



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 31 July 2023

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, 08 August 2023

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

Cleland Sneddon
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, Mary Donnelly, Gladys Ferguson-Miller, Elise Frame, Alistair Fulton, Celine Handibode, Mark Horsham, Ross Lambie, 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, Graeme Horne, Martin Hose, Julia Marrs, Ian McAllan, Kenny McCreary, Bert Thomson

BUSINESS

1 Declaration of Interests

- 2 **Minutes of Previous Meeting** 5 - 10
Minutes of the meeting of the Planning Committee held on 6 June 2023 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

- 3 **South Lanarkshire Local Development Plan 3, South Lanarkshire Development Plan Scheme 2023 and Open Space Strategy** 11 - 36
Report dated 31 July 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 4 **Application P/21/2155 for Change of Use of Agricultural Farmland to Form an Agricultural Vehicle, Plant and Machinery Sale Yard Including the Erection of 2 Agricultural Sheds and Associated Works (Retrospective) at Stoneside of Dripps Farm, Cartside Highway, Thorntonhall** 37 - 46
Report dated 31 July 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 5 **Application P/22/0078 for Erection of House with Associated Works at Land Adjacent to Holmpark, Stoney Meadow Road, East Kilbride** 47 - 56
Report dated 31 July 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 6 **Application P/22/0122 for Erection of Detached Double Garage at Plot 4, Stanmore Park, St Leonard Street, Lanark** 57 - 64
Report dated 31 July 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 7 **Application P/22/0390 for Change of Use of Land From Agriculture to Class 6 (Storage or Distribution), Installation of Modular Office Building, Erection of Vehicle Washing Bay and Creation of Hardstanding Area (Retrospective) and Formation of Haul Road at Townhead Farm, Ponfeigh Road, Sandilands, Lanark** 65 - 78
Report dated 31 July 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 8 **Application P/22/0878 for Erection of 14 Wind Turbines (12 with 149.9 Metres Maximum Height to Tip and 2 with 180 Metres Maximum Height to Tip) with a Maximum Output of up to 50 Mega Watts and Associated Infrastructure Including Substation, Control Building etc (Section 42 Application to Amend Condition 3 of Planning Consent P/18/1540 to Permit Operational Lifetime for a 30 Year Period) at Cumberhead Windfarm, Stockbriggs from New Trows C13 to Cumberhead, Lesmahagow** 79 - 96
Report dated 31 July 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 9 **Application P/22/1359 for Change of Use of Domestic Office and Gym to a One-Bedroom Self-Catering Holiday Let (Retrospective) at 3 Mauldslie Castle Orchard, Mauldslie Road, Carluke** 97 - 104
Report dated 31 July 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)

- 10 Application P/23/0069 for Installation of Battery Storage Facility (Section 36 Scottish Government Consultation) at Land at Broken Cross Open Cast Coal Site, Tower Road, Douglas, Lanark** 105 - 118
Report dated 31 July 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 11 Application P/23/0357 for Planning Permission in Principle for the Erection of 25 Chalets, a Commercial Facility, Tourist/Leisure Use, Eco Village and Associated Landscaping (Section 42 Application to Remove Condition 2 - Number of Units of Planning Consent CL/17/0199) at Land 160 Metres Northeast of Nether Kypeside Farm, Lesmahagow** 119 - 128
Report dated 31 July 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 12 Application P/23/0587 for Overcladding of Roof and Walls, Erection of Single Storey Extension, Nursery Playground Extension and Associated Fencing, Creation of New Car Park, Widening of Existing Road, Formation of New Pedestrian Footpath, Stair and Ramp, Substation and Associated Infrastructure at Our Lady of Lourdes Primary School, Carnegie Hill, East Kilbride** 129 - 138
Report dated 31 July 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 13 Application P/23/0596 for Erection of Detached House on Agricultural Land (Planning Permission in Principle) at Stockwell Farm, Braidwood Road, Braidwood, Carluke** 139 - 148
Report dated 31 July 2023 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 6 June 2023

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 Mary Donnelly, Councillor Gladys Ferguson-Miller, Councillor Elise Frame, Councillor Alistair Fulton, Councillor Celine Handibode, Councillor Mark Horsham, Councillor Ross Lambie, Councillor Lesley McDonald, Councillor Davie McLachlan, Councillor Julia Marrs (*substitute*), 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 Monique McAdams

Attending:

Community and Enterprise Resources

B Darroch, Planning and Building Standards Manager (East); F Carlin, Head of Planning and Regulatory Services; S Laird, Engineering Manager (Transportation Engineering); F Jack, Team Leader, Development Management Team, Roads and Transportation Services; J Weir, Planning Team Leader (West Team)

Finance and Corporate Resources

M Cannon, Solicitor; 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 9 May 2023 were submitted for approval as a correct record.

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

3 Application P/21/0929 for Development of 33 Park Homes with Associated Access Roads, Landscaping and Ancillary Office and Community Facilities at Former Tileworks, Waterlands Road, Law

A report dated 25 May 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/0929 by I Townsley for the development of 33 park homes with associated access roads, landscaping and ancillary office and community facilities at the former tileworks, Waterlands Road, Law.

There followed a discussion on the application during which an officer responded to a member's question on an aspect of the report.

The Committee decided: that planning application P/21/0929 by I Townsley for the development of 33 park homes with associated access roads, landscaping and ancillary office and community facilities at the former tileworks, Waterlands Road, Law be refused for the reasons detailed in the Executive Director's report.

4 Application P/22/0737 for Demolition of Agricultural Buildings and Erection of 6 Houses, Access, Car Parking, Landscaping and Associated Infrastructure at Millhouse Farm, Shields Road, East Kilbride

A report dated 18 May 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0737 by the Rasul Family Trust for the demolition of agricultural buildings and the erection of 6 houses, access, car parking, landscaping and associated infrastructure at Millhouse Farm, Shields Road, East Kilbride.

There followed a discussion on the application during which an officer responded to members' questions on aspects of the report.

The Committee decided: that planning application P/22/0737 by the Rasul Family Trust for the demolition of agricultural buildings and the erection of 6 houses, access, car parking, landscaping and associated infrastructure at Millhouse Farm, Shields Road, East Kilbride be refused for the reasons detailed in the Executive Director's report.

Councillor Frame left the meeting during this item of business due to technical difficulties

5 Application P/22/0967 for Formation of 2 House Plots with Associated Access and Subdivision of Garden Ground to Form an Additional Plot at Glenavon Farm, Millheugh Road, Stonehouse

A report dated 25 May 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0967 by K Bonthorn for the formation of 2 house plots with associated access and subdivision of garden ground to form an additional plot at Glenavon Farm, Millheugh Road, Stonehouse.

The Committee decided: that planning application P/22/0967 by K Bonthorn for the formation of 2 house plots with associated access and subdivision of garden ground to form an additional plot at Glenavon Farm, Millheugh Road, Stonehouse be refused for the reasons detailed in the Executive Director's report.

6 Application P/22/1053 for Erection of a 1½ Storey Detached House, Formation of Vehicular Access and Parking at Land Adjacent to Stoney Meadow Cottage, Stoney Meadow Road, East Kilbride

A report dated 26 May 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/1053 by D Bell for the erection of a 1½ storey detached house, formation of vehicular access and parking at land adjacent to Stoney Meadow Cottage, Stoney Meadow Road, East Kilbride.

Points raised in further representations to elected members were referred to at the meeting and addressed by an officer.

There followed a discussion on the application during which an officer responded to a members' questions on aspects of the report.

The Committee decided: that planning application P/22/1053 by D Bell for the erection of a 1½ storey detached house, formation of vehicular access and parking at land adjacent to Stonymeadow Cottage, Stonymeadow Road, East Kilbride be refused for the reasons detailed in the Executive Director's report.

Councillor Frame rejoined the meeting during this item of business

7 Application P/22/1178 for Erection of House with Associated Access and Parking at Plot 3, Land 50 Metres South Southwest of 1 Milton Cottage, Milton Road, Carluke

A report dated 25 May 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/1178 by Mr and Mrs D Cornwell for the erection of a house with associated access and parking at plot 3, land 50 metres south southwest of 1 Milton Cottage, Milton Road, Carluke.

Points raised in further representations to elected members were referred to at the meeting and addressed by an officer.

Following discussion, during which an officer responded to a member's question on an aspect of the report, Councillor Nelson, seconded by Councillor Convery, moved that the application be refused for the reasons detailed in the Executive Director's report. Councillor Shearer, seconded by Councillor Frame, moved that the application be granted subject to appropriate conditions, to be prepared by officers, on the grounds that the application site was deemed to be a brownfield site and should be developed. On a vote being taken using the electronic voting system, 9 members voted for the amendment and 15 for the motion which was declared carried.

The Committee decided: that planning application P/22/1178 by Mr and Mrs D Cornwell for the erection of a house with associated access and parking at plot 3, land 50 metres south southwest of 1 Milton Cottage, Milton Road, Carluke be refused for the reasons detailed in the Executive Director's report.

8 Application P/22/1247 for Change of Use from Agricultural to Horticultural and Landscape Gardening Yard and Orchard for Soils, Gravel and a Maximum of 2 Screened Off Shipping Containers at Land 50 Metres Northeast of Dalton School Lodge, Flemington Road, Cambuslang

A report dated 26 May 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/1247 by GGM Limited for a change of use from agricultural to horticultural and landscape gardening yard and an orchard for soils, gravel and a maximum of 2 screened off shipping containers at land 50 metres northeast of Dalton School Lodge, Flemington Road, Cambuslang.

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

The Committee decided:

that planning application P/22/1247 by GGM Limited for a change of use from agricultural to horticultural and landscape gardening yard and an orchard for soils, gravel and a maximum of 2 screened off shipping containers at land 50 metres northeast of Dalton School Lodge, Flemington Road, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

9 Application P/22/1463 for Erection of 50 Detached Houses, Associated Parking and Infrastructure (Approval of Matters Specified in Condition 1(a to r) of Planning Consent EK/09/0218) at Land 450 Metres East Southeast of Easter House, Newhouse Road, East Kilbride

A report dated 26 May 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/1463 by Lynch Homes Limited for the erection of 50 detached houses, associated parking and infrastructure (approval of matters specified in condition 1(a to r) of planning consent EK/09/0218) at land 450 metres east southeast of Easter House, Newhouse Road, East Kilbride.

There followed a discussion on the application during which an officer responded to members' questions on aspects of the report.

The Committee decided:

that planning application P/22/1463 by Lynch Homes Limited for the erection of 50 detached houses, associated parking and infrastructure (approval of matters specified in condition 1(a to r) of planning consent EK/09/0218) at land 450 metres east southeast of Easter House, Newhouse Road, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 26 June 2018 (Paragraph 4)]

10 Application P/22/1507 for Erection of 5 Houses with Associated Works Including Treatment Plant with Soakaway Area and New Vehicular Access for Existing House at Site of Former Fence Nursery, Fence Terrace, Tillietudlem, Lanark

A report dated 25 May 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/1507 by MAC Consultant Services Limited for the erection of 5 houses with associated works including treatment plant with soakaway area and new vehicular access for the existing house at the site of the former Fence Nursery, Fence Terrace, Tillietudlem, Lanark.

There followed a discussion on the application during which an officer responded to members' questions on aspects of the report.

The Committee decided:

that planning application P/22/1507 by MAC Consultant Services Limited for the erection of 5 houses with associated works including treatment plant with soakaway area and new vehicular access for the existing house at the site of the former Fence Nursery, Fence Terrace, Tillietudlem, Lanark be refused for the reasons detailed in the Executive Director's report.

[Reference: Minutes of Clydesdale Area Committee of 28 April 2009 (Paragraph 4)]

11 Application P/22/1768 for Erection of Rear Extension with Garage on Ground Floor with Self-Contained Extended Family Accommodation Unit Above at Logie Green, 2 Glenview, Larkhall

A report dated 25 May 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/1768 by S Carroll for the erection of a rear extension with garage on the ground floor and a self-contained extended family accommodation unit above at Logie Green, 2 Glenview, Larkhall.

The Committee decided: that planning application P/22/1768 by S Carroll for the erection of a rear extension with garage on the ground floor and a self-contained extended family accommodation unit above at Logie Green, 2 Glenview, Larkhall be granted subject to the conditions specified in the Executive Director's report.

12 Application P/23/0241 for Planning Permission in Principle for Residential Development (Section 42 Application to Amend Planning Condition 3 Relating to Planting Details of Planning Consent P/19/1546) at Dalquhandy Opencast Coal Site, Middlemuir Road, Coalburn, Lanark

A report dated 26 May 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/0241 by 777 MOT Limited for planning permission in principle for a residential development (Section 42 application to amend planning condition 3 relating to planting details of planning consent P/19/1546) at Dalquhandy Opencast Coal Site, Middlemuir Road, Coalburn, Lanark.

The Committee decided: that planning application P/23/0241 by 777 MOT Limited for planning permission in principle for a residential development (Section 42 application to amend planning condition 3 relating to planting details of planning consent P/19/1546) at Dalquhandy Opencast Coal Site, Middlemuir Road, Coalburn, Lanark be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 10 March 2020 (Paragraph 6)]

13 Application P/23/0257 for Siting of Mobile Snack Van Outside 5A Law Place, Nerston Industrial Estate, East Kilbride

A report dated 26 May 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/0257 by Belly Busters for the siting of a mobile snack van outside 5A Law Place, Nerston Industrial Estate, East Kilbride.

There followed a discussion on the application during which an officer responded to a member's question on an aspect of the report.

The Committee decided: that planning application P/23/0257 by Belly Busters for the siting of a mobile snack van outside 5A Law Place, Nerston Industrial Estate, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

14 Urgent Business

There were no items of urgent business.

Report

3

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

| | |
|---------|--|
| Subject | South Lanarkshire Local Development Plan 3 South Lanarkshire Development Plan Scheme 2023 Open Space Strategy |
|---------|--|

1. Purpose of Report

1.1 The purpose of the report is to:-

- ◆ Seek Committee approval to begin preparation of a third Local Development Plan (SLLDP3) for the Council's area
- ◆ Update Committee on the work that has been carried out to date on an Open Space Strategy for the Council's area
- ◆ Seek approval for the South Lanarkshire Development Plan Scheme 2023 attached as appendix 1 of the report

2. Recommendation(s)

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

- (1) That the Committee approve that Officers commence the relevant statutory processes and engagement in relation to the preparation of a third Local Development Plan (SLLDP3) for South Lanarkshire and that regular updates on progress are provided to the Committee as appropriate;
- (2) Note that work has started on the preparation of an Open Space Strategy for the Council's area in the context of the process for preparing a Local Development Plan; and
- (3) That the Committee approve the South Lanarkshire Development Plan Scheme 2023, attached as appendix 1 of the report.

3. Background

3.1. The planning system in Scotland is plan-led which means decisions on planning applications are to be made in accordance with the development plan for the area unless material considerations indicate otherwise. The Planning (Scotland) Act 2019 introduced a number of changes to the development planning system including giving the Scottish Government's National Planning Framework an enhanced status as part of the development plan alongside the Council's Local Development Plan. The 2019 Act also removed the need to prepare Strategic Development Plans; and a revised framework for Local Development Plan preparation as well as introducing a new statutory duty for Councils to prepare an Open Space Strategy.

3.2 A report was presented to the Planning Committee on 21 March 2023 advising that the Scottish Government had adopted and published National Planning Framework 4 (NPF4) on 13 February 2023. In the context of preparing Local Development Plans, NPF4 sets out six overarching principles in relation to where development should be

located namely just transition; conserving and recycling assets; local living; compact urban growth; rebalanced development; and rural revitalisation. Part 2 of NPF4 is the National Planning Policy comprising 33 policies on distinct land use matters for the development and use of land which are to be applied in the preparation of LDPs.

- 3.3 The Council's current Local Development Plan 2 was adopted in April 2021. The process for preparing LDP3 is set out in the 2019 Act with further detail provided in the subsequent Regulations and guidance published in May 2023. The way in which LDP3 will now be prepared and its format is described below. One key matter to note is that the new style LDP will have a 10 year lifetime instead of 5 years previously.

4. Local Development Plan 3

- 4.1 The Council has a statutory duty to prepare a Local Development Plan for all parts of its area. LDP3 will show the spatial implications of national planning policy for different places. It will have fewer thematic policies and written text than previously and is to avoid replicating policy in NPF4, although it can include local policies to reflect local issues. It will be place-based presented as a series of maps, site briefs and masterplans for individual sites and localities. The plans should also be people-centred so that they meet the needs and aspirations of people and communities and as a result seek to tackle inequalities. Extensive engagement is to be carried out with stakeholders, key agencies and partners and local communities so that the plan is prepared collaboratively taking into account a diverse range of views.
- 4.2 The new style plan should be seen as a corporate document and a vehicle for the delivery of outcomes by drawing together all of the Council's strategies, plans and the objectives of the Council Plan as well of those of its partners and other stakeholders. The Act requires the LDP to take account of the Council's Community Plan. The plan is to take an infrastructure first approach so that an understanding of existing capacity and the requirement for new or improved infrastructure is an integral part of the plan process; this is to inform the site selection process. The LDP will include a Delivery Programme which will set out how the Council will implement the plan, including a list of actions required to deliver the policies and proposals and the timescales involved.
- 4.3 The Act sets out the key agencies that are to be engaged in the preparation of the plan including NatureScot, SEPA, Scottish Water, Scottish Enterprise, NHS Lanarkshire and the Regional Transport Partnership. It also requires engagement with a range of groups including children and young people, disabled persons, Gypsies and Travellers and community councils.
- 4.4 The LDP process now comprises the following key stages:-

Development Plan Scheme

The Council has a statutory duty to prepare an annual Development Plan Scheme (DPS) which is to set out the proposed timetabling for each stage of the plan preparation. It also includes a Participation Statement which describes how and when interested parties can get involved and methods to reach under-represented groups.

A new requirement is consultation on the Participation Statement and this was carried out on a draft version during June and July. Over 50 responses to an online survey and other publicity were received and they highlighted a range of views on the preferred way to engage and consult different groups of people, and across the diverse localities in South Lanarkshire, as well as suggestions on who we should contact. The format of the DPS has also been reviewed to take account of the responses.

The updated version is attached as appendix 1. The Participation Statement describes at a high level the way in which engagement will be carried out and it is intended to prepare separate detailed programmes for individual groups so that their requirements can be met. Members are asked to approve the South Lanarkshire Development Plan Scheme 2023.

Evidence Report

The Act has introduced a new requirement to prepare an evidence report at the start of the plan-making process. The evidence will be used to inform what to plan for before the Proposed Plan looks at where new development should take place. The evidence to be gathered includes a wide range of quantitative data from a national to a local level. It also involves local, regional and national strategies and policy priorities that will have an impact on the direction of the LDP. Internal and external partners will provide valuable input. An assessment of the capacity of existing infrastructure and services will be carried out to support the Infrastructure First approach.

The evidence report is also to be informed by the views of those affected by the plan and involved in its delivery and therefore extensive early engagement will be carried out with key agencies, stakeholders, interest groups and local communities to ensure evidence gathering is collaborative and transparent. In this way the lived experience of those who live and work in a place will be captured. It is expected that validation and agreement of the evidence by stakeholders will be carried out.

The Council is required to invite community bodies to prepare a Local Place Plan for their area at the start of the evidence report process. While not mandatory it allows local communities to set out their aspirations to make their place better in order to feed into the development plan process.

Once finalised the Evidence Report must be approved at a meeting of South Lanarkshire Council.

Gate Check

Once approved the Evidence Report must be submitted to Scottish Ministers to carry out a Gate Check. This involves an assessment by a Reporter from the Planning and Environmental Appeals Division (DPEA) of whether sufficient information has been gathered to prepare the LDP and appropriate engagement has been carried out. On being notified that there is sufficient information the Council can move to prepare the Proposed Plan. However, the Reporter may also recommend how to improve the Evidence Report for resubmission and further assessment.

Proposed Plan

The Proposed Plan will identify where new development should, and should not, take place. It will reflect the ambitions and priorities for the future development of the Council area and support the co-ordination of development and service provision. It will be place-based with a focus on places and locations and with an emphasis on maps, development briefs and masterplans. As well as the Community Plan, the Proposed Plan should take into account national and regional strategies as well as corporate documents such as the Sustainable Development and Climate Change Strategy, Local Transport Strategy, Local Housing Strategy and Open Space Strategy. It will involve a collaborative approach by working with stakeholders and local communities.

It will include a Local Housing Land Requirement to meet the housing needs of the area (including those in further/higher education, disabled and older people and Gypsy Travellers). A Call for Ideas will be made in the early stages to allow landowners, developers and other parties the chance to put forward proposals in relation to sites but also ideas for any aspect of the plan.

The Proposed Plan must also be approved by South Lanarkshire Council after which there will be a minimum 12 week statutory consultation period. In a new stage the plan may be modified after the consultation has ended to take account of representations or consultation responses.

Examination

Following Council approval of the Proposed Plan it is to be submitted to Scottish Ministers to appoint a Reporter to carry out an examination of any unresolved representations. Once this is complete the Reporter will prepare a report setting out recommendations for making modifications to the plan. The Council must carry out the modifications except in very limited circumstances.

Adoption

Once the plan has been modified the Council can then take steps to adopt it including publication in a local newspaper. A legal challenge can be made to the Court of Session within 6 weeks of the date of adoption.

5. Open Space Strategy

5.1 The Council has a new duty to prepare an Open Space Strategy (OSS) which is to set out the strategic framework of the Council's policies and proposals for the development, maintenance and use of green infrastructure. It is intended to be a corporate document which brings together the policies of services including Planning, Estates, Grounds, Countryside and Greenspace and Roads and Transportation. It sits separate from the legislation on LDPs, however, the recent guidance on preparing LDPs makes reference to the OSS having to be submitted as part of the Evidence Report. Six outcomes are to be achieved including:-

- improving access to green infrastructure, open space and green networks,
- creating successful and sustainable places,
- improving health and wellbeing,
- advancing equality and eliminating discrimination,
- securing positive effects for biodiversity, and
- mitigation of and adaptation to climate change.

5.2 An audit of open space within the Council's area was completed earlier this year. Officers are now starting work on identifying localities at an appropriate scale within which statements describing the existing quality, quantity and accessibility of open space in each will be prepared. This in turn will inform the assessment of current and future requirements in terms of meeting the six outcomes and the needs of each locality. Engagement with local communities, children and young people, and older and disabled people and key agencies will be carried out. This works aligns with the requirement to prepare a separate Play Sufficiency Assessment as part of the Local Development Plan process.

6. Next Steps

6.1 The DPS at appendix 1 sets out the proposed timetable for the preparation of LDP3. The first stage involves the gathering of data and other information to inform the Evidence Report over the next 12 months. This will involve establishing a series of internal officer groups to help understand any plans and proposals that individual

services have that includes a spatial element as well as advice on, and participation in, appropriate engagement activity. Close working relationships have already been established with a range of services including the Community Engagement Team, Housing Services, Education Resources, Social Work and the Health and Social Care Partnership. This will be particularly important when it comes to addressing themes such as community wealth building, health and wellbeing, heat and cooling and local living which are relatively new issues for the planning system. In addition, topics such as climate change adaptation and mitigation, the nature crisis and the re-imaging of town centres will also be important matters to address.

- 6.2 Extensive engagement will also be carried out at this stage which will involve a wide range of activity to meet the needs of interest groups, stakeholders and communities. The Planning Service has started engagement with the Community Planning Partnership while discussion has taken place with VasLan in terms of their key role in facilitating engagement with voluntary organisations. In addition, regular discussions take place with officers at NHS Lanarkshire and Public Health Scotland. Cross boundary working with colleagues in North Lanarkshire Council is also being explored where pan Lanarkshire issues arise such as open space/green network and health. Officers also attend a number of groups at a Glasgow City Region level to ensure strategic matters are considered.

7. Employee Implications

- 7.1. The preparation of the next Local Development Plan is likely to be more resource intensive than earlier versions based on the new procedures and guidance and additional topics that are required to be covered. In addition, the corporate focus of the new plan will require collaboration with other Council services.

8. Financial Implications

- 8.1. The costs of the preparation and production of the next Local Development Plan and Open Space Strategy will be expected to be met from existing budgets. This includes the cost of the newly introduced Gate Check of the Council's Evidence Report as well as the Examination of the Proposed Plan.

9. Climate Change, Sustainability and Environmental Implications

- 9.1. The themes of tackling the climate and nature crises, climate mitigation and adaptation and support for sustainable developments through the application of principles of local living and 20-minute neighbourhoods will be to the spatial strategy of LDP3. The Open Space Strategy will also contribute to addressing these outcomes. LDP3 and the Open Space Strategy will be subject to full Strategic Environmental Assessment and Habitat Regulations Assessment.

10. Other Implications

- 10.1. The preparation of the Local Development Plan and Open Space Strategy are statutory requirements for the Council. Failure to have up to date versions carries a reputational risk and the possibility of not attracting investment into the Council area.

11. Equality Impact Assessment and Consultation Arrangements

- 11.1. LDP3 will be subject to Equalities Impact Assessment, Child Rights and Wellbeing and a Fairer Scotland Duty Assessment.
- 11.2. Extensive engagement and consultation by the Council will be carried out as set out in the Development Plan Scheme at appendix 1.

David Booth
Executive Director (Community and Enterprise Resources)

31 July 2023

Link(s) to Council Values/Priorities/Outcomes

- ◆ Good quality, suitable and sustainable places to live

Previous References

- ◆ Report to Planning Committee 21 March 2023 – National Planning Framework 4 transitional arrangements

List of Background Papers

- ◆ Planning (Scotland) Act 2019
- ◆ National Planning Framework 4 adopted by Scottish Ministers on 13 February 2023
- ◆ Town and Country Planning (Development Planning) (Scotland) Regulations 2023
- ◆ Scottish Government Local Development planning guidance published May 2023

Contact for Further Information

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

Tony Finn, Planning and Building Standards Manager (Headquarters)

Ext: 5105 (Tel: 01698 455105)

E-mail: tony.finn@southlanarkshire.gov.uk

South Lanarkshire Council

Development Plan Scheme and Participation Statement 2023

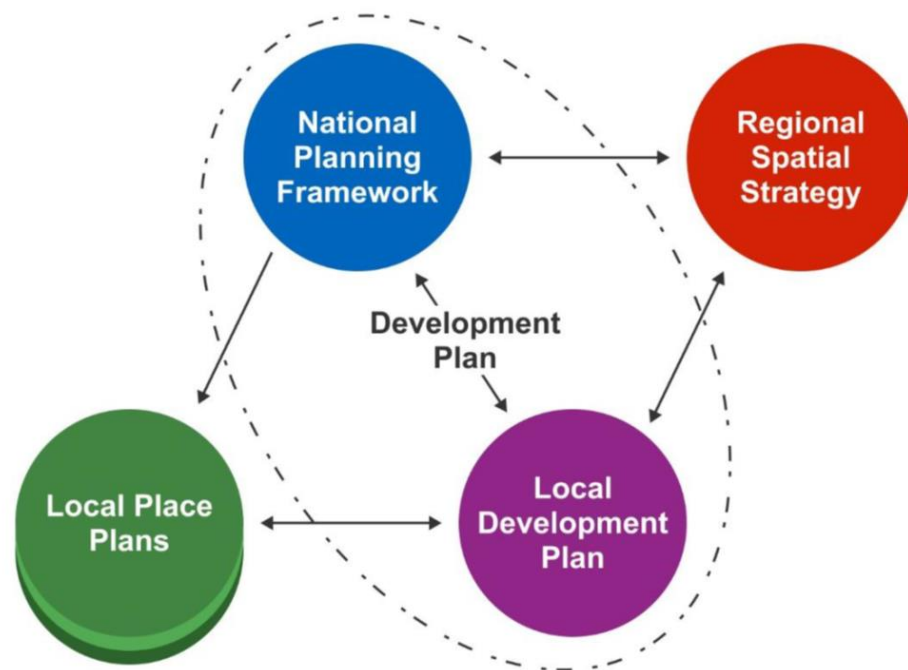
What is the Development Plan Scheme?

A Development Plan Scheme is prepared and updated by the Council every year. This current version sets out how we will prepare our next Local Development Plan which will show how our places will look in the future, where new houses and places of work will be built, how services and facilities such as schools and travel will be provided and identify the places and buildings to be protected.


It includes details of the proposed timetable, the timing of each stage of the plan making process and what is involved; as well as a Participation Statement which explains how and when we will ask stakeholders including local communities and key agencies to become involved.

What is the Development Plan for SLC?

Development plans are important as they guide decisions on applications for planning permission. The current arrangements that apply across Scotland are shown in the diagram below.



| | |
|-----------------------------|---|
| National Planning Framework | <p>Sets out the Scottish Ministers' policies and proposals for the development and use of land.</p> <p>Must have regard to any adopted regional spatial strategy (RSS) when preparing, revising or amending the NPF</p> |
| Regional Spatial Strategy | <p>A planning authority, or authorities acting jointly, prepare these long-term spatial strategies for the strategic development of an area.</p> <p>RSS are not part of the statutory development plan but have an important role informing future versions of the NPF and LDPs (Local Development Plan).</p> |
| Local Development Plans | <p>Councils must prepare one or more LDP for their area. It shows how local places will change into the future, including where development should and should not happen.</p> <p>It must take into account the National Planning Framework and any registered local place plan/s (LPPs) for the area the LDP covers. It should also have regard to their adopted RSS and Community Plan for the area it covers.</p> |
| Local Place Plans | <p>LPPs are community-led plans prepared by community bodies setting out proposals for the development and use of land in their local area. It must have regard to the NPF, any LDP which covers the same area, and also any neighbourhood plan which covers the same area.</p> |



LPPs are not part of the statutory development plan but have an important role to play in informing LDPs.

[National Planning Framework 4](#) was published and adopted by the Scottish Government on 13 February 2023. It sets out 33 national planning policies which represent the Scottish Government's long term spatial strategy for Scotland. These policies are used to assess planning applications and also provide the direction for what the Council's Local Development Plan should include.

The table in Annex 1 shows how these policies link to other national and the Council's own strategies and policies.

[South Lanarkshire Local Development Plan 2](#) was adopted in April 2021 and represents the Council's spatial policy for its area. It includes sites that are allocated for development as well as detailed policies on matters such as climate change, the green belt and rural area, housing, town centres and transport. It is accompanied by other documents including Supporting Planning Guidance covering Developer Contributions, Renewable Energy, Electric Vehicle Charging Infrastructure and Development at a Dwellinghouse.

Regional Spatial Strategies will look at strategic development issues – in the case of South Lanarkshire across the Glasgow City Region. The legislation on this has not been brought into effect yet by the Scottish Government.

Local Place Plans are a new opportunity for local communities to get involved in the planning system by setting out proposals for the development and use of land in their area. Once it has been registered by the planning authority, we have a legal responsibility to take them into account in the preparation of the next Local Development Plan. Once we officially start the process for creating the new plan, we will formally invite communities to prepare Local Place Plans. These are links to our webpage [Local Place Plans](#) and the circular [Planning circular 1/2022: Local Place Plans](#).

The next Local Development Plan for SLC

The Council will be starting preparation of its next Local Development Plan (to be known as LDP3) in summer 2023. The way we will do this is different to previous versions. The Scottish Government published [Local Development Planning guidance](#) in May 2023.

Firstly, it will have to take into account the contents of National Planning Framework 4. Each of the 33 national planning policies include a statement on the expected role of the Local Development Plan for each topic. The Council's plan should not replicate the national policy however we are able to locally specific policies.

There are also changes to how we will prepare the plan. A new first stage is the need to prepare an **Evidence Report** which will allow us to identify what to plan for. It will set out the Council's views on the matters listed in Annex 2. The evidence will include information and data and qualitative as well as the 'lived experience' of everyone active in the Council area. By doing this will capture the aims and ambitions of the Council and its partners, stakeholders and communities.

During this stage we will engage with people and organisations to ensure the data collected reflects their views. We have identified partners we know of who can contribute evidence and have taken into account the responses we received to the consultation on the draft Participation Statement in summer 2023. on others who can help.

Please note that detailed policies and site proposals will not be included in the evidence report and appraisal of individual sites will take place later in the process.

Once complete the Evidence Report is submitted to Scottish Ministers for a **Gate Check**. This to allow an assessment by an independent Reporter of whether the evidence we have produced is sufficient to let us start preparing the Local Development Plan. It will also check that that we have carried out appropriate engagement and consultation.

When we receive confirmation that the Gate Check is complete work can start on the **Proposed Plan**. Unlike previous versions it will focus on maps, site briefs, and masterplans. Sites specifically identified for new development will have to be shown to be free from constraints (we will actively engage with the key agencies to inform this) and deliverable by the developer. Undeveloped sites in LDP2 will be looked at again and may be removed if they are no longer deliverable or viable or accord with the policy direction in NPF4.

A **Call for Ideas** will be carried out early on in this stage of plan preparation so that propose ideas for any part of the plan can be submitted, including policy or suggestions for development sites.

Once the proposed plan has been prepared, we will carry out formal **consultation** of a minimum period of 12 weeks. This will include neighbour notification for anyone who owns, or leases sites or neighbouring land affected. During this period anyone can make representations to the Council either in support of the plan or if they wish to object.

After the consultation period we can **modify** the proposed plan to take account of representations made to the Council or consultation responses from key agencies.

When we cannot agree modifications then the representation is considered unresolved. When this happens, the proposed plan is submitted to Scottish Ministers for **examination** carried out by a reporter from the Department for Planning and Environmental Appeals. Once the Examination is complete the Reporter will prepare a report setting out their recommendations and any modifications they require to be made. The report will be submitted to the Council along with anyone who has made unresolved representations. The Council are to make the modifications except in limited circumstances. After this we will carry out the process for the formal **adoption** of the Plan.

The Timetable

| Key Stages | Timetable - Quarter | Engagement |
|---|--|---|
| Development Plan Scheme and Participation Statement (Reviewed and published annually) | Q1 2023/24 Q2 2023/24 | We published a draft Participation Statement seeking the views of the public on the how we intend to consult and engage on LDP3, how they think they can support the plan preparation and what effective forms of engagement are appropriate. The responses received have been reflected in the approved version below. |
| Local Development Plan 3 formal launch | Q2 2023/24 | Before issuing the invite, we will contact community bodies to advise on the LPP (Local Place Plan) opportunities and process. This will include the creation of an online toolkit. |
| Evidence Report | Q1 2023/24 to Q2 2024/25 | Stakeholder consultation and engagement will be key to this stage. We will carry out early engagement to ensure the Evidence Report is informed by the views and lived experience of those who live, work and have an interest in South Lanarkshire. We will use the evidence gathered to clearly inform what to plan for before the Proposed Plan looks at where development should take place. |
| Gate check | Submission Q2 2024/25 Discharged Q3 2024/25 | None by the Council. However, the Reporter appointed to carry out the Gate check may ask any person for further information to aid their assessment of the Evidence Report. |
| Proposed Local Development Plan including Delivery Programme | Q4 2024/25 | The call for ideas will be an invitation open to everyone to propose ideas for any aspect of the new local development plan including local policy/guidance and land allocations. |

| | | |
|---|------------------------------|--|
| | Q4 2025/26 to Q1 2026/27 | Statutory consultation of minimum 12 weeks to allow any representations from stakeholders, including the general public, which seek to make changes to the plan. This stage will include targeted engagement with key stakeholders and communities most affected by the proposals. |
| Modification of the Proposed Local Development Plan | Q2 2026/27 | The Regulations state that there is no requirement to invite comment on the Modification Report. |
| Examination | Q3 2026/27 Q2 2027/28 | None by the Council. However, the Reporter appointed to carry out the Examination may ask any person for further information to aid their consideration of the proposed plan. Notice of the report and its publication will be sent by the reporter to anybody who made unresolved representations on the Proposed Plan |
| Adoption | Q3 2027/28 | |
| Post-Adoption Monitoring and Delivery Programme | Q3 2030/2031 | |

Participation Statement

To develop our next local development plan we are asking you to share with us your thoughts and ideas of how to create successful and enjoyable places within South Lanarkshire. Our Participation Statement outlines the range of engagement we will be carrying out and who we will interact with. We aim to engage with as many people as possible to collect the information needed to reflect the strengths and opportunities that we can build upon. If it's done right, the local development plan 3 will embody everything we've learned from you and will provide the means in which to meet your needs.

We would like to hear from you, and in your own words about the things that matter to you, and for which we recognise you may have many different roles and interests. We believe that everyone has the right and the ready skillset to get involved, and by doing so you will be making a valuable contribution to the improvement and wellbeing of your area. This is your plan, and it needs to embody your views and the diverse needs of communities within South Lanarkshire.

Since we understand that no one size does not fit all, we will prepare individual programmes to reflect differing needs and ways of connecting with people. Targeted strategies to reach underrepresented groups are included in this.

The Participation Statement is a 'living' document that will regularly be updated to reflect good practice and changing circumstances. We will listen to feedback from your experience of engagement with us and we will take steps to make improvements going forward.

We hope our Participation Statement helps you to feel empowered, welcomed, and that your input and lived experience of South Lanarkshire is hugely valuable to us.

What general principles will we follow?

- The approach to engagement on LDP3 will be shaped by the principles highlighted in the [National Standards for Community Engagement](#).
- We will ensure that people with protected characteristics (including race, age, gender, sex, sexual orientation and disability) are not discriminated against, and are actively included in the engagement process.
- The contents of the draft [Effective community engagement in local development planning guidance: consultation](#) published on 24 May 2023 will be used to shape our engagement activities with local communities.
- We will also incorporate the [Planning and Building Standards Consultation Communication and Engagement Strategy 2021](#) into our engagement methods.

Our inclusive approach

- We will encourage participation from as wide a range of stakeholders as possible throughout the LDP process. We want to make it as easy as possible for everyone with an interest to engage in its preparation.
- Information will be provided in accessible formats to meet the needs of our varied stakeholders. We will exchange and gather information using graphics and audio to remove the barrier for those with vision impairment or literacy and numeracy challenges. We understand that using technology won't always be the best method for everyone, and in these cases we will use alternative methods. In addition to English, we will provide the document in additional language formats.
- Engagement with children and young people, older people, disabled people and Gypsy/Travellers is a statutory requirement. We will work with the Council's Education Service as well as organisations such as the Youth Panel, Seniors Together, the Access Panel, Lanarkshire Ethnic Minorities Action Group and Minority Ethnic Carers of People Project to develop appropriate methods to engage.
- We will develop a programme with Voluntary Action South Lanarkshire to facilitate engagement with the many local voluntary groups across the Council's area.

How will we publicise engagement opportunities and provide feedback?

We propose to use:

- The creation of an online information hub
- Email and letter mailings
- Adverts in local newspapers and South Lanarkshire View
- Documents held at local libraries
- South Lanarkshire Council website
- The generation of a regular newsletter
- Social media
- Collaboration with Community Planning colleagues
- Posters and flyers
- For underrepresented groups we will use representative organisations to reach a wider audience

An emphasis on good communication

- We will identify the method of engagement by asking those we want to hear from. For large groups we may focus on the method that is most preferred.
- An interactive online hub will be created to enable updates on the plan making process to be provided as well as to invite comments and suggestions.
- We will use the relationships that already exist within communities, in particular where there has already been extensive SLC engagement to produce Neighbourhood Plans.
- We won't over consult, and we may focus on topics or issues that people are most interested in.
- Where it would be advantageous to the stakeholder, we will facilitate other services to provide questionnaires and the Place Standard Tool on our behalf.
- We will participate in other consultations being carried out by the Council and its partners.
- We will request invites to attend events within communities and work closely with colleagues in Community Planning who have already established strong links to communities.
- We will ensure that the format of communication is led by accessibility and ease of use.
- We want to involve communities who may be excluded from participating due to disadvantage relating to social or economic factors.

Ways in which we will gather information and comments include:

- A newsletter to share updates on the process and the outcomes from engagement.
- Using the Place Standard Tool, including a simplified version for children and young people
- Holding Exhibitions and workshops
- Use of the Council's Citizens Panel and Peoples Panel
- Online surveys and keypad voting and standpoint terminals
- Work closely with our Community Planning Partnership partners to engage with people living in communities experiencing socio-economic difficulties to gain a better understanding of their place.
- We will promote and facilitate the participation of children and young people under the age of 25 to seek views on their lived experience. Proposed methods of engagement will include the Place Standard Toolkits to support conversations between educators/teachers and children, and capture views about play needs and opportunities in their area, including likes and dislikes about their places. We will engage through South Lanarkshire Youth Council, Youth Parliament Representatives, student representatives in higher education and the Council's Education Services.

- We will seek the views of and engage with Gypsies and Travellers to help gain a perspective on their distinct planning needs. Positive engagement with Gypsies and Travelling People will be facilitated through dialogue with representative organisations and the Council's Gypsy/Traveller Liaison Officer. Attention will also be given to non-written and face-to-face on-site engagement.
- We will work with groups and organisations representing disabled people and older people to establish the most suitable methods of engagement and multimedia formats to share and collect information.

Who can participate?

Participation in the preparation of Local Development Plan 3 is open to everyone and inclusion will be encouraged, including (this is not an exhaustive list):

- South Lanarkshire residents and those with an interest in the area
- Landowners, developers and housing providers
- Business, industry, and tourism groups
- Elected members
- Underrepresented and minority groups
- Religious bodies and organisations
- Voluntary organisations
- Neighbouring authorities
- Rural communities

Other key groups:

- Children and young people
- Disabled people
- Gypsies and Travellers, and Showpeople
- Community Councils
- Older people
- Communities experiencing socio-economic disadvantage
- Community bodies who have expressed an interest in, or have completed, a Local Place Plan.

Key Agencies:

The key agencies are set out in the Town and Country Planning (Development Planning) (Scotland) Regulations 2023 as follows:

- NatureScot
- Scottish Environment Protection Agency (SEPA)
- Scottish Water
- Scottish Enterprise
- Strathclyde Partnership for Transport (SPT)
- NHS Lanarkshire
- Historic Environment Scotland (HES)

National and Regional agencies:

- Transport Scotland
- Scottish Forestry
- Sport Scotland
- Architecture and Design Scotland
- Central Scotland Green Network Partnership

A sample of topic interest groups:

- Natural Environment and Climate
- Historic Environment
- Art, Leisure and Culture
- Active travel and transport
- Town centre and business groups
- Food growing and local living

Mediation

The use of mediation to help build bridges between stakeholders and explore, reduce or resolve issues of dispute in development planning is highlighted in the Scottish Government - Circular 2/2021: Guidance on the promotion and use of mediation in the Scottish Planning System LINK Mediation has the potential benefits of opening up communication, improving relationships and encouraging a way to move forward from disputes, however this does not guarantee dispute resolution or an agreement between parties.

It is a voluntary process and be facilitated either by an impartial third party or through 'informal mediation' where planners and other relevant stakeholders take a mediation-style / facilitatory approach in their work. We will have regard to any requests for the use of [mediation](#) through the consultation process of the Participation Statement. Where the Council has been requested to enter into mediation during the local development plan process, each case will be considered on its individual merits.

Annex 1

Sustainable places

| NPF4 Policies | Key Scottish Government links | Council Plans/Strategies |
|---|--|---|
| <ol style="list-style-type: none"> 1. Tackling the climate and nature crises 2. Climate mitigation and adaptation 3. Biodiversity 4. Natural places 5. Soils 6. Forestry, woodland and trees 7. Historic assets and places 8. Green belts 9. Brownfield land, vacant and derelict land and empty buildings 10. Coastal development 11. Energy 12. Zero waste 13. Sustainable transport | <ul style="list-style-type: none"> • Land Use – getting the best from our land: strategy 2021 – 2026 • Making things last: a circular economy strategy for Scotland • Scotland’s Energy Strategy • Scotland’s Environment Strategy • Scotland’s Forestry Strategy • Scottish Biodiversity Strategy | <ul style="list-style-type: none"> • Council Plan – Connect • Community Plan • Various neighbourhood plans • Sustainable Development and Climate Change Strategy • Carbon Management Plan • Local Heat and Energy Efficiency Strategy (under preparation) • Biodiversity Strategy • Glasgow and Clyde Valley Forestry and Woodland Strategy • Local Transport Strategy (under review) • Park and Ride Strategy • Various active travel studies |

Liveable Places

| NPF4 Policies | Key Scottish Government links | Council Plans/Strategies |
|---|--|---|
| 14. Design, quality and place 15. Local living and 20-minute neighbourhoods 16. Quality homes 17. Rural homes 18. Infrastructure first 19. Heat and cooling 20. Blue and green infrastructure 21. Play, recreation and sport 22. Flood risk and water management 23. Health and Safety 24. Digital infrastructure | <ul style="list-style-type: none"> • A Connected Scotland • A Healthier Future: Scotland's diet and healthy weight delivery plan • Cleaner Air for Scotland 2 • Creating Places • Culture Strategy • Heat in Buildings Strategy • Housing to 2040 • Learning Estate Strategy/Learning Estate Investment Programme • Public Health Priorities for Scotland • Remote, Rural and Islands Housing Action • Scotland's Population Strategy | <ul style="list-style-type: none"> • Local Housing Strategy • Food Strategy • Air Quality Strategy (under preparation) |

Productive Places

| NPF4 Policies | Key Scottish Government links | Council Plans/Strategies |
|---|---|---|
| 25. Community wealth building 26. Business and industry 27. City, town, local and commercial centres 28. Retail 29. Rural development 30. Tourism 31. Culture and creativity 32. Aquaculture 33. Minerals | <ul style="list-style-type: none"> • National Strategy for Economic Transformation • Retail Strategy for Scotland • Report of the City Centre Recovery Taskforce • Scottish land rights and responsibilities statement • Town Centre Action Plan 2 | <ul style="list-style-type: none"> • Economic Strategy • Community Wealth Building Strategy • Social Enterprise Strategy • Tourism Strategy • Various town centre strategies |

Annex 2

Matters to be addressed in the LDP3 Evidence Report

- The principal physical, cultural, economic, social, built heritage and environmental characteristics of the district;
- The principal purposes for which the land is used;
- The size, composition, health and distribution of the population of the district;
- The housing needs of the population of the area, including, in particular, the needs of persons undertaking further and higher education, older people, disabled people;
- The availability of land in the district for housing, including for older people and disabled people;
- The desirability of allocating land for the purposes of resettlement;
- The health needs of the population of the district and the likely effects of development and use of land on those health needs;
- The education needs of the population of the district and the likely effects of development and use of land on those education needs;
- The extent to which there are rural areas within the district in relation to which there has been a substantial decline in population;
- The capacity of education services in the district;
- The desirability of maintaining an appropriate number and range of cultural venues and facilities (including in particular, but not limited to, live music venues) in the district;
- The infrastructure of the district (including communications, transport and drainage systems, systems for the supply of water and energy, and health care and education facilities); [the reference to energy includes land available for the development and use of facilities for renewable sources of energy.
- How that infrastructure is used; and
- Any change which the planning authority thinks may occur in relation to any of the matters mentioned above

The Evidence Report must also set out the following:

- A summary of the action taken by the planning authority to support and promote the construction and adaptation of housing to meet the housing needs of older people and disabled people in the authority's area, and analysis of the extent to which the action has helped to meet those needs.
- A summary of the action taken by the planning authority to meet the accommodation needs of Gypsy/Travellers in the authority's area, and an analysis of the extent to which that action has helped to meet those needs.
- How the authority has invited local communities to prepare LPPs, and what assistance they have provided.

Annex 3

Additional Assessments

Other impact assessments are required to be carried out alongside the plan preparation process. The assessments include;

| | |
|---|---|
| Strategic Environmental Assessment | This is a statutory requirement to ensure the environment is a primary consideration when preparing the plan and that the environmental and sustainability implications of the emerging plan and its proposals are assessed. It allows a better understanding of the environmental context and sets out the steps to avoid, mitigate or reduce significant adverse impacts, or indeed enhance any positive ones. SEA will be based on the Council's State of the Environment report. A link to 2021 version is here, South Lanarkshire State of the Environment Report 2021 , however it is expected that the updated 2023 version will be available during the Evidence Report stage. Scoping of the Evidence Report will be done in tandem with the scoping report for the SEA. |
| Habitats Regulations Assessment | This is a statutory requirement to consider the potential impacts of the proposed plan on internationally important wildlife sites. The HRA will be done as we consider the ideas presented to us during the preparation of the proposed plan as well as any sites carried forward from LDP2. Any policy content in LDP3 will also be subject to HRA assessment. |
| Equalities Impact Assessment | This ensures that a wide range of people are involved in shaping their places during the plan making process. The Participation Statement is a key document in this regard. In addition, the UN Convention on the Rights of the Child means young people are actively encouraged to play a part. We will ensure children and young people are fully and appropriately engaged as described in the Participation Statement. |
| Public Sector Equality Duty | This is intended to ensure the Council seeks to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a protected characteristic. |
| Fairer Scotland Duty Assessment | This places a legal responsibility on the Council to consider how they can reduce inequalities of outcome caused by socio-economic disadvantage when making strategic decisions so that we make better policy decisions and deliver fairer outcomes. Key issues include low income, low wealth and area deprivation. It will be important to engage with relevant communities to understand the issues faced. |
| Health Impact Assessment | Health impact assessment (HIA) considers the potential, and sometimes unintended, effects a policy, strategy or service plan may have on the health of a population. It is particularly useful for considering effects on vulnerable or disadvantaged groups. HIA considers the socioeconomic determinants of health and how they influence health outcomes. Evidence from research, data and the experience of stakeholders is used to inform the assessment. |

Report

4

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

| | |
|--|---|
| Reference no: | P/21/2155 |
| Proposal: | Change of use of agricultural farmland to form an agricultural vehicle, plant and machinery sale yard including the erection of two agricultural sheds and associated works (Retrospective) |
| Site Address: | Stoneside of Dripps Farm, Cartside Highway, Thorntonhall, G74 5AP |
| Applicant: | Carnbroe Estates Ltd |
| Agent: | North Planning and Development Ltd |
| Ward: | 09 East Kilbride West |
| Application Type: | Full Planning Permission |
| Advert Type: | Non-Notification of Neighbours and Development Contrary to the Development Plan: East Kilbride News 31 May 2023 |
| 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 This application is presented to the Committee within the context of Clause 5.2 of the Decision-Making Process 2015: as an application generating significant levels of concern, or policy issues, where the Head of Planning and Building Standards Services, in consultation with the Chair of the Planning Committee, so determines.

2. Site Description

- 2.1 The application site is an area of agricultural land located immediately to the north of the existing farmhouse and main agricultural buildings forming Stoneside of Dripps Farm. The application site is located approximately 1.8km south-west of Thorntonhall. It is relatively level, and it is comprised mainly of a section of an existing agricultural field together with a smaller section of the existing yard associated with the farm. The site is located within the Green Belt as designated in the adopted South Lanarkshire Local Development Plan 2 (SLLDP2).

3. Description of Proposed Development

- 3.1 The applicant seeks retrospective detailed planning consent for the change of use of agricultural land to form vehicle, plant, and machinery sales yard. This includes the erection of two new agricultural sheds and associated works, including the formation of the hardstanding which would form the sales yard, the erection of boundary fencing and the erection of vehicular access gates.
- 3.2 The larger of the two structures proposed (Shed A) has a square footprint with each side approximately 18.4 metres in length, and has a pitched roof, approximately 8.2m in height to the ridge. This building is located in the north-west corner of the proposed sales yard and is finished with metal sheeting on the walls and roof along with two roller shutter doors to the front of the building.
- 3.3 The smaller structure (Shed B) is located on the south-eastern edge of the site and has a footprint of approximately 9.2m by 18.5m with a pitched roof approximately 5.6m in height to the ridge. This is principally finished in timber cladding with a sheet metal roof.
- 3.4 The applicant has advised that the larger of the two new structures (Shed A) is used primarily for vehicle and machinery maintenance and for the display and sale of vehicles, plant, and machinery, whilst the smaller (Shed B) is intended for general agricultural and livestock use associated with the adjacent farm.
- 3.5 The works have already been carried out on site as the applicant has advised that they were unaware of the requirement to apply for planning permission for this proposal. As such, this application has been submitted retrospectively.

4. Relevant Planning History

- 4.1 Stoneside of Dripps Farm has seen a considerable amount of recent development including the erection of several new and replacement agricultural sheds. Often such structures can be built under agricultural Permitted Development Rights, however, the applicant would first need to seek prior approval from the Planning Service. This was not undertaken and therefore a planning application is now required to regularise the matter. An application for the erection of 7 new agricultural sheds has recently been submitted for consideration (P/23/0789).
- 4.2 Consent was also approved in January 2023 for the part-change of use and conversion of one of the existing agricultural buildings at the farm to form a new dwellinghouse (P/21/2133).

5. Supporting Information

5.1 **Covering Letter from North Planning and Development (16 December 2021)** – Provides a written description of the proposal and seeks to justify the proposal against the South Lanarkshire Local Development Plan 2.

5.2 **NPF4 Statement** - seeks to justify the proposal against the National Planning Framework 4.

6. Consultations

6.1 **Roads and Transportation Services (Development Management)** – have raised no objections to the proposal, advising that the proposed development would not have a detrimental impact on the existing public road network, that the existing junction onto the public road is adequate for this proposal, and that there is also adequate parking.

Response: Noted.

6.2 **Environmental Services** – have raised no objections to the proposal subject to conditions relating to noise and commercial waste storage and collection. This service has also requested the inclusion of relevant advisory notes on the decision notice.

Response: Noted. Should planning consent be granted, these conditions and advisory notes could be attached.

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 8 - Green Belts
- ◆ Policy 26 - Business and Industry
- ◆ 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 SLLDP2:-

SLLDP2 Volume 1 Policies

- ◆ Policy 2 - Climate change
- ◆ Policy 4 - Green Belt and Rural Area
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 8 - Employment

SLLDP2 Volume 2 Policies

- ◆ Policy GBRA1 - Rural Design and Development
- ◆ Policy GBRA2 - Business Proposals within Green Belt and Rural Area
- ◆ Policy DM1 - New Development Design

South Lanarkshire Council (SLC) Supporting Planning Guidance

- ◆ None

9. Guidance

9.1 None applicable.

10. Assessment and Discussion

10.1 Full planning permission is sought in retrospect for the change of use of agricultural land to form an agricultural vehicle, plant, and machinery sales yard at Stoneside of Dripps Farm, Thorntonhall. The main issues to be addressed in the determination of this application includes the acceptability in principle of the proposed development, its layout, siting and design, 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

As the site is located within the designated Green Belt, NPF4 Policy 8 - Green Belts applies. This policy sets out the types of development that would be supported in the Green Belt which includes:-

- ◆ development associated with agriculture, woodlands, and forestry;
- ◆ accommodation for an essential worker;
- ◆ horticulture;
- ◆ outdoor recreation, play and sport, leisure and tourism uses;
- ◆ flood risk management proposals;
- ◆ essential infrastructure or new cemetery provision;
- ◆ mineral operations and renewable energy;
- ◆ intensification of established uses, including extensions to an existing building where that is ancillary to the main use;
- ◆ the reuse, rehabilitation and conversion of historic environment assets; or
- ◆ one-for-one replacements of existing permanent homes.

Developments in these categories are also required to demonstrate a specific locational need, that would not undermine the purpose of the Green Belt and would require to be compatible with the surrounding established countryside and landscape character. Developments need to be designed to ensure it is of an appropriate scale and appearance that minimises visual impact and there will be no significant long-term impacts on the environmental quality of the Green Belt.

10.3 NPF4 Policy 26 – Business and Industry states that proposals for storage and distribution uses outwith areas identified for this type of use will only be supported where it is shown there are no suitable alternatives allocated in the LDP and that the nature and scale of the activity is compatible with the surrounding area. NPF4 Policy 29 - Rural Development states that development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported. Proposals should be suitably scaled, sited and designed to be in keeping with the character of the area.

- 10.4 In addition to the above, SLLDP2 Policy 4 - Green Belt and Rural Area would be relevant to this proposal. This states that the purpose of the Green Belt is to; direct development to the most appropriate locations and support regeneration, protect and enhance the character, landscape setting and identity of the settlement, and protect and provide access to open space. Development which does not require to locate in the countryside will be expected to be accommodated within the settlements identified on the proposals map. Isolated and sporadic development will not be supported.
- 10.5 The proposed operation of a large-scale vehicle, plant and machinery sales yard is not an appropriate use for a Green Belt location, and it fails to comply with any of the criteria outlined above. The applicant has provided no justification as to why a Green Belt location is required for this form of commercial development and it is noted that there are suitable sites for this use designated within the LDP in urban areas within relatively close proximity of the site, including within East Kilbride. Furthermore, the proposed development is not of a scale that could be considered as ancillary to the existing farming business or an intensification of an established use and is not agricultural in nature given the commercial and plant vehicles on sale.
- 10.6 The proposal would also have a significant adverse impact upon the visual amenity of the area as such a large area of hardstanding encircled by fencing is not in-keeping with the character of the Green Belt, and the development is more suited to urban industrial areas. The open storage of large numbers of commercial vehicles would also be visually prominent and there is insufficient screening to limit the impact upon the wider area. The proposal would not be compatible with the countryside nature of the location. As such, the proposal would not comply with Policies 8, 26 and 29 of NPF4 and SLLDP2 Policy 4 and is unacceptable in principle.
- 10.7 Policy 8 – Employment of the SLLDP2 identifies a number of employment land use areas. Outwith these areas, sites are assessed on their own merits. In terms of the SLLDP2 Policy GBRA2 - Business Proposals within Green Belt and Rural Area, it sets out a range of business uses which are considered appropriate for location in the Green Belt and Rural Area. These include: justified extensions to existing rural business, some farm diversification proposals, and businesses which can operate entirely from existing rural residential properties, former farm steadings or existing buildings (including agriculture engineering and contracting businesses, rural/agricultural repair services and the limited storage of buses or caravan storage).
- 10.8 Limited new build for farm diversification proposals will only be considered exceptionally and generally within the rural area, beyond the Green Belt, only. In addition, in exceptional circumstances, proposals for larger scale business development that generates wider economic benefits and demonstrates a specific locational need and satisfactory mitigation of any adverse impacts may be supported.
- 10.9 The proposed development cannot be considered as an intensification of an existing rural business or as a farm diversification proposal due to its overall scale and nature and, given the extent of new building work and the area of hardstanding within the Green Belt. Whilst there are a number of types of businesses which could be justified in the Green Belt under LDP Policy GBRA2, including rural/agricultural repair services and limited bus or caravan storage, these should be operated from existing buildings. This proposal includes a large area of new build to support the proposed operation of the business, thus not compliant with the criteria within SLLDP2 policies 8 and GBRA2.

- 10.10 Finally, in terms of the principle of the development, the applicant has not provided any justification in terms of the business having any wider economic or employment benefits or any specific locational need to be located within the Green Belt which would serve as a material consideration in the assessment of this proposal. As such, the proposal does not comply with SLLDP2 Policies 8 and GBRA2.
- 10.11 Climate Change
The isolated location would not support policy aims of tackling the climate crisis as the site is not readily accessible through public transport, and is not situated in a sustainable location, thus failing to comply with NPF4 Policy 1 - Tackling the Climate and Nature Crises and NPF4 Policy 2 - Climate Mitigation and Adaptation which together aim to ensure that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. In addition, SLLDP2 Policy 2 - Climate Change states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. The application site within the Green Belt is not considered to be sustainable and fails to comply with these policies as it would generate new trips by private vehicles and, therefore, would not address the reduction of greenhouse gases/emissions or help towards addressing the climate emergency.
- 10.12 Layout, siting, and design
In terms of layout, siting and design, SLLDP2 Policy 5 Development Management and Placemaking and Policy DM1 - New Development Design require development proposals to 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. The proposed development must provide suitable access, parking, and connection to public transport, as well as encouraging active travel, having no adverse implications for public safety and incorporating inclusive access. In addition, SLLDP2 Policy GBRA1 - Rural Design and Development sets out the criteria which all proposed developments in the Green Belt and Rural Area will require to adhere to. This includes respecting the existing built form, landform, local landscape character and setting, and having no unacceptable significant adverse environmental impact on the amenity of the surrounding area. Proposals should also incorporate suitable boundary treatment and landscaping proposals to minimise the visual impact of the development on the surrounding landscape.
- 10.13 The proposal would introduce an urban-style commercial vehicle sales yard into a Green Belt location, and its scale and nature would not respect the existing setting. In addition, it does not incorporate appropriate boundary treatments or sufficient landscaping proposals to minimise the visual impact of the development, the parking and large numbers of commercial vehicles at the site, upon the wider landscape. While the proposed sheds in isolation would be of a relatively common agricultural style design; the overall scale and nature of the development as a whole would have an unacceptable environmental impact upon the amenity of the surrounding area. In addition, the site's Green Belt location would not encourage active travel or have a connection to public transport. As such, the proposal would not comply with SLLDP2 Policies 5, DM1 or GBRA1.

11 Recommendation and Conditions

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

Refuse Full Planning Permission for the reasons outlined below:-

01. The proposed development and operation of a commercial and plant vehicle sales business is not an appropriate Green Belt use, and no justification has been provided as to why a Green Belt location is required for this form of development. The proposal, by its scale and nature, would have an adverse impact upon the visual amenity and character of the area contrary to Policy 8 of the National Planning Framework 4 (2023).
02. The proposed development is not for agricultural, forestry, recreation or other uses appropriate to the countryside and it is a form of development which would not require to be located within the Green Belt contrary to Policy 4 of the South Lanarkshire Local Development Plan 2 (2021).
03. The proposed development is not ancillary or intensification or an extension of an established business and would not be appropriate in the Green Belt. No wider economic or employment benefits or any specific locational need to be sited within the Green Belt has been provided. As such, the proposal is not considered to have been appropriately justified and the proposal is contrary to Policy GBRA2 of the South Lanarkshire Local Development Plan 2 (2021).
04. The proposal would have an unacceptable significant adverse impact upon the local area in terms of its visual impact due to its overall scale, the nature of the development and lack of screening. The location of the site would also not encourage active travel or have a connection to public transport contrary to Policy 5 of the South Lanarkshire Local Development Plan 2 (2021).
05. The proposal would not respect the local context or be appropriate to the character of the site in terms of its overall scale, visual appearance and lack of suitable landscaping and screening contrary to Policy DM1 of the South Lanarkshire Local Development Plan 2 (2021).
06. The proposal would have an unacceptable adverse environmental impact on the amenity of the surrounding area due to the overall scale and nature of the development, and it would not be sited in a manner that respects the existing setting, contrary to Policy GBRA1 of the South Lanarkshire Local Development Plan 2 (2021).
07. The Green Belt location of the proposed development site is unsustainable as it fails to help towards addressing the climate crisis contrary to Policy 1 of the National Planning Framework 4 (2023).
08. The Green Belt location of the proposed development site is unsustainable as it generates increased private car trips and fails to reduce greenhouse gases and emissions contrary to Policy 2 of the National Planning Framework 2 (2023).
09. The proposed development would be unsustainable in the Green Belt, failing to address climate concerns contrary to Policy 2 of the South Lanarkshire Local Development Plan 2 (2021).

David Booth
Executive Director (Community and Enterprise Resources)

Date: 31 July 2023

Background Papers

Further information relating to the application can be found online:

[P/21/2155 | Change of use of agricultural farm land to form an agricultural vehicle, plant and machinery sale yard including the erection of two agricultural sheds and associated works \(Retrospective\) | Stoneside Of Dripps Farm Cartside Highway Thorntonhall G74 5AP \(southlanarkshire.gov.uk\)](#)

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.

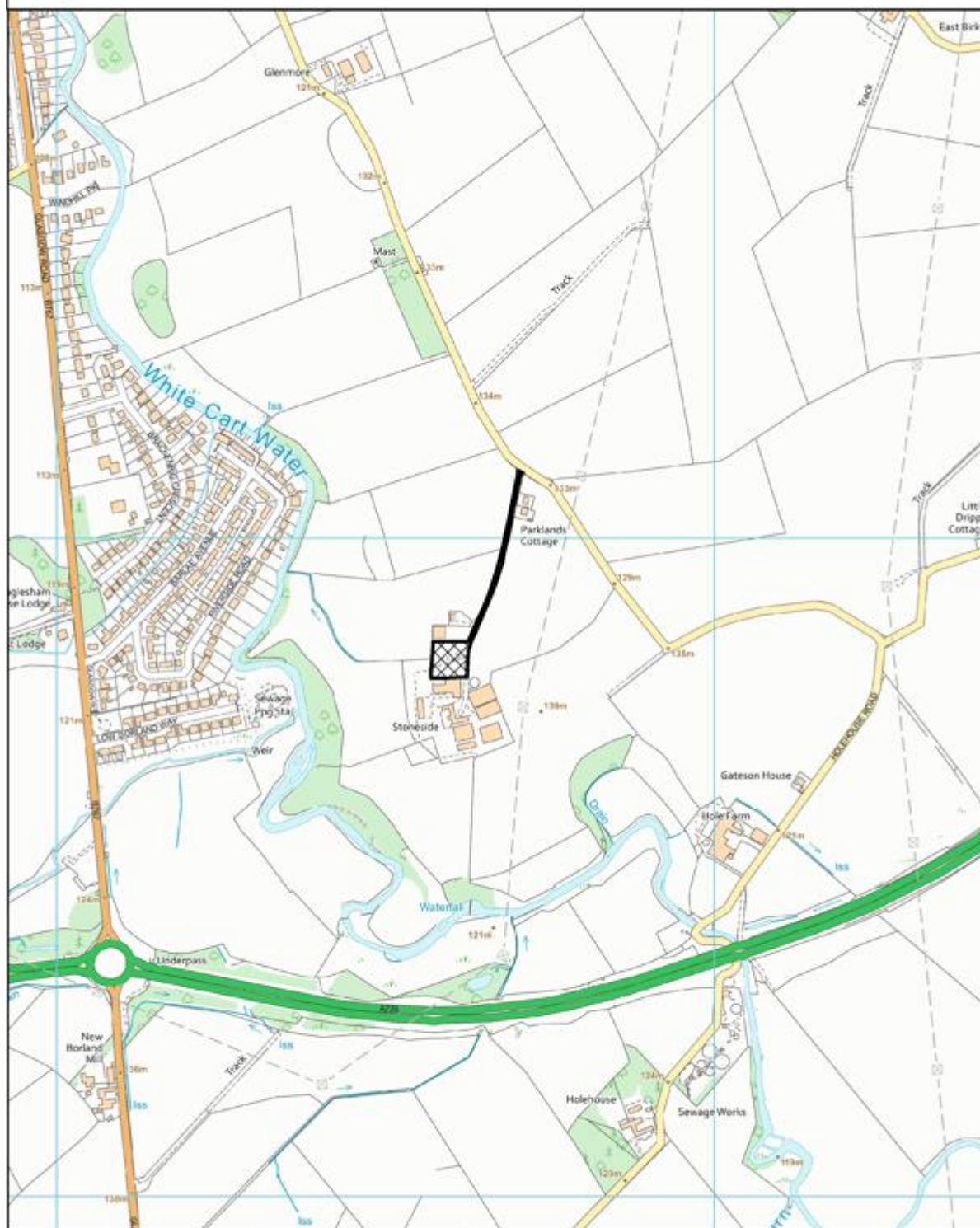
Contact for Further Information

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/21/2155 Stoneside of Dripps Farm, Cartside Highway, Thorntonhall



© Crown copyright and database rights 2023 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:
1:8,000
Date:
14/07/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

5

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

| | |
|--|---|
| Reference no: | P/22/0078 |
| Proposal: | Erection of dwelling with associated works |
| Site Address: | Land adjacent to Holmpark, Stoney Meadow Road, East Kilbride, G74 3XY |
| Applicant: | Mr Euan Pringle |
| Agent: | Claudio Marini |
| Ward: | 10 East Kilbride East |
| Application Type: | Full Planning Permission |
| Advert Type: | Development contrary to development plan and Non-notification of neighbours: East Kilbride News 9 February 2022 |
| 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 2.4 of the Decision-Making Process 2015 as Councillor Scott, as an Elected Member of the Planning Committee, has requested that the application is referred to Committee for consideration and this has been agreed by the Head of Planning and the Chair of the Planning Committee.

2. Site Description

- 2.1. This application relates to land adjacent to an existing dwelling at Holmpark, Stoneymeadow Road, East Kilbride. The site extends to approximately 0.17 hectares and is identified as Green Belt within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2) (2021). The site is bound to the north by Stoneymeadow Road, to the north-east and north-west by urban farmland, to the east by the Lee's Burn, to the south by an established tree belt and dismantled railway, and to the west by existing residential properties. It is noted that the applicant also owns the area of land to the east of the site.

- 2.2 The site sits lower than the adjacent dwelling in a valley surrounded by mature woodland. The frontage of the site onto Stoneymeadow Road, includes shrubs and bushes along this boundary. The main area of the site is maintained grassland with a mature tree belt towards the rear of the site. There is an existing outbuilding with a footprint of approximately 48 square metres towards the north-east of the site. The applicant advises this had originally been used for housing chickens with the surrounding land used for growing and selling fruit and vegetables. More recently, the building has been used for storage, but is no longer required.

3. Description of Proposed Development

- 3.1. The proposal is for the removal of the existing outbuilding and the erection of a detached dwelling positioned toward the north-east of the site with a new vehicular access into the site running parallel to Stoneymeadow Road.
- 3.2 As noted above, the frontage of the site would be towards Stoneymeadow Road with the access road and parking in front of the dwelling. The proposed dwelling would have a footprint of approximately 250 square metres providing various accommodation across three levels. It is noted that due to the levels being different between the site and Stoneymeadow Road, the dwelling would be 1.5 storeys to the front, but would include an extra level when viewed from the rear. This would provide a kitchen/dining room, playroom, living room, bedroom and garage at ground floor, 4no. bedrooms with associated bathrooms and ensembles on the first floor, and a cinema, games room and office at the lower ground level. The proposed dwelling would be finished in a mixture of natural slate, facing stone, wet dash render and with a feature stone front façade.

4. Relevant Planning History

- 4.1. Permission in Principle was granted for erection of dwelling in 2016 under application number EK/16/0014. This application expired without an approval of matters specified in conditions application being submitted.

5. Supporting Information

- 5.1 The following information was submitted by the agent in support of the application:

Design Statement 2022 – this outlines the site context, planning history, proposed siting and design of the development, and references relevant policies of SLLDP2.

Updated Design Statement 2023 – updated version of the above but also refers to National Planning Framework 4 (NPF4) and seeks to justify the proposal.

Flood Risk Assessment with self-certification and independent check – this outlines the flood risk at the site and proposed sustainable drainage.

Environmental Desktop Appraisal – this outlines the ground conditions at the site.

6. Consultations

- 6.1. **Environmental Services** - No objections to the proposal subject to the attachment of a condition and advisory notes in relation to noise and contamination.

Response: Noted.

- 6.2 **Roads Development Management** - No objections to the proposal subject to the attachment of conditions in relation to parking, surfacing, visibility splays and the provision of a Construction Traffic Management Plan (CTMP).

Response: Noted.

- 6.3 **Roads Flood Risk Management** - Following submission of a flood risk assessment, self-certification and independent check, no objections have been offered subject to the attachment of conditions requiring clarification on the proposed method of drainage.

Response: Noted.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement, one representation has been received and the issues raised are summarised as follows:-

- ◆ Scale, design and materials of proposed development
- ◆ Flooding
- ◆ Impact on habitats

The above issues will be considered in the assessment below and a full copy 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.

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 6 - Forestry, woodland and trees
- ◆ Policy 8 - Green belts
- ◆ Policy 9 – Brownfield, vacant and derelict land and empty buildings
- ◆ Policy 14 - Design, quality and place
- ◆ Policy 15 - Local Living and 20-minute Neighbourhoods
- ◆ Policy 16 - Quality homes
- ◆ Policy 22 – Flood risk and water management

- 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 SLLDP2.
- 8.4. 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 4 - Green Belt and Rural Area
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 16 – Water Environment and Flooding

SLLDP2 Volume 2 Policies

- ◆ Policy DM1 - New Development Design
- ◆ Policy GBRA1 - Rural Design and Development
- ◆ Policy NHE13 - Forestry and Woodland
- ◆ Policy SDCC2 – Flood Risk

South Lanarkshire Council (SLC) Supporting Planning Guidance

- ◆ None

9. Guidance

- 9.1. None applicable.

10. Assessment and Discussion

10.1 Introduction

Detailed planning permission is sought for the erection of a dwellinghouse on land adjacent to Holmpark at Stoneymeadow Road, 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 site is located within the defined Green Belt. NPF4 Policy 8 Green Belts sets out the types of development that would be supported in the Green Belt. Developments in these categories also require to demonstrate a specific locational need, that it would not undermine the purpose of the Green Belt, it is compatible with the surrounding established countryside and landscape character, has been designed to ensure it is of an appropriate scale that minimises visual impact, and there will be no significant long-term impacts on the environmental quality of the Green Belt.

- 10.3 The proposal is for the erection of a new build residential dwellinghouse which is not required for any of the purposes set out in Policy 8 and, therefore, there is no specific locational need for the dwellinghouse to be located in the Green Belt. The proposal is therefore considered to be contrary to NPF4 Policy 8.

- 10.4 In terms of the adopted South Lanarkshire Local Development Plan 2 (SLLDP2), the site is located within the Green Belt and therefore the application requires to be assessed under Policy 4 Green Belt and Rural Area. This states that support will not be given for development proposals within the countryside, unless they relate to uses which must have a countryside location.

- 10.5 As set out above, the proposal is for the erection of a new build dwelling which is not required for any of the purposes set out in Policy 4 and therefore there is no specific locational need for the dwellinghouse to be located in the Green Belt. In respect of Policy GBRA1 - Rural Design and Development, it sets out a number of criteria which developments in the Green Belt require to comply with. As set out above, there is no specific locational need for the dwellinghouse to be located in the Green Belt. The proposal is therefore considered to be contrary to Policies 4 and GBRA1 of SLLDP2.
- 10.6 Policy 9 Brownfield, vacant and derelict land and empty buildings of NPF4 seeks to promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. The policy further advises that proposals on greenfield sites will not be supported unless the site has been allocated for development. The applicant's supporting statement advises that the site should be considered as brownfield given the existing outbuilding. However, this site is not considered to be brownfield therefore this policy is not applicable in this instance.
- 10.7 Climate Change
NPF4 Policy 1 Tackling the Climate and Nature Crises and NPF4 Policy 2 Climate Mitigation and Adaptation aim to ensure that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. The site is located outwith the settlement boundary and, therefore, is not considered sustainable development as it will increase emissions by encouraging vehicular travel. It is remote from services and facilities and would require the occupants to travel by private vehicle for activities including work, retail and leisure. It is, therefore, considered that the principle of the development is contrary to NPF4 Policy 1 Tackling the Climate and Nature Crises and NPF4 Policy 2 Climate Mitigation and Adaptation. As such, the proposal further conflicts with SLLDP2 Policy 2 - Climate Change which states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change.
- 10.8 Layout, Siting, and Design
Policy 14 Design, Quality and Place of NPF4 aims to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. It sets out six qualities of successful places, including whether the development is connected and sustainable. Whilst the design of the proposed dwelling is considered to be acceptable, the erection of a dwelling within the green belt, contrary to the policy designed to preserve the green belt, is not considered to be characteristic of a sustainable place. Given its location is removed from any main settlements, the proposal is also not considered to be connected. It is remote from services and facilities and would require the occupants to travel by private vehicle either to East Kilbride or Blantyre for activities including work, retail and leisure. It is, therefore, considered that the principle of the development is contrary to NPF4 Policy 14. As such, this proposal is contrary to Policy 14 of NPF4.
- 10.9 Policy 15 Local Living and 20-minute neighbourhoods of NPF4 seeks to 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. In this case, the proposed dwelling would be located adjacent to some existing residential properties, however, access to amenities would rely on travelling outwith this area and given the lack of footpath connections along Stoney Meadow Road, this would likely result in driving to amenities which conflicts with the intention of this policy as it is not connected or sustainable. As such, the proposal would also be contrary to Policy 15 of NPF4.

- 10.10 Policy 16 Quality Homes of NPF4 aims to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities. It states that development proposals for new homes on land allocated for housing in Local Development Plans (LDPs) will be supported. The site is not identified as a housing site in the LDP. It is therefore considered that the proposed development is contrary to NPF4 Policy 16.
- 10.11 Policy 5 – Development Management and Placemaking of SLLDP2 advises that to ensure development takes account of the principles of sustainable development, all proposals require to be well designed and integrated with the local area. Proposals should have no significant adverse impacts on the local community and the environment. Where appropriate, proposals should include measures to enhance the environment. Policy DM1 – New Development Design of SLLDP2 also requires development to promote quality and sustainability in design and layout.
- 10.12 In terms of these policies, the proposed dwelling is 1.5 storeys from the front elevation but includes an extra level when viewed from the rear due to the site sitting lower than road level. As noted above, the footprint of the proposed dwelling is larger than the building on site to be removed and incorporates both traditional and contemporary features within its design. A representation was submitted requesting consideration be given to the scale, design and materials of the proposal. Following assessment of the proposal, the size, scale, design and materials of the dwelling is considered to be acceptable in this instance, and due to its distance from the closest dwelling and the placement of windows, it would have no impact on adjacent properties in terms of loss of privacy or overshadowing. However, new development should also have no significant adverse impacts on the local community. As detailed above, the proposed dwelling is considered to be contrary to NPF4 and the adopted LDP in respect of being located in the Green Belt and being an unsustainable development.
- 10.13 Biodiversity, Trees and Woodland
Policy 3 Biodiversity of NPF4 aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. It is noted that the representation received requested impact on any habitats be considered. Policy 4 Natural Places of NPF4 advises proposals, by virtue of type, location or scale that will have an adverse impact on the natural environment will not be supported. Policy 6 Forestry, woodland and trees of NPF4 advises proposals that enhance, expand and improve woodland and tree cover will be supported and those that result in the loss of ancient woodlands, native woodlands, hedgerows and individual trees of high biodiversity value will not be supported. Similarly, Policy NHE13 Forestry and Woodland of SLLDP2 seeks to protect and enhance ancient woodland, other woodlands, hedgerows and individual trees.
- 10.14 In this case, the site is bounded to the rear by mature trees with some bushes and shrubs along the frontage of the site. The main section of the site is currently maintained grass. The applicant notes that the trees to the rear of the site will be retained. The proposal will require the removal of the shrubs/bushes at the front of the site to facilitate the new access and required visibility splay, however, given it is of low quality, this is considered acceptable in this instance. As the proposed dwelling would generally be located on the maintained grass, it is not considered there would be any significant impact on biodiversity or any significant loss of trees and as such, the proposal is considered to comply with Policies 3, 4 and 6 of NPF4 and Policy NHE13 of SLLDP2.

10.15 Flood Risk and Drainage

Policy 22 – Flood risk and water management of NPF4 advises that promoting avoidance as its first principle is the best way to strengthen resilience to flood risk. It also advises that proposals should not increase the risk of surface water flooding, should manage all surface water through sustainable drainage systems and should seek to minimise the area of impenetrable surface.

10.16 Policy 16 – Water Environment and Flooding of SLLDP2 advises that any development which has an unacceptable impact upon the water environment will not be permitted. Policy SDCC2 – Flood Risk advises that all development within an area with the potential for flooding shall be accompanied by a flood risk assessment.

10.17 In this regard, one of the comments raised in the representation received relates to ensuring any flooding issues have been satisfactorily addressed. In this case, the applicant has submitted a Flood Risk Assessment, with independent check and associated drainage design. The Council's Roads Flooding section has reviewed the documentation and advised that they would have no objection to the proposal subject to the further clarification on the proposed method of drainage as it is unclear if the applicant would opt to take the drainage to a tank and discharge to Lees Burn, or if they would use a soakaway.

10.18 Technical Matters

In terms of any technical matters, as noted above, consultees raised no objections to the proposal subject to conditions being attached to any permission granted.

10.19 Conclusion

In conclusion, a full assessment of the proposal against the development plan has been carried out above. Whilst there is compliance with some aspects of the development plan, the application site is located in the Green Belt and there is no specific locational requirement for the dwelling to be located in the Green Belt. The proposal is therefore contrary to Policies 8, 14, 15 and 16 of NPF4, and Policies 4 and GBRA1 of SLLDP2. It is, therefore, recommended that planning permission be refused.

11 Recommendation and Reasons for Refusal

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

Refuse Full Planning Permission for the reasons outlined below:-

01. The proposal is contrary to Policy 8 (Green belts) of National Planning Framework 4 (NPF4) as it does not meet the criteria listed in the policy for green belt development and therefore fails to encourage, promote and facilitate compact urban growth, and use the land around our towns and cities sustainably.

02. The proposal is contrary to Policy 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4) as it is not consistent with the 6 qualities of successful places. Specifically, it fails to achieve the characteristics of a sustainable and connected place.

03. The proposal is contrary to Policy 15 (Local Living and 20 minute neighbourhoods) of National Planning Framework 4 (NPF4) as it fails to create a connected neighbourhood.
04. The proposal is contrary to Policy 16 (Quality homes) of National Planning Framework 4 (NPF4) as it does not constitute the delivery of high quality homes in the right locations as set out in the policy criteria.
05. The proposal is contrary to Policy 4 (Green Belt and the Rural Area) of the South Lanarkshire Local Development Plan 2 as the site is located in the Green Belt and there is no specific locational need for the dwellinghouse to be located in the Green Belt.
06. The proposal is contrary to Policy GBRA1 (Rural Design and Development) of the South Lanarkshire Local Development Plan 2 as the site is located in the Green Belt and there is no specific locational need for the dwellinghouse to be located in the Green Belt.
07. The site is located outwith the settlement boundary therefore the proposal is not considered to be sustainable development and will increase emissions by encouraging vehicular travel. As such, the proposal is contrary to Policies 1 and 2 of the National Planning Framework 4 (2023).

David Booth

Executive Director (Community and Enterprise Resources)

Date: 31 July 2023

Background Papers

Further information relating to the application can be found online:

[P/22/0078 | Erection of dwelling with associated works | Land Adjacent To Holmpark Stoney Meadow Road East Kilbride Glasgow South Lanarkshire G74 3XY](#)

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/22/0078 Land Adjacent To Holmpark, Stoney Meadow Road, East Kilbride



© Crown copyright and database rights 2023 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:
1:2,000
Date:
18/07/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

6

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

| | |
|--|--|
| Reference no: | P/22/0122 |
| Proposal: | Erection of detached double garage |
| Site Address: | Plot 4 Stanmore Park St Leonard Street Lanark |
| Applicant: | Mr and Mrs Aaron and Alison Reid |
| Agent: | Burrell Design Studio |
| Ward: | 02 Clydesdale North |
| Application Type: | Full Planning Permission |
| Advert Type: | Non notification of neighbours |
| Development Plan Compliance: | Yes |
| Departures: | N/A |
| Recommendation: | Grant subject to conditions |
| Legal Agreement: | No |
| Direction to Scottish Ministers | No |

1. Reason for Report

- 1.1. The application requires to be determined by the Planning Committee as it has attracted 6 objections and therefore exceeds the authority for the Head of Planning and Regulatory Services to determine.

2. Site Description

- 2.1. The application site relates to Plot 4 at Stanmore Park, a small housing development adjacent to Stanmore Farm, which is a traditional farmhouse on the eastern edge of Lanark. The site is not level. Being at the edge of the settlement, the surrounding area is primarily characterised by agricultural land to the east and low-density housing to the west, the latter being screened from Stanmore Park by a tree row.
- 2.2. Excluding Plot 4, two other plots have been developed with a single-storey dwelling and a one and a half-storey dwellinghouse, both of traditional form and finished in white render.

3. Description of Proposed Development

- 3.1. Planning permission is sought for the erection of a double garage with pitched roof at the western side of the house. The proposed garage will have a 73m² rectangular footprint, a 35° pitched roof finished in concrete tiles with a ridge height of 5.5m; external walls finished in render with an eave's height of 2.7m; and two roller garage doors and side entrance door.
- 3.2. The proposal has been revised since it was lodged. Originally a residential annex with single integral garage was proposed, the residential element being deleted from the proposal. In addition, the roof pitch has been reduced from 45° to 35° to match the house which results in the ridge height reducing from 7.0m to 5.5m.

4. Relevant Planning History

- 4.1. The house (without a garage) was previously consented in January 2021 through planning application P/20/1624. The house was constructed, and the completion certificate verified in October 2022 through building warrant B/20/2282.

5. Supporting Information

- 5.1. None

6. Consultations

- 6.1. None

7. Representations

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

- ◆ Design
 - ◆ Size
 - ◆ Massing
 - ◆ Footprint
 - ◆ Height
 - ◆ Mismatched roof pitch
- ◆ Amenity impacts
 - ◆ Restrict views

- ◆ Title deeds/legal burdens
 - ◆ Development restricted without neighbouring agreement

The above issues will be considered in the assessment below and full copies are available to view on the planning portal. However, the issue related to title deeds restricting the erection of buildings without neighbouring consent is a private legal matter outwith the remit of the planning system. Accordingly, such aspects are not material to the assessment and determination of this application. That said, it should be noted, that the residential component of the ancillary building has been deleted from 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. The development plan comprises the South Lanarkshire Local Development Plan 2 and National Planning Framework 4.

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 16 - Quality Homes

8.3. South Lanarkshire Local Development Plan 2 (2021)

For the purposes of determining planning applications the Council must assess proposals against the policies contained within the adopted 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 Area/Settlements
- ◆ Policy 5 - Development Management and Placemaking

SLLDP2 Volume 2 Policies

- ◆ Policy DM2 – House Extensions and Alterations

South Lanarkshire Council (SLC) Supporting Planning Guidance

- ◆ Development at a dwellinghouse

9. Guidance

9.1. None applicable.

10. Assessment and Discussion

10.1 Introduction

Full planning permission is sought for the erection of a detached double garage at Plot 4, Stanmore Park, Lanark. The main issues to be addressed in the determination of this application includes the acceptability in principle of the proposed development, its layout, siting and design, 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 considerations in this case, together with an assessment of any other material planning considerations.

10.2 Principle of Development

The principle of a house at the site has been established and it has been constructed per the approved drawings in terms of consent P/20/1624.

10.3. Generally, the addition of a detached garage to a house is acceptable provided that the garage would not result in overdevelopment of the plot and that the scale, design, and materiality of the garage is sympathetic to the house and its surroundings. Policies 14 and 16 of NPF4 and Policies 3, 5, and DM2 of the SLLDP2 are material considerations in determining the suitability of householder development such as the garage now proposed.

10.4. 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. 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.

10.5 Layout, Siting and Design

Policies 14 and 16 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 16 intends to provide quality homes and identifies that householder proposals will be supported where they do not have a detrimental impact on the character of the house or the surrounding area or a detrimental effect on neighbouring amenity.

10.6. Policies 3 and 5 of the SLLDP2 identify that residential development within settlements, and those of an ancillary nature, may be considered acceptable if they do not have a significant adverse impact on the amenity and character of the area, and that all development should take account of, and be integrated with, the local context and built form. Policy DM2 of the LDP2 provides specific guidance on residential alterations and extensions.

10.7. As detailed above, the house already benefits from consent and therefore this application only relates to the garage now proposed. In terms of the aforementioned policies, it is considered that in terms of scale, design, and materiality that the garage is appropriate and sympathetic to the dwellinghouse and it would not result in overdevelopment of the plot. The recommended conditions will ensure that the external finishes of the garage match the house.

10.8. The ridge height of the garage at the time of submission was relatively high and would have resulted in the garage being approximately the same height as the 2-storey house due to the house siting lower on the site. Consequently, the height has been reduced by 1.5m which will help address the concerns raised by neighbours that the garage would have been overbearing in terms of neighbouring properties and the wider context of Stanmore Park.

10.9. The separation distance of the garage from neighbouring properties raises no concern for amenity impacts in terms of overshadowing or an adverse relationship and, while its roof may impact on some views to the north from neighbouring properties, the restriction of a view is not a material planning consideration.

10.10. Technical Matters

Due to the house already having consent and its construction complete no consultations were considered necessary for the addition of a detached garage to the proposal. Consequently, there are no technical matters to consider.

11. Recommendation and Conditions

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

Grant subject to conditions:-

1. 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).

2. That the facing materials to be used for the external walls and roof of the garage hereby approved shall match in colour and texture those of the existing adjoining building on the site to the satisfaction of the Council as Planning Authority.

Reason: To ensure satisfactory integration of the proposed development with the existing building both in terms of design and materials.

12. Reason for Decision

12.1. It is considered that the proposed garage would not result in a significant detrimental impact on the amenity and character of the house, the streetscape, or any adjacent properties. Consequently, the proposal complies with the provisions of Policies 14 and 16 of the adopted National Planning Framework 4 and Policies 3, 5, and DM2 of the adopted 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: 31 July 2023

Background Papers

Further information relating to the application can be found online:

[P/22/0122 | Erection of detached double garage | Plot 4 Stanmore Park St Leonard Street Lanark](#)

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



© Crown copyright and database rights 2023 OS 10000730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:
1:2,000
Date:
13/07/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

7

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

| | |
|--|--|
| Reference no: | P/22/0390 |
| Proposal: | Change of use of land from agriculture to Class 6 (Storage or Distribution), installation of modular office building, erection of vehicle washing bay and creation of hardstanding area (in retrospect) and formation of haul road |
| Site Address: | Townhead Farm Ponfeigh Road Sandilands Lanark ML11 9UA |
| Applicant: | JHP Transport Lanark Ltd |
| Agent: | David Graham |
| Ward: | 04 Clydesdale South |
| Application Type: | Full Planning Permission |
| Advert Type: | Development Contrary to Development Plan: Lanark Gazette 25 May 2023 Non notification of neighbours: Lanark Gazette 25 May 2023 Bad neighbour: Lanark Gazette May 25 2023 |
| Development Plan Compliance: | Yes |
| Departures: | N/A |
| Recommendation: | Grant subject to conditions |
| Legal Agreement: | N/A |
| Direction to Scottish Ministers | N/A |

1. Reason for Report

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

2. Site Description

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

3. Description of Proposed Development

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

4. Relevant Planning History

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

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

5. Supporting Information

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

6. Consultations

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

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

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

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

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

Response: Noted.

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

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

7. Representations

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

8. Development Plan

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

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

8.3. National Planning Framework 4

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

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the Climate and Nature Crises
- ◆ Policy 2 - Climate Mitigation and Adaptation
- ◆ Policy 13 – Sustainable Transport
- ◆ Policy 26 – Business and Industry
- ◆ Policy 29 - Rural Development

8.4. South Lanarkshire Local Development Plan 2 (2021)

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

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

SLLDP2 Volume 1 Policies

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

SLLDP2 Volume 2 Policies

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

9. **Guidance**

9.1. None

10. **Assessment and Discussion**

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

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

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

10.7 Impact Upon Residential Amenity

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

10.8 Impact on Public Road Network

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

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

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

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

10.11 Conclusion

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

11. **Recommendation and Conditions**

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

Grant subject to conditions:-

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

Reason: In order to define the terms of the consent

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

Reason: In the interests of visual amenity.

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

Reason: In the interests of visual amenity.

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

Reason: In the interests of mining legacy

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

Reason: In the interests of mining legacy

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

Reason: In the interests of road safety

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

Reason: In the interests of road safety

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

Reason: In the interests of road safety

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

Reason: In the interests of road safety

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

Reason: In the interests of road safety

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

Reason: In the interests of road safety

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

Reason: In the interests of road safety

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

Reason: In the interests of road safety

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

Reason: In the interests of road safety

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

Reason: In the interests of road safety

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

Reason: In the interests of providing electric vehicle infrastructure.

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

Reason: In the interests of road safety.

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

Reason: In the interests of road safety

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

Part 1

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

Part 2

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

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

Part 3

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

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

Reason: In the interests of residential amenity

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

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

Reason: In the interests of residential amenity

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

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

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

Reason: In the interests of residential amenity

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

Reason: In the interests of amenity

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

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

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

Reason: In the interests of light pollution

12. Reason for Decision

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

David Booth

Executive Director (Community and Enterprise Resources)

Date: 31 July 2023

Background Papers

Further information relating to the application can be found online:

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

Corporate Considerations

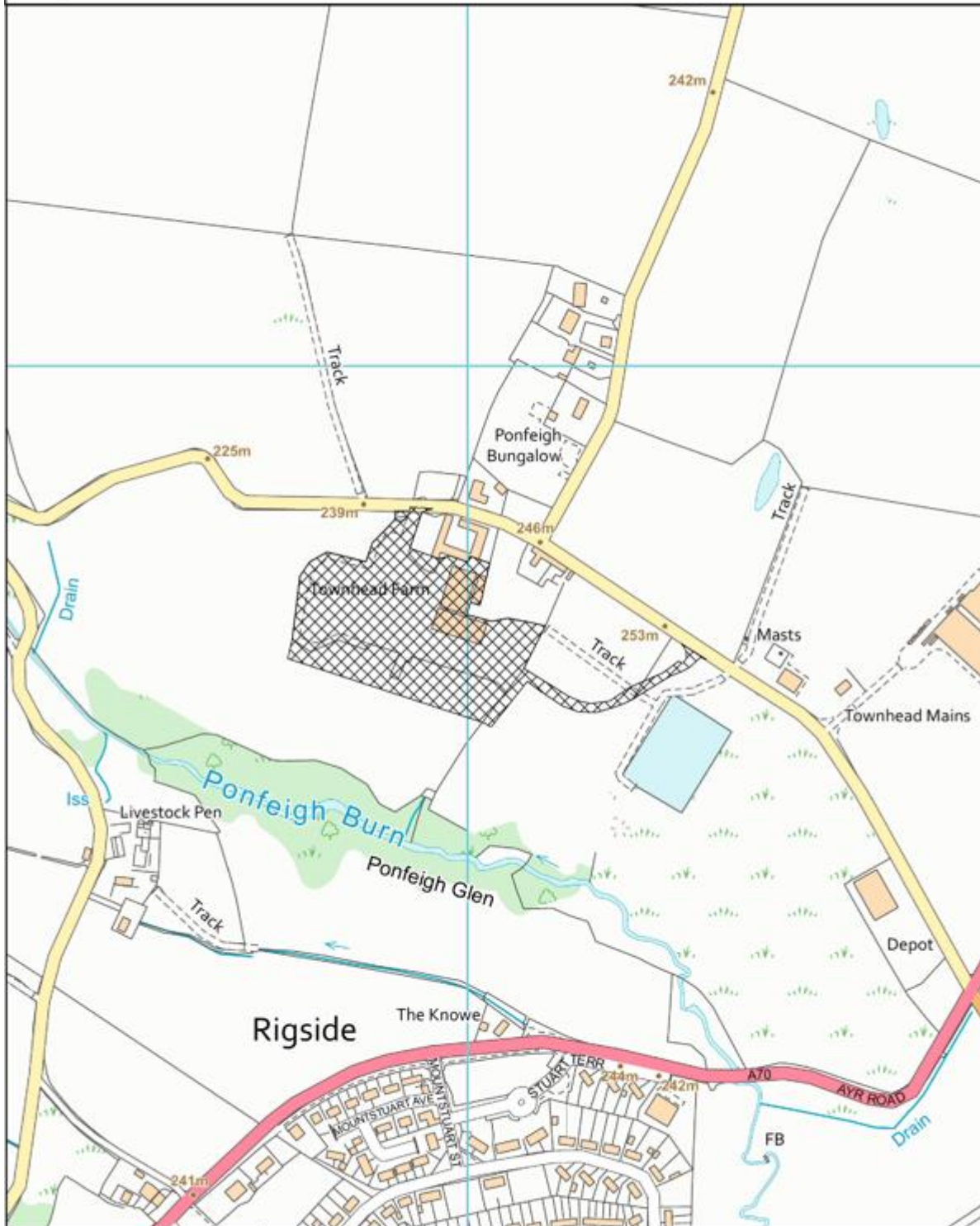
The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

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



© Crown copyright and database rights 2023 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



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



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

8

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

| | |
|--|---|
| Reference no: | P/22/0878 |
| Proposal: | Erection of 14 wind turbines (12 no. with a 149.9m maximum height to tip and 2 no. with a 180m maximum height to tip) with a maximum output of up to 50MW and associated infrastructure including substation, control building, crane hardstandings, underground cabling, transformer enclosures, temporary construction compounds, borrow pits, permanent wind monitoring mast and new and upgrading of existing access tracks (Section 42 application to amend condition 3 of planning permission P/18/1540, to permit operational lifetime for a 30 year period) |
| Site Address: | Cumberhead Wind Farm Stockbriggs from New Trows C13 To Cumberhead Lesmahagow Lanark |
| Applicant: | Cumberhead Wind Energy Ltd |
| Agent: | Atmos Consulting Ltd |
| Ward: | 04 – Clydesdale South |
| Application Type: | Further Application |
| Advert Type: | Environmental Impact Assessment (EIA) Report Submitted: Lanark Gazette 1 February 2023 EIA Report Submitted: Edinburgh Gazette 3 February 2023 Non-notification of neighbours: Lanark Gazette 20 July 2022 |
| Development Plan Compliance: | Yes |
| Departures: | N/A |
| Recommendation: | Grant subject to conditions |
| Legal Agreement: | No |
| Direction to Scottish Ministers | N/A |

1. Reason for Report

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

2. Site Description

- 2.1. The application site extends to approximately 745.5 hectares in area and is a recently constructed wind farm of 14 turbines (12 no. with a 149.9m maximum height to tip and 2 no. with a 180m maximum height to tip), (Planning Ref: P/18/1540), located within the former Cumberhead Forest, a commercial forestry plantation. The site is some 2.2km to the southwest of the settlement of Coalburn and 4.3km west of the settlement of Douglas. The operational Nutberry Wind Farm (6 turbines) is located within the centre of the application site and a number of other wind farm sites, including Galawhistle, Dalquhandy and Hagshaw Hill are located in close proximity, known collectively as the 'Hagshaw Cluster'. The application site is set wholly within the administrative area of South Lanarkshire, although it should be noted that the western boundary is located parallel to the eastern administrative boundary of East Ayrshire Council.

3. Description of Proposed Development

- 3.1. The application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) and is an application for planning permission for the development of land but without compliance with a condition or conditions attached to a previous planning permission.

- 3.2. In this instance, the applicant wishes to vary condition 3 of planning permission Ref: P/18/1540 (hereon referred to as the original permission) which granted planning permission for 14 turbines at a maximum tip height of 149.9 metres for 12 no. turbines and 180 metres for 2 no. turbines on the site.

- 3.3. 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.

- 3.4. 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.

- 3.5. In essence, this application requests an extension to the operating period of the wind farm from 25 years to 30 years.

- 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 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 permission for 11 turbines, all at a maximum height to tip of 126.5m (Planning Ref: CL/15/0231) was initially approved by the Planning Committee, subject to a legal agreement. The legal agreement was not completed, and this original application was withdrawn to permit the applicant to submit a further detailed planning application (Planning Ref: P/18/1540) for 14 turbines on the site, designed to replace the previous application. This was approved at Planning Committee on 25 August 2020 subject to the conclusion of a legal agreement. This was subsequently agreed and the decision notice issued. All site works are now nearing completion, with the anticipated final commissioning of the wind farm in July 2023. Detailed planning permission was also granted consent under delegated powers in March 2020 for the installation of a length of access track at the site (Planning Ref: P/19/1738). In addition, detailed planning permission was granted for a further section of access track under delegated powers in January 2021 (Planning Ref: P/20/1607).
- 4.2 The Legal Agreement attached to P/18/1540 has been written to ensure any subsequent planning applications for the wind farm (such as this current one) are also controlled by the same terms.

5. Supporting Information

- 5.1. The applicant has submitted a number of supporting documents with the application, including a Section 42 Supporting Statement setting out the justification for the application, the 2018 Planning Statement and the original submitted EIA documents and figures.

6. Consultations

- 6.1. **Glasgow Airport** – originally submitted a holding objection to the application, advising that it could conflict with safeguarding criteria, and that a more detailed assessment required to be undertaken. Following a number of discussions between the applicant and Glasgow Airport, the consultee has now confirmed that the development does not conflict with safeguarding criteria, and that the original objection can be removed.
Response: Noted.
- 6.2. **National Air Traffic Services (NATS)** – offer no objection to the proposed time extension.
Response: Noted.
- 6.3. **West of Scotland Archaeology Service (WOSAS)** – offer no objection to the application, as extending the lifespan of the wind farm would not alter or increase the impact of the development on the historic environment.
Response: Noted.
- 6.4. **Countryside and Greenspace** – no objections to the further application, subject to the attachment of a condition requiring the submission of a detailed Access Management Plan, as per the condition attached to the original approval for the site.

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

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement, no 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 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 Volume 1 Policies

- ◆ Policy 1 - Spatial Strategy
- ◆ Policy 2 - Climate Change
- ◆ Policy 4 - Green Belt and Rural Area
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 14 - Natural and Historic Development
- ◆ Policy 15 - Travel and Transport
- ◆ Policy 18 - Renewable Energy

South Lanarkshire Council (SLC) Supporting Planning Guidance

- ◆ Renewable Energy (January 2021)

9. Guidance

- 9.1. None applicable.

10. Assessment and Discussion

- 10.1. The application has been made under section 42 of the Planning Act to extend the operating period of a previously consented wind farm from 25 years to 30 years. 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 As the proposals involve an amendment to an existing consent, now implemented, there is no need to revisit the principle of the development, or any facets of the Original Consent that do not form part of the proposed amendments. Therefore, in this instance, the assessment of the proposals relate solely to consideration of any impacts that may arise from an increase in the permitted period of operation from 25 to 30 years. The main matters for the Council's consideration are therefore whether this extended period of 5 years for operation of the wind farm would continue to comply with the Development Plan. No changes to the scale, design or layout of the approved scheme are proposed.
- 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 windfarms 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. The Section 42 application supporting statement indicates that this will enable a further 963,600 MWh to be produced, enough to power over 12,000 homes within South Lanarkshire.
- 10.5 The previous consent, now implemented, established the principle of a wind farm development on the site in 2020. The amendments proposed relate to an extension of the permitted period of operation from 25 to 30 years. As such, the key issue in assessing the application is whether the continued operation of the wind farm for a further 5 years is considered acceptable. A detailed assessment against NPF4, local development plan policy in the adopted South Lanarkshire Local Plan 2 and its associated supporting planning guidance on Renewable Energy has been carried out. It is concluded that the extension of the permitted period of operation for a further 5 years would accord with the relevant assessment criteria and would not have any resultant significant, adverse impacts.
- 10.6 Conclusion
In conclusion, it is considered that subject to the replication of the relevant (post construction) conditions attached to the original permission, the extension of the operational life span of the wind farm by a further 5 years is considered acceptable. It is, therefore, recommended that the Planning Committee approve the application.

11. Recommendation and Conditions

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

Grant the further application, subject to conditions:-

01. That the development is carried out strictly in accordance with the terms of the application and the accompanying EIA Report dated September 2018, 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 EIA 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 3 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 Final Commissioning without prior written approval of the Planning Authority.

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

04. A decommissioning, restoration and aftercare strategy has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot and Scottish Environment Protection Agency (SEPA). The strategy outlines measures for the decommissioning of the Development, restoration and aftercare of the site and includes, without limitation, proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works, and environmental management provisions.

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, 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. 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 planning authority. Such guarantee must:-

- i. be granted in favour of the 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 an amount which covers the value of all site restoration and aftercare liabilities as determined by the planning authority at the commencement of development
- iv. contain provisions so that all the site restoration and aftercare liabilities as determined at the commencement of development shall be increased on each fifth anniversary of the date of this consent.
- v. come into effect on or before the date of commencement of development, and expire no earlier than 24 months after the end of the aftercare period.

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

In the event that the guarantee becomes invalid for any reason, no operations will be carried out on site until a replacement guarantee completed in accordance with the terms of this condition is lodged with the Planning Authority.

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

06. The cumulative day time noise (7am to 11pm) from the wind turbines must not exceed a noise level of 40dB LA90 (10 min) or background LA90 (10 min) +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 the cumulative projections at the levels assessed within the EIA for all developments and including the immissions from the Cumberhead Wind Farm development.

The cumulative night time noise (11pm to 7am) from the wind turbines must not exceed a noise level of 43dB LA90 (10 min) or background LA90 (10 min) +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 the cumulative projections at the levels assessed within the EIA for all developments and including the emissions from the Cumberhead Wind Farm development.

The cumulative noise (at any time) from the wind turbines must not exceed a noise level of 45dB LA90 (10 min) or background LA90 (10 min) +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.

Prior to electricity being exported the wind farm operator shall submit to the Planning Authority for written approval a list of proposed independent consultants who shall undertake compliance and validation measurements to demonstrate compliance with the levels above. Amendments to the list of approved consultants shall be made only with written approval of the Planning Authority. The measurements shall be carried out in accordance with ETSU-R-97 (with respect to current best practice) and submitted to the Planning Authority for their approval. Any variation determined from the compliance and validation measurements shall be mitigated for in order to comply with condition 1.0 above subject to agreement with the Planning Authority. Where the background levels cannot be established, the emission levels shall be based on those submitted within the EIA Report (September 2018).

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 condition 38 shall be reduced by the penalty level identified within section 28 of 'The Assessment and Rating of Noise from Wind Farms- ETSU-R-97 (See Figure below). 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 farm, the wind farm operator shall appoint an independent noise consultant, whose appointment shall require to be approved by the Planning Authority, to measure the level of noise emission 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 farm 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, found to be in breach of the noise limits the developer 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. Within 21 days of a written request by the Local Planning Authority, following a complaint to it from a resident alleging noise disturbance at the dwelling at which they reside and where Excess Amplitude Modulation (AM) is considered by the Local Planning Authority to be present in the noise emissions at the complainant's property, the wind farm operator shall submit a scheme, for the approval of the local planning authority, providing for the further investigation and, as necessary, control of Excess AM. The scheme shall be based on best available techniques and shall be implemented as approved.

Reason: In the interests of amenity.

07. The applicant shall ensure that all works carried out on site must be carried out in accordance with the current BS5228, 'Noise control on construction and open sites'. The applicant shall further ensure that audible construction activities shall be limited to, Monday to Friday 7.00am to 7.00pm, Saturday 7.00am to 1.00pm and Sunday - No audible activity with no audible activity taking place on Sunday, local and national bank holiday - without prior written approval of the Planning Authority.

Under exceptional conditions the above time restrictions may be further varied subject to written agreement with the council as Planning Authority.

Reason: To minimise disturbance to residents in the vicinity of the wind farm.

08. That at times during which Borrow Pits are operational, then the noise levels shall be restricted to 55dB LA eq (1hr) or background LA90 (1hr) + 10dBA, whichever is the lesser and any general construction noise, which is ongoing simultaneously with the Borrow Pit operation, shall be considered as Borrow Pit noise. The level has been derived from PAN 50 Annex A Controlling the Environmental Effects of Surface Mineral Workings Annex A: The Control of Noise at Surface Mineral Workings.

Details of any blasting at borrow pits should be included with a method statement and relevant reports as necessary.

Reason: To minimise disturbance to residents in the vicinity of the wind farm.

09. No blasting shall take place until such time as a blasting method statement has been submitted to and approved in writing by the Planning Authority.

The method statement shall include details of measures required to minimise the impact of blasting on residential and other noise-sensitive properties in the vicinity of the site. It shall also include the following measures:-

- Blasting shall be carried out using the best practicable means of ensuring that the resultant noise, vibration and air overpressure are minimised;
- Blasting techniques and instantaneous charge levels shall be employed such that the predicted peak particle velocity shall not exceed 6 mm/s in any plane in 95% of all blasts, and no individual blast shall exceed a peak particle velocity of 12 mm/s as would be measured on the ground adjacent to any vibration-sensitive building;

- Under normal atmospheric conditions, the peak linear overpressure level shall not exceed 120dB as measured from any neighbouring noise sensitive premises;
- Within the constraints of safe practice, blasting shall be avoided under weather conditions which are likely to direct or focus the blast air overpressure towards neighbouring noise sensitive properties;
- Blasting shall thereafter be carried out in accordance with the approved method statement, unless otherwise agreed in writing with the Planning Authority.

No blasting shall take place except between the following times:-

10.00 - 12.00 and 14.00 - 16.00-Mondays to Fridays and;
10.00- 12.00 Saturdays.

Reason: To minimise disturbance to residents in the vicinity of the wind farm.

10. A detailed Traffic Management Plan (TMP) including a Travel Plan, has the written approval of the Council as Planning and Roads Authority, and requires to be fully adhered to and implemented.

Should there be 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.

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

11. A Construction Environmental Management Plan (CEMP) including Construction Method Statement, Waste Management Plan and Pollution Prevention Plan has been submitted to and approved by the Planning Authority in consultation with SEPA and Scottish Natural Heritage (SNH). All the measures described in the approved plan shall be implemented.

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

12. The mitigation measures identified in the Peat Landslide Hazard and Risk Assessment (PLHRA) require to be implemented unless otherwise agreed with the Planning Authority in consultation with SEPA.

Thereafter the approved mitigation proposals shall be incorporated in a geotechnical risk register which will identify Hazard Ranking and be implemented in full. During the period of consent, all excavations shall be suitably supported to prevent collapse and where peat is present to prevent the development of tension cracks. Peat removed from drainage ditches as part of maintenance shall be considered as excavated peat.

Reason: To minimise the risk of peat failure arising from the development.

13. A method statement has been submitted to and approved in writing by the Planning Authority, detailing all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties which are served by private water supplies at the date of this consent and which may be affected by the Development. A water level and quality monitoring programme will be undertaken prior to any construction and during construction. The method statement shall include

water quality sampling methods and shall specify abstraction points. The approved method statement shall thereafter be implemented in full.

Reason: To maintain a secure and adequate quality water supply to all properties with private water supplies which may be affected by the development.

14. A fish and macroinvertebrate monitoring plan has been submitted to the Planning Authority and Marine Scotland Science setting out the steps that shall be taken to monitor the environmental effects of the development, during the construction phase, operational phase and decommissioning phase. The methodology of such monitoring including locations frequency, gathering of information on background levels, etc shall be submitted to the Planning Authority in consultation with Marine Scotland Science for approval and thereafter, the plan shall be implemented to the satisfaction of the Planning Authority in consultation with Marine Scotland Science, and the results of such monitoring shall be submitted to the Planning Authority and Marine Scotland Science on request.

Reason: To ensure protection of water bodies and protection for salmonid populations within and downstream of the development area.

15. Each turbine shall be erected in the position indicated. At least 1 month prior to the construction of turbine foundations a variation of the indicated position of any turbine on the approved drawing shall be notified on the following basis: (a) if the variation is less than 25 metres it shall only be permitted following the approval of the Ecological Clerk of Works (ECOW) in consultation with SEPA and West of Scotland Archaeology Service (b) if the variation is of between 25 metres and 50 metres it shall only be permitted following written approval of the Planning Authority in consultation with SEPA and West of Scotland Archaeology Service. The said provisions relating to variation shall not have the effect such that any variation will:-

- bring a turbine within 1000m of a non-involved residential property
- bring a turbine outwith the planning application boundary
- breach the 50m water buffer zones.

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

16. That during the construction of the development:-

- a) All works shall be carried out in a manner consistent with The Water Environment (Controlled Activities) (Scotland) Regulations 2005
- b) No work shall be undertaken within a 50 m buffer zone surrounding all watercourses and known functioning drains, with the exception of access route crossings, unless otherwise agreed in writing with the Planning Authority.
- c) Track layout shall minimise disruption to water courses
- d) Existing drainage routes shall be maintained through sensitive placement of soil heaps and where necessary temporary drains.
- e) Silt traps shall be provided on all existing drainage routes affected by site works.
- f) Watercourses shall not be culverted. Bridge crossings shall be used instead of culverts and a suitable design shall be put forward and agreed in writing with the planning authority in consultation with SEPA.
- g) Any disturbance of watercourses shall be minimised utilising cofferdam temporary works.
- h) Cable trenches shall only be constructed in limited sections to reduce drainage of groundwater and prevent additional drainage routes being created.
- i) Cable trenches shall be plugged to prevent the creation of new drainage paths.

- j) The scheduling of works shall minimise disruption and working during wet weather
- k) Temporary works interception drains shall be constructed to prevent potential contamination of runoff and groundwater
- l) Stockpiling of materials on wet ground and near drainage channels shall not take place, unless agreed in writing with the Planning Authority
- m) Backfilled trenches shall be re-vegetated
- n) Temporary silt traps shall be constructed to treat runoff
- o) Sulphate resistant concrete shall be used to prevent leaching of chemical.
- p) Should any material be proposed to be removed from the site the applicant shall notify the Council. Any such notification shall include details of the proposed traffic routes and phasing of such operations all for the approval of the Council as Roads Authority.

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

17. 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.

18. No part of any turbine shall be erected above ground until Primary Radar Mitigation Schemes agreed both with the Operator and Glasgow Airport have been submitted to and approved in writing by South Lanarkshire Council, in consultation with the Operator and Glasgow Airport, 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 and to prevent the impairment of the performance of aerodrome navigation aids and the efficiency of air traffic control services at Glasgow Airport.

Reason: In the interest of public safety

19. No part of any turbine shall be erected above ground until the approved Primary Radar Mitigation Schemes have been implemented and the development shall thereafter be operated fully in accordance with such approved Scheme as referred to in condition 18.

For the purpose of this condition and condition 18;

"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 and Glasgow Airport 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 and Glasgow Airport

Reason: In the interest of public safety.

20. 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.

21. That outwith the lighting required through condition 26 below, 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.

22. There shall be no Commencement of Development unless the Planning Authority has approved in writing the terms of appointment by the Company of an independent Environmental Clerk of Works (ECoW). The terms of the appointment shall include the ECoW to be appointed prior to commencement of development, remaining appointed until the final commissioning of the development. 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 Environmental Impact Assessment Report dated September 2018;
- 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.

A minimum of 2 months prior to the commencement of development an Ecological Mitigation Strategy (EMS) shall be prepared and submitted for approval to and approved by the Planning Authority in consultation with NatureScot. The EMS shall include the mitigation measures set out in the Environmental Statement.

Reason: To secure effective monitoring compliance with the environmental mitigation and management measures associated with the development.

23. 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 those elements identified in condition 25.

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

24. A Habitat Management Plan (HMP) for the entire application site has been approved, in consultation with RSPB and NatureScot.

The HMP includes the following and takes into account recommendations in SNH letter dated 22 November 2018 including the attached SNH letter dated 28 August 2015:-

- i. Wet heath restoration
- ii. Native broadleaved scrub restoration
- iii. Habitat monitoring
- iv. Raptor monitoring programme
- v. Additional habitat enhancements - off-site compensatory planting, habitat piles, watercourse protection and improvements to upstream access, blanket bog improvements, protect and enhance biodiversity
- vi. monitoring at the site to collate any bird collisions
- vii. confirm the significance of the losses
- viii. identify any potential mitigation to minimise the potential for bird strike
- ix. monitor flight paths of SPA species and other species and recommend any mitigation measures required for approval of the Habitat Management Group.
- x. Ground management programme
- xi. Vegetation clearance should not be carried out between April to July inclusive to avoid impacts on breeding birds unless otherwise agreed with the Planning Authority.
- xii. The establishment of a Habitat Management Group (HMG) to oversee the preparation of the approved Habitat Management Plan. The HMG shall include a representative of South Lanarkshire Council and RSPB and shall have powers to make reasonable changes to the HMP necessary to deliver its agreed aims.

All works shall be implemented strictly in accordance with the terms of the approved HMP and within the timescales set out in the approved HMP.

Reason: To safeguard habitat and to ensure development conforms to Environmental Statement and maintain effective planning control.

25. That vehicle reversing alarms for on-site plant should utilise non-tonal reversing alarms where activities are in close proximity to noise sensitive premises. Details of alternative warning devices shall be submitted to and approved in writing by the Council as Planning Authority prior to development starting on site. Efficient silencers shall be fitted to, used and maintained in accordance with manufacturers' instructions on all vehicles, plant and machinery used on the development site.

Reason: In the interests of amenity.

26. The requirement to meet MoD aviation lighting, approved in writing by the Planning Authority, in consultation with MoD, 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 shall be fitted with 25 candela red and IR combination lighting at the highest practicable point, or as agreed in writing with MoD. The turbines at 180metres shall be fitted with aviation lighting in accordance with Article 219 of the Air Navigation Order.

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.

27. There shall be no commencement of development until a scheme for the avoidance or mitigation of any shadow flicker experienced by residential and commercial properties situated within 10 rotor diameters of any turbine forming part of the development and which lawfully exist or for which planning permission has been granted at the date of this consent has been submitted to and approved in writing by the Planning Authority. The approved mitigation scheme shall thereafter be implemented in full and maintained as such for the lifetime of the development hereby approved.

Reason: In the interests of amenity.

28. That no felling and replanting shall be allowed on site until a felling and replanting strategy has been submitted for the written approval of the Council, as Planning Authority in consultation with Forest and Land Scotland. Once approved the felling and replanting strategy shall be carried out as such and thereafter maintained as such for the lifetime of the development, hereby approved. For the avoidance of doubt no planning approval is granted for the felling identified in Plan 5a of the EIA Report dated September 2018.

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

29. A detailed Access Strategy (AS) has received the written approval of the Planning Authority. The applicant shall adhere to and implement the AS within the timescales set out. Proposals shall incorporate and identify the Council's Core Path and Wider Network and provide signage where the network identifies links.

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

30. 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.

31. 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).

12. Reason for Decision

- 12.1. The proposals to extend the lifespan of a wind farm development that already benefits from planning consent by an additional 5 years are considered acceptable, subject to the imposition of the previous suite of applicable environmental conditions. The amended lifespan of the wind farm would allow an additional 5 years of renewable energy to be generated, is not considered to result in any adverse impacts in relation to the previous consented development, accords 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, and 18 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: 31 July 2023

Background Papers

Further information relating to the application can be found online:

[P/22/0878 | Erection of 14 wind turbines \(12 no. with a 149.9m maximum height to tip and 2 no. with a 180m maximum height to tip\) with a maximum output of up to 50MW and associated infrastructure including substation, control building, crane hardstandings, underground cabling, transformer enclosures, temporary construction compounds, borrow pits, permanent wind monitoring mast and new and upgrading of existing access tracks \(Section 42 application to amend condition 3 of planning permission P/18/1540, to permit operational lifetime for a 30 year period\) | Cumberhead Wind Farm Stockbriggs From New Trows C13 To Cumberhead Lesmahagow Lanark \(southlanarkshire.gov.uk\)](#)

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.

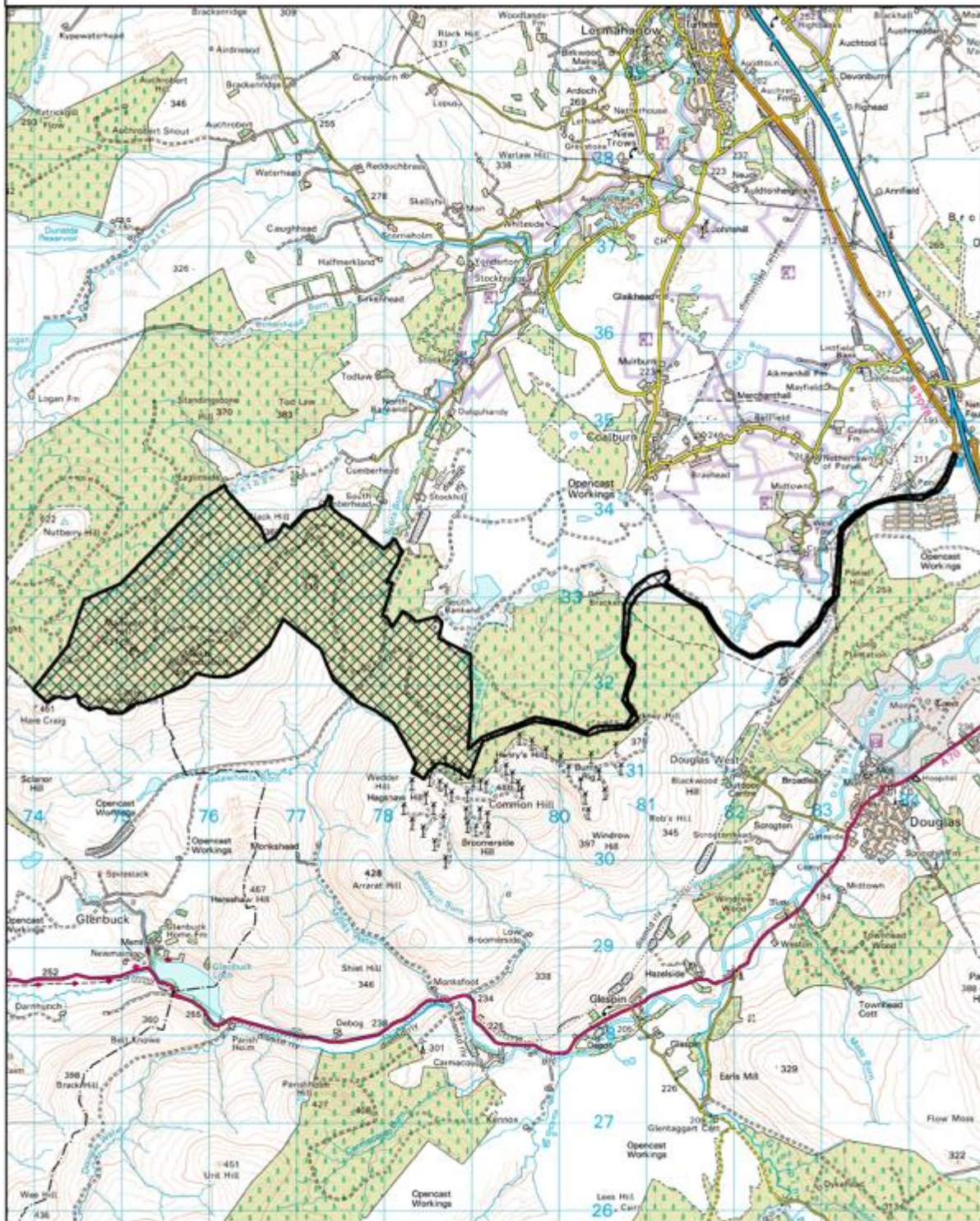
Contact for Further Information

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/22/0878 Cumberhead Wind Farm, Stockbriggs, from New Trows C13 to Cumberhead, Lesmahagow, Lanark



© Crown copyright and database rights 2023 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:
1:60,000
Date:
13/07/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

9

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

| | |
|--|---|
| Reference no: | P/22/1359 |
| Proposal: | Change of use of domestic office and gym to a one-bedroom self-catering holiday let (retrospective) |
| Site Address: | 3 Mauldslie Castle Orchard Mauldslie Road Carluke ML8 5FJ |
| Applicant: | Mr Archie Loudon |
| Agent: | David Haire |
| Ward: | 01 Clydesdale West |
| Application Type: | Full Planning Permission |
| Advert Type: | Non-notification of neighbours |
| Development Plan Compliance: | Yes |
| Departures: | n/a |
| Recommendation: | Grant subject to conditions |
| Legal Agreement: | n/a |
| Direction to Scottish Ministers | n/a |

1. Reason for Report

- 1.1. The application is required to be determined by the Planning Committee under Clause 4.1 of the Decision-Making Process 2015: any application which has attracted more than five objections.

2. Site Description

- 2.1. The application site is an existing one and a half storey, residential garage set within the curtilage of a detached residential property within a newly established small housing development within the Mauldslee Estate approximately 200m to the north of Rosebank on the opposite side of the River Clyde.
- 2.2. The garage comprises parking for 3 cars on the ground floor with living accommodation above. The living accommodation is accessed via an internal stair and comprises a living, kitchen area, bathroom and 1 bedroom. The upper floor was originally to provide a domestic office and gym space with bathroom facilities ancillary to the main dwellinghouse. Hardstanding is located to the front of the garage with external parking for a minimum of 3 vehicles in front of the garage doors.

3. Description of Proposed Development

- 3.1. The application seeks retrospective consent for the change of use of the upper floor of the building to allow it to be used for a one-bedroom self-catering holiday let. As the proposals are to operate a short-term holiday let they are separate to the existing domestic use of the property and as such are in a separate use class of their own which requires planning permission.

4. Relevant Planning History

- 4.1. The donor dwellinghouse is part of a 9 house development granted planning permission in November 2013 (CL/13/0348). Planning permission was granted in July 2019 under delegated powers for the erection of the detached triple garage with upper floor office and gym, formation of retaining walls and raised patio with screen fence (Planning Ref: P/19/0215).

5. Supporting Information

- 5.1. The application was submitted with a location and site plans and elevational drawings of the garage including the internal layout.

6. Consultations

- 6.1. **Environmental Services** – have no objections to the proposals and do not recommend any conditions being attached to any permission, if granted. Requested that a standard advisory note relating to noise nuisance be attached to any permission if granted.

Response: Noted.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement, a total of 9 objections have been received from 8 separate third parties. The issues raised are summarised as follows:-

- ◆ Increase in traffic
- ◆ Road Safety – traffic speeds
- ◆ Road Safety – inadequate access
- ◆ Impact on wildlife through traffic
- ◆ Pedestrian safety
- ◆ Late night / early morning activity
- ◆ Noise disturbance

- ◆ Impact on amenity
- ◆ Garage restricted to domestic use

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

8. Development Plan

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

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

8.3. National Planning Framework 4

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

National Planning Framework 4 Policies

Policy 1 - Tackling the climate and nature crisis

Policy 2 - Climate mitigation and adaptation

Policy 8 – Green belts

Policy 30 – Tourism

8.4. South Lanarkshire Local Development Plan 2 (2021)

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

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

SLLDP2 Volume 1 Policies

Policy 2 - Climate Change

Policy 4 – Green Belt and Rural Area

Policy 5 - Development Management and Placemaking

SLLDP2 Volume 2 Policies

Policy GBRA2 – Business proposals in the Green Belt and Rural Area

South Lanarkshire Council (SLC) Supporting Planning Guidance

Development at a Dwellinghouse

9. Guidance

9.1. None

10. Assessment and Discussion

10.1. Introduction

The main issues to be addressed in the determination of this application includes the acceptability in principle of the proposed development, impact upon amenity and an assessment of technical matters. The policies contained within National Planning Framework 4 and the South Lanarkshire Local Development Plan 2 are the main consideration in this case, together with an assessment of any other material planning considerations.

10.2 Principle of Development

The application site is located within a small residential group identified as lying in the Green Belt in the adopted South Lanarkshire Local Development Plan 2. NPF4 Policy 8 Green Belts is a high-level strategic policy designed to encourage, promote and facilitate compact urban growth and use the land around towns sustainably. It sets out a range of uses that may be supported and they include tourism uses.

10.3 SLLDP2 Policy 4 – Green Belt and Rural Area states that the purpose of the Green Belt is to direct development to the most appropriate locations and support regeneration, protect and enhance the character, landscape setting and identity of the settlement and protect and provide access to open space. Policy GBRA2 defines uses that are considered appropriate in the Green Belt and they include holiday accommodation.

10.4 The proposals do not involve an extension or alterations to the building and, as such, they do not impact on the objectives of the Green Belt or the environmental quality of the area. In view of this, it is considered that the principle of the change of use of part of an existing building accords with the relevant policies of the Development Plan subject to detailed assessment as set out below.

10.5 Climate Change

Policies 1 and 2 of NPF4 identify that: development shall take account of the global climate and nature crises; and that development should minimise emissions and be adapted to take account of current and future climate risks. In addition, Policy 2 – Climate Change in SLLDP2 states that all new development proposals should seek to minimise and mitigate against the effects of climate change. In this instance, the proposal is only for the change of use of an existing building which makes use of existing services. The site is not at risk of flooding and there would be no adverse impacts on biodiversity, soils or air quality of the blue/green network. The site is within walking distance of a bus route on the A72.

10.6 Impact Upon Amenity

NPF4 Policy 30 - Tourism states that the reuse of existing buildings for short term holiday letting will not be supported where the proposal has an unacceptable impact on local amenity or the character of the area, or where the proposal would result in the loss of residential accommodation where such loss is not outweighed by demonstratable local benefits. SLLDP2 Policy 5 states that all proposals require to be well designed and integrated with the local area and that proposals should have no unacceptable significant adverse impacts on the local community and environment. It provides a checklist of amenity issues that will be considered in the assessment of development proposals. In support of Policy 5, the Supporting Planning Guidance: Carrying out Development at a Dwellinghouse, contains detailed guidance on short term lets and provides a list of matters to be considered in the assessment of any planning application for such a proposed use. These matters relate to residential amenity, waste collection/disposal, car parking and the use of garden ground. This

guidance also states that only a temporary consent is likely to be approved for such a use, for 10 years, after which time the use of the property would revert to residential use.

10.7 It is considered that the scale of the property with one bedroom and a shared kitchen/ living area minimises the number of users that can stay at any one time which in itself adds an element of control to the use and numbers of each short-term let. The location of the property is set within the residential grounds of an existing dwellinghouse and does not share an access or grounds with any separate third party residential property which again naturally limits the impact of the short-term use on the amenity of the area. The location within the curtilage of an existing residential property introduces an element of self-control for the short-term use as the operator would generally be on site and the accommodation is a recognised part of the curtilage of an occupied, residential property. An area of hardstanding to the front of the property provides at least 3 spaces to ensure cars are parked within the curtilage of the host property and not in any public or shared areas. The proposals do not involve the loss of residential accommodation as, in this instance, the proposals relate to an existing building that is ancillary to the residential use of the host property and not a dwellinghouse in its own right.

10.8 Informally as part of the planning application process, the applicant has submitted a statement which describes the management of the activity. Guests are only allowed to stay when the operator is in residence in the host property; guests with campervans are not permitted; parking is provided; detailed directions to the property are given as part of the booking; bookings are limited to two adults only at a time or an adult with a child over 16; and that the keys are required to be collected from the operator in person at check in. It is considered that these practices would ensure that any impact on the surrounding amenity of the area would be kept to a minimum.

10.9 It is considered that the scale and location of the proposals within the curtilage of an occupied residential property would not result in its use for short-term lets having a significant, adverse impact upon the surrounding amenity of the area subject to it being suitably managed by the applicant. The impact upon amenity and the character of the area would not be significantly changed by short term-lets of the scale proposed in a one-bedroom property with a small living/ kitchen area of this size. The scale of the proposals would not result in the generation of waste on a commercial basis and it is considered that any waste could be managed as part of the host property's domestic waste collection. The proposals are for a change of use of an existing building and there is no impact upon the level of garden ground provision in relation to the host property. It is therefore considered that the proposals accord with the relevant policies of the Development Plan in this instance.

10.10 Technical Matters

From 1 October 2022 all new short-term let hosts and operators were required to have a licence with all existing hosts or operators requiring a licence by 1 October 2023. Whilst separate to the Planning System, it is noted that the licence considerations include whether the applicant is 'fit and proper', the condition of the premises in relation to fire safety and occupancy numbers. It is therefore noted that as well as planning permission, the operation of this short-term let would also require separate controls through its licence in relation to safety and management concerns.

10.11 Other Concerns Raised

In relation to the garage being restricted to domestic use, the only conditions attached to the permission for the garage related to external finishes and a screen fence. In relation to the remaining road safety concerns, it is considered that there is no tangible evidence linking the operation of a short-term let that utilises an existing road in relation to an impact upon wildlife.

10.12 Conclusion

In conclusion it is considered that, as the proposals do not involve any new physical development and are for the change of use of an existing building to a use considered appropriate in the countryside, they do not have any strategic implications nor undermine the Green Belt policy aims in either NPF4 or the SLLDP2 and therefore are acceptable in principle. The scale and nature of the proposals naturally limit the impact they can have on the amenity of the surrounding area. It is therefore recommended that approval is granted subject to conditions.

11. **Recommendation and Conditions**

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

Grant subject to conditions:-

01. That the permission hereby granted is for a temporary period only and shall expire ten years from the date of this decision notice. For the avoidance of doubt, at the expiry of this permission the property will revert to being ancillary, domestic accommodation to the host property, unless an application is submitted to and approved by the Council as Planning Authority.

Reason: To safeguard the amenity of the area.

02. The short term let hereby approved shall be used solely as temporary holiday/letting accommodation and shall not be used as a permanent residential unit without the prior express grant of planning permission by the planning authority. The short term let shall not be sold, let or occupied as a person's sole or main residence.

Reason: To ensure that the accommodation does not become occupied by long term or permanent residents without the express grant of planning permission and to ensure compliance with local plan policy.

12. **Reason for Decision**

- 12.1. The proposal complies with Policies 1, 2, 8 and 30 of the National Planning Framework 4 (adopted 2023), Policies 2, 4 and 5 of the South Lanarkshire Local Development Plan 2 (adopted 2021) and South Lanarkshire Council's Supporting Planning Guidance: Development at a Dwellinghouse and will not result in any significant detrimental impact on residential amenity. There are no other material considerations which would justify the refusal of planning permission.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 31 July 2023

Background Papers

Further information relating to the application can be found online:

[P/22/1359 | Change of use of domestic office and gym to a one bedroom self catering holiday let \(retrospective\) | 3 Mauldslie Castle Orchard Mauldslie Road Carluke ML8 5FJ \(southlanarkshire.gov.uk\)](#)

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.

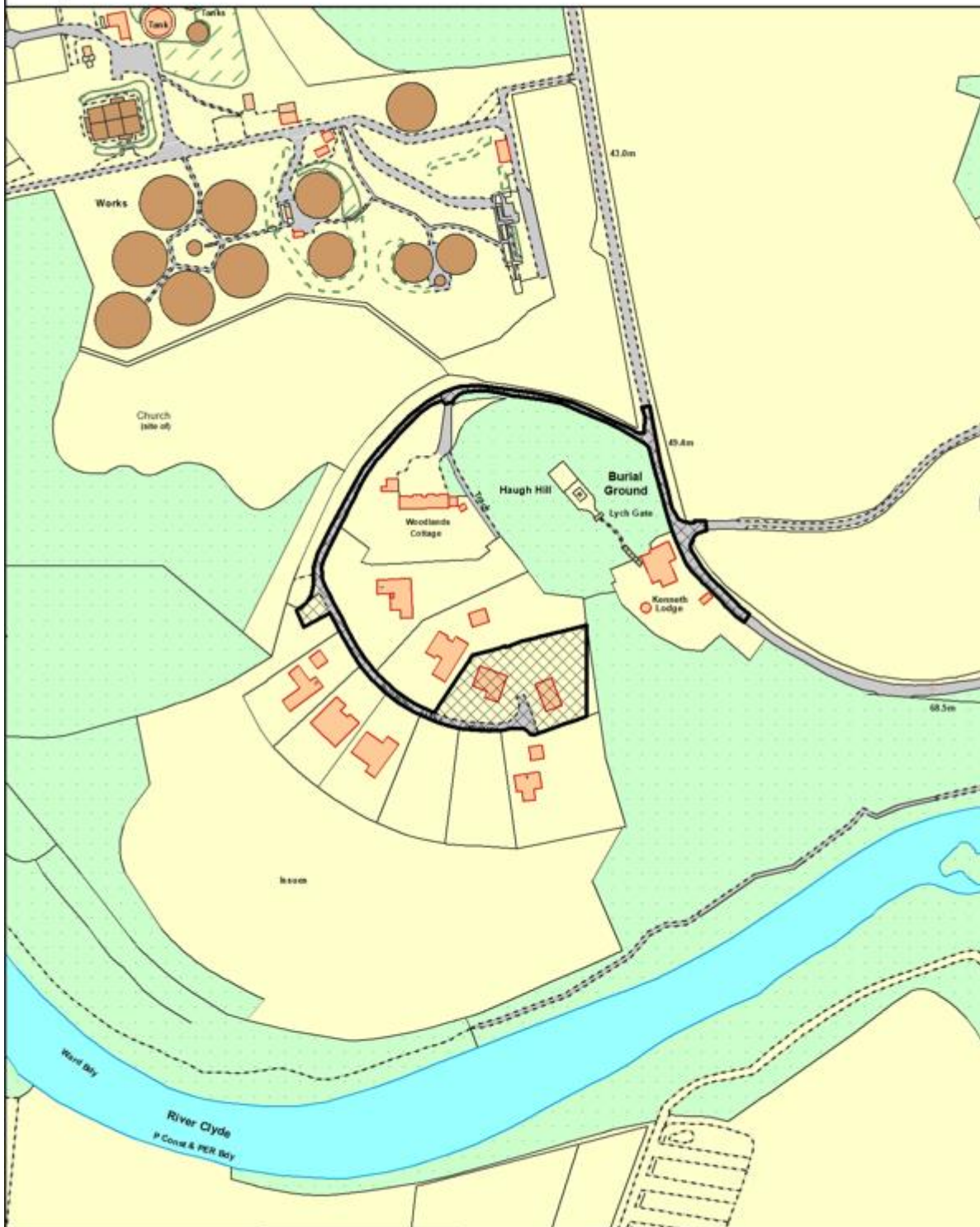
Contact for Further Information

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/22/1359 3 Mauldslie Castle Orchard, Mauldslie Road, Carluke ML8 5TF



© Crown copyright and database rights 2023 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:
1:2,500
Date:
18/07/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

10

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

| | |
|-------------------------------------|---|
| Reference no: | P/23/0069 |
| Proposal: | Installation of battery storage facility (S36 Scottish Government Consultation) |
| Site Address: | Land at Broken Cross Open Cast Coal Site (OCCS) Tower Road Douglas Lanark |
| Applicant: | Alcemi Storage Developments 6 Limited |
| Agent: | RPS Group |
| Ward: | 04 – Clydesdale South |
| Application Type: | Electricity notification S36 application |
| Advert Type: | None required |
| Development Plan Compliance: | Yes |
| Departures: | N/A |
| Recommendation: | <ol style="list-style-type: none"> 1. That the Scottish Government Energy Consents Unit is informed that South Lanarkshire Council has no objection to the granting of consent under Section 36 of the Electricity Act 1989; and 2. That the Head of Planning and Regulatory Services be authorised to undertake any discussions with the Scottish Government Energy Consents Unit including in relation to conditions to be attached to the consent if required. |
| Legal Agreement: | <p>The Scottish Government is also advised that approval should be subject to the conclusion of a legal agreement(s) covering:-</p> <ol style="list-style-type: none"> 1. The provision of a temporary overbridge solution for passage of all abnormal loads requiring to cross the B7078 Poniel Bridge and to cover the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the construction of the development. |

| | |
|--|-----|
| Direction to Scottish Ministers | N/A |
|--|-----|

1. Reason for Report

- 1.1. The application is required to be determined by the Planning Committee under Clause 5.1 of the Decision-Making Process 2015: all national and major planning applications (Construction of an electricity generating station which has the capacity of or exceeds 20 Megawatts).

2. Site Description

- 2.1. The application site extends to approximately 21.5 hectares in area and comprises of vacant land that was formerly part of the Broken Cross Open Cast Coal Site. The site also includes 2 vacant storage buildings, a number of settlement ponds and an access road. The site is located within the rural area approximately 4 km to the southeast of Lesmahagow, 3.3 km to the south of Hawksland, 2.5km to the northwest of Rigside and Douglas Water, and 3.4 km to the northeast of Coalburn. Land associated with the former Broken Cross Open Cast Mine, currently being redeveloped for the erection of 10 no. wind turbines (149.9 metre blade tip height) (Planning Ref: P/19/1636) adjoins the site to the north and west, whilst rolling agricultural land and interspersed areas of coniferous woodland adjoin the site to the south and east.

3. Description of Proposed Development

- 3.1. An application has been made to the Scottish Government under Section 36 of the Electricity Act 1989 for the construction and operation of a battery energy storage facility with a maximum power output of up to 1 Gigawatt, which involves the creation of 10 platforms (each 5,610 metres sq) to house the battery storage units each with the ability to accommodate a 15 metre high building to house the battery units. The submitted proposals comprise of the following:-

- ◆ cut and fill earthworks to provide suitable topography for development, landscape and drainage purposes;
- ◆ a compound for the relevant transmission licensee;
- ◆ security gates and closed circuit television (CCTV);
- ◆ access using the existing access road, internal access and circulation roads that served the OCCS;
- ◆ drainage infrastructure, landscape, and ecological planting;
- ◆ creation of 'platform(s)' to support the energy storage systems;
- ◆ energy storage systems and associated infrastructure consisting of:- energy storage modules; – heating, ventilation and air conditioning (HVAC) equipment; – fire suppression equipment; – cooling plant; – control and protection apparatus; – switchgear apparatus; – inverters or power conversion system; – transformers; – metering equipment; – cabling and connection to the RTL compound;
- ◆ welfare facilities.

- 3.2. The proposals 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 a critical issue for grid stability. Battery storage allows energy to be stored during peak renewable generation periods and released when demand outstrips generation. In short, the proposed battery takes in generated electricity when there is a surplus and stores it until there is a demand for electricity which can be released to meet this demand.

- 3.3. It should be noted that the energy stored within the batteries will be from all available sources. However, renewable energy production has the most variable rates of output and, therefore, whilst the electricity transmitted to the batteries may not solely be renewable, it's storage and subsequent release when needed is considered to meet

the need for grid stability due to the further reliance on renewable energy. The battery storage is therefore classed as renewable electricity infrastructure given the increased need for grid stability as renewable energy generation increases. As more traditional energy sources such as coal and gas are being decommissioned and renewable energy sources are replacing them, balancing generation versus demand is becoming more critical due to the more sporadic nature of renewable energy development. Grid stability is essential as the transition to renewable energy continues and battery storage is therefore considered an essential part of this need for ongoing grid stability.

- 3.4 The proposed storage capacity of the facility is up to 1 Gigawatt and is therefore of a scale (over 50MW) that requires consent through the Electricity Act, with the Scottish Government as the Consenting Authority. In this instance, the Council is a Consultee to the application process and not the Consenting Authority.
- 3.5 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.

4. Relevant Planning History

- 4.1. The application site is currently comprised of vacant land, however, it has been subject to several extant planning permissions, as set out below.
- 4.2 Planning permission was granted for the extraction of coal by opencast and augering methods at the wider Broken Cross OCCS site in June 2001, under planning ref: CL/98/0451. An application to amend condition 5 of CL/98/0451 to permit the export of fireclay was approved in June 2003, planning ref: CL/03/0018. A southern extension to the Broken Cross OCCS, involving additional soil storage areas, the extraction of coal and fireclay from an extended extraction area and a revised phasing and restoration plan was approved in April 2005, planning ref: CL/04/0827. A further application to vary the approved working scheme (variation to CL/98/0451) was also approved in April 2005, planning ref: CL/05/0054. Planning permission was then approved to modify the planning obligation attached to CL/04/0827 in January 2013, under planning ref: CL/12/0526. In 2018, planning permission was then approved to modify the planning obligation at Broken Cross OCCS, to remove land at Tower Farm.
- 4.3 The current application site was subject to a planning application approved in July 2016 for the change of use of a temporary coal processing area to allow storage of industrial plant equipment, under planning ref: CL/16/0197.
- 4.4 As stated above, planning permission for a wind farm comprising of 10 no. turbines, all at a maximum height to tip of 149.9 metres (Planning Ref: P/19/1636) was initially approved by the Planning Committee on 25 August 2020, subject to a legal agreement. The legal agreement was subsequently completed, and final permission issued in April 2021, with works currently underway on site to implement the consent. The current application seeks to utilise the same private vehicular access from the edge of the public road network.

5. Supporting Information

- 5.1. The applicant has submitted a number of supporting documents with the application, including a supporting planning statement, heritage assessment, ecology impact assessment/surveys, climate risk report, cumulative impact assessment, drainage strategy, greenhouse gas report, ground conditions report, engagement strategy and a fire risk report.

6. Consultations

6.1. **Roads Development Management** – have no adverse comments or objections to the proposals subject to conditions relating to the following:-

- ◆ The carrying out and submission of results of a speed survey at the site entrance in order to verify that the existing sightlines from the existing access road onto the public road are appropriate
- ◆ Submission of a Construction Traffic Management Plan for written approval
- ◆ A restriction on the route utilised by all construction traffic

A Legal Agreement is also to be entered into to cover a temporary overbridge solution for passage of all abnormal loads requiring to cross the B7078 Poniel Bridge and to cover the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the construction of the development.

Response: Noted, any consultation response to the Scottish Government stating no objection would recommend the above conditions to be attached to any consent and requirement for a Legal Agreement.

6.2. **Environmental Services** – no adverse comments or objections to the proposals, subject to conditions setting noise limits, requiring a piling method statement (if piling proposed), and dust mitigation and control measures to be submitted.

Response: Noted. Appropriate conditions form part of the recommended consultation response to the Scottish Government.

6.3. **Countryside and Greenspace** – no adverse comments or objections to the proposals.

Response: Noted.

6.4. **West of Scotland Archaeological Service (WoSAS)** – note that the site has been subject to extensive levels of disturbance associated with the operation of the former open cast coal extraction site at Broken Cross. They therefore do not recommend the need for any archaeological work.

Response: Noted.

7. Representations

7.1. Statutory advertisement of the application was undertaken by the applicant in January 2023. No representations have been made to the Council following this advertisement.

8. Development Plan

8.1. This application has been submitted to the Scottish Government under Section 36 of the Electricity Act 1989, as it is development with a generating capacity of over 50MW. In this instance South Lanarkshire Council is a consultee to the application process and is not the Consenting Authority. Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the application is made under the Electricity Act 1989 and not the Planning Act and therefore the Development Plan does not have the primacy it normally would for planning decisions, but it is still an important material consideration in this instance and informs the Council's consultation response. The development plan comprises the South Lanarkshire Local Development Plan 2 and National Planning Framework 4 adopted by Scottish Ministers on 13 February 2023.

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 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 Volume 1 Policies

- ◆ Policy 1 - Spatial Strategy
- ◆ Policy 2 - Climate Change
- ◆ Policy 4 - Green Belt and Rural Area
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 14 - Natural and Historic Development
- ◆ Policy 15 - Travel and Transport
- ◆ Policy 16 - Water Environment and Flooding
- ◆ Policy 18 - Renewable Energy

SLLDP2 Volume 2 Policies

- ◆ Policy RE1 - Renewable Energy
- ◆ Policy DM1 - New Development Design
- ◆ Policy SDCC2 - Flood Risk
- ◆ Policy SDCC3 - Sustainable Drainage Systems

South Lanarkshire Council (SLC) Supporting Planning Guidance

- ◆ Renewable Energy (January 2021)

9. **Guidance**

- 9.1. As stated above, on 27 August 2020 the Scottish Government's Chief Planner issued a letter in relation to electricity storage and the associated 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. This application has been submitted to the Scottish Government under Section 36 of the Electricity Act 1989 as it is development with a generating capacity of over 50MW. In this instance South Lanarkshire Council is a consultee to the application process and is not the Consenting Authority. Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the application is made under the Electricity Act 1989 and not the Planning Act and therefore the Development Plan does not have the primacy

it normally would for planning decisions, but it is still an important material consideration in this instance and informs the Council's consultation response.

- 10.2 In terms of National Planning Policy and Guidance, National Planning Framework 4 (NPF4) sets out the long-term vision for the development of Scotland through the National Spatial Strategy. NPF4 aims to meet Scotland's climate ambition which will require a rapid transformation across all sectors of the economy and society. This means ensuring the right development happens in the right place. NPF4 Policy 1- Tackling the Climate and Nature Crises states that there is a need to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis, whilst Policy 2 – Climate Mitigation and Adaptation seeks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. The electricity transmitted for storage within the proposed batteries will have come from a mixture of renewable and non-renewable sources with the purpose of the batteries to ensure there is always grid stability. As renewable energy becomes more prevalent, grid stability becomes a significant issue due to the intermittent nature of renewable energy generation. As such it is considered that the batteries purpose is intrinsically linked to renewable energy generation and therefore can be viewed as renewable infrastructure to support the general principles set out in NPF4 Policy 1 and 2.
- 10.3 NPF4 Policy 3 – Biodiversity seeks to protect biodiversity, reverse loss, deliver positive effects from development and strengthen nature networks. Protected species surveys were undertaken and the results were included with the various supporting documents submitted. With the exception of signs that badgers are using multiple areas of the project site for foraging and burrowing, no evidence of protected species activity was found within the site itself, however, it was noted that there was limited potential for some protected species to use habitat within the area surrounding the application site, and within the site itself, including otter, water vole, great crested newt and reptiles. In view of all of the above, it is therefore considered that the proposals accord with the relevant criteria of this policy, subject to adequate protected species measures being utilised.
- 10.4 NPF4 Policy 4 - Natural Places seeks to protect, restore and enhance natural assets, making best use of nature-based solutions. The policy is primarily focused on designated areas including Special Areas of Conservation, Special Protection Areas, Sites of Special Scientific Interest (SSSI) and sites designated as a local nature conservation site or landscape area. The site is not affected by any of these designations. NPF4 Policy 5 – Soils seeks to protect carbon-rich soils, restore peatlands, and minimise disturbance to soils from development. The site has been intensively developed previously and therefore this policy is not compromised by the proposals.
- 10.5 NPF4 Policy 11 – Energy seeks to encourage, promote, and facilitate all forms of renewable energy development, including energy storage and distribution infrastructure. Development proposals for all forms of renewable, low carbon and zero emissions are to be supported. The policy sets out a range of criteria that proposals should be assessed against to ensure the impact of the project design and mitigation is addressed. In this particular case, there would no impact on communities or individual properties in terms of visual impact, noise and adverse effect on residential amenity due to the isolated location of the site. There would be no significant adverse visual or landscape impacts as a result of the topography of the site and adjoining land. Access to the site would use the existing private road network that served the OCCS. The site is not located in proximity to any listed building, Conservation Area or other historical asset that would be impacted upon by the proposals. The

application site is not located within any area considered to be at risk from river, surface, or coastal flooding. A Flood Risk Assessment and Conceptual Surface Water Drainage Strategy has been submitted as part of the application. This notes that the site is not mapped as being at risk of flooding. Sustainable drainage is proposed for dealing with surface water and it is considered that this is acceptable, subject to the design meeting the Council's drainage design criteria.

- 10.6 In terms of the adopted South Lanarkshire Local Development Plan 2 (SLLDP2) Policy 1 - Spatial Strategy, it states that developments that accord with the policies and proposals of the development plan will be supported. The application site is on land designated as Rural within the SLLDP2, therefore Policy 4: Green Belt and Rural Area is of relevance. This policy states that the Rural Area functions primarily for agriculture and other uses appropriate to the countryside. Policy GBRA2 provides a list of uses that are suitable in the Rural Area, including renewable energy proposals. In addition, this site has a history of being previously developed, including as part of a large scale open cast coal extraction site, and as an industrial plant storage area. Further, it is immediately adjacent to an area that has extant planning permission for a 10 no. turbines wind farm and as such cannot be considered to be isolated. It is also in close proximity of Coalburn North Substation (2.6km) and is within an area that has several other large renewable energy developments within the locale which therefore allows the minimum amount of transmission infrastructure to be required to connect the battery proposals to the national grid.
- 10.7 Policy 2 - Climate Change states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. As noted above, whilst the electricity transmitted for storage within the proposed batteries will have come from a mixture of renewable and non-renewable sources, the purpose of the batteries is to ensure there is always grid stability. As renewable energy becomes more prevalent, grid stability becomes a significant issue due to the intermittent nature of renewable energy generation. As such, it is considered that the batteries purpose is intrinsically linked to renewable energy generation and therefore can be viewed as renewable infrastructure to support increased renewable energy generation.
- 10.8 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. The design proposed is functional in form and involves the siting of 10 platforms (each 5,610 metres sq) to house the batteries. Each platform would have the ability to site a building to house the batteries, which would be up to 15m in height. It is considered that the scale and design of these proposed buildings is broadly similar to those at a hydrogen facility that has planning permission close to the west of the site, and to the existing animal feed factory further south from the site. This would result in the proposals being in keeping with the character of the immediate area, helping to integrate them into the local landscape and ensuring that they would not visually dominate or detract from the surrounding rural area.
- 10.9 It is considered that functional battery storage buildings of the type proposed would not detract from the amenity of the area and would be read as essential electricity infrastructure, similar to the Coalburn North Substation, associated overhead power lines and the wind turbines and associated works on the adjacent Broken Cross wind farm site. Screen planting is proposed to soften the proposals visual impact and help with its integration into the existing landscape. Overall, it is considered that the design of the proposals would not be detrimental to the surrounding rural area, and the extent of its visual impact would be minimised by the site's chosen location on previously

developed land. In terms of the impact the proposals would have on the amenity of the area, including air quality, it is noted that the proposals would not emit any gases as part of the process and are in essence similar in nature to electricity substations. Environmental Services have reviewed the various supporting documents submitted as part of the planning submission and have advised they have no adverse comments or objections to the proposals. The site is located in a rural area and there are no immediate neighbouring, residential properties. It is, therefore, considered that the proposals accord with the relevant criteria of this policy.

- 10.10 Policy 14: Natural and Historic Environment provides the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment. The site is not located in proximity to any listed building, Conservation Area or other historical asset that would be impacted upon by the proposals. As noted above, protected species surveys were undertaken, and the results were included with the various supporting documents submitted.
- 10.11 SLLDP2 Policy 15 'Travel and Transport' requires that new development does not impact upon any existing walking or cycle route and promotes sustainable travel, where at all possible. In this instance there are no walking or cycling routes affected by the proposals. In addition, the Council's Roads Development Management Team have offered no objection or adverse comments on the proposals, subject to the conditions and legal agreement requirements outlined in 6.1 above.
- 10.12 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, and it is considered that the relevant, remaining development management criteria have already been assessed throughout the above policy criteria assessment.
- 10.13 Conclusion
In conclusion, it is considered that the proposed development complies with the relevant policies of both the adopted National Planning Framework 4 and the adopted South Lanarkshire Local Development Plan 2. It is therefore recommended that the Scottish Government be notified that the Council has no objections to the application, subject to the conditions as set out within the paper apart and the conclusion of a legal agreement to address the matters raised by Transportation for the abnormal loads and construction traffic associated with the development.

11. Recommendation and Conditions

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

01. That the Scottish Government Energy Consents Unit is informed that South Lanarkshire Council has no objection to the granting of consent under Section 36 of the Electricity Act 1989; and
02. That the Head of Planning and Regulatory Services be authorised to undertake any discussions with the Scottish Government Energy Consents Unit including in relation to conditions to be attached to the consent if required.

The Scottish Government is also advised that approval should be subject to the conditions listed below and conclusion of a legal agreement(s) covering:-

The provision of a temporary overbridge solution for passage of all abnormal loads requiring to cross the B7078 Poniel Bridge and to cover the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the construction of the development.

Conditions:-

01. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Roads Authority. The CTMP shall include:-

- a. A plan showing the route of all construction traffic associated with the development using the Council's road network.
- b. Details of all signage and lining arrangements to be put in place.
- c. A plan for access by vehicles carrying abnormal loads, including the number and timing of deliveries and the length, width and axle configuration of all extraordinary traffic accessing the site.
- d. Wheel cleaning facilities.

Following approval of the TMP:-

- a. The developer shall notify the Roads Authority 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 must consult with the Roads Authority 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.
- b. The developer shall undertake all work associated with the approved TMP and any subsequent amendments in accordance with the approved TMP. All abnormal loads shall be delivered to site in accordance with the approved TMP and Abnormal Load Route Assessment.

Reason: In the interests of road safety

02. That unless otherwise agreed in writing, all construction traffic shall enter and exit the site from the B7078 via the M74 Junction 11.

Reason: In the interests of road safety

03. That before the development hereby approved is completed or brought into use, a turning space shall be provided within the site to enable vehicles to enter and leave the application site in forward gears at all times.

Reason: In the interests of traffic and public safety.

04. That before the development hereby approved is completed or brought into use, the applicant shall carry out a speed survey at the vehicular entrance to the site, the findings of which shall be submitted for the written approval of the Council as Planning and Roads Authority, to establish the required visibility splays for the proposed development.

Reason: In the interests of traffic and public safety.

05. The following noise levels shall not be exceeded resultant from and specific to the development:-

Part 1

Between the hours of 08:00 and 20:00 the measured noise rating level emitted from the premises (L_Ar,1hr) shall not exceed the pre-existing background noise level (L_A90,30 min) by more than 4dB when measured in accordance with British Standard BS 4142:2014 +A1:2019 - Method for Rating and Assessing Industrial and Commercial Sound at buildings where people are likely to be affected. Between the hours of 20:00 and 08:00 the noise rating level emitted from the premises (L_Ar,15min) shall not exceed the pre-existing background noise level (L_A90,30min) by more than 4dB when measured in accordance with BS4142:2014 at buildings where people are likely to be affected.

Part 2

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

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

Part 3

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

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

Reason: In the interests of residential amenity

06. The applicant shall further ensure that audible construction activities shall be limited to, Monday to Friday 8.00am to 6.00pm, 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.

Under exceptional conditions the above time restrictions may be further varied subject to written agreement with the Council as Planning Authority.

Noise escape shall meet the relevant criteria within the current BS5228, 'Noise control on construction and open sites'.

Reason: In the interests of amenity.

07. In the event that piling takes place, a method statement shall be submitted to and approved in writing by the Planning Authority. This statement shall include an assessment of the impact of the piling on surrounding properties, taking into account the guidance contained in BS 6472:2008 'Evaluation of human exposure to vibration in buildings'. It shall detail any procedures which are proposed to minimise the impact of noise and vibration on the occupants of surrounding properties. This statement shall be prepared by a suitably qualified person, and the piling works shall thereafter be carried out in accordance with the approved method statement.

Reason: In the interests of amenity.

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

Reason: In the interests of amenity.

09. Prior to development commencing on site, a dust management and monitoring scheme shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

Reason: In the interests of amenity.

Reason for Decision

- 12.1. The proposed development complies with Policies 1, 2, 3, 4, 5, and 11 of National Planning Framework 4 and 1, 2, 4, 5, 14, 15, 18, SDCC2, SDCC3, RE1 and DM1 of the adopted South Lanarkshire Local Development Plan 2 (2021).

David Booth

Executive Director (Community and Enterprise Resources)

Date: 31 July 2023

Background Papers

Further information relating to the application can be found online:

[P/23/0069 | Installation of battery storage facility \(S36 Scottish Government Consultation\) | Broken Cross Open Cast Mine Tower Road Douglas Lanark South Lanarkshire ML11 9PB](#)

Corporate Considerations

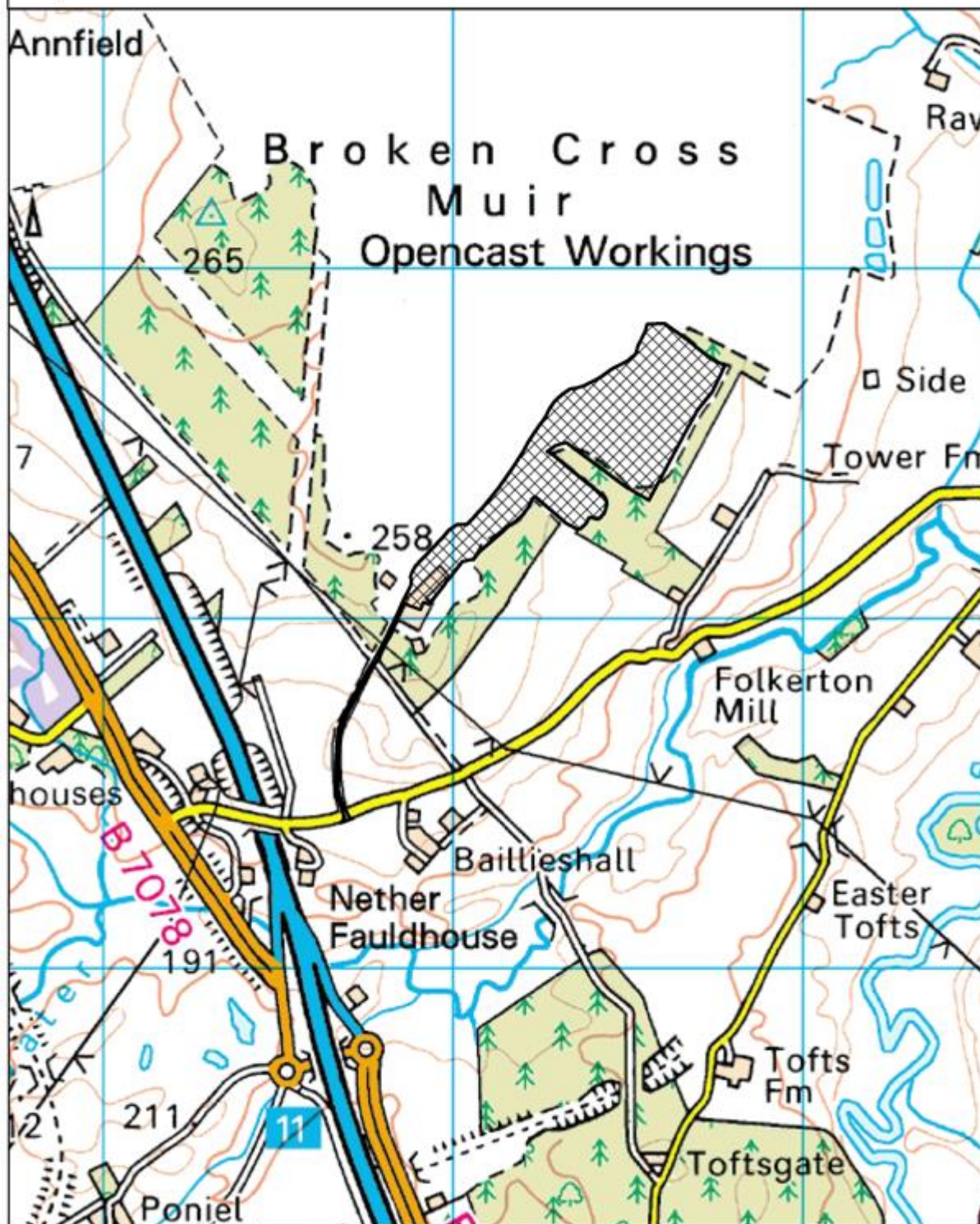
The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

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



© Crown copyright and database rights 2023 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:
1:15,000
Date:
13/07/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

11

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

| | |
|--|--|
| Reference no: | P/23/0357 |
| Proposal: | Planning permission in principle for the erection of 25 chalets, a commercial facility, tourist/leisure use, eco village and associated landscaping (Section 42 application to remove Condition 2 - number of units of planning permission reference CL/17/0199) |
| Site Address: | Land 160 metres Northeast of Nether Kypeside Farm, Lesmahagow |
| Applicant: | NKS Renewables Company Limited |
| Agent: | Bidwells |
| Ward: | 04 Clydesdale South |
| Application Type: | Planning Permission in Principle - Further application Section 42 |
| Advert Type: | Non-notification of neighbours: Lanark Gazette 12 April 2023 |
| 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 of the Decision-Making Process 2015: as the site is greater than 2ha and more than 10 units is considered a major application.

2. Site Description

- 2.1. The application site comprises two distinct parcels of land in the open countryside between Strathaven and Kirkmuirhill to the north and south of the B7086 respectively, accessed via minor roads, the area that is subject to the application to amend the Planning Condition is to the south of the B7086.
- 2.2. The site to the south relates to land surrounding Nether Kypeside Farm, including the existing farm buildings, and adjacent land which had previously been used as a quad bike facility as well as clay pigeon shooting and a remote-control car track. At the steading there is a traditional farmhouse and various commercial buildings and sheds linked to the former leisure business. Beyond the steading are extensive woodland plantations. This site comprises some 19ha. The second site to the north comprises of three fishing lochans, a fishery office, hard standing and extensive woodland, planted on either side of the access road.

3. Description of Proposed Development

- 3.1. Planning permission in principle (PPP) has previously been granted for the erection of 25 chalets, a commercial facility, tourist/leisure use on the northern site and an eco-village on the southern site and associated landscaping.
- 3.2. There has been subsequent variations and removals of conditions and Matters Specified in Conditions (MSC) applications pertaining to this. This current application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended), seeking planning permission for the development of land without compliance with a condition attached to a previous consent.
- 3.3. This application seeks to remove Condition 2 of planning application reference CL/17/0199 which restricted the number of residential units to 30. CL/17/0199 itself was also a Section 42 application which sought to vary a condition that had been set out in an earlier Planning Permission CL/16/0398 which allowed an increase in the number of residential properties to 30 units and to alter access arrangements.
- 3.4. Condition 2 of CL/17/0199 which seeks to be removed under this current application states:-

“That the number of units within the eco village shall be restricted to a maximum of 30 units.

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

4. Relevant Planning History

- 4.1. The application site has an extensive planning history as detailed below:-
 - ♦ **CL/12/0391:** Permission in Principle for chalets, commercial facility, tourist/leisure use, eco village and associated landscaping - granted in November 2013. This was subject to a condition limiting the eco village to 13 units.

- ◆ **CL/16/0398:** Section 42 application to vary conditions the purpose being to enable further applications for various elements of the development to be submitted independently of each other rather than dealing with all phases together in one combined submission - granted in November 2016.
- ◆ **CL/17/0199:** Section 42 to vary conditions enabling the increase of dwellings at the eco-village from 13 to 30 and to relocate the position of the village further to the north - granted in September 2017.
- ◆ **CL/17/0209:** Full planning permission for a new vehicular link onto the B7086 was granted thereby removing the need to take access from a narrow minor road - granted in September 2017.
- ◆ **P/18/0511:** Matters Specified in Conditions application for the erection of 30 dwellinghouses, associated roads, infrastructure, amenity areas, landscaping and formation of SUDS ponds (approval of matters specified in conditions on planning permission CL/17/0199) - granted in June 2018.
- ◆ **P/19/1023:** Matters Specified in Conditions for the erection of 30 dwellinghouses, associated roads, infrastructure, amenity areas, landscaping and formation of SUDS pond (amendment to Planning Permission P/18/0511 - approval of matters specified in conditions on planning permission CL/17/0199) - granted in August 2019.
- ◆ **P/23/0089:** Section 42 application to vary condition 2 of CL/17/0199 to reduce the number of maximum units within the eco village from 30 to 29 units - withdrawn March 2023.

5. Supporting Information

- 5.1. A supporting statement prepared by the agent has been submitted with the application which sets out the planning history of the site and the requirements for a Section 42 application.

The agent has submitted various correspondence to justify the S42 application outlining that the current application seeks to remove condition no.2 of planning permission CL/17/0199 because the condition duplicates what is already covered in the detailed description of the application CL/17/0199: *Section 42 application to vary condition 2 and deletion of conditions 10 and 14 attached to Planning Permission CL/16/0398 to enable an increase in number of dwellings to 30 units and to alter access arrangements* - and considers that it is therefore already stated on the planning permission granted.

The applicant's agent states that the condition is unnecessary and fails to meet the tests for a condition as set out in the Circular 4/1998 and can be removed. The agent considers that this approach would then be consistent to that set out in the original PPP CL/12/0391: *Erection of 25 chalets, a commercial facility, tourist/leisure use, eco village and associated landscaping (Planning Permission in Principle)*.

- 5.2 Further supporting correspondence provides context to the development and planning history outlining that: "the number of chalets (25) was approved by the council as part of the original approval (CL/12/0391). At that time the eco village units (13) were to take their access from the farmyard beside the house and farm buildings which sit to the south of the B7086.

- 5.3 The nature of the access proposed at that time limited the development to 13 “eco village” units. No developer contributions were required by the Council as part of the original approval.
- 5.4 However, in order to increase the viability of the project, the number of eco village units increased from 13 to 30 as part of the Section 42 application submitted in 2017 under application CL/17/0199. This application also sought to alter the proposed access arrangements to the development and develop the eco village units closer to the access.
- 5.5 Access is now proposed from a point off the B7086 which, prior to 2017, hadn’t been in the ownership of the applicants. The increase in the number of units to 30 was therefore to cover the infrastructure costs to a site that included a new access road and additional sewage and drainage arrangements. This justification was accepted by the Council as part of the approval of the 2017 application.”

6 Consultations

- 6.1. None

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 3 – Biodiversity

Policy 6 – Forestry, woodland and trees

Policy 9 - Brownfield, vacant and derelict land and empty buildings

Policy 14 - Design, quality, and place

Policy 15 - Local living and 20-minute neighbourhoods

Policy 16 - Quality Homes

Policy 17 - Rural Homes

Policy 30 – Tourism

8.3. South Lanarkshire Local Development Plan 2 (2021)

For the purposes of determining planning applications the Council assesses 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 4 - Green Belt and Rural Area

Policy 5 - Development Management and Placemaking
Policy 6 – Visitor Economy and Tourism
Policy 14 - Natural and Historic Development
Policy 15 - Travel and Transport
Policy 16 – Water Environment and Flooding

SLLDP2 Volume 2 Policies

Policy VET2 - Visitor Accommodation
Policy DM15 – Water Supply
Policy DM16 – Foul Drainage/Sewerage Provision
NHE13 – Forestry and Woodland
Policy SDCC2 – Flood Risk
Policy SDCC3 – Sustainable Drainage Systems

South Lanarkshire Council (SLC) Supporting Planning Guidance

None

9 Guidance

9.1. Planning circular 3/2022: Development Management Procedures

This sets out that in determining a Section 42 application, authorities may consider only the issue of the conditions to be attached to any resulting permission. However, in some cases this does not preclude the consideration of the overall effect of granting a new planning permission, primarily where the previous permission has since lapsed or is incapable of being implemented.

- 9.2 Where it is considered that permission should be granted subject to different conditions, a new permission would need to be granted with all the conditions to which the development should be subject attached. If it is considered that planning permission should be granted subject to the same conditions as the previous permission, the section 42 application should be refused. The making, granting, or refusal of a section 42 application does not alter or affect the previous permission or its conditions.

9.3 Planning Circular 4/1998: The Use of Conditions in Planning Permissions

This circular provides guidance on the use of conditions attached to planning permissions. Conditions should only be imposed where it satisfies the following tests: necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; reasonable in all other aspects.

10 Assessment and Discussion

10.1. Section 42 Process

Consent is sought under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) for non-compliance with Condition 2 (number of units) of CL/17/1099 for the erection of 25 chalets, a commercial facility, tourist/leisure use, eco village and associated landscaping. Effectively, the application seeks to remove the condition limiting the housing numbers within the approved eco-village.

- 10.2 Section 42 of the Town and Country Planning (Scotland) Act 1997 allows the determination of applications to develop land without compliance with conditions previously attached to any planning permission granted or with different conditions. As outlined above, the legislation identifies that the Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted.

- 10.3 Planning permission should be granted accordingly subject to conditions that differ from those attached to previous consent. Otherwise, if the planning authority feel the condition should be complied with the application shall be refused. Taking this into account, the acceptability of the removal of this condition - which relates to a restriction on the number of units at this location - is the main consideration in the determination of this application. The policies contained within National Planning Framework 4 and the South Lanarkshire Local Development Plan 2 are applicable in this case, together with an assessment of any other material planning considerations.
- 10.4 Permission was originally granted in 2012 under CL/12/0391 on the basis that the wider proposals for the sites north and south had the potential to generate economic development benefits and at that time the eco village housing was intended to subsidise and enable funding for the proposed tourist element of the development, and this element of the proposal was limited by way of condition to 13 units. Further applications, including a new access route enabled an increase to 30 units and a subsequent S42 application, reference CL/17/1099, granted a variation of the condition to increase the limitation from 13 to 30. Subsequent MSC applications were granted, however, all applications have now expired.
- 10.5 As this application seeks to remove Condition 2 of CL/17/0199 it would effectively remove any restriction on the limit of housing numbers at this site, and it must therefore be considered whether removal of the limitation on housing units would be acceptable, and the application approved; or whether the condition should remain attached, and the application be refused; or whether a varied condition should be applied. In considering this, the aforementioned policy considerations are applicable as well as an assessment of any material considerations.
- 10.6 Principle of Development
The extant permission granted under CL/17/0199 which would have expired on 31 March 2023 after this application was submitted is a material consideration. This establishes the principle of development on this site as per the description. While only the question of the condition should be considered in terms of S42 applications, as outlined in Planning Circular 3/2022, the consideration of the overall effect of granting a new planning permission can be taken into account and therefore, in this case it is considered appropriate to assess the effect of the development in principle now under NPF4 and SLLDP2 as new policy documents since the original permission was granted and thus forming new material considerations.
- 10.7 In terms of NPF4, the site lies within the rural countryside where Policies 9 and 17 apply. Part of the site is previously developed land, however, substantial areas of the site have naturally regenerated and are covered by extensive woodland. Policy 17 seeks to encourage, promote and facilitate the delivery of high quality, affordable and sustainable rural homes in the right locations. It states that development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and sets out criteria for the development including: allocated sites, reuse of brownfield land, reuse of a redundant building, use of a historic asset, required to support a rural business or essential worker, for a retiring farmer, the subdivision of an existing dwelling, or is a one for one replacement. Development proposals in rural areas need to consider how it will contribute towards local living and in remote rural areas should support fragile communities, identified housing outcomes, and be suitable in terms of environmental impact.

- 10.8 This site is no longer considered brownfield as a whole, as despite some evidence of quad biking tracks, the ground has returned to a predominantly natural state. It is not in a settlement or an allocated housing site, it is not well connected, nor seeking the reuse of redundant or brownfield land/buildings, and does not satisfy local living requirements as set out in Policy 15 which 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.
- 10.9 As such, it is considered that removing the condition would not define the number houses for the development site and would result in an unrestricted number of units within the site boundary being granted in principle - which not only fails on policy grounds as mentioned, but would also not be satisfactory as subsequent infrastructure impacts would not be considered in terms of roads, education, affordable housing and community contributions as per Policy 16 of NPF4.
- 10.10 Therefore, the proposal in principle which is ultimately an undefined number of housing units to form an eco-village in the southern site would be unacceptable. The development of any number of units in this location would not be compatible with the aims of NPF4 and the specific criteria set out in the above policies.
- 10.11 This is further contrary to the relevant policies contained within the South Lanarkshire LDP2. Policy 4 states that within the Rural Area, the Council seeks to protect the amenity of the countryside, while supporting small scale development in the right places that is appropriate in land use terms and of high environmental quality, supporting the needs of communities. Development which does not require to locate in the countryside will be expected to be accommodated within settlements, isolated and sporadic development will not be supported.
- 10.12 Separately, the proposed removal of condition is not considered to affect the tourism element to this application, as the tourism case can be made by exploiting the existing fishery. This is considered compliant with the terms set out in Policy 30 of NPF4 and Policy 6 and VET2 of SLLDP2 which together support sustainable economic tourist development.
- 10.13 Climate Change and Biodiversity
NPF4 Policy 1 Tackling the Climate and Nature Crises, NPF4 Policy 2 Climate Mitigation and Adaptation and Policy 2 of the South Lanarkshire Local Development Plan 2 aim to ensure that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. In addition, Policy NPF4 Policy 3 Biodiversity aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.
- 10.14 While details of the proposal would be obtained at MSC stage should permission be granted, ultimately the nature of the development as a whole within a rural location fails to meet the objectives of NPF4 in that it is situated in an unsustainable location, it is not well connected, thus deeming reliance on the private car, and therefore would result in an impact on climate change through not being sustainably sited and serviced. As such, the proposal fails to comply with Policy 1 and 2 of NPF4 and Policy 2 of SLLDP2. Details of biodiversity improvements could be obtained at MSC stage in line with Policy 3 of NPF4, however given the extensive tree coverage at this site and subsequent the potential impact for significant woodland loss, the proposal would be unacceptable in terms of Policy 6 of NPF4 which seeks to protect and expand woodlands and trees. Furthermore it would fail to comply with Policy 14 and NHE13

of SLLDP2 in terms of woodland loss where protection and enhancement of woodlands is encouraged. No public benefits would outweigh this loss, however it is recognised that details of this would be considered at future MSC stage.

10.15 Layout, Siting and Design

As the proposal is for PPP only, full details to demonstrate compliance with Policy 14 of NPF4 and Policy 5 of SLLDP2 would be considered at a future MSC stage. However, as outlined above, the proposal would not meet the requirements of local living as set out in Policy 15 of NPF4 in terms of its unsustainable location, lack of connectivity and it does not demonstrate compliance with Policy 16 in terms of quality homes. Furthermore, in terms of Policy 14 it fails to achieve the characteristics of a sustainable and connected place.

10.16 Technical Matters

Technical matters including access, drainage and servicing have not been considered in detail in this case as the proposal is for planning permission in principle only, therefore the specific details of such issues can be dealt with through future MSC applications and because the S42 process only considers the matter of the condition in question. LDP Policies 14, 15 and 16, DM15, DM16, SDCC2 and SDCC3 relate to any potential flood risk and impact on the water environment from the proposed development which would be fully assessed at the MSC stage.

10.17 Conclusion

In conclusion, the proposal seeks a large development in the countryside which fails to meet the requirements of NPF4 and SLLDP2. The impact of removing a condition which restricts the number of units being removed would result in an undefined number of houses in the countryside which conflicts with sustainable development aims of NPF4. Furthermore, an alternative figure could not be stipulated in a varied condition as no justification is provided to address current policy requirements, and an assessment of infrastructure impacts has not been carried out to this effect.

10.18 As per planning circular 4/1998, the condition is still considered necessary under the six tests. It is relevant to planning in that it controls development at this location; it remains relevant to the development to be permitted; it is enforceable in terms of placing an upper restriction; precise; and is considered reasonable in all other aspects as any level of development and no restriction on numbers would be contrary to policy as set out above.

10.19 The overall effect of the Section 42 application is that it would result in an undefined number of houses in the countryside which fails to meet the policy requirements of National Planning Framework 4 and the South Lanarkshire Local Development Plan 2. It is therefore considered that the condition cannot be varied, and the development should be subject to the same condition, therefore the Section 42 application in question is unacceptable and recommended for refusal.

11 **Recommendation and Conditions**

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

Refuse Planning Permission in Principle for the reasons outlined below:-

01. The removal of Condition 2 would result in consent being granted for an undefined number of houses in the countryside which would have an adverse impact on the qualities of the rural area and result in unsustainable development contrary to Policy 17 of National Planning Framework 4.

02. The removal of Condition 2 would result in consent being granted for an undefined number of houses in the countryside which would have an adverse impact on the qualities of the rural area and result in unsustainable development contrary to Policy 4 of the South Lanarkshire Local Development Plan 2.
03. The proposal is contrary to Policy 14 of National Planning Framework 4 as it is not consistent with the 6 qualities of successful places. Specifically, it fails to achieve the characteristics of a sustainable and connected place.
04. The proposal is contrary to Policy 15 of National Planning Framework 4 as it fails to create a connected neighbourhood and would result in an unsustainable development and would not contribute to local living principles.
05. The proposal is contrary to Policy 16 of National Planning Framework 4 as it would result in an unsustainable development and unacceptable infrastructure impacts.
06. The site is located within the countryside, disconnected from settlements and active travel opportunities and therefore the proposal is not considered to be sustainable development and will increase emissions by encouraging vehicular travel. As such, the proposal is contrary to Policies 1 and 2 of the National Planning Framework 4 and Policy 2 of the South Lanarkshire Local Development Plan 2.
07. The site is located within the countryside, where there is extensive tree and woodland coverage. The potential loss of this would have a negative effect on character, nature and biodiversity of the area contrary to Policy 6 of National Planning Framework 4.
08. The site is located within the countryside, where there is extensive tree and woodland coverage. The potential loss of this would have a negative effect on character, nature and biodiversity of the area contrary to Policy 14 and NHE13 of SLLDP2.

David Booth
Executive Director (Community and Enterprise Resources)

Date: 31 July 2023

Background Papers

Further information relating to the application can be found online:

[P/23/0357 | Planning permission in principle for the erection of 25 chalets, a commercial facility, tourist/leisure use, eco village and associated landscaping \(Section 42 application to remove Condition 2 number of units of planning permission reference CL/17/0199\). | Land 160M Northeast Of Nether Kypeside Farm Lesmahagow \(southlanarkshire.gov.uk\)](#)

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.

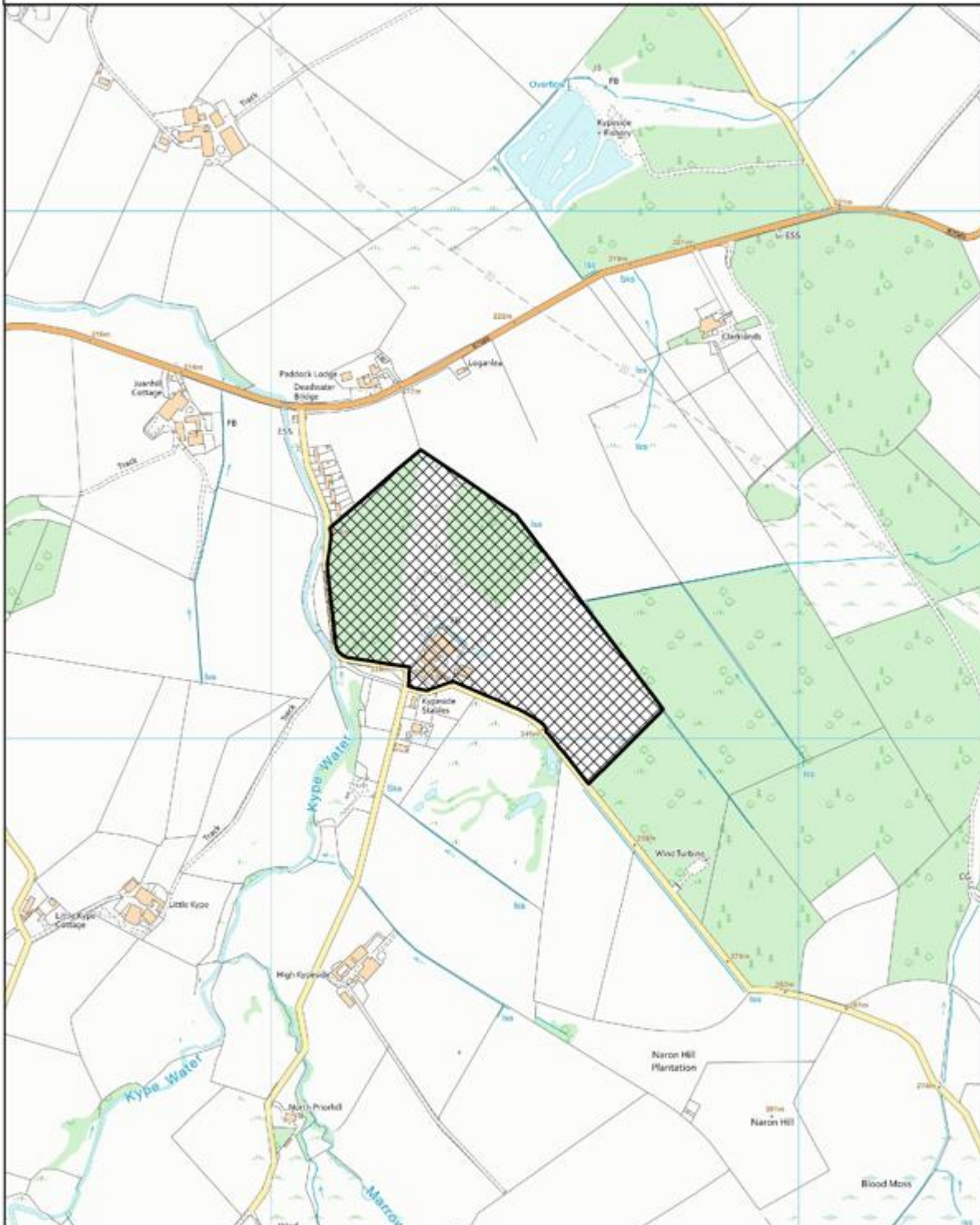
Contact for Further Information

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/23/0357 Land 160M Northeast Of Nether Kypeside Farm, Lesmahagow



© Crown copyright and database rights 2023 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:
1:10,000
Date:
18/07/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

12

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

| | |
|--|---|
| Reference no: | P/23/0587 |
| Proposal: | Overcladding of roof and walls, erection of single-storey extension, nursery playground extension and associated fencing, creation of new car park, widening of existing road, formation of new pedestrian footpath, stair and ramp, substation and associated infrastructure |
| Site Address: | Our Lady of Lourdes Primary School, Carnegie Hill, East Kilbride, G75 0AG |
| Applicant: | South Lanarkshire Council |
| Agent: | Housing and Property Services |
| Ward: | 07 – East Kilbride Central South |
| Application Type: | Detailed Planning Permission |
| Advert Type: | N/A |
| Development Plan Compliance: | Yes |
| Departures: | N/A |
| Recommendation: | Grant subject to conditions |
| Legal Agreement: | N/A |
| Direction to Scottish Ministers | N/A |

1. Reason for Report

- 1.1 The application is required to be determined by the Planning Committee under Clause 4.1 of the Decision-Making Process 2015: any application which has attracted more than five objections.

2. Site Description

- 2.1 The application site relates to land associated with Our Lady of Lourdes Primary, East Kilbride. The site is approximately 1.6 hectares and is bound to the east and south by residential properties, to the west by Murray Road, to the north by Murray Hill and by Carnegie Hill on the eastern boundary. The main pedestrian and vehicular access to the site is from Carnegie Hill, though it is also accessible through a footpath from Murray Road.

3. Description of Proposed Development

- 3.1 The proposed development comprises of a single-storey extension at the north-west facing elevation of the school building, the over-cladding of external walls and roof, a nursery playground extension with associated fencing at the north-east facing elevation, the erection of a substation with associated fencing and hedging, the erection of new fences and gates, the installation of air source heat pumps, a new pedestrian entrance comprising of stairs and ramps on the west of the application site, the installation of 10 no. electric car charging stations within the existing car park, a widening of a section of the road, the creation of a new car park and a new pedestrian footpath that leads from the proposed car park addition around the western site boundary.
- 3.2 The new car park will provide 32 additional spaces measured at 2.5 metres by 5.5 metres; it will be accessed through the existing car park and the vehicular access to the site itself will not be altered.
- 3.3 The applicant has advised that the proposed cladding to the roof is to improve thermal performance, eliminate water ingress, air tightness and improve the visual appearance of the building. The proposals also seek to reduce carbon consumption by replacing existing gas boilers with air source heat pumps.
- 3.4 Internal alterations are also proposed, however, these do not constitute development under the Town and Country Planning (Scotland) Act 1997 and do not form part of the assessment of this application.
- 3.5 It is noted that a previously submitted application (P/23/0322) proposed the substation adjacent to a property at Carnegie Hill. Following discussions with the applicant, the proposed scheme has been amended by repositioning and re-orientating the equipment further into the site, to the north-west, which has resulted in the equipment being situated further from adjacent properties.

4. Relevant Planning History

- 4.1 P/23/0322 – Overcladding of roof and walls, erection of single-storey extension, nursery playground extension and associated fencing, creation of new car park, widening of existing road, formation of new pedestrian footpath, stair and ramp, substation and associated infrastructure – Application Withdrawn

5. Supporting Information

- 5.1. The applicant has submitted a design statement detailing information in relation to the proposed external alterations, internal alterations, energy transition away from gas to fully electric and the proposed siting of the substation.

6. Consultations

- 6.1 **Environmental Services** – no objections subject to the addition of conditions relating to construction noise, the construction of an acoustic barrier around the new electrical substation and the submission of a contamination action plan prior to works commencing.

Response: Noted.

- 6.2 **Roads and Transportation Services (Development Management)** – no objections to the proposal subject to the addition of conditions relating to the specification of the parking spaces, the hardstanding of the access road and parking areas and the submission of further details relating to the electric charging points prior to development.

Response: Noted.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement, a total of 25 representations have been received (24 objections and 1 comment). The issues raised are summarised as follows:-

- ◆ Traffic congestion
- ◆ Amenity impacts
- ◆ Concern relating to the location of the proposed substation
- ◆ The withdrawal of the original application and details relating to the development proposal
- ◆ Concern relating to the noise impact of the substation
- ◆ Overshadowing relating to the classroom extension
- ◆ Loss of biodiversity due to the siting of the substation
- ◆ The substation obstructing vision of drivers in relation to the use of the traffic island as a crossing point

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

- 7.2 Other non-material planning comments were included in representations. These points relate to:-

- ◆ Health and safety concerns in relation to the proposed substation
- ◆ The surface of the existing playground
- ◆ Concern relating to the substations' effect on house prices
- ◆ Loss of a view as a result of proposed extension
- ◆ Concern relating to exterior lighting and alarms which are not included within 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. The development plan comprises the South Lanarkshire Local Development Plan 2 and National Planning Framework 4.

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 11 – Energy
- ◆ Policy 14 – Design, quality and place

8.3. South Lanarkshire Local Development Plan 2 (2021)

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

- 8.4. 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 and Settlements
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 18 - Renewable Energy

SLLDP2 Volume 2 Policies

- ◆ Policy SDCC6 - Spatial Strategy
- ◆ Policy NHE20 – Biodiversity
- ◆ Policy RE1 – Renewable Energy

South Lanarkshire Council (SLC) Supporting Planning Guidance

- ◆ Renewable Energy (January 2021)
- ◆ Electric Charging Points (August 2022)

9. Guidance

- 9.1. None applicable.

10. Assessment and Discussion

10.1. Introduction

The main issues to be addressed in the determination of this application includes the acceptability in principle of the proposed development, its layout, siting and design, 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 policy consideration in this case, together with an assessment of any other material planning considerations.

10.2 Principle of Development

Policy 1 - Spatial Strategy of Local Development Plan 2 supports sustainable economic growth and regeneration, the move towards a low carbon economy, the protection of the natural and historic environment and mitigation against the impacts of climate change. It further states that the use of district heating systems and renewable energy developments in appropriate locations will be supported.

- 10.3 In this instance, a component of the proposal relates to the erection of a substation and associated infrastructure within a school premises. There is a precedence of development for similar developments taking place within South Lanarkshire sited within the curtilage of educational premises for energy requirements; as such, it is

considered acceptable in respect to the general principle of development. Nonetheless, energy infrastructure proposals are still required to be assessed, taking into account the individual merits of each particular application; this aspect of the assessment will be discussed at a later stage of the report.

- 10.4 The application site is an existing educational facility located in an urban area and settlement within the South Lanarkshire Local Development Plan 2 and, therefore, its continued use for this purpose raises no issues. Additionally, the Local Development Plan 2 identifies the site as a Primary School, therefore the proposal is consistent with local plan policy and the principle of development accords with wider policy frameworks.

10.5 Climate Change

Policy 1 - Tackling the climate and nature crises of National Planning Framework 4 states that when considering all development proposals, significant weight will be given to the global climate and nature crises. Policy 2 - Climate mitigation and adaption similarly intends to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. Development proposals to retrofit measures to existing developments that reduce emissions or support adaption to climate change will be supported. Policy 2 of Development Plan 2 identifies that all developments should seek to minimise and mitigate against the effects of climate change.

- 10.6 The proposals relate to the addition of air source heat pumps and a substation to support the transition from gas to electric systems. Given the proposed development is to facilitate electric vehicle charging points and the school heating system, it is considered that the proposals are by their nature carbon reducing and therefore considered to be in accordance with the aims of Policies 1 and 2 of National Planning Framework 4 and Policy 2 of Local Development Plan 2. No other aspects of the proposal are considered to contravene policy relating to climate change.

10.7 Biodiversity, Trees and Woodland

Policy 3 - Biodiversity of National Planning Framework 4 intends to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Policy NHE20 of Local Development Plan 2 similarly intends to prevent significant biodiversity losses and if possible, provide adequate mitigation and offsetting measures.

- 10.8 Whilst the siting of the proposed substation on an existing section of greenspace will result in the loss of a tree and a section of grass, the alterations are considered negligible and will not result in any significant reduction of biodiversity loss. Additionally, it is noted that amended plans with hedging are proposed around the substation as a means of further mitigating any visual or noise impact. In this instance, the hedging is undertaken as an appropriate measure for a small-scale enhancement of biodiversity while screening the proposed substation. Therefore, the proposal is considered acceptable with regards to Policy 3 of National Planning Framework 4 and Policy NHE20 of Local Development Plan 2.

10.9 Layout, Siting and Design

Policy 14 - Design, quality and place of National Planning Framework 4, aims to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. Policy 3: General Urban Areas and Settlements of Local Development Plan 2 states that development 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. Policy 5: Development Management and Placemaking states that development should take account of the principles of sustainable development, all proposals require to be well designed and integrated with the local area. Additionally, proposals should have no unacceptable significant adverse impacts on the local area.

- 10.10 The proposed developments consist of a variety of alterations to the existing school; the over-cladding of the roof and walls, the creation of a new footpath, replacement windows and doors, a single-storey extension, a nursery playground extension with associated fencing and a new pedestrian entrance comprising of steps and a pathway. The proposed changes are deemed to be acceptable; they will provide both a visual and functional enhancement to the existing exterior of the school.
- 10.11 In terms of impact on amenity; due to the proposed extensions position, scale, orientation and proximity to surrounding properties, it is considered that there will be no adverse impact on neighbouring properties, or the character of the area in general, resulting from the extension itself that would justify refusal of consent. The proposed external changes relate to the replacement of external doors, windows and curtain walling with new triple glazed units and cladding as a visual enhancement to the existing school. The proposal also includes 32 additional parking spaces with which Roads and Transportation Services has confirmed that they are satisfied. Consequently, it is considered that the proposed developments comply with the provisions of Policy 14 of National Planning Framework 4 and Policies 3 and 5 of Local Development Plan 2.
- 10.12 Energy
Policy 11 - Energy of National Planning Framework 4 aims to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS).
- 10.13 Policies 18: Renewable Energy, RE1: Renewable Energy and SDCC6: Renewable Heat of Local Development Plan 2 states that applications for renewable energy infrastructure will generally be supported, subject to an assessment of the relevant criteria and requirements.
- 10.14 The proposed substation will provide a functional purpose for the transition from gas to electric power generation. It will be screened by both fencing and a hedge to sufficiently mitigate any issues relating to visual impact and noise. The substation is to be located within an existing car park and is considered to be the type of urban infrastructure that is not out of place within a car park. While there is precedence for substations sited within the curtilage of educational facilities in South Lanarkshire Council, each application should be considered on its own merits. In this case, it is considered that there is sufficient distance between the substation and adjacent residential properties so that there is no significant impact to residential amenity.
- 10.15 During the neighbour notification period; representations were received concerning health concerns relating to substations. The Council's Environmental Services were consulted on this proposal and have raised no objection in terms of health and safety. It is also noted that objections were related to the substation posing a risk to visibility when used as a crossing point in relation to the adjacent road. Nonetheless, it is noted that the island does not constitute an existing crossing station; there are paths on

either side of the car park that provide a pathway to enter and exit the school site without accessing the island.

10.16 Representations were received relating to concern over the lack of prior consultation in regard to the substation. It is considered that appropriate notification was undertaken in respect to the proposal. There are no other requirements within current planning legislation to undertake further public consultation in this instance. It is also noted that Education Resources held a public event which was in addition to any requirements under planning legislation.

10.17 Consequently, it is considered that the proposed external changes comply with the provisions of Policy 11 of National Planning Framework 4 and Policies 18, RE1 and SDCC6 of Local Development Plan 2.

10.18 Other issues
None

10.19 Technical Matters
In terms of technical matters, no consultees have raised any objections subject to the use of appropriate conditions.

11 Recommendation and Conditions

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

Grant subject to conditions:-

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

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

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

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

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

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

4. 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.

Reason: In the interests of traffic and public safety.

5. 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.

Reason: In the interests of traffic and public safety.

6. That before the development starts, details for the substation size, dimensions and materials shall be submitted for approval by the Planning and Roads Authority.

Reason: To ensure the development is satisfactory in appearance and to retain planning control.

7. The close boarded screen proposed by the applicant surrounding the electrical substation should be constructed to fulfil the following criteria:-
 - ◆ The barrier shall have a minimum surface density of 13kg/m²
 - ◆ The structure shall be continuous without any holes, slits, cracks or gaps through or beneath the structure as this compromises the effectiveness of the barrier
 - ◆ The structure shall allow maintenance to the barrier and provide adequate stability under high winds

Reason: In the interests in preserving local amenity and to minimise nuisance to occupants of nearby buildings as a result of noise from the substation.

12. Reason for Decision

- 12.1 In conclusion, following a detailed assessment of the application, it is considered that the proposal will not result in an adverse impact on road safety, residential amenity or the visual amenity of the streetscape, it will provide additional classrooms through an extension to an existing educational facility within the settlement, allow for the transition to more sustainable methods of energy generation and would be fully compliant with the provisions of Policies 1, 2, 3, 11 and 14 of National Planning Framework 4 and Policies 1, 2, 3, 5, 18, SDCC6, NHE20 and RE1 of the adopted South Lanarkshire Local Development Plan, and associated Supporting Guidance.

David Booth
Executive Director (Community and Enterprise Resources)

Date: 31 July 2023

Background Papers

Further information relating to the application can be found online:

[P/23/0587 | Overcladding of roof and walls, erection of single-storey extension, nursery playground extension and associated fencing, creation of new car park, widening of existing road, formation of new pedestrian footpath, stair and ramp, substation and associated infrastructure | Our Lady Of Lourdes Primary Carnegie Hill East Kilbride G75 0AG \(southlanarkshire.gov.uk\)](#)

Corporate Considerations

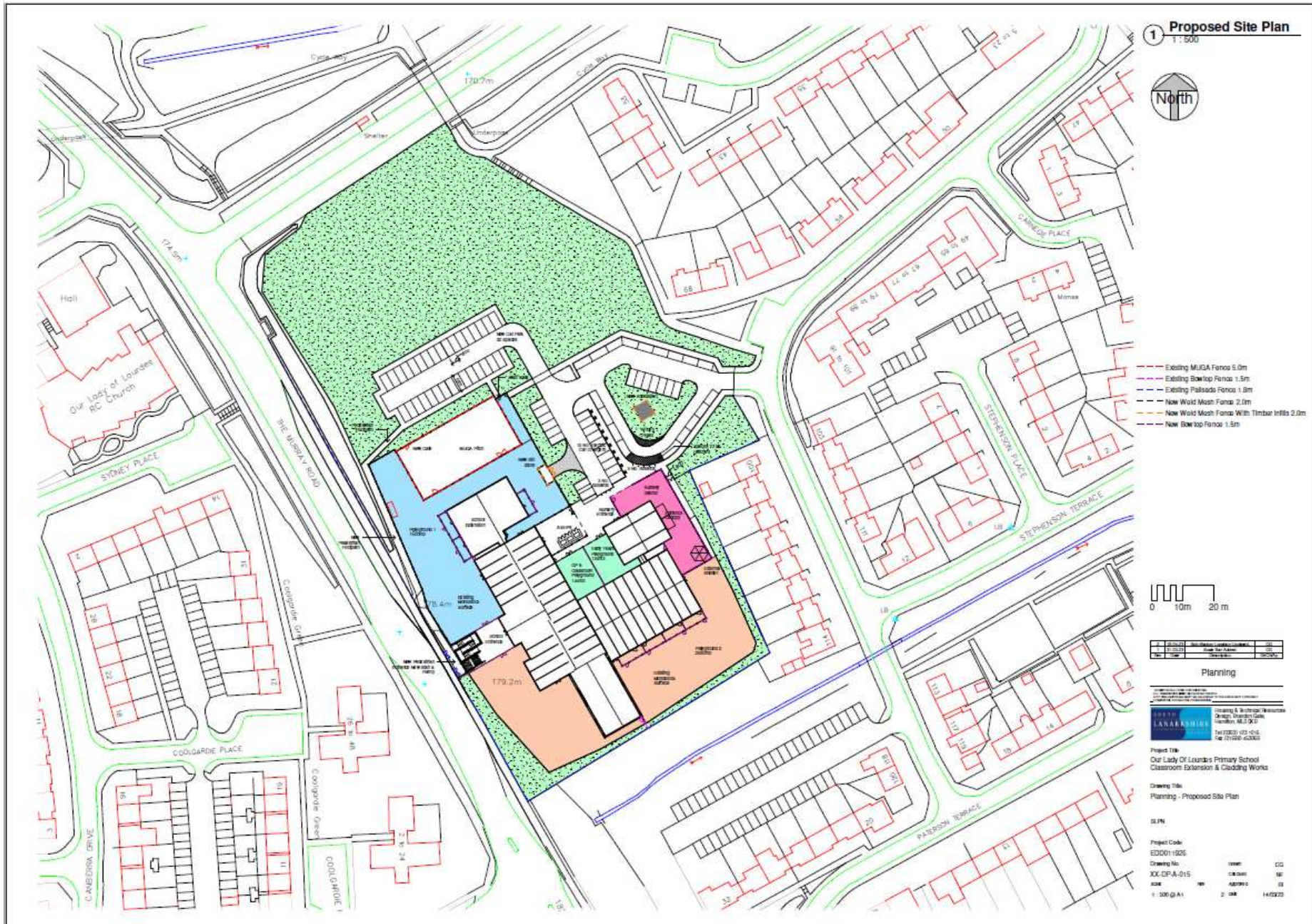
The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

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



Report

13

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

| | |
|--|---|
| Reference no: | P/23/0596 |
| Proposal: | Erection of detached dwellinghouse on agricultural land |
| Site Address: | Stockwell Farm Braidwood Road Braidwood Carluke ML8 5NG |
| Applicant: | Mr and Mrs C Smith |
| Agent: | Richard Pears |
| Ward: | 01 Clydesdale West |
| Application Type: | Planning Permission in Principle |
| Advert Type: | None |
| 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 As required by the approved South Lanarkshire Council Planning Application *Decision-Making Process 2015*, a request that this otherwise delegated application be determined by the Planning Committee was received from local ward member, Councillor David Shearer and this was agreed by the Head of Planning and Regulatory Services and the Chair of the Planning Committee.

2. Site Description

- 2.1. Situated approximately 90 metres west of the settlement boundary of Braidwood, this application relates to an agricultural field belonging to Stockwell Farm. The area is generally surrounded by agricultural land to the west, south and east, with the former Braidwood Estate grounds and category C listed Braidwood House (LB52615) to the north.
- 2.2 The buildings of Stockwell Farm consist of the farmhouse, situated on the southern access, stable block, several sheds, a garage, polytunnel and an open shed which is situated within the proposed site. To the north of the site access is an area identified as long-established woodland of plantation origin, included within the Ancient Woodland Inventory (AWI) of Scotland. The whole site and the immediate vicinity is situated within the Green Belt, as designated in the adopted South Lanarkshire Local Development Plan 2 (LDP2).

3. Description of Proposed Development

- 3.1. The proposal is seeking consent for the erection of a new dwellinghouse which will utilise the existing north-south access of Stockwell Farm.
- 3.2 As the applicant is applying for Planning Permission in Principle (PPiP), detailed design is not required at this stage. An indicative design, of a detached garage, driveway and a 1 and a half storey dwelling with a 96m² footprint has been provided, as well as previous designs by the applicant's agent comprising of pitched roof buildings with timber, zinc and corrugated metal sheeting as indicative materials.

4. Relevant Planning History

- 4.1. (CL/07/0830) An application for the erection of a dwellinghouse was submitted in 2009 which was refused primarily due to constituting new residential development in Green Belt without appropriate justification. This decision was appealed by the applicant and was not successful.
- 4.2 (CL/13/0193) An application for the erection of an agricultural shed for storage purposes was approved in 2013 and has since been implemented.
- 4.3 (CL/16/0467) An application for the erection of a timber stable block and tack room was approved in 2017 and has since been implemented.

5. Supporting Information

The following information was submitted by the agent in support of the application:

- 5.1 Supporting Statement – this outlines and justifies the proposed siting and design of the development.

6. Consultations

- 6.1 **Roads Development Management Team:** A Passing place should be provided within the private access to allow vehicles to pass. Where the proposed driveway meets the existing access, a visibility splay of 2m x 20m should be provided and confirmed on a plan. Car parking to be in modules of 3m x 6m should be dimensioned on a plan.

Response: Noted.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement, no representations were 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 South Lanarkshire Local Development Plan 2 and National Planning Framework 4.

8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is the 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. The relevant policies are:-

National Planning Framework 4 Policies (2023)

- ◆ Policy 1 - Tackling the Climate and Nature Crises
- ◆ Policy 2 - Climate Mitigation and Adaptation
- ◆ Policy 3 – Biodiversity
- ◆ Policy 8 - Green Belts
- ◆ 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, therefore, also assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2).

- 8.4. 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 4 - Green Belt and Rural Area
- ◆ Policy 5 - Development Management and Placemaking

SLLDP2 Volume 2 Policies

- ◆ Policy DM1 - New Development Design
- ◆ Policy GBRA1 - Rural Design and Development
- ◆ Policy GBRA8 – Development of Gap Sites
- ◆ Policy GBRA9 - Consolidation of Existing Building Groups

9. Guidance

9.1. None

10. Assessment and Discussion

10.1. Introduction

Planning permission in principle is sought for the erection of a dwellinghouse on agricultural land at Stockwell Farm, which is located southwest of the settlement of Braidwood. The purpose of the application is to determine whether the principle of the development is acceptable. Assessment against national and local policy are the main considerations, together with an assessment of any other material planning considerations.

10.2. Principle of Development

The site is located within the defined green belt. Policy 8 of NPF4 aims to encourage compact urban growth and use the land around towns and cities in a sustainable way. Regarding proposals for residential development within the green belt, Policy 8 of NPF4 states that these will only be supported where the following is applicable:-

- ◆ Required and designed for a key worker in a primary industry within the immediate vicinity of their employment or retired workers where there is no suitable alternative accommodation available;
- ◆ the reuse, rehabilitation and conversion of historic environment assets; or
- ◆ one-for-one replacements of existing permanent homes.

10.3. Furthermore, Policy 8 requires proposals to demonstrate a specific locational need that would not undermine the purpose of the green belt, is compatible with the established countryside character and landscape, and has been designed to ensure there will be no significant long-term impacts on the environmental quality of the green belt. Whilst the supporting statement has explained the locational need of the house, adjacent to family to help with childcare, it is contrary to this policy as it is not designed for a key worker in a primary industry within the immediate vicinity, it does not seek to reuse or convert an historic asset nor is it a one-for-one replacement.

10.4. Policy 4 of SLLDP2 states that development within the green belt will be strictly controlled and any proposals should accord with the appropriate uses set out in Scottish Planning Policy (SPP) (this is now superseded by NPF4). This policy discourages isolated and sporadic development and aims to direct development to appropriate locations, protect and enhance the character and landscape setting of settlements and provide access to open space. The green belt and rural area's primary function is for agriculture, forestry, recreation and other appropriate uses. Development which is not required to be located within the countryside will be expected to be accommodated within the settlements identified on the proposals map. As noted above, the dwellinghouse is not needed to serve any appropriate identified industry and therefore should be located within an established settlement. The proposal is therefore contrary to Policy 4 of SLLDP2 as it is out with the settlement boundary of Braidwood and does not serve a specific locational need which is identified within either local or national policy.

10.5. Policy GBRA1 of SLLDP2 requires that development within the green belt adheres to specific criteria which primarily relate to appropriate materials, scale, design, the natural environment, and the historic environment. As this is a PPIp application, design details are not available. As such, at this stage and based on the information submitted, it is not possible for the applicant to demonstrate compliance with the policy criteria at this time.

- 10.6. Policy GBRA8 of SLLDP2 identifies that proposals for new houses within the green belt and rural area will be supported where 6 specific criteria are met. In summary, these criteria comprise of the building group forming a clearly identifiable nucleus with strong visual cohesions, the proposed house size to plot ratio being comparable to existing properties within the group, any new dwelling shall include provision for private amenity space and the location siting and design meets the existing rural design policy as set out in GBRA1. The existing buildings denoted on the location plan are one dwellinghouse and several outbuildings, sheds and a polytunnel. This existing group of structures do not create a 'clearly identifiable nucleus' as defined by GBRA8 and do not have a 'strong visual cohesion' as required by this policy. The proposal therefore contravenes this policy.
- 10.7. Policy GBRA9 of SLLDP2 requires that new houses within existing building groups within the green belt meet 5 specific criteria. As per GBRA8 above, the "building group" in question is a single house with some outbuildings rather than a cluster of homes in close proximity that is characteristic of much of the countryside in South Lanarkshire. Much like policy GBRA1, the criteria in policy GBRA9 primarily relates to the design of the proposal and as this is an application for planning permission in principle and, based on the limited information submitted, it is not possible for the applicant to demonstrate that they comply with the relevant criteria at this time.
- 10.8. Climate Change
Policy 1 and 2 of NPF4, aim to ensure that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. The site is located out with the nearest settlement boundary of Braidwood, therefore, it is not considered sustainable. This is due to the predicted emissions by encouraging vehicular travel due to the lack of suitable public transport methods. It is remote from services and facilities and would require the occupants to travel by private vehicle for activities including work, retail and leisure. It is, therefore, considered that the principle of the development is contrary to Policy 1 and, as such, further conflicts with SLLDP2 Policy 2 - which states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change.
- 10.9. Layout, Siting, and Design
Policy 14 of NPF4 aims to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. It sets out six qualities of successful places, including whether the development is connected and sustainable.
- 10.10. Policy 15 of NPF4 aims 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 sustainable methods. When assessing development proposals, consideration will be given to the existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to a range of facilities and services.
- 10.11. As stated previously, due to being located out with a settlement boundary, the proposal is not considered to be a connected or sustainable development, instead increasing emissions through reliance of private vehicular travel. The proposal does not meet the aims of Policies 14 or 15 of NPF4.

10.12. Policy 16 of NPF4 aims to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities. It states that development proposals for new homes on land allocated for housing in Local Development Plans (LDPs) will be supported. The site is not identified as a housing site in the LDP. It is therefore considered that the proposed development is contrary to NPF4 Policy 16.

10.13. Policy 5 and DM1 of SLLDP2 state that proposals should consider and be integrated within the local context and built form. As the applicant has applied for planning permission in principle based on a site plan but with no detailed plans of a house design put forward at this time, it is not possible to reach a view on whether they will integrate with local context and built form as required by SLLDP2 policy. Furthermore, new development should also have no significant adverse impact upon the local community.

10.14. Woodland and Trees

It is acknowledged that the northern part of the access for the site is situated within the AWI designation. The level of detail provided within the application alludes to none of the trees within this designation being removed or altered.

10.15. Policy 3 of NPF4 seeks to protect biodiversity, reverse biodiversity loss and deliver positive effects from development. The applicant has supplied no information on how the proposal will contribute to the enhancement of biodiversity, although it is acknowledged that this information is not necessary for a Planning Application in Principle.

10.16. Conclusion

The proposal is not compliant with national and local policies regarding the green belt designation. The locational need, as stated within the accompanying Supporting Statement, is not supported by the relevant policy, chiefly Policy 8 of NPF4. The development of new housing on a green belt site located out with the settlement boundary is not considered to be sustainable development and will increase emissions by encouraging vehicular travel. The proposed development does not accord with policy in the approved NPF4 or the adopted SLLDP2. It is, therefore, recommended that planning permission be refused.

11. Recommendation and Conditions

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

Refuse Full Planning Permission for the reasons outlined below:-

01. The site is within the green belt and there is no specific locational need for the dwellinghouse to be located in the green belt which can be supported by national policy. It is therefore contrary to Policy 8 of the National Planning Framework 4 (2023).
02. The site is within the green belt and there is no specific locational need for the dwellinghouse to be located in the green belt which can be supported by local policy. It is therefore contrary to Policy 4 of the adopted South Lanarkshire Local Development Plan 2 (2021).

03. The site is located out with any settlement boundary; therefore, the proposal is not considered to be a sustainable development and will increase emissions by encouraging private vehicular travel. It is therefore contrary to Policy 1 of the National Planning Framework 4 (2023).
04. The site is located out with any settlement boundary; therefore, the proposal is not considered to be a sustainable development and will increase emissions by encouraging private vehicular travel. It is therefore contrary to Policy 2 of the National Planning Framework 4 (2023).
05. The site is located out with any settlement boundary; therefore, the proposal is not considered to be a sustainable development and will increase emissions by encouraging private vehicular travel. It is therefore contrary to Policy 14 of the National Planning Framework 4 (2023).
06. The site is located out with any settlement boundary; therefore, the proposal is not considered to be a sustainable development and will increase emissions by encouraging private vehicular travel. It is therefore contrary to Policy 15 of the National Planning Framework 4 (2023).
07. The site is located out with any settlement boundary; therefore, the proposal is not considered to be a sustainable development and will increase emissions by encouraging private vehicular travel. It is therefore contrary to Policy 1 of the adopted South Lanarkshire Local Development Plan 2 (2021).
08. The site is located out with any settlement boundary; therefore, the proposal is not considered to be a sustainable development and will increase emissions by encouraging private vehicular travel. It is therefore contrary to Policy 2 of the adopted South Lanarkshire Local Development Plan 2 (2021).
09. The proposal would be contrary to Policy GBRA 9 – Consolidation of Existing Building Groups of South Lanarkshire Local Development Plan 2 as the dwellings constitute sporadic development not located in a settlement and do not meet the criteria for consolidation of a building group.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 31 July 2023

Background Papers

Further information relating to the application can be found online:

[P/23/0596 | Erection of detached dwellinghouse on agricultural land. | Stockwell Farm Braidwood Road Braidwood Carlisle ML8 5NG](#)

Corporate Considerations

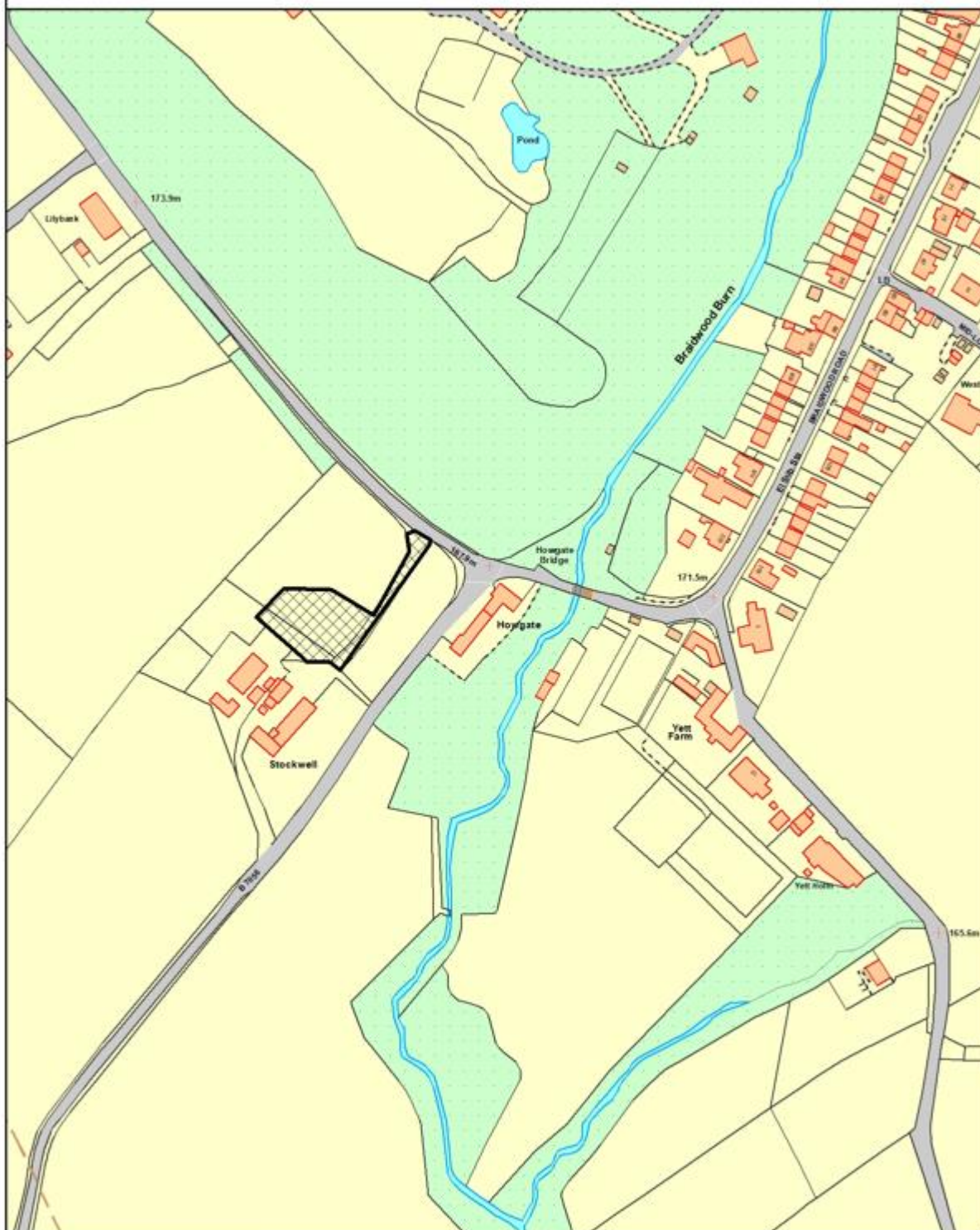
The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

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



© Crown copyright and database rights 2023 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:
1:2,500
Date:
18/07/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

