

Report

Report to:	Planning Committee
Date of Meeting:	6 June 2023
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/23/0241
Planning proposal:	Planning permission in principle for residential development (Section 42 application to amend planning condition 3 relating to planting details of planning consent P/19/1546)

1 Summary application information

Application type:	Further application
Applicant:	777 MOT Limited
Location:	Dalquhandy Opencast Coal Site Middlemuir Road Coalburn Lanark ML11 0NN

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: Munro Architects
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **National Planning Framework 4**
Policy 1 - Tackling the Climate and Nature Crises
Policy 2 - Climate Mitigation and Adaptation
Policy 3 – Biodiversity
Policy 14 - Design, quality, and place
Policy 15 - Local living and 20-minute neighbourhoods
Policy 16 – Quality Homes

Adopted South Lanarkshire Local Development Plan 2

Policy 1 – Spatial Strategy

Policy 2 – Climate Change

Policy 3 - General Urban Areas

Policy 5 - Development Management and Placemaking

Policy 11 – Housing

Policy 16 – Water Environment and Flooding

Policy DM15 – Water Supply

Policy DM16 – Foul Drainage/Sewerage Provision

Policy SDCC2 – Flood Risk

Policy SDCC3 – Sustainable Drainage Systems

◆ Representation(s):

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

◆ Consultation(s):

Roads Development Management Team

Environmental Services

The Coal Authority Planning and Local Authority Liaison

Roads Flood Risk Management

SEPA West Region

Planning Application Report

1 Application Site

- 1.1 The application site, which extends to approximately 7 hectares in area, is situated on the southwestern edge of Coalburn, and is accessed from the main road through Coalburn via Middlemuir Road. The site was formerly occupied by the site offices for the former Dalquhandy opencast coal site which has now been demolished. The site is currently vacant and comprises large tracts of hard standing areas and is overgrown with grass and scrub. Topographically, the site rises relatively steeply in a north/south direction.
- 1.2 The site is bounded to the south and east by restored opencast workings (woodland, heathland and rough grazing), to the west by Middlemuir Road, and beyond by settling ponds, a burn and reinstated open cast coal works, and to the north by vacant industrial land.

2 Proposal(s)

- 2.1 The application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) and is an application for planning permission for the development of land but without compliance with a condition attached to a previous planning permission.
- 2.2 In this instance, the applicant wishes to vary condition 3 relating to planting details of planning permission reference P/19/1546 which was granted Planning Permission in Principle (PPP) for a residential development in March 2020 following on from a series of applications to renew the consent and vary conditions as outlined further in section 3.4. To date there has been no commencement of development on site.
- 2.3 Condition 3 of planning permission P/19/1546 states:-

That in relation to condition 1(e), the proposed structural planting and landscaping belt shall measure not less than 15 metres in extent. The approved scheme of structural landscaping to form a tree and planting belt shall be carried out during the first planting season following implementation of the development and maintained thereafter for the lifetime of the development, unless variation to this condition is approved in writing by the Planning Authority.
- 2.4 The applicant has requested that condition 3 be amended to read:-

That in relation to condition 1(e), the proposed structural planting and landscaping belt shall measure not less than 20 metres in extent. The approved scheme of structural landscaping to form a tree and planting belt shall be carried out during the first planting season following implementation of the development and maintained thereafter for the lifetime of the development, unless variation to this condition is approved in writing by the Planning Authority.
- 2.5 In essence, the applicant requests that the reference to structural planting and landscaping depth is increased from 15 to 20 metres and considers that this would be in accordance with the aims and spirit of Policies 1, 2 and 3 of the National Planning Framework 4 (NPF4).
- 2.6 If successful, the effect of a Section 42 application to modify a planning condition is to grant a further planning permission for the whole development again but with the amended condition replacing what was previously issued, or with conditions removed if required. All other conditions, if relevant, are also required to be attached to any

new planning permission. If the proposed changes to the condition are deemed unacceptable, then Section 42 of the Act requires the application to be refused. Any refusal of an application under Section 42 of the Act does not have any effect on the original planning permission.

3 Background

3.1 National Planning Framework 4

3.1.1 The National Planning Framework 4 was approved by the Scottish Ministers on 13 February 2023 and now forms part of the Development Plan. National Planning Framework 4 (NPF4) provides 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.

3.1.2 In respect of NPF4 the following policies are of particular relevance in the assessment of this proposal:-

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

3.2 South Lanarkshire Local Development Plan 2

3.2.1 The site is identified within the adopted South Lanarkshire Local Development Plan 2 (2021) (SLLDP2) as being located within a housing site. The following policies require to be taken into consideration:-

- ◆ Policy 1 – Spatial Strategy
- ◆ Policy 2 – Climate Change
- ◆ Policy 3 - General Urban Areas
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 11 – Housing
- ◆ Policy 16 – Water Environment and Flooding
- ◆ Policy DM15 – Water Supply
- ◆ Policy DM16 – Foul Drainage/Sewerage Provision
- ◆ Policy SDCC2 – Flood Risk
- ◆ Policy SDCC3 – Sustainable Drainage Systems

3.3 Relevant Government Advice/Policy

3.3.1 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 (SLLDP2) (adopted 9 April 2021) and National Planning Framework 4 (NPF4) (which was laid before the Scottish Parliament on 8 November 2022 and adopted by Scottish Ministers on 13 February 2023). Section 24(3) of the 1997 Act confirms that if there is an inconsistency between NPF4 policies and a Local Development Plan which was adopted before 13 February 2023, then the policies in NPF4 prevail.

3.4 Planning Background

- 3.4.1 Outline Planning Permission CL/08/0313 was granted in September 2008 for residential development on the site. A Section 42 application (CL/13/0334) was granted in November 2013 to extend the time period for the commencement of development by a further 3 years. A further Section 42 was submitted (CL/16/0356) and approved in November 2016 to extend the period of commencement by a further 3 years. Another Section 42 was submitted (P/19/1546) and approved in March 2020 to amend planting details and devise a scheme for ongoing maintenance of boundary planting.
- 3.4.2 The proposals fall within the definition of a 'Major' development, given its scale and nature and normally statutory Pre-Application Consultation is required to be carried out before the application is submitted. The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 state that applications made under Section 42 of the Town and Country Planning (Scotland) Act 1997 do not require this to be carried out.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Traffic and Transportation)** – no objection subject to a part replication of a roads condition that was attached to the original permission and previous Section 42 applications. In addition, comments have been provided based on indicative supporting information/drawings in relation to requirements which would be applicable at the matters specified by condition (MSC) stage. On this basis it would not be necessary to impose them as planning conditions for this Section 42 application, however, the applicant's agent has been advised of the requirements.

Response: Noted. The imposition of a planning condition will achieve this.

- 4.2 **Environmental Services** – no objection subject to the imposition of planning conditions relating to contaminated land investigation/remediation, coal workings investigation/remediation and noise.

Response: Noted. The imposition of planning conditions will achieve this.

- 4.3 **The Coal Authority** – No objection to the current application subject to the re-imposition of Condition 13 of P/19/1546 on any new permission issued.

Response: Noted. An appropriate planning condition forms part of the recommended conditions.

- 4.4 **SEPA** - no comments to make.

Response: Noted.

- 4.5 **Roads and Transportation Services (Flood Prevention)** - no objection subject to replication of previous drainage conditions. Additionally, it is commented that the proposal would require a flood risk assessment and sustainable drainage design in accordance with current guidance. Current climate change and rainfall allowances should be used and both documents will require to be accompanied by the necessary appendices within the Developer Guidance. The applicant's agent has been advised of this.

Response: Noted. The imposition of planning conditions will achieve this. In addition, the applicant's agent has been informed of the relevant requirements.

5 Representation(s)

- 5.1 Neighbour notification was carried out on 29 March 2023. The proposal was also published as an application requiring advertisement for the non-notification of neighbours in the Lanark Gazette on 23 April 2023.
- 5.2 No representations have been made following this publicity.

6 Assessment and Conclusions

- 6.1 This application has been submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended). Section 42 of the Act states that:-

'On such an application, the Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted.'

This type of application, therefore, does not revisit the principle of development on the site but only considers the appropriateness of the conditions attached to the previous consent and whether it is acceptable to amend or delete as requested. Whilst, in essence, a Section 42 is an application to vary condition(s) on an existing permission, the process requires a new, standalone planning permission to be issued for the original development but with a new suite of conditions, including all those still thought to be relevant as well as the varied condition(s). Should the proposed amendment to the condition(s) not be acceptable, a Section 42 application is to be refused but without affecting the status of the original permission.

- 6.2 In assessing whether any condition is still relevant there would be the requirement to consider certain aspects of the development. In this instance, the applicant has requested that condition 3 is amended. However, it is noted that the nature of the legislation requires all conditions to be revisited as they may be linked or connected to these specific conditions. The main matters for consideration are, therefore, whether the proposed amendment to the condition proposed would undermine the reasons for the original conditions or the Development Plan position; and if it is considered this Section 42 application does undermine either of these, whether there are material considerations which would outweigh this to allow permission to be granted.
- 6.3 In terms of National Planning Policy and Guidance, National Planning Framework 4 (NPF4) sets out the long-term vision for the development of Scotland through the National Spatial Strategy. One of the aims of NPF4 is to rebalance development by targeting development to create opportunities for communities and investment in areas of past decline and manage development sustainably in areas of high demand. The site is located in an area of former mineral extraction, including opencast coal operations and is now an allocated housing site that benefits from planning permission in principle, and as such aligns with the overarching policy aims.
- 6.4 NPF4 Policy 1 Tackling the Climate and Nature Crises and NPF4 Policy 2 Climate Mitigation and Adaptation aim to ensure that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. In addition, Policy NPF4 Policy 3 Biodiversity aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. In this regard, the proposals relate to an allocated housing site that benefits from planning permission. The proposals have been deemed to not have a negative impact upon the water environment, air quality or biodiversity. The proposals involve the reuse of vacant land which would include soil remediation. With regard to the specifics of the planting scheme, the proposed 20m scheme would contribute to biodiversity and carbon capture, more so than the previous condition required. It is,

therefore, considered that the proposed development accords with NPF4 Policy 1 Tackling the Climate and Nature Crises, NPF4 Policy 2 Climate Mitigation and Adaptation and NPF4 Policy 3 Biodiversity in this instance.

- 6.5 Policies 14 and 16 of NPF4 relate to liveable places. Policy 14 sets out that all development should be designed to improve the quality of an area and be consistent with the six qualities of a successful place: healthy, pleasant, connected, distinctive, sustainable, and adaptable. Policy 16 intends to provide quality homes and identifies that housing proposals will be supported where they do not have a detrimental impact on the character of the house or the surrounding area or a detrimental effect on neighbouring amenity. Detailed design and placemaking will be assessed under a future Matters Specified by Condition (MSC) application as plans provided at this stage are indicative only. Nevertheless, the increased 20m planting required by the amended condition 3 would help screen the development and integrate the site into the settlement.
- 6.6 NPF4 Policy 15 Local Living and 20 Minute Neighbourhoods aims to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options. When assessing development proposals 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 a range of facilities and services. The application site is an allocated housing site and through the future MSC stage, it can be ensured that the detailed development contributes to the quality of local living by virtue of the site being located within the Coalburn Settlement. The proposal is therefore considered to generally comply with the spirit of Policy 15 of the NPF4.
- 6.7 In terms of the adopted South Lanarkshire Local Development Plan 2, Policy 1 of the SLLDP sets out the spatial strategy for the plan area which states the Plan encourages sustainable economic growth and regeneration by, among other things, supporting regeneration activities and delivering development proposals in the Plan. In this instance, the application site is allocated for housing within the SLLDP2. It is, therefore, considered that a new permission for a residential development would be in line with the Spatial Strategy for the site and accord with Policy 11 on new housing. It would also accord with Policy 3 which in principle is supportive of residential developments within the general urban area.
- 6.8 Policy 2: Climate Change, seeks to minimise and mitigate against the effects of climate change by a number of criteria. As outlined at paragraph 6.4, the proposal relates to an allocated housing site that benefits from planning permission and has been deemed to not have a negative impact upon the water environment, air quality or biodiversity. With regard to the specifics of the planting scheme, the proposed 20m scheme would contribute to biodiversity and carbon capture. It is, therefore, considered that the proposals meet the relevant criteria of the Development Plan in this instance.
- 6.9 Policy 5 - Development Management and Placemaking and Policy DM1 - New Development Design states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. The current application is for Planning Permission in Principle and, therefore, the future MSC stage will appropriately address this. In addition, the proposed planting would help screen the development and integrate the site into the settlement and, therefore, it is considered that the proposals still accord with the criteria of the Development Plan in this instance.

- 6.10 SLLDP2 Policies 16, DM15, DM16, SDCC2 and SDCC3 relate to any potential flood risk and impact on the water environment from the proposed development. The application is for Planning Permission in Principle and, therefore, this would be assessed at the MSC stage. Nevertheless, it should be noted that as detailed previously, no objections have been received from the consultees. Taking the above into account, it is considered that the proposal is acceptable at this stage with regard to the requirements of Policies 16, DM15, DM16, SDCC 2 and SDCC3 of the LDP.
- 6.11 As detailed previously, a Section 42 application requires all other conditions, if relevant, to be attached to any new planning permission. In this instance and to ensure that the planning conditions imposed are consistent with current policies, a number of planning conditions have been updated, including combining these where relevant. It should also be noted that condition 2 of the previous consent relating to compliance with the residential design guide has been removed because there is currently no applicable up to date document and an assessment of good design will be a key consideration in any future application.
- 6.12 In conclusion, it is considered that the proposed change to the condition is acceptable and the principle is supported by the NPF4 policies and the SLLDP2 policies. Indeed, the site is allocated for housing within the SLLDP2 and, therefore, a new permission in principle of residential development on the site does not undermine the strategy of the SLLDP2. It is therefore recommended that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposal is considered to be consistent with NPF4 Policies 1, 2, 3, 14, 15 and 16 and with Policies 1, 2, 3, 5, 11, 16, DM15, DM16, SDCC2 and SDCC3 of the South Lanarkshire Local Development Plan 2 (2021).

David Booth

Executive Director (Community and Enterprise Resources)

Date: 26 May 2023

Previous references

- ◆ P/19/1546 - Planning Committee - 10 March 2020
- ◆ CL/16/0356 – Planning Committee - 1 November 2016
- ◆ CL/13/0334 – Planning Committee - 19 November 2013
- ◆ CL/08/0313 – Planning Committee - 9 September 2008

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ National Planning Framework (NPF4)
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 29 March 2023
- ▶ Press advert dated 12 April 2023

► Consultations

Roads Development Management Team	10.05.2023
Environmental Services	11.05.2023
The Coal Authority Planning and Local Authority Liaison	12.04.2023
Roads Flood Risk Management	11.05.2023
SEPA West Region	30.03.2023

► Representations: None

Contact for further information

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

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Conditions and reasons

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

These matters are as follows:-

- (a) the layout of the site, including all roads, footways, footpaths, cycle links, 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 full details of external materials;
- (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum.
- (d) the design and location of all boundary treatments including walls and fences;
- (e) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs;
- (f) the means of drainage and sewage disposal and;
- (g) details of the phasing of development (covering all relevant aspects of development detailed in (a) above).
- (h) a design statement.
- (i) a flood risk assessment.

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

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

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

03. That in relation to condition 1(e), the proposed structural planting and landscaping belt shall measure not less than 20 metres in extent. The approved scheme of structural landscaping to form a tree and planting belt shall be carried out during the first planting season following implementation of the development and maintained thereafter for the lifetime of the development, unless variation to this condition is approved in writing by the Planning Authority.

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

04. That the further application required under Condition 1(a) above shall include provision of footpaths/cycle path links to Coalburn and the wider countryside in line with the principles of local living.

Reason: In the interests of connectivity and access.

05. That the further application required under Condition 1(a) above shall include and make provision for:-

- (a) a visibility splay of 4.5 metre by 90 metres on both sides of the vehicular access onto Middlemuir Road, measured from the edge of the road channel with no objects greater in height than 900mm located within the splay. This should be confirmed to be within the applicant's control;
- (b) the existing road (Middlemuir Road) from the bridge to the proposed development shall be widened to 5.5 metres
- (c) A 2m footway connection to the existing footway network in Coalburn to be provided.
- (d) driveways of a minimum length of 12 metres if a garage is not provided and 6 metres long with a garage minimum carriageway widths at driveways to be 5.5 metres and;
- (e) 2 parking spaces for dwellings with 3 bedrooms or less and 3 spaces for dwellings with 4 bedrooms or more.

For the avoidance of doubt the above shall all be implemented prior to the occupancy of any dwellinghouse.

Reason: In the interests of Road Safety.

06. That the further application required under the terms of Condition 1(h) above, shall be accompanied by a Design Statement which shall set out the design principles, justify the design solution and show how the proposal responds to the wider context of the area as well as the characteristics of the site; specific reference shall be made landscape and open space provision.

Reason: In the interests of Design.

07. That the further application required under the terms of Condition 1 above, 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: In the interests of drainage and water management.

08. That no existing drainage channels or culverts shall be altered without the prior approval of the Council as Planning Authority in consultation with SEPA.

Reason: In the interests of drainage and water management.

09. That the further application required under the terms of condition 1(i) above shall be accompanied by a Flood Risk Assessment, with reference made to CIRIA C624 and in accordance with the Reporting Requirements for Flood Risk Assessments issued by SEPA.

Reason: In the interests of Flood Risk.

10. That prior to commencement of any works on site, a comprehensive site investigation, carried out to the appropriate Phase level, shall be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with advice given in the following:-

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

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.

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: In the interests of contaminated land.

11. That 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.

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.

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: In the interests of remediation.

12. That separate to, but not exclusive of the site investigation and remediation set out within conditions 10 and 11, before any work starts on site a scheme of intrusive site investigations, which are adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity and off-site recorded mine entries, the results of which, including a scheme of remedial/mitigatory works following these investigations shall be submitted for the written approval of the Planning Authority. Once approved all remedial and mitigatory works shall be implemented in full prior to the development commencing.

Reason: In the interests of structural stability relating to coal workings.

13. That this permission is for planning permission in principle, the drawings are indicative only and any proposed layouts would be subject to a Matters Specified by Condition application under condition 1 to determine their suitability.

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

- 14 That the housing developer shall ensure that (prior to the development becoming occupied) the neighbourhood noise levels (including noise from industrial and commercial noise sources) comply with the following:-

Part 1

Between the hours of 08:00 and 20:00 the measured noise rating level emitted from any pre-existing industrial or commercial premises ($L_{Ar,1hr}$) shall not exceed the background noise level ($L_{A90,30\text{ min}}$) by more than 4dB within the curtilage of the new residential development. This shall be measured in accordance with British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound at the proposed development. Between the hours of 20:00 and 08:00 the noise rating level emitted from any pre-existing industrial or commercial premises ($L_{Ar,15\text{ min}}$) shall not exceed the background noise level ($L_{A90,30\text{ min}}$) by more than 4dB. This shall be measured in accordance with BS4142:2014 at the proposed development.

Part 2

The internal noise levels shall comply with BS 8233:2014 Guidance on sound insulation and noise reduction for buildings as follows:-

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

Part 3

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

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

Reason: In the interests of residential amenity.

LANAKSHIRE
COUNCIL

South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services