



Council Offices, Almada Street  
Hamilton, ML3 0AA

Monday, 05 September 2022

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, 13 September 2022  
**Time:** 10:00  
**Venue:** Hybrid - Council Chamber, 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, Dr Ali Salamati, 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 - 12  
Minutes of the meeting of the Planning Committee held on 16 August 2022 submitted for approval as a correct record. (Copy attached)

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### Item(s) for Decision

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- 3 **Application P/22/0954 for Erection of Single Storey Rear Extension at 59 Newfield Crescent, Hamilton** 13 - 20  
Report dated 24 August 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 4 **Application P/22/0524 for Erection of 296 Houses and Associated Infrastructure Works (Approval of Matters Specified in Conditions 1 (a to r), 3, 4, 6, 7, 8, 9, 10 and 12 of Planning Consent EK/09/0218 at Bellway Phase 2, East Kilbride Community Growth Area (CGA), Newhouse Road, East Kilbride** 21 - 40  
Report dated 1 September 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 5 **Application P/22/0851 for Erection of 55 Houses with Associated Infrastructure and Landscaping at Land 165 Metres Southwest of South Lanarkshire Lifestyles Stonehouse, Strathaven Road, Stonehouse, Larkhall** 41 - 54  
Report dated 25 August 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 6 **Application P/22/0469 for Discharge of Conditions 1 (Excluding 1(f)), 6, 8, 9, 10, 11, 12, 13, 14, 16 and 18 of Consent HM/17/0488 (Mixed Use Development Incorporating Residential Houses, Hotel, Office, Care Home, Retail, Restaurant/Cafe, Open Space and Associated Works (Planning Permission in Principle) (Approval of Matters Specified in Conditions) at Former University of the West of Scotland, Almada Street, Hamilton** 55 - 70  
Report dated 2 September 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 7 **Application P/22/0348 for Erection of Restaurant with Ancilliary Takeaway and New Vehicular Access, Parking and Associated Works at 235 Stonelaw Road, Rutherglen** 71 - 88  
Report dated 25 August 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 8 **Application P/21/1127 for Erection of 6 Wind Turbines (5 With a Maximum Height to Tip of 250 Metres and 1 With a Maximum Height to Tip of 209 Metres) and Associated Infrastructure Including Access Tracks and Electrical Control Building at Mill Rig Wind Farm, Waterhead Peelhill and Linbank Highway, Strathaven** 89 - 118  
Report dated 2 September 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached)

- 9 Application P/22/0349 for Extension to Time Period of Planning Permission P/19/0076 for a Further 3 Years at Larkhall Community Growth Area, Summerlee Road, Larkhall** 119 - 134  
Report dated 5 September 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached)

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## **Urgent Business**

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**10 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 the Council Chamber, Council Offices, Almada Street, Hamilton on 16 August 2022

### **Chair:**

Councillor Gerry Convery (Depute)

### **Councillors Present:**

Councillor Alex Allison, Councillor Ralph Barker, Councillor Ross Clark, Councillor Margaret Cowie, Councillor Maureen Devlin, Councillor Mary Donnelly, Councillor Gladys Ferguson-Miller, Councillor Alistair Fulton, Councillor Celine Handibode, Councillor Mark Horsham, Councillor Ross Lambie, Councillor Lesley McDonald, Councillor Davie McLachlan, Councillor Norman Rae, Councillor Dr Ali Salamati, Councillor Graham Scott, Councillor David Shearer, Councillor Bert Thomson (*substitute for Councillor Monique McAdams*), Councillor Helen Toner, Councillor David Watson

### **Councillors' Apologies:**

Councillor Archie Buchanan, Councillor Joe Fagan, Councillor Elise Frame, Councillor Monique McAdams, Councillor Richard Nelson (Chair), Councillor John Ross

### **Attending:**

#### **Community and Enterprise Resources**

B Darroch, Planning and Building Standards Manager (East); T Finn, Planning and Building Standards Manager (Headquarters); F Jack, Team Leader, Development Management Team, Roads and Transportation Services; I Morton, Planning Team Leader (West Team); J Weir, Planning Team Leader (West Team)

#### **Finance and Corporate Resources**

M Cannon, Solicitor; S Jessup, Administration Assistant; S McLeod, Administration Officer; S Somerville, Administration Manager

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### **1 Declaration of Interests**

No interests were declared.

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### **2 Minutes of Previous Meeting**

The minutes of the meeting of the Planning Committee held on 21 June 2022 were submitted for approval as a correct record.

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

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### **3 Application P/22/0526 for Change of Use from House to Short-Term Residential Let at 72 Whistleberry Wynd, Hamilton**

A report dated 26 July 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0526 by Rossleigh Developments Limited for the change of use from house to short-term residential let at 72 Whistleberry Wynd, Hamilton.

**The Committee decided:** that planning application P/22/0526 by Rossleigh Developments Limited for the change of use from house to short-term residential let at 72 Whistleberry Wynd, Hamilton be granted subject to the conditions specified in the Executive Director's report.

*Councillor Fulton left the meeting during this item of business due to technical issues*

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**4 Application P/22/0511 for the Erection of Detached Residential House, Formation of Access and Associated Works (Planning Permission in Principle) at Land 50 Metres Southeast of The Latches, Blackwood Estate, Blackwood, Lesmahagow**

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A report dated 26 July 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0511 by P and M O'Brien for the erection of a detached residential house, formation of access and associated works (planning permission in principle) at land 50 metres southeast of The Latches, Blackwood Estate, Blackwood, Lesmahagow.

Following discussion, during which an officer responded to members' questions on various aspects of the report, Councillor Convery, seconded by Councillor Devlin, moved that the application be granted subject to the conditions specified in the Executive Director's report. Councillor Lambie, seconded by Councillor Allison, moved as an amendment that the application be refused on the grounds that it did not comply with policies GBRA1 and GBRA8. On a vote being taken using the electronic voting system, 4 members voted for the amendment and 15 for the motion which was declared carried.

**The Committee decided:** that planning application P/22/0511 by P and M O'Brien for the erection of a detached residential house, formation of access and associated works (planning permission in principle) at land 50 metres southeast of The Latches, Blackwood Estate, Blackwood, Lesmahagow be granted subject to the conditions specified in the Executive Director's report.

*Councillor Thomson joined the meeting during this item of business and was, therefore, unable to participate in the vote*

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**5 Application P/21/1982 for Removal and Restoration of Railway Sidings and Reuse of Material as Fill for Land Grading at Land 90 Metres North Northwest of 289 Carlisle Road, Kirkmuirhill**

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A report dated 26 July 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/1982 by A Stewart for the removal and restoration of railway sidings and reuse of material as fill for land grading at land 90 metres north northwest of 289 Carlisle Road, Kirkmuirhill.

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/21/1982 by A Stewart for the removal and restoration of railway sidings and reuse of material as fill for land grading at land 90 metres north northwest of 289 Carlisle Road, Kirkmuirhill be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 25 August 2020 (Paragraph 17)]*

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**6 Application P/21/2132 for Erection of House with Extended Family Accommodation and Detached Double Garage at Land 41 Metres North of The Warren, Millrig Road, Wiston, Biggar**

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A report dated 26 June 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/2132 by D Service for the erection of a house with extended family accommodation and a detached double garage at land 41 metres north of The Warren, Millrig Road, Wiston, Biggar.

**The Committee decided:** that planning application P/21/2132 by D Service for the erection of a house with extended family accommodation and a detached double garage at land 41 metres north of The Warren, Millrig Road, Wiston, Biggar be granted subject to the conditions specified in the Executive Director's report.

*Councillor Fulton re-joined the meeting during this item of business*

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**7 Application P/22/0387 for Amendment to Planning Permission CL/03/0257 Involving Substitution of House Types on Plots 131 to 161 at Land 92 Metres North of Bourtree Crescent, Law, Carlisle**

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A report dated 26 July 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0387 by Persimmon Homes for amendment to planning permission CL/03/0257 involving substitution of house types on plots 131 to 161 at land 92 metres north of Bourtree Crescent, Law, Carlisle.

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/22/0387 by Persimmon Homes for amendment to planning permission CL/03/0257 involving substitution of house types on plots 131 to 161 at land 92 metres north of Bourtree Crescent, Law, Carlisle be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 11 May 2004 (Paragraph 4)]*

*Councillor Lambie left the meeting during this item of business*

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**8 Application P/21/1975 for Change of Use of Retail Unit (Class 1) to Hot Food Takeaway (Sui Generis) with Associated Alterations Including the Installation of a Flue at 78 Main Street, Cambuslang**

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A report dated 26 July 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/1975 by F McCabe for the change of use of a retail unit (Class 1) to hot food takeaway (Sui Generis) with associated alterations including the installation of a flue at 78 Main Street, Cambuslang.

**The Committee decided:** that planning application P/21/1975 by F McCabe for the change of use of a retail unit (Class 1) to hot food takeaway (Sui Generis) with associated alterations including the installation of a flue at 78 Main Street, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

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**9 Application P/21/1999 for Demolition of Rear Conservatory and Garage and the Erection of (a) a 1½ Storey Rear/Side Extension (b) Extension to the Rear and Above Vestibule (c) Associated Alterations (Replacement of Soffits, Facias, Rainwater Good, Windows and Doors and the Installation of an Air Source Heat Pump) (d) Alterations to Front Boundary Wall to Provide Wider Vehicular Access, Electric Gates and Garden Alterations, Including Boundary Fencing at 6 Brooklands Avenue, Uddingston**

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A report dated 26 July 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/1999 by S Higgins for the demolition of a rear conservatory and garage and the erection of (a) a 1½ storey rear/side extension (b) extension to the rear and above vestibule (c) associated alterations (replacement of soffits, facias, rainwater good, windows and doors and the installation of an air source heat pump) (d) alterations to front boundary wall to provide wider vehicular access, electric gates and garden alterations, including boundary fencing at 6 Brooklands Avenue, Uddingston.

**The Committee decided:** that planning application P/21/1999 by S Higgins for the demolition of a rear conservatory and garage and the erection of (a) a 1½ storey rear/side extension (b) extension to the rear and above vestibule (c) associated alterations (replacement of soffits, facias, rainwater good, windows and doors and the installation of an air source heat pump) (d) alterations to front boundary wall to provide wider vehicular access, electric gates and garden alterations, including boundary fencing at 6 Brooklands Avenue, Uddingston be granted subject to the conditions specified in the Executive Director's report.

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**10 Application P/19/1802 for Erection of 26 Houses, Associated Access Road, Noise Bund with Fence, SuDS Pond, Open Space and Landscaping at Land 85 Metres South of 51 Brocketsbrae Road, Lesmahagow**

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A report dated 27 July 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1802 by Modern Housing Limited for the erection of 26 houses, associated access road, noise bund with fence, SuDS pond, open space and landscaping at land 85 metres south of 51 Brocketsbrae Road, Lesmahagow.

Points raised in a further representation were referred to at the meeting and addressed by an officer.



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

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

**The Committee decided:**

- (1) that planning application P/19/1802 by Modern Housing Limited for the erection of 26 houses, associated access road, noise bund with fence, SuDS pond, open space and landscaping at land 85 metres south of 51 Brocketsbrae Road, Lesmahagow be granted subject to:-
  - ◆ the conditions specified in the Executive Director's report
  - ◆ prior conclusion of a Section 75 Agreement and/or other appropriate agreement between the Council, site owner(s) and applicant to ensure the provision of affordable housing, educational facilities and the upgrade of community facilities
  - ◆ the applicant meeting the Council's costs associated with the legal agreements
- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards the conclusion of the Legal Agreement within 6 months of the date of the meeting at which the application was considered, the proposed development could be refused on the basis that, without the planning control or developer contribution which could be secured by the Legal Agreement, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Legal Agreement had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Legal Agreement.

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

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**11 Application P/22/0472 for Installation of 49.9mw Battery Storage Facility with Associated Infrastructure at Land 125 Metres Northwest of East Kilbride 275kV Grid Substation, East Kilbride**

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A report dated 26 July 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0472 by Cathkin Energy Storage Limited for the installation of a 49.9mw battery storage facility with associated infrastructure at land 125 metres northwest of East Kilbride 275kV grid substation, 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/22/0472 by Cathkin Energy Storage Limited for the installation of a 49.9mw battery storage facility with associated infrastructure at land 125 metres northwest of East Kilbride 275kV grid substation, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

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## **12 Application P/22/0039 for Erection of 61 Houses and Amendment to House Types (Part Amendment to Consent HM/16/0486 which relates to Approval of Matters Specified in Conditions Attached to Application HM/10/0052) at Community Growth Area Development - Northwest Plot, Highstonehall Road, Hamilton**

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A report dated 27 July 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0039 by Miller Homes Limited for the erection of 61 houses and amendment to house types (part amendment to consent HM/16/0486 which relates to approval of matters specified in conditions attached to application HM/10/0052) at Community Growth Area Development - Northwest Plot, Highstonehall Road, Hamilton.

**The Committee decided:** that planning application P/22/0039 by Miller Homes Limited for the erection of 61 houses and amendment to house types (part amendment to consent HM/16/0486 which relates to approval of matters specified in conditions attached to application HM/10/0052) at Community Growth Area Development - Northwest Plot, Highstonehall Road, Hamilton be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 21 February 2017 (Paragraph 8)]*

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## **13 Preparation of Electric Vehicle Charge Points - Supplementary Planning Guidance**

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A report dated 26 July 2022 by the Executive Director (Community and Enterprise Resources) was submitted on the preparation of Supporting Planning Guidance (SPG) for Electric Vehicle Charge Points.

At its meeting held on 16 November 2021, this Committee had approved draft SPG for Electric Vehicle Charge Points, subject to public consultation, to provide information and assistance to developers regarding the provision of Electric Vehicle Charge Point infrastructure in new developments.

Public consultation had since been carried out between 27 January and 11 March 2022, via an advertisement in the local press and the Council's website, resulting in 7 responses, the content of which was summarised in the report.

A number of minor updates had been included in the revised SPG, attached as an appendix to the report, to reflect the responses to the consultation exercise, further consultation with relevant Council Services and national guidance that had been issued since the approval of the draft SPG. Details of the updates were provided in the report.

Subject to the Committee's approval, the updated SPG would be published on the Council's website and become a material consideration in the determination of planning applications alongside the adopted South Lanarkshire Local Development Plan 2.

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

**The Committee decided:**

- (1) that the supporting Planning Guidance for Electric Vehicle Charge Points, attached as an appendix to the report, be approved; and

- (2) that the Head of Planning and Regulatory Services be authorised to make drafting and technical changes to the draft document prior to its publication.

*[Reference: Minutes of 16 November 2021 (Paragraph 10)]*

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#### **14 Urgent Business**

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There were no items of urgent business.



# Report

3

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>13 September 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/22/0954
Planning proposal:	Erection of single storey rear extension

## 1 Summary application information

Application type:	Householder
Applicant:	Mrs Mary Donnelly
Location:	59 Newfield Crescent Hamilton ML3 9DT

## 2 Recommendation(s)

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

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

### 2.2 Other actions/notes

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

## 3 Other information

- ♦ Applicant's Agent: Darren Macdonald
- ♦ Council Area/Ward: 17 Hamilton North And East
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted 2021)**  
Policy 2 Climate Change  
Policy 3 General Urban Areas  
Policy 5 Development Management and Placemaking  
Policy DM2 House Extensions and Alterations

♦ **Representation(s):**

▶ 1  
▶ 0  
▶ 0

Objection Letter  
Support Letters  
Comment Letters

♦ **Consultation(s):** None

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application relates to a semi-detached dwellinghouse at 59 Newfield Crescent, Hamilton.
- 1.2 The application site fronts onto Newfield Crescent, beyond which are residential properties. The application site adjoins the neighbouring semi-detached property at 61 Newfield Crescent. There are residential properties to the other side and open space/trees to the rear of the site.

### **2 Proposal(s)**

- 2.1 The applicant seeks detailed planning permission for the erection of a single storey rear extension.
- 2.2 The proposed rear extension would be approximately 5.5 metres wide and 3.35 metres in depth, approximately 18.4 square metres. It would accommodate a dining and sitting area. The proposed materials are brown dry dash render to match existing and dark grey slate.
- 2.3 The applicant's agent has confirmed that the proposed extension and all drainage/guttering will be within the curtilage of the applicant's site boundary.
- 2.4 It should be noted that during the application process, a drawing for an outbuilding was asked to be included in the application proposal, however, given that that this was not originally referred to in the planning application form when the application was submitted and, therefore, not referred to in the corresponding neighbour notification that was issued, it does not form part of the current planning application proposal. Potentially it might be something that could be built under permitted development.

### **3 Background**

#### **3.1 Local Plan Status**

- 3.1.1 With regard to the South Lanarkshire Local Development Plan 2: all applications are assessed against Policy 2 – Climate Change and Policy 5 – Development Management and Placemaking; the site falls within the general urban area where Policy 3 – General Urban Areas applies; and the application is for the extension of a dwelling therefore Policy DM2 – House Extensions and Alterations also applies.
- 3.1.2 Policy 2 – Climate Change identifies that all development should seek to minimise and mitigate the effects of climate change, however, the extension of existing dwellinghouses is not considered to have a significant impact on the climate.
- 3.1.3 Policy 3 – General Urban Areas and Settlements states that proposals that are ancillary to residential areas will be assessed on their individual merits regarding their effect on the amenity and character of the area.
- 3.1.4 Policy 5 – Development Management and Placemaking states that the Council should ensure that the proposal will not result in any significant adverse impact on nearby buildings or the streetscape by way of layout, scale, massing, design, or external materials. Development should also have no unacceptable adverse

impacts by way of overshadowing, overlooking or any other loss of residential amenity.

- 3.1.5 Policy DM2 – House Extensions and Alterations states that house extensions and alterations will be considered favourably where it can be demonstrated that the proposal complies with several criteria. The siting, scale and design of the proposal should respect the character of the existing dwelling and the wider area and should not dominate or overwhelm the existing dwellinghouse and streetscape. Furthermore, it should not significantly adversely affect adjacent properties in terms of overlooking or loss of privacy and daylight, and sufficient off-street parking and useable garden ground should remain.

### 3.2 Relevant Government Advice/Policy

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

### 3.3 Planning Background

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

## 4 Consultation(s)

- 4.1 None.

## 5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken, and one letter of objection was received from the adjoining neighbouring proprietor at 61 Newfield Crescent. The grounds of the objections are summarised as follows:-

**a) Overshadowing/loss of daylight to kitchen window of adjoining semi-detached dwellinghouse at 61 Newfield Crescent.**

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

**b) Concerns over guttering and downpipes. It is not clear from the plans whether the guttering will be over adjoining semi-detached dwellinghouse at 61 Newfield Crescent. The build is proposed to be right up to the boundary. It is also not clear where the downpipes and drain-off will be located. Objects to guttering overhanging property and run-off or downpipes draining onto property.**

**Response:** The applicant's agent has submitted a detailed drawing to indicate the rainwater pickup (RWP) locations. The agent has also advised that all drainage will be within the site boundary of no. 59. The objector has been informed of this. Whilst it appears from the submitted drawings/information that the proposed extension/guttering would be located within the curtilage of the applicant's property, it should be noted that any land ownership/boundary disputes are ultimately civil issues.

- 5.2 This letter is available for inspection on the planning portal.



## **6. Assessment and Conclusions**

6.1 The applicant seeks detailed planning consent for the erection of a single storey rear extension at 59 Newfield Crescent, Hamilton. The determining issues in the assessment of this application are its compliance with local development plan policy as well as its impact on surrounding amenity. Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan framework against which the proposal requires to be assessed is the South Lanarkshire Local Development Plan 2.

6.2 It is considered that the proposed development from a land use perspective raises no issues. In relation to Policies 2, 3, 5 and DM2 of the South Lanarkshire Local Development Plan 2 it is noted that:-

- ◆ As the application is for an extension to an existing house, the development will not result in a significant material impact on the climate.
- ◆ It is considered that the proposed rear extension would be sympathetic to the existing dwellinghouse and would not have a negative impact on the visual quality and amenity of neighbouring properties and the local environment. The imposition of a planning condition, should consent be granted, will ensure that the facing materials for the external walls and roof of the proposed extension shall match the existing dwellinghouse.
- ◆ All forms of development will generate a shadow of some description and therefore it is the extent and duration of shadow that is important. Given the position of the existing dwellings and the proposed extension, along with the travel path of the sun, it is considered that there would not be a significant or material impact in terms of overshadowing/loss of sunlight/daylight that would merit refusal of the application.

6.3 Statutory neighbour notification was undertaken, and 1 letter of objection has been received. The points of representation have been summarised in Section 5 above. It is considered that the concerns raised, either individually or collectively, are not of sufficient weight or merit from a planning perspective that could justify the refusal of consent.

6.4 In conclusion, following detailed consideration of the proposed extension as set out above, it has been determined that the proposal generally complies with Policies 2, 3, 5, and DM2 of the South Lanarkshire Local Development Plan 2. The proposal is acceptable, and it is therefore recommended that planning permission is granted for the proposed extension in this instance.

## **7. Reasons for Decision**

7.1 The proposal will not result in a significant adverse impact on either residential or visual amenity and complies with the provisions of Policies 2, 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: 24 August 2022

### **Previous References**

- ◆ None

### **List of Background Papers**

- ▶ Application form
  - ▶ Application plans
  - ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
  - ▶ Neighbour notification letter dated 11 July 2022
  
  - ▶ Consultations:  
None
  
  - ▶ Representations:  
Duncan Fox, 61 Newfield Crescent, Hamilton, South  
Lanarkshire, ML3 9DT
- Dated:  
02.08.2022

### **Contact for further information**

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

Murray Reid, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Phone: 07551 840 266  
Email: [murray.reid@southlanarkshire.gov.uk](mailto:murray.reid@southlanarkshire.gov.uk)

Detailed planning application

Paper apart – Application number: P/22/0954

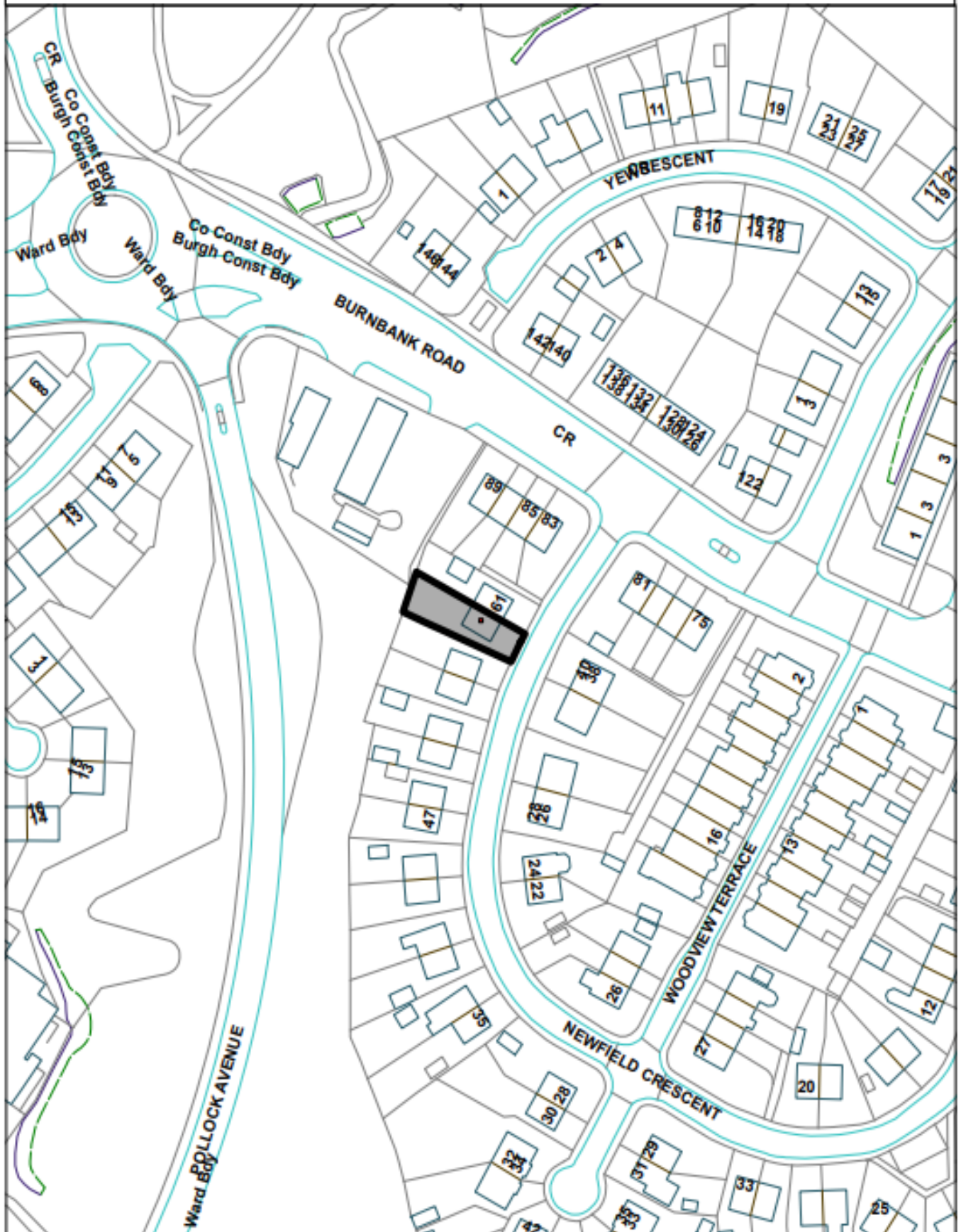
**Conditions and reasons**

01. That the facing materials to be used for the external walls and roof of the extension 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.

P/22/0954

59 Newfield Crescent, Hamilton



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Scale:  
1:1,250  
Date:  
25/08/2022



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development

# Report

**4**

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>13 September 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/22/0524
Planning proposal:	Erection of 296 houses and associated infrastructure works (Approval of matters specified in conditions 1 (a to r), 3, 4, 6, 7, 8, 9,10 and 12 of Planning Consent EK/09/0218)

## 1 Summary application information

Application type:	Approval of matters specified in conditions
Applicant:	Bellway Homes Limited and Abbey Developments (Jackton) Limited
Location:	Bellway Phase 2 – East Kilbride Community Growth Area (CGA) Newhouse Road East Kilbride

## 2 Recommendation(s)

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

(1) Grant matters specified in conditions based on conditions attached.

### 2.2 Other actions/notes

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

## 3 Other information

- ◆ Applicant's Agent:
  - ◆ Council Area/Ward:
  - ◆ Policy Reference(s):
- 09 East Kilbride West  
South Lanarkshire Local Development Plan 2 (Adopted 2021)  
Policy 1 – Spatial Strategy  
Policy 2 – Climate Change  
Policy 5 – Development Management and Placemaking  
Policy 7 – Community Infrastructure Assessment  
Policy 11 – Housing  
Policy 12 – Affordable Housing  
Policy 13 – Green Network and Greenspace  
Policy 16 – Water Environment and Flooding  
Policy SDCC2 – Flood Risk  
Policy SDCC3 – Sustainable Drainage Systems  
Policy DM1 – New Development Design

South Lanarkshire Council Residential Development Guide (2011)

♦ **Representation(s):**

▶	18	Objection Letters
▶	1	Support Letters
▶	0	Comment Letters
▶	1	Petition with 15 signatures

♦ **Consultation(s):**

Roads Flood Risk Management

Roads Development Management Team

Environmental Services

Scottish Water

SP Energy Networks

Countryside and Greenspace

Housing

Scottish Environment Protection Agency (SEPA) Flooding

Jackton and Thorntonhall Community Council

West of Scotland Archaeology Service

## **Planning Application Report**

### **1 Application Site**

- 1.1 This planning application relates to a proposed residential development of 296 units on land situated within the East Kilbride Community Growth Area (CGA). The site lies to the west of Trent Place, Tyne Place, Swift Place and Derwentwater, to the north of current development on Newlands Road and north east of the newly constructed CGA Spine Road on the southern edge of East Kilbride. The site lies on the eastern edge of the masterplan approved as part of Planning Permission in Principle application EK/09/0218 for a “mixed use development comprising residential, retail and education uses and associated engineering works for site infrastructure, new access and distributor road and formation of open space framework with landscaping work.”
- 1.2 The site is primarily agricultural land. The site has varied topography and generally rises from the Spine Road towards the north east at Trent Place / Swift Place. The site falls away to the south east and the watercourse then rises steeply in the south east corner towards Derwentwater and less steeply towards the south and the current development north of Newlands Road. Areas to the west of the site and the Spine Road are currently being developed. There are two watercourses crossing the site, one from the south which joins one from the north which then flows along the southwestern boundary of the site. There are several field boundary hedgerow tree lines and individual hedgerow trees across the site and groups of trees along the watercourse banks. The application site covers an area of approximately 12.47 hectares.

### **2 Proposal(s)**

- 2.1 The application seeks to discharge various conditions imposed on Planning Permission in Principle application EK/09/0218 for the development of East Kilbride Community Growth Area. Condition 1 specifies that all relevant matters such as layout, siting, design, landscaping, drainage etc are submitted to and approved by the Planning Authority. The other conditions to be discharged specify in further detail what information requires to be submitted to deal with the relevant matters listed in Condition 1.
- 2.2 The proposed residential development of 296 dwellinghouses consists of a mix of 2, 3, 4 and 5 bedroomed houses and 2 bedroomed cottage flats, comprising of 224 detached, 16 semi-detached, 36 terraced houses and 20 cottage flats. The development incorporates 56 affordable housing units, located in the northern area of the site. These dwellinghouses will be provided by Bellway Homes and operated by South Lanarkshire Council. The development would be accessed via a new roundabout on the Spine Road and via a link to the south through the Avant development which is currently under construction. Pedestrian links to Greenhills Road to the north and through the linear openspace to the south, would also be provided, in line with the principles established in the masterplan. The proposal includes landscaping, along the linear openspaces along the watercourses to the south and west towards the Spine Road. The proposal has been broadly designed in accordance with Designing Streets principles and includes a variety of surface materials differentiating between parts of the proposed layout.
- 2.3 The applicant has submitted a number of documents in support of the application including: Design and Access Statement, Ecology Update, Tree Survey, Landscape Planting Scheme, Landscape Maintenance Plan, Habitat and Greenspace Management Plan, Site Investigation Report, an Updated Flood Risk Assessment, Traffic Management Plan / Phasing Plan and Draft Dust Management Plan.

### **3 Background**

#### **3.1 Local Plan Status**

- 3.1.1 In land use terms, the site is identified within the adopted South Lanarkshire Local Development Plan 2021 (LDP) as forming part of the designated East Kilbride Community Growth Area (Policy 1 - Spatial Strategy) and is allocated as a Proposed Housing Site (Policy 11 - Housing Land). Appendix 3 (Development priorities), relative to Policy 1, sets out the requirements for the CGA in greater detail.

3.1.2 In addition to the above policy designation, which provides the overarching local plan policy direction for the CGA, the proposed development is affected by a number of additional policies within the Local Plan, as follows:-

- ◆ Policy 2 – Climate Change
- ◆ Policy 5 – Development Management and Placemaking
- ◆ Policy 7 – Community Infrastructure Assessment
- ◆ Policy 11 – Housing
- ◆ Policy 12 – Affordable Housing
- ◆ Policy 13 – Green Network and Greenspace
- ◆ Policy 16 – Water Environment and Flooding
- ◆ Policy SDCC2 – Flood Risk
- ◆ Policy SDCC3 – Sustainable Drainage Systems
- ◆ Policy DM1 – New Development Design

### 3.2 **Relevant Government Advice/Policy**

3.2.1 Relevant Government guidance is set out within the consolidated Scottish Planning Policy (SPP) 2014 and National Planning Framework 3 (NPF3). NPF3 aims to facilitate new housing development, particularly in areas where there is continuing pressure for growth. SPP introduces a presumption in favour of development that contributes to sustainable development. In terms of residential development, the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements. The Council must also maintain a five-year supply of effective housing land.

### 3.3 **Planning Background**

3.3.1 Planning Permission in Principle (EK/09/0218) for the wider East Kilbride Community Growth Area was approved at Planning Committee on 26 June 2018, subject to the conclusion of a Section 75 Legal Agreement in respect primarily of financial contributions towards infrastructure affected by the development. Following signing of the agreement, the planning permission was subsequently issued on 3 October 2019. This application relates to part of Phase 2 of the CGA development and is located north east of the newly constructed CGA Spine Road and the proposed central amenity area.

## 4 **Consultation(s)**

4.1 **Roads Development Management Team** – Roads and Transportation Services have advised that they have no objections, subject to conditions in respect of sightlines, parking, surfacing, footpath link, access, construction traffic, retaining walls details, electric vehicle charging and invasive weed control.

**Response:** Noted. Appropriate conditions and advisory notes can be added to any consent granted.

4.2 **Roads and Transportation Services (Flood Risk Management Team)** – Flood Risk Management Team advised that they have no objections subject to the applicants satisfying the Council's design criteria and conditions relating to Sustainable Urban Drainage Systems, drainage implementation and sewerage scheme approval by Scottish Water.

**Response:** Noted. Appropriate conditions can be attached to any consent granted.

4.3 **Environmental Services** – offered no objections subject to conditions relating to a Site Investigations Report and any required remediation and dust control and management on site.

**Response:** Noted. Appropriate conditions can be added to any planning permission issued.

4.4 **SEPA** – No objections to the proposed development as the proposal is outwith the floodplain and a detailed Flood Risk Assessment for the wider CGA Masterplan site has previously been assessed and considered acceptable by SEPA.

**Response:** Noted. Appropriate conditions can be attached to any consent issued.

4.5 **Scottish Water** – offered no objections to the proposed development subject to the requirement for the applicant to obtain the formal approval of Scottish Water once planning consent has been granted at the time of connection.



**Response:** Noted.

- 4.6 **SP Energy Networks** – offered no objections to the proposed development

**Response:** Noted.

- 4.7 **West of Scotland Archaeology Service** – offered no objections but have noted that a condition was imposed on EK/09/0218 requiring archaeological investigations to be carried out.

**Response:** Noted. Condition 23 of EK/09/0218, which requires the submission and implementation of a program of archaeological works, remains applicable to this development. The required archaeological investigations are being progressed at present.

- 4.8 **Housing Services** – offered no objections to the proposed development as the site is included in the South Lanarkshire Strategic Housing Investment Plan (SHIP) 2022/2027 and will contribute to increasing the provision of affordable housing within South Lanarkshire. The proposed number of units and unit mix is appropriate and will be built by the applicant then purchased by the Council and allocated through the Common Housing Register.

**Response:** Noted.

- 4.9 **Countryside and Greenspace** – offered no objections to the proposed development subject to any access paths and link paths being suitably surfaced and of a suitable width to allow for shared use and provide all ability and active travel access.

**Response:** Noted. Suitable paths and link paths are proposed.

- 4.10 **Jackton and Thorntonhall Community Council** – object to the proposed development on the grounds that the proposal does not adhere to Local Development Plan Policy DM1 which specifies “that there is no conflict with adjacent land uses and no adverse impact on existing or proposed properties in terms of overlooking, loss of privacy, overshadowing, noise or disturbance.” The proximity of the proposed development with the existing settlement edge, and the absence of an adequate separation zone of trees between the development and existing properties in Swift, Tyne and Trent Places does not accord with this policy. The Community Council request that the proposal be amended to address this issue.

**Response:** Noted. The approved masterplan for the site did not identify a substantial woodland buffer along this boundary. However, following submission of the current application, the proposed plans have been amended to increase the landscape buffer at this location. It is considered that this improved planting buffer together with existing landscape strip to the rear of properties in Trent Place and Tyne Place will provide suitable separation distance and not result in an unacceptable impact in respect of overlooking, loss of privacy, overshadowing, and residential amenity. This boundary is not located at the settlement edge in the adopted South Lanarkshire Local Development Plan 2, and the amended buffer is considered to be consistent with the requirements of the adopted Development Plan and the requirements set out in the Residential Design Guide which only requires structural planting buffers on edge of settlement sites.

## **5 Representation(s)**

- 5.1 Statutory notification was undertaken and the proposals advertised in the local press in respect of non-notification of neighbours. Following this, 18 letters of objection, a petition with 15 signatures and 1 letter of support were received. The issues raised in all representations can be summarised as follows:-

- (a) **The proposed development is not consistent with the approved Planning Permission in Principle, EK/09/0218, Masterplan in respect of the timing and phasing of the development and the provision of wider infrastructure and community facilities. These infrastructure and community facilities have not been prioritised or progressed including additional education facilities and Hairmyres station. In addition, the Town Centre is in severe decline.**

**Response:** The development of the site is considered to be consistent with the general phasing set out in the Masterplan which was granted consent as Planning Permission in Principle (EK/09/0218). Planning Consent P/22/1526 was granted in April 2020 for the

provision of a Primary School and Nursery as set out in the Masterplan and construction of the school has started. There was no requirement for an additional secondary school in respect of the CGA development with existing secondary schools having sufficient capacity to accommodate the proposed increase in households. Plans for a new Hairmyres station and Park and Ride facility are currently being developed with Network Rail prior to any formal planning application being submitted. As with many town centres, East Kilbride town centre has been affected by the recent changes in shopping patterns particularly following the Covid pandemic.

- (b) **The proposed development is not consistent with the approved Planning Permission in Principle, EK/09/0218, Masterplan in respect of the design and layout. The housing layout is not consistent with the approved Masterplan as there was no detailed layout in the Masterplan.**

**Response:** The Masterplan was granted consent as a Planning Permission in Principle, EK/09/0218, which granted consent for a Masterplan which indicated the types of development in each area of the site. The current application provides the detailed layout within one of these areas and the proposed uses are consistent with the zonings in the approved Masterplan.

- (c) **The proposed development is not consistent with the approved Planning Permission in Principle, EK/09/0218, Masterplan in respect of the design and layout. There is no landscape buffer to the north of the site along the boundary with Trent Place, Tyne Place and Swift Place as promised at a public meeting at the time of the original Masterplan application and required by the Council's Residential Design Guide. A substantial landscape buffer should be provided along this boundary.**

**Response:** The approved Masterplan drawing No.0713-MPDF-P004-F Detailed Indicative Development Framework (Geddes Consulting), did not identify a landscape buffer along this boundary with existing residential properties. The Residential Design Guide requires a landscape buffer or structural planting buffer to be provided where the development site is an edge of settlement site. This site is not located on the edge of the settlement as defined in the adopted South Lanarkshire Local Development Plan 2 where the settlement edge is defined further to the west along Jackton Road. Although there is no requirement for a structural planting buffer to be provided, since the current planning application was submitted the Council has discussed this with the applicant and the plans have been amended to increase the proposed buffer which will be planted with a mixture of Hawthorn, Willow and Elder. A condition can also be attached to any consent protecting the existing boundary trees and shrubs along this boundary with existing properties.

- (d) **There is a lack of housing choice as the proposed development does not offer a suitable range of house types and there are no bungalows.**

**Response:** The proposed development offers a range of house types consisting of 2, 3, 4 and 5 bedroomed houses and 2 bedroomed cottage flats, comprising of 224 detached, 16 semi-detached, 36 terraced houses and 20 cottage flats. It proposes to provide both private sector housing and affordable housing for rent.

- (e) **The proposed location of the affordable housing is unsuitable being grouped in one corner of the site away from amenities and facilities. The affordable housing units should be integrated through the site rather than segregated which can be seen as discriminatory and an after thought.**

**Response:** The location of the affordable housing is consistent with the approved Masterplan and has been selected to enable easy access to the existing facilities. A link path will provide access through to the existing recreation ground and to bus routes along Greenhills Road and providing access to existing retail and community facilities at Greenhills, Hairmyres and beyond. The location of the affordable housing in one area also enables the units to be managed and maintained effectively.

- (f) **Raises concerns as to who will fund the construction of the affordable housing properties.**

**Response:** These properties will be constructed by the applicant and then purchased by South Lanarkshire Council through the affordable housing supply programme with partial funding provided by the Scottish Government.

- (g) **The location and layout of the site will result in overlooking, overshadowing and have an adverse impact on the residential amenity of existing and proposed properties, quality of life of residents and will result in complaints from the residents of the proposed houses. This constitutes a breach of human rights of existing residents. The proposed houses closest to Trent Place and Tyne Place will have north facing gardens causing the residents to use the end of their garden closest to the existing properties increasing amenity issues. This will cause loss of amenity to both existing and new residents.**

**Response:** The layout of the proposed development complies with the window-to-window distance between the proposed properties and the existing properties in Trent Place, Tyne Place and Swift Place. It is not considered that there will be an unacceptable impact in respect of overlooking or overshadowing given the separation distances and the proposed ground level of the development being increased above the existing ground level. Following the submission of the planning application the plans have been amended to increase the proposed buffer which will be planted and the existing boundary trees and shrubs along this boundary will be retained providing suitable screening between the existing and proposed properties.

- (h) **Who will be responsible for the maintenance of the landscape buffers.**

**Response:** The landscape buffer within the planning application boundary will be installed and maintained by the developer. A Landscape Scheme and Maintenance Schedule have been submitted by the applicant which sets out the planting specification and the proposed maintenance schedule.

- (i) **The proposed development will result in the loss of trees and raises concerns over how the existing trees to be retained will be protected during construction and requesting that the trees along the boundary with Trent Place, Tyne Place and Swift Place are surveyed.**

**Response:** The proposed development and landscaping is considered to be consistent with the approved landscaping Masterplan for the CGA which includes large areas of additional planting. A full tree survey of the CGA including boundary trees has been submitted. The development will retain trees along the watercourses / linear park and along the boundaries of the site and additional tree and hedgerow planting is proposed across the site. A condition can be attached to any consent requiring the submission and approval of tree protection measures during construction of the development and these details will require to be approved by the Council prior to construction works commencing. A condition can also be attached to any consent protecting the existing boundary trees and shrubs along the north-eastern boundary with existing properties.

- (j) **The proposed development does not include sufficient greenspace and green networks and jeopardises the current significant flora, fauna and biodiversity of the area and restricts further habitat connectivity. There is a significant range of wildlife on the site including otters, badgers, deer, owls and bats and these require to be protected during and after construction of the development. A replacement badger set was constructed on site following the first phase of the Bellway Homes development. The ecological report has not been published.**

**Response:** An Ecology Report and a Habitat and Greenspace Management Plan have been submitted by the applicant. These reports set out the flora and fauna on the site. They also include species specific protection plans for various protected species and management plans for the green spaces during and following construction. These documents have not been published as they contain sensitive information in respect of protected species on site. The proposed green spaces and landscaping is considered to be consistent with the approved Masterplan for the CGA which includes a significant green network through the area.

- (k) **The gabion wall along the Gill Burn will cause the watercourse to be in a canyon and no longer visible.**

**Response:** The Gill Burn will be generally open to view from the wider site, forming part of the central green space. It will only have gabion walls on two sides for a short section where the topography of the site requires this at the road crossing in the eastern area of the site.

- (l) **The archaeological site investigations require to be carried out and evaluated by a fully qualified archaeologist.**

**Response:** The Archaeological Investigations are being carried out by Guard Archaeology on behalf of Bellway Homes. Once the investigations have been completed, Guard Archaeology will prepare a report which sets out the methodology, findings and any recommendations for Bellway Homes which will then be submitted to the Council. Once this report has been received the Council will consult West of Scotland Archaeology Services who will assess the report.

- (m) **The construction works will result in unacceptable noise, vibration which may cause structural damage to existing properties, dust, mess, disturbance of vermin, disturbance at unsociable hours, weekends or holidays, anti-social behaviour and site operatives using bad language. What measures will be taken to control vermin from the site.**

**Response:** Prior to the commencement of development on the site the applicant would be required to set out mitigation measures to control such issues through a number of site specific plans, including a Construction and Environmental Management Plan (CEMP) and a Control and Mitigation of Dust. Conditions can be attached in this respect. Working hours and disturbance will be controlled through Environmental Regulations which apply to noise generating activities such as construction works. Any concerns relating to potential structural damage as a result of the construction should be raised by property owners directly with the applicant.

- (n) **The proposed development will have an adverse impact on the existing recreation ground at Trent Place which will become overused and congested. There should be additional recreation facilities provided in the proposed development.**

**Response:** The proposed development is part of the wider Masterplan development which provides greenspace and recreation areas across the CGA. Within this development phase a large central linear openspace which runs through the site from east to west is proposed. In addition to this, the provision of a link path is considered appropriate and necessary to provide access through to the existing recreation ground and to existing wider community facilities.

- (o) **The proposed development will result in drainage problems for the existing properties and any drainage proposal should require a full independent drainage survey.**

**Response:** The applicant has submitted a Drainage Layout and a Flood Risk Assessment for the wider CGA has previously been submitted. The Flood Risk Management Team advised that they have no objections subject to the applicants satisfying the Council's design criteria and conditions relating to Sustainable Urban Drainage Systems which include a Sustainable Drainage Design Independent Check Certificate, drainage implementation and sewerage scheme approval by Scottish Water. Appropriate conditions can be attached to any consent granted.

- (p) **The proposed development will cause traffic congestion and pollution particularly along Lindsayfield Road and Greenhills Road resulting in restricted access to schools, impacts on the public transport network and pedestrian safety issues. The development is not using the approved access point and the access from Newlands Road is not suitable for this additional traffic.**

**Response:** Roads and Transportation Services raised no objection to the proposed development and the scale of development, layout and access points are consistent with the approved Masterplan in respect of the location of the accesses. All vehicle accesses to the proposed development are via the new spine road, one at the north-western point

in the site at the roundabout and one through the Avant development at the southern point in the site.

- (q) **All link paths should be designed to a suitable specification in respect of width, lighting and surfacing to allow them to be used by all, including cyclists and wheelchair users. Additional links, such as to Derwentwater, should be considered and improvements to the wider footpath network links to existing community facilities and transport.**

**Response:** The proposed development is part of the wider Masterplan development which provides walking and cycling routes across the CGA and beyond. A specific link is proposed to provide access through to the existing recreation ground at Trent Place, to bus routes along Greenhills Road and providing access to existing retail and community facilities at Greenhills, Hairmyres and beyond. Additional link paths are provided to the current Bellway development, both directly and through the linear open space, onto Newlands Road. No link path is proposed to Derwentwater. These link paths will be designed to a standard to allow access for all.

- (r) **Raises concerns over security of existing properties during construction. The developer should take measures to protect security during construction and a Police report should be undertaken and views of local residents should be sought.**

**Response:** Security is not a valid planning matter and conditions could not be attached to a planning consent in respect of this issue. However, the construction site will require site safety fencing along the boundary and this may act as a suitable security measure.

- (s) **The applicant failed to provide drainage plans, levels plans, site sections or landscape plans.**

**Response:** The applicant provided drainage plans, levels plans, site sections and landscape plans which are available on the planning portal.

- (t) **Developer financial contributions have been removed from this application.**

**Response:** Financial contributions are required for this development and are secured through the Section 75 Legal Agreement under the Planning Permission in Principle consent EK/09/0218. The applicant will make financial contributions each year as the residential dwellings are completed in respect of the number of dwellings completed that year.

- (u) **There is no indication that Neighbour Notification had taken place in respect of the land to the rear of 1 to 15 Swift Place.**

**Response:** All neighbouring properties which are located within 20m of the site boundary were notified. Where there is not a postal property address an advert is placed in the local press to notify others that an application has been lodged. An advert was placed in the East Kilbride News on 11 May 2022.

- (v) **The time provided for people to make representations was too short and there should have been a public consultation meeting.**

**Response:** The statutory period for making representations is 21 days, however, representations are accepted by South Lanarkshire Council until just prior to an application being determined. In this case, representations have been accepted since 29 April 2002 until the date of the Planning Committee. Any representations being received after the report has been issued will be verbally reported at Planning Committee. In respect of the request for the Council to hold a public meeting, the Council is required to act independently from the applicant when assessing planning applications. The Council must assess any planning application against the policies set out in the adopted Development Plan, currently the adopted South Lanarkshire Local Development Plan2 (2021).

**(w) What happens if construction of the development starts then is halted due to an economic downturn.**

**Response:** Planning consents are required to commence on site within 3 years of the date of consent. There is no requirement to complete a development within a time period once the development starts.

**(x) The proposed development will have an adverse impact on the value of adjacent properties.**

**Response:** The impact on property values is not a valid planning matter.

**(y) The developer should purchase adjacent properties at full market value or allow the existing properties to extend their gardens into the site.**

**Response:** This is not a valid planning matter and should be raised by property owners directly with the applicant.

**(z) Support the proposed development as it provides a very good design and use of the site.**

**Response:** Noted.

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

## **6 Assessment and Conclusions**

6.1 The applicant, Bellway Homes Limited and Abbey Developments (Jackton) Limited, seeks consent for the erection of 296 houses and associated infrastructure works on land forming part of the East Kilbride Community Growth Area (CGA). The site benefits from planning permission in principle (EK/09/0218). As such, the principle of the development has already been established and this assessment relates to the details of the housing layout and associated works. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all planning applications are determined in accordance with the development plan, unless other material considerations indicate otherwise. The main determining issues, therefore, in the assessment of this application are whether the proposed development is in compliance with local development plan policy.

6.2 The adopted South Lanarkshire Local Development Plan 2 (LDP) identifies the site, in land use terms, as being within a Community Growth Area (as defined by Policy 1 – Spatial Strategy). The site is also allocated as proposed housing land (Policy 11 – Housing Land) to reflect the designation of the CGA. It is, therefore, noted that the principle of housing development on this site is supported by Policies 1 and 11 of the adopted LDP.

6.3 In respect of Policy 6 (Community Infrastructure Assessment) and Policy 12 (Affordable Housing and Housing Choice), it is noted that the legal agreement associated with planning permission EK/09/0218 sets out the requirement for developer contributions applicable to this site to cover infrastructure impacts associated with education, roads and transportation, affordable housing and community facilities. The proposed development under consideration includes on-site affordable housing provision of 56 units in the northern area of the site. These consist of 36 terraced houses and 20 cottage flats which will be constructed by the applicant then purchased by South Lanarkshire Council through the affordable housing supply programme with partial funding provided by the Scottish Government. The properties will then be allocated through the Common Housing Register. The proposed number of units and unit mix is considered appropriate and this approach to provision has been agreed with Housing Services. It is also considered that the submitted layout (in the context of the wider masterplan and identified developer contribution requirements) has addressed the amenity, play provision and community facility requirements identified within the Council's Residential Design Guide. The site provides suitable garden ground and will create part of the CGA central openspace. Play areas and a kickabout pitch will be within this central openspace together with walking routes as part of the wider CGA provision. The educational and transportation related requirements associated with this proposal have also been assessed on a cumulative basis, across the CGA as a whole, as part of planning permission EK/09/0218. Taking the above

into account, it is considered that the proposal is acceptable with regard to the requirements of Policies 6 and 12 of the LDP.

- 6.4 In terms of the detail of the proposal, Policy 5 of the LDP states that all planning applications should take fully into account the local context and built form, while Policy 2 seeks to ensure that proposed developments, where possible, seek to minimise and mitigate against the effects of climate change. Furthermore, any proposal should not result in significant adverse environmental or amenity impacts. Further guidance on design matters is contained in the Council's Residential Design Guide (2011). In terms of the submitted layout, it is noted that the proposal is for 296 residential properties and a central linear openspace, served by two access roads linking the development with the main spine road through the CGA site. The proposed mix of house styles, external materials, size of properties and development layout (including connections) are considered to be acceptable and in compliance with the principles of the approved Masterplan. Additionally, it is noted that the development is consistent with the Masterplan and does not restrict the adjacent areas of development providing road links to the adjacent Cala Homes site. It is noted that the proposals incorporate appropriate design features, including variation of surface materials, a permeable layout and junction treatment to slow traffic. In general, the layout has been designed to provide attractive streets, usable openspace and link paths to encourage walking and cycling.
- 6.5 With regard to potential amenity and road safety impacts, following discussion with the Planning Service, the layout has been adjusted slightly to ensure that the proposed parking and access specifications are in compliance with the Council's standards and to ensure that sufficient pedestrian connectivity is provided throughout the development. In addition, following discussions with the applicant the plans have been amended to increase the proposed landscape buffer adjacent to existing properties which will be planted to provide suitable screening between the proposed development and existing properties and existing boundary trees and shrubs along this boundary can be protected through a planning condition. Given the above, it is considered that there would be no significant road safety impacts and, additionally, it is considered that there would not be any significant impact on the amenity enjoyed by adjacent properties as a result of the development, as proposed. Taking all relevant matters into account, it is considered that the proposal is in compliance with Policies 2, 5 and DM1 of the LDP.
- 6.6 In terms of flood risk and impact on the water environment (Policies 16, SDCC2 and SDCC3 of the LDP), it is noted that the proposal includes a sustainable drainage system including two SUDs basins. The applicants have submitted drainage plans and the site forms part of the wider CGA for which a Surface Water Management Plan by Indev Consulting 2017 and a Flood Risk Assessment by Kaya Consulting 2016 and 2018 have been previously approved. In this regard, the Flood Risk Management Team advised that they have no objections to the proposed development subject to the applicants satisfying the Council's SUDs design criteria and conditions relating to Sustainable Urban Drainage Systems, drainage implementation and sewerage scheme approval by Scottish Water. Taking the above into account, it is considered that the proposal is acceptable with regard to the requirements of Policies 16, SDCC2 and SDCC3 of the LDP.
- 6.7 The application site also lies partially in an area designated as green network, where Policy 13 (Green Network and Greenspace) of the LDP applies. This policy seeks to safeguard the local green network and identify opportunities for enhancement and / or extension to contribute towards objectives including promoting active travel, placemaking and supporting biodiversity. In this regard, it is noted that the majority of the proposed development will be on agricultural grazing land. The development will create part of the CGA central openspace and will retain Green Network links along the Gill Burn, other watercourses and through landscape buffers along the site boundary, maintaining the Green Network links through the CGA, the wider settlement and to the rural area. Given the above, it is considered that the proposal would not result in a significant change to quality or volume of green network land on the site and that access to a connected green network would be available for residents, in compliance with Policy 13 of the LDP.

- 6.8 In summary, it is noted that the principle of residential development of this site is supported by development plan policies and the existing Planning Permission in Principle consent, including the Masterplan associated with the site. Furthermore, given that the proposal will not result in adverse amenity, environmental or safety impacts, it is considered that the proposed development is in compliance with Policies 1, 2, 5, 6, 11, 12, 13, 16, SDCC2, SDCC3 and DM1 of the adopted South Lanarkshire Local Development Plan 2 (2021). It is, therefore, recommended that the relevant conditions outlined above can be discharged, subject to the additional conditions listed.

## **7 Reasons for Decision**

- 7.1 The proposal would have no significant adverse impact on amenity, public safety or the local environment and complies with the provisions of Policies 1, 2, 5, 6, 11, 12, 13, 16, SDCC2, SDCC3 and DM1 of the adopted South Lanarkshire Local Development Plan 2 (2021).

**David Booth**

**Executive Director (Community and Enterprise Resources)**

Date: 1 September 2022

### **Previous References**

- ◆ Planning Committee - 26 June 2018 (EK/09/0218)

### **List of Background Papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 29 April 2022
- ▶ Consultations
  - Roads Flood Risk Management 30.06.2022 & 12.08.2022
  - Roads Development Management Team 25.05.2022 & 19.08.2022
  - Environmental Services 17.08.2022
  - Scottish Water 12.05.2022
  - SP Energy Networks 05.05.2022
  - Countryside and Greenspace 16.05.2022
  - SEPA Flooding 14.06.2022
  - Housing Services 12.08.2022
  - Jackton and Thorntonhall Community Council 01.06.2022
  - West of Scotland Archaeology Service 09.05.2022
- ▶ Representations Dated:
  - Petition - Residents at Swift Place, Trent Place and Tyne Place, 15 Swift Place, East Kilbride, G75 8RT 19.05.2022
  - Elaine Anderson, 33 Derwentwater, East Kilbride, G75 8JT 06.05.2022
  - Jim Steele, 19 Trent Place, East Kilbride, G75 8RU 09.05.2022



Andrew and Fiona Cameron, 17 Trent Place, East Kilbride, G75 8RU	16.05.2022
A Aitken, 35 Derwentwater, East Kilbride, G75 8JT	18.05.2022
William T Blaney, 5 Tyne Place, East Kilbride, G75 8RY	17.05.2022
Mr and Mrs D Stewart, 4 Tyne Place, East Kilbride, G75 8RY	20.05.2022
Christina MacMillan, 8 Swift Place, East Kilbride, G75 8RT	18.05.2022
John and Marlene Stewart, 19 Swift Place, East Kilbride, G75 8RT	24.05.2022 & 30.08.2022
Mr Ross Gardner, 17 Swift Place, East Kilbride, G75 8RT	20.05.2022
Mr and Mrs J Stewart, By Email	17.06.2022
James Steele, By Email	19.05.2022
William Blaney, Received Via Email	19.05.2022
Andrew and Fiona Cameron, 17 Trent Place, East Kilbride, G75 8RU	17.05.2022
Mrs Gillian Dunker, 15 Trent Place, Broadmeadows, East Kilbride, G75 8RU	15.05.2022
Ms Lynn Reid, 82 Glen Tenna, East Kilbride, Glasgow, South Lanarkshire, G74 3UY	09.05.2022
Douglas and Catherine Cormie, By Email	26.05.2022
Jackton and Thorntonhall Community Council, Received Via Email	01.06.2022
Mrs Gillian Dunker, Received Via Email	29.05.2022

### **Contact for further information**

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

Morag Neill, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Phone: 07551 842 294  
Email: [morag.neill@southlanarkshire.gov.uk](mailto:morag.neill@southlanarkshire.gov.uk)

### Conditions and reasons

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

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

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

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

03. That the landscaping scheme as shown on the approved Landscaping Scheme "Landscaping Proposal Sheets 1 to 12 DWA Landscape Architects Ltd" shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or the completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

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

04. Prior to the commencement of the development hereby approved, the submitted Site Investigations Report (Mason Evans - March 2020) and the Site Investigations Report Addendum - Interim Report on Ground Investigation (Mason Evans July 2022) shall be updated and a final Site Investigation submitted to and approved in writing by the Council as Planning Authority.

Reason: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

05. (a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.

(b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.

(c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.

Reason: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

06. That the recommendations and procedures set out in the "Habitat and Greenspace Management Plan" submitted in support of the proposed development, produced by JDC ecology and dated April 2021 shall be adhered to at all times on site to the satisfaction of the Council as Planning Authority.

Reason: To ensure the appropriate protection and management of species and green spaces within the site.

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

08. That no development shall commence until details of surface water drainage arrangements (including provision of a drainage assessment and maintenance responsibilities) have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements (Appendices C,D & E).

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

09. That the development hereby approved shall not commence until surface water drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority, under the terms of Condition 8 above.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

10. That no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.

Reason: To ensure the provision of a satisfactory sewerage system.

11. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Council as Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In order to safeguard any archaeological items of interest or finds.

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

Reason: In the interests of traffic and public safety.

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

Reason: In the interests of public safety.

14. That, before any dwellinghouses hereby approved are completed or brought into use, the parking spaces associated with the dwellinghouses shall be put in place to the specification and satisfaction of the Council as Roads and Planning Authority in accordance with the approved plans and shall thereafter be maintained to the satisfaction of the Council.

Reason: In the interests of road safety.

15. That, before any dwellinghouse within the development hereby approved is completed or brought into use, the first two metres of the associated driveway shall be surfaced, trapped and sealed to prevent any deleterious material or water from leaving the carriageway and entering the driveway, to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of road safety.

16. That, prior to the occupation of any of plots 367 to 535 of the development as shown on the approved plans, a 3m wide remote footpath link, assessable to all, from the proposed development to Greenhills Road shall be provided in accordance with the details shown on the approved drawings. All of the above shall be provided and thereafter maintained to the specification and satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of public safety.

17. That unless otherwise agreed in writing with the Planning Authority, all construction vehicles associated with the development hereby approved shall only access the site using the spine road via Eaglesham Road to the north.

Reason: In the interests of road safety.

18. That, during the construction phase associated with the development hereby approved:
- ♦ appropriate cleaning systems shall be put in place within the site to ensure mud and debris is not deposited on the public road.
  - ♦ appropriate wheel wash facilities/road cleaning regime shall be provided.
  - ♦ all vehicles shall be able to access and exit the site in forward gears, therefore a turning area shall be provided
  - ♦ sufficient parking shall be provided within the site boundary to accommodate all site staff/operatives parking requirements.

Before the commencement of works on site full details and plans detailing the above requirements shall be submitted to and approved by the Council as Roads and Planning Authority. Thereafter, the approved details shall be implemented on site to the satisfaction of the Council throughout the construction phase.

Reason: In the interests of road safety.

19. Prior to development commencing on site, full engineering drawings of all retaining walls, including drainage details, shall be submitted to and approved in writing by the Council as Planning Authority. The retaining walls shall thereafter be constructed in accordance with the approved details to the satisfaction of the Council as Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

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

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

21. Prior to the commencement of the development hereby approved (including any demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Council as Planning Authority. Specific issues to be dealt with in the TPP and AMS:
- a) Location and installation of services/ utilities/ drainage.
  - b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
  - c) Details of construction within the RPA or that may impact on the retained trees.
  - d) A full specification for the installation of boundary treatment works.
  - e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
  - f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
  - g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
  - h) A specification for scaffolding and ground protection within tree protection zones.
  - i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
  - j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
  - k) Boundary treatments within the RPA
  - l) Methodology and detailed assessment of root pruning
  - m) Arboricultural supervision and inspection by a suitably qualified tree specialist
  - n) Reporting of inspection and supervision
  - o) Methods to improve the rooting environment for retained and proposed trees and landscaping
  - p) Veteran and ancient tree protection and management.

The development shall thereafter be implemented in strict accordance with the approved details.

Reason: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.

22. Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Council as Planning Authority to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the Council as Planning Authority.

Reason: To ensure that the Council as Planning Authority are satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details.

23. That no trees along the boundary of the site with Trent Place / Greenhills Road Recreation Ground, Trent Place, Tyne Place and Swift Place shall be lopped, topped, pollarded or felled, and no shrubs or hedges shall be removed from the application site without the prior written consent of the Council as Planning Authority.

Reason: In the interests of amenity and to ensure the protection and maintenance of the existing trees and other landscape features within the site.

24. Prior to the commencement of the development hereby approved a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved by the Council as Planning Authority. Thereafter, the approved details shall be implemented on site to the satisfaction of the Council throughout the construction phase.

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

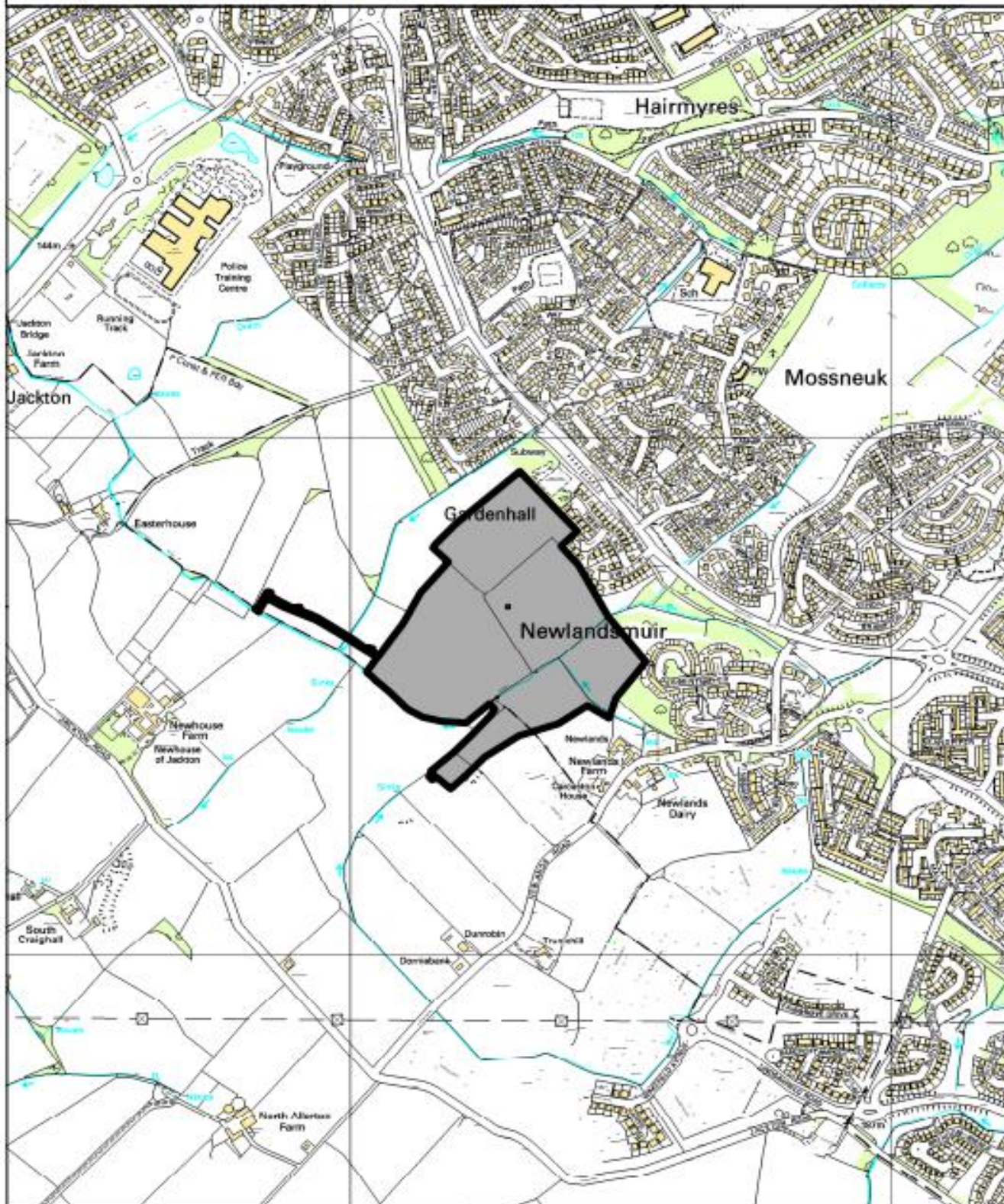
25. That unless otherwise agreed, the applicant shall undertake an invasive weed survey, which shall include nuisance weeds such as Horsetail, and submit the findings of the survey along with their proposed remediation strategy, all for the written approval of the Council as Roads and Planning Authority, prior to commencement on site of any topsoil stripping or other earthworks. That no invasive weeds or nuisance weeds shall be permitted below or within influencing distance of the public road. Once approved, all works shall be progressed in accordance with the agreed remediation strategy.

Reason: To remove the presence of invasive weeds from the site and ensure the site is suitable for development.



P/22/0524

Bellway Phase 2 - EK CGA Newhouse Road, EK



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Scale:  
1:10,000  
Date:  
19/08/2022



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development





# Report

**5**

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>13 September 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/22/0851
Planning proposal:	Erection of 55no. dwellings with associated infrastructure and landscaping

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Miller Homes
Location:	Land 165 metres Southwest of South Lanarkshire Lifestyles Stonehouse Strathaven Road Stonehouse Larkhall South Lanarkshire

## 2 Recommendation(s)

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

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

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) If planning consent is granted, the decision notice should be withheld until a Planning Obligation in respect of a financial contribution for the improvement/upgrading of educational, community facilities, and off-site affordable housing provision in the area has been concluded between the applicant and the Council.

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

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

## 3

**Other information**

- ◆ Applicant's Agent: N/A
- ◆ Council Area/Ward: 05 Avondale and Stonehouse
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted 2021)**

Policy 2 - Climate Change  
 Policy 3 - General Urban Areas  
 Policy 5 - Development Management and Placemaking  
 Policy 7 - Community Infrastructure Assessment  
 Policy 11 - Housing  
 Policy 12 - Affordable Housing  
 Policy 16 - Water Environment and Flooding  
 Policy DM1 - New Development Design

South Lanarkshire Council Residential Development Guide (2011)

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

Scottish Water

SP Energy Networks

Estates Services - Housing and Technical Resources

Community and Enterprise Resources - Play Provision Community Contributions

Education Resources School Modernisation Team

Housing Planning Consultations

Stonehouse Community Council

West of Scotland Archaeology Service

Countryside and Greenspace

## Planning Application Report

### 1 Application Site

- 1.1 This application site relates to an area of open grassland located on the edge of Stonehouse, within the settlement boundary. The site is approximately 2.4 hectares in area and is bounded to the north by the A71/Strathaven Road and a new housing estate opposite; to the east by South Lanarkshire Lifestyles community facility; to the south by agricultural land; and to the west by agricultural land and a small row of cottages.
- 1.2 The site is partly flat though gently slopes down from the north-east corner to the south and western boundaries. There are some trees and hedging around the perimeter of the site, with an existing watercourse along the southern and western boundaries. The site is currently accessed via an informal track at the corner of Strathaven Road and Sandford Road.

### 2 Proposal(s)

- 2.1 Detailed planning permission is sought for the erection of 55no. dwellings with associated infrastructure and landscaping. This would comprise of a mix of detached, semi-detached and terraced 3 and 4 bedroom dwellings finished in white and Tuscan render, precast stone, and grey concrete roof tiles.
- 2.2 The site would be accessed from a new arm off the existing roundabout to the north-east of the site incorporating a section of land associated with the adjacent community facility. It would also include a new footway link onto Strathaven Road. The drainage for the site would be connected to an existing sustainable urban drainage systems (SUDs) pond adjacent to the main site and would include a pumping station in the south-west corner. The proposal also includes three main landscaped areas with various planting across the site.
- 2.3 The development is classified as a 'Major' development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and was the subject of pre-application consultation in the form of an online public event in October and November 2021. A number of documents have been provided in support of the application, including a site investigation, traffic assessment, design and access statement, ecology report, tree survey and energy statement. At the pre-application stage the applicants submitted a screening opinion to establish if an Environmental Impact Assessment (EIA) was required. The Council confirmed that whilst an EIA would not be required, the reports identified above would be required.

### 3 Background

#### 3.1 Local Plan Status

- 3.1.1 In terms of land use, the site is identified within the South Lanarkshire Local Development Plan 2 (Adopted 2021) as being within the Stonehouse settlement boundary. As such, the following policies are all relevant to the assessment of this development:-

- ◆ Policy 2 – Climate Change
- ◆ Policy 3 – General Urban Areas
- ◆ Policy 5 – Development Management and Placemaking
- ◆ Policy 7 - Community Infrastructure Assessment
- ◆ Policy 11 – Housing
- ◆ Policy 12 – Affordable Housing
- ◆ Policy 16 – Water Environment and Flooding
- ◆ Policy DM1 – New Development Design

#### 3.2 Relevant Government Advice/Policy

- 3.2.1 Relevant Government guidance is set out within the consolidated Scottish Planning Policy (SPP) 2014 and National Planning Framework 3 (NPF3). NPF3 aims to facilitate new housing development, particularly in areas where there is continuing pressure for growth. SPP introduces a presumption in favour of development that contributes to sustainable development. In terms of residential development, the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in

sustainable locations and allocate a generous supply of land to meet identified housing requirements. The Council must also maintain a five-year supply of effective housing land.

### 3.3 **Planning Background**

- 3.3.1 A Permission in Principle application for a residential development at this site was submitted in November 2015 under application reference HM/15/0487. This application was granted at Planning Committee in April 2016 subject to the agreement of a Section 75 and/or other appropriate legal agreement in respect of financial contributions for education, community and affordable housing. However, these matters were never concluded.

## 4 **Consultation(s)**

- 4.1 **Roads Development Management Team** – no objections to the proposal subject to the attachment of a number of conditions including further roundabout details, visibility splays, parking, surfacing, etc.  
**Response:** Noted. Appropriate conditions can be attached to any consent issued.
- 4.2 **Roads Flooding Team** – no objections to the proposal subject to a condition requiring the provision of a SUDs drainage system.  
**Response:** Noted. Appropriate conditions can be attached to any consent issued.
- 4.3 **Environmental Services** – no objections subject to the attachment of conditions requiring the submission of a Noise Assessment (NA) and the provision of a contaminated land remediation plan.  
**Response:** Noted. Appropriate conditions can be attached to any consent issued.
- 4.4 **Scottish Water** – no objections to the proposal.  
**Response:** Noted.
- 4.5 **SP Energy Networks** – no response received to date.  
**Response:** Noted.
- 4.6 **Estates Services** – no objections to the proposal.  
**Response:** Noted.
- 4.7 **Community and Enterprise Resources - Play Provision Community Contributions** – under a previous consultation, requested a commuted sum towards the provision of community facilities.  
**Response:** Noted. Planning permission would not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council and the applicants.
- 4.8 **Education Resources** – no objections subject to the developer providing a financial contribution for education accommodation in the local area.  
**Response:** Noted. Planning permission will not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council and the applicants. This planning obligation would ensure that appropriate financial contributions are made at appropriate times during the development towards education accommodation.
- 4.9 **Housing and Technical Resources** – under a previous consultation, requested a commuted sum towards the provision of affordable housing off site.  
**Response:** Noted. Planning permission would not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council and the applicants. This planning obligation would ensure that an appropriate commuted sum is provided for off-site affordable housing.

- 4.10 **Stonehouse Community Council** – no response received to date.
- 4.11 **West of Scotland Archaeology Service (WOSAS)** – no objections subject to the attachment of a condition requiring the implementation of a programme of archaeological works.  
**Response:** Noted. An appropriate condition can be attached to any consent issued.
- 4.12 **Countryside and Greenspace** – no objections to the proposal but suggest the inclusion of an additional footway along the front of the site and advise the path to the south-east of the site should be constructed to the 'As Dug Path' specification.  
**Response:** Noted, however, the Planning Service do not consider the additional footway necessary in this instance. However, should permission be granted, a suitable condition can be attached in relation to the pathway specification.
- 5 Representation(s)**
- 5.1 Statutory neighbour notification was undertaken, and the proposal was advertised in the local press as not all neighbours could be identified, however, no representations have been received from third parties.
- 6 Assessment and Conclusions**
- 6.1 Miller Homes seek detailed planning permission for the erection of 55no. dwellings with associated infrastructure and landscaping on land 165M Southwest of South Lanarkshire Lifestyles, Strathaven Road, Stonehouse. The determining issues in the assessment of this application are compliance with local plan policy, its impact on the amenity of the adjacent properties, and road safety matters
- 6.2 In this case, the adopted South Lanarkshire Local Development Plan 2 (2021) identifies the site as within the settlement boundary, therefore Policy 3 – General Urban Areas is applicable and advises proposals within or adjacent to residential areas will be assessed on their individual merits, with particular regard to their effect on the amenity and character of the area. Developments which would be detrimental to the amenity of residents and the wider community or to the character of the surrounding area will not be permitted. Policy 5 – Development Management and Placemaking 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. Policy DM1 – New Development Design also requires development to promote quality and sustainability in design and layout.
- 6.3 The Council's Residential Development Guide (RDG) (2011) is also relevant and provides guidance on the design and layout of new housing developments. Policy 11 – Housing advises the Council expects developers to provide a diverse and attractive mix of house types and sizes, including different tenure mixes to ensure that a full range of housing types are provided in order to meet the diverse housing need and demand across the Council area. Policy 2 – Climate Change seeks to ensure that developments seek to minimise and mitigate against the effects of climate change and that development does not result in any significant environmental or amenity impacts.
- 6.4 In this case, the application for 55 dwellinghouses with associated infrastructure and landscaping will include a mix of 10 house types consisting of 3 and 4 bed detached, semi-detached and terraced properties. Access into the site will be via a new arm off the existing roundabout adjacent to the site. In terms of the policies above, the proposed mix of house types, materials, size of properties and development layout are considered to be acceptable and in compliance with the principles of the Council's RDG. Furthermore, the plots can meet the requirements in terms of window-to-window distances, plot ratios and parking requirements. The applicant has also included an energy and sustainability statement as part of the submission. In terms of landscaping, the site includes a number of landscaped areas including a buffer along the frontage (north) of the site, as well as a landscaped area with pathway adjacent to the existing stream to the south of the site, and various planting across the development. As such, I am satisfied this site provides access to adequate amenity space for residents and will not result in any adverse visual or landscape impacts.

- 6.5 Policy 7 - Community Infrastructure Assessment advises that a financial contribution from the developer will be sought where it is considered that a development requires capital or other works or facilities to enable the development to proceed. Through an assessment of the proposals, it is considered that contributions would be required in terms of the impact on educational and community facilities. This can be achieved through a legal agreement, or other appropriate means. Furthermore, the Council expects developers to contribute to meeting affordable housing needs across South Lanarkshire. As such, Policy 12 - Affordable Housing and Housing Choice is applicable. The applicants are in agreement to making such a contribution for off-site affordable housing within the local housing area and this will be achieved through a legal agreement or other appropriate means. The proposal therefore complies with Policies 7 and 12.
- 6.6 In terms of road safety impacts, the site layout has been designed to ensure the parking and access specifications are in compliance with the Council's standards and to ensure adequate pedestrian connectivity is provided throughout the development. As such, the Council's Roads and Transportation Development Management Team have confirmed their satisfaction with the layout subject to the attachment of conditions. In terms of flood risk and impact on the water environment (Policy 16 – Water Environment and Flooding), the proposal includes sustainable drainage features. In this regard, it is noted that no objections have been received from the Council's Roads Flood Risk Management team subject to the attachment of conditions. Should permission be granted appropriate Roads conditions would be attached to the consent issued.
- 6.7 The Council's Environmental Services have also raised no objections subject to the attachment of conditions requiring the submission of a Noise Assessment (NA) and the provision of a contaminated land remediation plan. Should permission be granted, suitable conditions can be attached.
- 6.8 As part of the application submission, the applicant provided an ecological assessment of the site which surveyed it for a variety of species including bats, otters, badgers, water voles, great crested newts, reptiles and birds. It was noted in the report that a badger sett with badger holes and prints were found within 15 metres of the site boundary. It was also noted that the site has suitability for other species. As such, the ecology reports contain a number of recommendations that must be complied with. Should permission be granted, appropriate conditions would be attached to any consent issued.
- 6.9 In conclusion, the principle of residential development of this site is supported by the appropriate local plan policies. The proposal will have no adverse impacts on amenity, road safety, or environmental impacts and as such it is considered the proposal complies with Policies 2, 3, 5, 7, 11, 12, 16 and DM1 of the adopted South Lanarkshire Local Development Plan 2 (2021), as detailed above. It is therefore recommended that planning permission is granted subject to the attached conditions.

## **7 Reasons for Decision**

- 7.1 The proposal would have no significant adverse impact on amenity, public safety or the local environment and complies with the provisions of Policies 2, 3, 5, 7, 11, 12, 16 and DM1 of the South Lanarkshire Local Development Plan 2 (Adopted 2021).

**David Booth**  
**Executive Director (Community and Enterprise Resources)**

25 August 2022

## **Previous References**

- ◆ P/22/0400
- ◆ Planning Committee – 26 April 2016 (HM/15/0487)

### List of Background Papers

▶	Application form	
▶	Application plans	
▶	South Lanarkshire Local Development Plan 2 (adopted 2021)	
▶	Neighbour notification letter dated 16 June 2022	
▶	Consultations	
	Roads Development Management Team	19.08.2022
	Environmental Services	05.07.2022
	Roads Flood Risk Management	13.07.2022
	Scottish Water	22.06.2022
	SP Energy Networks	No response
	Estates Services - Housing and Technical Resources	17.06.2022
	Community and Enterprise Resources - Play Provision Community Contributions	No response
	Education Resources School Modernisation Team	20.06.2022
	Housing Planning Consultations	No response
	Stonehouse Community Council	No response
	West of Scotland Archaeology Service	21.06.2022
	Countryside and Greenspace	21.06.2022

### Contact for further information

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

Julie Pepper, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Phone: 01698 455046  
Email: [julie.pepper@southlanarkshire.gov.uk](mailto:julie.pepper@southlanarkshire.gov.uk)

### Conditions and reasons

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

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

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

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

03. That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

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

04. That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 3, shall be erected and thereafter maintained to the satisfaction of the Council.

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

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

Reason: To ensure the provision of a satisfactory sewerage system.

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

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

07. The applicant shall undertake a Noise Assessment (NA) to determine the impact of road traffic noise from Strathaven Road on the proposed development using the principles set out in "Calculation of Road Traffic Noise" (DoT/Welsh Office, HMSO, 1988) or by a method to be agreed by the Planning Authority. The survey shall take cognisance of the Scottish Government Document: Technical Advice Note Assessment of Noise.

The survey shall be submitted to and approved by the Planning Authority and where potential noise disturbance is identified, it shall include a scheme for protecting the proposed dwellings from road traffic noise. The scheme shall ensure that the internal levels with windows closed



do not exceed 40 dB daytime (07:00 -23:00) and 35 dB night-time (23:00 - 07:00) and the external levels do not exceed 55 dB daytime in any garden areas, when measured as LAeq,T.

Reason: To minimise noise disturbance to new residents and adjacent occupants.

08. (a) Remediation of the site shall be carried out in accordance with the remediation plan supplied in support of the application (Ref: NG121-21/MAK/AB/JWM/HB Johnson. Poole and Bloomer October 2013) prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.
- (b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.
- (c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.

Reason: To ensure that risks from the development being adversely affected by an elevated risk of naturally occurring radon are minimised.

09. That before any development commences on site, details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwelling unit shall be occupied until these facilities have been provided in accordance with the approved scheme or such alternative as may be agreed in writing with the Council as Planning Authority.

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

10. That, before any dwellinghouse hereby approved is completed or brought into use, the parking spaces associated with the dwellinghouse shall be put in place to the specification and satisfaction of the Council as Roads and Planning Authority in accordance with the approved plans and shall thereafter be maintained to the satisfaction of the Council.

Reason: In the interests of road safety.

11. That all recommendations and procedures set out in the Wild Surveys Ltd Extended Phase 1 Habitat Survey dated 28 March 2022 submitted in support of the proposed development, shall be adhered to at all times on site to the satisfaction of the Council as Planning Authority.

Reason: To ensure the appropriate protection and management of species within the site.

12. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

13. No development shall take place within the development site as outlined in red on the approved plans until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Council as Planning Authority. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Council in agreement with the West of Scotland Archaeology Service.

Reason: In order to safeguard any archaeological items of interest or finds.

14. That prior to the commencement of site works, a badger protection plan (BPP) for the site shall be produced and submitted for consideration and approval. This should include all requirements as set out in the Wild Surveys Ltd Extended Phase 1 Habitat Survey dated 28 March 2022.

Reason: To ensure compliance with legislative and industry standards in relation to European Protected species.

15. That prior to occupation of the dwellings hereby approved, the pathway located to the south-east of the site shall be constructed to the 'As Dug Path' specifications, and include the provision of suitable bridges, and thereafter shall be maintained to the satisfaction of the Council.

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

16. That prior to works commencing on site the applicant shall submit, for the written approval of the Council as Planning and Roads Authority, detailed proposals for the roundabout access generally in accordance with drawing 805354-E01001 (Revision A) which shall incorporate narrowing of the running lanes at the eastern traffic island all designed in accordance with the Design Manual for Roads and Bridges and submitted for Road Construction Consent. The submission shall include details such as kerbing, construction specification, street lighting, traffic signs, traffic bollards, road markings, tactile paving and an enhanced pedestrian/cycling crossing point in accordance with Cycle by Design 2021.

Reason: This detail has not been submitted.

17. That the developer shall resurface those extents of circulatory carriageway on the roundabout over the extent of their works as determined by the Council as Planning and Roads Authority.

Reason: In the interests of road safety.

18. That prior to works commencing on site the developer shall submit, for the written approval of the Council as Planning and Roads Authority, proposals for boundary screening between their site access road and South Lanarkshire Council Lifestyles car park to prevent dazzling by vehicle headlights. Once approved, the screening measures shall be implemented on site prior to occupation of the first dwellinghouse and thereafter maintained as part of the development Factoring all in accordance with the approved design.

Reason: In the interests of road safety.

19. That prior to occupation of the first dwellinghouse, the agreed roundabout access referred to in the previous conditions, shall be constructed on site in accordance with the approved plans and specification to the satisfaction of the Council as Planning and Roads Authority.

Reason: To ensure the provision of the required access.

20. That the developer incorporates the recommendations contained within the Stage 1/2 Road Safety Audit prepared by Stewart Paton Associates reference 5332 dated 16 July 2022.

Reason: In the interests of road safety.

21. That prior to commencing works on site, the developer shall consult with Strathclyde Partnership for Transport on improving access to public transport from the development and submit the findings, along with timescales for implementation of any recommendations, for the written approval of the Council as Planning and Roads Authority.

Reason: To improve public transport links.

22. That junction and forward visibility splays shall be provided in accordance with drawing 805354/E16 (Original) and that nothing over 900mm in height as measured above the adjacent road channel level, i.e., trees, shrubs, walls etc., shall be permitted within these visibility splays.

Reason: In the interests of traffic and public safety.

23. That all driveways, parking bays and access to parking courtyards shall be served by 2metre x 20metre visibility splays in both directions and pedestrian visibility splays of 2.4 metres x 2.4 metres measured from within the driveway looking in both directions along the footway heel kerb, and that nothing over 600mm in height as measured above the adjacent footway level, i.e., trees, shrubs, walls etc., shall be permitted within any of these visibility splays.

Reason: In the interests of traffic and public safety.

24. That prior to any works commencing on site, the developer shall submit, for the written approval of the Council as Planning and Roads Authority, their construction phase surface water management strategy and once approved undertake all works in accordance with the agreed strategy.

Reason: To ensure the provision of a satisfactory water management strategy.

25. That all car parking spaces shall be provided in accordance with drawing DRIVEWAYS001 (Original) in compliance with the SCOTS National Roads Development Guide as follows:

2 and 3 bedrooms - 2 parking spaces

4 and 5 bedrooms - 3 parking spaces

Reason: To ensure adequate parking provision.

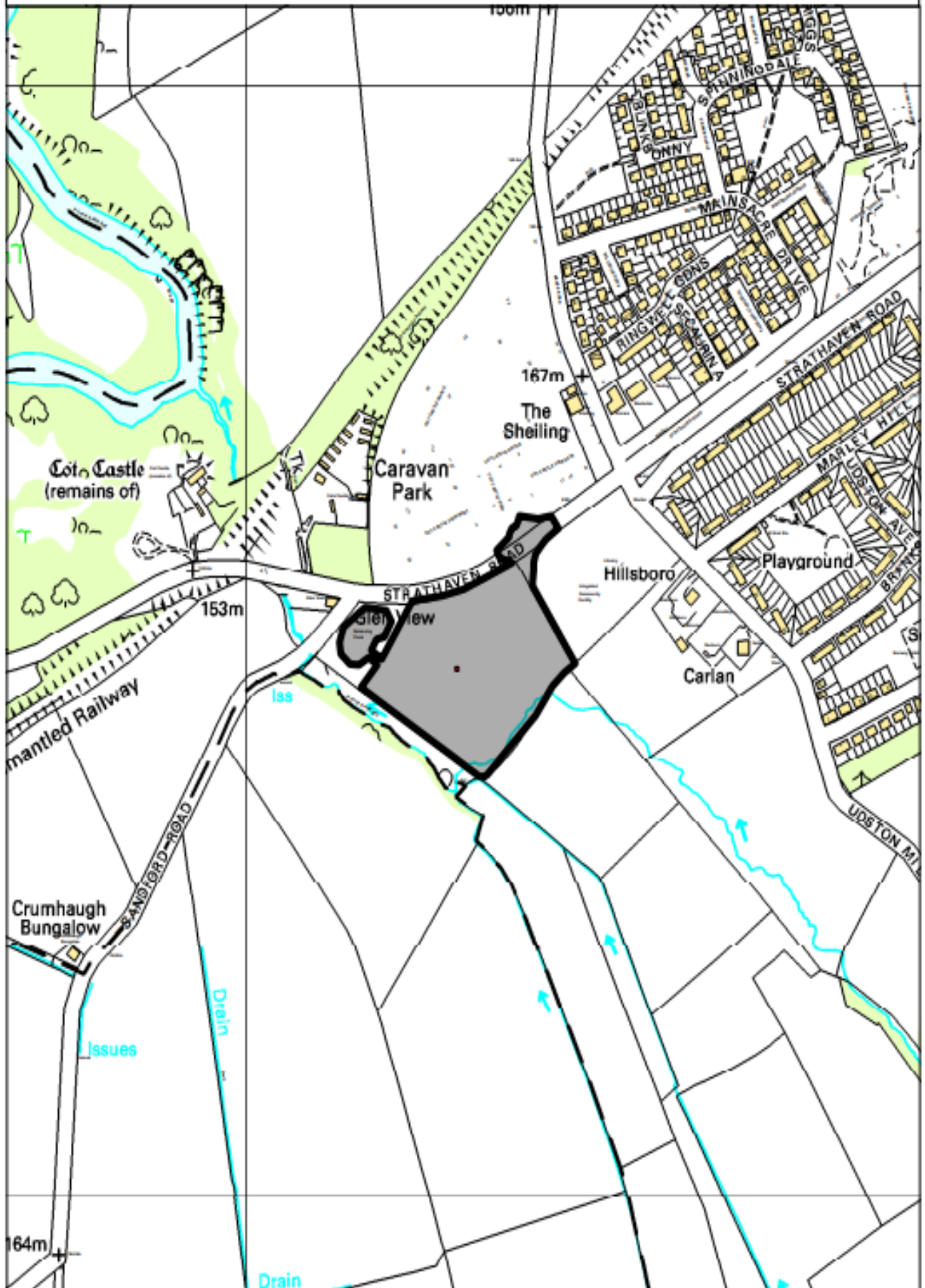
26. That all residential dwellings hereby approved, shall be provided with access to their own electric vehicle charging point capable of delivering a minimum 7kw charge all in accordance with the Council's 'Supporting Planning Guidance - Electric Vehicle Charging Points August 2022'. Where EVC points are not located within a private driveway, then details shall include arrangements for siting of charging posts taking account of parking bays, boundary features and pedestrian movement, and be accompanied by proposals for maintenance arrangements. Once approved the agreed EVC provision shall be installed, commissioned, and maintained in accordance with the approved plans and specifications prior to that property which it serves being occupied.

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

27. That, before any dwellinghouse within the development hereby approved is completed or brought into use, the first two metres of the associated driveway shall be surfaced, trapped and sealed to prevent any deleterious material or water from leaving the carriageway and entering the driveway, to the satisfaction of the Council as Roads and Planning Authority.
- Reason: In the interests of road safety.
28. That none of the garage driveways shall have a gradient in excess of 1 in 12.
- Reason: In the interests of traffic and public safety.
29. That the developer shall provide grit bin hard standing areas (1m x 1.5m behind footways) as identified on drawing DRIVEWAYS001 (Original) in line with the development phasing and supply approved grit bins for each of these locations.
- Reason: In the interests of road safety.
30. Prior to works commencing on site, the applicant shall submit, for the written approval of the Council as Planning and Roads Authority, detailed proposals and programme for alterations to existing gas apparatus at the site entrance.
- Reason: This detail has not been submitted.
31. Prior to any works commencing on site, the applicant shall undertake an invasive weed survey, which shall include nuisance weeds such as Horsetail, and submit the findings of the survey along with their proposed remediation strategy, all for the written approval of the Council as Planning and Roads Authority, prior to commencement on site of any topsoil stripping or other earthworks. That no invasive weeds or nuisance weeds shall be permitted below or within influencing distance of the public road. Once approved, all works shall be progressed in accordance with the agreed remediation strategy.
- Reason: To ensure that the site is free from the presence of invasive weeds.
32. That the developer submits for the written approval of the Council as Planning and Roads Authority a Residential Travel Plan and once approved shall issue a copy of the approved Residential Travel Plan to each new homeowner as part of their moving in pack.
- Reason: To promote active travel.
33. That prior to any works commencing on site, the developer 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 the site via the roundabout access at Strathaven Road. The TMP shall include wheel washing arrangements, delivery routes, turning areas, compound layout including on-site parking facilities for staff and visitors. Once approved works shall be undertaken in accordance with the approved TMP.
- Reason: In the interests of traffic and public safety.
34. That prior to and on completion of the site works, the developer shall undertake a roads dilapidation survey of the roundabout and first 50 metres of each approach arm in conjunction with the Roads Area Office. Interim dilapidation surveys shall be undertaken to a frequency as directed by the Roads Area Office. Written reports shall include photographs and records plans for each inspection and shall be submitted for record purposes within timescales determined by the Council. The applicant will be responsible for repairing any damage to the road deemed by the Council to be a consequence of their activities within timescales deemed appropriate to the type of defect identified.
- Reason: This detail has not been submitted or agreed.

P/22/0851

Land 165M Southwest of South Lanarkshire Lifestyles, Stonehouse



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1:5,000  
Date:  
19/08/2022



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development



# Report

6

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>13 September 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/22/0469
Planning proposal:	Application to discharge conditions 1 (excluding 1(f)), 6, 8, 9, 10, 11, 12, 13, 14, 16 and 18 of consent HM/17/0488 (Mixed use development incorporating residential dwellings, hotel, office, care home, retail, restaurant/café, open space, and associated works (Planning Permission in Principle) (Approval of matters specified in conditions)

## 1 Summary application information

Application type:	Approval of matters specified in conditions.
Applicant:	First Endeavour LLP and the University of the West of Scotland
Location:	Former University of the West of Scotland Almada Street Hamilton South Lanarkshire

## 2 Recommendation(s)

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

- (1) Grant matters specified in conditions (subject to conditions) based on conditions attached.

### 2.2 Other actions/notes

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

## 3 Other information

- ◆ Applicant's Agent: Halliday Fraser Munro
- ◆ Council Area/Ward: 17 Hamilton North and East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted 2018)**  
Policy 1 - Spatial Strategy  
Policy 2 - Climate Change  
Policy 3 - General Urban Areas and Settlements  
Policy 5 - Development Management and Place Making Policy  
Policy 7 - Community Infrastructure Assessment  
Policy 15 - Travel and Transport

Policy 16 - Water Environment and Flooding  
 Policy DM1 - New Development Design  
 Policy SDCC2 - Flood Risk  
 Policy SDCC3 - Sustainable Drainage Systems  
 Policy SDCC4 - Sustainable Transport  
 Policy DM15 - Water Supply  
 Policy NHE18 - Walking, Cycling and Riding  
 Routes  
 Policy NHE20 – Biodiversity

◆ **Representation(s):**

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

◆ **Consultation(s):**

Countryside and Greenspace

SEPA Flooding

Roads Flood Risk Management

Access Panel

Roads Development Management Team

Environmental Services

Scottish Water

Estates Services - Housing and Technical Resources

Community and Enterprise Resources - Play Provision Community  
 Contributions

Education Resources School Modernisation Team

Housing Planning Consultations



## **Planning Application Report**

### **1. Application Site**

- 1.1 The application relates to an area of land located to the north-west of Hamilton town centre. The application site sits adjacent to the civic centre and was previously predominantly in educational use under the University of the West of Scotland (UWS). The site extends to approximately 4.14 hectares, it is irregular in shape and relatively flat. The site largely comprises the redundant buildings of the UWS Campus together with land owned by the Council, the majority of which is currently used for car parking. The site also incorporates areas of vegetation which comprise a large group of trees on its Almada Street frontage adjacent to the Court buildings. A group of mature sycamore trees running east to west are located directly to the north of the application site. The majority of the remaining trees are recently planted and small species. The site sits within a larger 7.5 hectare area relating to a planning permission in principle previously granted for a mixed use development under application HM/17/0488 which is discussed in detail below.
- 1.2 The site has direct frontages onto Almada Street and Barrack Street. Other key, although not direct frontages, are those close to Bothwell Road and Beckford Street. A wide range of uses are located within close proximity to the site including commercial and office developments, local retail developments, restaurants, B&Bs, small industrial parks, health services and residential properties. Vehicular access to the site is currently via Barrack Street and Arthur Street.

### **2. Proposal(s)**

- 2.1 The application has been submitted to discharge conditions 1 (excluding 1(f)), 6, 8, 9, 10, 11, 12, 13, 14, 16 and 18 of planning permission in principle HM/17/0488. (Mixed use development incorporating residential dwellings, hotel, office, care home, retail, restaurant/café, open space, and associated works). The conditions referred to above relate to the site layout, landscaping, phasing plan, noise assessment, dust control measures, refuse storage, provision of a district heat network for the site, details of all accesses, parking management strategy and an assessment detailing mitigation measures to offset the impact of the loss of public parking spaces, junction analysis, review of traffic signal junctions and an updated tree survey.
- 2.2 In terms of the detail of the application, the submitted layout shows a development of 286 dwellings in addition to an energy centre. The proposed dwellings comprise 129 affordable housing units and 157 private units. The majority of the proposed dwellings are flats. The development incorporates 106 one bedroom units, 140 two bedroom units, 35 three bedroom units and 5 four bedroom units. The majority of units have 2 bedrooms or less. The application site is split into two areas. The main area of the application site is located within the southern section of the development and forms part of the residential proposal for Phase 1 and Phase 2 of the overall site area of the mixed use development approved under planning permission in principle HM/17/0488. The smaller part of the site is located within the central part of the overall site and would be used for an energy centre to serve this phase and potential future phases of development. The proposed buildings would range between 2 and 5 storeys. Higher density apartment blocks are proposed along Almada Street with a new central greenspace and ground floor amenities, with a view to creating strong frontages. In terms of finishing materials, the roofs of the flatted dwellings would be finished in metal standing seam with the walls finished in facing brick and weather board with metal railed balconies, metal window frames and timber doors. For the houses, the roofs would be finished in concrete roof tiles with the walls finished in a mixture of render, facing brick and weather board with metal window frames and timber doors. External bin and cycle stores would be provided finished with concrete roof tiles, timber

cladding and timber doors. The proposal incorporates an energy centre which would be a single storey flat roof building with a metal parapet and brick walls with louvered panels and Orsagril steel fencing. It is intended that this building is utilised as a district heating network for the proposed development.

- 2.3 294 parking spaces are proposed across the site. Of these 294 spaces, 18 would be accessible. Footpaths and cycle paths would connect the four key routes surrounding the overall development - Almada Street, Craig Street, Bothwell Road and Beckford Street.
- 2.4 New and existing planting would form part of a proposed landscape strategy which generally accords with the Masterplan Framework associated with the permission in principle for the site with a view to creating strong linked areas of civic space to guide pedestrians and cyclists through the development. However, the footprint of development with the required parking would result in the loss of trees across the site with new replacement tree planting proposed.
- 2.5 Supporting documents submitted with the planning application include a Transport Statement, Ecological Report, Energy Strategies Report, Noise Impact Assessment, Dust Management Plan, Compliance Statement and a Ground Level Tree Survey/Visual Assessment.

### **3. Background**

#### **3.1 Local Plan Background**

- 3.1.1 In terms of local plan policy, the application site is identified as a proposed housing site in the adopted South Lanarkshire Local Development Plan 2. The site is also covered by the Green Network. The relevant policies in terms of the assessment of this application are Policy 1 - Spatial Strategy, Policy 2 – Climate Change, Policy 5 - Development Management and Place Making, Policy 7 - Community Infrastructure Assessment, Policy 11 – Housing, Policy 13 - Green Network and Greenspace, Policy 15 - Travel and Transport, Policy 16 - Water Environment and Flooding, Policy DM1 - New Development Design, Policy SDCC2 - Flood Risk, Policy SDCC3 - Sustainable Drainage Systems, Policy SDCC4 - Sustainable Transport, Policy DM15 - Water Supply, Policy NHE18 - Walking, cycling and riding routes and Policy NHE20 - Biodiversity. The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

#### **3.2 Relevant Government Advice/Policy**

- 3.2.1 In terms of residential development, SPP requires Councils to maintain a five year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity.
- 3.2.2 Designing Streets – A Policy Statement for Scotland was introduced in March 2010 and marks the Scottish Government's commitment to move away from a standardised engineering approach to streets and to raise the quality of design in urban and rural development. Development layouts should be designed to encourage a safe environment for pedestrians and cyclists with narrower streets, carefully positioned dwellings, landscaping and off-street parking which can be more effective at achieving slower traffic movements. Permeability which encourages walking is now seen as a high priority and footpath links are encouraged to ensure that houses can be easily accessed from main public transport routes.

### 3.3 **Planning Background**

- 3.3.1 Planning permission in principle was granted to UWS and South Lanarkshire Council on 13 January 2020 for a mixed use development incorporating residential dwellings, hotel, office, care home, retail, restaurant/café, open space and associated works on the site of the former University of the West Of Scotland following the conclusion of a Section 75 Obligation to ensure that appropriate financial contributions are made at appropriate times during the development towards additional nursery, primary and secondary education accommodation as appropriate and the provision of affordable housing on site or by way of a commuted sum (HM/17/0488).
- 3.3.2 A Proposal of Application Notice was submitted to the Council on 16 May 2017 in relation to a residential led mixed use development on the site in accordance with the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 (HM/17/X0250/NEW).

### 4. **Consultation(s)**

- 4.1 **Education Resources** - have no objections to the application. The Section 75 Obligation associated with the previously approved planning permission in principle (HM/17/0488) requires the applicant to pay financial contributions at appropriate stages of the development towards the provision of additional nursery, primary and secondary education accommodation as appropriate.

**Response:-** Noted.

- 4.2 **Environmental Services** – have no objections to the application subject to a condition to ensure that the proposed dwellings are not exposed to excessive noise from road traffic and appropriate conditions requiring remediation of the site in accordance with the approved remediation plan prior to the dwellings being occupied.

**Response:-** Noted. Appropriately worded conditions would be attached to any consent granted to address the above matters.

- 4.3 **Roads Development Management Team** – have no objections to the application subject to conditions being attached to any consent in relation to junction modelling, parking, the operation of a car club and construction traffic management.

**Response:-** Noted. Appropriately worded conditions would be attached to any consent granted to address the above matters.

- 4.4 **Roads and Transportation Services (Flood Risk Management Section)** – no response to date. However, the Flood Risk Management Section was consulted on the application for planning permission in principle for the mixed use development on the site under HM/17/0488 and advised that they had no objections to the application subject to the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied and a Flood Risk/Drainage Assessment being carried out.

**Response:-** Noted. The applicant has advised that the surface water drainage information and flood risk/drainage assessment required under Conditions 2 and 3 of planning permission HM/17/0488 will be submitted under a separate matters specified in condition application(s). At this stage, appropriately worded conditions would be attached to any consent granted to address the above.

- 4.5 **Scottish Water** – have no objections to the application and have advised that there is currently sufficient capacity in the Daer Water Treatment Works and the Hamilton Waste Water Treatment works to service the proposed development.

**Response:-** Noted.

- 4.6 **Community and Enterprise Resources - Play Provision** – no response to date.  
**Response:-** Noted.
- 4.7 **Housing Services** – as a result of discussions between Housing Services, the Planning Service and the applicant, Housing Services are satisfied with the design and layout of the proposed dwellings and the parking provision within the site.  
**Response:-** Noted.
- 4.8 **Countryside and Greenspace** – have no objections to the application.  
**Response:-** Noted.
- 4.9 **Access Panel** – no response to date.  
**Response:-** Noted.
- 4.10 **Estates Service** – the proposed access road leading from Beckford Street into the new development crosses the Council's car park and there has been no approach from First Endeavour regarding the acquisition of this land.  
**Response:-** Noted. Discussions have taken place between the applicant and the Estates Service since the above consultation response and these discussions are currently ongoing.
- 4.11 **SEPA (Flooding)** – SEPA note the submission of a report on the feasibility of a district heat network for this application. The provision of this information is sufficient for SEPA to consider that their requirements have been fulfilled and that the Council could discharge the condition. They are pleased to note that a district heating system is being pursued for this development. They also note that SEPA requested no further conditions to be placed on this application and therefore would not expect to be consulted regarding any additional information that is provided in relation to this development.  
**Response:-** Noted.
- 5. Representation(s)**
- 5.1 Statutory neighbour notification procedures were undertaken and the application was advertised under the heading Non-Notification of Neighbours in the Hamilton Advertiser. One letter of support was received in relation to the application. The comments raised are summarised as follows:-
- (a) **This will provide some much needed housing in the town and should be approved. The only issue would be that the end terraced C house styles should provide an active gable end window in the lounge area to provide natural surveillance of the parking areas.**  
**Response:** The proposed dwellings are considered to be acceptable in terms of their, layout, design and finish materials.
- 5.2 This letter is available for inspection on the planning portal.
- 6. Assessment and Conclusions**
- 6.1 The applicant seeks approval of the matters specified in conditions 1 (excluding 1(f)), 6, 8, 9, 10, 11, 12, 13, 14, 16 and 18 of planning permission HM/17/0488 (Mixed use development incorporating residential dwellings, hotel, office, care home, retail, restaurant/café, open space, and associated works). The conditions referred to relate to the site layout, landscaping, phasing plan, noise assessment, dust control measures, refuse storage, provision of a district heat network for the site, details of all accesses, parking management strategy and an assessment detailing mitigation

measures to offset the impact of the loss of public parking spaces, junction analysis, review of traffic signal junctions and an updated tree survey. The determining issues in consideration of this application are its compliance with national and local plan policy and its impact on the amenity of adjacent properties and on the local road network.

- 6.2 In terms of residential development, SPP requires Councils to maintain a five year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity. Designing Streets - A Policy Statement for Scotland was introduced in March 2010 and marks the Scottish Government's commitment to move away from a standardised engineering approach to streets and to raise the quality of design. Development layouts should be designed to encourage a safe environment for pedestrians and cyclists, carefully positioned dwellings, landscaping and off-street parking which can be more effective at achieving slower traffic movements. Permeability which encourages walking is now seen as a high priority and footpath links are encouraged to ensure that houses can be easily accessed from main public transport routes.
- 6.3 In general land use and policy terms, the principle of the development at this location has previously been assessed and approved under the application for planning permission in principle (HM/17/0488). The proposal involves the re-use of a previously developed site which would have a positive impact on the built and natural environment. The proposal also promotes development in a sustainable location with public transport networks located within the vicinity of the site. Bus stops are located on Almada Street and Bothwell Road, within a 280 metre radius walking distance from the building entrances of all of the proposed flats and houses. In addition, Hamilton West train station is located approximately 500 metres from the site. In terms of permeability, the development would be well integrated into existing walking and cycling networks and would encourage active travel. In view of the above, it is considered that the proposal is in accordance with national planning policy.
- 6.4 In terms of local plan policy, the application site is identified as a proposed housing site in the adopted South Lanarkshire Local Development Plan 2. The site is also covered by the Green Network. The relevant policies in terms of the assessment of this application are Policy 1 - Spatial Strategy, Policy 2 – Climate Change, Policy 5 - Development Management and Place Making, Policy 7 - Community Infrastructure Assessment, Policy 11 – Housing, Policy 13 - Green Network and Greenspace, Policy 15 - Travel and Transport, Policy 16 - Water Environment and Flooding, Policy DM1 - New Development Design, Policy SDCC2 - Flood Risk, Policy SDCC3 - Sustainable Drainage Systems, Policy SDCC4 - Sustainable Transport, Policy DM15 - Water Supply, Policy NHE18 - Walking, cycling and riding routes and Policy NHE20 - Biodiversity.
- 6.5 Policies 1 and 2 encourage sustainable economic growth and regeneration, a move towards a low carbon economy, the protection of the natural and historic environment and mitigation against the impacts of climate change. In line with these policies, the proposal involves the redevelopment of a previously developed site which is located in a sustainable location within a prominent area of central Hamilton and offers a unique opportunity to enhance the built environment at this location where the principle of residential use is considered to be acceptable. The redevelopment of the site would result in an attractive and vibrant urban neighbourhood drawing on numerous existing assets, including proximity to the railway station, historic civic buildings, retail, leisure, schools, health care etc. The site benefits from opportunities for trips by public transport with bus routes located on Almada Street and Bothwell Road as discussed

above and Hamilton West train station which is located approximately 500 metres from the site. The development would also be well integrated into existing walking and cycling networks and would encourage active travel. Areas of landscaping are proposed within the development which would provide opportunities for enhanced biodiversity within the site. It is considered that the development has been well-designed with contemporary higher density housing which would contribute to part of a wider sustainable development strategy for Hamilton which recognises the importance of densification within urban centres to enable settlements of its scale to prosper. The proposal incorporates an energy centre and the dwellings within the development would be designed to the latest technical standards in terms of insulation, air tightness and energy ratings. It is, therefore, considered that the proposal meets the terms of the above policies.

- 6.6 Policy 11 states that there will be a minimum five year effective supply of housing land at all times during the lifetime of the plan. This will be monitored and updated annually. The Council will support development on the sites included in the Housing Land Audit and identified on the proposals map. Developers must provide a range of house size and types to give greater choice in meeting the needs of the local community whilst recognising the demands of the wider housing market area. As the application site is included in the Housing Land Supply and benefits from planning permission in principle being granted for a mixed use development incorporating residential development under application HM/17/0488 the proposal raises no policy issues and therefore, conforms with Policy 11.
- 6.7 In terms of the detailed design of the development, Policies 5 and DM1 generally require new development to have due regard to the layout, form, design and local context of the area and to promote quality and sustainability in its design. In this instance, it is considered that the proposed layout for the development is acceptable and that it meets the main standards set out in the Council's Residential Design Guide, particularly in relation to window to window distances, garden depths for the houses, amenity open space and car parking. The proposed flats and houses are of modern design with a suitably high standard of external finish materials and it is considered that the development would be in keeping with the existing mix of development in the surrounding area. The proposed access arrangements have been assessed and subject to conditions, they are considered to be acceptable by the Council's Roads and Transportation Services. In view of the above, it is considered that the proposal would relate satisfactorily to adjacent development in terms of its scale, design and finish materials and that the character and amenity of the area would not be impaired by reason of traffic generation, parking or visual intrusion. As discussed, the proposal represents a sensitive re-use of a previously developed site and it is considered that the re-development of the site would improve the visual and environmental quality of the area. Path connections through the green spaces would offer opportunities for walking and cycling and it is considered that the application site and the surrounding area as a whole would benefit from the enhanced opportunities that the proposal provides. Given the above, it is considered that the development of the site would have a positive impact on the environment and would improve the quality of life for those living in the surrounding area. The proposal is, therefore, considered to be in accordance with the terms of Policies 5 and DM1.
- 6.8 Policy 13 states that development proposals should safeguard the local green network, identified on the proposals map, and identify opportunities for enhancement and/or extension which can contribute towards:-

- i placemaking
- ii mitigating greenhouse gases
- iii supporting biodiversity
- iv enhancing health and quality of life
- v providing water management including flood storage, and buffer strips
- vi providing areas for leisure activity
- vii promoting active travel

- 6.9 It is considered that the proposed layout would create an enhanced sense of place at this location and would ensure new and continued and improved access between the existing footpath network in the area. Large areas of open space would be provided within the development in addition to enhanced landscaping within the site, particularly with the new main north-south civic space proposed. The proposed landscaping scheme incorporating wildflower meadow areas would ensure continued opportunities for biodiversity within the site while creating an attractive location for residents and the wider public. Given the above, it is considered that the development of the site would have a positive impact on the environment and the quality of life for those living in the surrounding area. It is therefore considered that the proposal meets the aims of Policy 13.
- 6.10 With regard to Policy 7, the Section 75 Obligation associated with the previously approved planning permission in principle (HM/17/0488) requires the applicant to pay financial contributions at appropriate stages of the development towards the provision of additional nursery, primary and secondary education accommodation as appropriate and the requirement for affordable housing would be addressed through the on-site provision of 129 affordable dwellings, 89 of which the Council's Housing Services would be taking ownership of. In view of the above, the proposal meets the terms of Policy 7.
- 6.11 Policies 15 and SDCC4 seek to ensure that development considers, and where appropriate, mitigates the resulting impacts of traffic growth and encourages sustainable transport options that take account of the need to provide proper provision for walking, cycling and public transport. As discussed, the site is accessible by public transport with bus routes located on Almada Street and Bothwell Road and Hamilton West train station is located approximately 500 metres from the site. The development would also be well integrated into existing walking and cycling networks and would encourage active travel. Furthermore, Roads and Transportation Services are satisfied that the proposal raises no access, parking or road safety issues. It is, therefore, considered that the proposal complies with Policies 15 and SDCC4.
- 6.12 The proposal has been assessed by the relevant consultees in terms of Policies 16, DM15, SDCC2 and SDCC3. With regard to flooding and surface water drainage, the applicant has advised that the detailed information required under Conditions 2 and 3 of planning permission HM/17/0488 will be submitted under a separate matters specified in condition application(s) and appropriately worded conditions would be attached to any consent granted to address these matters at this stage. Scottish Water have also confirmed that they have no objections to the application and any consent granted would include a condition to ensure that no dwellings are occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards. It is, therefore, considered that the proposal is in accordance with the terms of the above policies.

- 6.13 In summary, it is considered that the application conforms with both national and local plan policy and that the proposal raises no significant environmental or infrastructure issues. It is therefore recommended that the application be granted subject to the conditions listed.

## **7. Reasons for Decision**

- 7.1 The proposal has no adverse impact on residential or visual amenity nor raises any environmental or infrastructure issues and complies with Policies 1, 2, 5, 7, 11, 13, 15, 16, DM1, SDCC2, SDCC3, SDCC4, DM15, NHE18 and NHE20 of the adopted South Lanarkshire Local Development Plan 2.

**David Booth**

**Executive Director (Community and Enterprise Resources)**

Date: 2 September 2022

### **Previous References**

- ◆ Planning Committee - 13 February 2018 (HM/17/0488)
- ◆ HM/17/X0250/NEW

### **List of Background Papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 13.04.2022
- ▶ Press Advertisement, Hamilton Advertiser 21.04.2022
  
- ▶ Consultations
  - Countryside and Greenspace 09.05.2022
  - SEPA Flooding 14.04.2022
  - Roads Development Management Team 07.06.2022
  - Environmental Services
  - Scottish Water 28.04.2022
  - Estates Services - Housing and Technical Resources
  - Education Resources School Modernisation Team 19.04.2022
  - Housing Planning Consultations 14.04.2022
  
- ▶ Representations Dated:
  - Ms Lynn Reid, 82 Glen Tennet, East Kilbride, Glasgow, 09.05.2022
  - South Lanarkshire, G74 3UY

### **Contact for further information**

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

Jim Blake, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Phone: 01698 453657  
Email: [jim.blake@southlanarkshire.gov.uk](mailto:jim.blake@southlanarkshire.gov.uk)



### **Conditions and reasons**

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

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

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

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

3. That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

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

4. That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 3, shall be erected and thereafter maintained to the satisfaction of the Council.

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

5. That before development starts, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council.

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

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

Reason: To ensure the provision of a satisfactory sewerage system.

7. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

8. That no further changes in ground levels within the site shall take place without the prior written consent of the Council as Planning Authority.

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

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

Reason: In the interests of traffic and public safety.

10. That no dwelling shall be occupied until the access roads and footpaths leading thereto from the existing public road have been constructed in accordance with the specification of the Council as Roads and Planning Authority.

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

11. At any of the proposed dwellings the internal levels with windows open (or under exceptional circumstances closed) shall not exceed-

- a) An LAeq,16hr of 40dB daytime (07:00-23:00) and an LAeq,8hr of 30dB night-time (23:00-07:00).
- b) The internal L<sub>Amax</sub> shall not exceed 45dB night-time (23:00-07:00)
- c) The external levels shall not exceed an LAeq,16hr of 55dB daytime in any rear garden areas, when measured free-field.

Reason: To minimise noise disturbance to occupants of the proposed dwellings.

12. (a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.

(b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.

(c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.

Reason: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

13. That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Council in agreement with the West of Scotland Archaeology Service.

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

14. That a Travel Plan shall be submitted to and approved by the Council as Planning and Roads Authority prior to the construction of each phase of the development hereby approved.

Reason: To encourage sustainable travel to and from the development.

15. That prior to any works associated with the construction of the development commence a Construction Traffic Management Plan shall be submitted to the Council as Planning and Roads Authority for approval. This shall provide details of access and parking provision for staff and visitors, intended working hours, how deliveries of materials will be managed and stored and what wheel washing facilities will be provided to prevent mud being carried on to the adopted road.

Reason: In the interests of traffic and public safety and to safeguard the amenity of the surrounding area.

16. That unless otherwise agreed, no works or development shall take place until a tree planting standard and specification for all proposed tree planting has been approved in writing by the Council as Planning Authority. The tree planting standard shall compare the pre and post development canopy cover of the site to ensure canopy cover is maintained or enhanced through retention of existing trees, new planting and design of layout that accommodate future growth of trees without conflict. The specification will include details of the quantity, size, species, soil volumes, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. All tree, shrub and hedge planting included within that specification shall be carried out in accordance with the specification and in accordance with BS3936 (parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees); BS4043, 1989, transplanting root-balled trees; and BS4428, 1989, Code of practice for general landscape operations (excluding hard surfaces). Tree Design Action Group's (TDAG) 'good practice guide

Trees in Hard Landscapes: A Guide for Delivery in association with the CIHT, ICE, ICF and CIBSE, shall be used to inform establishment of trees in the hard landscape.

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

17. That prior to the occupation of any dwelling on site full details of the car club which will operate on site shall be submitted for agreement in writing with the Council as Planning and Roads Authority.

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

18. That prior any works associated with the construction of the development commence further assessments of the surrounding parking shall be undertaken. This shall include sensitivity tests allowing for a greater return to office working and/or a repeat of the parking survey undertaken in June 2022. The full requirements of the further assessment will depend upon the timing of the first occupation of a dwelling and should be agreed in writing with the Council as Planning and Roads Authority. If required, any mitigation measures to offset the loss of parking shall be agreed and implemented prior to occupation of the first dwelling unless otherwise agreed in writing with the Council.

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

19. That prior to the occupation of the fifty-first unit within the development junction modelling of the below junctions shall be undertaken to the specification of the Council as Planning and Roads Authority. This modelling is to ensure that the traffic signal junctions are optimised based on the changes in traffic flows which will occur on the network as a result of the development.

B755 Wellhall Road / Peacock Drive / B755 Wellhall Road / Peacock Cross Link Road

B755 Wellhall Road / Union Street / A724 Almada Street / A724 Burnbank Road

A724 Almada Street / Montrose Crescent / A72 Almada Street / A724 Douglas Street

B7071 Bothwell Road / Caird Street / Bothwell Road

Douglas Street / Douglas Park Lane / Caird Street

Peacock Way / A724 Burnbank Road / A724 Clydesdale Street / A724 Burnbank Road

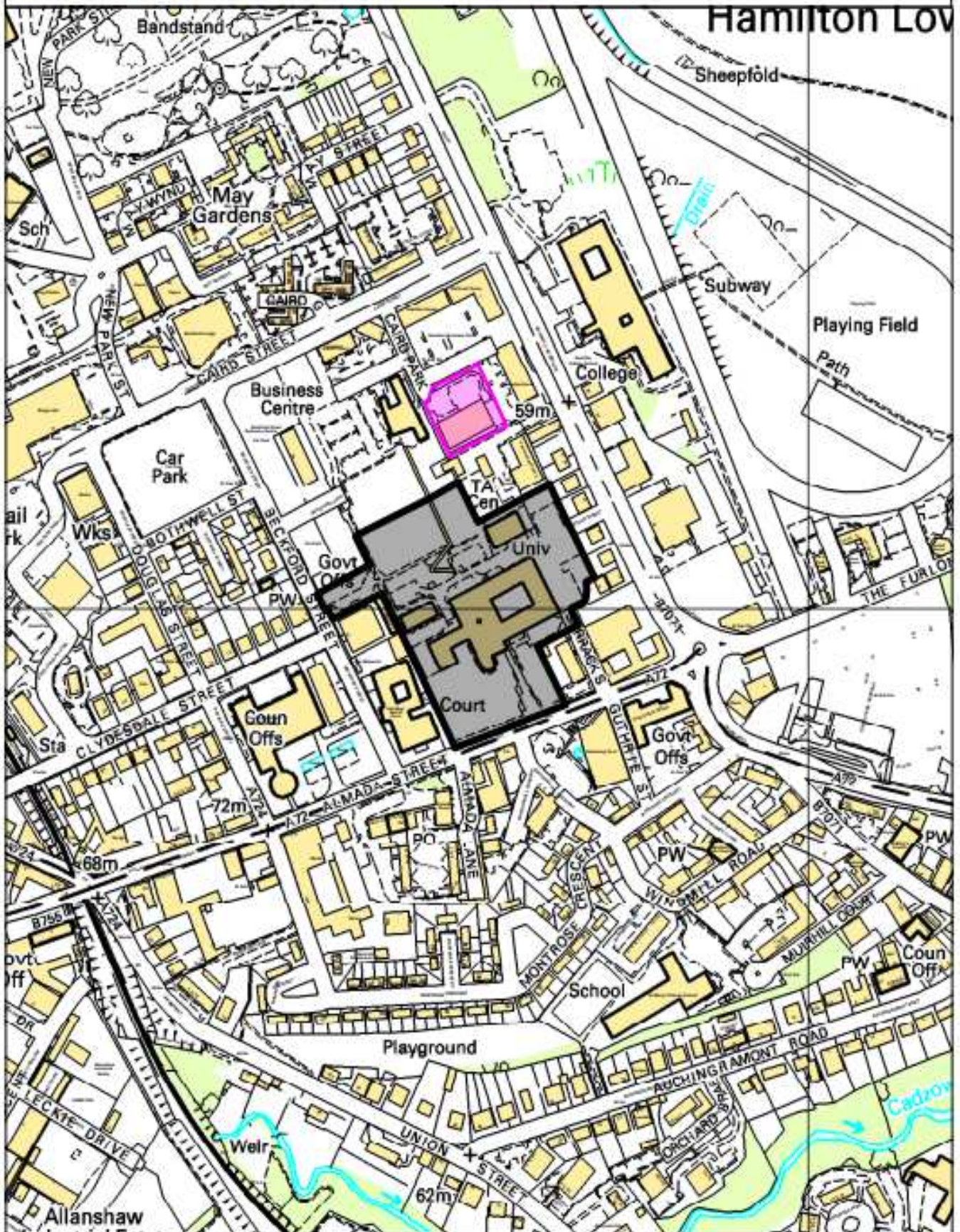
A72 Muir Street / B7071 Cadzow Street / A72 Muir Street / Lidl Access

Reason: In the interests of public and road safety.



P/22/0469

Former University of The West of Scotland, Almada Street, Hamilton



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Scale:  
1:5,000  
Date:  
19/08/2022



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development





# Report

7

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>13 September 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/22/0348
Planning proposal:	Erection of restaurant with ancillary takeaway and new vehicular access, parking and associated works

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr M Naveed
Location:	235 Stonelaw Road Rutherglen

## 2 Recommendation(s)

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

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

### 2.2 Other actions/notes

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

## 3 Other information

- ◆ Applicant's Agent: Keith Edwards
- ◆ Council Area/Ward: 11 Rutherglen South
- ◆ Policy Reference(s): Policy 2 – Climate Change  
Policy 3 - General Urban Areas  
Policy 5 - Development Management and Placemaking  
Policy 9 – Network of Centres and Retailing  
Policy DM1 – New Development Design  
Policy DM9 - Hot Food Shops

### ◆ Representation(s):

▶	21	Objection Letters
▶	13	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

The Coal Authority Planning and Local Authority Liaison

Roads Development Management Team

Petroleum Officer

Burnside Community Council

Environmental Services



## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site is the former petrol station at 235 Stonelaw Road, Rutherglen. The site, extending to approximately 570 square metres, is flat and is currently vacant though contains security fencing around its perimeter. All equipment associated with the petrol station was removed several years ago following decommissioning on the site.
- 1.2 The site historically has two accesses from its use as a petrol station; one to the north of the site off the private access road serving the adjacent flatted blocks known as Stonelaw Towers, and a second on the western elevation onto Stonelaw Road. The two flatted blocks sit adjacent to the site to its north and east, with a 3-metre-high wall separating the site and the closest residential block to the east. To the south is a Tesco food store and to the west is Stonelaw Road and the junction with Viewpark Drive, with residential properties opposite. There is also a bus stop adjacent to the site.

### **2 Proposal(s)**

- 2.1 The applicant seeks detailed planning permission for the erection of a restaurant with ancillary takeaway incorporating an improved vehicular access, car parking and associated works. This would comprise of a single storey building with a mono pitch roof approximately 140 square metres in floor area located on the southern side of the site. Internally this would provide a kitchen, server, staff facilities, seating area, and takeaway waiting area. The proposed building would be finished in a mix of render, facing brick, insulated roof deck and full height glazing features to the front and side. A flue would be located on the rear of the building, closer to the Stonelaw Road elevation. A screened area to the side of the building where the bins would be located is also proposed on the Stonelaw Road side.
- 2.2 The remainder of the site would be occupied by 7no parking spaces, 2no. disabled spaces, including a bay for electric vehicle charging, and bicycle parking spaces. The existing access from Stonelaw Road would be reconfigured to provide the sole vehicular access in and out of the site. It is noted that the initial plans submitted showed an external seating area; however, these have subsequently been removed from the proposal.

### **3 Background**

#### **3.1 Local Plan Status**

- 3.1.1 In determining this planning application, the Council must assess the proposed development against the policies within the adopted South Lanarkshire Local Development Plan 2 (2021). The site is located within the settlement boundary, therefore Policy 3 - General Urban Areas and Policy 5 - Development Management and Placemaking are both applicable. As the site is also within a designated Local Centre, Policy 9 - Network of Centres and Retailing is also relevant. The proposal also includes an ancillary hot food takeaway, therefore Policy DM9 - Hot Food Shops is also applicable. Policy 2 – Climate Change, and Policy DM1 – New Development Design are also relevant.

#### **3.2 Relevant Government Advice/Policy**

- 3.2.1 None relevant.

### 3.3 Planning Background

- 3.3.1 The property was originally a petrol filling station with associated shop. Following its closure, a temporary planning permission was granted for a hand car wash under application CR/12/0137. However, during its period of operation there were various issues, and as such the permission was not renewed. In October 2016, planning permission was granted for use of the site as an office with ancillary external display and storage area for a home improvement business, however, this was never implemented. In October 2017, planning permission was granted for the erection of 1.8m high security fencing following demolition of the existing building and canopy on site. As such, this was implemented. The most recent application at the site was in 2018 where permission in principle was granted for a residential development. However, this consent was never implemented and subsequently expired.

## 4 Consultation(s)

- 4.1 **Roads and Transportation Services (Development Management)** – advise that whilst there is a shortfall in parking compared to the required standards, there are a number of eateries that operate in the vicinity without parking due to it being a Local Centre. As there is other car parking available nearby, Roads consider the site is suitable for reduced parking and are satisfied with the amended parking layout to include 7no. parking spaces, including an electric vehicle charging point, and 2no. disabled spaces. Furthermore, as the existing access onto Stonelaw Road will be reduced to comply with current standards and part of the footway reinstated, this will increase the distance between the existing bus stop and the access in comparison to what was previously in operation when the site operated as a petrol station. This is therefore considered an improvement. As such, Roads have no objection to the proposal subject to the attachment of conditions in relation to parking, formation of access, reinstatement of the footway, maintenance of visibility splays and a construction traffic management plan.

**Response:** Noted. Appropriate conditions can be attached to any consent issued.

- 4.2 **Environmental Services** – no objections subject to the attachment of conditions in relation to ventilation, provision of a mine gas risk assessment, storage of waste, and dust mitigation.

**Response:** Noted. Appropriate conditions can be attached to any consent issued.

- 4.3 **The Coal Authority** – initially objected to the application as a Coal Mining Risk Assessment had not been submitted with the application. However, as this has now been submitted and reviewed, The Coal Authority have removed their objection subject to the attachment of conditions requiring further site investigations relating to past coal mining activity, including remediation/mitigation works, and confirmation from a qualified person that the site has been made safe.

**Response:** Noted. Appropriate conditions can be attached to any consent issued.

- 4.4 **Council's Petroleum Officer** – advised that records show the underground storage tanks (UST's) and associated pipe work were decommissioned under previous works to the site. As such, no objections to this proposal.

**Response:** Noted.

- 4.5 **Burnside Community Council** – advised that they do not object to the principle of the application. However, asked for clarification in relation to ownership of the site, and asked for consideration to be given to a number of points including reducing the number of tables within the restaurant. It was also noted that there are existing traffic issues in the vicinity of the site which may be exacerbated by the proposal and suggested parking restrictions in the area be reviewed, including a consultation with

residents of Stonelaw Towers. It was also requested that bins be uplifted from within the site, and that further details of the screen fence be provided.

**Response:** The agent has confirmed that the site owner is, as stipulated on the application form, Mr M. Naveed. As detailed above, the Council's Roads and Transportation Services have no objections to the proposal in terms of traffic requirements and consider the proposed parking provision appropriate for the site. As such, there is no requirement to reduce the number of tables within the restaurant. In terms of uplift of bins, should permission be granted, a condition would be attached for full details of the storage and collection of waste to be submitted.

## **5 Representation(s)**

- 5.1 Statutory neighbour notification was undertaken, and the proposal was also advertised in the local press due to the nature of the proposal, and as not all neighbours could be identified. 21 letters of objection and 13 letters of support were received, the points of which are summarised below:-

### Objections

- a) **Burnside currently has a number of restaurants/takeaways and does not need another takeaway.**

**Response:** Whilst it is noted there are other takeaways in Burnside, this is not a valid reason for refusal of the application.

- b) **The proposed exit from the car park onto the access road to Stonelaw Towers will further restrict parking for residents. It will result in a vast increase in traffic onto this quiet access road and would not allow for emergency vehicles should they be required at Stonelaw Towers. The access should be reconsidered and rerouted to the main road.**

**Response:** It is noted that the proposed development is to be accessed solely from the new improved access off Stonelaw Road and there will be no vehicular access from the private access adjacent to Stonelaw Towers. Should permission be granted, an appropriate condition will be attached to stipulate this.

- c) **The proposal will result in increased dirt, pollution, odours and litter for the local area and may result in pest issues.**

**Response:** The Council's Environmental Services were consulted on the proposal and have offered no objections in this regard.

- d) **The proposal will result in noise and disruption, as well as loss of amenity and privacy to the residents at Stonelaw Towers.**

**Response:** It is not considered that the proposed restaurant will result in significant noise and disruption for local residents. Furthermore, there will be no loss of privacy as the existing boundary wall separating the site and the closest block of Stonelaw Towers will be retained screening the majority of the proposed building.

- e) **The proposed external benches will result in anti-social behaviour and disturbance for adjacent residents. This aspect of the proposal should be removed.**

**Response:** This aspect of the proposal has been removed by the applicant to allow the required parking provision.

- f) **The double-sided illuminated sign by the road will be an eyesore and out of keeping with the area.**  
**Response:** Any proposed signage requires to be considered under a separate application for Advertisement Consent. As such, the suitability of the proposed signage would be assessed then. The applicant notes on the supporting statement that any signage would be submitted under an advertisement application.
- g) **The proposed flue should be located towards the main road and therefore away from the adjacent residential properties. The ventilation should be agreed now with Environmental Services as any amendment to the design could have implications for the design and appearance of the development and impact the streetscene.**  
**Response:** The proposed flue is located towards the rear of the roof adjacent to the Stonelaw Road side of the building. Environmental Services have been consulted and have raised no objection to this, however, have requested that an appropriate condition be attached for full details to be submitted, should permission be granted. This is standard practice. Any significant change to the size/location of the proposed flue would require an amended planning application.
- h) **There is an existing problem with road safety as it's already a congested area. People currently park at the bus stop and on double yellow lines to collect food from nearby takeaways. It is already difficult to get in and out of the access at Stonelaw Towers due to the existing bus stop. This development will only exacerbate the problem.**  
**Response:** The Council's Roads and Transportation Services have been consulted as part of this proposal and raised no objection in relation to these matters. As noted above, the reconfiguration of the access is considered to be an improvement to the previous layout.
- i) **It notes in the plans that the trees will be unaffected, however, the trees do not belong to the site in any case.**  
**Response:** This is noted, and the applicant will be reminded that the site does not include the trees within Stonelaw Towers.
- j) **Will gates be erected at night to close the site?**  
**Response:** There are no proposals at present to erect gates to close the site at night.
- k) **What time can contractors start and finish work should permission be granted? It should be stipulated that they cannot park on Stonelaw Towers land.**  
**Response:** The acceptable working hours for building works, stipulated by Environmental Services are: Monday to Friday 8.00am to 7.00pm, Saturday 8.00am to 1.00pm and Sunday - No audible activity. As there are already parking restrictions in place, there is no requirement for this to be stipulated in any future consent. It should be noted that any breach of parking restrictions/dangerous parking is a Police matter.
- l) **This proposal does not add to the diversity of the existing retail mix within Burnside.**  
**Response:** This is noted, however, there is no requirement for the site to be a retail use. As such, this is not a valid reason for refusal of the application.

- m) **This will put more pressure on existing businesses and may result in closures.**  
**Response:** Whilst this is noted, competition is not a valid reason for refusal of an application.
- n) **Even though access to the site will be from Stonelaw Road, the plans appear to leave the existing access to the north of the site open which will inevitably be used by customers at the restaurant causing access issues for residents at Stonelaw Towers. Can the existing access be removed?**  
**Response:** Should permission be granted; a condition will be attached for details of some form of barrier to be submitted and approved by the Council and thereafter implemented prior to the development coming into use to prevent use of the existing access adjacent to Stonelaw Towers.
- o) **This site should be used for something useful to the community such as a park, community garden or play area.**  
**Response:** Whilst this is noted, the Planning Service must assess the proposal submitted.
- p) **The proposed parking is insufficient for a restaurant of this size. Furthermore, the parking space sizes are less than the current standard.**  
**Response:** As noted above, the Council's Roads and Transportation Services were consulted and consider the site is suitable for reduced parking given its Local Centre location. The parking layout has been amended and Roads are satisfied that appropriate space sizes have been provided.
- q) **The air conditioning units and two floodlights on the east elevation facing Stonelaw Towers may cause a nuisance for residents and should be relocated. Will the floodlights be angled to limit impact on residents?**  
**Response:** Whilst the air conditioning units are on the eastern elevation adjacent to one of the flatted blocks at Stonelaw Towers, given the scale of the wall separating the flats from the site, it is not considered there will be a significant impact as a result. In terms of floodlighting, these are both placed on the side of the building below the height of the existing boundary wall. As such, it is not considered this will impact on the adjacent residential properties.
- r) **There is no proposed landscaping as part of the development. This is contrary to Council policies on new development and sustainability.**  
**Response:** Whilst ideally new development should include some form of landscaping, this is a Local Centre location, and the site is fully occupied with the proposed building and the required parking. It is therefore not considered necessary in this case for landscaping to be implemented.
- s) **The proposal is not of a high-quality design and does not respect the character of Burnside. Furthermore, the proposed fencing at the bin store will sit adjacent to a blank elevation at the Tesco store therefore this will have an adverse impact on the streetscape.**  
**Response:** Burnside comprises of a variety of building designs and ages. Whilst this is a modern design, it is not considered to be out of keeping with the character of Burnside. Whilst it is noted that the proposed bin screen will be located adjacent to the street, should permission be granted, a condition would be attached for full details of the proposed screen to be submitted and agreed prior to it being erected.

- t) **There are many other shops lying vacant in the vicinity that could be used instead.**  
**Response:** As noted above, the Council must assess the proposal submitted.
- u) **Several of the supporters of this application do not live in the vicinity of the development and therefore do not know the impact this development would have on local residents.**  
**Response:** Whilst noted, any member of the public may comment on any planning application.
- v) **This proposal will make it more hazardous for traffic exiting Viewpark Drive and will inevitably increase traffic flow and congestion at this street.**  
**Response:** As detailed above, the Council's Roads and Transportation Services have raised no objections in this regard.

#### Letters of Support

- a) **This proposal would be great for the main street and provide another venue to socialise/eat locally for the community.**  
**Response:** This is noted. As detailed in the assessment and conclusions section below, the Planning Service considers the site suitable for the proposed use.
- b) **Burnside needs more than just one restaurant. This will enhance the area. This application should be supported.**  
**Response:** This is noted. The Planning Service considers there is sufficient justification for the proposal.
- c) **This proposal will result in the redevelopment of a site that is currently an eyesore. It will bring jobs and revenue to the community. New businesses in the community should be supported.**  
**Response:** This is noted.

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

## **6 Assessment and Conclusions**

- 6.1 Detailed planning permission is sought for the erection of a restaurant with ancillary takeaway and new vehicular access, parking and associated works at 235 Stonelaw Road, Rutherglen. The determining issues in the assessment of this application are compliance with local plan policy, its impact on the amenity of the adjacent properties and road safety matters.
- 6.2 As noted above, Policy 3 – General Urban Areas of the adopted South Lanarkshire Local Development Plan 2 (2021) is applicable and advises proposals within or adjacent to residential areas will be assessed on their individual merits, with particular regard to their effect on the amenity and character of the area. Developments which would be detrimental to the amenity of residents and the wider community or to the character of the surrounding area will not be permitted. Policy 5 – Development Management and Placemaking 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.
- 6.3 Policy 2 – Climate Change seeks to ensure that developments aim to minimise and mitigate against the effects of climate change and that development does not result in any significant environmental or amenity impacts. Policy DM1 – New Development

Design also requires development to promote quality and sustainability in design and layout.

- 6.4 Policy 9 – Network of Centres and Retailing is also relevant as the site is located within a local centre. This policy advises that the Council seeks to support a network of Strategic, Town and Local Centres to provide retail and other local services to communities. Within Local Centres, any proposals for a change of use will be assessed with regard to the provision of an appropriate mix of uses that will meet economic and social need. A retail element should be retained to serve the needs of the local community.
- 6.5 Policy DM9 – Hot Food Shops is also relevant and advises that where the proposal is located within a grouping of shops, it must be ensured that an adequate level of shopping provision is retained at the location and that there is no significant impact in terms of environmental, traffic and amenity considerations. All proposals for hot food shops must demonstrate that they have the ability to implement any ventilation system required.
- 6.6 In this case, the site is located within a local centre and adjacent to an established residential area. The proposed restaurant would be located on the southern end of the site, adjacent to the Tesco food store and one of the flatted blocks at Stonelaw Towers, with the remainder of the site being occupied by parking. In terms of Policy 9, the use of the proposed building as a restaurant with ancillary takeaway is an acceptable use within a local centre. As the site is currently vacant, there is no impact on the retail mix within Burnside. It is also noted that whilst there are a number of takeaways in the vicinity, there are very few restaurants within Burnside, as such, this proposal would provide an additional option for the local community.
- 6.7 In terms of Policies 2, 5 and DM1, the proposed building has a modern design consisting of a single storey unit with mono pitch roof and full height glazed features on the front and side elevations. As there are a variety of building types within the local centre, it is not considered this building will look out of place and will therefore integrate with the surrounding properties as well as the wider local centre. It is also noted that this development would see the redevelopment of a site that has been vacant and unkempt for several years and subjected to substantial graffitiing. Whilst the proposed materials are considered to be acceptable in this instance, a condition would be attached to any permission granted for full samples to be submitted prior to works commencing on site. In terms of promoting sustainability, bicycle parking will also be provided within the site for customers.
- 6.8 In terms of Policies 3 and DM9, and the impact of the proposal on residential properties, the existing 3-metre-high wall separating the site from the closest residential block will ensure no overlooking of adjacent properties. Whilst the applicant has indicated the wall will be retained, should permission be granted, a condition would be attached to ensure this. In terms of noise and disturbance, it is not considered a restaurant with ancillary takeaway will result in an unacceptable noise level affecting nearby residents. It is noted that the external seating area has been removed from the proposal. In terms of noise and disturbance from vehicles entering and exiting the car park, the site was previously a petrol station where there would have been significant traffic movement, therefore it is not considered this proposal is unacceptable. In terms of smells resulting from the proposed flue, this has been located on the side of the building closer to Stonelaw Road. It is therefore considered this has been positioned as far away as reasonably practical from the residential properties and Environmental Services have not raised any concern in this regard. It is noted that there is an air conditioning unit and 2no. floodlights on the eastern elevation adjacent to the closest block of Stonelaw Towers, however, it is considered

the existing boundary wall will minimise any impact on adjacent properties. Should permission be granted, Environmental Services have requested the attachment of suitable conditions in relation to ventilation, provision of a mine gas risk assessment, storage of waste and dust mitigation.

- 6.9 In terms of road safety impacts, the proposal will bring back into use a site that previously operated as a petrol station. This will result in the existing access onto Stonelaw Road being reduced to comply with current standards and part of the footway reinstated to improve pedestrian connectivity. This will also increase the distance between the existing bus stop and the improved access in comparison to the how the site operated as a petrol station. As such, this is considered an improvement by Roads. In addition, should permission be granted, a condition would be attached to ensure the existing access to the north of the site from the private access owned by Stonelaw Towers is blocked to prevent vehicles using this to access the site. Therefore, as the layout of the car park has been reconfigured to ensure the parking and access specifications are in compliance with the Council's standards and adequate pedestrian connectivity is retained, the Council's Roads Development Management Section have confirmed their satisfaction with the layout subject to the attachment of conditions.
- 6.10 The Coal Authority were also consulted as part of the application process due to the site sitting within an area that has been defined as containing potential hazards arising from former coal mining activity. Initially they raised concern about the proposal as the required Coal Mining Risk Assessment had not been submitted. However as this has been submitted, The Coal Authority have removed their objection subject to the attachment of conditions for further site investigations relating to past coal mining activity to be carried out, including remediation/mitigation works, and confirmation from a qualified person that the site has been made safe. As noted, should permission be granted, suitable conditions can be attached.
- 6.11 As detailed above, the statutory neighbour notification process was carried out and the application advertised in the local press. As such, twenty-one letters of objection and thirteen letters of support were received, the points of which are summarised in section 5 above. However, following consideration of the points raised, it is not considered they merit refusal of the application.
- 6.12 In conclusion, the proposed building and use are considered to be acceptable at this location and it is recommended that planning permission is granted, subject to the attached conditions.

## **7 Reasons for Decision**

- 7.1 The proposal will have no significant adverse impact on residential amenity and complies with Policies 2, 3, 5, 9, DM1 and DM9 of the adopted South Lanarkshire Local Development Plan 2 (2021).

**David Booth**

**Executive Director (Community and Enterprise Resources)**

25 August 2022



## Previous References

- ◆ CR/07/0031
- ◆ Cambuslang and Rutherglen Area Committee – 1 December 2009 (CR/09/0175)
- ◆ Planning Committee - 6 November 2012 (CR/12/0137)
- ◆ Planning Committee - 19 November 2013 (CR/13/0146)
- ◆ CR/13/0050
- ◆ CR/16/0166
- ◆ CR/17/0145
- ◆ Planning Committee - 6 November 2018 (P/18/0259)

## List of Background Papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 27.04.2022
- ▶ Consultations
  - The Coal Authority Planning and Local Authority Liaison 05.05.2022  
18.05.2022  
10.08.2022
  - Roads Development Management Team 24.08.2022
  - Petroleum Officer 24.08.2022
  - Burnside Community Council 07.05.2022
  - Environmental Services 18.08.2022
- ▶ Representations Dated:
  - Erin Graham, 23 Stonelaw Towers, Stonelaw Road, Rutherglen, G73 3RL 16.05.2022
  - Mr Stuart Scott, Flat 2, 5 Lower Bourtree Drive, Glasgow, G73 4RG 12.05.2022
  - Mrs Emily Scott, Flat 2, 5 Lower Bourtree Drive, Glasgow, G73 4RG 12.05.2022
  - Mr Anonymous Resident, 1-6 Stonelaw Towers, Rutherglen, G73 3RL 12.05.2022
  - Mr Bryan Miller, 3/1 22 Rutland Court, Glasgow, G51 1JW 12.05.2022
  - Mr Marc Frossman, 60 Springfield Park Road, Glasgow, G73 3RG 20.05.2022
  - Mrs Sharon D, 16 D, Burnside, G73 20.05.2022
  - Miss Alison Fenton, 0-1, Viewpark Court 3 Viewpark Drive, Rutherglen Glasgow, South Lanarkshire, G73 3QE 19.05.2022

Mrs Kirstin Coyle, 61 Springfield Park Road, Glasgow, G73 3RG	20.05.2022
Mrs Kara Thorpe, 1 St. Stephens Crescent, Rutherglen, Glasgow, G73 5NA	20.05.2022
Mr Alan Buchan, 8, Cathkin Avenue, Rutherglen, G73 3HN	20.05.2022
Miss L Craig, 16 Stonelaw Towers, Rutherglen, G73 3RL	20.05.2022
Mr S Blackwood, 16 Stonelaw Towers, Rutherglen, G73 3RL	17.05.2022
Miss Niamh Mackay, 9 Stonelaw Towers, Rutherglen, Glasgow, G733rl	20.05.2022
Mr James Dalby, 144 Brownside Road, Cambuslang, Glasgow, G72 8AH	23.05.2022
Mrs Sarah-Jane Garbett, 19 Burnside Road, Glasgow, G73 4RW	04.05.2022
Mrs Anna McKearney, Stonelaw Towers, Rutherglen, G73 3RL	06.05.2022 & 23.05.2022
Mrs Suzanne McClafferty, 138 Brownside Road, Glasgow, G72 8AH	20.05.2022
Mrs Colin Morris, 16 Viewpark Drive, Burnside, Rutherglen, G73 3QD	31.05.2022
Mr Michael McKearney, 10, Stonelaw Towers, Rutherglen, G73 3RL	17.05.2022
Miss Emma Smith, 24 Stonelaw Towers, Burnside, Rutherglen, G73 3RL	19.05.2022
Mrs Susan Russell, 13 Highburgh Drive, Burnside, Glasgow, G73 3RR	20.05.2022
Mr Thomas Russell, 13 Highburgh Drive, Burnside, Rutherglen, G73 3RR	20.05.2022
Mr Greg Waters, Station Cottage, 4 Burnside Road, Glasgow, G73 4SA	29.04.2022
Mr Alan Teenston, Stonelaw Towers, Rutherglen, G73 3RL	13.05.2022
Miss Kathleen Kieran, 67 Menock Road, Kingspark, Glasgow, G44 5SB	20.05.2022
Mr Billy Garbett, 19 Burnside Road, Rutherglen, Glasgow, G73 4RW	06.05.2022

Mrs Lesley Callaghan, 21 Mitchell Drive, Burnside, Glasgow, G73 3QP	17.05.2022
Mr Renato Delvecchio, 232 Stonelaw Road, Burnside, Glasgow, G77 5DW	04.05.2022
Ms Emma McNulty, 5 Stonelaw Towers, Burnside, Rutherglen, G73 3RL	04.05.2022
Mr Chris Smith, 12 Viewpark Drive, Burnside, Glasgow, G73 3QD	23.05.2022
Mr David Glassford, 37 Drumsagard Road, RUTHERGLEN, Glasgow, G73 5AL	11.05.2022
Mr Bob McGirr, 17 Viewpark Drive, Rutherglen, Glasgow, G73 3QE	02.06.2022
Chris Miller, 187C Stonelaw Road, Rutherglen, G73 3PD	21.06.2022

### **Contact for further information**

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

Julie Pepper, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 07551842709

Email: [julie.pepper@southlanarkshire.gov.uk](mailto:julie.pepper@southlanarkshire.gov.uk)

### Conditions and reasons

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

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

02. All external colours shall be agreed in writing with the Council as Planning Authority prior to the commencement of works.

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

03. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any such order revoking or re-enacting that order), the use of the unit hereby approved shall be restricted to use as and for no other purpose within Class restaurant with ancillary takeaway as defined in the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997, without the prior written consent of the Council as Planning Authority.

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

04. Before the development is brought into use, the proposed method of ventilation shall be submitted to and approved in writing by the Council as Planning Authority. The proposed development shall not be brought into use until the ventilation systems are operational in accordance with the approved details.

All odours, fumes and vapours generated on the premises shall be controlled by best practicable means to prevent them causing nuisance to occupants of nearby dwellings or premises.

The ventilation system shall:

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

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

05. This development has been highlighted as falling within an area previously subject to mineral mining. No works are to commence until a mine gas risk assessment has been approved in writing by South Lanarkshire Council as the Planning Authority. Site

investigation information must include an assessment of the risks associated with ground gas from disused mineral mines including any mitigation measures deemed necessary. In undertaking such an assessment, reference should be made to BS 8485: Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings (2015) and BS 8576 Guidance on investigation of ground gas (2013) and CL:AIRE Publication: Good Practice for Risk Assessment for Coal Mine Gas Emissions.

Reason: To ensure all appropriate assessments have been carried out.

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

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

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

08. No development shall commence until;  
a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow 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 made 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: To ensure all appropriate investigations have taken place.

09. Prior to the occupation of the development, or it being taken into beneficial use, 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: This detail has not been submitted.

10. That before the development hereby approved is completed or brought into use, all of the parking spaces shown in Drawing A1493.21.02 of the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

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

11. That before the development hereby approved is brought into use, a scaled plan showing details of a formal restraint/barrier/fence along the northern elevation of the site bounding the private access road to Stonelaw Towers shall be submitted to and approved by the Council as Roads and Planning Authority and shall thereafter be implemented and maintained as such to our satisfaction.

Reason: To prevent use of the existing access to the site.

12. For the avoidance of doubt, the only vehicular access to the site shall be from the new upgraded access off Stonelaw Road.

Reason: In the interests of residential amenity.

13. That the existing rear wall separating the application site from Stonelaw Towers shall be retained and thereafter maintained at its current height to the satisfaction of the Council as Planning Authority.

Reason: In the interests of amenity.

14. That prior to works commencing on site, full details of the design and materials of the proposed screen to the side of the building, shall be submitted to and approved in writing by the Council as Planning Authority, and thereafter implemented and maintained to our satisfaction.

Reason: In the interests of visual amenity.

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

Reason: In the interests of traffic and public safety.

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

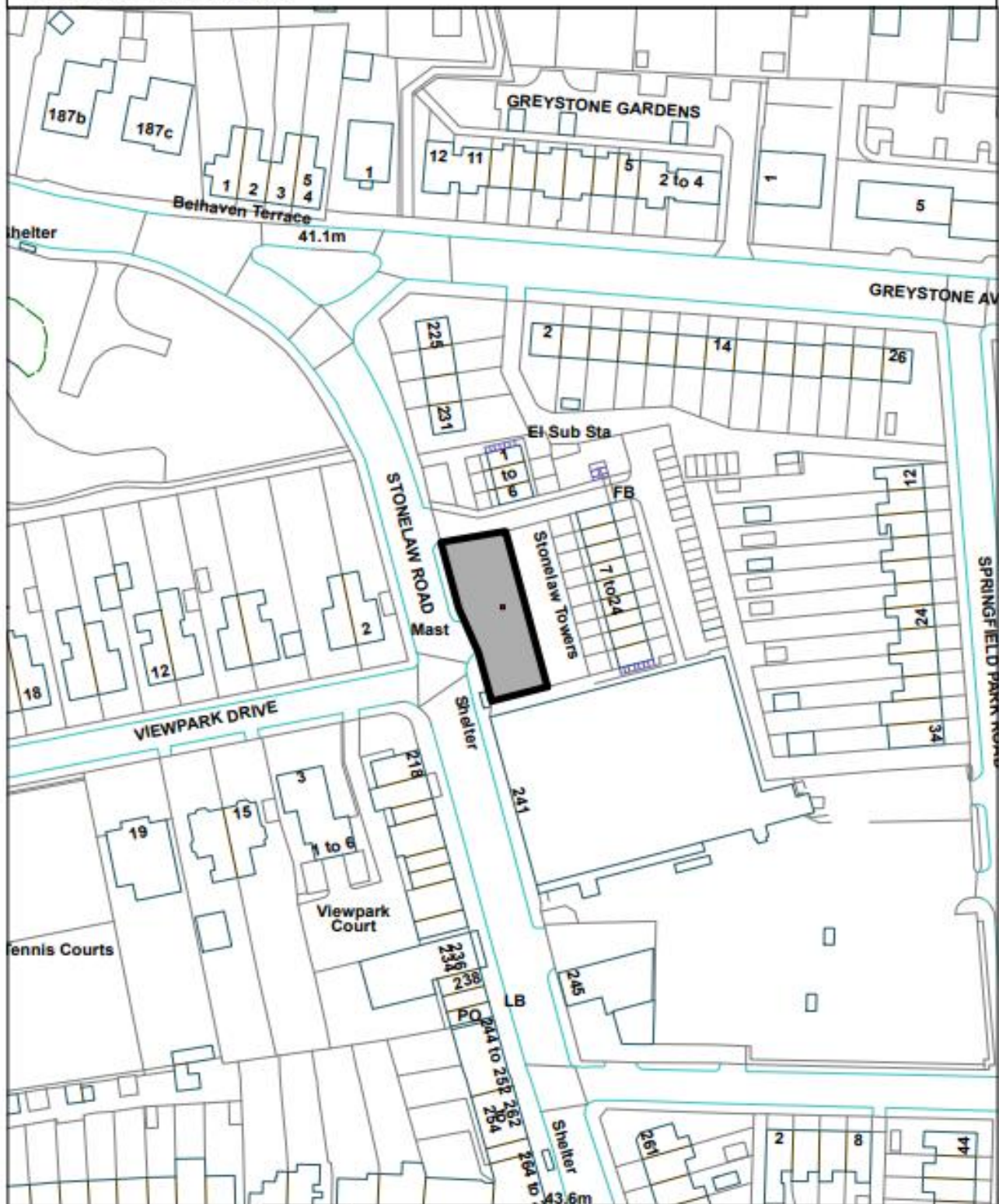
Reason: To ensure the provision of satisfactory vehicular and pedestrian access to the development.

17. That prior to any works associated with the construction of the development commence a Construction Traffic Management Plan shall be submitted to the Council as Roads and Planning Authority for approval. This should provide details of access and parking provision for staff and visitors, intended working hours, how deliveries of materials will be managed and stored.

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

P/22/0348

235 Stonelaw Road, Rutherglen



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Scale:  
1:1,250  
Date:  
25/08/2022



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development





# Report

8

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>13 September 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/21/1127
Planning proposal:	Erection of 6 No. wind turbines (5 with a maximum height to tip of 250m and 1 with a maximum height to tip of 209m) and associated infrastructure including access tracks and electrical control building

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Mill Rig Wind Farm LLP c/o Banks Renewables Limited
Location:	Mill Rig Wind Farm Waterhead Peelhill and Linbank Highway Strathaven South Lanarkshire

## 2 Recommendation(s)

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

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

### 2.2 Other actions/notes

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

The Committee should note that the decision notice should not be issued until the following matters are concluded:-

A Legal Agreement securing:-

- ◆ a Section 96 legal agreement to ensure bridge assessment analysis is undertaken to ensure that all bridges affected by the proposals can safely accommodate the abnormal loads and the submission of a report (demonstrating suitable check certification has been carried out) for further approval. For the applicant to carry out any remediation required on any bridge not considered to be capable of carrying the proposed loads following approval of the works by the Council, as Road Authority. The agreement shall also contain details of a suitable inspection regime of the bridges during the construction of the wind turbines and the resultant requirements and responsibilities following these inspections.
- ◆ Community Contribution Payments

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

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

All reasonable legal costs incurred by the Council in association with the above Legal Agreement shall be borne by the applicant

### 3 Other information

- ◆ Applicant's Agent: Laura McGowan  
Land Use Consultants
- ◆ Council Area/Ward: 05 Avondale and Stonehouse
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted 2021)**  
Policy 1 Spatial Strategy  
Policy 2 Climate Change  
Policy 4 Green Belt and Rural Area  
Policy 5 Development Management and Placemaking  
Policy 14 Natural and Historic Environment  
Policy 15 Travel and Transport  
Policy 16 Water Environment and Flooding  
Policy 18 Renewable Energy  
Policy RE1 Renewable Energy  
Policy DM1 New Development Design  
Policy GBRA2 Business Proposals within Green Belt and Rural Area  
SDCC2 Flood Risk  
SDCC3 Sustainable Drainage Systems  
NHE9 Protected Species  
NHE20 Biodiversity

#### **Supporting Planning Guidance: Renewable Energy**

#### ◆ Representation(s):

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

#### ◆ Consultation(s):

Darvel and District Community Council

Prestwick Airport

Roads Development Management Team

Environmental Services

West of Scotland Archaeology Service

SEPA West Region

Historic Environment Scotland  
Scottish Water  
Roads Flood Risk Management  
SP Energy Networks  
Countryside and Greenspace  
BAA Glasgow  
Transport Scotland  
Civil Aviation Authority (CAA)  
MoD (Windfarms)  
National Air Traffic Services Limited  
Nature.Scot  
East Ayrshire Council  
Roads and Transportation Services Bridges Structures Section

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site is an area approximately 393 hectares in size mainly comprising commercial forestry with an area of sloping moorland and is located on the western boundary of the South Lanarkshire Council administrative boundary, approximately 12km southwest of the settlement of Strathaven. The application site extends into the administrative boundary of East Ayrshire Council (EAC) with access taken from the A71. In tandem with this planning application, an application has been submitted to East Ayrshire Council (EAC Ref: 21/0440/PP) for alterations to the existing access from the A71. This application is currently pending consideration. The application site is located adjacent to the existing Bankend Rig Wind Farm (Planning Ref: EK/06/0311) and it is proposed to utilise part of the existing access road that serves this wind farm.
- 1.2 The application site is located on land designated as Rural Area within the South Lanarkshire Local Development Plan 2 (2021). The site is located within a landscape designated within NatureScot's Landscape Character Assessment (2019) as a Plateau Moorland Landscape Character Type (LCT) and within the Rolling Moorland Forestry LCT within the South Lanarkshire Landscape Character Assessment 2010 (LCA).

### **2 Proposal(s)**

- 2.1 Planning permission is sought for the erection of 6 No. wind turbines and associated infrastructure including an electrical control building, cabling and access track. As noted in 1.1 above, it is proposed to utilise existing portions of the Bankend Rig Wind Farm access track including the existing access off the A71, subject to widening. Again, as noted in 1.1 above, this access point and the majority of the access road are located within East Ayrshire and subject to a separate planning application. All 6 proposed turbines are located within the South Lanarkshire Council administrative boundary.
- 2.2 Five of the proposed turbines are to have a maximum height to tip of 250m with the remaining proposed turbine having a maximum height of 209m to tip. The proposals would have an estimated generating capacity of 36 Mega Watts (MW).

### **3 Background**

#### **3.1 National Policy**

- 3.1.1 National Planning Framework 3 (NPF3) June 2014 sets out the long-term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3 also notes in paragraph 3.8 "We want to meet at least 30% of overall energy demand from renewables by 2020".
- 3.1.2 Scottish Planning Policy (SPP) June 2014 aligns itself with NPF3 and one of its policy principles states that "This SPP introduces a presumption in favour of development that contributes to sustainable development". At paragraph 28, SPP states that "the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost." The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).
- 3.1.3 The Scottish Government's Onshore Wind Policy Statement (December 2017) sets out the considered views of Scottish Ministers, following consultation, with regard to onshore wind energy and how renewable technology continues to evolve. Paragraph 25 acknowledges "the way in which wind turbine technology and design is evolving, and fully supports the delivery

of large wind turbines in landscapes judged to be capable of accommodating them without significant adverse impacts”.

### 3.2 **Development Plan Status**

- 3.2.1 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial Framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions. Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. Policy 10 Onshore Energy requires proposals to accord with local development plans.
- 3.2.2 Following formal adoption on 9 April 2021, the proposals are required to be assessed against the South Lanarkshire Local Development Plan 2 (SLLDP2).

In this regard, the application site and associated proposal is affected by the following policies contained in SLLDP2:-

#### Volume 1

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

#### Volume 2

- ◆ Policy DM1 New Development Design
- ◆ Policy RE1 Renewable Energy
- ◆ Policy GBRA2 Business Proposals within Green Belt and Rural Area
- ◆ SDCC2 Flood Risk
- ◆ SDCC3 Sustainable Drainage Systems
- ◆ NHE9 Protected Species
- ◆ NHE20 Biodiversity

Supporting Planning Guidance: Renewable Energy

- 3.2.3 All these policies and guidance are examined in the assessment and conclusions section of this report.

### 3.3 **Planning Background**

- 3.3.1 The application involves proposals with an electrical generating capacity of over 20MW and therefore is classed as a Major application within the Electricity Generation category of the Hierarchy of Development. As such, the applicant carried out the statutory Pre-Application Consultation (Planning Ref: P/20/0009/PAN) required for Major applications. The current application submission includes the required Pre-application Consultation Report following this consultation procedure.
- 3.3.2 Due to the nature of the proposals being considered to constitute an Environmental Impact Assessment (EIA) proposal, the planning application has been submitted with an EIA Report (EIAR). A scoping exercise was carried out to inform the scope of the EIAR prior to it being written (Planning Ref: P/18/1345).
- 3.3.3 As noted in 1.1 above, an application to widen the existing access from the A71 and access route to site has been submitted to East Ayrshire Council (EAC) (EAC Ref: 21/0440/PP) which is currently pending consideration.

### **3.4 Appropriate Assessment Under Habitat Regulations**

- 3.4.1 The application site is located adjacent to the northern boundary of the Muirkirk and North Lowther Uplands Special Protection Area (SPA). This SPA is classified for its internationally important populations of hen harrier, merlin, peregrine, short-eared owl and golden plover. Whilst not located within this SPA, given the proposals are within close proximity there is potential that they could impact upon the integrity of the SPA designation. As such, as Competent Authority, South Lanarkshire Council is required to carry out an Appropriate Assessment of the proposals in relation to the conservation objectives of the designation before any further planning decision can be made.
- 3.4.2 As part of their consultation response (4.6 below) NatureScot have considered the proposals and state that, subject to strict adherence to their proposed mitigation (a Breeding Bird Protection Plan and habitat management to reduce the attractiveness of the application site to the SPA qualifying species) it is their opinion that the proposals would not adversely affect the integrity of the SPA.
- 3.4.3 As noted in 4.6 below, conditions securing the mitigation proposed by NatureScot form part of the recommendation of approval. In this instance, it is considered that if the development proposals are carried out in line with strict mitigation relating to breeding birds and habitat management, they would not adversely affect the integrity of the SPA. It is therefore considered that subject to suitable mitigation, South Lanarkshire Council, as Competent Authority, has carried out an Appropriate Assessment in relation to the qualifying interests of this SPA and that the proposals are acceptable under this assessment.

## **4 Consultation(s)**

- 4.1 **Roads Development Management** – no objections to the proposals subject to conditions relating to further approval of a Traffic Management Plan (TMP) and the subsequent implementation of the approved TMP.  
**Response:** Noted. Appropriate conditions can be attached to any consent issued.
- 4.2 **Roads (Structures)** – note that the abnormal load route includes crossing 13 South Lanarkshire Council bridges. Require a Section 96 legal agreement be entered into to ensure bridge assessment analysis is undertaken to ensure that the bridges can safely accommodate the abnormal loads and is incorporated into a report containing suitable check certification for further approval. If any bridge is not capable of carrying the proposed loads remedial measures on these bridges will be required to be carried out by the applicant to the Council's approval. The agreement shall also contain details of a suitable inspection regime of the bridges and the resultant requirements and responsibilities following these assessments.  
**Response:** Noted and a legal agreement to secure these requirements forms part of the recommendation of approval.
- 4.3 **Countryside and Greenspace** – no objections to the proposals subject to a public access strategy through the site being drawn up by the applicant following public consultation. Support NatureScot's comments in relation to habitat management.  
**Response:** Noted and an access strategy condition forms part of the recommendation of approval. NatureScot's comments are discussed in 4.6 below.
- 4.4 **West of Scotland Archaeological Service (WoSAS)** – note that there is potential for the site to contain archaeological interest and therefore a programme of archaeological works should be carried out before any construction commences.  
**Response:** Noted. An appropriate condition can be attached to any consent issued.
- 4.5 **Environmental Services** – content with the noise impact assessment (NIA) submitted as part of the application and have no objections subject to the mitigation proposed within the NIA, namely that compliance and validation measurements shall be carried out by an appropriately qualified, independent consultant. Also require a blasting statement condition in relation to borrow pits and a condition requiring shadow flicker investigation should any complaint be received.  
**Response:** Noted. Appropriate conditions form part of the recommendation of approval.

- 4.6 **NatureScot** – as noted in 3.4 above, consider that subject to mitigation the proposals will not have an adverse impact on the integrity of the adjacent SPA. As well as the mitigation recommended in relation to the SPA, they state that they object to the proposals unless mitigation relating to the further approval of a Habitat Management Plan forms a condition of any planning permission, if granted. Also recommend conditions in relation to the employment of an Environmental Clerk of Works (ECoW) and the further approval and subsequent implementation of a Construction Environmental Management Plan (CEMP).  
**Response:** Noted. Appropriate conditions in relation to the SPA mitigation, the employment of an ECoW and the further approval of a Habitat Management Plan and CEMP form part of the recommendation of approval.
- 4.7 **Historic Environment Scotland** – no objection.  
**Response:** Noted.
- 4.8 **SEPA** – no objection subject to conditions requiring surface water management to form a requirement of any CEMP.  
**Response:** Noted and surface water management is one of the criteria required to be addressed by the CEMP which forms part of the recommendation of approval.
- 4.9 **Ministry of Defence** – no objection subject to conditions requiring aviation lighting.  
**Response:** Noted and the conditions relating to aviation lighting form part of the recommendation of approval.
- 4.10 **Scottish Water** – no objections.  
**Response:** Noted.
- 4.11 **Darvel and District Community Council** – support the proposals.  
**Response:** Noted.
- 4.12 **Sandford and Upper Avondale Community Council** – support the proposals.  
**Response:** Noted.
- 4.13 **Prestwick Airport** – originally objected to the proposals on the grounds of aviation safety and Radar. Following discussions with the applicant, a Primary Radar Mitigation Scheme has now been agreed in principle. Now have no objections subject to conditions requiring further approval of the detailed Primary Radar Mitigation Scheme being attached to any decision, if issued.  
**Response:** Noted and the requested conditions form part of the recommendation of approval.
- 4.14 **National Air Traffic Services Limited** – originally objected to the proposals on the grounds of aviation safety and Radar. Following discussions with the applicant, a Primary Radar Mitigation Scheme has now been agreed in principle. Now have no objections subject to conditions requiring further approval of the detailed Primary Radar Mitigation Scheme being attached to any decision, if issued.  
**Response:** Noted and the requested conditions form part of the recommendation of approval.
- 4.15 **BAA Glasgow Airport** – originally objected to the proposals on the grounds of aviation safety and Radar. Following discussions with the applicant, a Primary Radar Mitigation Scheme has now been agreed in principle. Now have no objections subject to conditions requiring further approval of the detailed Primary Radar Mitigation Scheme being attached to any decision, if issued.  
**Response:** Noted and the requested conditions form part of the recommendation of approval.
- 4.16 The following consultees had no comments to make on the proposals:-
- ◆ Roads Flood Risk Management
  - ◆ Scottish Power Energy Networks
  - ◆ Civil Aviation Authority (CAA)
  - ◆ Transport Scotland
  - ◆ East Ayrshire Council
  - ◆ Scottish Ministers

## **5 Representation(s)**

- 5.1 Statutory neighbour notification was undertaken and the proposal advertised in the local press for non-notification of neighbours. Following this publicity 1 letter of comment was received requesting that all flora and fauna are protected as part of the development. As noted throughout Section 6 of the report below, the planning application was submitted with an EIA Report that contains a full ecological appraisal including mitigation measures in relation to wildlife.
- 5.2 In addition, 164 letters including 158 pro forma letters, were submitted in support of the proposals.
- 5.3 No letters of objection have been received.
- 5.4 These letters are available for inspection on the planning portal.

## **6 Assessment and Conclusions**

- 6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP), the adopted South Lanarkshire Local Development Plan 2 2021 (SLLDP2) and associated Supporting Planning Guidance: Renewable Energy.
- 6.2 In terms of National Planning Policy and Guidance, NPF 3 notes in paragraph 3.8 that the Government seeks to meet at least 30% of overall energy demand from renewables by 2020.
- 6.3 The Scottish Government's Onshore Wind Policy Statement (December 2017) sets out the considered views of Scottish Ministers, following consultation, with regard to onshore wind energy and how renewable technology continues to evolve. Paragraph 25 acknowledges "the way in which wind turbine technology and design is evolving, and fully supports the delivery of large wind turbines in landscapes judged to be capable of accommodating them without significant adverse impacts".
- 6.4 SPP Policy Principles (page 9) states that "This SPP introduces a presumption in favour of sustainable development". At paragraph 28, SPP states that "the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost." The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).
- 6.5 SPP, therefore, promotes renewable energy projects but only 'the right development in the right place; it is not to allow development at any cost'. As noted in 6.1, the planning system should be plan led and this is re-enforced as being part of the Core Values of the Planning Service set out in SPP Paragraph 4. It is, therefore, considered that whilst the principle of renewable energy is supported at a National Level, it is only supported if the proposals are deemed to be considered 'the development in the right place' and that the primary, determining criteria for this assessment should therefore be the Development Plan.
- 6.6 The proposed development therefore requires, firstly, to be considered against the Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial Framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions. The methodology used in devising the Onshore Wind Spatial Framework is set out in Part Two of Background Report 10 Low and Zero Carbon Generating Technologies. At section 15.10, the background report acknowledges that wind turbine development is likely to be acceptable subject to detailed consideration against local policy criteria and that potential wind farm development should not be viewed in isolation. It goes on to state that developers and interested parties must refer to



any local guidance made available by the local planning authority including local development plans and supplementary guidance, and landscape capacity studies. Policy 10 Onshore Energy requires proposals to accord with local development plans. Diagram 6 of the GCVSDP identifies areas of the city region where onshore wind maybe appropriate and the application site is identified as within one of these areas. It is, therefore, considered that at a strategic level the Development Plan supports the principle of renewable energy subject to a detailed assessment against the local development plan.

- 6.7 In terms of the adopted South Lanarkshire Local Development Plan 2, Policy 1 'Spatial Strategy' of the SLLDP2 states that the Plan will encourage sustainable economic growth and regeneration, protect and enhance the built and natural environment and move towards a low carbon economy and that this will be achieved, inter alia, by supporting 'development that accords with and supports the policies and proposals in the development plan and supplementary guidance. As the site is located within land designated as within the Rural Area, the application, therefore, requires to be assessed under the 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. Policy 4 recognises that there are specific circumstances where proposals may require to be located within a rural area if it can be demonstrated that there is an established need for the proposed development. SLLDP2 Volume 2 Policy GBRA2 Business Proposals within Green Belt and Rural Area lists renewable energy as an appropriate use in the Rural Area subject to it conforming to SLLDP2 Policy 18: Renewable Energy. Further assessment of the proposals against SLLDP2 Policy 18 is considered below but the principle of the renewable energy use within the Rural Area accords with the spatial strategy set out within SLLDP2 Policies 1 and 4 in this instance. Again, the overall acceptability of such a development must, however, also meet other Policy and Development Management criteria and these issues are considered in detail further in the report.
- 6.8 Policy 2 'Climate Change' of the SLLDP2 states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. The proposals are for a renewable energy development and, therefore, intrinsically support minimising the effects of climate change through greener energy generation. It is, therefore, considered that the principle of the development accords with SLLDP Policy 2 in this instance. Again, the overall acceptability of such a development must, however, also meet other Policy and Development Management criteria and these issues are considered in detail further in the report.
- 6.9 Policy 5 'Development Management and Placemaking' states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. This advice is supported through SLLDP2 Volume 2 Policy DM1 New Development Design.
- 6.10 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. This advice is supported through a range of topic specific SLLDP2 Volume 2 Policies NHE1 to NHE21 and reference to the relevant specific policy is made throughout the remainder of the assessment below.
- 6.11 Policy 18: Renewable Energy states applications for renewable energy infrastructure developments will be supported subject to an assessment against the principles set out in SPP, in particular, the considerations set out at paragraph 169 and additionally for onshore wind developments of 15 metres or greater in height, the terms of Table 7.2 of SLLDP2. It further states that all renewable energy proposals shall be assessed against the relevant criteria and requirements set out in the Assessment Checklist for Renewable Energy Proposals (hereon referred to as the Checklist) contained within SLLDP2 Volume 2. SLLDP2 Volume 2 Policy RE1 Renewable Energy supports Policy 18 and states that as well as the Checklist, renewable energy proposals should also take into account the considerations, criteria and guidance contained within the Supporting Planning Guidance on Renewable Energy, Landscape Capacity Study for Wind Energy (2019 as amended) and other relevant policies in SLLDP2. Part of the Checklist includes an assessment of the criteria referenced in

Policies 5 and 14 and their associated SLLDP2 Volume 2 Policies as referenced above. The assessment below, therefore, also includes the assessment against these policies criteria.

- 6.12 SLLDP2 Table 7.2 sets out the Spatial Framework for Wind Energy and applies to all wind energy developments of 15 metres or greater in height. The spatial framework identifies those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities. It sets out three groupings in relation to wind energy development. These are as follows:-
- ◆ Group 1: Areas where wind farms will not be acceptable
  - ◆ Group 2: Areas of significant protection
  - ◆ Group 3: Areas with potential for wind farm development
- 6.13 Group 1 areas comprise of National Parks and National Scenic Areas (NSA). There are no National Parks or NSA that will be affected by the proposed development and, therefore, the proposals are not located within a group 1 area.
- 6.14 Group 2 Areas of significant protection; SPP and the Spatial Framework for Wind Energy recognise the need for significant protection of particular areas which include:-
- ◆ National and international designations
  - ◆ Other nationally important mapped environmental interests
  - ◆ Community separation for consideration of visual impact
- 6.15 In terms of international designations, there are none located within the application site. As noted in 3.4 above, the site is in close proximity to a SPA, however, subject to appropriate mitigation, the proposals are not considered to have a significant, adverse effect on the integrity of this international designation.
- 6.16 In terms of national designations, the application site is also adjacent to the Muirkirk Uplands Site of Special Scientific Interest (SSSI) which, like the SPA is designated for its ornithological interests but also for the quality of its blanket bog and upland habitat mosaic. As noted elsewhere, the proposals are not considered to have a significant impact on ornithological interests. The construction element of the site is not considered to have any connection with the water table of the SSSI and therefore would not impact upon the blanket bog. A further SSSI, Blood Moss and Slot Burn SSSI is located some 3.5km from the site. Again, this SSSI is designated for blanket bog habitat and it is considered that the proposals would have no impact upon this SSSI.
- 6.17 In terms of national historic designations there are no Historic Battlefields, Inventory Gardens and Designed Landscapes (IDGL), A Listed Buildings or Conservation Areas within the site boundary. There are 5 Scheduled Monuments within 10km of the site. The nearest, Glen Carr (SM2469), is some 2.7km from the site boundary and it is considered that this distance and the topography of the area minimises any impact the proposals may have on this or any of the more distant Scheduled Monuments. There is one A Listed Building within 10km of the application site, the Alexander Morton Monument which is some 6km from the site and it is again considered that this is an adequate distance to ensure there is no impact on the setting of this historic asset. There is one IGDL within 10km of the application site but again at a distance of 5.5km from the site, it is considered that the proposals would not have an adverse impact upon the setting of this historic asset. 2 historic battlefields (Battle of Loudon Hill and Battle of Drumclog) are within 1.5km and 3.5km of the site respectively. It is considered that these distances are adequate in ensuring the interpretation and setting of both battlefields are not impacted upon by the proposals. Historic Environment Scotland (HES) and West of Scotland Archaeology Service (WoSAS) have raised no concerns in relation to the proposals impact on either battlefield. There are 4 Conservation Areas within 10km of the application site, all located outwith South Lanarkshire Council's administrative boundary. The closest ones (Darvel Central and Morton Park) are 4.6km from the application site, however, the proposals would not have an adverse impact on these historic designations.

- 6.18 The third criteria of the Group 2 Areas of significant protection relates to community separation for consideration of visual impact. This is defined by SPP as an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. There are no communities within 2km of the application site.
- 6.19 It is therefore considered that the proposals and application site can be considered to fall within Group 3: Areas with potential for wind farm development.
- 6.20 As noted in 6.11 above, Policies 18 and RE1 require renewable energy proposals to be assessed against the Checklist and other relevant policies of SLLDP2. These are taken in turn below.
- 6.21 Impact on international and national designations.  
National and international designations have been previously assessed at paragraphs 6.15 to 6.19 above and it is considered that there are no adverse effects on national and international designations.
- 6.22 Community separation for consideration of visual impact.  
As noted in 6.18 above, the proposals are not located within 2km of any communities.
- 6.23 Economic benefits.  
This includes local and community socio-economic benefits such as employment, associated business and supply chain opportunities. It is acknowledged that there will be some construction employment related to the development but as the development only involves 6 turbines and associated infrastructure, there is unlikely to be other economic opportunities associated with the development. It is, therefore, considered that there is little weight in any consideration of the development in relation to economic benefits.
- 6.24 Scale of contribution to renewable energy generation targets and effects on greenhouse gas emissions.  
It is acknowledged that, as with any renewable energy project, if developed, the proposals would add to renewable energy targets. If approved, the proposals would have a renewable energy generation capacity of 36MW. Part of the proposals involve utilising parts of an existing access track and avoiding peatland where possible which minimises the construction footprint of the project and carbon release. The EIAR notes that approximately 78,905 tonnes of CO2 would be emitted through the manufacturing, construction and decommissioning of the turbines and it is expected that within 2.4 years of the 30 year lifespan of the turbines the renewable energy generated would have paid back this carbon release resulting in the remaining 27.6 year being in a carbon credit for electricity generation.
- 6.25 Effect on the natural heritage, including birds - Table 7 criteria 7a) South Lanarkshire Local Biodiversity Strategy, Local nature conservation designations, bird sensitivity, protected species and bats.  
This criterion, in line with SLLDP2 Volume 2 Policies NHE9 (Protected Species) and NHE20 (Biodiversity), states that development which will have an adverse effect on protected species following the implementation of any mitigation measures will not be permitted unless it can be justified in accordance with the relevant protected species legislation. Ecological and Ornithological chapters form part of the EIAR, including a Protected Species Survey, submitted as part of the application. It concludes that the development would not have a significant impact upon protected species and habitats. The site is predominantly commercial forestry comprising Sitka Spruce and therefore does not have a high habitat value for wildlife, including protected species. Whilst evidence of protected species was not found within the application site, mitigation measures such as pre-construction surveys and a stand off from trees that have the potential for bats to roost form part of the EIAR. NatureScot have raised no concerns in relation to these chapters and the proposed mitigation within the EIAR.
- 6.26 Effect on the natural heritage, including birds – Table 7 criteria 7b) Habitat Management Plans (HMP).  
As noted in 3.4 and 4.6 above, habitat management is considered a requirement to ensure the proposals do not have a significant, adverse impact upon the adjacent SPA and a condition

requiring further approval of a Habitat Management Plan forms part of the recommendation of approval.

- 6.27 Landscape and visual impacts including landscape capacity and cumulative developments.  
It is considered that landscape designations, character and capacity are key considerations in considering the impact of wind farm and wind turbine proposals. The Council's own landscape technical studies provide a comprehensive baseline for the assessment of wind farm and wind turbine proposals in South Lanarkshire. To evaluate this firstly an assessment of the impact of the proposals on landscape designation and character, and the capacity of the landscape to accommodate the proposed development is carried out. Secondly an assessment on the visual impact including residential amenity is carried out. The assessment takes into account cumulative impacts. A Landscape and Visual Impact Assessment (LVIA) was submitted as part of the application.
- 6.28 The application site is located within the Rolling Moorland Forestry Landscape Character Type (LCT), as defined in the South Lanarkshire Landscape Character Assessment 2010 (LCA). The key characteristics of this LCT are its distinctive upland character created by the combination of elevation, exposure, rolling or undulating landform and the pre-dominant lack of modern development. South Lanarkshire's Landscape Capacity for Wind Turbines 2016 (Landscape Capacity Study) and its Tall Turbine Addendum (2019) provides guidance on the individual and cumulative landscape impact of wind farm and wind turbine developments in the Rolling Moorland Forestry LCT. The application site is in an area defined as having medium capacity for turbines with heights between 150m to 250m where it is considered that the rolling and large nature of the LCT has a character than can support large scale turbine heights; the topography of the LCT allows for potential screening of turbines and apart from other turbines; and there is little other development that would provide a scale indicator for tall turbines and increase their sense of dominating the landscape. The LCA suggests that the nature of the LCT with its sense of remoteness in parts isn't suitable for large spread wind farm development and should be sited adjacent to existing wind farm development where possible to limit their visual spread into remoter areas of the LCT. The turbines have been designed in a tight cluster to minimise their visual spread within the landscape. The site is located to an existing wind farm (Bankend Rig) and whilst this wind farm involves turbines at a much lower height (76m), their presence on this part of the landscape results in it not being one of the areas of the LCT characterised by a remoteness. It is also considered that 6 turbines is, in proportion to the scale of the landscape, relatively modest and minimises spread across the large rolling landscape. Whilst the turbines are taller than the surrounding commercial forestry, it is considered that the forestry would have a softening effect on the turbines within the landscape as they would provide a setting of the turbine basis within the landscape.
- 6.29 In terms of Visual Impact, this can be categorised in 2 separate considerations. Firstly, there is the general Visual Impact the proposals may have to receptors throughout the wider area and secondly there is the specific Visual Impact proposals can have on residential amenity. Taking each in turn, in terms of general Visual Impact, it is considered that the site is located within a fairly remote location that is not particularly prominent within the landscape which limits its impact to receptors. The site is adjacent to an existing wind farm (Bankend Rig) and is therefore not introducing wind turbines into the landscape. In terms of residential visual amenity, again given the remote location of the proposals there is limited potential to impact upon residential amenity. A detailed assessment of the visual amenity on residential properties within 2km of the proposal formed part of the submitted LVIA. It is considered that due to the design of the proposed development, distance and screening the effects of the proposals on surrounding residential amenity would not be of a scale that would result in residential amenity being significantly impacted. Due to the height of the turbines being over 150m, aviation lighting will be required for some or all of the turbines. It is considered that the remote location of the turbines again minimises any visual impact lighting may have and that the introduction of a maximum of 6 turbines being lit will not dominate the night sky to a degree that they will have a significantly adverse impact on night time visual amenity.
- 6.30 It is therefore considered that the proposals are acceptable in relation to Landscape and Visual Amenity.

- 6.31 Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker.  
The impact of the proposed development on communities and individual dwellings requires to be assessed in relation to criteria 10 of the Checklist. Criteria 10 contains 3 considerations which are residential visual amenity, noise and shadow flicker.
- 6.32 As noted in 6.18 above, the application site is not located within 2km of any communities. In terms of visual impact on individual dwellings, as noted in 6.29 it is considered the proposals would not have a significant impact on Residential Visual Amenity on the area.
- 6.33 The impact on communities and individual dwellings in respect to shadow flicker and noise requires to be assessed. A noise assessment has been submitted as part of the application submission. Environmental Services raise no issues with the assessment and recommend that an appropriate condition can be attached which requires the noise limits to be validated, if consent is granted, to ensure the required levels are met. A Shadow Flicker assessment has been submitted as part of the application submission which notes that 6 properties lie within the potential shadow flicker radius and are likely to be affected by shadow flicker. Of these 6 properties, five were identified as potentially exceeding the 30 hours per year of shadow flicker that is considered the acceptable threshold and based on an assumption of constant blue skies throughout the year, may receive up to 87 hours of shadow flicker a year. Firstly, it is noted that the surrounding locale is unlikely to have constant blue skies throughout the year, so the predicated shadow flicker hours is a theoretical worst case scenario (assuming the sun is always shining with sufficient intensity to cast a clear shadow from dusk till dawn). In terms of the actual, likely shadow flicker received by these properties, none would exceed the 30 hour threshold. Secondly, the applicant proposes shadow flicker mitigation being installed within the turbines to ensure they can be shut down when required to minimise shadow flicker. Mitigation proposed by the applicant requires the turbines being shut down when shadow flicker is likely to occur. Environmental Services are content with the shadow flicker assessment and proposed mitigation. It is considered that a suitable condition could be employed to minimise the proposals' impact on shadow flicker and ensure that it would not have a detrimental impact upon the amenity of the area.
- 6.34 Impacts on carbon rich soils and peat, using the carbon calculator.  
As noted in 6.24 above, the EIAR notes that approximately 78,905 tonnes of CO<sub>2</sub> would be emitted through the manufacturing, construction and decommissioning of the turbines and it is expected that within 2.4 years of the 30 year lifespan of the turbines the renewable energy generated would have paid back this carbon release resulting in the remaining 27.6 year being in a carbon credit for electricity generation.
- 6.35 Impact on Public Access.  
The proposals do not affect any core paths or right of ways during construction or operation. An access strategy condition forms part of the recommendation of approval. It is, therefore, considered that the proposals are acceptable in relation to public access.
- 6.36 Impacts on the historic environment.  
This consideration set out at criteria 13 of the Checklist, in line with the criterion of SLLDP2 Policy 14, has previously been assessed under National Designations at paragraph 6.16 with the exception of impact upon B and C Listed Buildings. With regard to B and C Listed Buildings, there are 66 B listed and 36 C listed buildings within 10 km of the application site but these are located mainly within existing settlements and farms and not within close proximity to or within the application site. It is therefore considered that there would not be any impact on the settings of these historic assets.
- 6.37 Impacts on tourism and recreation.  
It is considered that the proposed turbines would be unlikely to have any direct impact on any tourism and recreational interests within the area given it does not impact upon any core walking route or other tourist destination.

- 6.38 Impacts on aviation and defence and transmitting or receiving systems.  
No objections have been received from consultees in relation to defence or transmitting or receiving systems. In terms of aviation, as noted in 4.13 to 4.15 above, a Primary Radar Mitigation Scheme has now been agreed. Where consultees have recommended conditions, these form part of the recommendation of approval.
- 6.39 Impact on road traffic and on trunk roads.  
The criterion of this section of the checklist mirrors SLLDP2 Policy 15 (Travel and Transport) which 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. Transportation Services (Development Management) have no objections to the proposals subject to conditions relating to the further approval and implementation of a Traffic Management Plan. They also require a Section 96 legal agreement to be entered into in relation to bridge assessment analysis and inspection regime of specified bridges and culverts along the abnormal load delivery route and associated indemnity insurance requirements.
- 6.40 Impacts on hydrology, water environment and flood risk  
This consideration mirrors SLLDP2 Policy 16: Water Environment and Flooding which states that any development proposal which will have a significant adverse impact on the water environment will not be permitted. The water environment is made up of groundwater, surface water and watercourses. SLLDP2 Volume 2 Policies SDCC2 (Flood Risk) and SDCC3 (Sustainable Drainage Systems) contain further, specific guidance on the water environment. The application site is not identified as being at risk of flooding and it is considered that the proposals would not have an additional impact upon the water environment.
- 6.41 Decommissioning and restoration.  
This consideration requires a plan for decommissioning and restoration of the proposed development to be robust. The planning submission contains restoration details of returning the site back to countryside. Conditions requiring further, specific detail of the restoration plan and requiring a financial mechanism such as a bond to be put in place form part of the recommendation.
- 6.42 Forestry and woodland removal.  
Criteria 22 of the Checklist requires the effect proposals may have on forestry and woodland to be fully assessed. It is considered that the only forestry lost through the proposals would be commercial forestry which has a limited lifespan given the commercial nature of its planting.
- 6.43 Impact on Prime Agricultural Land.  
There is no Prime Agricultural Land within the application site.
- 6.44 Borrow pits.  
Four borrow pits are proposed as part of the construction proposals. It is considered that given the remoteness of the site the use of onsite stone for construction is considered the most sustainable option rather than importing material. Conditions relating to noise levels specific to the borrow pits and the further approval of any blasting scheme form part of the recommendation of approval.
- 6.45 Environmental Protection  
Criteria 25 of the Checklist requires that all appropriate authorisations or licenses under current environmental protection regimes must be obtained. Developers are required to ensure there is no impact on wastewater and/or water assets which are above and/or underground in the area that may be affected by the proposed development. If approval were to be granted, a Construction Environmental Management Plan would form part of any permission to ensure all construction is carried out in line with all required environmental authorisations and licenses.
- 6.46 Notifiable installations and exclusion zones  
There are none within proximity to the application site.

6.47 Mitigation

Criteria 27 of the Checklist requires the developer to demonstrate that appropriate mitigation measures will be applied. As noted throughout the report, appropriate mitigation has been proposed through the submitted EIAR.

6.48 Legal agreement

Criteria 28 of the Checklist requires, where appropriate, the Council to enter into a legal agreement to address matters that cannot be controlled by planning condition. In this instance, a Section 96 legal agreement to ensure bridge assessment analysis is undertaken to ensure that all bridges affected by the proposals can safely accommodate the abnormal loads and the submission of a report (demonstrating suitable check certification has been carried out) for further approval. For the applicant to carry out any remediation required on any bridge not considered to be capable of carrying the proposed loads following approval of the works by the Council, as Road Authority. The agreement shall also contain details of a suitable inspection regime of the bridges during the construction of the wind turbines and the resultant requirements and responsibilities following these inspections. Whilst not a planning consideration, the applicant has committed to making community benefit contributions of £5000 per Mega Watt and it is competent to secure this via a Section 75 Legal agreement.

6.49 In conclusion, it is considered that the proposed development accords with national planning policy and the Development Plan on this form of development. There would also be no adverse impact on visual amenity, habitats, residential amenity or road safety. A range of conditions are proposed which will address the technical issues related to the proposal. The proposed development is acceptable and therefore it is recommended that planning permission is granted.

**7 Reasons for Decision**

7.1 The proposed development complies with Policies 1,2, 4, 5, 14, 15, 16, 18, RE1, DM1, GBRA2, SDCC2, SDCC3, NHE9 and NHE20 of the adopted South Lanarkshire Local Development Plan 2 (2021).

**David Booth**

**Executive Director (Community and Enterprise Resources)**

Date: 2 September 2022

**Previous References**

- ◆ P/20/0009/PAN
- ◆ P/18/1345

**List of Background Papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification advert dated 07.07.2021
  
- ▶ Consultations
  - Darvel and District Community Council 15.07.2021
  - Prestwick Airport 01.09.2022
  - Roads Development Management Team 15.09.2021
  - Environmental Services 12.11.2021
  - West of Scotland Archaeology Service 18.10.2021
  - SEPA West Region 13.08.2021

Historic Environment Scotland	03.08.2021
Scottish Water	01.07.2021
Countryside and Greenspace	25.10.2021
BAA Glasgow	01.09.2022
MoD (Windfarms)	04.08.2021
National Air Traffic Services Limited	01.09.2022
Nature.Scot	11.10.2021
Roads and Transportation Services Bridges Structures Section	30.07.2021
► Representations	Dated:
Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS	16.07.2021
Donald Speirs, Unit C, Logie Court, Stirling University Innovation Park, Stirling, FK9 4NF	13.08.2021
Douglas Bryden, 53 Glasgow Road, Strathaven, ML10 6LZ	28.07.2021
Mark Cassidy, Unit C, Logie Court, Stirling University Innovation Park, Stirling, FK9 4NF	22.08.2021
R J McLeod, Received Via Email	28.07.2021
Nick Smith, Logie Court, Stirling University Business Park, Stirling FK9 4NF	22.08.2021
Sandford and Upper Avondale Community Council, Received Via Email	05.07.2022

### **Contact for further information**

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

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

Phone: 07551 839 698

Email: [james.wright@southlanarkshire.gov.uk](mailto:james.wright@southlanarkshire.gov.uk)



## Detailed planning application

Paper apart – Application number: P/21/1127

### Conditions and reasons

01. That the development is carried out strictly in accordance with the terms of the application and the accompanying EIA Report titled "Mill Rig Wind Farm", 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. That consent is granted for a period of 30 years from the date of initial commissioning of the development as submitted in writing to the Council, as Planning Authority. No later than 5 years prior to the end of said 30 year period, the decommissioning scheme referred to in condition 3 of this consent shall be submitted to and approved in writing by the planning authority.

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

03. No later than 5 years prior to the end of the period of this planning permission, or by such date later as may be agreed by the Planning Authority, the applicant shall submit a Restoration and Aftercare Plan including a method statement for the decommissioning of the wind turbine and the restoration of the application site for the approval of the Planning Authority. Decommissioning in accordance with the approved method statement shall be completed within 24 months of the end of the period of this planning permission or any alternative timescale agreed with the Planning Authority in writing and shall include the dismantling and removal from the site of all turbines, buildings and ancillary development.

Reason: To ensure control of the restoration of the site.

04. At least one month prior to the commencement of the development, 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.

05. Prior to delivery of turbines details of the confirmed turbine colour, height and manufacture, including illustrations as well as details of size, shall be submitted to, and approved in writing by, the Planning Authority. Only the approved type shall be installed.

Reason: In order to retain effective planning control

06. 1.0 Operational Noise from Wind Farm ETSU-R-97

In keeping with the data submitted within the noise assessment undertaken by TNEI Services Ltd for Banks in relation to Mill Rig Wind Farm (as submitted in support of the application under the Environmental Impact Assessment Regulations) , the following noise immissions shall be adhered to-

#### 1.1 Cumulative Day Time

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 contained within the noise assessment undertaken by TNEI Services Ltd for Banks in relation to Mill Rig Wind Farm (Table 8.9: Total ETSU-R-97 Compliance Table - Daytime).

#### 1.2 Cumulative Night Time

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 contained within the noise assessment undertaken by TNEI Services Ltd for Banks in relation to Mill Rig Wind Farm (Table 8.10: Total ETSU-R-97 Compliance Table - Night time).

#### 1.3 IOA Good Practice Guide Example Condition.

Should the permitted ETSU-R-97 conditions above be apportioned within the format of the IOA Good Practice Guide Example Condition- the proposed noise limits as detailed within the TNEI Services Ltd for Banks in relation to Mill Rig Wind Farm (Table 8.12: Site Specific Noise Compliance Table - Daytime and Table 8.13: Site Specific Noise Compliance Table - Night time) shall be applied. Cognisance shall be given to conditions 1.1 and 1,2 and the cumulative projections based therein.

#### 2.0 Tonal Contribution

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 1.0 above shall be reduced by the penalty level identified within section 28 of 'The Assessment and Rating of Noise from Wind Farms- ETSU-R-97. The definition of audibility for the purposes of this condition shall be as described in ETSU-R-97. The penalty shall only apply at properties where the tonal noise is measured and shall only relate to the wind speeds at which the tonal noise occurs at.

#### 3.0 Investigation of Complaints

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 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 residential amenity.

07. That 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'. This is based on the detail provided within the TNEI Services Ltd for Banks in relation to Mill Rig Wind Farm. 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. Where appropriate and subject to prior agreement with the Planning Authority at times during which Borrow Pits are operational, then the noise levels shall be restricted to 55dB LAeq (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. Where appropriate and subject to prior agreement with the Planning Authority a blasting method statement shall be submitted in writing and approved 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.

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

10. At the reasonable request of the Planning Authority and following a complaint to it relating to shadow flicker 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. Thereafter an assessment to determine the presence of shadow flicker resultant from the wind farm at the property to which the complaint related shall be carried out. Where shadow flicker is confirmed a scheme of mitigation shall be implemented and thereafter adhered to.

Reason: In the interests of residential amenity

11. That before the development, hereby approved, is energised, the developer shall submit a detailed Access Management Plan (AMP) for the written approval of the Planning Authority, and thereafter adhere to and implement the AMP within the timescales set out. The AMP shall be produced in consultation with the Council's Countryside & Greenspace Services and a programme of community consultation shall be undertaken on a draft AMP. Proposals shall incorporate and identify the Council's Core Path and Wider Network and provide signage where the network identifies links. No works shall commence on site until such times as the AMP has been approved in writing by the Planning Authority.

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

12. That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In the interest of cultural heritage.

13. That before any work starts on site the developer shall submit a detailed Traffic Management Plan (TMP) for the written approval of South Lanarkshire Council as Planning Authority, and thereafter adhere to and implement the TMP within the timescales set out. The TMP shall be produced in consultation with South Lanarkshire Council's Roads & Transportation Services, Police Scotland and include a programme indicating phasing of construction of the project. No works shall commence on site until such times as the TMP has been approved in writing by the Council as Roads Authority.

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

Reason: In the interests of road safety

14. The developer shall undertake all work associated with the approved planning consent and any subsequent amendments in accordance with the approved TMP as specified and approved as per condition 13. All specialist wind turbine components shall be delivered to site in accordance with the approved TMP and Abnormal Load Route Assessment. The developer shall notify the Planning Authority in writing should they propose to remove any excess material from site. Any such notification shall include details of proposed traffic routes and phasing of such operations all for the approval of South Lanarkshire Council as Planning and Roads Authority.

Reason: In the interests of road safety.

15. That before any work starts on site, or unless otherwise agreed in writing with South Lanarkshire Council, the applicant shall submit details of the proposed road alteration works identified through the Abnormal Load Route Assessment and once approved in writing by the Council shall be implemented on site in accordance with the approved drawings and specification and to the satisfaction of the Council as Planning and Roads Authority.

Reason: In the interest of road safety

16. That before any work starts on site, or unless otherwise agreed in writing with South Lanarkshire Council, the applicant shall submit a Stage 2 Road Safety Audit for all infrastructure to be constructed and adopted, or altered, on the public road associated with the findings of the Abnormal Load Route Assessment. The Road Safety Audit shall be undertaken in accordance with the Institute of Highways and Transportation Guidelines and shall be submitted to and approved by the Council as Planning and Roads Authority.

Reason: In the interest of road safety

17. Prior to commencing construction of any wind turbine generators, or deploying any construction equipment or temporal structure(s) 15.2 metres or more in height (above ground level) the undertaker must submit an aviation lighting scheme for the approval of South Lanarkshire Council in conjunction with the Civil Aviation Authority and the Ministry of Defence defining how the development will be lit throughout its life to maintain civil and military aviation safety requirements as required under the Air Navigation Order 2016 determined necessary for aviation safety by the Civil Aviation Authority.

This should set out:

- a) details of any construction equipment and temporal structures with a total height of 15.2 metres or greater (above ground level) that will be deployed during the construction of wind turbine generators and details of any aviation warning lighting that they will be fitted with; and
- b) the locations and heights of all wind turbine generators and any anemometry mast featured in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the wind turbine generators; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

Thereafter, the undertaker must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the lifetime of the development.

Reason: To maintain aviation safety.

18. The undertaker must notify the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information:
- a) the date of the commencement of the erection of wind turbine generators;
  - b) the maximum height of any construction equipment to be used in the erection of the wind turbines;
  - c) the date any wind turbine generators are brought into use;
  - d) the latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s).

The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.

Reason: To maintain aviation safety.

19. That no shall start on site until the terms of appointment of an independent and suitably qualified environmental consultant as Planning Monitoring Officer ("PMO") have been submitted to, and approved in writing by, the Planning Authority.

FOR THE AVOIDANCE OF DOUBT, the terms of appointment shall:

- (a) impose a duty to monitor compliance with the terms of the deemed planning permission and the conditions attached to it;
- (b) require to set out the frequency of PMO visits to site;
- (c) require the PMO to submit a monthly report to the Planning Authority summarising works undertaken on site; and
- (d) require the PMO to report to the Planning Authority any incidences of non-compliance with the terms of the deemed planning permission and conditions attached to it at the earliest practical opportunity.

Thereafter, the PMO shall be appointed on the approved terms throughout the period from Commencement of Development to completion of post construction restoration works.

Reason: To enable the development to be suitably monitored to ensure compliance with the planning permission and the conditions attached to it.

20. No development shall commence unless and until the terms of appointment of an independent Environmental Clerk of Works ("ECoW") by the Company have been submitted to and approved in writing by the Planning Authority in consultation. The terms of appointment shall:

- (a) impose a duty to monitor compliance with the ecological and hydrological commitments and mitigations measures provided in the Preliminary Ecological Appraisal, Hydrology and Contamination Report and other information lodged in support of the application as well as the required the Construction and Environmental Management Plan as approved;
- (b) require the ECoW to report to the nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
- (c) require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site;
- (d) require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
- (e) Advising the Company on adequate protection of nature conservation interests on the site; and
- (f) Directing the micro-siting and placement of the turbines and infrastructure.

The ECoW shall be appointed on the approved terms throughout the period from Commencement of Development to completion of post construction restoration works

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development during the construction and restoration phase.

21. No later than eighteen months prior to decommissioning of the Development or the expiry of this planning permission (whichever is the earlier), details of the terms of appointment of an ECoW by the Company throughout the decommissioning, restoration and aftercare phases of the Development shall be submitted for the written approval of the Planning Authority.

The ECoW shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the Development.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development during the decommissioning, restoration and aftercare phases.

22. No wind turbines shall be erected unless and until a scheme for aviation lighting for the Development has been submitted to, and approved by, the Planning Authority. The scheme shall include details of any aviation lighting required by Civil Aviation Authority and Ministry of Defence which is to be applied.

No lighting other than that described in the scheme shall be applied, other than that required for health and safety purposes, unless otherwise agreed in writing by the Planning Authority.

The required aviation lighting shall thereafter be maintained as approved for the lifetime of the Development.

The Development shall be operated in accordance with the approved scheme.

Reason: In the interests of aviation safety and visual amenity.

23. That before any work starts on site, a Breeding Bird Protection Plan (BBPP) shall be submitted for the written approval of the Council, as Planning Authority in consultation with NatureScot. Once approved, the BBPP shall be implemented fully as approved and maintained as such for the lifetime of the construction period of the development, hereby approved.

Reason: In the interests of the Habitats Regulations.

24. That before any work starts on site, a bat mitigation plan shall be submitted for the written approval of the Council, as Planning Authority. FOR THE AVOIDANCE OF DOUBT, the bat mitigation plan shall include, but not be limited to, the mitigation set out within Annex 2 Bats of the NatureScot consultation response dated 8 October 2021. Once approved, the bat mitigation plan shall be implemented fully as approved and maintained as such for the lifetime of the development, hereby approved.

Reason: In the interests of protected species.

25. That before any work starts on site but no early than 3 months from the commencement of development,, protected species shall be carried out on site. If any evidence of protected species are found, no works shall commence until Species Protection Plans have been submitted for the written approval of the Council, as Planning Authority. Once approved, the Species Protection Plans shall be implemented fully and maintained as such for the lifetime of the construction of the development, hereby approved.

Reason: In the interests of protected species.

26. Each turbine, buildings, compounds, areas of hardstanding, tracks and watercourse crossings shall be erected in the position indicated upon Planning Application Drawing PA04 Site Layout (Operational) within the Environmental Impact Assessment Report approved by condition 1, above. A variation of the indicated position of any turbine or other development infrastructure detailed on the approved drawing shall be notified on the following basis:

(a) if the micro-sited position is less than 50 metres it shall only be permitted following the approval of the Ecological Clerk of Works (ECoW) in consultation with West of Scotland Archaeology Service

(b) if the micro-sited position is of between 50 metres and 100 metres it shall only be permitted following written approval of the Planning Authority in consultation with SEPA and West of Scotland Archaeology Service. Unless otherwise agreed in writing by the Council, as Planning Authority the said provisions relating to micro-sited position shall not have the effect such that any micro-sited position will:-

- bring a turbine outwith the planning application boundary
- take place within areas of peat of greater depth than the original location.

Reason: to control environmental impacts while taking account of local ground conditions.

27. That no work shall start on site unless and until a Habitat Management Plan (HMP) has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot.

The HMP shall set out proposed habitat management of the site during the period of construction, operation, decommissioning, restoration and aftercare, and shall provide for the maintenance, monitoring and reporting of habitat improvements and creation of new habitats to aid biodiversity on site.

The HMP shall include measures which would reduce the potential future attractiveness of the site to the SPA qualifying species.

The HMP shall include provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the habitat plan objectives. In particular, the approved HMP shall be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Commissioning and submitted for the written approval of the Planning Authority in consultation with NatureScot.

The HMP shall set out details of the implementation of a Habitat Management Group. Unless and until otherwise agreed in advance in writing with the Planning Authority, the approved HMP (as amended from time to time) shall be implemented in full and within the timescales set out in the approved HMP.

Reason: In the interests of good land management and the protection of habitats and reduce the attractiveness of the site to SPA qualifying species.

28. A Habitat Management Group (HMG) shall be established to oversee the preparation and delivery of the HMP as required by condition 27 and to review and assess the results from ongoing monitoring. The HMG shall include a representative of South Lanarkshire Council and NatureScot and shall have powers to propose reasonable changes to the HMP necessary to deliver its agreed aims, and notwithstanding the above,

(a) Site clearance activities and where possible, construction, will take place outwith the bird breeding season (March to July inclusive). If site clearance activities commence during this period ECoW supervision is required.

(b) The HMP will operate for the full lifespan of the wind farm, including decommissioning

(c) The agreed proposals identified in the HMP will be fully implemented

(d) Surveillance and monitoring results of species and habitat will be carried out in accordance with the approved plan and be submitted to the HMG in accordance with the timescales set out.

Reason: To safeguard environmental impacts, ecology, species and habitats and maintain effective planning control

29. That no work shall start on site until a detailed Peat Management Plan (PMP), addressing all areas to be disturbed by construction, has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot and SEPA. The PMP shall be submitted a minimum of 2 months prior to works commencing on site and shall incorporate "good practice" methods from NatureScot and the Scottish UK wind farm industry. The PMP shall include:

(a) Detail on how the mitigation proposed in the application documents will be incorporated into the construction activities and incorporate relevant best practice on handling and storage of peat and construction methods designed to minimise impacts on peatland habitats.

(b) Further peat probing information in areas of infrastructure that has not previously been probed;

(c) Details of layout and management measures taken to reduce the volume of peat disturbance (including final expected volumes, depth and location of any peat disturbed);

(d) Updated disturbance and re-use calculations within the site (breaking the peat down into acrotelmic and catotelmic), including a plan showing volumes, location and usage; Details of



any disposal of peat proposed, including volumes, detailed disposal proposals and details of how peat usage has been limited to undisturbed ground; and;

(e) Details of storage and handling of excavated peat, including a plan showing proposed storage areas;

All works on site must be undertaken in accordance with the approved Peat Management Plan unless otherwise agreed in advance in writing by the Planning Authority in consultation with NatureScot and SEPA.

Reason: In the interests of ensuring the conservation of peat resources

30. That no work shall start on site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Planning Authority in consultation with SEPA and NatureScot.
- The CEMP shall be submitted a minimum of 2 months prior to works commencing on site and shall incorporate "good practice" methods from the Scottish UK wind farm industry to ensure that environmental impacts are reduced and incorporate all the mitigation measures identified in the EIA Report including Appendices titled "Mill Rig Wind Farm". Thereafter, all the measures described in the approved CEMP shall be implemented within the timescales set out. The CEMP shall include the following:
- (a) A plan of the construction operations at an appropriate scale;
  - (b) A plan to an appropriate scale showing the location of any contractor's site compound and laydown areas required temporarily in connection with the construction of the development.
  - (c) Method of defining track route and location (track corridors should be pegged out 500 - 1000m in advance of operations);
  - (d) Track design approach
  - (e) Maps of tracks indicating double and single tracks and position of passing places.
  - (f) The full extent of anticipated track 'footprint(s)' including extent of supporting 'geogrid' below roadstone and cabling at the edges of the track
  - (g) Track construction: Floating track construction over peat >1m deep and gradients of 1:10 or less. Track construction for peat 1:10, cross slopes or other ground unsuitable for floating roads.
  - (h) Procedures to be followed when, during track construction, it becomes apparent that the chosen route is more unstable or sensitive than was previously concluded, including ceasing work until a solution is identified, informed with reference to advice from ECoW.
  - (i) Details of peat/soil stripping, storage and re-use. All soils stored on site shall be in accordance with BS3882 and Nature Scot and SEPA guidance.
  - (j) A management plan for minimising the emission of dust from the construction and operation of the development.
  - (k) Specifying the means by which material to be used for the development is brought on site unless it has certification from a suitably UKAS accredited laboratory to confirm that the material is not contaminated.
  - (l) Compliance with South Lanarkshire Council's Sustainable Drainage Systems (SuDs) design criteria guidance and inclusive sign off by the relevant parties carrying out the elements of work associated with the design criteria appendices 1 to 4.
  - (m) A coloured plan showing the sustainable drainage apparatus serving the application site together with the contact name and emergency telephone number of the party responsible for its future maintenance. Details of the future maintenance regime in accordance with the latest Construction Design and Management (CDM) Regulations is to be provided on this drawing.
  - (n) A description of and measures to mitigate impact on surface water courses, hydrology, and private water supplies.
  - (o) Watercourse crossings should be kept to a minimum to ensure they do not adversely impact on natural flow pathways. These crossings shall be appropriately sized and overland flow routes shall be provided in the event of culvert blockage.
  - (p) Measures to be taken to ensure that the work does not cause mud, silt, or concrete to be washed away either during the construction stage or as a result of subsequent erosion. Where possible construction works shall avoid road construction during periods of high rainfall.
  - (q) Timing and extent of any necessary re-instatement.

(r) Best practice mitigation for pollution prevention and Forest and Water Guidelines published by the Forestry Commission.

(s) Ground Water and Surface Water Monitoring Plan shall be submitted to and approved by the Planning Authority in consultation with SEPA. All works require to be carried out by competent qualified professional. The methodology of such monitoring including locations frequency, gathering of information of baseline levels, etc shall be submitted to the planning authority for approval prior to the commencement of works on site. Thereafter, the plan shall be implemented within the timescales set out to the satisfaction of the Planning Authority and the results of such monitoring shall be submitted to the planning authority on a 6 monthly basis, or on request.

(t) A monitoring plan shall be submitted to the planning authority setting out the steps that shall be taken to monitor the environmental effects of the development, including the effects on noise and dust, during the construction phase and the operational phase. The methodology of such monitoring including locations frequency, gathering of information on background levels, etc shall be submitted to the planning authority for approval prior to the commencement of works on site. Thereafter, the plan shall be implemented to the satisfaction of the Planning Authority and the results of such monitoring shall be submitted to the planning authority on a 6 monthly basis, or on request. (v) a site waste management plan.

(u) a surface water management plan outlining how surface water will be managed and treated. Sediment laden run off from tracks and vehicle movements shall be included as a potential source of pollution within the plan and treated as such.

(v) detail all construction methods and mitigation designed to minimise impacts on peatland habitats.

The development shall be implemented thereafter in accordance with the approved CEMP unless otherwise approved in advance in writing by the Planning Authority in consultation with NatureScot and SEPA.

Reason: To ensure that all works are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the EIA Report accompanying the application, or as otherwise agreed.

31. Only mechanical means of snow clearance shall be used to clear access tracks, 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.

32. 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: To ensure that any redundant wind turbine is removed from site, interests of safety, amenity and environmental protection.

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

Reason: In the interests of aviation safety.

34. No blades shall be fitted to any turbine until the approved Primary Radar Mitigation Scheme has been implemented and the Development shall thereafter be operated fully in accordance with such approved Scheme.

Reason: In the interests of aviation safety.

"Operator" in respect of conditions 33 and 34 of this consent, 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" in respect of conditions 33 and 34 of this consent, means a detailed scheme agreed with the Operator which sets out the measures to be taken to avoid at all times the impact of the development on the Lowther Hill, Cumbernauld and Glasgow primary radars and air traffic management operations of the Operator.

35. That, prior to the commencement of development, a Primary Radar Mitigation Scheme setting out measures to be taken to prevent the impairment of the performance of aerodrome navigation aids and the efficiency of air traffic control services at Glasgow Airport must be submitted to, and approved in writing by, the Planning Authority, in consultation with Glasgow Airport Limited.

Reason: In the interests of aviation safety.

36. No wind turbine forming part of the Development shall be erected other than in accordance with the approved Primary Radar Mitigation Scheme.

Reason: In the interests of aviation safety.

37. The development must be constructed, commissioned and operated at all times fully in accordance with the approved Primary Radar Mitigation Scheme.

Reason: In the interests of aviation safety.

38. No blade shall be fitted to any turbine or turbines forming part of the development and no such turbine shall operate, save as provided for and in accordance with the Testing Protocol, unless and until such time as the Planning Authority receive confirmation from the Airport Operator that: (a) all measures required by the Radar Mitigation Scheme prior to operation of any turbine have been implemented; and (b) the Civil Aviation Authority has evidenced its approval to the Airport Operator that the Radar Mitigation Scheme is acceptable mitigation for the development and has been satisfactorily implemented by the Airport Operator.

Reason: In the interests of aviation safety.

39. No turbine shall operate other than in accordance with the terms of the Radar Mitigation Scheme.

Reason: In the interests of aviation safety.

"Airport Operator" in respect of conditions 38 and 39 means Glasgow Prestwick Airport Limited or any successor as holder of a licence under the Air Navigation Order 2000 from the Civil Aviation Authority to operate Glasgow Prestwick Airport.

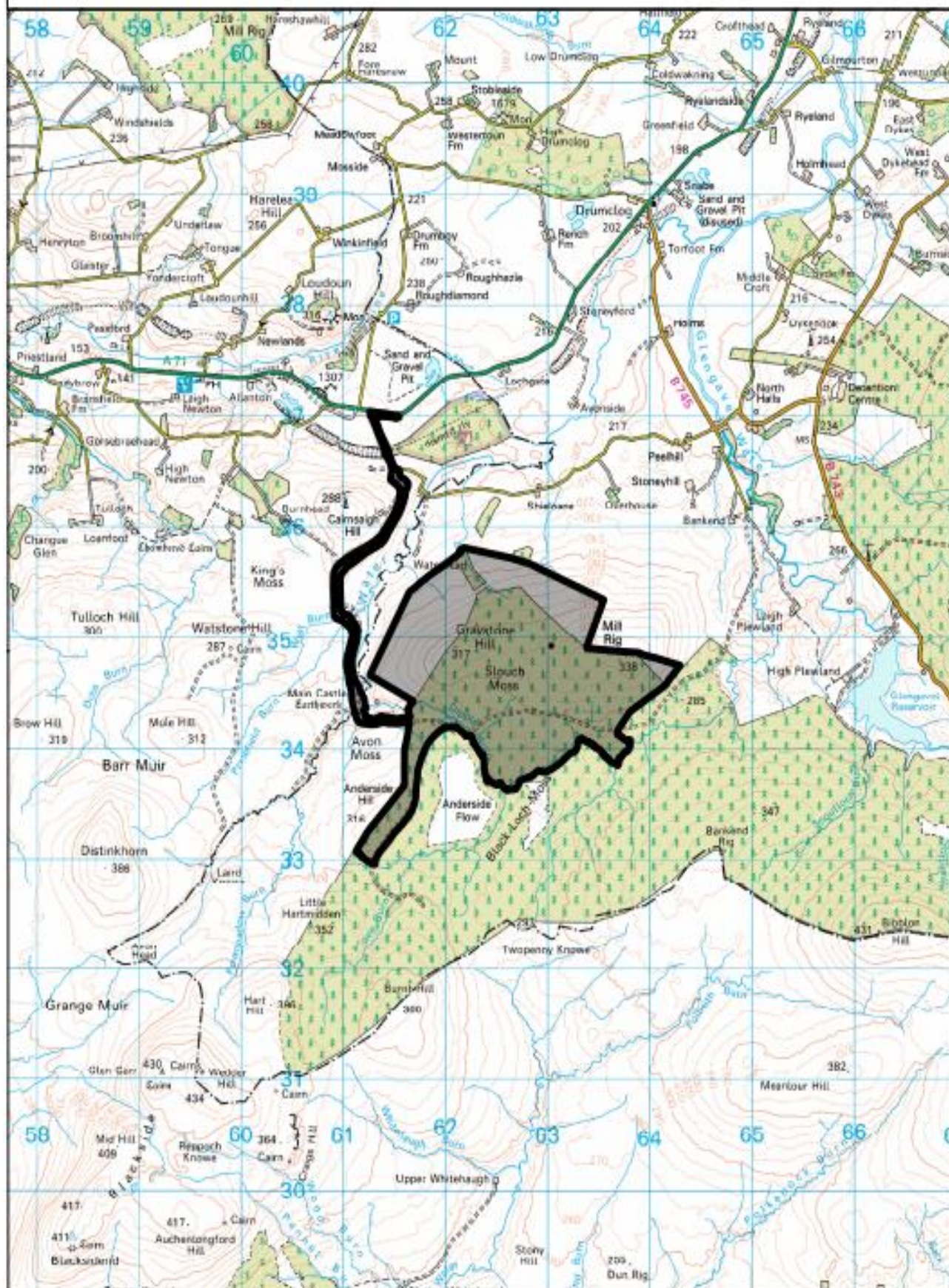
"Radar Mitigation Scheme" in respect of conditions 38 and 39 means such services and resources including equipment, software, procedural or technological measures and technical and professional services, as the Airport Operator identifies as necessary and sufficient to prevent the operation of the development or of any turbines forming part of the development impacting adversely on radar performance or on the performance of other navigational aids at Glasgow Prestwick Airport or on maintaining safe and efficient air traffic control services or procedures or airspace and which the Airport Operator is willing and able to implement and maintain for the lifetime of the development or for such shorter period as may be agreed in consultation with the Airport Operator as necessary to mitigate any such adverse impact.

"Testing Protocol" in respect of conditions 38 and 39 means the protocol to control the operation of any turbine or turbines forming part of the development for the purposes of testing of the Radar Mitigation Scheme.



P/21/1127

Mill Rig Wind Farm LLP c/o Banks Renewables



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Scale:  
1:50,000  
Date:  
19/08/2022



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development



# Report

9

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>13 September 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/22/0349
Planning proposal:	Extension to time period of planning permission P/19/0076 for a further 3 years

## 1 Summary application information

Application type:	Further application
Applicant:	Persimmon Homes
Location:	Larkhall Community Growth Area Summerlee Road Larkhall South Lanarkshire

## 2 Recommendation(s)

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

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

### 2.2 Other actions/notes

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

## 3 Other information

- ◆ Applicant's Agent: N/A
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (adopted 2021)**
  - Policy 1 - Spatial Strategy
  - Policy 2 – Climate Change
  - Policy 5 - Development Management and Place Making
  - Policy 7 - Community Infrastructure Assessment
  - Policy 11 - Housing
  - Policy 13 - Green Network and Greenspace
  - Policy 15 - Travel and Transport
  - Policy 16 - Water Environment and Flooding
  - Policy DM1 - New Development Design
  - Policy SDCC2 - Flood Risk
  - Policy SDCC3 - Sustainable Drainage Systems

Policy SDCC4 - Sustainable Transport  
 Policy DM15 - Water Supply  
 Policy NHE18 - Walking, Cycling and Riding  
 Routes  
 Policy NHE20 - Biodiversity

◆ **Representation(s):**

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

◆ **Consultation(s):**

None



## **Planning Application Report**

### **1 Application Site**

- 1.1 The application relates to an area of land located to the north-eastern edge of Larkhall. The site forms the eastern portion of Larkhall Community Growth Area (CGA) and extends to approximately 46.66 hectares. The site is bounded by roads for much of its extent. The M74 and A72 corridors lie to the north and east of the site and Merryton Road bounds the site to the north-west. Duke Street crosses the site in a north-south direction, linking the centre of Larkhall to the A72/M74 Junction 7. A large area of the site has been developed with the construction of 198 dwellings within Phase 1 of the CGA (HM/16/0198) and the construction of 83 of the 273 approved dwellings within Phase 2 of the CGA (P/19/0362).

### **2 Proposal(s)**

- 2.1 In terms of background information, planning permission in principle was granted for residential development with associated landscaping, roads, neighbourhood centre, community facilities and infrastructure works (with Environmental Impact Assessment) at the Larkhall Community Growth Area (CGA) on 27 May 2014 (HM/13/0352). A Section 42 application to vary condition 1 of planning consent HM/13/0352 to extend the time period for the submission of further application(s) for the approval of matters specified in conditions was approved on 23 April 2019 (P/19/0076). By varying the condition, the permission in principle was renewed for a further three years and was due to expire on 23 April 2022. The current planning application was registered by the Council on 9 March 2022. As discussed above, Phase 1 of the CGA is complete and Phase 2 of the development is partly constructed.

- 2.2 The requirements of Condition 1 of P/19/0076 reads as follows:-

That along with approval of matters specified in conditions applications the matters specified in this condition must be submitted to and approved by the Council as Planning Authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). These matters are as follows:-

- (a) the layout of the site, including all roads, footways, parking areas and open spaces
- (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials
- (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum
- (d) the design and location of all boundary treatments including walls and fences
- (e) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs, including, where appropriate, the planting of fruit/apple trees
- (f) the means of drainage and sewage disposal
- (g) details of the phasing of development (covering all relevant aspects of development detailed in (a) above)
- (h) updated biodiversity surveys

- 2.3 At the time of the submission of the current application the applicant sought to vary the wording of Condition 1 of the above permission to extend the time period for the submission of the further application(s) for the approval of matters specified in

conditions for a further 5 years due to the size of the site and the different landowners involved. However, following discussions with the Planning Service the applicant has since advised that they would be satisfied if the application could be granted with the standard three year time period incorporated into the decision notice via the standard informative for the submission of the matters specified.

### **3 Background**

#### **3.1 Local Plan Background**

3.1.1 The application site is identified as forming part of the Larkhall Community Growth Area within the adopted South Lanarkshire Local Development Plan 2. The site is also identified as a Proposed Housing Site and is covered by the Green Network. The relevant policies in terms of the assessment of this application are Policy 1 - Spatial Strategy, Policy 2 – Climate Change, Policy 5 - Development Management and Place Making, Policy 7 - Community Infrastructure Assessment, Policy 11 – Housing, Policy 13 - Green Network and Greenspace, Policy 15 - Travel and Transport, Policy 16 - Water Environment and Flooding, Policy DM1 - New Development Design, Policy SDCC2 - Flood Risk, Policy SDCC3 - Sustainable Drainage Systems, Policy SDCC4 - Sustainable Transport, Policy DM15 - Water Supply, Policy NHE18 - Walking, cycling and riding routes and Policy NHE20 - Biodiversity.

#### **3.2 Relevant Government Advice/Policy**

3.2.1 In terms of residential development, Scottish Planning Policy (SPP) requires Councils to maintain a five year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity.

3.2.2 Designing Streets – A Policy Statement for Scotland was introduced in March 2010 and marks the Scottish Government's commitment to move away from a standardised engineering approach to streets and to raise the quality of design in urban and rural development. Development layouts should be designed to encourage a safe environment for pedestrians and cyclists with narrower streets, carefully positioned dwellings, landscaping and off-street parking which can be more effective at achieving slower traffic movements. Permeability which encourages walking is now seen as a high priority and footpath links are encouraged to ensure that houses can be easily accessed from main public transport routes.

#### **3.3 Planning Background**

3.3.1 As discussed above, planning permission in principle was granted for residential development with associated landscaping, roads, neighbourhood centre, community facilities and infrastructure works (with Environmental Impact Assessment) at the Larkhall Community Growth Area (CGA) on 27 May 2014 (HM/13/0352). A Section 42 application to vary condition 1 of planning consent HM/13/0352 to extend the time period for the submission of further application(s) for the approval of matters specified in conditions was approved on 23 April 2019 (P/19/0076).

### **4 Consultation(s)**

4.1 No consultations required to be undertaken in relation to this application.

### **5 Representation(s)**

5.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the Hamilton Advertiser under the headings Non-notification of neighbours and as a Bad neighbour proposal. One letter of representation has been received. The matters raised in the representation are summarised as follows:-

- (a) **I firmly object to building homes on this piece of land. There are newts, frogs and bats which are all protected, this should be a nature reserve.**

**Response:** The application has been submitted purely to extend the time period for the submission of further application(s) for the approval of matters specified in conditions. The future development of the site needs to accord with the requirements set out in the Larkhall Community Growth Area - Environmental Statement and also requires the submission of updated biodiversity surveys to identify existing habitats and species, mitigation and enhancement proposals. Appropriately worded conditions are attached to the consent to address these matters.

5.2 This letter is available for inspection on the planning portal.

## **6 Assessment and Conclusions**

6.1 As discussed, the application site is identified as forming part of the Larkhall Community Growth Area within the adopted South Lanarkshire Local Development Plan 2. The site is also identified as a Proposed Housing Site and is covered by the Green Network. The relevant policies in terms of the assessment of this application are Policy 1 - Spatial Strategy, Policy 2 – Climate Change, Policy 5 - Development Management and Place Making, Policy 7 - Community Infrastructure Assessment, Policy 11 – Housing, Policy 13 - Green Network and Greenspace, Policy 15 - Travel and Transport, Policy 16 - Water Environment and Flooding, Policy DM1 - New Development Design, Policy SDCC2 - Flood Risk, Policy SDCC3 - Sustainable Drainage Systems, Policy SDCC4 - Sustainable Transport, Policy DM15 - Water Supply, Policy NHE18 - Walking, cycling and riding routes and Policy NHE20 - Biodiversity.

6.2 In determining this application, consideration must be given as to whether the proposal raises any new issues which would merit the refusal of the application. In terms of local plan policy, whilst it is noted that the previous applications were assessed against the policies and guidance of the South Lanarkshire Local Plan and the South Lanarkshire Local Development Plan there have been no material changes to the aims and objectives of the relevant policies contained within the adopted South Lanarkshire Local Development Plan 2 or the nature of the application following the issue of planning permission HM/13/0352. On this basis, it is considered that the proposal remains acceptable in terms of adopted local plan policies.

6.3 Section 58 of Town and Country Planning (Scotland) Act 1997 states that the planning authority may, in granting planning permission, direct that a longer or shorter period than 3 years may apply. However, the five year time period initially requested for the submission of the matters specified in conditions is not considered to be necessary in this instance. Instead, and with the agreement of the applicant, it is considered that a three year period is a sufficient timescale for the submission of the matters specified and that it would be appropriate to approve the application with the standard informative attached to the consent advising that an application(s) for the approval of matters specified in conditions must be made to the Council before whichever is the latest of the following:-

- (a) the expiry of 3 years from the date on this decision notice
- (b) the expiry of 6 months from date when an earlier application for approval was refused or
- (c) expiry of 6 months from date on which an appeal against the refusal was dismissed

- 6.4 Given the nature of the application no consultations were undertaken in respect of the proposal and in relation to the one representation that was submitted appropriately worded conditions are attached to the consent to address the matters raised.
- 6.5 In summary, it is considered that the proposal complies with local development plan policy and raises no amenity issues or concerns. In view of the above, there is nothing from a planning perspective that would indicate that a different decision to that previously made should now be reached subject to the permission being restricted to the standard three year time period for the submission of further application(s) for approval of matters specified in conditions. The application is considered to be acceptable and it is recommended that planning permission be granted based on the conditions listed.

## **7 Reasons for Decision**

- 7.1 The proposal raises no amenity, environmental or infrastructure issues and complies with Policies 1, 2, 5, 7, 11, 13, 15, 16, DM1, SDCC2, SDCC3, SDCC4, DM15, NHE18 and NHE20 of the adopted South Lanarkshire Local Development Plan 2.

**David Booth**

**Executive Director (Community and Enterprise Resources)**

Date: 5 September 2022

## **Previous References**

- ◆ Planning Committee - 19 November 2019 (P/19/0362)
- ◆ P/19/0076
- ◆ Planning Committee - 23 August 2016 HM/16/0198
- ◆ Planning Committee - 27 May 2014 (HM/13/0352)

## **List of Background Papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 23 March 2022
- ▶ Press advertisement, Hamilton Advertiser dated 31.03.2022

- ▶ Consultations  
None

- ▶ Representations

Dated:

Isabell Gilmour, Received via Email

06.04.2022

## **Contact for further information**

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

Jim Blake, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Phone: 01698 453657  
Email: [jim.blake@southlanarkshire.gov.uk](mailto:jim.blake@southlanarkshire.gov.uk)

### Conditions and reasons

01. That no consent is hereby granted for any of details shown on the plan: Masterplan Framework (dated 06 August 2013).

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

- 02 That the future development of the site hereby approved in principle shall accord with the matters set out within the Larkhall Community Growth Area - Environmental Statement (Volumes 1 - 4) (August 2013), the terms of which are hereby approved and which accordingly, forms part of the planning permission in principle.

Reason: In order to retain effective planning control.

03. That the further application(s) required shall include an updated Noise Assessment (NA) to determine the impact of road traffic noise on the proposed development using the principles set out in "Calculation of Road Traffic Noise" (DoT/Welsh Office, HMSO, 1988) or by a method to be agreed by the Planning Authority. The survey shall take cognisance of the Scottish Government Document: Technical Advice Note Assessment of Noise.

The survey shall be submitted to and approved by the Council as Planning Authority and where potential noise disturbance is identified, it shall include a scheme for protecting the proposed dwellings from road traffic noise. The scheme shall ensure that the internal levels with windows closed do not exceed 40 dB daytime (07:00 - 23:00) and 35 dB night-time (23:00 - 07:00) and the external levels do not exceed 55 dB daytime in any garden areas, when measured as LAeq,T.

Reason: To minimise noise disturbance.

04. That the further application(s) required shall include:

- (a) a comprehensive site investigation, carried out to the appropriate Phase level for the consideration and detailed approval of the Council as Planning Authority. The investigation shall be completed in accordance with advice given in the following:

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

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

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

Reason: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

05. That the further application(s) required above shall include a remediation plan for the relevant site and/or phase.

- (a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.
- (b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.
- (c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.

Reason: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

06. That the further application(s) required shall include a scheme for the control and mitigation of dust for the consideration and detailed approval of the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council. Thereafter, the scheme shall be implemented in accordance with a programme to be agreed in writing with the Council.

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

07. That the further application(s) required shall include details of the storage and collection of refuse within the development for the consideration and detailed approval of the Council as Planning Authority.

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

08. That the further application(s) required shall include a Drainage Assessment in accordance with 'Drainage Assessment - A Guide for Scotland', for the consideration and detailed approval of the Council as Planning and Roads Authority (and the Scottish Government as Trunk Roads Authority).

Reason: To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.

09. That the further application(s) required shall include a detailed scheme for surface water drainage. Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland and with the Council's Sustainable Drainage Design Criteria and requirements and shall be agreed in writing with the Council as Planning Authority in consultation with SEPA.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

10. That prior to any work starting on site, or as otherwise agreed, the submitted Flood Risk Assessment, shall be the subject of independent verification, in accordance with the Council's current design criteria, which should be submitted to and approved in writing by the Council as Planning and Roads Authority in consultation with SEPA.

Reason: To ensure that there will be no increased risk of flooding to land and properties.

11. That the further application(s) required shall include written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.

Reason: To ensure the provision of a satisfactory sewerage system.

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

Reason: To ensure the provision of a satisfactory sewerage system.

13. That the further application(s) required shall include an Outdoor Access Plan for the provision of walking, cycling and horse riding for the consideration and detailed approval of the Council as Planning Authority, comprising:-

- (a) A plan at an appropriate scale indicating the location and alignments of all existing formal and informal access routes, paths and tracks within and across the site and including linkages with adjacent areas;
- (b) A report detailing the existing condition of those routes;
- (c) An assessment of current levels of use, types of user and purpose of trips, together with a reasoned estimate of how this might change as a result of the development or otherwise;
- (d) A plan at an appropriate scale indicating the proposed scheme of access routes for walkers, cyclists and horse riders [as appropriate] including linkages with adjacent areas;
- (e) A statement showing how this scheme complies with the requirements of the Disability Discrimination Act 1995;

- (f) Detailed specifications for the construction of all routes, and for all associated artefacts and structures such as seating, cycle racks, lighting, handrails, access controls, signage and interpretation;
- (g) A programme for completion and subsequent maintenance.

No work shall commence on site until the written approval of the Council as Planning Authority has been given.

Reason: To ensure that development makes appropriate provision for outdoor access and to achieve the completion and subsequent maintenance of the access proposals within an appropriate timescale.

- 14. That the further application(s) required shall include a scheme for the provision of equipped play area(s) within the application site for the consideration and detailed approval of the Council as Planning Authority and this shall include : (a) details of the type and location of play equipment, seating and litter bins to be situated within the play area(s); (b) details of the surface treatment of the play area, including the location and type of safety surface to be installed; (c) details of the fences to be erected around the play area(s); and (d) details of the phasing of these works.

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

- 15. That unless otherwise agreed, the developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Council as Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

Reason: In order to safeguard any archaeological items of interest or finds.

- 16. That the further application(s) required shall include the detailed design of all roads and transportation infrastructure improvements identified in the Transport Assessment, or in subsequent discussions with Roads and Transportation Services, and required by the Council as Roads Authority (and Transport Scotland as Trunk Roads Authority). These details shall be agreed with the Council as Planning Authority (in consultation with Roads and Transportation Services and Transport Scotland as Trunk Roads Authority).

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

- 17. That the design and layout of all new infrastructure and improvements shall be designed in accordance with the "Design Manual for Roads and Bridges" and the Council's "Guidelines for Development Roads".

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



18. That the further application(s) required shall include details of the Bus Service Strategy, required by virtue of Condition 18 above and should cover details in respect of:-
- i) plans that detail the roads, cycleways and footways associated with that particular phase of the development;
  - ii) the frequency and routing of new/amended bus services
  - iii) details of bus infrastructure design for that phase of development including lay-by, shelter (with a power supply), pole and lighting details;
  - iv) location/position of bus stops and bus layover; and
  - v) a temporary bus turning circle at an appropriate location, at the end of each phase of the development.

Reason: These details have not been submitted or approved.

19. That the further application(s) required shall include updated biodiversity surveys to identify existing habitats and species, mitigation and enhancement proposals, action plan for implementation and phasing of work and future maintenance/management arrangements. This shall be submitted to and approved in writing by the Council as Planning Authority and any future works or actions shall thereafter be carried out in accordance with the approved scheme.

Reason: These details have not been submitted or approved.

20. That a Landscape Plan shall be submitted to the Council as Planning Authority for written approval and it shall include:
- (i) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs;
  - (ii) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development;
  - (iii) details and specification of all trees, shrubs, grass mix, etc.;
  - (iv) details of any top-soiling or other treatment to the ground;
  - (v) sections and other necessary details of any mounding, earthworks and hard landscaping;
  - (vi) proposals for the initial and future maintenance of the landscaped areas;
  - (vii) details of the phasing of these works;
  - (viii) detailed specifications for all soft and hard landscape features including new trees and shrub planting, hard and soft surface treatments, other amenity features (seating, lighting, sculpture, water features etc);
  - (ix) arrangements for structural landscape area (existing and proposed woodland, new greenbelt boundaries, public open space/buffer zones)
  - (x) a woodland management and maintenance scheme;
  - (xi) management and maintenance prescriptions for all areas of open space, community, public realm, woodland and greenbelt areas; and
  - (xii) proposals for the maintenance of all areas of open space within the development;
  - (xiii) detailing the relationship of the proposed landscape features with adjacent proposals and existing facilities.

Reason: These details have not been submitted or approved.

21. That unless otherwise agreed, prior to the occupation of the first residential property details of a welcome pack outlining public transport and active travel options including links to and locations of local services shall be submitted to and approved by the Council as Planning Authority to encourage sustainable travel to and from the development.

Reason: These details have not been submitted or approved.

22. That notwithstanding the terms of Condition 19 above, if Tile Cottage and its outbuilding are to be demolished or modified a bat activity survey (dusk and/or dawn survey during the bat activity season (April - September inclusive) shall be undertaken to determine whether there is a bat roost present in the buildings. The bat survey in addition to a bat protection plan shall be submitted for the consideration and detailed approval of the Council as Planning Authority in consultation with SNH. Thereafter, the recommendations of the approved bat survey and bat protection plan shall be implemented to the Council's satisfaction.

Reason: To ensure the protection of existing habitats within the site.

23. That notwithstanding the terms of Condition 19 above, the further application(s) required shall include an updated badger survey and a badger protection plan containing detailed information on habitat enchantment proposals in addition to the other mitigation measures proposed for badgers for the consideration and detailed approval of the Council as Planning Authority in consultation with SNH. Thereafter, the recommendations of the approved badger survey and badger protection plan shall be implemented to the Council's satisfaction.

Reason: To ensure the protection of existing habitats within the site.

24. That in the event that it is determined that any trees with bat roosting potential are required to be felled, prior to felling a bat survey (dusk and/or dawn survey during the bat activity season (April - September inclusive) shall be undertaken to determine whether there is a bat roost present in the trees. The bat survey shall be submitted for the consideration and detailed approval of the Council as Planning Authority in consultation with SNH. Thereafter, the recommendations of the approved bat survey shall be implemented to the Council's satisfaction.

Reason: To ensure the protection of existing habitats within the site.

25. That an updated otter survey shall be submitted for the consideration and detailed approval of the Council as Planning Authority in consultation with SNH if more than 1 year passes between the date of the survey incorporated in the Environmental Statement compiled by Enviro Centre (August 2013) and the submission of any detailed or matters specified in conditions application.

Reason: To ensure the protection of existing habitats within the site.

26. That the mitigation measures as stated in section 5.6 of the Environmental Statement compiled by Enviro Centre (August 2013) shall be implemented throughout the construction and post-construction phases of the development to the Council's satisfaction.

Reason: To ensure the protection of existing habitats within the site.

27. That no part of the development shall be occupied until the sewerage scheme associated with the relevant phase of the development is constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.

Reason: To ensure the provision of a satisfactory sewerage system.

28. That the further application(s) required shall include a detailed Design Statement for the consideration and detailed approval of the Council as Planning Authority. The Design Statement shall set out the design principles, justify the design solution and show how the proposal responds to the wider context of the area as well as the characteristics of the site and shall demonstrate the extent to which the proposed development conforms with the guidance set down within the Masterplan.

Reason: In order to retain effective planning control.

29. That prior to the submission of the further application(s) required, intrusive site investigation works shall be undertaken to establish the exact situation regarding coal mining legacy issues on the relevant application site to the satisfaction of the Council as Planning Authority in consultation with The Coal Authority.

Reason: To ensure the safety and stability of the proposed development.

30. In the event that the site investigations required under Condition 29 above confirm the need for remedial works the required remedial works shall be undertaken prior to any dwellings being occupied to the Council's satisfaction.

Reason: To ensure the safety and stability of the proposed development.

31. That within 12 months, or as otherwise agreed, of the consent being issued the developer shall submit details of the phasing of the development for the consideration and detailed approval of the Council as Planning Authority, and no work shall begin until the phasing scheme has been approved in writing unless otherwise agreed by the Council. Following approval, the development shall be implemented in accordance with any approved scheme.

Any submitted phasing plan shall detail the development of the site including proposals for the implementation of infrastructure works (including off-site road works), road access and public transport provision. The plan requires to take cognisance of the rate of build-out of the development and its proposed phasing and should identify what improvements require to be implemented before any phase of the development is occupied.

Reason: In order to retain effective planning control.

32. That an intrusive ground investigation shall be undertaken supervised by suitably experienced and qualified consulting engineers and a comprehensive report shall be submitted for the consideration and detailed approval of the Council as Planning Authority with the further application(s) required. The report shall consider all the relevant geotechnical matters including ground stability, mining support, groundwater, environmental issues and the requirements for structures roads and footpaths. The report shall contain recommendations for dealing with any geotechnical constraints and these shall be included in the design of the development all to the satisfaction of the Council.

Reason: In order to retain effective planning control and to ensure that the ground conditions and associated constraints identified in the EIS are suitably incorporated into the design of the development.

33. That the further application(s) required shall include an updated Noise Assessment (NA) to determine the impact of noise from The Go-Kart Race Track on the proposed development using the principles set out in British Standard BS 4142:1997 - Method for Rating Industrial Noise affecting Mixed Residential and Industrial Areas, or a method agreed by the Planning Authority. The NA shall be submitted to and approved by the Planning Authority and shall identify:

- 1) the maximum Rating Levels and,
- 2) the minimum Background Noise Level to which any part of the development will be exposed.

The Background Noise Level for the most noise sensitive period that the source could operate shall be used for this assessment. Where the Level of Significance as described within the Scottish Government Document:

Technical Advice Note Assessment of Noise, identifies changes in noise as moderate or greater (assessed with windows open), a scheme for protecting the proposed dwelling(s) from industrial / stationary noise shall be submitted to, and approved by, the Planning Authority.

Reason: To minimise noise disturbance to adjacent properties.

34. That the further application(s) required shall include a Habitat Management Plan for the whole site for the consideration and detailed approval of the Council as Planning Authority.

Reason: To ensure there is no adverse impact on native habitats and species.

35. Prior to the occupation of the 191st dwelling, the alterations to the junction of A72 Lanark Road / M74 Junction 7 southbound off slip and northbound on slip, which shall include the installation of traffic signals which shall incorporate queue detection on the on slip, MOVA (Microprocessor Offset Vehicle Actuated) control and widening of the carriageway on the A72 overbridge. Junction design to be generally in accordance with Dougall Baillie Associates Drawing no. 13069-SK-06 and to be submitted for approval and there after implemented by the applicant to the satisfaction of the Council as Planning and Roads Authority and in consultation with Transport Scotland and in accordance with the Design Manual for Roads and Bridges (DMRB).

Reason: In the interest of public and road safety.

36. Prior to the occupation of the 550th dwelling, alterations to the M74 Junction 7 northbound on slip (interim improvement) generally in accordance with Dougall Baillie Associates Drawing no. 13069-SK-21 shall be submitted for approval and thereafter implemented by the applicant to the satisfaction of the Council as Planning and Roads Authority and in consultation with Transport Scotland and in accordance with the Design Manual for Roads and Bridges (DMRB).

Reason: In the interest of public and road safety.

37. The development shall be restricted to 550 dwellings until such time as an agreement on the mechanism for the delivery of further upgrades to the M74 northbound on slip and southbound off slip, generally as illustrated on Dougall Baillie Associates Drawing Numbers 13069-SK-22 and 13069-SK-24, has been reached between the Council as Planning Authority and/or Transport Scotland and in accordance with the requirements of the Design Manual for Roads and Bridges (DMRB). The agreed mechanism shall define all aspects of phasing, calculating contribution levels, procurement and delivery for the identified works.

Reason: In the interest of public and road safety.

38. That the further application(s) required shall include details of the boundary treatment between the site and the M74 for the consideration and detailed approval of the Council as Planning Authority, in consultation with Transport Scotland.

Reason: In the interest of public safety.

39. That the further application(s) required shall include a full Safety Audit, in accordance with the Institute of Highways and Transportation Guidelines, for the consideration and detailed approval of the Council as Planning and Roads Authority for all infrastructure to be constructed and adopted, or altered, on the public road.

Reason: These details have not been submitted or approved.

40. That any new traffic signal installation or alterations to the existing traffic signal network shall be undertaken by the Council's Traffic Signal Maintenance Contractor and connected to the existing Remote Monitoring System to the satisfaction of the Council as Planning and Roads Authority. Costs associated with this shall be funded by the applicant.

Reason: In the interest of public and road safety.

41. That the further application(s) required shall include a detailed internal layout of the residential development in accordance with "Designing Streets" policy, the Councils "Guidelines for Development Roads" including the "Interim Guidance" of January 2011 for the consideration and detailed approval of the Council as Planning and Roads Authority.

Reason: These details have not been submitted or approved.



