a large residential conurbation.
- ◆ There are already 2 McDonalds in East Kilbride.
- ◆ Adverse impact on neighbouring businesses/loss of jobs/potential closures.

Health

- ◆ Does not promote healthy lifestyle for young people and community.
- ◆ Stress/anxiety to community.
- ◆ Would utilise the space the NHS mobile clinic normally occupies.

Ecology

- ◆ Submitted ecology report references English legislature in place of Scottish legislature.
- ◆ Proposal will affect local populations of wildlife crossing the road, particularly during hours of darkness.

Mitigation

A number of letters were received requesting mitigation for matters such as litter, pedestrian links and the use of on-line delivery companies.

Letters of Support:-

Economy

- ◆ Employment opportunities.

Sustainability

- ◆ Welcome additional amenity for the local community.
- ◆ McDonalds has strict policies on sustainability and environment.

Roads Related Matters

- ◆ Traffic will improve when road to Jackton opens.
- ◆ Would reduce congestion in existing East Kilbride McDonalds.
- ◆ Proposal would regenerate an underutilised parking area.

Other Matters Raised

- ◆ Another place for people to socialise in a well-managed environment.

The above issues are considered in the assessment below and full copies are available to view on the planning portal.

Other Non-Material Matters Raised

Non-material issues were also raised; however, these are not planning related and do not form part of the assessment of the proposal.

8. Development Plan

8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 3 - Biodiversity
- ◆ Policy 13 - Sustainable transport
- ◆ Policy 14 - Design, quality, and place
- ◆ Policy 15 - Local living and 20-minute neighbourhoods
- ◆ Policy 23 - Health and safety
- ◆ Policy 27 - City, town, local and commercial centres
- ◆ Policy 28 - Retail

8.3. South Lanarkshire Local Development Plan 2(2021)

For the purposes of determining planning applications the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard, the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

SLLDP2 Volume 1 Policies

- ◆ Policy 2 - Climate Change
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 9 - Network of Centres and Retailing
- ◆ Policy 10 - New Retail/Commercial Proposals
- ◆ Policy 15 - Travel and Transport

SLLDP2 Volume 2 Policies

- ◆ Policy SDCC4 - Sustainable Transport
- ◆ Policy DM1 - New Development Design

South Lanarkshire Council (SLC) Supporting Planning Guidance

None

9. Guidance

- 9.1. Chief Planner's letter dated 8 February 2023 setting out Transitional Arrangements for NPF4 which specifically addresses the application of Policy 27(d).

10. Assessment and Discussion

- 10.1. The determining issue in the consideration of this application is its compliance with the development plan, which consists of National Planning Framework 4 (Adopted 2023) and South Lanarkshire Local Development Plan 2 (Adopted 2021).

10.2. Principle of Development

When considering whether the proposal is acceptable in planning terms, the two primary considerations are whether the site is suitable for development and whether the location is appropriate in land-use planning terms for a drive-through restaurant.

- 10.3. The application site is located within Lindsayfield Local Centre as designated by the adopted South Lanarkshire Local Plan 2. Therefore, the principle of the proposal at this site is acceptable.

- 10.4. In relation to Policy 28 Retail of the NPF4, the proposed application site is located within the curtilage of an existing Morrison's car park and would be situated on an area covering 121 parking spaces. Roads and Transportation Services have no objections

to the loss of parking; therefore, the proposal would have no impact on the existing retail function in line with Policy 28.

- 10.5. Policy 9 Network of Centres and Retailing of the SLLDP2 seeks to support a network of Strategic, Town and Local Centres to provide retail and other local services to the communities of South Lanarkshire. Any proposals for change of use will be assessed regarding the provision of an appropriate mix of uses that will meet economic and social need. A retail element should be retained to serve the needs of the local community.
- 10.6. In this instance the proposal does not relate to a change of use and would provide an additional restaurant and drive through facility within an existing local centre. No retail element would be lost in doing so given the site relates to an under-utilised part of an existing car park. The proposal is therefore considered to be generally in accordance with Policy 9. Additionally, in relation to Policy 10 the site is located within Lindsayfield Local Centre, and therefore accords with the sequential test set out in the policy criterion.
- 10.7. In terms of the acceptability of the proposed *sui generis* drive through restaurant use, NPF4 Policy 27 City, town, local and commercial centres states:-
- a) Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.
 - b) Development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces:-
 - i. will be supported in existing city, town and local centres, and
 - ii. will not be supported outwith those centres unless a town centre first assessment demonstrates that:-
 - ◆ all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable;
 - ◆ the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and
 - ◆ the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.
 - c) Development proposals for non-retail uses will not be supported if further provision of these services will undermine the character and amenity of the area or the health and wellbeing of communities, particularly in disadvantaged areas. These uses include:-
 - i. Hot food takeaways, including permanently sited vans;
 - ii. Betting offices; and
 - iii. High interest money lending premises.
 - d) Drive-through developments will only be supported where they are specifically supported in the local development plan (LDP).
- 10.8. With regards to 27a and b, the application site is located within Lindsayfield Local Centre, and it is considered that the proposal would improve the vitality and viability of the local centre.
- 10.9. In terms of 27c) the proposed drive-through restaurant, a *sui generis* use, will share many of the same characteristics as a hot food takeaway (the sale of hot food for consumption off the premises). McDonald's offers a varied hot food menu, and the

applicant would put forward the view that their menu includes healthy hot food options that can be purchased for consumption off the premises.

- 10.10. With regards to 27d) the SLLDP2 does not contain any locational guidance for such uses. Nevertheless, the Chief Planner's letter of 8 February 2023 confirmed that Policy 27d) was not a moratorium on such developments and that the intent of the policy was to ensure that this type of development is considered as an integral part of the wider development plan. The letter reiterates that decisions will depend on the facts and circumstances of each case and regard should be given to wider policies within NPF4. In the absence of a specific allocation within the SLLDP2 and taking cognisance of the Chief planner letter and planning appeal history, it is considered that a drive through development in a local centre surrounded by a variety of other commercial uses would in this instance be an appropriate use. As such, the proposed drive through restaurant is in this instance considered to generally comply with 27d) of NPF4 which it is considered holds most weight when considering drive through proposals against Policy 27.

10.11. Climate Change

NPF4 Policy 1 Tackling the Climate and Nature Crises and NPF4 Policy 2 Climate Mitigation and Adaptation aim to ensure that new developments minimise and mitigate against climate change and the generation of greenhouse gases. The Chief Planner letter (4 February 2023) confirms that at this stage, quantitative assessments are not expected for all applications. In the absence of a methodology for measuring the emissions which would result from the proposed building, it is considered appropriate to instead consider the general sustainability of the proposal in land-use planning terms (whether the proposed development is supportable when assessed against other relevant policies in NPF4) and use that as an indicator about whether or not it is likely to minimise emissions and adapt to current and future impacts of climate change.

- 10.12. SDLLP2 Policy 2 Climate Change seeks to minimise and mitigate against the effects of climate change by considering various criteria including: being sustainably located; reuse of vacant and derelict land; avoidance of flood risk areas; incorporating low and zero carbon generating technologies; opportunities for active travel routes and trips by public transport; electrical vehicle recharging infrastructure and, where appropriate, connection to heat networks.

- 10.13. The proposed development is located within a local centre, close to existing community/retail facilities within the Lindsayfield Local Centre, with public transport provided by various bus services in the wider area. The proposed development would incorporate measures to improve the sustainability of the development and mitigate against climate change including the provision of air source heat pumps combined with photovoltaic (PV) panels to reduce the overall carbon emissions. McDonald's install recycling stations at all new restaurants and wherever possible reuse packaging. Electrical charging points and spaces for bicycles would be provided within the parking area. The site is not considered to be at risk of flooding, nor will the development exacerbate flooding elsewhere. In consideration, the proposal would not undermine the objectives of Policy 2 of SLLDP2.

10.14. Layout, Siting and Design

NPF4 Policy 14 Design, quality and place states: Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

- 10.15. Although overlooked by some residential properties, the proposal would be reasonably self-contained within the local centre in the context of its surroundings. Whilst customers are likely to initially access the facility by car, supported by parking provision, it still aligns with aims of Policy 14. The building's modern design incorporating sustainable features, will contribute to creating an attractive, functional, and safe environment. The proposal's integration with existing public transport, the provision of cycle parking, and its proximity to residential areas would address the "connected" quality and therefore reduce car dependency.
- 10.16. Many of the objections suggest that food consumed at or from McDonald's is not conducive to healthy eating, however, it is not for the planning system to be arbiter of what constitutes nutritious food. The applicant has highlighted that they offer a varied menu with a number of healthier options available to customers and provide a budget offer. Whilst the planning system considers the long-term impacts upon health because of development proposals, it does not identify specific operators or types of drive-through restaurant or hot food takeaway that would be unacceptable in health terms. The location of such uses in designated centres is considered desirable in land-use planning terms, there is no evidence that competing restaurants and takeaway uses in town centres and elsewhere necessarily offer a healthier choice than that being put forward by the applicant.
- 10.17. It is important to note that whilst the proposal may not fully comply with every aspect of Policy 14 it can still enhance the overall sense of place and well-being within the community by providing a facility to socialise and enjoy an affordable food option. The proposal is therefore considered to be generally consistent with Policy 14 of the NPF4.
- 10.18. Policy 5 - Development Management and Place Making, together with the Development Management and Placemaking Supplementary Guidance supports developments where they do not have a significant adverse effect on the amenity of the area. In addition, any new development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials, and intensity of use. The character and amenity of the area must not be impaired by reason of traffic generation, parking, overshadowing, overlooking or visual intrusion. Policy DM1 - New Development Design reiterates these points and adds that modern innovative design can reflect local tradition through scale, massing, siting and colour rather than replicating existing building form.
- 10.19. The closest residential properties within the development are approximately 60 metres from the edge of the application site and approximately 90/100 metres from the proposed restaurant. To the west across Lindsayfield Road beyond the filling station and nursing home and to the north the residential properties are over 100 metres away. It is considered that the proposed modern design with high quality materials would on balance have no significant adverse impact on the amenity of the area. In

considering the orientation, scale, position and design of the proposed restaurant within the local centre, the topography of the land and the separation distance from the nearest dwellings, it is considered that the proposal would not compromise privacy, cause overshadowing or be visually intrusive to an extent that would merit refusal of the application.

- 10.20. Full assessments were provided to assess the impact of the development, in relation to noise. The supporting statement comments that noise created by the use of the drive thru lane and the car park has also been quantified and shown, by comparison with existing levels, will have a negligible impact on any of the neighbours. No boundary acoustic screens or limitations on the trading hours of the restaurant were shown to be required. A small acoustic fence around the customer order displays has been included in light of comments made during the consultation period and conditions relating to opening hours and delivery hours would be imposed. The noise generated by McDonald's mechanical services plant, on the roof of the restaurant, has been considered by the applicant and the kitchen extract fan and the air handling units will require fitting with noise control equipment, to ensure plant noise is kept below the minimum night-time background level.
- 10.21. In relation to odour, an assessment has been carried out and concluded that the proposed grease and odour control measures meet the necessary requirements within their recommended operating capacity ranges.
- 10.22. With regards to waste and litter, as an operator McDonald's have waste management policies and initiatives that would be implemented at this location. McDonald's has a company policy to conduct a minimum of three daily litter patrols in local communities, whereby employees pick up not only McDonald's branded packaging, but also any other litter that may have been discarded within a 150m vicinity of a restaurant. This may be expanded to suit local needs wherever possible. Litter bins would be provided outside all restaurants and packaging carries anti-littering symbols to encourage customers to dispose of litter responsibly. Anti-littering signage is displayed within restaurants and car parks, displaying clear instructions as to how to responsibly dispose of and recycle waste and restaurant teams participate in campaigns to support Keep Scotland Beautiful. The potential for littering by third parties after they have left the site is not something which can be addressed through this application. Indeed, the planning system cannot address unlawful acts such as dropping litter therefore this could not be used as a reason for refusal.
- 10.23. In terms of potential air, light, noise pollution, litter and odour and amenity concerns all raised in the representations, Environmental Services have no objection subject to the imposition of conditions and informatives detailed previously and have not raised any issues of concern in their consultation response.
- 10.24. In considering supporting information, plans, consultation responses and analysis of the site and neighbouring locality, the proposal is deemed to be satisfactory in terms of Policies 5 and DM1 of the adopted Local Plan.
- 10.25. Natural and Historic Heritage
NPF4 Policy 3 - Biodiversity aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. The submitted tree survey includes that 16 trees will be removed to facilitate the development, with protective fencing proposed to safeguard the remaining 8 trees on the boundary. A landscape scheme and Maintenance Plan have been submitted with the proposed mitigation planting, with a number of native individual trees. Given the

mitigation planting, it is considered that the proposal would deliver positive effects in respect of biodiversity, in compliance with Policy 3 of NPF4.

10.26. An Ecological Appraisal has been undertaken which concludes that the habitats lost as a result of the proposed development site are not considered to be of significant ecological value, and therefore their loss as a result of the development would not have a significant ecological impact. The site is considered unlikely to support protected or notable species, however, vegetation on the site is suitable for a variety of common bird species to nest. In order to mitigate the ecological effects of the proposals, measures are required to prevent the disturbance of nesting birds during site clearance and to ensure non-native invasive plants are not spread as a result of construction. A wildlife-friendly lighting design is recommended. There are opportunities to enhance the ecological value of the site post-development, through the planting of trees and shrubs which will benefit pollinators, birds and other urban wildlife.

10.27. Ecological objections detailed previously referred to potential impacts upon animals and birds. No protected species have been identified and the species highlighted are commonplace and can easily adapt and relocate to nearby suitable habitats. In consideration, subject to appropriate conditions, the proposal complies with Policy 3 of NPF4.

10.28. Economy

Policy 15 of NPF4 aims to create well-connected and compact neighbourhoods that enable residents to meet their daily needs within a reasonable distance from home, preferably by walking, cycling, or using sustainable transport. The policy seeks to improve local living conditions, reduce inequalities, and enhance resilience to climate change through the development of high-quality mixed-use neighbourhoods. The proposal aligns with Policy 15 by contributing to local living and supporting the concept of a 20-minute neighbourhood. The proposal would provide an additional restaurant facility within an existing local centre suggesting that it would be an accessible destination within the local community. Additionally, with regards to local living opportunities to encourage employment within settlements, the applicant has advised that the proposed drive-through restaurant would generate employment for 120 workers. Of these 120 posts, 90 will be part-time, 30 will be full-time with an overall full-time-equivalent of 62 posts. Whilst there is no guarantee what proportion of these roles would go to local people, it is anticipated that a significant proportion of the employees would live locally or within a short commute.

10.29. Policy 23 of NPF4 aims to encourage development that enhances health and well-being. Development proposals which are likely to have a significant adverse effect on health will not be supported. As outlined in paragraph 10.16, there is no evidence that competing restaurants and takeaway uses in town centres and elsewhere necessarily offer a healthier choice than that being put forward by the applicant. With regard to air quality and noise, Environmental Services have raised no objections as detailed previously.

10.30. Travel and Transport

NPF4 Policy 13 Sustainable Transport states:-

a) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance; and

b) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.

c) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.

10.31. SLLDP2 Policy 15 Travel and Transport advises that the Council expects active travel and the availability and/or provision of public transport facilities and access to be fundamental design and locational elements of new development. New development proposals should promote opportunities for travel by sustainable travel modes in the following order of priority – walking, cycling, public transport and car. Where appropriate, planning applications will be accompanied by an active travel plan that demonstrates this order of priority has been considered and includes proposals to reduce travel by car and encourage walking, cycling and public transport as alternative modes of transport. Proposals should also consider measures to mitigate the impact of increased traffic growth and have regard to the need to reduce air pollution and greenhouse gas emissions.

10.32. SLLDP2 Policy SDCC4 Sustainable Transport states: New developments that result in a significant increase in traffic and pedestrian movements should be located in areas that are accessible by walking, cycling and public transport. Where appropriate, developers will require to submit a transport assessment, a travel plan and a design and access statement. New developments require to recognise the needs of cyclists, pedestrians and people with disabilities. New developments should, wherever possible, safeguard and enhance cycle parking and storage. In addition, they should incorporate access to public transport routes and hubs and have regard to the core path plans. In addition, to address climate change and support the use of electric vehicles, the Council will seek the inclusion of electric vehicle charging points within new developments.

10.33. Several concerns have been expressed regarding the 'inadequate existing infrastructure' resulting in the exacerbation of existing traffic congestion to the detriment of pedestrian safety, inadequate parking provision for the existing Morrisons and the proposal and the quality of the submitted Transport Assessment. Additionally, various mitigation measures have been proposed as summarised previously. Policy 15 - Travel and Transport - requires all new development proposals to consider the resulting impacts of traffic growth. A Transport Assessment was prepared by the applicant. After considering the original submission, and a more comprehensive Transport Assessment, Roads and Transportation have offered no objections, subject to conditions as detailed previously commenting that on the basis of the Traffic Impact Assessment, traffic associated with the proposed McDonalds can be accommodated on the local road network. The proposal can therefore be considered to comply with Policy 15 of the adopted LDP.

10.34. Technical Matters

The application site is located in part of an existing supermarket car park in close proximity to a petrol station and other commercial uses. From a planning perspective the application site is located within a local centre and therefore the proposal is acceptable in land use terms. It is well established that every planning application must be assessed on its own merits and commercial competition does not constitute a material planning consideration.

- 10.35. It is noted that the NHS utilise this part of the car park on a temporary basis, and it is anticipated that potentially another section of car park or an area within relatively close proximity could be utilised. Ultimately this would not merit refusal of the planning application.
- 10.36. In terms of potential air, light, noise pollution, litter and odour and amenity concerns raised in the representations, Environmental Services have no objection subject to the imposition of conditions and informatives detailed previously.
- 10.37. Given that both Roads and Transportation and Environmental Services have no objection to the proposal, the suggested mitigation measures/planning conditions from the objectors would either not be required in this instance or could not be imposed as they would not be necessary/relevant/enforceable. However, it is considered appropriate to impose planning conditions relating to opening hours and delivery times. The other remaining matters raised in the representations are all noted, however, none of them would constitute material planning considerations in the assessment of a planning application.
- 10.38. The points raised in the letters of support are noted, particularly in relation to employment opportunities, the regeneration of an underutilised parking area, provision of an additional amenity and the new road to Jackton that has now opened as part of the community growth area development.
- 10.39. Conclusion
It is noted that the principle of the proposal at this site is supported by development plan policies. Furthermore, given that it is considered that the proposal would not result in adverse amenity, environmental or safety impacts that would merit refusal of the application, it is considered that the proposed development is generally in compliance with the provisions of the relevant policies of the National Planning Framework 4 and the adopted South Lanarkshire Local Development Plan 2. It is therefore considered appropriate for planning permission to be granted for the proposed development subject to the attached conditions.

11. Recommendation and Conditions

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

Grant subject to conditions:-

01. The development to which this permission relates shall be begun no later than the expiration of three years beginning with the date of grant of this decision notice.

Reason: To comply with Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
02. That all deliveries shall be restricted to between the hours of 07:00 and 23:00.

Reason: In the interests of amenity.
03. That the proposed opening hours shall be restricted to between the hours of 06:00 and 00:00.

Reason: In the interest of amenity.

04. That no development shall commence until details of surface water drainage arrangements (including provision of a drainage assessment and maintenance responsibilities) 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 requirements (Appendices A, B, C, D and E).

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.

05. That the development hereby approved shall not commence until surface water drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority, under the terms of Condition 4 above.

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.

06. That the proposed works will be carried out in accordance with the findings/mitigation measures of the Econ Tree Survey Report February 2023 and Encon Ecological Appraisal April 2023.

Reason: To ensure that the existing trees and ecology are adequately protected.

07. 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 as indicated 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.

08. That before the development hereby approved is completed or brought into use, the entire access road and footpath network serving the development shall be laid out and constructed in accordance with the specification of the Council as Roads and Planning Authority.

Reason: To ensure the provision of satisfactory vehicular and pedestrian access to the development.

09. That before the development is completed or brought into use, all of the parking spaces shown on Drawing 1139_AEW_1742_0004 Rev K of the approved plans shall be laid out and constructed to the specification of the Council as Roads and Planning Authority.

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

10. That before any works starts, a Traffic Management Plan (TMP) for that construction phase with information such as, but not limited to, construction phasing, site deliveries routing/timings, construction compound layout, turning facilities, site car parking for visitors and site operatives and wheel washing facilities shall be submitted to and

approved by the Council as Planning Authority. The TMP shall include a Travel Plan element to encourage less reliance on individual private car trips to the site for those personnel involved in construction activities on a routine basis and those attending through the course of site inspections and site meetings. The TMP shall be produced in consultation with the Council's Roads and Transportation Services, Police Scotland and Transport Scotland.

Reason: In the interests of traffic and public safety.

11. That the recommendations contained within the approved Traffic Management Plan shall be implemented and adhered to at all times. The developer shall notify the Council in writing, as soon as reasonably practical, of any changes in construction activities where these will have an impact on the approved TMP. The developer will consult with the Council, as Roads Authority, together with Police Scotland and Transport Scotland to agree in writing any changes to the TMP, and thereafter adhere to and implement the agreed changes to the satisfaction of the Council as Planning Authority.

Reason: In the interests of traffic and public safety.

12. Reason for Decision

- 12.1. The proposal would have no significant adverse impact on amenity, public safety or the local environment that would merit refusal of the application and generally complies with the provisions of Policies 1, 2, 3, 13, 14, 15, 23, 27 and 28 of the National Planning Framework 4 and Policies 2, 5, 9, 10, 15, SDCC4 and DM1 of the adopted South Lanarkshire Local Development Plan 2 (2021).

David Booth

Executive Director (Community and Enterprise Resources)

Date: 1 March 2024

Background Papers

Further information relating to the application can be found online:-

[P/23/0851 | Erection of a restaurant and drive-through hot food takeaway, associated car parking, access, external seating area, play structure, landscaping and associated structures/works | Morrisons 1 Lindsayfield Road East Kilbride G75 9SA \(southlanarkshire.gov.uk\)](https://southlanarkshire.gov.uk/P/23/0851|Erection%20of%20a%20restaurant%20and%20drive-through%20hot%20food%20takeaway,%20associated%20car%20parking,%20access,%20external%20seating%20area,%20play%20structure,%20landscaping%20and%20associated%20structures/works|Morrisons%201%20Lindsayfield%20Road%20East%20Kilbride%20G75%209SA)

Corporate Considerations

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

Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

LYNARKSHIRE

South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

8

Report to:	Planning Committee
Date of Meeting:	12 March 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/23/0992
Proposal:	Erection of portal frame structure to use as car workshop with small office (Planning Permission in Principle)
Site Address:	Caldwellside Industrial Estate Lanark ML11 7SR
Applicant:	W & J Boyd's Properties Ltd
Agent:	BHC Ltd
Ward:	02 Clydesdale North
Application Type:	Planning Permission in Principle
Advert Type:	Schedule 2 Non-notification of neighbours Lanark Gazette 6 th September 2023
Development Plan Compliance:	Yes
Departures:	N/A
Recommendation:	Grant subject to conditions
Legal Agreement:	N/A
Direction to Scottish Ministers	N/A

1. Reason for Report

- 1.1. The application is required to be determined by the Planning Committee within the context of the approved Planning Application Decision Making Process (2015) as more than 5 representations have been submitted in relation to the proposal.

2. Site Description

- 2.1. The site extends to 0.1ha and is situated behind an existing business unit in the Caldwellside Industrial Estate, between Young Road and West Faulds Road. It comprises a neglected area of landscaping covered in densely planted trees. The trees were planted approximately 30 to 40 years ago – the species mix includes larch, rowan, cherry, willow and sycamore.
- 2.2. The site is bounded to the north, south and east by existing industrial/business units and to the west by vacant land.

3. Description of Proposed Development

- 3.1. The applicant seeks planning permission in principle for a 4 bay MOT and car repair workshop, including an office area. Access would be taken from Young Road. Indicative plans show a layout with the workshop to the back of the site, whilst vehicle and bicycle parking, turning area, electrical charging points and pedestrian path and dropped kerb site access would be positioned in front of the workshop. The pitched roof portal frame would be finished in profiled metal cladding, with door openings for each bay.
- 3.2. The applicant has an existing unit at the entrance to West Faulds Road, 80m to the east of the application site. The lease on the existing unit is due to expire. To allow his current business to expand, the aspiration is to relocate to the application site, for which the applicant has an outstanding offer to purchase, and where the purpose designed workshop, as described above, would be built.

4. Relevant Planning History

- 4.1. None.

5. Supporting Information

- 5.1. In support of the planning application, the applicant has submitted:-

- ◆ Supporting Statement
- ◆ Compensatory Planting Details
- ◆ Scottish Water assets

6. Consultations

- 6.1. Roads and Transportation Services – No objection subject to conditions to ensure the provision of suitable electrical vehicle charging points.
Response: Suitable conditions would be attached to any consent issued.
- 6.2. Environmental Services – No objections, subject to a condition requiring approval of details for storage and collection of commercial waste and advisory notes in respect of construction noise, pest control and nuisance.
Response: Appropriate conditions and informatives would be attached to any consent issued.
- 6.3. Scottish Water – No objection subject to the use of appropriate conditions.
Response: Noted

- 6.4. Scottish Forestry – No objection subject to appropriate compensatory planting being undertaken.

Response: Noted. An appropriate condition relating to compensatory planting would be attached to any consent issued.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement for non notification of neighbours in the local press, a total of 19 support letters, 10 objections and one representation have been received. The issues raised are summarised as follows:-

Objections:-

Amenity

- ◆ Cumulative impacts caused by the proximity of another nearby garage workshop.
- ◆ Removal of trees.

Roads Related Matters

- ◆ Exacerbate road related issues.
- ◆ Significant increase in traffic, especially along Young Road.
- ◆ The area of the build is already congested with cars, vans, and Council vehicles.
- ◆ Increasing the size of premises, in an already clogged area where there are multiple car garages will lead to a frequency of traffic disruption.

Other Matters Raised

- ◆ Yard space is nowhere near large enough for proposed development.
- ◆ Alternative sites for sale elsewhere in the Estate.
- ◆ Traffic noise.
- ◆ Entering site from the other side would make better sense.

Support:-

Economy

- ◆ Allows a successful business to expand.
- ◆ Opportunities to employ more people.
- ◆ Beneficial for applicant to own his own business giving future security.
- ◆ Due to reduction in the number of garages it is harder to find a reliable garage that can fix modern cars.
- ◆ Allows for a purpose built business.

Land Use Issues

- ◆ This is an industrial estate which exists for precisely the purpose of conducting the type of business Boyd Motor Engineers are involved in.
- ◆ Site is close to existing business.
- ◆ Little impact on traffic volumes or surrounding businesses.

Impact on Natural and Historic Environment

- ◆ The existing site is overgrown with trees that have been neglected and mismanaged over the years.
- ◆ Compensatory trees are to be planted in a more natural location.
- ◆ The site has been poorly managed, is unsightly and potentially unsafe with potential to attract vermin.

Other Matters Raised

- ◆ Sponsors local events on an annual basis.
- ◆ Wishes to progress and expand garage business rather than renting a shed.
- ◆ Sends staff on regular training.
- ◆ Offers support to other garages in the locality.

7.2. The above issues are considered in the assessment below. These letters are available for inspection on the planning portal.

8. Development Plan

8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

8.2. National Planning Framework 4

National Planning Framework 4 National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places and productive places.

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 3 - Biodiversity
- ◆ Policy 6 - Forestry, woodland, and trees
- ◆ Policy 15 - Local Living and 20 minute neighbourhoods
- ◆ Policy 26 - Business and industry

8.3. South Lanarkshire Local Development Plan 2 (2021)

For the purposes of determining planning applications the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

SLLDP2 Volume 1 Policies

- ◆ Policy 2 - Climate Change
- ◆ Policy 3 - General Urban Areas and Settlements
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 8 - Employment

SLLDP2 Volume 2 Policies

- ◆ Policy DM1 New Development Design

South Lanarkshire Council (SLC) Supporting Planning Guidance

- ◆ Supporting Planning Guidance Electric vehicle charging points

9. Guidance

9.1. None applicable.

10. Assessment and Discussion

10.1. Principle of Development

In the adopted SLLDP2 proposal's map, the site is included within the settlement boundary of Lanark where Policy 3 – General Urban Areas and Settlements advises that particular consideration will be given to the likely impacts on the amenity of the area. This will include locally important greenspace, local services and facilities,

proposed servicing, parking arrangements and access. Developments which would be detrimental to the amenity of residents and the wider community or to the character of the surrounding area will not be permitted. This particularly applies to 'bad neighbour' uses which can affect neighbours by virtue of visual impact, noise, smell, air pollution, disturbance, traffic, or public safety.

- 10.2. The nearest dwellings to the site are located 200m to the northwest and in between are existing industrial units. A proposed car repair workshop is an appropriate use within an established industrial estate. Adequate parking and access arrangements can be provided. Roads and Environmental Services have not raised any issues of concern subject to conditions and advisory notes. A small, neglected area of landscaping will have to be removed. However, in the wider context, it has limited amenity value. It does not form part of a designated priority greenspace and green network and nearby there is woodland cover integrated into the industrial estate. The applicant is proposing compensatory tree planting. The proposal, on balance is considered acceptable under the terms of Policy 3.
- 10.3. NPF4 Policy 15 relates to Local Living and 20 minute neighbourhoods. The site is within 2.0km of Lanark where there are public transport links, shops, and services. The site is connected to Lanark by a network of roads and footpaths. Many of the businesses' employees and customers will reside locally. In view of the circumstances described, the proposal accords with the aims and intent of Policy 15 Local Living and 20 minute neighbourhoods of National Planning Framework 4.
- 10.4. Economic Development
The application site is located within the Caldwellside Industrial Estate which is zoned as a Core Industrial and Business Area where SLLDP2 Policy 8: Employment applies. This states that the Council will support sustainable economic growth by encouraging the development of business in South Lanarkshire, and that Core Industrial and Business Areas should primarily be reserved for conforming uses (Class 4, 5 and 6). NPF4 Policy 26 - Business and industry supports proposals for business and industry uses on sites allocated for those uses in the local development plan (LDP). Development proposals for business and industry uses will be supported where they are compatible with the primary business function of the area. Other employment uses will be supported where they will not prejudice the primary function of the area and are compatible with the business/industrial character of the area.
- 10.5. The applicant has traded successfully from Caldwellside since 2009. The business has grown significantly to the extent it has outgrown the existing workshop rendering it too small for the level of business generated. The applicant wishes to relocate the existing car repair business in Caldwellside Industrial Estate from a unit he leases at the eastern end of West Faulds Road (Unit 4, Block 3), to the application site, only 80m to the northwest of the current workshop. Subject to planning, the applicant intends to purchase the site and thereafter construct a purpose built workshop. The offer to purchase the site only remains open until the end of March 2024. The current lease ends shortly, therefore, to allow for necessary expansion and long term security, a new and bigger unit near the existing location and customer base is sought. There are currently 7 employees with the possibility that additional posts would be created. The proposal is a conforming and acceptable use within a designated industrial area. Therefore, it accords with SLDLP2 Policy 8 and NPF4 Policy 26.
- 10.6. Natural and Historic Environment
NPF4 Policy 3 Biodiversity under part (c) details that all local developments shall include appropriate measures to conserve, restore and enhance biodiversity. The Development with Nature Guidance is pertinent in this case. The guidance

encourages a mitigation hierarchy to be applied – avoid, minimise, restore and offset to achieve a net positive biodiversity impact.

- 10.7. NPF4 Policy 6 - Forestry, woodland and trees seeks to support proposals which enhance, expand and improve woodland. The proposal will result in the loss of all trees as the whole of the site is required to accommodate a building and associated parking and hardstanding. There will be no space left within the confines of the site for new or compensatory planting. An Arboricultural Impact Assessment concludes the landscaping has been neglected and subject of poor growing conditions. At the outset the trees were planted too close together, resulting in spindly trees with suppressed, low functioning crowns and overall, are now in a declining state. Extensive removals are anticipated over the next ten years.
- 10.8. The dense canopy restricts light and along with thick leaf litter and insufficient spacing between trees has in effect inhibited ground flora. The habitat would not be suitable for protected species, however, if consent is granted a condition will be applied requiring checks for bats and nesting birds prior to tree felling. The applicant proposes compensatory tree planting. Compensatory planting is proposed and Scottish Forestry have confirmed that the compensatory planting plan would be acceptable in this instance. The tree loss will be mitigated by substantial compensatory tree planting which will enhance biodiversity. Therefore, the objectives of NPF4 policies 3 and 6 have not been compromised to the extent that refusal could be justified.
- 10.9. Climate Change
NPF4 Policy 1 requires that when considering all development proposals, significant weight will be given to the global climate and nature crises. NPF4 Policy 2 Climate Change and Mitigation expands on this, requiring all new developments to be sited and designed (1) to minimise lifecycle greenhouse gas emissions as far as possible and (2) to adapt to the current and future risks from climate change.
- 10.10. SDLLP2 Policy 2 Climate Change seeks to minimise and mitigate against the effects of climate change. The site is not at risk from flooding. If planning permission is granted, conditions would be attached requiring the submission and approval of details for low carbon technology, the installation of electric vehicle charging points and compensatory tree planting. The proposal involves development within a designated industrial area close to facilities and public transport links in Lanark. In consideration, the proposals would not undermine the objectives of SDLDP Policy 2.
- 10.11. Layout, Siting and Design
SLLDP2 Policy 5 Development Management and Placemaking and Policy DM1 New Development Design seeks to ensure well designed development that makes for successful places and considers the impact on residential amenity.
- 10.12. Indicative plans show a steel portal frame workshop, finished in metal cladding of a design commensurate with the character of an industrial area. The proposed building can comfortably be accommodated within the site along with onsite parking, accessing, and turning areas. There are no infrastructure constraints and Scottish Water has confirmed that there is sufficient capacity in the water and sewerage systems. Roads and Transportation Services have not raised any traffic or public safety issues in their consultation response and conditions are proposed which will ensure maintenance of vehicle visibility. Adequate parking, turning areas and access can be provided. The proposal is therefore satisfactory in terms of SLLDP Policies 5 and DM1 and DM7.

10.13. Conclusion

In conclusion, the location and design of the proposed car repair workshop is suitable for a designated industrial area. The proposal will facilitate the expansion and long term future of a thriving local business in a location close to its customer base. Whilst the removal of trees on site cannot be avoided, an Arboricultural Impact Assessment advises the trees are in a poor and declining condition. Compensatory tree planting on land owned by the applicant will significantly exceed the number of trees to be felled, resulting in benefits to biodiversity. Overall, it is considered that the proposals comply with the provisions of the relevant policies within National Planning Framework 4 and the South Lanarkshire Local Development Plan 2.

11. **Recommendation and Conditions**

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

Grant Planning Permission in Principle (subject to conditions listed):-

01. The development to which this permission in principle relates shall be begun no later than the expiration of five years beginning with the date of grant of this decision notice.

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

02. 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 be 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 means of drainage and sewage disposal and;
- (f) energy statement.

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

03. That before the development hereby approved is completed or brought into use, 20 no. parking spaces including one accessible parking space for customers and staff including one accessible bay and 4 service bays 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 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.

05. That prior to the commencement of works, details, and locations of charging points for electrical cars, at a rate of two dual electric vehicle charging points (EVCP) serving 4 standard parking spaces and one EVCP serving an accessible parking space, shall be submitted for the written approval of the Council as Planning Authority, unless otherwise agreed in writing with the applicant. Prior to the completion of the development the approved charging points shall be installed, available for use and thereafter maintained and replaced where necessary to the satisfaction of the Council .

Reason: To ensure facilities for recharging electrical cars are available for the use of the customers and staff.

06. 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 Developer Design Guidance (May 2020) and shall include the following signed appendices: C 'Sustainable Drainage Design Compliance certificate', D 'Sustainable Drainage Design Independent Check Certificate' and E '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 in writing 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.

07. Prior to the commencement of the development, hereby approved, full details of a tree planting scheme, to compensate for the loss of trees on site, shall be submitted to and approved in writing by the Council as Planning Authority in consultation with Scottish Forestry. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.

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

Reason: To enhance the natural heritage of the area.

08. That the approved tree planting shall be completed to the satisfaction of the Council as Planning Authority in consultation with Scottish Forestry, prior to commencement of work on the car workshop hereby approved and, shall thereafter be monitored and maintained regularly over a period of 15 years to ensure that the agreed stocking density (1600 trees per hectare) is achieved and that all trees are established and are thriving by year 15. All operations shall be undertaken in compliance with the United Kingdom Woodland assurance standard.

Reason: In the interests of landscape amenity and biodiversity and to maintain and expand woodland cover in South Lanarkshire.

09. That before the development hereby approved is brought into use, details of the storage and collection of waste arising from the development shall be submitted to and approved by the Council as Planning Authority. The storage and waste collection scheme shall be implemented before the development is brought into use and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: To minimise nuisance, littering and pest problems to nearby occupants.

10. The energy statement required by condition 02 above, shall include:-

- a) the total predicted energy requirements and CO₂ emissions of the development, clearly illustrating the additional 15% reduction beyond the 2007 building regulations CO₂ standard;
- b) a schedule of proposed on-site zero and low carbon energy technologies to be included in the development and their respective energy contributions and carbon savings;
- c) an indication of the location and design of the on-site energy technologies; and
- d) a maintenance programme for the on-site zero and low carbon energy technologies to be incorporated.

The approved on-site zero and low carbon energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and shall remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Council as Planning Authority.

Reason: These details have not been provided or approved.

11. That no car repair business shall commence on site until the developer provides a written agreement from Scottish Water that the site can be served by a water and sewerage scheme constructed to the specification and satisfaction of Scottish Water as the Water and Sewerage Authority.

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

12. Reason for Decision

- 12.1. The application site is within a designated Core Industrial and Business Area where the proposed use is compatible and can integrate without adverse impact upon neighbouring businesses and road safety. The proposal will enable the applicant to expand his business, at a location in proximity to the customer base, securing the future of the business and employment opportunities whilst contributing to the local economy. The removal of the trees can be compensated with appropriate tree planting on an alternative site within the applicant's control which will result in an expansion of tree cover. The proposal accords with Policies 1, 2, 3, 6, 15 and 26 of National Planning Framework 4 and policies 2, 3, 5, 8 and DM1 of the South Lanarkshire Local Development Plan 2.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 1 March 2024

Background Papers

[P/23/0992 | Erection of Portal frame structure to use as car workshop with small office \(Planning Permission in Principle\) | Caldwellside Industrial Estate Lanark ML11 7SR](#)

Corporate Considerations

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

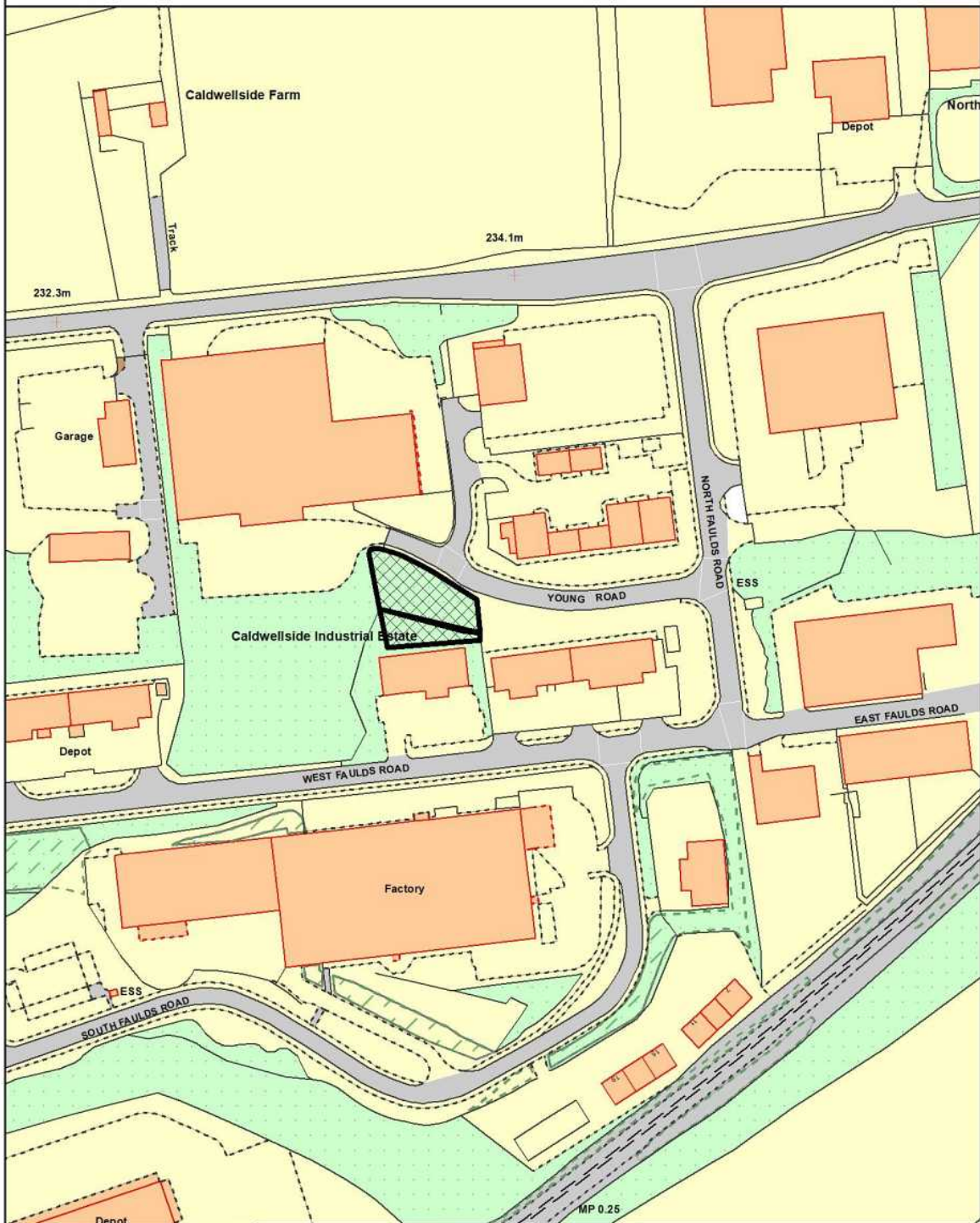
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/23/0992, Block1, North Faulds Road, Caldwellside Industrial Estate, Lanark



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Scale:
1:2,000
Date:
08/02/2024



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

9

Report to:	Planning Committee
Date of Meeting:	12 March 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/23/1214
Proposal:	Installation of 50MW battery energy storage facility (BESS) with associated infrastructure
Site Address:	Land south-east side of Seath Road Rutherglen G73 1RW
Applicant:	GPC 016 Ltd
Agent:	Paul Booth, AAH Planning Consultants
Ward:	12 – Rutherglen Central and North
Application Type:	Full Planning Permission
Advert Type:	Schedule 2 Non-notification of neighbours Schedule 3 Bad Neighbour Development Rutherglen Reformer 11 th October 2023
Development Plan Compliance:	No
Departures:	Not applicable
Recommendation:	Refuse
Legal Agreement:	Not applicable
Direction to Scottish Ministers	No

1. Reason for Report

- 1.1. The application is required to be determined by the Planning Committee under Clause 5.1 of the Decision-Making Process 2015 as it constitutes a major planning application.

2. Site Description

- 2.1. The application site consists of a level area of vacant ground extending to approximately 0.61 hectares, located to the southeast of Seath Road at its junction with Ashton Road, Rutherglen. The site was formerly occupied by buildings utilised as a waste material recycling centre, which were demolished approximately 5 years ago.
- 2.2. The surrounding area contains a mixture of industrial and commercial premises with the River Clyde located approximately 50 metres to the north west. It should be noted that the site is identified as being within the Clyde Gateway (Shawfield) Strategic Economic Investment Location (SEIL), where proposals for business and financial services / distribution and logistics are promoted.
- 2.3. The site is currently accessed from 2 separate gated vehicular access points, one on Seath Road and one from Ashton Road.

3. Description of Proposed Development

- 3.1. Detailed planning permission is sought for a period of 40 years for the construction and operation of a Battery Energy Storage System for the storage of electricity. This would involve the siting of up to 20 battery storage containers, ancillary infrastructure, an additional storage container, a client substation and control room, a Distribution Network Operators (DNO) building, an access road and car parking area, vehicular access gates and security fencing, CCTV and security lighting.
- 3.2. Vehicular access to the site is proposed to be taken from a new internal access road proposed and 3 no. parking spaces within the site are also proposed. The proposed batteries are to have a storage capacity of up to 50 megawatts (MW). The site would be secure and includes equipment to allow 24 hour monitoring of the facility remotely.
- 3.3. The proposed battery storage units are to allow for the storage of energy at times when generating stations are working at full capacity, which can then be released when additional power is needed within the grid during peak times or when energy generation has dropped. As more energy sources are now renewable, such as wind and solar, balancing generation versus demand is now a critical issue for grid stability.
- 3.4. Battery storage allows energy to be stored during peak renewable generation periods and allows it to be released when demand outstrips generation. In summary, the proposed batteries take in generated electricity when there is a surplus and store it until there is a demand for electricity which can be released to meet this demand. The proposed batteries would be fed from and transmit back to the existing Dalmarnock Grid Supply Point, located approximately 700 metres to the east of the application site.
- 3.5. The energy stored within the batteries will be from all available power generation sources.

4. Relevant Planning History

- 4.1. An application for planning permission (CR/01/0136) was granted on 20 November 2001 for the use of a former milk bottling / distribution depot on the site for the recycling of waste material, with associated external storage. This consent was implemented, however, ceased operating from the site over 10 years ago, with all existing structures demolished and the site cleared approximately 5 years ago.

- 4.2. In 2012 an application (CR/12/0099) was made for infrastructure improvements, remediation of contamination and creation of development platforms for class 4 (Business), class 5 (industrial), class 6 (storage/distribution) and office uses along with ancillary commercial, leisure and retail uses with selective demolition of existing buildings and associated works on a significantly larger site that included the current application site. Consent was granted for these works in December 2012; however, it is understood that no actual remediation of the contaminated land suspected to be on the area occupied by the current application site has taken place.

5. Supporting Information

- 5.1. The applicant has submitted a number of supporting documents with the application, including a Planning Supporting Statement, Design and Access Statement, Flood Risk Assessment, Heritage Assessment, Transportation Statement, Pre Application Consultation report, Preliminary Ecological Appraisal, Noise Assessment, Ground Conditions Phase 1 Environmental Site Assessment Report, Viability Assessment and Impact Scenario of Contaminated Land and a previously prepared 2019 Ground Investigation Report. In addition, a legal opinion addressing planning policy issues has also been submitted by the applicants. All of these documents have been taken into consideration during the assessment of the application.

6. Consultations

- 6.1. Environmental Services – advise that they have been in ongoing discussions with the applicant's agent, primarily in respect of the issue of contaminated land. Environmental Services have advised that whilst the contents of the phase 1 report submitted have been noted, the site is within the Shawfield Remediation Area where all applications require to be supported by sufficient land contamination information to satisfy legislative requirements. In response to this the agent has submitted a copy of a 2019 Ground Investigation Report. Environmental Services have further advised that this report is not acceptable, in particular, chromium deposits have not been adequately quantified and a hydrology assessment has not been submitted. As a result, the likelihood of potential pollution of the water environment has not been adequately quantified.

In addition, Environmental Services have advised that in terms of the Noise Assessment, the baseline measurements used for the Noise Impact Assessment submitted with the application are not acceptable.

Response: Noted. This matter is assessed in section 10 of the report.

- 6.2. Roads Development Management Team – Advise that the general impact of the development proposed is suitable at this location, subject to the attachment of a number of planning conditions covering the formation of the new access road, reinstatement of the footway along Ashton Road, provision of visibility splays and the submission of a Traffic Management Plan (TMP).

Response: All noted, relevant conditions may be attached to any approval Committee is minded to grant.

- 6.3. Roads Flood Risk Management – no formal response to date, however, have been having ongoing discussions with the agent over the need to submit an updated flood risk assessment to take cognisance of the latest River Clyde flood study outputs and signed appendices. An amended Flood Risk Assessment has been submitted.

Response: Noted.

- 6.4. Scotland Gas Network – no adverse comments or objections to the application.

Response: Noted.

7. Representations

7.1. Following the statutory period of neighbour notification and advertisement in the local paper, one representation (objection) has been received. The issue raised is as follows:-

- ◆ issues of potential chromium waste within the site that may be disturbed by any approved building works

The above issue will be considered in the assessment below and a full copy of the representation is available to view on the planning portal.

8. Development Plan

8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the adopted National Planning Framework 4 and the adopted South Lanarkshire Local Development Plan 2.

8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crisis
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 9 - Brownfield, vacant and derelict land and empty buildings
- ◆ Policy 11 - Energy
- ◆ Policy 14 - Design, quality and place
- ◆ Policy 26 - Business and industry

8.3. South Lanarkshire Local Development Plan 2 (2021)

The application site and associated proposals are affected by the following policies contained in the South Lanarkshire Local Development Plan 2 (SLLDP2):-

SLLDP2 Volume 1 Policies

- ◆ Policy 1 - Spatial Strategy
- ◆ Policy 2 - Climate Change
- ◆ Policy 3 – General Urban Areas and Settlements
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 8 - Employment
- ◆ Policy 15 - Travel and Transport
- ◆ Policy 16 - Water Environment and Flooding
- ◆ Policy 18 - Renewable Energy
- ◆ Policy DM1 - New Development Design
- ◆ Policy DM20 - Supporting Information
- ◆ Policy RE1 - Renewable Energy
- ◆ Policy SDCC1 - Vacant, Derelict and Contaminated Land
- ◆ Policy SDCC2 - Flood Risk
- ◆ Policy SDCC3 - Sustainable Drainage Systems
- ◆ Policy ICD1 - Strategic Economic Investment Locations

9. Guidance

- 9.1. On 27 August 2020, the Scottish Government's Chief Planner issued a letter in relation to electricity storage and the consenting regime. In this letter the Chief Planner stated that the Scottish Government considers that a battery installation generates electricity and is therefore to be treated as a generating station.

10. Assessment and Discussion

- 10.1. Detailed planning consent is sought for the erection of a 50 MW battery energy storage facility (BESS) and associated infrastructure on the site. The policies contained within National Planning Framework 4 and the adopted South Lanarkshire Local Development Plan 2 are the main consideration in this case, together with an assessment of any other material planning considerations.
- 10.2. In terms of the adopted National Planning Framework 4, Policies 1 and 2 seek to encourage, promote, and facilitate development that addresses the global climate emergency and nature crisis, and which minimises emissions and adapts to the current and future impacts of climate change. Policy 2 'Climate Change' of the SLLDP2 states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. The proposals are considered to be for a form of renewable energy development and, therefore, intrinsically support minimising the effects of climate change through greener energy generation. It is, therefore, considered that the principle of the development accords with Policies 1 and 2 of NPF4 and SLLDP Policy 2.
- 10.3. As noted above, battery storage falls within the definition of essential infrastructure set out in NPF4. As a result, Policy 11 – Energy is relevant. It states that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. Detailed criteria that should be taken into account when designing projects are set out and, when considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. However, proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.
- 10.4. SLLDP2 Policy 18 'Renewable Energy' is an overarching renewable energy policy and, therefore, defers the detailed, development management consideration to the Assessment Checklist for Renewable Energy Proposals contained within SLLDP2 Volume 2. Volume 2 Policy RE1 Renewable Energy outlines the considerations, criteria and guidance that must be taken into account for all renewable energy proposals. These are the Assessment Checklist contained with Appendix 1 of SLLDP2, Volume 2, the Supporting Planning Guidance on Renewable Energy, the South Lanarkshire Landscape Capacity for Wind Energy 2016 (as amended by the Tall Wind Turbines Guidance 2019) and other relevant SLLDP2 Policies. It is noted that the majority of this guidance relates to wind turbines, however, the relevant development management criteria have been assessed.
- 10.5. The application site is on land designated in SLLDP2 as being within the Clyde Gateway Strategic Economic Investment Location (SEIL). SEILs are identified as the priority locations to promote the Scottish Government's key economic sectors. Policy 8 'Employment' sets out the categories of employment land uses that will be appropriate. For the Clyde Gateway SEIL these are described as the key sectors of business and financial services and distribution and logistics. Further Policy ICD1 'Strategic Economic Investment Locations' states that other proposals may be actable where they:-

- ◆ Create significant new class 4/5/6 employment opportunities.
 - ◆ Involve the creation of strategic office developments.
 - ◆ Are identified in the Council's Economic Strategy.
 - ◆ Provide essential ancillary services or services for businesses within the SEIL.
- Proposals should be accompanied by a business plan demonstrating the viability of the business and justifying its location in a SEIL.

In addition, Policy 26 Business and Industry in NPF4 states that development proposals for business and industry uses on sites allocated for those uses in the LDP will be supported.

- 10.6. Battery storage does not represent an acceptable land use within the designated SEIL. Specifically, in terms of Policy ICD1 the proposal would not create new Class 4/5/6 employment opportunities; does not involve the creation of strategic office developments; or represent a use identified in the Council's Economic Strategy. In addition, the siting of a battery storage system at this site has not been shown to be necessary to serve other businesses in the SEIL.
- 10.7. The purpose of the SEIL is, by its very definition, to promote development of new businesses and industries in key employment sectors. Significant funding has recently been allocated to decontaminate the wider Shawfield area which in turn is intended to facilitate the regeneration of this prime employment land location. The loss of any part of this key inward investment opportunity is contrary to the spatial strategy for the Council's area. In addition, NPF4 Policy 11 requires proposals to maximise net economic impact, such as employment and associated business and supply chain opportunities. The battery storage project would not create any employment other than during the construction period whereas it would prevent the creation of longer term employment.
- 10.8. Policy 3 'General Urban Areas and Settlements' requires particular consideration of developments in relation to the existing amenity of the surrounding area and requires development proposals within settlements to accord with other relevant policies in the development. Policy 5 '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 SLLDP2 Policy DM1 'New Development Design'. In this instance, and given the nature of the proposals, the design proposed is functional in form and involves the siting of up to 20 containers to house the batteries. The containers are approximately 2.6 metres in height with the Distribution Network Operators (DNO) control building being the tallest structure at 4.5 metres high. It is considered that the scale of the proposals is acceptable for the site, given the existence of a number of larger industrial buildings within the local surrounding area. It is therefore considered that the design of the proposals would not be detrimental to the surrounding area.
- 10.9. In terms of the impact the proposals would have on the amenity of the area, it is noted that they would not emit any gases as part of the process and are in essence similar in nature to electricity substations. It is considered that the minimal traffic movements associated with the proposal means that any other potential impacts on air quality will be negligible.
- 10.10. The application site is also subject to an assessment against Policy SDCC1 'Vacant, Derelict and Contaminated Land', which states that the Council will work in partnership with other relevant stakeholders in implementing delivery plans for the remediation and redevelopment of vacant, derelict, and contaminated land. Further, where

contamination of a site is suspected, applicants require to submit a contaminated land survey with any application.

- 10.11. This site is known to be suspected of containing contaminated land, including chromium. Environmental Services have considered all the information submitted in relation to this matter to date and have advised that there are a number of issues with the report, with the main deficiency that the impacts of chromium underlying the site, specifically with respect to potential pollution of the water environment, have not been adequately quantified.
- 10.12. Further, there is a requirement contained within relevant environmental legislation for any contaminated source to be clearly identified, quantified, and assessed. While this is a matter that could be addressed via the imposition of conditions if the proposal was acceptable within the context of all other Planning Policy and Material Considerations, as the applicant has failed to submit sufficiently detailed information to establish the type and extent of contaminated land on the application site it is considered that the proposals are contrary to Policy SDDC1 of the adopted South Lanarkshire Local Development Plan 2.
- 10.13. SLLDP2 Policy 15 'Travel and Transport' requires that new development does not impact upon any existing walking or cycle routes and promotes sustainable travel, where at all possible. In this instance there are no walking or cycling routes affected by the proposals. The site is in an area which is considered to be readily accessible by public transport. Adequate onsite parking is proposed, and Roads have advised no objection to the proposals subject to the conditions outlined above.
- 10.14. SLLDP2 Policy 16 'Water Environment and Flooding' states that development proposals within areas of flood risk or that are detrimental to the water environment will not be supported. Policies SDCC2 Flood Risk and SDCC3 Sustainable Drainage Systems provide further detailed advice in support of Policy 16. Given the sites proximity to the river Clyde, it is located within an area of low flood risk as defined by SEPA's flood map. A Flood Risk Assessment (FRA) has been submitted as part of the application. It notes the unmanned nature of the site and its classification as essential infrastructure. The FRA concludes that there are no areas of fluvial flooding within the site, however, there are areas that are at risk of flooding from surface water. The site layout has been designed to take this into account, with all electrical infrastructure located away from these areas. In addition, the applicant proposes the use of SUDs features to mitigate surface water flood risk. It concludes that the proposals are not predicted to increase surface water runoff or flooding to the surrounding area.
- 10.15. A single letter of representation has been received from an adjoining business owner, raising concerns that the site may contain contaminated land that could affect the nearby river Clyde and existing adjacent premises as the potential chromium waste within the site may be disturbed by any approved building works. The Council concurs with these comments and considers that insufficient information has been submitted to clarify the position with regard to levels and types of contamination that may be present on the site.

10.16. Conclusion

In conclusion, while the proposals involve the creation of essential infrastructure which, if implemented, would contribute to addressing the global climate emergency they would result in the loss of prime employment land within one of the Council's flagship inward investment areas. In particular, they do not accord with a number of policies within the Development Plan namely Policy 11 of National Planning Framework 4 and Policies, ICD1 and SDCC1 in the adopted South Lanarkshire Local Development Plan 2. The proposals do not represent an acceptable form of land use for the SEIL designated site and fail to address issues related to existing contaminated land suspected to be contained within the site. Overall, it is considered on balance that this would result in the introduction of an inappropriate land use and divert investment away from a key strategic business location. It is, therefore, recommended that the Planning Committee refuse the application.

11. **Recommendation and Reasons for Refusal**

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

Refuse the application for the following reasons:-

01. The proposals are contrary to Policies 8 and ICD1 of the adopted South Lanarkshire Local Development Plan 2 in that:-
 - a) they do not support the strategic role and function of the Clyde Gateway (Shawfield) Strategic Economic Investment Location;
 - b) they do not create new class 4/5/6 employment opportunities or involve a strategic office development; and
 - c) they would not provide essential ancillary services or services for businesses within the SEIL.
02. The proposals are contrary to Policy SDCC1 - Vacant, Derelict and Contaminated Land of the adopted South Lanarkshire Local Development Plan 2 and Policy 9 (c) - Brownfield, vacant and derelict land and empty buildings of the National Planning Framework 4 as the applicant has failed to submit an adequately comprehensive contaminated land survey covering the site.
03. The proposals are contrary to Policy 11 of National Planning Framework 4 in that they fail to maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

David Booth
Executive Director (Community and Enterprise Resources)

Date: 1 March 2024

Background Papers

Further information relating to the application can be found online:-

[P/23/1214 | Installation of 50MW battery energy storage facility \(BESS\) with associated infrastructure | Land Southeast Side Of Seath Road Rutherglen G73 1RW \(southlanarkshire.gov.uk\)](#)

Corporate Considerations

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

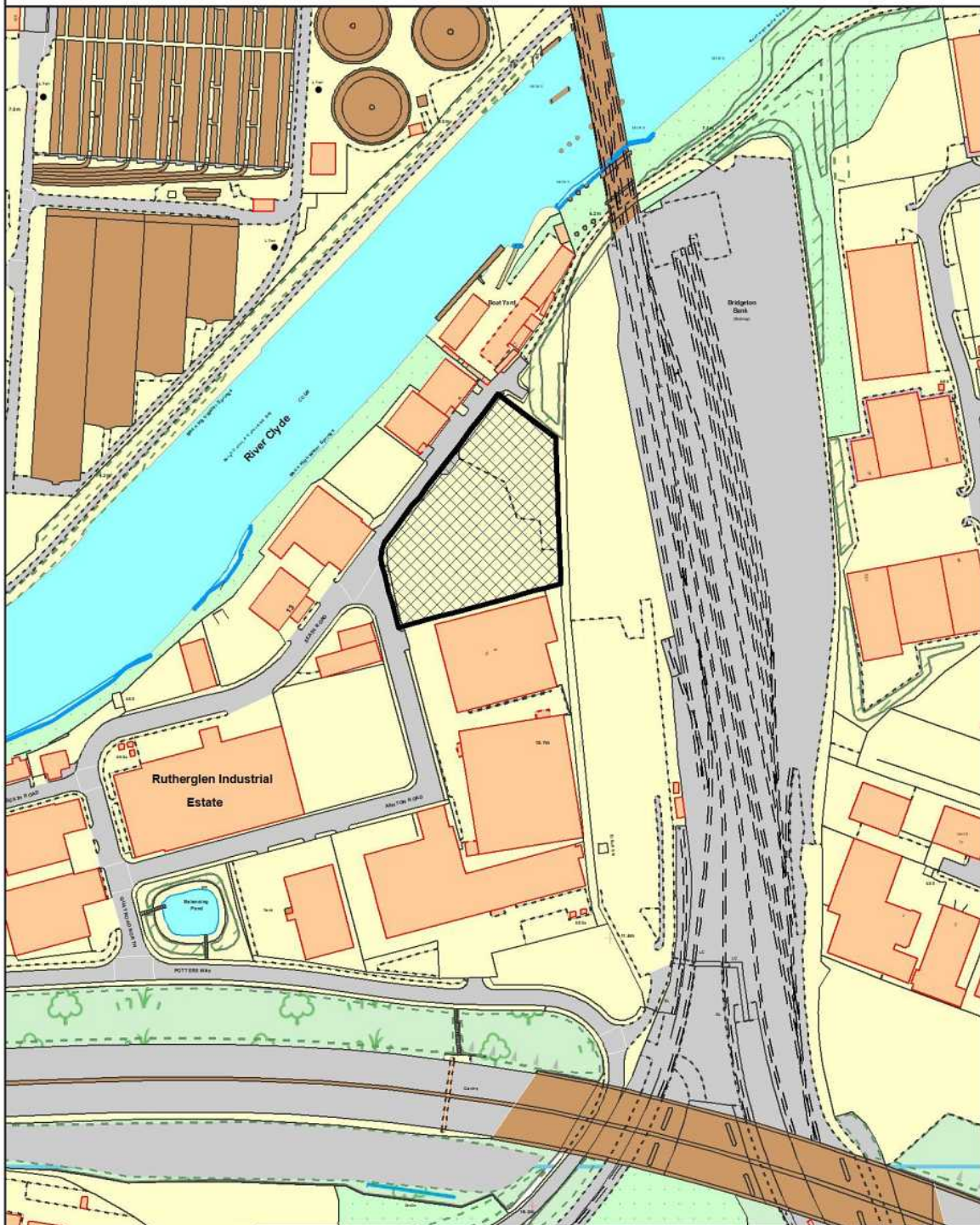
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/23/1214, Site of former depot, Seath Road, Rutherglen. Installation of Battery storage facility



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Scale:
1:2,500
Date:
08/02/2024



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

10

Report to:	Planning Committee
Date of Meeting:	12 March 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/23/1409
Proposal:	Change of use of office space to form 6no. flatted dwellings
Site Address:	29 St James Avenue East Kilbride G74 5QD
Applicant:	CVO Ltd
Agent:	Block Architects Ltd
Ward:	East Kilbride West
Application Type:	Full Planning Permission
Advert Type:	Schedule 4: East Kilbride News 15 November 2023
Development Plan Compliance:	No
Departures:	Not applicable
Recommendation:	Refuse
Legal Agreement:	N/A
Direction to Scottish Ministers	N/A

1. Reason for Report

- 1.1. This application is presented to Committee within the context of Section 5.2 of the approved South Lanarkshire Planning Application Decision Making Process in that the Head of Planning and Regulatory Services, in consultation with the Chair of the Planning Committee, considered that the application generated policy issues that would merit its consideration by elected members.

2. Site Description

- 2.1. The application site is within the St James Retail Centre, an established neighbourhood centre located to the west of Eaglesham Road, East Kilbride. The site relates to a portion of the upper floor of the existing two storey retail centre, which is currently designated as office space. The site is accessed via a spur road from Eaglesham Road through an existing car park, located within the application site boundary.

3. Description of Proposed Development

- 3.1. The proposal is to change the use of a section of upper floor office space to form 6 flatted dwellings, comprising 4 x three-bedroom flats and 2 x two-bedroom flats. Small scale external alterations to the building are proposed as part of the proposed development, including the installation of roof lanterns.

4. Relevant Planning History

- 4.1. EK/07/0403 - Erection of 7 retail units and erection of 3 office units and associated car parking (granted September 2007).
- 4.2. EK/08/0213 - Extension of retail/office development to add 3 additional retail units and 1 office unit (amendment to EK/07/0403) (granted November 2008).

5. Supporting Information

- 5.1. None

6. Consultations

- 6.1. Environmental Services – requested that the applicants undertake a noise assessment to determine the impact of noise from the ventilation systems and commercial activities of the various commercial premises on the ground floor, and the public house opposite the proposed development.

Response: Given that the recommendation is to refuse planning permission for the proposed development on the grounds of amenity concerns and under-provision of car parking space, the applicants were not asked to undertake a noise assessment at this time.

- 6.2. Roads and Transportation Services (Development Management) – advised that the proposed development would require the provision of additional car parking, however, no additional car parking provision is proposed. It is considered that the existing car park is insufficient to cater for the existing uses on site and, therefore, object to the development on grounds of insufficient car parking provision.

Response: Noted. It is recommended that this would also be a reason to refuse planning permission for the proposed development.

7. Representations

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

8. Development Plan

8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 14 - Design, quality and place
- ◆ Policy 15 - Local Living and 20 minute neighbourhoods
- ◆ Policy 16 - Quality homes
- ◆ Policy 27 - City, town, local and commercial centres

8.3. South Lanarkshire Local Development Plan 2 (2021)

For the purposes of determining planning applications the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

SLLDP2 Volume 1 Policies

- ◆ Policy 2 - Climate Change
- ◆ Policy 3 – General Urban Areas and Settlements
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 9 - Network of Centres and Retailing

SLLDP2 Volume 2 Policies

- ◆ Policy DM1 - New Development Design

9. Guidance

9.1. The South Lanarkshire Council Residential Design Guide (2011).

10. Assessment and Discussion

10.1. Introduction

Planning permission is sought to change the use of a section of upper floor office space at the St James Centre, 29 St James Avenue, East Kilbride to form 6 flatted dwellings, comprising 4 x three-bedroom flats and 2 x two-bedroom flats. Small scale external alterations to the building are proposed as part of the proposed development including the installation of roof lanterns. The main issues to be addressed in the determination of this application include the acceptability in principle of the proposed development, its layout, siting and design, and an assessment of technical matters. The policies contained within National Planning Framework 4 and the South Lanarkshire Local Development Plan 2 are the main consideration in this case, together with an assessment of any other material planning considerations.

10.2. Principle of Development

The application site lies within the existing St James Centre, East Kilbride, which is a designated local neighbourhood centre within the South Lanarkshire Local Development Plan 2. Within the SLLDP2, Policy 3 supports residential developments on appropriate urban sites within settlements. Policy 9 seeks to retain an appropriate

mix of uses that will meet economic and social needs, including retail. Under Policy 27 of NPF4, in terms of town centre living, part e) (iii) supports the conversion or reuse of vacant upper floors for residential purposes. Policy 16(f) requires that new homes on land not allocated will only be supported in limited circumstances.

- 10.3. Taking this into account, while no justification has been provided to demonstrate that the offices are vacant, the residential use can be supported in principle as it would create a mixed use in line with local living principles, and the loss of office space is not considered significant enough to warrant refusal. Furthermore, the proposal would not affect retail provision within the existing local centre. This proposal is considered to generally comply with the criteria listed under Policy 16(f) as the proposed development is consistent with the spatial strategy including local living and 20-minute neighbourhoods and is a small-scale opportunity within the East Kilbride settlement.
- 10.4. However, while the principle of residential development in this location may generally be acceptable in land use terms, Policy 27 part (g) of NPF4 and Policy 3 of SLLDP2 together state that developments which would be detrimental to the amenity of residents will not be permitted. In addition, the intent of Policy 16 to deliver good quality homes, which contribute to strengthening the health and wellbeing of communities, should be considered. Such amenity considerations are discussed below.
- 10.5. Climate Change
Policies 1 and 2 of NPF4 and Policy 2 of the South Lanarkshire Local Development Plan 2 seek to encourage, promote and facilitate development which addresses the global climate emergency and nature crisis and which minimises emissions and adapts to the current and future impacts of climate change. Given that development has already been established at this location and that the site is situated within an existing neighbourhood centre with close proximity to Hairmyres Station and bus links providing active travel options, this application is not considered to raise any issues which conflict with the aims of Policies 1 and 2 of NPF4 or Policy 2 of the South Lanarkshire Local Development Plan 2.
- 10.6. Layout, Siting and Design
Policies 14 and 15 of NPF4 relate to liveable places. Policy 14 sets out that all developments should be designed to improve the quality of an area and be consistent with the six qualities of a successful place: healthy, pleasant, connected, distinctive, sustainable, and adaptable. Policy 15 seeks to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.
- 10.7. While Policy 27 is supportive in principle of town centre living proposals that encourage, promote and facilitate vibrant, creative and healthy places for people to live; under part (g) it states that development proposals for town/city living will take into account the residential amenity of the proposal and this must be clearly demonstrated where the proposed development is in the same built structure as hot food premises, restaurants, cafes and where there is a common shared access with other uses likely to be detrimental to residential amenity.
- 10.8. While the proposal would comply with the principles of a 20 minute-neighbourhood and local living including access to sustainable transport, employment, shopping and wider servicing under Policy 15, there are a number of design considerations which would result in a negative amenity impact for residents of the proposed flats, deeming

this unacceptable in terms of layout, siting and design. It is noted that the layout of the proposed flats is such that in the case of five of the six proposed properties, no windows would be provided to any of the proposed bedrooms. Instead, these rooms would be provided with light through roof lanterns. In total, 25 roof lanterns would be provided for the development; however, the bedrooms would not receive any other form of natural light. The agent for the application has advised that the roof lanterns will be openable and that, although not yet designed, mechanical ventilation will be provided to the rooms in question.

- 10.9. In the context of Policies 14 and 27 of NPF4 it is not considered that the use of roof lanterns as an alternative to windows is appropriate in terms of the requirement to create healthy and pleasant places, or in terms of preserving health and wellbeing. Furthermore, it is noted that the proposed residential properties would be located on an upper floor above a variety of commercial units including hot food takeaways, raising concern regarding noise from nearby properties, an issue also raised by Environmental Services.
- 10.10. Given that the proposed residential units would be negatively impacted by the surrounding uses, it is considered that the proposal does not comply with the provisions of Policies 14 and 27 of NPF4. Furthermore, the proposal is not considered to provide suitable quality homes due to adverse amenity impacts resulting from the development's layout, siting and design, and therefore the proposal cannot be supported under Policy 16.
- 10.11. Similarly, Policies 3, 5 and DM1 of the South Lanarkshire Local Development Plan 2 require all proposed developments to complement existing land uses and make a positive contribution to the character and appearance of the environment in which they are located. Proposals must not have any significant adverse impacts on existing amenity within or in the vicinity of the proposed development site. This is further reinforced by the Council's Residential Design Guide. It is considered that the layout of the proposed flatted dwellings would create a significant adverse amenity impact on residents of the flats and the proposal fails to comply with Policies 5 and DM1 of the adopted South Lanarkshire Local Development Plan 2 and the South Lanarkshire Council Residential Design Guide.
- 10.12. Technical Matters
Consultation responses have been received from both the Council's Roads and Transportation Services and Environmental Services. Roads and Transportation Services have advised that there is insufficient car parking provision on site to serve the requirements of the proposed development and have therefore objected to the application. In planning policy terms, Policies 5 and DM1 of the adopted Local Development Plan require all proposed developments to be served by appropriate roads infrastructure and parking spaces. As such, in addition to the amenity considerations outlined above, the proposed development also fails to comply with Policies 5 and DM1 due to the insufficient provision of car parking in this instance.
- 10.13. Environmental Services have raised further concerns in relation to potential noise impact on the proposed flatted dwellings arising from surrounding uses within the commercial centre and requested a noise impact assessment and details of ventilation. Similarly, as a result of the siting above hot food takeaways the proposed development has the potential to give rise to additional odour amenity impacts. However, given the view of the Planning Service that the proposals fail to comply with relevant national and local planning policy for a number of reasons as set out above, it was not deemed appropriate to require the provision of noise or odour impact assessments at this time.

10.14. Conclusion

In conclusion, it is considered that the use and design of the proposed development would not afford appropriate amenity to residents of the proposed flatted dwellings. The proposals would also be inconsistent with the six qualities of successful places as set out in National Planning Framework 4. Furthermore, insufficient car parking space would be available to serve the needs of the flatted dwellings alongside the existing operations within the commercial centre and there remains outstanding concerns in relation to noise, ventilation and odour. The proposals are therefore considered to fail to comply with the provisions of Policies 14 and 27 of National Planning Framework 4 as well as Policies 5 and DM1 of the South Lanarkshire Local Development Plan 2 (adopted 2021). It is therefore recommended that planning permission is refused in this instance for the reasons set out below.

11. **Recommendation and Conditions**

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

Refuse Detailed Planning Permission for the reasons outlined below:-

01. The proposed development fails to comply with Policy 14 of National Planning Framework 4 as it is not appropriately designed, would be detrimental to residential amenity and is inconsistent with the six qualities of successful places as set out in the Policy.
02. The proposed development fails to comply with Policy 16 of National Planning Framework 4 as it is not considered to deliver good quality homes and gives rise to adverse amenity impacts for residents of the proposed flatted dwellings.
03. The proposed development fails to comply with Policy 27 of National Planning Framework 4 as the development would be detrimental to amenity and the health and wellbeing of residents of the proposed flatted dwellings.
04. The proposed development fails to comply with Policy 3 of the South Lanarkshire Local Development Plan 2 (adopted 2021) as the proposal would not be well designed and would adversely impact on the amenity of residents of the proposed flatted dwellings.
05. The proposed development fails to comply with Policy 5 of the South Lanarkshire Local Development Plan 2 (adopted 2021) as the proposal would not be well designed, does not allow for the provision of appropriate car parking on site and would adversely impact on the amenity of residents of the proposed flatted dwellings.
06. The proposed development fails to comply with Policy DM1 of the South Lanarkshire Local Development Plan 2 (adopted 2021) as it would adversely impact on the amenity of residents of the proposed flatted dwellings and it does not ensure provision of an appropriate vehicle parking and electric vehicle charging points.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 1 March 2024

Background Papers

Further information relating to the application can be found online:-

[P/23/1409 | Change of use of office space to form 6no. flatted dwellings | 29 St James Avenue East Kilbride G74 5QD \(southlanarkshire.gov.uk\)](#)

Corporate Considerations

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

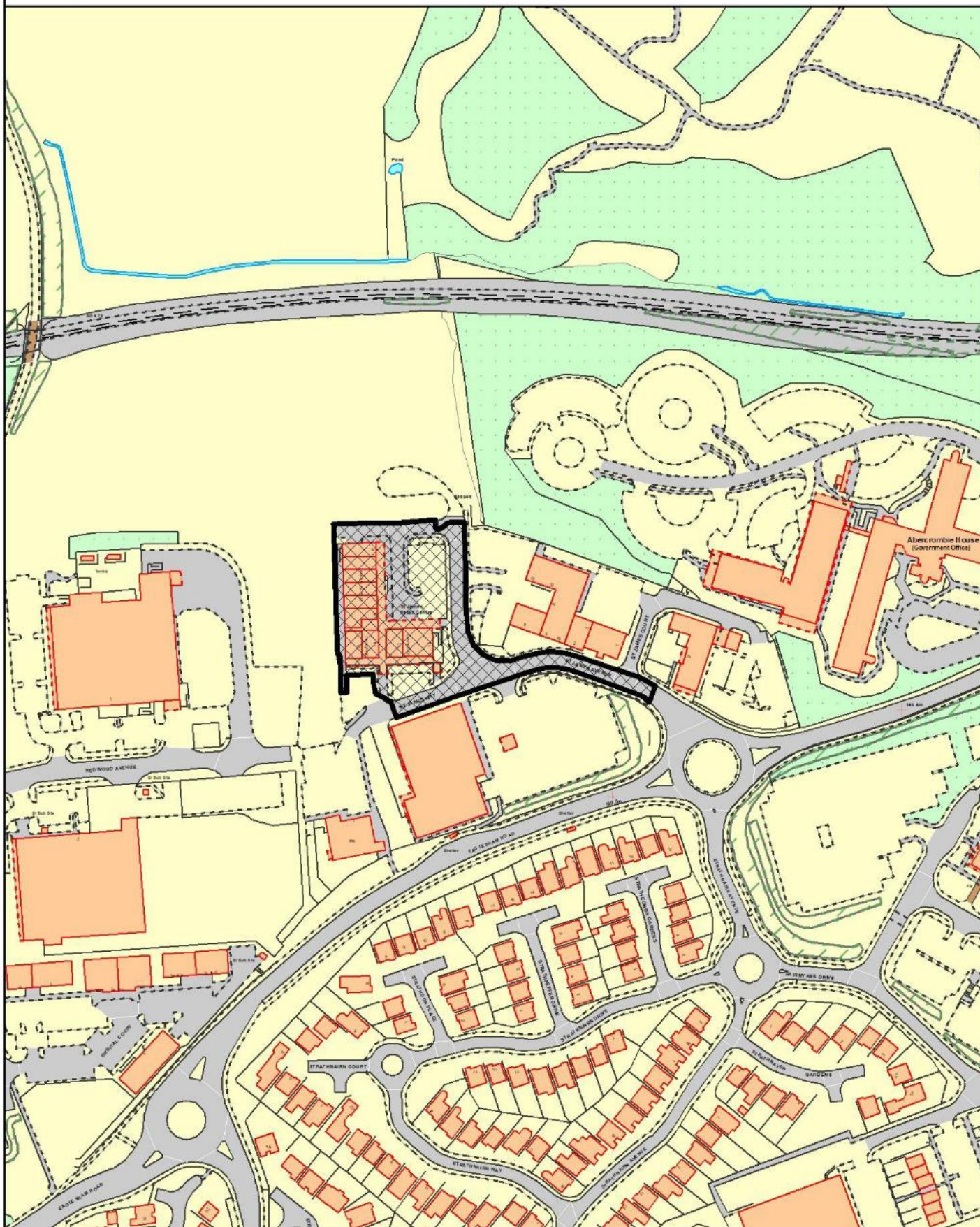
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/23/1409, 29 St James Avenue, East Kilbride
Change of use of office space to six flatted dwellings



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Scale:
1:2,500
Date:
12/02/2024



South Lanarkshire Council
Community and Enterprise Resources
 Planning and Regulatory Services

Report

11

Report to:	Planning Committee
Date of Meeting:	12 March 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/23/1532
Proposal:	Erection of 10 wind turbines (149.9m to tip height) and associated infrastructure including access tracks, cabling and transformer equipment (Section 42 application to re-site turbine 8 (T8), installation of a meter housing adjacent to turbine 2, and to extend the operational lifetime of the windfarm previously approved under consent P/19/1636 for a further 5 years, to 30 years from the date of final commissioning)
Site Address:	Broken Cross Wind Farm Tower Road Douglas
Applicant:	Broken Cross Wind Farm Limited
Agent:	
Ward:	04 – Clydesdale South
Application Type:	Modification, Variation or Removal of Planning Conditions
Advert Type:	Bad Neighbour Development Lanark Gazette 15 December 2023 Non-notification of neighbours: Lanark Gazette 15 December 2023
Development Plan Compliance:	Yes
Departures:	None
Recommendation:	Grant subject to conditions and the modification of the existing section 75 agreement
Legal Agreement:	<p>The Committee should note that the application will not be granted until the following matters are concluded:-</p> <p>The modification of the original Legal Agreement attached to the site securing:-</p> <ul style="list-style-type: none"> • Community contributions per megawatt generated • The setting up of a Habitat Management Group • The repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements.

Direction to Scottish Ministers	Not Required
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1. Reason for Report

- 1.1. The application is required to be determined by the Planning Committee under Clause 5.1 of the Decision-Making Process 2015 as it constitutes a major planning application.

2. Site Description

- 2.1. The application site forms part of the wider former Broken Cross Surface mine which has now been restored. A windfarm comprising 10 wind turbines is currently under construction by the applicants on the site. The overall site is approximately 276 hectares in size and is located to the north of Junction 11 of the M74, some 2.4km south of Lesmahagow, 2.7km east of Coalburn and 4.8km north of Douglas.

3. Description of Proposed Development

- 3.1. The application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 as the applicant wishes to vary a number of conditions attached to a previous application, ref: P/19/1636 granted on 21 April 2021, (hereon referred to as the original permission), which granted planning permission for 10 turbines on the site, at a maximum tip height of 149.9 metres. Changes to condition 3 of that consent is proposed which would extend the operational lifetime of the Wind Farm from 25 to 30 years; and to condition 15 to allow changes to the approved layout including the relocation of a turbine (T8) and the installation of a meter housing adjacent to turbine number 2.

- 3.2. Condition 3 of the original permission states:-

That the Development will be decommissioned and will cease to generate electricity by no later than the date falling twenty five years from the date of Final Commissioning. All wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site and the land shall be restored and subject to aftercare, in accordance with the decommissioning, restoration and aftercare plan referred to in Condition 4. The total period for restoration of the Site in accordance with condition 4 shall not exceed three years from the date of Final Commissioning without prior written approval of the Planning Authority.

The applicant has requested that condition 3 be varied to read:-

That the Development will be decommissioned and will cease to generate electricity by no later than the date falling *thirty* years from the date of Final Commissioning. All wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site and the land shall be restored and subject to aftercare, in accordance with the decommissioning, restoration and aftercare plan referred to in Condition 4. The total period for restoration of the Site in accordance with condition 4 shall not exceed three years from the date of Final Commissioning without prior written approval of the Planning Authority.

- 3.3. Condition 15 of the original permission states:-

Each turbine shall be erected in the position indicated. A variation of the indicated position of any turbine or other development infrastructure detailed on the approved drawing shall be notified on the following basis: (a) if the variation is less than 50 metres it shall only be permitted following the approval of the Ecological Clerk of Works (ECoW) in consultation with SEPA (b) if the variation is of between 50 metres and 100 metres it shall only be permitted following written approval of the Planning Authority in consultation with SEPA. The said provisions relating to variation shall not have the effect such that any variation will:-

- bring a turbine outwith the planning application boundary.
- breach the 50m watercourse buffer zones.

The applicant has requested that condition 15 be varied to read:-

Each turbine shall be erected in the position indicated *on figure 2.1 of the SEI report dated November 2023*. A variation of the indicated position of any turbine or other development infrastructure detailed on the approved drawing shall be notified on the following basis: (a) if the variation is less than 50 metres it shall only be permitted following the approval of the Ecological Clerk of Works (ECoW) in consultation with SEPA (b) if the variation is of between 50 metres and 100 metres it shall only be permitted following written approval of the Planning Authority in consultation with SEPA. The said provisions relating to variation shall not have the effect such that any variation will:-

- bring a turbine outwith the planning application boundary.
- breach the 50m watercourse buffer zones.

- 3.4. Through consultation with National Air Traffic Safety it has become necessary to vary conditions 17 and 18 of the consent in order to accommodate the need to amend the original Primary Radar Mitigation Scheme approved under the original permission and its subsequent implementation.

Condition 17 of the original permission states:-

No part of any turbine shall be erected above ground until a Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and approved in writing by South Lanarkshire Council in order to avoid the impact of the development on the Primary Radars of the Operator located at Lowther Hill and Cumbernauld and associated air traffic management operations.

It is now proposed that this condition be amended as follows:-

No part of *Turbine 8* shall be erected above ground until a Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and approved in writing by South Lanarkshire Council in order to avoid the impact of the development on the Primary Radars of the Operator located at Lowther Hill and Cumbernauld and associated air traffic management operations.

- 3.5. Condition 18 of the original permission states:-

No part of any turbine shall be erected above ground until the approved Primary Radar Mitigation Scheme has been implemented and the development shall thereafter be operated fully in accordance with such approved Scheme as referred to in condition 17.

For the purpose of this condition and condition 17:-

"Operator" means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act).

"Primary Radar Mitigation Scheme" or "Scheme" means a detailed scheme agreed with the Operator which sets out the measures to be taken to avoid at all times the impact of the development on the Lowther Hill and Cumbernauld primary radars and air traffic management operations of the Operator.

It is now proposed that this condition be amended as follows:-

No part of *Turbine 8* shall be erected above ground until a Primary Radar Mitigation has been implemented and thereafter the development (*comprising all consented turbines*) shall thereafter be operated fully in accordance with such approved Scheme as referred to in conditions 17 and condition 18.

For the purpose of this condition and condition 17:-

"Operator" means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organization, licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act).

"Primary Radar Mitigation Scheme" or "Scheme" means a detailed scheme agreed with the Operator which sets out the measures to be taken to avoid at all times the impact of the development on the Lowther Hill and Cumbernauld primary radars and air traffic management operations of the Operator.

- 3.6. If successful, the effect of a Section 42 application to modify a planning condition or conditions is to grant a further planning permission for the whole development but with the amended condition or conditions replacing those that were previously issued, or (if appropriate) with conditions removed if required. All other conditions, if relevant, are also required to be attached to any new planning permission. If the proposed changes to the condition or conditions are deemed unacceptable, then Section 42 of the Act requires the application to be refused. Any refusal of an application under Section 42 of the Act does not have any effect on the original planning permission which remains intact.

4. Relevant Planning History

- 4.1. Planning application ref: P/19/1636 for the erection of 10 wind turbines (149.9m to tip height) and associated infrastructure including access tracks, cabling and transformer equipment was granted by the Council on 21 April 2021 following the conclusion of a section 75 legal agreement.
- 4.2. The Council was consulted by the Scottish Government on an application under section 36 of the Electricity Act 1989 for the installation of a battery storage facility (Ref P/23/0069). The Planning Committee agreed at its meeting on 8 August 2023 not to object to the application.

5. Supporting Information

- 5.1. The applicant has submitted a Supplementary Environmental Information report which supplements the Environmental Impact Assessment submitted with the original application.

6. Consultations

- 6.1. Glasgow Airport – no objections.
Response: Noted.
- 6.2. Prestwick Airport – no objections.
Response: Noted.
- 6.3. The Ministry of Defence (MOD) – No objections subject to the reimposition of conditions on the original consent in relation to the specifications for any aviation lighting and the requirement to inform the MoD of the exact location of the turbines once installed.
Response: Noted.

- 6.4. National Air Traffic Safety - A Primary Radar Mitigation Scheme was concluded between NATS and the developers as part of the original planning permission. NATS have now advised that the proposal to vary the lifetime of the windfarm means the final decommissioning date as now proposed does not accord with the date in the Agreement. Discussion is taking place to amend the Agreement to reflect this but at the time of writing this has not been concluded.

Response: The applicants have suggested a minor change to the wording of conditions 17 and 18 of the original consent as described in section 3.4 and 3.5 above. This is considered acceptable and the relevant conditions in the paper apart have been amended.

7. Representations

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

8. Development Plan

- 8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the adopted National Planning Framework 4 and the adopted South Lanarkshire Local Development Plan 2.

8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crisis
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 3 - Biodiversity
- ◆ Policy 4 - Natural Places
- ◆ Policy 5 - Soils
- ◆ Policy 11 - Energy
- ◆ Policy 29 - Rural Development

8.3. South Lanarkshire Local Development Plan 2 (2021)

The application site and associated proposals are affected by the following policies contained in the South Lanarkshire Local Development Plan 2 (SLLDP2):-

SLLDP2 Policies

- ◆ Policy 1 - Spatial Strategy
- ◆ Policy 2 - Climate Change
- ◆ Policy 4 - Green Belt and Rural Area
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 14 - Natural and Historic Environment
- ◆ Policy 15 - Travel and Transport
- ◆ Policy 16 - Water Environment and Flooding
- ◆ Policy 18 - Renewable Energy
- ◆ Policy RE1 - Renewable Energy
- ◆ Policy DM1 - New Development Design
- ◆ Policy GBRA2 - Business Proposals within Green Belt and Rural Area
- ◆ SDCC2 - Flood Risk

- ◆ SDCC3 - Sustainable Drainage Systems
- ◆ NHE9 - Protected Species
- ◆ NHE20 - Biodiversity

Supporting Planning Guidance: Renewable Energy

9. Guidance

9.1. None applicable.

10. Assessment and Discussion

- 10.1. 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. The policies contained within National Planning Framework 4 and the South Lanarkshire Local Development Plan 2 are the main consideration in this case, together with an assessment of any other material planning considerations.
- 10.2. In this case the application is made under section 42 of the Act to vary conditions attached to a planning permission for a windfarm on the site of the former Broken Cross opencast site near Douglas. As the proposals involve an amendment to an existing live consent, there is no opportunity for the Planning Authority to revisit the principle of the development, or any facets of the original permission that do not form part of the proposed amendments. Therefore, in this instance, the assessment of the proposals relates solely to consideration of any impacts that may arise from an increase in the permitted period of operation from 25 to 30 years and minor changes to the approved layout involving the re-siting of a turbine and the installation of a meter housing. In addition, through the consultation process changes to conditions relating to the conclusion of a Primary Radar Mitigation Scheme and its subsequent implementation are proposed. The main matters for the Council's consideration are, therefore, whether the development would continue to comply with the Development Plan based on the new suite of conditions.
- 10.3. In determining whether the proposed 5 year extension to the operation of the wind farm is acceptable, it should be noted that the 25 year time limit on the original permission was not imposed to mitigate any effects of the wind turbines on the surrounding area, but rather reflected the 'industry standard' at the time, in that the operational capacity of turbines was limited by the technology then in place.
- 10.4. However, as technology has advanced and wind farms become an established feature, developers have sought to extend their operational time limits. Overall, there is a general presumption in favour of granting permission in such cases, unless exceptional circumstances suggest otherwise. In this instance, the policy direction on wind farm development is broadly identical to when the original permission was granted, and it is considered that the environmental impact of the proposals remains unchanged. In addition, the application, if successful, would result in an additional 5 years of renewable electricity generation for an already consented/operational wind farm which accords with policy direction at both a national and a local level. This aspect of the application is therefore acceptable.
- 10.5. In terms of the minor changes to the approved layout consideration has been given to whether the proposals comply with the provisions of the Development Plan. Following a detailed assessment of the application against the relevant policies of the NPF4 and the SLLDP2, including against the Assessment Checklist for Renewable Energy Proposals, it is considered that the proposals are acceptable. The detailed assessment has fully considered impacts on international and national designations,

impacts on carbon rich soils, deep peat and priority peatland habitat, community separation for consideration of visual impact, economic benefits, contributions to renewable energy targets, effects on natural heritage and ecology, landscape and visual impacts, cumulative impacts, impacts on residential properties, public access, the historic environment, tourism and recreation, impacts on transmitting or receiving stations, road safety and traffic, hydrology, water environment and flood risk, site decommissioning and restoration, and environmental protection.

- 10.6. During the processing of the application comments were received from NATS that an amendment to the original Primary Radar Mitigation Scheme is required to reflect the proposed longer lifetime of the windfarm. Discussions on this matter are ongoing and therefore it is considered appropriate to amend the relevant conditions on the original consent to address this outstanding matter.

10.7. Conclusion

In conclusion, it is considered that the proposed development is acceptable, and that planning permission be granted, subject to the conditions detailed below and the modification of the existing legal agreement. The proposals are considered to be in accordance with the relevant policies of the adopted National Planning Framework 4 and the South Lanarkshire Local Development Plan 2 and it is recommended that the Planning Committee grant the application.

11. **Recommendation and Conditions**

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

Grant consent subject to the conditions listed below and the conclusion of a modification of the original legal agreement to secure the following:-

- ◆ Community contributions per megawatt generated
- ◆ The setting up of a Habitat Management Group
- ◆ The repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements.

The applicant will be responsible for meeting the Council's reasonably incurred legal expenses in respect of the legal agreement and restoration guarantee quantum. In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Legal Agreement within 6 months of the date of the Committee, the proposed development may be refused on the basis that, without the planning control/developer contribution which would be secured by the Legal Agreement, the proposed development would be unacceptable.

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 Legal Agreement. If granted the planning permission shall not be released until the Legal Agreement has been concluded.

01. That the development is carried out strictly in accordance with the terms of the application and the accompanying Supplementary Environmental Information Report (SEI Report) dated November 2023, including all mitigation and monitoring measures stated in it, subject to any requirements set out in these conditions. Any proposed deviation from the detail provided within these documents, must be submitted to and approved in writing by the Planning Authority before the works described therein are undertaken.

Reason: To ensure compliance with all commitments made in the SEI Report, in the interests of amenity and in order to retain effective planning control.

02. Written confirmation of the date of commissioning of development shall be supplied in writing to the Planning Authority and the date of commencement of the development shall be no later than 5 years from the date of this consent.

Reason: In order to define the terms of the consent.

03. That the Development will be decommissioned and will cease to generate electricity by no later than the date falling thirty years from the date of Final Commissioning. All wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site and the land shall be restored and subject to aftercare, in accordance with the decommissioning, restoration and aftercare plan referred to in Condition 4. The total period for restoration of the Site in accordance with condition 4 shall not exceed three years from the date of decommissioning without prior written approval of the Planning Authority.

Reason: In order to define the terms of the consent.

04. No later than 3 years prior to decommissioning of the Development or the expiration of this consent (whichever is the earlier) a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy (submitted to discharge the suspensive elements of planning condition 04 attached to planning permission P/19/1636, shall be submitted to the Planning Authority for written approval in consultation with NatureScot and SEPA. The detailed decommissioning, restoration and aftercare plan will provide updated and detailed proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include:-

- a. a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
- b. details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- c. a dust management plan;
- d. details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- e. a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
- f. soil storage and management;
- g. a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- h. sewage disposal and treatment;
- i. temporary site illumination;
- j. the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;
- k. details of watercourse crossings;
- l. a species protection plan based on surveys for protected species (including birds) carried out no longer than 18 months prior to decommissioning.

The Development shall be decommissioned, site restored and aftercare thereafter undertaken in accordance with the approved plan, unless otherwise agreed in writing in advance with the Planning Authority in consultation with NatureScot and SEPA. The approved plan shall be implemented and overseen by an Ecological Clerk of Works (ECoW).

Reason: In the interests of effective and suitable restoration.

05. The cumulative day time noise emissions (7am to 11pm) from the wind turbines must not exceed a noise level of 40dB LA90,10min or background LA90,10min +5dB, whichever is the greater, at the boundary of the curtilage of any noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site. This is based on (SEI Table 9.5 - Evaluation Against Noise Limits - Cumulative Operation; predicted cumulative level minus derived noise limit. Daytime period 07.00 - 23.00)

The cumulative night-time noise emissions (11pm to 7am) from the wind turbines must not exceed a noise level of 43dB LA90,10min or background LA90,10min +5dB, whichever is the greater, at the boundary of the curtilage of any noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site. This is based on (SEI Report Table 9.5 - Evaluation Against Noise Limits - Cumulative Operation; predicted cumulative level minus derived noise limit. Night-time period 23.00 - 07.00)

The cumulative noise emissions (at any time) from the wind turbines must not exceed a noise level of 45dB LA90,10min or background LA90,10min +5dB, whichever is the greater, at the boundary of the curtilage of any financially involved noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site.

Where the tonal noise emitted by the development exceeds the threshold of audibility by between 2dB and 6.5dB or greater, then the acceptable noise specified in the (relevant) condition shall be reduced by the penalty level identified within section 28 of 'The Assessment and rating of Noise from Wind Farms - ETSU-R-97.

The definition of audibility for the purposes of this condition shall be as described in ETSU-R-97. The penalty shall only apply at properties where the tonal noise is measured and shall only relate to the wind speeds at which the tonal noise occurs at.

At the reasonable request of the Planning Authority and following a complaint to it relating to noise emissions arising from the operation of the wind turbine or wind farm, the wind turbine operator shall appoint an independent noise consultant, whose appointment shall require to be approved by the Planning Authority, to measure the level of noise emissions from the wind farm at the property to which the complaint related. The measurement and calculation of noise levels shall be undertaken in accordance with ETSU-R-97 having regard to paragraphs 1 to 3 and 5 to 11 inclusive of the schedule on Pages 95 to 97 inclusive, and Supplementary Guidance Notes to the Planning Obligation pages 99 to 109 of ETSU-R-97.

The Planning Authority shall inform the wind turbine operator whether the noise giving rise to the complaint contains or is likely to contain a tonal component or an amplitude modulation.

Where an assessment of any noise impact is, in the opinion of the Planning Authority acting reasonably, is found to be in breach of the noise limits the wind turbine operator shall carry out mitigation measures to remediate the breach so caused. Details of any such mitigation measures required are to be submitted to the Planning Authority for prior approval. In the event of amplitude modulation being established, the wind turbine operator shall implement suitable mitigation consistent with best available technology to the satisfaction of the Planning Authority. At this time this would be in keeping with the Institute of Acoustics, IOA Noise Working Group (Wind Turbine Noise) Final Report, A Method for Rating Amplitude Modulation in Wind Turbine Noise, 9 August 2016, Version 1. Thereafter the approved mitigation measures require to be implemented within the timescales agreed.

Reason: In the interests of amenity.

06. The applicant shall ensure that all works carried out on site are carried out in accordance with the current BS5228:2009, "Noise control on construction and open sites".

The applicant shall further ensure that audible construction activities shall be limited to, Monday to Friday 8.00am to 7.00pm, Saturday 8.00am to 1.00pm and Sunday - No audible activity. No audible activity shall take place during local and national bank holidays - without the prior written approval of the planning authority.

Reason: In the interests of amenity.

07. The developer shall adhere to and implement the approved Traffic Management Plan (TMP) (submitted to discharge the suspensive elements of planning condition 08 attached to planning permission P/19/1636) within the timescales set out.

Reason: In the interests of road safety.

08. The developer shall notify the Council in writing, as soon as reasonably practical, of any changes in construction and decommissioning related activities where these will have an impact on the approved TMP. The developer will consult with the Council and Police Scotland to agree in writing any changes to the TMP, and thereafter adhere to and implement the agreed changes within the timescale set out.

Reason: In the interests of road safety.

09. The developer shall undertake all work associated with the approved planning consent and any subsequent amendments in accordance with the approved TMP. All specialist wind turbine components shall be delivered to site in accordance with the approved TMP and Abnormal Load Route Assessment. The developer shall notify the Planning Authority in writing should they propose to remove any excess material from site. Any such notification shall include details of proposed traffic routes and phasing of such operations all for the approval of the Council as Roads Authority.

Reason: In the interests of road safety.

10. All the measures described in the approved Construction Environmental Management Plan (CEMP) (submitted to discharge the suspensive elements of planning condition 13 attached to planning permission P/19/1636) shall be implemented.

Reason: To ensure compliance with all commitments made in the Environmental Statement and in order to retain effective planning control.

11. The developer shall adhere to and implement the approved Access Strategy (AS) (submitted to discharge the suspensive elements of planning condition 14 attached to planning permission P/19/1636) within the timescales set out.

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

12. Each turbine shall be erected in the position indicated on Figure 2.1 of the SEI Report dated November 2023. A variation of the indicated position of any turbine or other development infrastructure detailed on the approved drawing shall be notified on the following basis: (a) if the variation is less than 50 metres it shall only be permitted following the approval of the Ecological Clerk of Works (ECoW) in consultation with SEPA (b) if the variation is of between 50 metres and 100 metres it shall only be permitted following written approval of the Planning Authority in consultation with SEPA. The said provisions relating to variation shall not have the effect such that any variation will:-

- bring a turbine outwith the planning application boundary.
- breach the 50m watercourse buffer zones.

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

13. Within 3 months of commissioning the approved wind farm the applicant shall submit to the Planning Authority an "as built plan" at an appropriate scale indicating the location of any track, turbine, crane pad and grid building within the development.

Reason: In order to retain effective planning control.

14. No part of Turbine 8 shall be erected above ground until a Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and approved in writing by South Lanarkshire Council in order to avoid the impact of the development on the Primary Radars of the Operator located at Lowther Hill and Cumbernauld and associated air traffic management operations.

Reason: In the interest of public safety

15. No part of Turbine 8 shall be erected above ground until the approved Primary Radar Mitigation Scheme has been implemented and the development (comprising all consented turbines) shall thereafter be operated fully in accordance with such approved Scheme as referred to in conditions 14 and 15.

For the purpose of this condition and condition 14:-

"Operator" means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act).

"Primary Radar Mitigation Scheme" or "Scheme" means a detailed scheme agreed with the Operator which sets out the measures to be taken to avoid at all times the impact of the development on the Lowther Hill and Cumbernauld primary radars and air traffic management operations of the Operator.

Reason: In the interest of public safety.

16. That the watercourse crossing required for Turbine 3 be sized to convey the agreed 1:200-year design flow.

Reason: In the interests of flood risk.

17. That the approved compensatory planting plan (submitted to discharge the suspensive elements of planning condition 21 attached to planning permission P/19/1636) shall be carried out as such and maintained for the lifetime of the development hereby approved.

Reason: In the interests of maintaining forestry within the site.

18. In the event of any turbine, or group of turbines, failing or being no longer required for electricity generation, or any other reason, for a continuous period of 12 months, unless otherwise agreed with the Planning Authority, the turbine(s) shall be replaced (in the case of failures), or dismantled and removed. In the case of removal, that part of the site accommodating the turbine, the turbine pad and access roads shall be reinstated within three months of the end of the twelve month period of non-generation in accordance with a scheme agreed with the Council as Planning Authority, all to the satisfaction of the Council.

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

19. The approved aviation lighting scheme (submitted to discharge the suspensive elements of planning condition 24 attached to planning permission P/19/1636), shall be implemented and maintained over the life of the wind farm. For the avoidance of doubt the turbines at 149.9 metres are to be fitted with 25 candela omni-directional red lighting or infrared aviation lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration, and cardinal turbines should be fitted with 25 candela red and IR combination lighting at the highest practicable point or as agreed in writing with MoD.

The developer shall provide the MoD with the 'as built' turbine locations within 1 month of installation of turbine erected.

Reason: In the interests of public safety.

20. That outwith the lighting required through condition 19 above, the development site shall not be illuminated by lighting unless:-

- a) the Planning Authority has given prior written approval,
- b) lighting is required during working hours which has been approved by the Planning Authority; or
- c) an emergency requires the provision of lighting.

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

21. Three months prior to the commencement of decommissioning an Ecological Clerk of Works (ECoW) shall be appointed by the Company and approved by the Planning Authority until the completion of aftercare or such earlier date as may be agreed in writing by the Planning Authority. The scope of work of the ECoW shall include, but not be limited to:-

- a) monitoring compliance with the ecological mitigation works that have been approved in this consent, including the mitigation measures identified in the SEI Report dated November 2023;
- b) advising the developer on adequate protection of nature conservation interests on the site;
- c) directing the micro siting and placement of the turbines, bridges compounds and tracks; and
- d) monitoring compliance with the Construction Environmental Management Plan as required by condition 10.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures set out in the Environmental Statement and associated plans.

22. All works shall be implemented strictly in accordance with the terms of the approved Habitat Management Plan (HMP) (submitted to discharge the suspensive elements of planning condition 29 attached to planning permission P/19/1636) and within the timescales set out in the approved HMP.

Reason: In the interests of habitat management.

23. The applicant shall ensure that the approved programme of archaeological works (submitted to discharge the suspensive elements of planning condition 30 attached to planning permission P/19/1636) 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.

Reason: To minimise adverse impacts on archaeology on site and to ensure development conforms to the Environmental Statement.

24. The approved shadow flicker mitigation scheme (submitted to discharge the suspensive elements of planning condition 33 attached to planning permission P/19/1636) shall thereafter be implemented in full and maintained as such for the lifetime of the development hereby approved.

Reason: In the interests of amenity.

25. Only mechanical means of snow clearance shall be used to clear access tracks, and no use of chemicals or salt, unless otherwise agreed in writing by the Planning Authority.

Reason: To minimise the environmental impact of snow clearing operations by avoiding the use of chemicals or salt without explicit approval.

12 Reason for Decision

- 12.1. The proposals to vary conditions to extend the lifespan of the wind farm development, carry out changes to the approved layout and address the impact of the proposals on the primary radar system are considered acceptable, subject to the imposition of the previous suite of applicable environmental conditions accord with policies 1, 2, 3, 4, 5, 11 and 29 of the National Planning Framework 4, and with policies 1, 2, 4, 5, 14, 15, 16, 18, RE1, DM1, GBRA2, SDCC2, SDCC3, NHE9 and NHE20 of the adopted South Lanarkshire Local Development Plan 2 and its supporting planning guidance on Renewable Energy.

David Booth
Executive Director (Community and Enterprise Resources)

Date: 1 March 2024

Background Papers

Further information relating to the application can be found online:-

[P/23/1532 | Erection of 10 wind turbines \(149.9m to tip height\) and associated infrastructure including access tracks, cabling and transformer equipment \(Sect 42 application to re-site turbine 8 \(T8\), installation of a meter housing adjacent to turbine 2, and to extend the operational lifetime of the windfarm previously approved under consent P/19/1636 for a further 5 years, to 30 years from the date of final commissioning\) | Broken Cross Wind Farm Tower Road Douglas Lanark ML11 9PB \(southlanarkshire.gov.uk\)](#)

Corporate Considerations

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

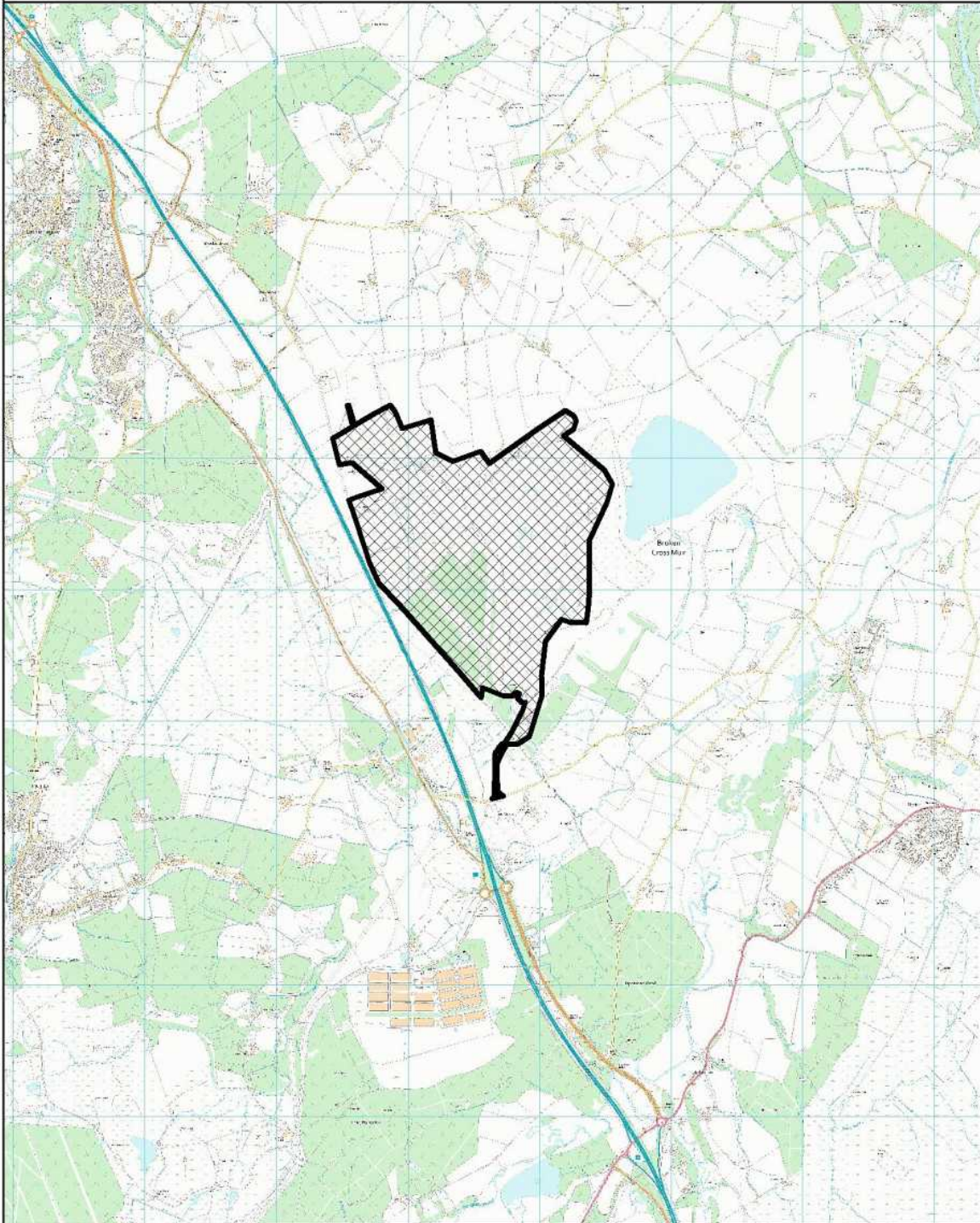
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

**P/23/1532, Broken Cross Wind Farm, Tower Road, Douglas
Erection of 10 wind turbines**



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Date:
12/02/2024



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

12

Report to:	Planning Committee
Date of Meeting:	12 March 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/23/1543
Proposal:	Demolition and rebuild of two storey dwellinghouse
Site Address:	9 Sunningdale Wynd Bothwell G71 8EQ
Applicant:	Mr A Waseem
Agent:	Peter Drummond Architects
Ward:	16 Bothwell and Uddingston
Application Type:	Full Planning Permission
Advert Type:	None
Development Plan Compliance:	Yes
Departures:	N/A
Recommendation:	Grant subject to conditions
Legal Agreement:	N/A
Direction to Scottish Ministers	N/A

1. Reason for Report

- 1.1. This application is being presented to the Planning Committee for determination as it has received more than 5 objections, as detailed in paragraph 3.5 (b) of the Decision Making Process April 2015.

2. Site Description

- 2.1. The site is located within an established residential area of Bothwell. Sunningdale Wynd was originally built as self-build plots and as such there are a variety of house types and plot sizes within the street. The houses are accessed via a narrow public road, which is approximately 2.5 metres wide in front of the application site, with wider sections serving as passing places.
- 2.2. The application site contains a two-storey house within a large plot, with garden ground to the front and rear and a large driveway that could accommodate approximately five cars. To the southeast, there is a two-storey house, whilst to the northwest, there is a bungalow. In general, the houses immediately surrounding the application site are primarily two storeys. To the north, the property backs on to mature woodland.

3. Description of Proposed Development

- 3.1. Planning permission is sought to demolish the existing house and build a replacement two storey house, with a larger ground floor footprint, increased first floor area and an increased roof height. At the front, the proposed house will come forward by up to 4 metres. This will bring the property to the same forward building line as a neighbouring property.
- 3.2. The width of the property will be extended by varying amounts across the rear elevation, to a maximum of 5 metres. The central area of the rear elevation will extend approximately 1.5 metres beyond the rest of the elevation. The ground floor will accommodate a large hallway, study, drawing room, lounge, kitchen, utility and shower room. The first floor would contain a master bedroom with two dressing rooms and a large en-suite bathroom, with an additional four double bedrooms (two with en-suites) and a family bathroom. All first-floor windows will face to the front or rear. The house will be approximately 8 metres in height (just lower than 11 Sunningdale Wynd), finished in facing brick and concrete roof tiles to fit in with the surrounding houses. Photovoltaic panels would be placed on the front roof plane. The property would retain a large rear garden, which would be a minimum of 10 metres long, with space for four cars on the driveway.
- 3.3. Additionally, it should be noted that the description had originally stated that the works would be for an extension and alteration to the existing house. However, it was established that demolition and rebuild would be more cost effective. The description of development was revised accordingly and neighbours were re-notified of this change to allow for any further comments.

4. Relevant Planning History

- 4.1. P/23/1019 - Erection of front, rear and side two storey extensions to existing dwelling including the complete removal of existing roof to create further accommodation at first floor level. Refused.
- 4.2. P/23/0709 - Front and rear 2 storey extensions to existing dwellinghouse and raising, reprofiling of roof and associated external alterations. Withdrawn.

5. Supporting Information

- 5.1. Design Statement - this outlines the proposed siting and design of the development and addresses the previous reasons for refusal.

6. Consultations

- 6.1. None.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement, 28 letters of representation were received from residents of Sunningdale Wynd and Turnberry Wynd objecting to the application. The issues raised are summarised as follows:-

- ◆ The street is too narrow to accommodate construction vehicles and there is nowhere for construction workers to park without blocking the road for residents, deliveries, bin collections and emergency vehicles and therefore the works would cause serious access problems in the street.
- ◆ Pedestrians (including dog walkers and school children) and cyclists use the road as there are no pavements and extra traffic would make this dangerous and unsafe.
- ◆ Noise, dust, mess and general nuisance disturbance would disrupt and negatively impact on neighbour's lives and wellbeing for a lengthy period of time, likely at least 18 months.
- ◆ Concern that there will be loss of light and overshadowing caused to immediate neighbours by the increase in the size of the house.
- ◆ Concern over loss of privacy for immediate neighbours from upper floor windows and the large number of construction worker that will be needed on site.
- ◆ The size of the proposed house is out of keeping with the rest of the properties in the street and the scale remains too large and imposing and ultimately overdevelopment of the plot.
- ◆ Bringing the front of the house closer to the road and getting rid of the garage would reduce the property's off street parking capacity.
- ◆ In terms of protecting the environment, they should not be taking down the large old tree in the rear garden.

The above issues are considered in the assessment below and full copies are available to view on the planning portal.

8. Development Plan

- 8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

National Planning Framework 4 Policies

Policy 1 - Tackling the climate and nature crises

Policy 2 - Climate mitigation and adaptation

Policy 16 – Quality Homes

8.3. South Lanarkshire Local Development Plan 2(2021)

For the purposes of determining planning applications the Council will, therefore, assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

SLLDP2 Volume 1 Policies

Policy 2 - Climate Change

Policy 3 – General Urban Areas and Settlements

Policy 7 - Development Management and Placemaking

SLLDP2 Volume 2 Policies

Policy DM7 – Demolition and Redevelopment for Residential Use

South Lanarkshire Council (SLC) Supporting Planning Guidance

Development at a Dwellinghouse

9. Guidance

9.1. None applicable.

10. Assessment and Discussion

10.1. Principle of Development

The site is located within the general urban area where SLLDP2 Policy 3 applies. This policy looks to ensure that development proposals 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. The demolition of an existing house and the rebuilding of a new house is generally acceptable providing it does not have a detrimental impact on neighbours or the surrounding area.

10.2. Climate Change

Policies 1 and 2 of NPF4 and Policy 2 of SLLDP seek to promote developments that address the global climate emergency and nature crisis. All development should aim to minimise and mitigate the effects of climate change. Given the scale and nature of the proposed development, it is not considered that any action is required within the context of the development management process.

10.3. Layout, Siting and Design

Policy 16 of NPF4 seeks to provide quality homes and states that householders proposals will be supported where they do not have a detrimental impact on the character or environmental quality of a house or the surrounding area or a detrimental effect on neighbouring amenity in terms of physical impact, overlooking, overshadowing, size, design or materials. Similarly, policies 3 and 5 of the SLLDP2 also look to promote quality residential developments that take account of their locality. In particular, SLLDP2 Policy DM7 provides specific guidance for demolition of existing buildings which any redevelopment must comply with.

10.4. In relation to overlooking and loss of privacy, the proposed dwelling will be a sufficient distance from neighbouring properties. All upper floor windows face to the front or rear, there is only woodland to the rear and the nearest property opposite the site will have a window to window distance of approximately 22 metres. A degree of mutual overlooking is considered commonplace in residential areas but it is not considered that the new house will have any significant or detrimental impact on neighbours in terms of overlooking. In terms of loss of privacy from those working on site, if working at height, it might be possible to view into a garden or window but this will only be temporary and would not be unacceptable.

- 10.5. Due to the orientation of the houses and the large size of the plots, no unacceptable overshadowing of neighbouring properties would occur. The proposed house would be located approximately 3 metres from neighbouring properties and it is considered that any overshadowing would be minimal and only for a short part of the day, in a small area of their gardens. This is relatively normal in residential areas and, therefore, the proposal would not cause any unacceptable overshadowing.
- 10.6. In relation to the scale and appearance of the house, the applicant has reduced the overall size of the proposed footprint from the previous application that was refused. The original house on the site is already much taller than the neighbouring bungalow, however, the height of the proposal only increases the height from 7.2 metres to 8 metres, which is still below the two-storey house on the other side of the site. Additionally, there are other two-storey houses within the street and it is not considered that the redeveloped house would be out of keeping with the scale of other houses within the street or that the plot would be overdeveloped. The applicant also proposes to use a similar palette of materials to the existing house.
- 10.7. The proposed house will maintain a large driveway which will accommodate up to four cars. Sufficient rear garden ground will also be provided with a minimum depth of 10 metres.
- 10.8. Trees
One large mature evergreen was proposed to be removed as part of the proposal, however, it fell down in one of the recent storms.
- 10.9. Noise and Nuisance
Neighbours have expressed concerns regarding noise, dust and mess during demolition and construction. Whilst there would be a degree of disruption during this time, it would only be for a temporary period during appropriate hours of the day. Construction noise is outwith the scope of the planning process and is legislated by the Control of Pollution (Scotland) Act 1974. It is not anticipated that the completed development would give rise to any additional noise or disturbance.
- 10.10. Road safety
Sunningdale Wynd is a narrow road for the most part and as such the majority of objections have been in relation to access, potential blockage of the street and pedestrian safety. Whilst it is accepted that the development works may cause periods of disruption these are likely to be over very short durations and with only a small number of properties being directly affected. The existing driveway, together with the adjacent grassed area in the front garden, presents a relatively large area and with the appropriate site management, materials and plant, parking could largely be accommodated within the plot. The applicant has also advised that, where possible, they will try and arrange for smaller lorries to be used for deliveries.
- 10.11. In terms of pedestrian safety, it is not considered that the development would cause any increased hazard to pedestrians or cyclists. The road is narrow but relatively open and as such the visibility for drivers and pedestrians is good.
- 10.12. Conclusion
The proposal complies with Policies 1, 2, and 16 of the National Planning Framework 4 (adopted 2023) and Policies 2, 3, 5 and DM7 of the Local Development Plan 2 (adopted 2021) and would not result in a detrimental impact on either visual or residential amenity. There are no other material considerations which would justify the refusal of planning permission.

11. Recommendation and Conditions

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

Grant Full Planning Permission subject to the following conditions:-

01. The development to which this permission relates shall be begun no later than the expiration of three years beginning with the date of grant of this decision notice.

Reason: To comply with Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. That the type and distribution of external finishes shall be as shown on the approved plan, but prior to the commencement of any work on site, samples of the materials to be used shall be submitted to and approved in writing by the Council as Planning Authority.

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

12. Reason for Decision

- 12.1. The proposed development is of an appropriate scale and design within a residential area and would not have an unacceptable impact on the amenity of the surrounding residential area. Technical matters have also been met or could be addressed through condition. Consequently, the proposal is considered to comply with Policies 1, 2 and 16 of the National Planning Framework 4 and Policies 2, 3, 7 and DM7 of the adopted South Lanarkshire Local Development Plan 2.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 1 March 2024

Background Papers

Further information relating to the application can be found online:-

[P/23/1543 | Demolition and rebuild of two storey dwellinghouse | 9 Sunningdale Wynd Bothwell G71 8EQ \(southlanarkshire.gov.uk\)](#)

Corporate Considerations

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

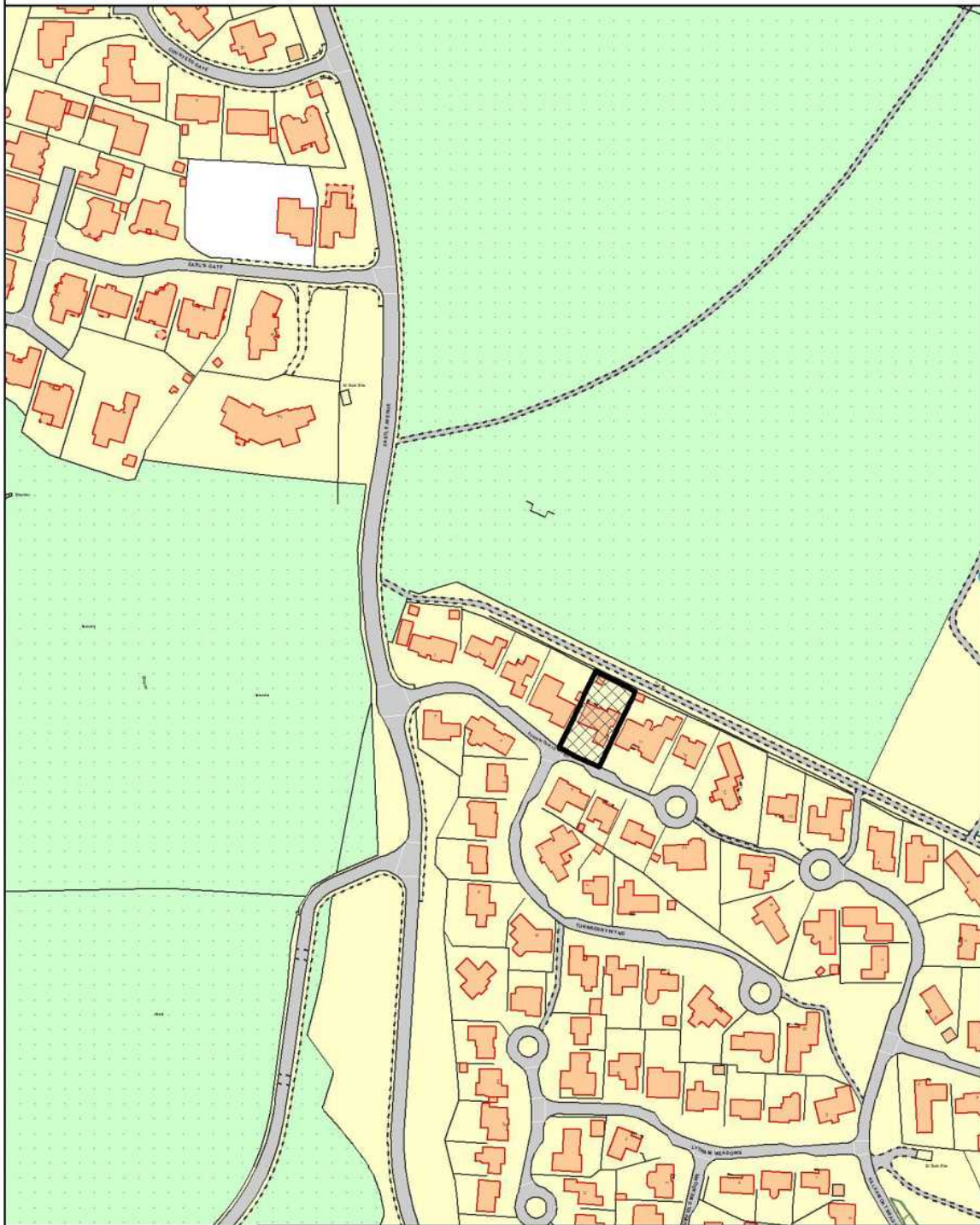
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/23/1543, 9 Sunningdale Wynd, Bothwell
Demolition and rebuild of two storey dwellinghouse



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South Lanarkshire Council
Community and Enterprise Resources
 Planning and Regulatory Services

Report

13

Report to:	Planning Committee
Date of Meeting:	12 March 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/23/1586
Proposal:	Change of use of former betting shop (sui generis) to hot food takeaway (sui generis) with associated flue
Site Address:	100 Union Street Larkhall ML9 1EF
Applicant:	Mr Junayd Ali
Agent:	Helix Architecture Studio Ltd
Ward:	20 Larkhall
Application Type:	Full Planning Permission
Advert Type:	Bad Neighbour: Hamilton Advertiser 25.01.2024
Development Plan Compliance:	Yes
Departures:	N/A
Recommendation:	Grant subject to conditions
Legal Agreement:	N/A
Direction to Scottish Ministers	N/A

1. Reason for Report

- 1.1. This application is required to be determined by the Planning Committee within the context of the approved Planning Application Decision Making Process (2015) as the proposal has attracted more than five objections.

2. Site Description

- 2.1. The application site is located within the town centre of Larkhall and situated on the ground floor of a two-storey, brick building at 100 Union Street, Larkhall. The premises were previously used as a betting shop and are currently vacant. There is an out of school club which operates on the upper floor between 7am to 9am and 1pm to 6pm.
- 2.2. Union Street is the main thoroughfare through Larkhall and the site is within a designated town centre where there is a wide variety of retail and associated uses. The proposal would bring the vacant building back into use and avoid it falling into disrepair. Adjacent to the site towards the north is Trinity Parish Church, whilst to the south, the neighbouring properties are predominantly commercial.

3. Description of Proposed Development

- 3.1. The proposal is a change of use of a former betting shop (sui-generis) to hot food takeaway (sui generis) with associated flue. The layout of the shop indicates it will be an oven fired pizzeria with an area of seating as well as the takeaway element. No external alterations are proposed other than the installation of new signage.

4. Relevant Planning History

- 4.1. HM/07/0620 - Change of use from class 1 (shop) to class 2 (Financial, professional and other services) - Approved.
- 4.2. P/23/0426 - Change of use of Class 1A premises (former Bookmakers) to a cafe/bistro (Class 3) - Pre validation application returned.
- 4.3. P/23/1585 - Erection and display of internally illuminated lettering and logo (advertisement consent) - Pending Consideration.

5. Supporting Information

- 5.1. None.

6. Consultations

- 6.1. Roads and Transportation Services (Development Management) – no objection to the proposal.
Response: Noted
- 6.2. Environmental Services – no objection to the proposal subject to a condition regarding ventilation.
Response: Noted.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement, 6 representations have been received (6 objections, 0 supporting, 0 comments). The issues raised are summarised as follows:-

- ◆ Too many takeaways within Larkhall.
- ◆ Does not promote healthy living.
- ◆ Parking.

The above issues are considered in the assessment below and full copies are available to view on the planning portal.

8. Development Plan

8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 27- City, town, local and commercial centres

8.3. South Lanarkshire Local Development Plan 2(2021)

For the purposes of determining planning applications the Council will, therefore, assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

SLLDP2 Volume 1 Policies

- ◆ Policy 2 - Climate Change
- ◆ Policy 3 - General Urban Areas and Settlements
- ◆ Policy 5 - Development Management and Placemaking

SLLDP2 Volume 2 Policies

- ◆ Policy DM9 Hot Food Shops

South Lanarkshire Council (SLC) Supporting Planning Guidance

None

9. Guidance

9.1. None applicable.

10. Assessment and Discussion

10.1. Principle of Development

The site is located within the Town Centre of Larkhall and as such the policies relating to the urban area should be considered in the first instance in order to establish the principle of development.

10.2. Policy 27 of NPF4 supports development proposals that enhance and improve the vitality and viability of city, town and local centres. Development proposals will be consistent with the town centre first approach. In this instance the proposal is to change the use of a vacant property to a hot food takeaway. There are no structural changes to the building, although there will be cosmetic changes to the external face of the shop including signage. The proposal would not have an adverse impact on the nearby properties and therefore the proposal accords with Policy 27 of the NPF4.

- 10.3. The site is also covered by Policy 3 of the adopted Local Development Plan. This policy establishes that developments, and those of an ancillary nature, may be considered acceptable provided that they do not have a significant adverse impact on the amenity and character of the area. The site relates to a vacant property, close to retail and non-retail commercial properties within a town centre which features the main transport route through Larkhall. In addition, Environmental Services and Roads and Transportation Services were consulted in relation to the proposed development and have not raised any concerns. Therefore, it is considered that the proposed change of use raises no issues within the context of Policy 3 of the adopted Local Development Plan 2.
- 10.4. Policy 5 of the adopted Local Development Plan identifies that all development proposals will require to take account of and be integrated with the local context and built form. In this instance, the proposal involves only limited external alterations to the property. The change of use from a betting shop to a hot food takeaway would not have any significant adverse impact upon the visual amenity or character of the area. The proposed flue would not be visually prominent and similar examples are located on other buildings in the area. It is considered that the change of use is acceptable and will not result in a significant material impact on the streetscape or any nearby properties. There is sufficient on street parking and the site is within the established town centre. Therefore, the proposal raises no issues within the context of Policy 5 of the adopted Local Development Plan 2.
- 10.5. Policy DM9 – Hot Food Shops requires proposals to be assessed against the following criteria, where they are located in retail or commercial areas:-
- ◆ An adequate level of shopping provision is maintained and the viability of the retail/commercial centre and its retail function is not adversely affected.
 - ◆ A satisfactory balance is retained between retailing and non-retailing uses.
 - ◆ The proposal does not have a significant impact in terms of environmental, traffic, public safety and amenity considerations (for example noise, disturbance or smell), particularly in relation to residential properties above, adjacent or near to the site.

The site is a designated town centre with a wide variety of retail and associated uses, and the change of use of this unit from a betting shop to a takeaway will not harm the viability or function of the town centre. Indeed, the proposal would bring the vacant building back into use and avoid it falling into disrepair. Sufficient shopping provision is available in the town centre and the balance of retailing to non-retailing uses will not be impacted by this proposed change of use. The applicant intends to install a suitable ventilation system which will be secured by condition and the proposal will not adversely impact or change the amenity of the area. Such uses are to be expected in town centres and amenity can be protected by provision of a suitable waste management system and through the proposed ventilation system. As such, it is considered that the proposal complies with Policy DM9.

- 10.6. Six letters of objection have been received in connection with this application and the matters raised have been summarised in section 2 of this report. The objections focus on the number of takeaways within Larkhall, stating the addition of more takeaways are reducing the option for healthier lifestyle. It is noted from the plans that the proposal is for a wood fired pizzeria. Restaurants and takeaways are constantly evolving their menus to produce a wide variety of dishes to cater for everyone and most have a variety of options available.

10.7. Climate Change

Policies 1 and 2 of NPF4 and Policy 2 of the SLLDP2 relate to the climate crises and identify that all development should seek to minimise and mitigate the effects of climate change. The Council as Planning Authority recognises its role in combating the climate crises, however, due to the scale of the proposed development, it's not considered that any significant action can be taken through the development management process in this instance.

10.8. Conclusion

In conclusion, it is noted that the proposed change of use to a hot food takeaway is an acceptable use within the town centre area. There is sufficient on street parking and the proposal does not adversely impact shopping provision available in the town centre. The proposal is compliant with the provisions of the relevant policies of the adopted National Planning Framework 4 and the South Lanarkshire Local Development Plan 2. It is therefore considered appropriate for planning permission to be granted for the proposed development subject to the attached conditions.

11. **Recommendation and Conditions**

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

Grant full planning permission subject to the following conditions:-

01. The development to which this permission relates shall be begun no later than the expiration of three years beginning with the date of grant of this decision notice.

Reason: To comply with Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. That the hot food take-away shall not be brought into use until the proposed method of ventilation is submitted to and approved in writing by the Council as Planning Authority. The hot food take-away shall not be brought into use until the ventilation system is operational in accordance with the approved details. All odours, fumes and vapours generated on the premises shall be controlled by best practicable means to prevent them causing nuisance to occupants of nearby dwellings or premises.

The ventilation system shall:-

- a) Incorporate systems to reduce the emission of odours and pollutants and shall thereafter be maintained as necessary;
- b) Be constructed, designed, installed and operated employing the principles of best practical means, to minimise noise and vibration transmission via plant and the building structure;
- c) Noise associated with the business shall not give rise to a noise level, assessed with the windows closed, within any dwelling or noise sensitive building, in excess of the equivalent to Noise Rating Curve 35, between 07:00 and 20:00 hours, and Noise Rating Curve 25 at all other times.

Reason: To minimise the risk of nuisance from smells, fumes, vapours and noise to nearby occupants.

03. That before the development hereby approved is brought into use, details of the storage and collection of waste arising from the development shall be submitted to and approved by the Council as Planning Authority. The storage and waste collection scheme shall be implemented before the development is brought into use and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: To minimise nuisance, littering and pest problems to nearby occupants.

12. Reason for Decision

- 12.1. The proposed development would redevelop a vacant unit within Larkhall town centre and bring it back into use which would contribute to the vitality and viability of the surrounding area. Technical matters have also been met or could be addressed through condition. Consequently, the proposal is considered to comply with Policies 1, 2 and 27 of the National Planning Framework 4 and Policies 2, 3, 5 and DM9 of the adopted South Lanarkshire Local Development Plan 2.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 1 March 2024

Background Papers

Further information relating to the application can be found online:

[P/23/1586 | Change of use of former betting shop \(sui-generis\) to hot food take-away \(sui generis\) with associated flue | 100 Union Street Larkhall ML9 1EF \(southlanarkshire.gov.uk\)](#)

Corporate Considerations

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

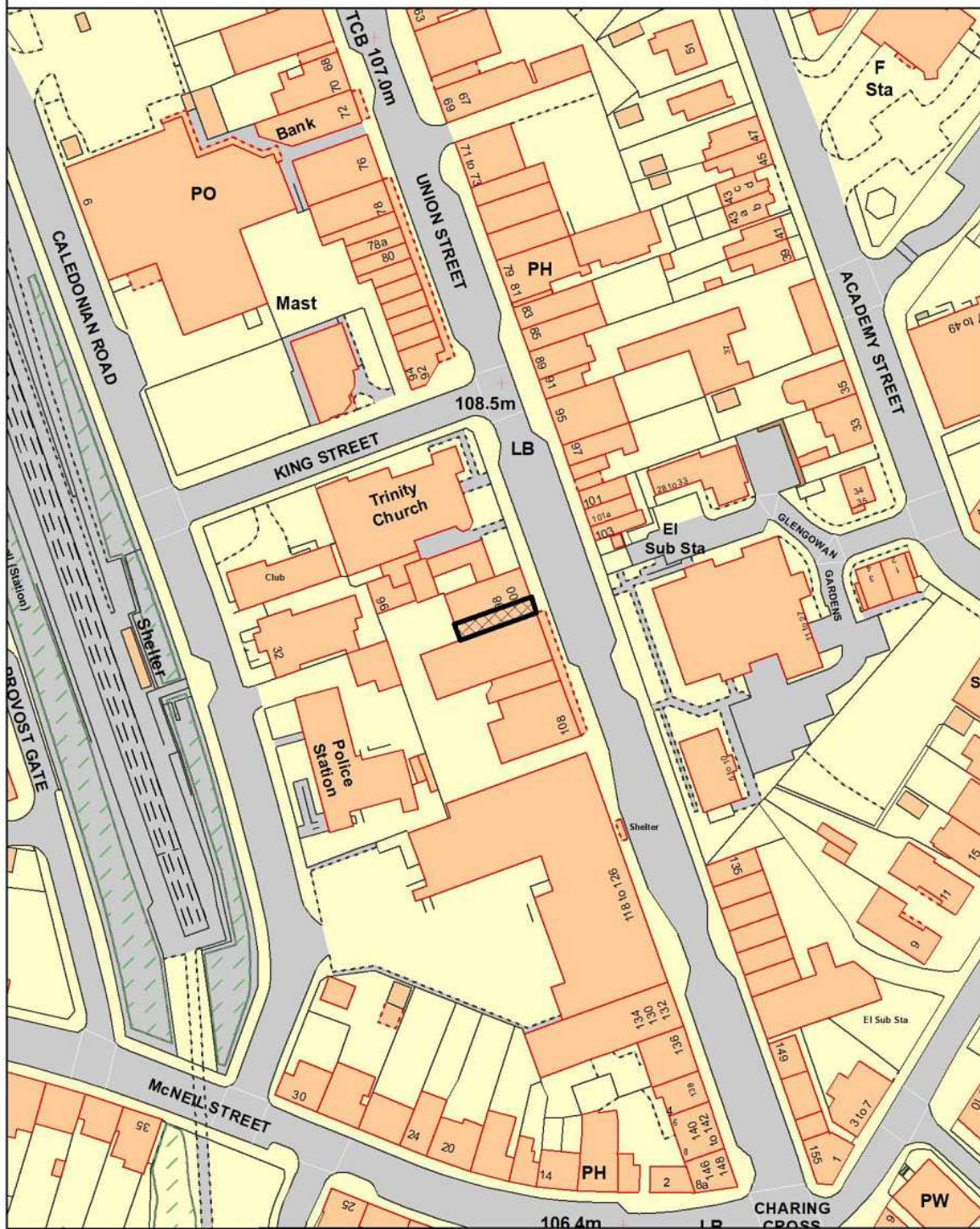
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/23/1586, 100 Union Street, Larkhall



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1:1,250
Date:
19/02/2024



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

