

Report

Report to:	Planning Committee
Date of Meeting:	5 September 2023
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/22/0345
Proposal:	Change of use of farm steading to form two dwellings, restoration of farmhouse to form one dwelling, erection of three dwelling houses and associated access improvements (renewal of planning application P/18/0374)
Site Address:	Orchard Farm Waygateshaw Road Carluke
Applicant:	Taylor Homes (Scotland) Limited
Agent:	Taylor Homes (Scotland) Limited
Ward:	01 Clydesdale West
Application Type:	Full Planning Permission
Advert Type:	Non notification of neighbours and development affecting the setting of Listed Building: Lanark Gazette 27 April 2022
Development Plan Compliance:	Yes
Departures:	None
Recommendation:	Grant Subject to Conditions
Legal Agreement:	Not Required
Direction to Scottish Ministers	Not Required

1. Reason for Report

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

2. Site Description

- 2.1. The application site is situated in the designated green belt between Crossford and Braidwood on a small plateau above the River Clyde. It is enclosed by mature woodland and sloping ground to the south and east, whilst to the west, the land falls to the River Clyde floodplain. To the south-west of the farm steading lie the listed buildings of the Italian Garden and Orchard House Nursing Home. These properties are screened from the steading buildings by the nature of the local topography and mature woodland.
- 2.2. To the west and south of the steading group, the fields were planted with orchard trees and the presence of a number of ancillary potting or storage sheds are evidence that the orchards were at one time run commercially. The lack of maintenance, time and grazing by horses have all affected the vitality of the trees within the orchards. However, the remnants provide an appreciation of the history and special character of Orchard Farm.
- 2.3. Access to the steading is taken from the unclassified Waygateshaw Road via an unsurfaced access track which continues down the north side of the steading, to the orchards to the south and west of the farmhouse. A private driveway to Orchard House adjoins the site to the south.

3. Description of Proposed Development

- 3.1. The applicant seeks renewal of planning permission P/18/0374 (itself a renewal of the original Planning Permission CL/12/0180) which was granted on 7 March 2019 for the restoration and conversion of Orchard Farm to form three dwellings and the erection of three new dwellings. These new houses would be situated in the Farm's former orchard to the west and in a field to the south-east. Orchard Farm is a former farm steading listed as Category B for its architectural merit and lies within the Green Belt.
- 3.2. The restoration works involve the infilling of doorways and formation of new window openings where required. Parking would be around the outside of the courtyard, along with other infrastructure provision. Listed Building Consent P/22/0420 for the works to convert and renovate the listed buildings was approved under delegated powers in October 2022.
- 3.3. In addition, the applicant proposes to erect 3 individually designed detached houses. They are identified as enabling development associated with the conversion and renovation of the listed farm buildings. The first property would be located 80 metres to the front (or west elevation) of the original farmhouse and partly in the orchard. A second property would be constructed next to the farm steading, in a paddock to the north-west, 70 metres from the farm steading at the closest point. These two dwellings would be accessed from the private track which currently serves Orchard Farm. In order to afford privacy to the occupants of the conversion, this track would be deviated slightly to the north. The third dwelling would be constructed on lower ground to the south-east of Orchard Farm, which historical maps identify as being the location of a curling pond. This house would be accessed from the private road which serves Orchard House Nursing Home, Orchard House Lodge and the Italian Garden. The access would require a culvert across a small burn and reconfiguration of ground levels to form a level platform for the house and detached garage.

- 3.4. Within a Design and Access Statement, submitted as supporting information with the original Planning Application CL/12/0180, the applicant advised that the age of the trees within the orchard adversely affect its viability, and that the orchard would be replanted along with the introduction of hedging to provide screening.
- 3.5. The new-build houses are all two-storey, however, each would have a different design. Two of the houses would have five bedrooms, while the largest would have six. In addition, houses 1 and 2 would have detached garages. The external walls would use a mixture of three materials - stone, slate walling, and weatherboarding, while the roofs would be slate or due to roof designs, metal cladding.

4. Relevant Planning History

- 4.1. Planning permission (CL/12/00180) was granted on 1 April 2015 for the restoration and conversion of the farmhouse and steading and for the three new dwellings as enabling development (renewed by Planning Permission Planning P/18/0374 on 1 April 2019).
- 4.2. A report recommending the removal of the need for a Section 75 planning obligation and amendment to planning conditions which were attached to the planning permission (Ref. CL/12/0180) was approved by the Planning Committee in January 2015.
- 4.3. Listed Building Consent (Ref. CL/12/0292) for the restoration and alteration of the B-Listed farmhouse and steading was granted in August 2013. After it expired, another Listed Building Consent (Ref. P/22/0420), for the same proposal was granted in October 2022.
- 4.4. The current application was submitted on 9 March 2022 prior to the expiration of the first renewal. This represents the second renewal. It should be noted that even if a renewal had not been submitted prior to the original expiration period, the associated Town and Country Planning (Emergency Period and Extended Period (Coronavirus) (Scotland) Regulations 2021 extended planning permissions which would otherwise have lapsed during the emergency period until March 2023.

5. Supporting Information

- 5.1. In support of the planning application, the applicant has submitted:-
- i) Orchard Farm Refurbishment Costs, March 2023 – provides updated construction costs and estimated sales value
 - ii) NPF4 Supporting Statement - this sets out policy context in terms of NPF4 and seeks to justify the proposal

6. Consultations

- 6.1. Environmental Services – no objections subject to conditions covering contaminated land investigations, site remediation and informatives relating to construction noise, nuisance, asbestos, pest control, contaminated land register and use of septic tank.
Response - Noted.
- 6.2. Flood Unit – Recommend that a condition should be attached requiring the installation of a Sustainable Urban Drainage System (SUDS) to ensure the post development surface water run-off is managed appropriately.
Response – Noted.

- 6.3. Roads and Transportation Services – No objection to the proposed development subject to conditions relating to access, visibility, and drainage.
Response - Noted.
- 6.4. The Coal Authority – The Coal Authority concurs with the recommendations of the previously submitted Coal Mining Risk Assessment; that coal mining legacy potentially poses a risk to part of the proposed development and that intrusive site investigation works should be undertaken prior to development to establish the exact situation regarding coal mining legacy issues on the site. They have no objection to the proposed development subject to the imposition of conditions requiring intrusive investigations and site remediation/mitigation measures at Plot 3 of the proposed development.
Response - Noted.
- 6.5. Historic Environment Scotland (HES) – HES commented on the Listed Building application (Ref. P/22/0420) for the conversion and restoration of the B-Listed farmhouse and steading and offered no objections.
Response – Noted.
- 6.6. Scottish Environmental Protection Agency (SEPA) - No objection. No Flood Risk issues were identified by South Lanarkshire Council in the original application. If there are flood risk concerns, SEPA should be reconsulted, stating the nature of flood risk issues at this site.
Response - Noted.
- 6.7. West of Scotland Archaeology Service – No Objection. Orchard Farm was depicted on the 1st edition Ordnance Survey map and the placename ‘Orchard’ appeared on Roy’s Military Survey of Scotland 1747-55. The current farm buildings may have been erected in the 19th century to replace an earlier pre-improvement settlement. A pre-start condition is required to ensure that a programme of archaeological works is implemented.
Response – Noted.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement in the local press, a total of 7 objections have been received. The issues raised are summarised as follows:-

Objections:-

Amenity

- ◆ Detract from the character and appearance of the rural area.
- ◆ The three additional dwellings detract from the original character of the existing buildings and its setting.

Land Use Concerns

- ◆ Contrary to Local Plan policies, in particular, Policy 2 ‘Climate Change’.
- ◆ The site lies within greenbelt and a Special Landscape Area.

Impact on Natural and Historic Environment

- ◆ Not possible to assess the impact upon a Listed Building.
- ◆ Loss of habitat.
- ◆ There is an abundance of wildlife, and more development reduces habitat and stresses wildlife.

Roads Related Matters

- ◆ Impact upon traffic safety.
- ◆ Not demonstrated how access to the greenspace network is provided or indeed is currently protected.
- ◆ Deteriorating condition of the road.

Other Matters Raised

- ◆ Repeat of previous refusal.
- ◆ The site is an agricultural unit and not vacant development land.
- ◆ Future pressure on electricity infrastructure.

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

- ◆ The proposal is not supported by demand.
- ◆ Sufficient planning permissions elsewhere.

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

8. Development Plan

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

8.2. National Planning Framework 4

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

The relevant NPF4 policies are as follows:-

- ◆ Policy 1 Tackling the climate and nature crises
- ◆ Policy 2 Climate mitigation and adaptation
- ◆ Policy 3 Biodiversity
- ◆ Policy 4 Natural places
- ◆ Policy 7 Historic assets and places
- ◆ Policy 8 Green belts
- ◆ Policy 14 Design, quality and place
- ◆ Policy 15 Local Living and 20 minute neighbourhoods

8.3. South Lanarkshire Local Development Plan 2 (SLLDP2)

For the purposes of determining planning applications, the Council will, therefore, also assess proposals against the policies contained within the adopted SLLDP2.

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

SLLDP2 Volume 1 Policies

- ◆ Policy 2 Climate Change
- ◆ Policy 4 Green Belt and Rural Area
- ◆ Policy 5 Development Management and Placemaking
- ◆ Policy 14 Natural and Historic Development

SLLDP2 Volume 2 Policies

- ◆ Policy GBRA1 Rural Design and Development
- ◆ Policy GBRA4 Conversion and Re-use of Existing Buildings
- ◆ Policy DM8 Enabling Development
- ◆ Policy NHE3 Listed Buildings
- ◆ Policy NHE16 Landscape

9. Guidance

9.1. None

10. Assessment and Discussion

10.1. Government guidance states that applications to renew existing consents should be granted unless:-

- (i) there has been a material change in planning circumstances since the original permission was granted;
- (ii) there is a continued failure to commence the development and it would contribute unacceptably to uncertainty about the future pattern of development in the area; and/or,
- (iii) if the application is premature because the permission still has a reasonable time to run.

10.2. Since the previous renewal was issued in April 2019, the South Lanarkshire Local Development Plan 2 was adopted in January 2021 and the National Planning Framework4 (NPF4) was published in February 2023. The relevant development plan policies against which this renewal should be assessed are listed in paragraphs 8.2 and 8.4 above, whilst the assessment of these policies will be considered below.

10.3. Principle of Development

The proposal involves the re-use and rehabilitation of an important B-Listed building and although there is no specific reference to necessary enabling development in Policy 8 of NPF4, this is referred to and justified under the terms of Policy 7 Historic assets and places, which the proposal is considered to comply with.

10.4. The character of the established countryside and landscape will not be adversely affected, the new build element has been appropriately designed and sited, the restoration works, and planting scheme will enhance environmental quality and the purpose of the green belt will not be undermined. In this instance, the long-term future of an important historic asset within the green belt cannot be secured without enabling development in the same location to contribute to the significant costs of the listed building refurbishment. The retention of this heritage asset, and the means to bring that retention about, are therefore considered to enhance the landscape character and long-term environmental quality of the green belt in this location.

- 10.5. In terms of Local Development Plan (LDP) policy, the application site lies within the green belt and is subject to assessment against Policy 4 - Green Belt and Rural Area. This states that the purpose of the green belt is to: direct development to the most appropriate locations and support regeneration, protect and enhance the character, landscape setting and identity of the settlement, protect and provide access to open space. Development which does not require to locate in the countryside will be expected to be accommodated within the settlements identified on the proposals map. There are several instances where small scale residential developments could be acceptable set out in LDP and, in this case, the relevant policies are described below.
- 10.6. GBRA4 Conversion and Re-use of Existing Buildings list a range of criteria which are relevant to the proposal and are as follows:-
1. Buildings shall be of a local, visual or historical merit which generally relates to traditionally constructed buildings.
 2. Buildings shall be suitable for conversion and a structural survey submitted to determine the condition of the building to demonstrate that it is capable of conversion to the proposed use.
 3. The structure, form, setting, historic and architectural integrity of the original buildings shall be respected and preserved so that they retain their traditional appearance after conversion.
 4. Any alterations, extensions or increase in height of the original building shall be carried out sympathetically without detrimentally affecting the proportions or character of the original building.
- 10.7. It has already been established by the previous renewal, Listed Building Consent and Planning Permission and structural survey (submitted as supporting information with the original planning application), inspections and protective works undertaken to date that the conversion and alterations are appropriate.
- 10.8. Policy DM8 - Enabling Development advises that proposals for single houses or small-scale housing shall be considered where it is required to fund works to a Listed Building or other significant historical asset. Proposals will be required to meet the following criteria:-
- ◆ It requires to be demonstrated that this is the only means to prevent the loss of the asset and secure its long-term future.
 - ◆ Evidence is required in all cases to demonstrate that other sources of funding have been pursued and why these are unavailable or unable to fully fund the project.
 - ◆ Any new development shall be the minimum necessary to bridge any gap in funding to achieve the works required.
 - ◆ A business plan will be required. The expected demand and sale price of the proposed dwelling(s) shall be evidenced and based on a local market assessment.
 - ◆ The development shall be designed and sited carefully to preserve and enhance the character and setting of the historical asset and the surrounding landscape or townscape.
 - ◆ The location, siting and design of the new house(s) shall meet existing design policy and guidance as set out in SLLDP2 and supporting planning guidance.

In all cases, a Section 75 obligation and/or planning condition will be required to control the phasing of the works in relation to the proposed dwellings.

10.9. The case for justifying the enabling development is set out below, relating to Policy 7 – Historic assets and places. Compliance with relevant historic environment policies is also discussed below. Conditions to control phasing will be applied in the event approval is granted. In consideration, the proposed development complies with Policies 4 - Green Belt and Rural Area, GBRA4 – Conversion and Re-use of Existing Buildings and DM8 – Enabling Development of the LDP.

10.10. Climate Change

NPF4 Policy 1 requires that when considering all development proposals, significant weight will be given to the global climate and nature crises. NPF4 Policy 2 Climate Change and Mitigation expands on this, requiring all new developments to be sited and designed (1) to minimise lifecycle greenhouse gas emissions as far as possible and (2) to adapt to the current and future risks from climate change. In the absence of a methodology for measuring the emissions which would result from the proposed buildings, it is considered appropriate at this time to instead consider the general sustainability of the proposal in land-use planning terms (whether the conversion of existing building and associated new build enabling development is supportable when assessed against other relevant policies in NPF4) and use that as an indicator about whether or not it is likely to minimise emissions and adapt to current and future impacts of climate change.

10.11. Policy 2 Climate Change seeks to minimise and mitigate against the effects of climate change by considering various criteria including: being sustainably located; reuse of vacant and derelict land; avoidance of flood risk areas; incorporating low and zero carbon generating technologies; opportunities for active travel routes and trips by public transport; electrical vehicle recharging infrastructure and where appropriate connection to heat networks. The site is not at risk of flooding. If Planning Permission is granted, conditions will be attached requiring the submission and approval of details for low carbon technology, for a tree planting scheme, protection measures for retained trees and the installation of electric vehicle charging points. The proposal involves the re-use of a vacant building which ties in with the objectives of sustainability. In consideration, the proposals would not undermine the objectives of Policy 2.

10.12. Layout, Siting and Design

Policy 14 Design, quality and place advises that development proposals will be supported where they are consistent with the six qualities of successful places which are: healthy, pleasant, connected, distinctive, sustainable and adaptable.

10.13. The conversion of the farmhouse and steading finds a new use for the structure and represents a sustainable adaptation of an important built heritage resource, thereby securing its long-term future. The new dwellings will be located a respectful distance from the Listed building and will integrate successfully, without impacting upon amenity or the rural character of the area. In consideration the proposed development complies with Policy 14 of NPF4.

10.14. Policy 15 Local Living and 20 minute neighbourhoods states: *‘Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to: sustainable access (including local public transport and safe, high quality walking, wheeling and cycling networks), employment, shopping, health and social care facilities, schools and play areas.’*

- 10.15. The site is in countryside some distance from the nearby settlement of Crossford and is not capable of achieving many of the characteristics of the 20-minute neighbourhood or achieving wider local-living aspirations. Notwithstanding this, for the fit able pedestrian there is a path from the site down to the river edge where it joins the Clyde walkway, a good quality path connecting through to Crossford, where a range of services/facilities can be accessed. In view of the circumstances described, the proposal does not fully accord with the aims and intent of Policy 15 of National Planning Framework 4.
- 10.16. The proposed development has also been considered against Policies 5 'Development Management and Place Making' and GBRA1 'Rural Design and Development'. Overall, the layout, design and appearance of the proposals are considered to be acceptable.
- 10.17. In their consultation response, Roads and Transportation Services have not raised any public or traffic safety concerns subject to appropriate conditions. Conditions are recommended to ensure there will be no significant impact upon landscape features, valuable habitats, or protected species. A development of this size will not impact upon infrastructure, services or capacity within schools serving the local catchment.
- 10.18. Although concerns were raised about future pressure on electricity infrastructure, there is no evidence to substantiate these concerns and ultimately, it is the responsibility of energy providers to ensure the supply is uninterrupted. There will be no identified impact upon the existing path network and should planning consent be granted, a condition would be utilised requiring details of public access across the site. There would not be an adverse impact on neighbouring residential amenity due to overlooking and overshadowing and the level of light emission will not be significant, being similar to that omitted from existing properties. The proposal is therefore satisfactory in terms of Policies 5 and GBRA1 of the LDP.
- 10.19. Natural and Historic Heritage
NPF4 Policy 3 Biodiversity states that development proposals should contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats, and building and strengthening nature networks and the connections between them. The original application (CL/12/0180) was supported by an ecological assessment which contains recommendations relating to the protection and enhancement of wildlife, habitats and flora. A protected species survey was also carried out prior to the determination of the original application in July 2012 which made various recommendations. Consequently, the relevant planning permission included a condition requiring an update to the ecology report. That condition will be replicated in any consent to be issued and will include a requirement for any mitigation measures proposed in the report to be implemented. Biodiversity would be further enhanced by a proposed tree planting scheme and retained trees on site would be protected by condition. Overall, the proposal would comply with the objectives of this policy subject to compliance with all said conditions, and the implementation of the recommendations contained within an updated ecological assessment.
- 10.20. NPF4 Policy 4 Natural Places is of relevance due to the site falling within a designated Special Landscape Area as identified in the adopted Local Plan. The policy states '*Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where: Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified*'. The siting of the new houses would respect the historic development pattern in this part of the Clyde Valley and would not appear out of place. They are sited so that the setting of the steading would not be adversely affected. In

addition, existing trees, and proposals to reinforce this planting including the restoration of an historic orchard would further aid the integration of the development.

10.21. The scale, materials and design of the three new dwellings reflects some of the characteristics found in the local rural area and the mix of materials and building proportions add a modern interpretation to construction rather than being a pastiche of the listed buildings. In addition, the site is reasonably self-contained and the new houses would not be noticeably prominent in the setting of the wider landscape. The backdrop of the existing farm steading and undulating topography, along with tree planting should ensure visual containment of the proposals in the surrounding landscape and, as such, the proposal will not have an adverse impact upon the qualities and character of the designated Special Landscape Area. Therefore, the proposal is considered acceptable with regards to Policy 4 of NPF4.

10.22. NPF4 Policy 7 Historic assets and places states '*Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest. Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported. Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is:-*

- i. essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and*
- ii. the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place.*

The beneficial outcomes for the historic environment asset or place should be secured early in the phasing of the development and will be ensured through the use of conditions and/or legal agreements'.

10.23. Orchard Farm and steading is a B listed building which has been on the buildings at risk register since 1998. In the intervening period since the original approval, an agreed schedule of protective works was undertaken to protect the fabric and structure of the building although there are still signs of deterioration. In the case of Orchard Farm, a full assessment of the proposal to convert it into three dwellings has been carried out through the associated Listed Building Consent (P/22/0420), granted October 2022, which concluded that the principle of conversion was acceptable.

10.24. In support of the original planning application, the applicant has submitted: a financial costing for the renovation and conversion works, received May 2013 and an economic justification for the three new dwellings. Orchard Farm Refurbishment Costs were updated in March 2023 and submitted as supporting information.

10.25. In summary, the applicants have submitted that the three new houses are required to enable the conversion of the listed buildings. A detailed case has been provided by the applicant showing the costs of undertaking the refurbishment works to the listed buildings, along with their projected valuations based on current market values and the quality of the works proposed to the steading. This demonstrates that there would be a significant conservation deficit which would make the conversion of the steading on its own financially unviable. This in turn would likely result in the listed buildings remaining vacant and a potential deterioration in their condition.

- 10.26. Conditions are recommended to ensure: that all protective works are completed and maintained prior to the sale/occupation of the proposed new dwellings; approval of phasing details prior to the commencement of development and; approval of external finishes/colours. In view of the above assessment, the proposal complies with Policy 7 of NPF4.
- 10.27. Policy 14 – Natural and Historic Environment advises that the Council assess all development proposals in terms of their impact on the natural and historic environment, including biodiversity, geodiversity, landscape and townscape. In Category 3 areas (which includes B and C listed Buildings their settings and Special Landscape Areas) development which would have a significant adverse impact following the implementation of mitigation measures will only be permitted where the effects are outweighed by significant social or economic benefits. Where possible, any development proposals which affect natural and historic designations should include measures to enhance the conservation value of the site affected.
- 10.28. Policy NHE3 – Listed Buildings states development affecting the setting of a Listed Building shall seek to preserve its setting. The layout, design, materials, scale, siting and use of any development shall be sensitive to and respect the character and appearance of the Listed Building and its setting.
- 10.29. Policy NHE16 – Landscape advises that development proposals within Special Landscape Areas will only be permitted where they can be accommodated without having an unacceptable significant adverse effect on the landscape character, scenic interest and special qualities and features for which the area has been designated. All proposed development should take into account the detailed guidance contained in the South Lanarkshire Landscape Character Assessment 2010. The site falls within the Incised River Valley Landscape/Broad Valley Floor character type where settlement encroachment and suburban residential development is discouraged. The character of these areas would be very sensitive to any measures which resulted in the loss of natural river landscapes, or the introduction of modern, engineered structures.
- 10.30. The characteristic of the landscape around the Orchard Farm area is of mature woodland with narrow roads bordered by established hedgerows meaning that views of the new build houses would be restricted to the immediate locality around Orchard Farm. The new build element of the proposal will be viewed against a backdrop of mature woodland on the western boundary which screens Orchard Farm from views from the A72. Views of the development from within the Special Landscape Area will therefore be restricted to the immediate locality. No historic or landscape features which contribute to landscape quality would be affected by the new dwellings and tree/hedgerow retention, and a scheme of tree planting and orchard restoration will ensure further integration of the development into its setting.
- 10.31 In terms of the impact on landscape character, there are similar low density residential developments nearby and, as such, this proposal can be integrated without appearing out of place. Restoring an important Listed Building and saving it from dilapidation and continuing deterioration is a positive outcome which will enhance the character of the local area. Assessment of details associated with the conversion works to the listed buildings are acceptable and are subject of Listed Building Consent P/22/0420, granted in October 2022. The Special Landscape Area of the Clyde Valley will therefore not be adversely affected. The conversion of the listed buildings complies with the Policy in that their use as dwellings would ensure their longevity. In considering the above the proposal complies with Policies 14, NHE3 and NHE16 of the LDP.

11. Recommendation and Conditions

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

Grant subject to conditions:-

01. That:-

- i) there will be no marketing for sale of any of the three new build dwellings permitted in terms of this Consent or the plots on which the said new build dwellings are to be constructed, (which new build dwellings and the plots are hereinafter referred to as "the new dwellings") where "marketing for sale" means any advertisement for sale irrespective of the marketing medium employed or any invitation to sell or otherwise dispose of any ownership interest whatsoever in any of the new dwellings, whether on the open market or not, or any offer from any party to acquire any ownership interest whatsoever in any of the new dwellings; and
- ii) in the event that there is no marketing for sale, there will be no disposal, sale or lease of any of the new dwellings nor other transfer of any ownership interest whatsoever in any of the new dwellings, and
- iii) there will be no commencement of operations on the application site as outlined in red on the approved plan, before and until (First) all of the works specified in the Protective Works Schedule, Orchard Farm dated April 2015 (the "Schedule") and submitted by the applicant to the Council as Planning Authority are carried out and completed to the specification as set out in the Schedule and (Second) the Council as Planning Authority, acting reasonably, have confirmed in writing that the Council, as Planning Authority, is fully satisfied that works as set out in the Schedule have been carried out and completed.

Following the issue by the Council as Planning Authority of written confirmation in terms of 1 (Second) above, the works as set out in the Schedule will be maintained to the satisfaction of the Council as Planning Authority until the Council as Planning Authority has confirmed in writing that the whole development permitted by this Consent is completed in full.

Reason: To ensure the proper and timeous repair of the listed buildings and to retain effective planning control.

02. That prior to the marketing and/or the sale of the proposed new build dwellings and/or the relevant plots, and prior to any works commencing on the application site as outlined in red on the approved plans, all of the works specified in the Protective Works Schedule for Orchard Farm, dated April 2015, shall be undertaken and thereafter maintained to the specification and satisfaction of the Council as Planning Authority.

Reason: To ensure the proper and timeous repair of the listed buildings and to retain effective planning control.

03. Details of the phasing of the development shall be submitted to the Council for approval, and no work shall begin until the phasing scheme has been approved in writing. Following approval, the development shall be implemented in accordance with the approved scheme.

Reason: These details have not been provided or approved.

04. No earlier than 6 months prior to works commencing on site, the Ecology Survey (JDC ecology, July 2012) shall be updated and submitted to and approved in writing by the Council as Planning Authority. All mitigation measures proposed therein including where necessary bat licence, installation of bat boxes, 30 metre exclusion zone around any identified badger sett within the application site, badger method statement and nesting bird method statement shall be implemented in full, and in accordance with the approved scheme.

Reason: In the interests of nature conservation.

05. 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.

06. That no trees within the application site 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: To ensure the protection and maintenance of the existing trees and other landscape features within the site.

07. 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 are as follows:-

- 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.

- 08. All trees to be removed must be replaced by semi-mature/mature trees of a similar species at the locus to the satisfaction of the Council as Planning Authority.

Reason: In the interests of amenity.

- 09. That before any work commences on the site, a scheme of landscaping for the application site as outlined in red on the plans hereby approved, shall be submitted to the Council as Planning Authority for written approval and it shall include: (a) proposals to maintain and enhance the biodiversity of the site; (b) 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; (c) details and specification of all trees, shrubs, grass mix, etc. including, where appropriate, the planting of fruit/apple trees; (d) details of any top-soiling or other treatment to the ground; (e) sections and other necessary details of any mounding, earthworks and hard landscaping; (f) proposals for the initial and future maintenance of the landscaped areas; (g) details of the phasing of these works.

For the avoidance of doubt no work shall be undertaken on the site until approval has been given to these details.

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

10. That the landscaping scheme relating to the development hereby approved under Condition 9 above, shall be carried out simultaneously with the development, or each phase thereof as agreed appropriate, and shall be completed and thereafter maintained and replaced where necessary to the satisfaction of the Council as Planning Authority.

Reason: In the interests of amenity.

11. That before any work commences on site, a maintenance and management scheme shall be submitted to and approved by the Council as Planning Authority and it shall include proposals for the continuing care, maintenance and protection of:-

- (a) the proposed footpaths;
- (b) the proposed parking areas;
- (c) the proposed grassed, planted and landscaped areas as approved under the terms of Condition 9 above; and
- (d) the proposed boundary treatment.

Reason: To safeguard the amenity of the area.

12. For the avoidance of doubt, no consent is granted for the physical sub-division of any part of the courtyard within Orchard Farm, and at all times the courtyard shall be kept free of walls, fences or other means of boundary definition, all to the satisfaction of the Council as Planning Authority.

Reason: To safeguard the character and appearance of the Listed Building.

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

14. That before any work commences on the site, sample panels of all the proposed wall finishes shall be provided and no further work on the site shall be commenced until the written approval of the Council as Planning Authority has been granted for these finishes. The approved sample panels shall remain in place throughout construction and be used as a quality template. For the avoidance of doubt the sample panels for the natural stone and natural slate walling shall clearly demonstrate the colour, texture and coursing of the materials.

Reason: To ensure satisfactory integration of the new dwellinghouses with the designated green belt.

15. That the roofs of all the dwellinghouses and associated garages and outbuildings, shall be clad externally in natural slate.

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

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

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

17. That before development starts, details of all boundary treatments and their location shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.

Reason: These details have not been submitted or approved.

18. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Amendment Order 2011 (or any such order revoking or re-enacting that order), no development shall take place within the curtilage of the application site other than that expressly authorised by this permission without the submission of a further planning application to the Council as Planning Authority.

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

19. That notwithstanding the terms of the Town and Country Planning (General Permitted Development)(Scotland) Amendment Order 2011 (or any such order revoking or re-enacting that order), no fences, walls or other means of enclosure shall be erected on the site other than post and wire fences up to 1 metre in height or those expressly authorised by this permission without the submission of a further planning application to the Council as Planning Authority.

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

20. That before any of the dwellinghouses hereby approved are brought into use, a 6 metre wide dropped kerb verge crossing, with the kerb laid to delineate the edge of the public road and hard surfaced for the first 6 metres behind the edge of the public road, shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interest of public safety.

21. That before any of the dwellinghouses hereby approved are completed or brought into use, visibility splays of 2.4 metres by 100 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 1.05 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 1.05 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interest of road safety.

22. That before any of the dwellinghouses hereby approved are occupied, a drainage system capable of preventing any flow of water from the site onto the public road or neighbouring land, or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.

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

23. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Developer Design Guidance (May 2020) and shall include the following signed appendices: C 'Sustainable Drainage Design Compliance certificate', D 'Sustainable Drainage Design Independent Check Certificate' and E 'Confirmation of Future Maintenance of Sustainable Drainage Apparatus'. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved in writing by the Council as Planning Authority.

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

24. Prior to the commencement of works a detailed plan of public access across the site (existing, during construction and upon completion) shall be provided for the approval of the Council as Planning Authority.

For the avoidance of doubt this shall show:-

- a) all existing paths, tracks and rights of way, and any areas currently out with or excluded from statutory access rights*;
- b) any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures;
- c) all paths and tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users, etc.
- d) any diversions of paths - temporary or permanent - proposed for the purposes of the development.

* under Part One of the Land Reform (Scotland) Act 2003.

Reason: In the interests of satisfactorily maintaining public rights of way.

25. (a) The applicant shall be required to undertake a comprehensive site investigation, carried out to the appropriate Phase level, to be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:-
- (i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
 - (ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;
 - (iii) BS 10175:2001 - 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.

26. (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.

27. No development shall commence at Plot 3 until:-

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is 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 safe development and mitigate against ground instability on site for the lifetime of the development.

28. Prior to the occupation of the dwelling house at Plot 3, 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 Local 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: To ensure safe development and mitigate against ground instability on site for the lifetime of the development.

29. Prior to the commencement of development on site, details of the Sustainable Urban Drainage System (SUDS) and its maintenance following installation shall be submitted to and approved by the Planning Authority. The SUDS shall be designed to ensure that contaminants present on the site are not mobilised and that pollution pathways are not created. The Sustainable Urban Drainage System shall thereafter be formed and maintained on site in accordance with the approved details.

Reason: To ensure that no contaminated material leaves the site untreated in order to protect public health, the water environment and to ensure that the site is fit for its intended use.

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

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

31. Prior to the commencement of development on site, an energy statement covering the new build element of the approved development which demonstrates that on-site zero and low carbon energy technologies contribute at least an extra 10% reduction in CO₂ emissions beyond the 2007 building regulations carbon dioxide emissions standard, shall be submitted to and approved in writing by the Council as Planning Authority. The statement shall include:-

- a) the total predicted energy requirements and CO₂ emissions of the development, clearly illustrating the additional 10% reduction beyond the 2007 building regulations CO₂ standard;
- b) a schedule of proposed on-site zero and low carbon energy technologies to be included in the development and their respective energy contributions and carbon savings;
- c) an indication of the location and design of the on-site energy technologies; and
- d) a maintenance programme for the on-site zero and low carbon energy technologies to be incorporated.

Reason: To secure a reduction in carbon dioxide emissions.

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

Reason: To secure the timeous implementation of on-site zero and low carbon energy technologies.

33. 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.

34. That prior to the commencement of works, details and locations of charging points for electrical cars, at a rate of one charging point per house plot, shall be submitted for the written approval of the Council as Planning Authority. Prior to the completion of the development the approved charging points shall be installed and available for use.

Reason: To ensure facilities for recharging electrical cars are available for the use of the residents.

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

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

12. Reason for Decision

- 12.1. The proposal will not adversely impact on visual amenity, landscape quality, raises no road safety concerns, conserves an important B-Listed Building and the application site is self-contained. In addition, the proposal meets the 3 tests for the renewal of planning applications and accords with Policies 1, 2, 3, 4, 7, 8, 14 and 15 of National Planning Framework 4 and Policies 2, 4, 5, 14, GBRA1, GBRA4, DM8, NHE3 and NHE16 of the South Lanarkshire Local Development Plan 2.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 28 August 2023

Background Papers

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

[P/22/0345 | Change of use of farm steading to form two dwellings, restoration of farmhouse to form one dwelling, erection of three dwelling houses and associated access improvements \(renewal of planning application P/18/0374\) | Orchard Farm Waygateshaw Road Carluke \(southlanarkshire.gov.uk\)](#)

Corporate Considerations

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

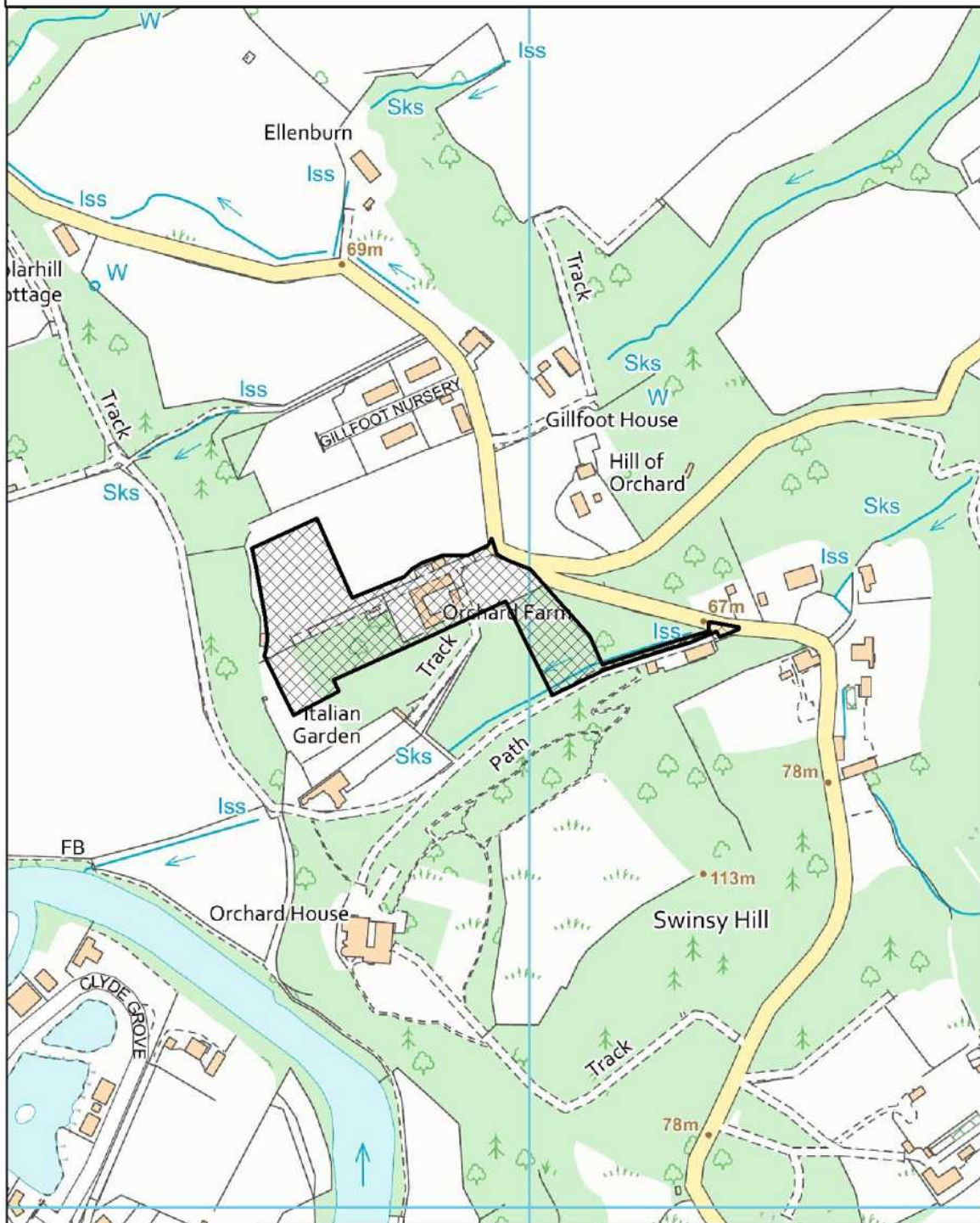
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/22/0345 Orchard Farm, Waygateshaw Road, Carluke



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Scale:
1:4,000
Date:
11/08/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services