



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 16 January 2023

Dear Councillor

Planning Committee

The Members listed below are requested to attend a meeting of the above Committee to be held as follows:-

Date: Tuesday, 24 January 2023

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 - 14
Minutes of the meeting of the Planning Committee held on 22 November 2022 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

- 3 National Planning Framework 4** 15 - 20
Report dated 13 January 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 4 Application P/22/0360 for Erection of House (Planning Permission in Principle) at Land at Spittal Farm, Spittal Road, Carnwath** 21 - 32
Report dated 16 January 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 5 Application P/22/0771 for Demolition of Building and Derelict Railway Bridge and the Erection of 3 Houses, Access Roads and Footpath at Land 60 Metres North of 68 Biggar Road, Biggar Road, Symington, Biggar** 33 - 56
Report dated 16 January 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 6 Application P/20/1264 for Erection of a 55 Kilowatt Vertical Axis Wind Turbine with a Rotor Diameter of 14 Metres and Maximum Tip Height of 37 Metres at Land 250 Metres West of Park Farm, Hurlawcrook Road, East Kilbride** 57 - 72
Report dated 13 January 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 7 Application P/22/1217 for Erection of Retail Unit (Class 1) with Associated Works at 151 Western Road, Cambuslang** 73 - 84
Report dated 13 January 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 8 Application P/22/0819 for Erection of 2 Detached Houses with Associated Parking and Landscaping at Land at Rowhead Farm, Biggar Mill Road, Biggar** 85 - 98
Report dated 16 January 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 9 Application P/22/1492 for Erection of Upper Floor Extension and 2 Storey Extension to House at 1 Hillend Road, Rutherglen** 99 - 106
Report dated 13 January 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 10 Application P/22/1659 for Erection of Single Storey Rear Extension at 14 Clamps Wood, East Kilbride** 107 - 114
Report dated 13 January 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)

11 Tree Preservation Order – Chestnut Walk and Dunavon Avenue, 115 - 118 Strathaven

Report dated 13 January 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)

Urgent Business

12 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
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PLANNING COMMITTEE

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Minutes of meeting held via Confero and in the Council Chamber, Council Offices, Almada Street, Hamilton on 22 November 2022

Chair:

Councillor Richard Nelson

Councillors Present:

Councillor Alex Allison, Councillor Ralph Barker, Councillor Archie Buchanan, Councillor Ross Clark, Councillor Gerry Convery (Depute), Councillor Margaret Cowie, Councillor Maureen Devlin, Councillor Gladys Ferguson-Miller, Councillor Elise Frame, Councillor Alistair Fulton, Councillor Celine Handibode, Councillor Mark Horsham, Councillor Ross Lambie, Councillor Lesley McDonald, Councillor Davie McLachlan, Councillor Julia Marrs (*substitute for Councillor John Ross*), Councillor Norman Rae, Councillor Dr Ali Salamati, Councillor Graham Scott, Councillor David Shearer, Councillor Helen Toner, Councillor David Watson

Councillors' Apologies:

Councillor Mary Donnelly, Councillor Joe Fagan (ex officio), Councillor Monique McAdams, Councillor John Ross

Attending:

Community and Enterprise Resources

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

Finance and Corporate Resources

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

Chair's Opening Remarks

The Chair welcomed Tina Meikle, Planning and Building Standards Manager (West), on her return following a period of absence.

1 Declaration of Interests

The following interests were declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
Marrs and Scott	Application P/21/2167 for Change of Use of After School Care Facility to Class 1 Retail Premises and Associated External Alterations at Cruse House, 20 Argyle Drive, Hamilton	Insufficient information to determine due to having been unable to attend the site visit

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 11 October 2022 were submitted for approval as a correct record.

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

3 Application P/21/2167 for Change of Use of After School Care Facility to Class 1 Retail Premises and Associated External Alterations at Cruse House, 20 Argyle Drive, Hamilton

A report dated 4 November 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/2167 by 1A Real Estate Limited for the change of use of an after school care facility to Class 1 retail premises and associated external alterations at Cruse House, 20 Argyle Drive, Hamilton.

A request for a hearing in respect of the application had been received, however, the application did not meet the criteria for a hearing.

At its meeting on 11 October 2022, the Committee deferred the application to allow a site visit to take place. Members of the Planning Committee had since undertaken an accompanied site visit on Friday 28 October 2022.

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

The Committee decided: that application P/21/2167 by 1A Real Estates Limited for the change of use of an after school care facility to Class 1 retail premises and associated external alterations at Cruse House, 20 Argyle Drive, Hamilton be refused on the grounds of public safety due to insufficient parking provision, including for the receipt of deliveries, given the layout of the road and number of residential properties.

[Reference: Minutes of 11 October 2022 (Paragraph 3)]

Councillors Marrs and Scott, having declared an interest in this item, withdrew from the meeting during its consideration. Councillor Frame left the meeting during this item of business

4 Application P/21/1901 for Erection of 71 Residential Units, Consisting of 62 Detached, Semi-Detached and Terraced Units, 9 Flats, Including 17 Affordable Housing Units, Formation of 2 New Vehicular Accesses and Associated Infrastructure at Former Hoover Site Phase 4, Dale Avenue, Cambuslang

A report dated 10 November 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/1901 by Dawn Homes Limited for the erection of 71 residential units, consisting of 62 detached, semi-detached and terraced units and 9 flats, including 17 affordable housing units, the formation of 2 new vehicular accesses and associated infrastructure at the former Hoover Site Phase 4, Dale Avenue, Cambuslang.

In the view of the Executive Director (Community and Enterprise Resources), a departure from the Development Plan was justified in this case for the following reasons:-

- ◆ the site had been subject to an appropriate marketing appraisal for uses within classes 4, 5 and 6 and had been actively marketed for more than 6 months with no success
- ◆ the site presented limited options for industrial development due to its immediate proximity to existing residential development where potential constraints might be imposed on industrial operations on the site in terms of noise limits and hours of operation
- ◆ the residential development proposal would be an extension of the previous phases of residential development and would be unlikely to adversely affect the industrial operation, amenity, industrial character or function of the area as it would benefit from the existing tree buffer with the Trade Team Tennent's Distribution Depot to the north-west of the site

- ◆ the proposal supported the principles of climate change by redeveloping previously developed vacant land bringing it back into use and was within walking distance of Cambuslang Town Centre, Cambuslang Train Station and local bus services, thus reducing the need for private car journeys
- ◆ the proposal complied with the provisions of Policies 2, 5, 11, 12, 13, 15, 16, DM1, DM15, SDCC2 and SDCC3 of the South Lanarkshire Local Development Plan 2
- ◆ an appropriate obligation would be sought between the applicant and the Council for a financial contribution in respect of the phasing, improvement and upgrading of educational and community facilities and the implementation of on-site affordable housing provision
- ◆ there were no infrastructure implications as a result of the proposed development

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 officers responded to members' questions on aspects of the report.

The Committee decided:

- (1) that planning application P/21/1901 by Dawn Homes Limited for the erection of 71 residential units, consisting of 62 detached, semi-detached and terraced units and 9 flats, including 17 affordable housing units, the formation of 2 new vehicular accesses and associated infrastructure at the former Hoover Site Phase 4, Dale Avenue, Cambuslang be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Section 75 Agreement and/or other appropriate agreement between the Council and the applicant to ensure a financial contribution in relation to the phasing, improvement and upgrading of educational and community facilities and the implementation of on-site affordable housing provision
 - ◆ 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) and 13 August 2019 (Paragraph 6)]

Councillor Ferguson-Miller joined the meeting during this item of business

5 Application P/22/0771 for Demolition of Building and Derelict Railway Bridge and Erection of 3 Houses, Access Roads and Footpath at Land 60 Metres North of 68 Biggar Road, Biggar Road, Symington, Biggar

A report dated 10 November 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0771 by M Gaffney for the demolition of a building and derelict railway bridge and the erection of 3 houses, access roads and footpath at land 60 metres north of 68 Biggar Road, Biggar Road, Symington, Biggar.

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

In response to a Point of Order raised by Councillor Lambie on deferring the application based on possible future legislation and the potential for leaving the Council open to procedural legal challenge, the Chair advised that the intention of deferring the application was to allow planning officers to provide the Committee with information on the Council's legislative responsibilities in relation to potential reinstatement of the railway track bed and associated infrastructure.

The Committee decided:

that planning application P/22/0771 by M Gaffney for the demolition of a building and derelict railway bridge and the erection of 3 houses, access roads and footpath at land 60 metres north of 68 Biggar Road, Biggar Road, Symington, Biggar be deferred to a future meeting of the Planning Committee to allow information to be provided on the Council's legislative responsibilities in relation to potential reinstatement of the railway track bed and associated infrastructure.

6 Application P/22/0251 for Revision to Layout, Substitution of House Types and Erection of Additional 13 Houses (267 in Total) at Previously Approved Housing Development with Associated Landscaping and Parking (Amendment to Planning Consent P/19/1502) at Land 148 Metres North Northwest of Dunrobin, Newlands Road, East Kilbride

A report dated 10 November 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0251 by Avant Homes Scotland for the revision to the layout, substitution of house types and erection of additional 13 houses (267 in total) at previously approved housing development with associated landscaping and parking (amendment to planning consent P/19/1502) at land 148 metres north northwest of Dunrobin, Newlands Road, East Kilbride.

The Committee decided:

that planning application P/22/0251 by Avant Homes Scotland for the revision to the layout, substitution of house types and erection of additional 13 houses (267 in total) at previously approved housing development with associated landscaping and parking (amendment to planning consent P/19/1502) at land 148 metres north northwest of Dunrobin, Newlands Road, East Kilbride be approved subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 17 December 2019 (Paragraph 8)]

In terms of Standing Order No 14, the Chair adjourned the meeting at 11.07am and reconvened at 11.15am

7 Application P/22/0363 for Erection of 64 Houses, Associated Infrastructure and Landscaping (Approval of Matters Specified in Conditions 1(a-r), 3, 4, 6, 8, 9, 10 and 12 of Planning Permission in Principle EK/09/0218) at Cala Development Site, 250 Metres East of Easter House, Jackton Road, Jackton, East Kilbride

A report dated 14 November 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0363 by CALA Homes (West) for the erection of 64 houses, associated infrastructure and landscaping (approval of matters specified in conditions 1(a-r), 3, 4, 6, 8, 9, 10 and 12 of planning permission in principle EK/09/0218) at the Cala Development Site, 250 metres east of Easter House, Jackton Road, Jackton, East Kilbride.

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

The Committee decided: that planning application P/22/0363 by CALA Homes (West) for the erection of 64 houses, associated infrastructure and landscaping (approval of matters specified in conditions 1(a-r), 3, 4, 6, 8, 9, 10 and 12 of planning permission in principle EK/09/0218) at the Cala Development Site, 250 metres east of Easter House, Jackton Road, Jackton, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

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

Councillor McLachlan left the meeting after this item of business

8 Application P/22/0105 for Extension to Extraction Area of Existing Quarry (Bankend Quarry) at Laigh Plewland Farm, Waterhead Peelhill and Linbank Highway, Strathaven

A report dated 10 November 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0105 by Tarmac for an extension to the extraction area of an existing quarry (Bankend Quarry) at Laigh Plewland Farm, Waterhead Peelhill and Linbank Highway, Strathaven.

The Committee decided: that planning application P/22/0105 by Tarmac for an extension to the extraction area of an existing quarry (Bankend Quarry) at Laigh Plewland Farm, Waterhead Peelhill and Linbank Highway, Strathaven be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 29 November 2011 (Paragraph 25)]

9 Application P/22/0106 for Installation of Field Conveyor to Transport Sand and Gravel from Bankend Quarry to Snabe Quarry with Processing at Snabe Quarry (Section 42 Application to Amend Condition 4 of Application EK/11/0213 to Allow Continued Use Until 30 September 2036) at Snabe Farm Sand Quarry, Darvel Road, Drumclog, Strathaven

A report dated 10 November 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0106 by Tarmac for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend Condition 4 of planning consent EK/11/0213 to extend the time period of consent to 30 September 2036 for the use of the field conveyor to transport sand and gravel from Bankend Quarry to Snabe Farm Sand Quarry at Darvel Road, Drumclog, Strathaven.

The Committee decided: that planning application P/22/0106 by Tarmac for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend Condition 4 of planning consent EK/11/0213 to extend the time period of consent to 30 September 2036 for the use of the field conveyor to transport sand and gravel from Bankend Quarry to Snabe Farm Sand Quarry, at Darvel Road, Drumclog, Strathaven be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 29 November 2011 (Paragraph 25)]

10 Application P/22/0712 for Demolition of House and Outbuildings and Erection of Residential Development of 12 Houses and Associated Works (Planning Permission in Principle) at Newhouse Farm, Westburn Road, Cambuslang

A report dated 10 November 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0712 by Ashfield Land (Newton) Limited for the demolition of a house and outbuildings and erection of a residential development of 12 houses and associated works (planning permission in principle) at Newhouse Farm, Westburn Road, Cambuslang.

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

The Committee decided: that planning application P/22/0712 by Ashfield Land (Newton) Limited for the demolition of a house and outbuildings and erection of a residential development of 12 houses and associated works (planning permission in principle) at Newhouse Farm, Westburn Road, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

11 Application P/22/0360 for Erection of House (Planning Permission in Principle) at Land at Spittal Farm, Spittal Road, Carnwath, Lanark

A report dated 4 November 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0360 by K Brown for the erection of a house (planning permission in principle) at land at Spittal Farm, Spittal Road, Carnwath, Lanark.

Correspondence received from the applicant's agent was referred to at the meeting by an officer.

There followed a discussion on the application during which the Chair and officers responded to members' questions on the correspondence received from the agent and aspects of the report.

The Committee decided: that planning application P/22/0360 by K Brown for the erection of a house (planning permission in principle) at land at Spittal Farm, Spittal Road, Carnwath, Lanark be deferred to a future meeting of the Planning Committee to allow members to view the proposed site plan.

In terms of Standing Order No 14, the Chair adjourned the meeting at 11.58am and reconvened at 12.05pm

12 Application P/22/0931 for Erection of 5 Houses with Associated Works (Approval of Matters Specified in Conditions Imposed on Consent P/18/1126) at Hallhill, Hunterlees Road, Glassford, Strathaven

A report dated 14 November 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0931 by MPS (Glassford) Limited for the erection of 5 houses with associated works (approval of matters specified in conditions imposed on planning consent P/18/1126) at Hallhill, Hunterlees Road, Glassford, Strathaven.

The Committee decided: that planning application P/22/0931 by MPS (Glassford) Limited for the erection of 5 houses with associated works (approval of matters specified in conditions imposed on planning consent P/18/1126) at Hallhill, Hunterlees Road, Glassford, Strathaven be approved subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 6 October 2015 (Paragraph 6)]

13 Application P/22/1047 for Change of Use of Public Open Space to Private Garden Ground and the Erection of Fencing at 53 Mull, East Kilbride

A report dated 10 November 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/1047 by F Glen for the change of use of public open space to private garden ground and the erection of fencing at 53 Mull, East Kilbride.

There followed a discussion on the application during which officers responded to members' questions on aspects of the report. Councillor Nelson, seconded by Councillor Convery, moved that the application be granted subject to the conditions specified in the Executive Director's report. Councillor Watson, seconded by Councillor Buchanan, moved as an amendment that the application be refused on the grounds of public interest and adverse impact on the environment of the area. On a vote being taken using the electronic voting system, 9 members voted for the amendment and 12 for the motion which was declared carried.

The Committee decided: that planning application P/22/1047 by F Glen for the change of use of public open space to private garden ground and the erection of fencing at 53 Mull, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

14 Application P/21/1350 for Erection of Residential Development (23 Flatted Units), Associated Amenity Space and Repairs and Alteration of Existing Facade at Former Vogue Cinema and Bingo Hall, 11 Keith Street, Hamilton

A report dated 10 November 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/1350 by Clyde Valley Housing Association for the erection of a residential development (23 flatted units), associated amenity space and repairs and alteration of existing facade at the former Vogue Cinema and Bingo Hall, 11 Keith Street, Hamilton.

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

The Committee decided: that planning application P/21/1350 by Clyde Valley Housing Association for the erection of a residential development (23 flatted units), associated amenity space and repairs and alteration of existing facade at the former Vogue Cinema and Bingo Hall, 11 Keith Street, Hamilton be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 10 June 2008 (Paragraph 7)]

15 South Lanarkshire Local Development Plan 2 – Supporting Planning Guidance – Preparation of Development at a Dwellinghouse

A report dated 10 November 2022 by the Executive Director (Community and Enterprise Resources) was submitted on the preparation of Supporting Planning Guidance (SPG) in relation to the South Lanarkshire Local Development Plan 2 (SLLDP2) on Carrying Out Development at a Dwellinghouse.

At its meeting held on 16 November 2021, this Committee had approved draft SPG on Carrying Out Development at a Dwelling House. The SPG provided detailed guidance to homeowners proposing to extend or alter their home and updated the advice previously set out in the Development Management and Placemaking Supplementary Guidance associated with the former South Lanarkshire Local Development Plan.

Public consultation had since been carried out over a 6 week period, resulting in 7 responses, the content of which was summarised in the report.

A number of updates had been included in the revised SPG, attached as an appendix to the report, to reflect the responses and improve the SPG in terms of its clarity and level of detailed guidance which now included:-

- ◆ up-to-date advice on the operation of short-term lets from houses
- ◆ a matrix to advise on window-to-window distances and information on how to assess overlooking of main habitable windows

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.

The Committee decided:

- (1) that the Supporting Planning Guidance for Carrying Out Development at a Dwellinghouse, attached as an appendix to the report, be approved; and

- (2) that the Head of Planning and Regulatory Services be authorised to undertake the appropriate procedures and to make drafting and technical changes to the Supporting Planning Guidance prior to its publication.

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

16 Urgent Business

There were no items of urgent business.

Chair's Closing Remarks

The Chair extended the compliments of the season to all members and officials present.

Report

3

Report to:	Planning Committee
Date of Meeting:	24 January 2023
Report by:	Executive Director (Community and Enterprise Resources)

Subject	National Planning Framework 4
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ advise the Planning Committee of the approval by the Scottish Parliament of National Planning Framework 4 (NPF4)
- ◆ summarise the key issues contained within the document and its contribution to future decision making in relation to planning matters

2. Recommendation(s)

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

- (1) Note the approval of National Planning Framework 4 by the Scottish Parliament and the implications for decision making in relation to planning matters.

3. Background

3.1. The Planning (Scotland) Act 2019 introduced a statutory requirement for the Scottish Government to prepare and adopt a new National Planning Framework. The Act gives the document a new enhanced status compared to previous versions in that it will form part of the development plan alongside the Council's own Local Development Plan. As such, all planning decisions including the preparation of Local Development Plans and the determination of planning applications will have to accord with NPF4 and the six outcomes it is required to achieve, namely:-

- ◆ improving the health and wellbeing of the people
- ◆ increasing the population of rural areas
- ◆ meeting housing needs
- ◆ improving equality and eliminating discrimination
- ◆ meeting targets for emissions of greenhouse gases
- ◆ securing positive effects for biodiversity

3.2. Following a consultation on a draft document in early 2022 a revised version was laid before the Scottish Parliament on 8 November 2022 for a period of parliamentary scrutiny and, following a debate in Parliament on 11 January 2023, the document was approved. Scottish Ministers are now required to 'adopt' and 'publish' NPF4 as soon as practically possible (estimated to be February/March 2023). There is also a 6-week period from 11 January 2023 when a legal challenge can be made to the Courts.

4. National Planning Framework 4

- 4.1. Part 1 sets out the National Spatial Strategy for Scotland to 2045 and makes reference to the role the planning system has in achieving the target of net zero emissions by 2045; supporting nature restoration and recovery; and ensuring a just transition so that these outcomes are fair for everyone.

Part 2 is the National Planning Policy which comprises 33 policies on separate topics for the development and use of land which are to be applied in the preparation of local development plans; local place plans; masterplans and briefs; and for determining planning applications. All of the policies should be taken and applied as a whole.

Part 3 includes several annexes to the document including a guide to how to use the document; statements of need for each of the 18 National Developments (see 4.5); an explanation of the 6 qualities of successful places; and a glossary of definitions.

4.2. Spatial Principles to 2045

The NPF4 sets out six overarching principles in relation to where development should be located. These are:-

1. *Just transition* - rapid transformation is required across all sectors of our economy and society to meet climate ambitions. The journey to achieve this must be fair and create a better future for everyone. Local people will shape their places and transition to environmentally sustainable ways of living
2. *Conserving and recycling assets* - make productive use of existing buildings, places, infrastructure and services, locking in carbon, minimising waste, and building a circular economy
3. *Local living* - support local liveability and improve community health and wellbeing by ensuring people can easily access services, greenspace, learning, work and leisure locally
4. *Compact urban growth* - limit urban expansion in order to optimise the use of land and buildings to provide services and resources, including carbon storage, flood risk management, blue and green infrastructure and biodiversity
5. *Rebalanced development* - target development to create opportunities for communities and investment in areas of past decline and manage development sustainably in areas of high demand
6. *Rural revitalisation* - encourage sustainable development in rural areas, recognising the need to grow and support urban and rural communities together

The strategy aims for the planning system to support the place agenda by bringing together these cross-cutting priorities to support the delivery of:-

- ◆ Sustainable places where emissions are reduced and biodiversity is restored and better connected
- ◆ Liveable places where communities will live better, healthier lives
- ◆ Productive places where there will be a greener, fairer and more inclusive wellbeing economy

- 4.3. A series of Action Areas for Scotland are defined. In the context of South Lanarkshire, the urban areas and much of the rural area is included as part of what is described as “Central” aimed at transforming and pioneering a new era of low carbon urban living. This area broadly covers central Scotland from the Glasgow City Region and the Ayrshires in the west to Edinburgh City Region in the east, including the Tay Cities, the Forth Valley and Loch Lomond and the Trossachs National Park. The priorities for the Central area in relation to the place agenda are as follows:-

1. Support net zero energy solutions including extended heat networks and improved energy efficiency, together with urban greening and improved low carbon transport
 2. Pioneer low carbon, resilient urban living by rolling out networks of 20 minute neighbourhoods, future proofing city and town centres, accelerating urban greening, investing in net zero homes, and managing development on the edge of settlements
 3. Target economic investment and build community wealth to overcome disadvantage and support a greener wellbeing economy.
- 4.4. The southern part of the Council's rural area merges into the South Action Area covering the Borders and Dumfries and Galloway where the priorities are to:-
1. Protect environmental assets and stimulate investment in solutions to climate change and nature restoration while decarbonising transport and building resilient physical and digital connections
 2. Increase the population by improving local liveability, creating a low carbon network of towns and supporting sustainable rural development
 3. Support local economic development while making sustainable use of the areas environmental assets
- 4.5. NPF4 sets out the 18 National Developments which will support the Spatial Strategy. This designation means that the principle of the development does not need to be agreed during the planning application process. They include several Scotland-wide National Developments e.g. National Walking, Cycling and Wheeling; Digital Fibre Network; Strategic Renewable Electricity Generation and Transmission Infrastructure; and Circular Economy Materials Management Facilities.
- 4.6. Within the South Lanarkshire context they include:-
- ◆ Central Scotland Green Network (in order to accelerate urban greening across Central Scotland through the creation of green infrastructure and the re-use of brownfield and vacant/derelict land)
 - ◆ Urban Mass/Rapid Transit systems – which includes the proposed Glasgow Metro
 - ◆ Urban Sustainable Green/Blue Networks (Metropolitan Glasgow Strategic Drainage Programme)
 - ◆ High Speed Rail
 - ◆ Clyde Mission which involves the redevelopment of the Clyde waterfront along its entire length by attracting investment and reusing brownfield land with a particular emphasis on improving the quality of places, generating employment and supporting disadvantaged communities
- 4.7. The National Planning Policy section (Part 2 of NPF4) is where the detailed policies are found. This includes both the issues that Local Development Plans and Local Place Plans are to address as well as the criteria to be used when assessing planning applications. The table below sets out the 33 policies which are split into the three 'place' headings referred to in 4.2 above.

Sustainable Places	Liveable Places	Productive Places
1. Tackling the climate and nature crises 2. Climate mitigation and adaptation 3. Biodiversity 4. Natural places 5. Soils 6. Forestry, woodland and trees 7. Historic assets and places 8. Green belts 9. Brownfield land, vacant and derelict land and empty buildings 10. Coastal development 11. Energy 12. Zero waste 13. Sustainable transport	14. Design, quality and place 15. Local living and 20 minute neighbourhoods 16. Quality homes 17. Rural homes 18. Infrastructure first 19. Heat and cooling 20. Blue and green infrastructure 21. Play, recreation and sport 22. Flood risk and water management 23. Health and Safety 24. Digital infrastructure	25. Community wealth building 26. Business and industry 27. City, town, local and commercial centres 28. Retail 29. Rural development 30. Tourism 31. Culture and creativity 32. Aquaculture 33. Minerals

- 4.8 A new approach is also suggested to help the planning system support the delivery of more and better homes. Amongst other matters, this policy reflects the work undertaken by the Glasgow City Region Housing Market Partnership to provide a Minimum All Tenure Housing Land Requirement (MATHLR) in the preparation of the draft NPF4. Local Development Plans will be required to identify a housing target for the area which should at least meet the 10 year MATHLR (7,850 for South Lanarkshire). A deliverable housing land pipeline for the Housing Land Requirement is to be provided setting out short, medium and long-term sites. Land to be identified to meet the housing land requirement (HLR) should be in sustainable locations.

5. Next Steps

- 5.1. At the present time the revised NPF4 has been approved by Parliament but it has not been formally adopted. The relevant legislation requires that it be adopted as soon as possible by the Scottish Ministers post approval by Parliament. Current timescales indicated for that are six weeks. In turn, NPF4 will become part of the Development Plan alongside the Council's adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In the meantime, due to its advanced stage, the Revised Draft NPF4 is now considered to be a material consideration in the determination of all planning applications. It is expected that transitional arrangements and detailed guidance will be published by the Scottish Government to help the initial implementation of NPF4.
- 5.2. In the longer term, the Government has advised that the regulations for the preparation of Local Development Plans, Open Space Strategies and Play Sufficiency Assessments will be laid before the Scottish Parliament when the 6-week judicial review period for NPF4 has expired. It is currently estimated that they will come into force around Spring/early summer. At this point, work on the preparation of the Council's Local Development Plan 3 will start formally and a report will be brought to this Committee at the time outlining the steps and timescales involved.

- 5.3. As noted above, the approval of NPF4 represents a significant transformation for the way in which decisions on planning matters are to be made. It reflects many of the emerging themes and priorities already identified at a national level and the Programme for Government and it establishes a framework on how the planning system will deliver the Governments' aspirations. Tackling climate change and supporting sustainability is weaved throughout the document and emphasises that sustainable development must be the foundation if the climate emergency and the nature crisis are to be tackled. Topics that the planning system has not previously been asked to address (eg health and wellbeing and community wealth building) are given prominence and are clearly established as critical in terms of creating a just society and tackling longstanding inequalities and challenges. The emphasis on place making, the creation of 20 Minute Neighbourhoods and the role local people will have in shaping their areas is also established in the document.
- 5.4. Together with changes to the Building Regulations set to be introduced in 2023, the transformation of the planning system will have significant implications for the Council as landowners and developers. A more joined up approach involving planning and building standards will evolve. In order to support the delivery and application of NPF4, a range of awareness sessions and workshops will be programmed to inform elected members and officers across the Council. The upskilling of planning staff making decisions needed to deliver NPF4 outcomes is an important issue as is the continued resourcing of the planning service in terms of staff capacity and skills.

6. Employee Implications

- 6.1. The implementation of NPF4 will have implications for officers in the Planning Service in terms of preparing the next Local Development Plan and decision making on planning applications. A number of 'new' issues have been introduced that the planning system is required to address which will require appropriate skills and knowledge currently unavailable. Equally officers within other Council services will be required to understand any new requirements within the approved NPF4 for their projects and strategies.
- 6.2. The preparation of the Council's next Local Development Plan is likely to be more resource intensive based on the anticipated new procedures and guidance and additional topics that are required to be covered. Work has started on the Open Space Strategy in partnership with officers in Countryside and Greenspace and the Glasgow and Clyde Valley Green Network Partnership, however, progress has been delayed due to resourcing issues. The preparation of the Play Sufficiency Assessment is likely to have similar issues.

7. Financial Implications

- 7.1. The costs of the preparation and production of the next Local Development Plan and Open Space Strategy/Play Sufficiency Assessment will be expected to be met from existing budgets. However, while the increase in planning fees introduced in April 2022 are intended to achieve full cost recovery for the planning application process, this fails to address the need to deliver the aims and ambitions of NPF4 and the next Local Development Plan / Open Space Strategy. This is a matter that is subject to separate discussion between CoSLA, Heads of Planning Scotland and Royal Town Planning Institute and the Scottish Government.

8. Climate Change, Sustainability and Environmental Implications

- 8.1. The theme of tackling the Global Climate Emergency, meeting the Scottish Government's targets for net zero emissions and the promotion of sustainable developments are central to the spatial strategy in NPF4 and, in turn, through the preparation of the Council's next Local Development Plan and in decision making on planning applications.

9. Other Implications

- 9.1. Once adopted, NPF4 will form the Development Plan for the Council as Planning Authority alongside its adopted SLLDP2. It will be a material consideration for determining all planning applications while the next Local Development Plan must accord with it. Where there is conflict between NPF4 and SLLDP2, the former will be given priority.

10. Equality Impact Assessment and Consultation Arrangements

- 10.1. The original consultation on the draft NPF4 and the revised draft subsequently approved by the Scottish Parliament were subject to Equalities Impact Assessment, Child Rights and Wellbeing and a Fairer Scotland Duty Assessment.

- 10.2. Consultation by the Council is not required.

David Booth

Executive Director (Community and Enterprise Resources)

13 January 2023

Link(s) to Council Values/Priorities/Outcomes

- ◆ Good quality, suitable and sustainable places to live

Previous References

- ◆ Planning Committee - 29 March 2022 - report on Scottish Government Consultations:-
National Planning Framework 4
Local Development Plan Regulations and Guidance and Open Space
Strategies and Play Sufficiency Assessments Regulations

List of Background Papers

- ◆ Planning (Scotland) Act 2019
- ◆ National Planning Framework 4 approved by Scottish Parliament on 11 January 2023

Contact for Further Information

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

Tony Finn, Planning and Building Standards Manager (Headquarters)

Ext: 5105 (Tel: 01698 455105)

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

Report

Report to:	Planning Committee
Date of Meeting:	24 January 2023
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/22/0360
Planning proposal:	Erection of dwellinghouse (Planning Permission in Principle)

1 Summary application information

Application type: Permission in principle

Applicant: Mr Kevin Brown
Location: Land at Spittal Farm
Spittal Road
Carnwath
Lanark
ML11 8LY

2 Recommendation(s)

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

(1) Refuse detailed planning permission (for the reasons stated).

2.2 Other actions/notes

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

3 Other information

- ◆ Applicant's Agent: Catherine Lyon
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): SLDP2: Policy 2 Climate Change
SLDP2: Policy 4 Green Belt and Rural Area
SLDP2: Policy 5 Development Management and Placemaking
SLDP2: Policy GBRA1 Rural Design and Development
SLDP2: Policy GBRA8 Development of Gap Sites
SLDP2: Policy GBRA9 Consolidation of Existing Building Groups

◆ **Representation(s):**

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

◆ **Consultation(s):**

West of Scotland Archaeology Service

Roads Development Management Team

Scottish Water

Arboricultural Services

Planning Application Report

1 Application Site

- 1.1 The site (0.3975 ha) is located to the east of a line of 6 dwellings, the easternmost of which is a property called Medwyn Rise, on agricultural land forming part of the Spittal Farm landholding, the steading of which adjoins the eastern boundary of the site. To the south the site faces onto Spittal Road, a minor public road and beyond by agricultural land sloping down to the North Medwyn. To the north is the remaining agricultural field area. In the middle of the site there is a sparse line of low quality trees in a state of decline, formerly following a field boundary. Carnwath lies 1km to the north.

2 Proposal(s)

- 2.1 The applicant seeks planning permission in principle for a detached dwelling (the site plan shows the indicative footprint of the proposed dwelling). The proposal also includes re-establishing and consolidating the tree line which previously formed a field boundary crossing the site. The house will be sited to the west of the proposed tree line – the land to the east of the tree line will be retained as a paddock. The applicant proposes a legal agreement to ensure the land to the east of the tree line remains undeveloped.
- 2.2 A Supporting Statement, addendum and correspondence have been submitted as supporting information.

3 Background

3.1 Local Plan Status

- 3.1.1 In the adopted South Lanarkshire Local Development Plan 2 the following Policies - 2 - Climate Change, 4 – Green Belt and Rural Area, 5 - Development Management and Place Making, GBRA1 - Rural Design and Development, GBRA8 - Development of Gap Sites and GBRA9 - Consolidation of Existing Building Groups are of relevance to the determination of this application.

3.2 Relevant Government Advice/Policy

- 3.2.1 In terms of residential development, Scottish Planning Policy (SPP) advises that the planning system should identify a generous supply of land to support the achievement of housing land requirements and maintaining at least a 5 year supply of land at all times. It should also enable the development of well designed, energy efficient, good quality housing in sustainable locations and focus on the delivery of allocated sites. Consideration should be given to the re-use or re-development of brownfield land before development takes place on greenfield sites. In all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces. Where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car based commuting and the suburbanisation of the countryside. Include provision for small scale housing which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact.
- 3.2.2 The Revised Draft National Planning Framework 4 was approved by the Scottish Parliament on 11 January 2023. The next step is its formal adoption and publication by Scottish Ministers. Due to its advanced stage, the Revised Draft NPF4 is now considered to be a material consideration in the determination of this application. However, there are not considered to be any specific implications in respect of the provisions of the draft framework relating to this application. The Revised Draft

National Planning Framework 4 aims to encourage low and zero carbon design and energy efficiency, development that is accessible by sustainable travel, whilst stressing the need to ensure the right development happens in the right place.

3.3 **Planning Background**

3.3.1 There have been no previous planning applications within the site although immediately to the east within the same landholding (owned by the agent for the applicant) Planning Permission CL/06/0880 was granted for a farmhouse in May 2008. Planning Permission CL/07/0788 was granted for the siting of a residential caravan (temporary consent) in December 2007. A Discharge of Planning Obligation CL/12/0468 attached to planning consent CL/06/0880 which restricted occupancy and sale of the farmhouse was granted in May 2012 because further finance to complete the approved dwelling was not possible without the removal of these restrictions. Planning Permission CL/12/0256 for removal of condition 02 'restricting occupancy of house to someone employed in agriculture' was approved in December 2012. New outbuildings have been built beside the farmhouse. This represents a new farmhouse and steading – the development does not relate to the consolidation of an original farm steading. At the western extremity of the landholding, well beyond the building group and steading, Prior Approval CL/17/0076 was not required for an agricultural building in March 2017. P/20/1640 was granted for an extension to that agricultural shed in November 2020. Prior Approval P/18/0922 was not required for a container for agricultural equipment in July 2018, sited to the north of Old Medwyn Mill. Prior Notification CL/14/0299 for an agricultural building in isolated location to the north of Spittal Road, was granted in August 2014. Prior approval for a sheep handling shed and feed silo at the same location, was granted in March 2015. Planning Permission CL/15/0405 for temporary accommodation, beside the silo and shed, was granted in January 2016 because accredited flock requires to be isolated from other breeds for biosecurity reasons – as the temporary consent expired in 2019 a new temporary consent for accommodation was granted in February 2021. Prior Approval P/18/0147 for a polytunnel to the north of Old Medwyn Mill, was granted April 2018. These developments represent a random scattering of buildings across the landholding at odds with the normal and preferred practice of consolidating agricultural operations at the one steading.

4 **Consultation(s)**

4.1 **Scottish Water** – There is sufficient capacity at the Coulter Water Treatment Works. Unfortunately, according to their records there is no public Scottish Water Waste Water infrastructure within the vicinity of this proposed development, therefore, the applicant is advised to investigate private treatment options. For reasons of sustainability and to protect their customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into their combined sewer system.

Response: Noted. If permission is granted conditions will be applied requiring details of surface water drainage and private sewerage arrangements. There is no combined sewer in the vicinity to connect into.

4.2 **Roads and Transportation Services** – No objection subject to conditions covering visibility, parking, turning area, location of gates and provision of passing place between Medwyn Rise and the proposed site access.

Response: Noted. If the Planning Committee determine that the planning application should be approved, then appropriate conditions can be attached.

- 4.3 **WOSAS** – Due to the proximity to the line of a Roman road, normally an archaeological investigation condition would be recommended. In this instance, Dr Swanson, the former Manager of the Archaeology Service, provided comments in response to a 2006 application for the construction of a new farmhouse immediately to the north-east (planning reference CL/06/0880). Dr Swanson advised that she did not consider archaeological work to be required in relation to that application and given the proximity of the current proposal to the site of the (now-completed) farm, it is accepted that it could raise issues of consistency if a condition was attached to any consent issued in relation to the current application.

Response: Noted.

- 4.4 **Arboricultural Services** – No response received to date.

Response: No existing trees are directly affected by this proposal.

5 Representation(s)

- 5.1 In response to the carrying out of neighbour notification and the advertisement of the application in the local press due to Development Contrary to the Development Plan and non-notification of neighbours, 1 comment letter has been received. The issues raised are summarised below:-

- a) **Existing soakaway drain and septic tank outfall pipe from neighbouring property falls within the application site boundary. The neighbour has a continuing right to access for maintenance purposes. Any planning approval should make reference to this drainage and ensure that the drainage is not affected, or a condition is attached requiring approval for any modification to the drainage.**

Response: If the Planning Committee determine that the application should be approved then an appropriate condition could be attached to protect this drainage.

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

6 Assessment and Conclusions

- 6.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan 2 (SLLDP2).
- 6.2 The Scottish Planning Policy (SPP) states that the planning system should in all rural and island areas promote a pattern of development that is appropriate to the character of the particular area and the challenges it faces and encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. In this instance it is considered that the proposed development is not consistent with the SPP in that it would further erode the quality of the countryside and represents the continuing urbanisation of the rural area within this vicinity. The proposal, if approved, would not protect, or enhance the environment at this location nor support a prosperous and sustainable community. Local Plan policies already allow for multiple opportunities for small scale housing development in the rural area.
- 6.3 In terms of local plan policy the application site lies within the rural area and is subject to assessment against Policy 4 - Green Belt and Rural Area of the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). This states that development which does not require to be located in the countryside will be expected to be included within a settlement boundary. This policy further states that within rural areas the Council seeks to protect the amenity of the countryside while, at the

same time, support small scale development in the right places that is appropriate in land use terms and is of high environmental quality that support the needs of the community.

- 6.4 Policy GBRA1's primary requirement is that proposed development "should be sited in a manner that respects existing built form, land form and local landscape character and setting".
- 6.5 Policy GBRA8 development of gap sites outlines criteria which should be adhered to in order for a proposal on a gap site to be favourably considered; the salient criteria are as follows:-
- ◆ the building group should form a clearly identifiable nucleus with strong visual cohesion. The site should be bounded on at least two sides by habitable houses or other buildings that are either in use or capable of being brought back into use. The distance between the existing buildings shall be no more than that needed to form a maximum of two house plots of a size in keeping with the curtilage and frontage of the existing group
 - ◆ the proposed house size to plot ratio shall be comparable to existing properties in the building group
 - ◆ the proposed development shall not result in ribbon development or coalescence with another building group
 - ◆ exceptionally, within the rural area only, the layout of the existing group of houses may allow the infill of a small area up to a natural boundary, for example, an established tree belt or other landscaping feature, a physical feature such as a boundary wall or road
- 6.6 Policy GBRA9, relative to the consolidation of existing building groups, advises that proposals for new houses within existing building groups will be supported, subject to specified criterion. It requires that new development shall:-
- ◆ reflect and respect the scale, character, cohesiveness of the building group
 - ◆ not result in ribbon/linear development
 - ◆ shall not significantly adversely affect the landscape character or setting of the area. It is noted that existing natural boundaries between the existing group and the countryside shall be maintained and that natural boundaries shall generally take precedence over man-made boundaries when defining the extent of a building group
- 6.7 The site sits to the east of a line of five suburban bungalows situated on the north side of Spittal Road which were constructed in the 80s/90s. Although subject of approval at the time, this one sided line of bungalows appears as an anomaly at odds with the pattern of rural development in the area and certainly contrary to current planning policy and guidance which aims to discourage this type of suburbanisation – approval cumulatively would exacerbate the impact of suburbanisation in this locality. The indicative house plot located to the west of the line of trees would not be closely bounded by buildings and the small number of sparse trees in poor condition would not physically or visually provide a strong defensible edge. Although it is noted that the applicant is willing to restrict the development on the site area between Spittal Farm and the line of trees, that area nevertheless falls within the application site boundary thereby giving an assigned curtilage significantly larger than the existing dwellings in the nearby building group. There is a proposal to strengthen the line of trees with additional planting, however,

that would take time to mature and become established. Therefore, the criteria for a gap site development cannot be met. Whether two or only one house is proposed, it still represents inappropriate ribbon/linear development which exacerbates the impact of existing ribbon/linear development. The applicant believes that the building group should have been designated as a settlement as it is similarly sized to other building groups which have already been formally designated as settlements through the Local Plan process and if designated, the proposal could be considered as a proportionate expansion of the settlement under the terms of Policy GBRA7 – Small Scale Settlement Extensions. There has to date been no representation during the preparation and consultation period for previous Local Plans for Spittal to be designated as a settlement, however, the applicant asserts that due to the time delay in preparing a new local plan there is material justification for theoretically assessing the proposal as if Spittal was already a designated settlement. From a South Lanarkshire planning perspective with numerous emerging environmental issues to address, designating a new settlement for the purpose of allowing the addition of a single dwelling is not seen as a pressing priority. Even if Spittal was a designated settlement, this proposal would not represent the natural and proportionate rounding off of the settlement edge for the reasons outlined above. The proposal would not consolidate nor round off the building group rather it would extend beyond the defined group into a greenfield site currently used as productive agricultural land. On this basis, it is considered that the application proposal is contrary to Policies 4, GBRA1, GBRA8 and GBRA9 of the adopted SLLDP2.

- 6.8 Policy 2 – Climate Change states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change by being sustainably located and having no significant adverse impacts on the water and soils environment. The application site is not located within any flood risk area and the provision of any form of drainage system on the site would not significantly adversely impact on the water and soils environment of the surrounding area. At the further detailed stage conditions could be attached requiring energy efficiency, low carbon technology and a charging point for electrical cars. The proposal, therefore, complies with Policy 2 of the current Local Development Plan.
- 6.9 Policy 5 - Development management and placemaking states that all development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community. As stated above, the proposal would result in a development that would not take account of nor integrate well with the local context and built form in the area and would therefore have significant adverse impacts on the local community and environment of the surrounding area. The proposal also fails to comply with Policy 5 of the current Local Development Plan.
- 6.10 The supporting statement accompanying the application refers to the draft Fourth National Planning Framework (NPF4) having the aims of increasing the population of the rural areas, choice about where people live, encouraging remote working and consolidating 20 minute neighbourhoods. Guidance encourages local authorities to facilitate sensitive housing development in the rural area, however, that does not imply unrestricted development at the expense of countryside quality and a distinctive rural character. Local Plan policies already afford a range of opportunities for small scale housing developments in the countryside, subject to environmental, amenity, road safety and infrastructure constraints, which tie in with these aims – these include: gap site developments; consolidation of existing building groups; small scale settlement extensions; redevelopment of previously developed land containing buildings; conversion and re-use of existing buildings and accommodation

associated with an existing or proposed rural business. For the reasons outlined above this planning application does not comply with Local Plan policies covering new housing in the rural area.

- 6.11 The agent for the applicant who owns Spittal Farm, which includes the application site, advises that the sale of the land will help raise money to complete the approved handling shed, silo and cabin. This is the only reason the application was made, as it will assist the farm development at a time when the government is looking to increase food production from local resources. This is somewhat contradictory as the proposal will result in the loss of productive agricultural land and if land must be sold off to complete agricultural buildings, the viability of the farm business is questionable. Also, over the years there has been a random spread of assorted sheds and structures in isolated locations throughout the landholding, distant from the steading, contrary to normal practice whereby operations are consolidated within the confines of one steading (see paragraph 3.3.1 documenting the history of prior notifications and planning permissions at Spittal Farm). This spread of structures in various locations has cumulatively created an impression of rural clutter – that pattern of development along with the current proposal will further erode the quality of the countryside in this locality.
- 6.12 This application has been resubmitted following deferral from the previous Planning Committee held on 22 November 2022 to allow members to view the site plan prior to deciding on the merits of the proposal. The site plan is available as a background paper and can be viewed on the planning portal via the link included under background papers.
- 6.13 In view of the above, it is concluded that the proposal does not comply with the requirement of applicable policies within the adopted South Lanarkshire Local Development Plan 2. It is therefore recommended that permission is refused.

7 Reasons for Decision

- 7.1 The proposed development does not comply with the requirements of Policies 4 (Green Belt and Rural Area), 5 (Development Management and Placemaking), GBRA1 (Rural Design and Development), GBRA8 (Development of Gap Sites) and GBRA9 (Consolidation of Existing Building Groups) of the adopted South Lanarkshire Local Development Plan 2.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 16 January 2023

Previous References

- ◆ P/22/0360 – Planning Committee - 22 November 2022

List of Background Papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 23 March 2022
- ▶ Site Plan available at following link:–
<https://publicaccess.southlanarkshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R8JM4UOPHU500>

- ▶ Consultations

West of Scotland Archaeology Service	28.03.2022
Roads Development Management Team	27.04.2022
Scottish Water	29.03.2022
Arboricultural Services	22.03.2022

- ▶ Representations

Robert and Roberta Dunsire, Medwyn Rise Spittal, Spittal Road, Carnwath, Lanark, South Lanarkshire, ML11 8LY	Dated: 03.04.2022
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Contact for further information

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

Ian Hamilton, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
 Phone: 07551 845 733
 Email: ian.hamilton@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/22/0360

Conditions and reasons

Reasons for refusal

01. The proposal would be contrary to Policy 4 (Green Belt and Rural Area) of the South Lanarkshire Local Development Plan 2 as it would constitute an inappropriate form of development, without appropriate justification, which adversely affects the character of the Rural Area at this location.
02. The proposal would be contrary to Policy 5 (Development Management and Placemaking) and GBRA1 (Rural Design and Development) of the South Lanarkshire Local Development Plan 2 as it would constitute an inappropriate form of development, without appropriate justification, which would exacerbate the impression of suburbanisation at this location, leading to further erosion of the rural character.
03. The proposed residential dwelling on the site would be contrary to Policy GBRA8 (Development of Gap Sites) of the South Lanarkshire Local Development Plan 2 as it would constitute an inappropriate form of development, without appropriate justification. The site is not closely bounded on two sides by existing buildings and the proposed dwelling and associated curtilage would be significantly larger than existing plots within the linear group. The proposal would exacerbate the impression of existing ribbon/linear development adversely affecting the amenity of the Rural Area at this location.
04. The proposed residential dwelling on the site would be contrary to Policy GBRA9 (Consolidation of Existing Building Groups) of the South Lanarkshire Local Development Plan 2 as it would constitute an inappropriate form of development, without appropriate justification. The proposal would exacerbate the impression of existing ribbon/linear development, extending the building group beyond the existing boundary of the existing group into greenfield/agricultural land, which would adversely affect the amenity of the Rural Area at this location.

P/22/0360

Camwath, Lanark



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



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

5

Report to:	Planning Committee
Date of Meeting:	24 January 2023
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/22/0771
Planning proposal:	Demolition of building and derelict railway bridge and the erection of three dwellinghouses, access roads and footpath

1 Summary application information

Application type:	Detailed planning application
Applicant:	Ms Maureen Gaffney
Location:	Land 60M North of 68 Biggar Road Biggar Road Symington Biggar 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: Barry McMullan
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): SLDP2: Policy 2 Climate Change
SLDP2: Policy 4 Green Belt and Rural Area
SLDP2: Policy 5 Development Management and Placemaking
SLDP2: Policy 14 Natural and Historic Environment
SLDP2: Policy GBRA1 Rural Design and Development

SLDP2: Policy GBRA7 Small Scale Settlement
Extensions
SLDP2: Policy NHE16 Landscape
SLDP2: Policy 15 Travel and Transport

◆ **Representation(s):**

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

◆ **Consultation(s):**

Network Rail

West of Scotland Archaeology Service

Symington Community Council

Roads Development Management Team

Environmental Services

Scottish Water

Countryside and Greenspace

SP Energy Networks

BT Cellnet

TRANSCO

Roads Flood Risk Management

SGN Use

British Telecom

Planning Application Report

1 Application Site

- 1.1 The applicant site consists of a dismantled railway line, embankment, railway bridge and section of footpath crossing said bridge which continues along the northern boundary of the site to meet the access to Annieston Farm, further to the north. There is self seeded scrub along the railway solum and embankment and semi mature trees on the footpath embankment adjoining Biggar Road. Between the footpath and railway embankment is a triangular shaped paddock containing a dilapidated agricultural building and an abandoned caravan. It is situated at the eastern and southern edges of Symington. There are existing dwellings to the west and to the south, the site fronts Biggar Road (A72), on the other side of which are two detached dwellings within the settlement boundary of Symington. To the north and east the site is bounded by agricultural land.

2 Proposal(s)

- 2.1 The application proposes demolishing the bridge and infilling the embankment and removing the agricultural building and a section of the footpath in order to construct three detached, 5 bedroom dwellings with integral garages, served by a single access taken from Biggar Road. The houses are one and three quarters storeys in height, will be finished in render and slate (or slate substitute) and feature dormers, chimneys, steep roof pitches and windows with a vertical emphasis. The design is reflective of traditional rural architecture. A diverted route for the footpath will be formed along the site frontage and the eastern boundary and thereafter rejoin the unaffected section of path. Trees within the site will have to be removed to accommodate the development, however, in compensation, a shelter belt will be established in the paddock, in the applicant's ownership, adjoining the eastern boundary and new trees will be planted along the proposed footpath to the west of the site.

3 Background

3.1 Local Plan Status

- 3.1.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan 2 and its impact on residential amenity, traffic safety, environmental matters, and infrastructure issues.
- 3.1.2 The 2021 adopted South Lanarkshire Local Development Plan 2 (SLLDP2) identifies the application site as being within the Rural Area, subject to assessment against Policy 4 - Green Belt and Rural Area, Policy 5 - Development Management and Placemaking and GBRA1 - Rural Design and Development. In addition, the proposals require to be assessed against the guidance contained within Policy GBRA7 - Small Scale Settlement Extensions which is the most relevant to the assessment of the application. Policies 2 – Climate Change, 14 - Natural and Historic, 15 – Travel and Transport and NHE16 - Landscape are also of relevance to the determination of this application.

3.2 Relevant Government Advice/Policy

- 3.2.1 In terms of residential development, Scottish Planning Policy (SPP) advises that the planning system should identify a generous supply of land to support the achievement of housing land requirements and maintaining at least a 5 year supply of land at all times. It should also enable the development of well designed, energy efficient, good quality housing in sustainable locations and focus on the delivery of allocated sites. Consideration should be given to the re-use or re-development of brownfield land before development takes place on greenfield sites.

- 3.2.2 SPP also advises that 'Disused railway lines with a reasonable prospect of being reused as rail, tram, bus rapid transit or active travel routes should be safeguarded in development plans. The strategic case for a new station should emerge from a complete and robust multimodal transport appraisal in line with Scottish Transport Appraisal Guidance (STAG). The Clydesdale STAG has concluded the Part 2 appraisal stage and a rail station at Symington on the West Coast Main Line remains a long-term option, however, the disused railway line at the application site is not considered for rail or other forms of public transport.
- 3.2.3 In the Planning (Scotland) Act 2019, Section 3AB paragraph (3) (ii) advises that Scottish Ministers, in the preparation of a National Planning Framework, should have regard to the desirability of preserving disused railway infrastructure for the purpose of ensuring its availability for possible future transport requirements. Section 7, paragraph 4 (c) (aa) of the Act further advises that Local Plans are to have regard to the desirability of preserving disused railway infrastructure for the purpose of ensuring its availability for possible future transport requirements.
- 3.2.4 The Revised Draft National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023. The next step is its formal adoption and publication by Scottish Ministers. Due to its advanced stage, the Revised Draft NPF4 is now considered to be a material consideration in the determination of this application. The Revised Draft NPF4 (8 November 2022) advises that the policy intent is to promote and facilitate developments that promote walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. Investment in transport infrastructure should support connectivity and reflect place based approaches and local living. More, better, safer, and more inclusive active and sustainable travel opportunities are encouraged. Developments should be in locations which support sustainable travel. As NPF4 has not completed its parliamentary process, only limited weight can be attached to it. Nevertheless, it is a material consideration in the determination of this application.

3.3 **Planning Background**

- 3.3.1 Planning Applications CL/05/0749 and CL/07/0736 for dwellinghouse (Outline) were refused in February 2006 and June 2007 respectively.

4 **Consultation(s)**

- 4.1 **Network Rail** - No objection/comments to this application.
Response: Noted.
- 4.2 **West of Scotland Archaeology Service** – In terms of the current application, the removal of the standing building is not considered to raise a particular archaeological issue, as it did not appear on either the 1st or 2nd edition OS maps, indicating that it is likely to be of 20th century date. The proposal would also see the removal of a section of the former track bed, however, as this is a linear feature, the removal of a small section of it would not represent a major loss. Aware that buildings already overlie the route of the former branch line in the area to the west. This would leave the issue of the removal of the derelict railway bridge. This is obviously a visible element of the local historic environment, and as such, it would ideally be retained. However, given its nature and date of construction, the bridge is not of such importance as would lead to advice that planning permission should be refused to secure its continued survival. Instead, advise that if the Council is minded to grant consent for the removal of the bridge and the subsequent development of the plot, a condition should be attached requiring an archaeological standing building survey of the extant structures.

Response: Noted. The recommended condition will be attached if consent is granted.

4.3 **Symington Community Council** – No response received to date.

Response: Noted.

4.4 **Countryside and Greenspace** - It is acknowledged that the applicant recognises the need to replace the western path link lost with the proposed works but there is no detail on specification other than width. The verge and proposed alignment of path do not appear to be in ownership of the applicant and if so the Council's Roads and Transportation Services would need to be consulted. The proposed roadside path if on the Council's Roads and Transportation Services' property will need to be constructed to adoptable standards. If the proposed path is contiguous with the public road it will need a bound surface of bitmac construction otherwise it will degrade very quickly due to the proximity of the road and effects of vehicular traffic. If a path of unbound surface is proposed, then it would need to be separated from the vehicular carriageway. The 2m width is acceptable. Again, consultation with the Council's Roads and Transportation Services is required. The path width of the 'Proposed 1200mm pedestrian access track to connect to the existing nature walk' should be increased to 1500mm minimum to allow comfortable passage of two-way users in what may be a narrow, enclosed corridor. Unbound surface construction would be acceptable.

Response: Revised drawings have been submitted which address these issues. Roads and Transportation Services who were also consulted are satisfied with the revised footpath and access details subject to recommended conditions.

4.5 **Roads Development Management** - The railway bridge which is to be dismantled connects to the wider core path which currently runs to the rear of the site. The removal of the railway bridge and core path to the rear of the site will be acceptable provided the footway along the frontage of the development is a minimum of 3m in width and the internal connection which connects this footway back to the core path is also 3m in width. The proposed footway along the A72 will end at the access to the existing properties off Biggar Road. To the west of this access there is a footway, however, this is segregated by a grass verge and the applicant should therefore ensure a connection is provided at this point in the form of a drop kerb pedestrian crossing over the access road. Land Services should be consulted due to the proposed re-routing of the core path. It may be necessary to stop up the footpath. In conclusion there are no objections subject to conditions covering visibility, footpaths, driveways, parking, access, and traffic management.

Response: The affected footpath is not identified as a Core Path or Right of Way and is not in public ownership. The Access Officer has no objection subject to minor alterations which have been addressed by the submission of amended plans. Although a small section of the path will be removed, a satisfactory diverted route along the site frontage and eastern boundary will be laid out, joining the remaining path to the north east, where the rest of the route will be uninterrupted. The alternative path route will be 3m in width as recommended. Recommended conditions will be attached, if consent is granted.

4.6 **Environmental Services** - No objection subject to a condition covering restricted times for audible construction noise and informatives on demolition and construction, asbestos, and contaminants.

Response: The recommended condition and informatives will be attached, if consent is granted.

- 4.7 **Scottish Water** - There is sufficient capacity at the Coulter Water Treatment Works and Symington Waste Water Treatment works. For reasons of sustainability and to protect their customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into their combined sewer system. There may be limited exceptional circumstances where they would allow such a connection for brownfield sites only, however, this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges. In order to avoid costs and delays where a surface water discharge to their combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. They will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

Response: Noted. If consent is granted a condition will be attached requiring confirmation from Scottish Water that they are willing to accept drainage discharge into their system, in the event that such a connection is required.

- 4.8 **SP Energy Networks** - A map has been submitted detailing infrastructure within the vicinity of the site. This shows underground cables running along the front of the western section of the site and linking into properties to the west of the site (numbers 69 and 69a Biggar Road).

Response: Only the new footpath link could potentially affect these cables. A condition has been attached requiring deviation or reinstatement of statutory undertakers' infrastructure at the developer's expense if these cables have to be removed to accommodate the development.

- 4.9 **Transco** - Have outlined safety procedures and submitted a map which shows no gas infrastructure within the site area.

Response: Noted. If consent is granted, as a precaution an informative will be attached setting down safety procedures to undertake prior to the commencement of construction.

- 4.10 **Roads Flood Risk Management** - No objection subject to the development being served by an appropriate sustainable drainage system, designed in accordance with the Council's developer design guidance and accompanied by completed self-certificates contained within appendices C, D and E.

Response: Noted. If consent is granted, a condition will be attached requiring the submission and approval of drainage details and the implementation of the approved drainage prior to the occupation of the approved dwellings.

- 4.11 **SGN Use** - No response received to date.

Response: Noted – See summary of response from and to Transco above.

- 4.12 **British Telecom** - No response to date.

Response: Overhead wires cross the western section of the site, and it is assumed, taking account of Scottish Power and Transco responses above, that these are telephone wires. If consent is granted, a condition will be attached requiring the diversion of infrastructure at the applicant's expense.

5 Representation(s)

5.1 In response to the carrying out of neighbour notification and the advertisement of the application in the local press for non-notification of neighbours, 6 letters of objection have been received. The issues raised are summarised below:-

- a) The application is on Green Belt and if allowed would encourage further sporadic development or extensions to the village boundary.**

Response: The site is located within the designated Rural Area where Policy GBRA7 – Small Scale Settlement Extensions allows for sensitive and proportionate expansions of existing settlements.

- b) The original existing building does not have planning permission and so would be sporadic development.**

Response: The existing agricultural building on site is subject of an approved Prior Notification.

- c) The proposed development would break the existing local plan boundary of the village.**

Response: See point a) above.

- d) The entrance is more or less opposite number 89 which if both were existing could cause a problem to both driveways and other motorists.**

Response: The property opposite is in fact number 68 Biggar Road, not number 89. In their consultation response, Roads and Transportation Services have not raised any public or traffic safety concerns.

- e) The current site and existing bridge is used by many walkers and if this development was granted would reduce the green space that the local community enjoy at the moment.**

Response: A diverted footpath will be created which does not significantly extend the length of the existing route or inconvenience walkers. The railway solum is over grown with self seeded scrub and currently the steep embankment and overgrowth is an impediment to easy access – nor does the former railway form a linear footpath route. The dilapidated agricultural building detracts from the character and its removal will result in improvements to the visual and rural amenity. Additional tree planting will enhance the landscape character. Therefore, on balance there will be no overall loss or deterioration of the amenity currently enjoyed.

- f) There is a long standing problem with regard to this site which has never had any Planning Permission granted.**

Response: The proposal has been assessed on its individual merits, taking account of relevant policies in the adopted Local Plan.

- g) There are severe contamination issues due to part of this site being on an old railway line. There is also a risk of methane gas associated with the contamination of the old railway line.**

Response: In their consultation response, Environmental Services have not objected nor raised concerns about methane gas. However, they have recommended an informative advising as follows: 'Although the proposed development area is not on the Council's prioritised list of potentially contaminated land sites, it is recommended that an Action Plan is prepared in advance of works commencing, to guide staff in the event that any contamination is encountered during construction'. This Plan will require the Planning Authority

to be advised immediately if contamination is suspected'. This informative will be attached, if consent is granted.

- h) The wildlife that enjoys the area should be considered such as rabbits, bats and other pond life such as newts.**

Response: The site is not a protected habitat, nor does it have any special biodiversity qualities. The trees on site do not appear suitable for roosting bats. The nearest pond is 100m to the south and in between is a busy road corridor, presenting a significant obstacle to migrating amphibians. Rabbits are not a threatened species and there is spacious surrounding countryside, where they can revert to, in the event of displacement, if indeed they are on the site. There is no evidence of badger sets or badger activity, however, if consent is granted, a pre-commencement condition requiring a badger survey will be attached as a precautionary measure. Also, an informative will be attached which states: 'Should a bat roost be found during construction/demolition, then the roost must not be disturbed and an appropriate licence should be obtained from the Scottish Government as early as possible and before work proceeds'.

- i) There has been flooding issues in this part of Biggar Road in part because of drainage issues.**

Response: In their consultation response the Flood Unit have not objected subject to a condition requiring the installation of a suitably designed Sustainable Urban Drainage System (SUDS) to control surface water runoff from the site. The recommended condition has been attached. The SEPA 1:200 year flood map shows low/medium flooding on parts of Biggar Road, however, the extent of this flooding does not directly affect the development site other than the edge of the existing path to the railway bridge further to the west – a new path will be constructed along the verge, however, that won't materially change the existing land use or cause flood displacement.

- j) There is also a drain on the current infrastructure water, drainage etc.**

Response: If Committee grant planning permission, a SUDS condition will be attached to address any drainage issues. Another condition requires the developer to take responsibility for the diversion of any infrastructure.

- k) There are powerlines and telephone lines etc on this site which covers neighbouring properties.**

Response: Existing infrastructure on site is not an impediment to granting planning permission. Relocation of existing infrastructure is the responsibility of the developer and that can be addressed by a suitably worded condition.

- l) Consideration should be taken into account with regard to the history of the site and the village to see if there has been any finds of items of archaeological interest and if there were any old Roman camps or trails in this area.**

Response: The West of Scotland Archaeological Service have not objected subject to a condition requiring an archaeological survey carried out to ensure an adequate record of the bridge before its removal. No other archaeological issues were raised in their consultation response.

- m) South Lanarkshire have allowed this site to have an illegal building and caravan on site for a number of years and should have taken action to have this removed as it has been an eyesore and a source of rodent infestation. Rather than grant permission the owner should be issued with a notice to remove all structures and the old caravan and clean up the site.**

Response: The building on site has been the subject of an approved Prior Notification for an agricultural building albeit it is in a dilapidated condition. The caravan has been abandoned and vandalised to such an extent it is now an eyesore. A condition has been attached requiring the removal of this caravan prior to the commencement of works on site. The agricultural building will inevitably have to be removed to facilitate the development. Environmental Health have separate legislative powers to deal with pest nuisance. An informative has been attached which states: 'The applicant is advised that adequate pest control measures should be employed to ensure that any demolition and/or associated ground works occurring as part of this development do not give rise to increased pest activities'.

- n) Living directly opposite this proposed site may compromise road safety as objector tries to exit and enter driveway.**

Response: The properties opposite and the access into the proposed development fall within the 30mph speed limit zone. Roads and Transportation Services have not objected subject to conditions.

- o) The old bridge is part of a road used for decades by many villagers to access Camp Road and a Right of Way over Annieston Farm to Thankerton, not then having to a walk along the very busy A72 with no pavement.**

Response: There is no record of a registered Right of Way along the access to Annieston Farm, notwithstanding this, the section of the route from Symington, affected by the development, will be diverted via a footpath alongside the A72, laid out to a specification acceptable to Roads and Transportation Services, before continuing along a new built footpath following the eastern boundary of the site where it rejoins to route to Annieston Farm.

- p) Loss of public path which used to be an access path to Annieston Farm. When the owners of the farm applied to straighten the road to its current junction one of the conditions was that the existing road be left as a public pathway. To grant the application would mean the Council ignoring its own conditions.**

Response: The route will be diverted to accommodate the development otherwise an uninterrupted, continuous route from Symington to the access road to Annieston Farm shall be retained. The section of footpath to be diverted is owned by the applicant.

- q) The former railway bridge is not derelict and there is no need to demolish it. While it is never going to be a working railway bridge again, it is part of the built heritage and history of Symington and its unnecessary removal is nothing short of vandalism.**

Response: The bridge is simple in appearance and does not constitute a significant or unique work of civil engineering. It is not a designated Listed Building or a Scheduled Ancient Monument and the West of Scotland Archaeology Service has not objected to its removal. The bridge although interesting is not of sufficient worth to justify refusing the application in the interests of preserving built heritage. The bridge is owned by the applicant who is presumably responsible for its continuing maintenance. There does not appear to be any campaign or request for the bridge to be taken into community or public ownership.

- r) **The destruction and removal of mature trees adjacent to Biggar Road, including native species along with the habitat they provide, is completely unnecessary as their removal is to make way for a footpath which is already existing and utilising the bridge.**

Response: The loss of these trees is regrettable, however, after inspection, none of them individually or as a group are of particular merit or value. The applicant proposes significant compensatory tree planting along the edge of the new path and in the paddock adjoining the eastern boundary of the site.

- s) **The proposal would breach the firm boundary definition provided by the railway bridge.**

Response: On the southside of Biggar Road the settlement boundary extends further eastward beyond the location of the bridge over the now dismantled railway. A new defensible boundary will be created with the establishment of a shelter belt adjacent to the eastern boundary of the site.

- t) **The proposal does not involve a gap site or infill site and would lead to ribbon development.**

Response: The proposal is assessed as being acceptable under the terms of Policy GBRA7 – Small Scale Settlement Extensions.

- u) **The removal of the railway bridge, roadside bank and existing pathway on the western end of the plan would have a significant erosive effect on the scenic quality of the area caused by the extension of the development into the countryside as this requires the removal of several trees including Scots Pine. This vegetation contributes to the attractiveness of the village entrance.**

Response: See point r) above.

- v) **The railway bridge is a claimed Right of Way.**

Response: There is no record of a registered Right of Way over the railway bridge. The Council Access Officer has not objected to its removal.

- w) **The bank on the northwest side of the path up to the bridge is inside the objector's boundary and its removal will significantly impact upon the objector's land and will necessitate the removal of trees within.**

Response: The applicant asserts that the existing bridge is within her sole ownership, as indicated on the title deed plan, submitted as supporting information. There is no proposal to alter the bank to the north west of the bridge path in anyway.

- x) **There is no indication on the plans of how the boundary with the objector's property will be landscaped other than the roadside footpath and tree and vegetation removed. Responsibility for maintenance of such significant landscaping will lead to the on-going responsibility of the developer's and successive owners.**

Response: Revised plans have been submitted detailing additional tree planting alongside the roadside footpath. If approval is granted, a condition would be attached requiring the submission and approval of a maintenance regime for the tree planting scheme.

- y) **The infill of the land on the development site will cause a disparity with the height of the objector's land which will remain as ex railway line at much lower level. The impact on the water table may affect flooding issues.**

Response: Cross sections supplied show that infilling of the track will only result in a moderate rise in ground levels from that existing. Most reprofiling relates to the embankment on the northside of the railway line. A condition has been attached requiring the installation of adequate drainage.

- z) **The five bedroom houses do not provide a compelling reason to make an exception to the local development plan as they would not make a contribution to affordable housing for local residents with modest incomes.**

Response: The planning assessment concludes that the proposal complies with the adopted Local Plan therefore no exception has been made. The scale of the development is too small to require the inclusion of or contribution towards affordable housing.

- aa) **Access to and/or parking for the building by construction or workers' vehicles should not be made from or in front of 69/69A Biggar Road due to the substandard visibility at this place.**

Response: A condition has been attached requiring the submission and approval of a Traffic Management Plan detailing access and parking arrangements. The Traffic Management Plan will only be approved if it can satisfactorily demonstrate that public and traffic safety will not be compromised.

- bb) **The objector has a right of access along Annieston farm road.**

Response: This is a separate legal matter which is not relevant to the planning assessment of the proposal. Indeed, it is well established that the planning process does not exist to duplicate other legal provisions. Notwithstanding this the applicant has checked titled deeds and asserts that there is no reference to a legal right of access along the section of the access which will be removed. The access to Annieston farm will not be affected.

- cc) **The railway bridge is not derelict, it is well used by members of the public and provides a safe pedestrian and cycle access for adults and children into Symington. There is no pavement from the bottom of the farm road into Symington and it would represent an unacceptable risk to pedestrian safety.**

Response: The access and railway bridge are not maintained by the local authority or any other third party. The diverted access will provide a safe pedestrian route which connects onto Annieston farm road.

- dd) **There is no reason to demolish the bridge, it is an obvious attempt to restrict public access and would be a contravention of the Right to Roam legislation.**

Response: Without a maintenance regime the bridge will deteriorate eventually leaving it in an unsafe condition. A suitable and safe alternative access route will be formed, with negligible inconvenience to the user. There will be no contravention of the Right to Roam legislation.

- ee) **The route is still viable as light road access when the end of the farm road is blocked by roadworks and amenities works.**

Response: Due to the lack of maintenance the access is not suitable for light vehicle use nor is there a right of access to Annieston farm road via the railway bridge.

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

6 Assessment and Conclusions

6.1 The determining issues in the consideration of this application are its compliance with Government Guidance and the adopted South Lanarkshire Local Plan 2.

6.2 The Scottish Planning Policy (SPP) states that the planning system should in all rural and island areas promote a pattern of development that is appropriate to the character of the area and the challenges it faces and encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. In this instance, it is considered that the proposed development is consistent with the SPP in that it can integrate with and round off the settlement edge of Symington, re-use brownfield land and avoid adverse environmental impacts. The proposal, if approved, would help meet demand for good quality housing at a scale proportionate to the settlement size.

6.3 This application has been resubmitted following deferral from the previous Planning Committee on 22 November 2022. Members at the November Committee meeting had raised issues about development of a section of former railway track and whether the proposal was compliant with national planning policy in respect of preserving former railway tracks in case there is demonstrable demand in the future to justify re-opening for rail travel or whether the route could be re-used for an alternative transport route such as a cycleway. The application was deferred to enable time to consider these issues and elaborate on findings in an updated report to be presented to the next available Committee.

6.4 The SPP refers to the reasonable prospect of a disused railway being reused as a rail route. In that respect, the site must be looked at in the context of its surroundings and what remains of the original rail track. To the northwest of the site the original route of the track would have followed what is the current northern boundary of Symington until joining what is the existing west coast railway line. However, over time visible evidence of the section of the former railway track from the western edge of the application site to where it would have merged onto the west coast railway line has largely disappeared because it has either been absorbed into garden ground or been built upon. To reinstate the line would result in existing buildings having to be demolished or, if not, the very proximity of a railway to dwellings would render them uninhabitable because of associated noise and vibration caused by trains travelling along the tracks. Then consideration would have to be given to the investment, engineering difficulties and disruption that would inevitably arise from re-joining a reinstated route onto an existing railway line. The disused track forms part of the former Symington/Biggar to Peebles railway. The route to the east of the application site is visibly discernible, however, the viaduct over the river Clyde has now been removed and most of the route within Biggar town, including the former railway station, has been redeveloped. Also, a new road to Annieston Farm to the east of the application site has been formed across the solum presenting another obstacle. Notwithstanding the above, the UK Levelling Up Fund was announced at the 2020 UK Spending Review. The Fund focuses on capital investment in local infrastructure and prioritises regeneration and growth in places of need and areas of low productivity and connectivity. South Lanarkshire Council, in partnership with Scottish Borders and Dumfries and Galloway Councils, have prepared a bid for future funding to develop the Clydesdale Way which extends for 239km connecting walking and cycle links with neighbouring authorities and beyond. As part of this bid, the section of former railway between Symington and Biggar is proposed to be constructed to a cycleway. This is likely to be a long-term

project and there is no current funding commitment, however, the proposed development would not obstruct the proposed routing of the cycleway. During the November Committee, reference was made to routes in the recent past which have been re-opened such as the Airdrie-Bathgate, Larkhall-Hamilton and Edinburgh-Borders links, however, circumstances in these instances are not comparable when considering concentrations of economic activity, higher population densities, commuting travel demand or, in the case of the Borders, distance from major conurbations. In the Local Plan proposal map a provisional site for a new station stop (aspirational site currently being investigated) for Symington on the west coastline has been identified on the far southwestern side of Symington, approximately 1km from the application site. This project has been under consideration for over 20 years, however, to date no funding commitment has been earmarked – in view of this lack of progress towards establishing a railway station on an existing line renders the possibility of a reinstatement of a disused line, between Biggar and Symington in the near to medium future even more unlikely. Even if re-opening was to be considered in the future, involving creation of new viaducts and bridges and associated infrastructure, the likely scenario is that a new station for Biggar on the western edge of the town would be required and for Symington there is sufficient undeveloped greenfield land to the north of the application site, allowing space for the route to be realigned, a more likely option given the proximity of dwellings along the original route.

- 6.5 During the November Committee meeting reference was made to a proposed cycleway which may use the route of the old railway track, however, a cycleway is unlikely to continue past the application site along the northern boundary of Symington as, in this locality, signs of the rail track have been erased having been absorbed into garden ground or built upon, then further to the north west is the major impediment of the west coast railway, requiring significant resource allocation to create a tunnel under or bridge over the railway, an investment which would be difficult to support in light of other pressing priorities. A cycleway when reaching the eastern edge of Symington could avoid these difficulties by continuing along Biggar Road through the town and then connecting into another cycleway further to the west.
- 6.6 SPP refers to the reasonable prospect of disused railway lines being reused and the Planning (Scotland) Act 2019 advises on the desirability of preserving disused railway lines for future, possible transport requirements, however, it does not advocate preservation in situ and a blanket ban on all development of former railway infrastructure without taking account of particular circumstances pertaining to the development site and its surroundings. It would seem disproportionate, unreasonable, and unfair on the applicant to refuse the application on the remote possibility that the full extent of the original route will be required for a reinstated railway sometime in the future, irrespective of how ground conditions have changed, and Symington has evolved since the line closed. The Draft Revised NPF4 does not include the desirability of preserving disused railway lines for future needs as a policy intent, however, after the consultative period has ended, the Finalised NPF4, to be approved by the Scottish Parliament may include reference to disused railway lines in the subject matter. The Revised Draft NPF4 does strongly encourage sustainable travel which can be in various forms. There is a possibility in the future that bus routes between Biggar and Lanark via Symington could use electric or hydrogen fuel buses and considering local demand and resource implications that might be a preferred public transport alternative to the huge commitment involved in reopening an old, disused railway line where original bridges have been removed and parts of the solum have already been developed for other uses – such a bus service could

stop at a park and ride attached to the proposed railway station referred to in paragraph 6.4 above.

- 6.7 Development Plan 2 specifies that within the Rural Area the aim is to protect the amenity of the countryside while at the same time, support small scale development in the right places that is appropriate in land use terms and is of a high environmental quality that will support the needs of communities. It functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not need to be in the countryside will be expected to be accommodated within the settlements identified on the proposals map. Isolated and sporadic development will not be supported. There are a number of instances where small scale residential development could be acceptable including redevelopment of previously developed land, gap site development, consolidation of building groups and proportionate expansion of settlements. In this case the relevant policy is Policy 'GBRA7 Small Scale Settlement Extensions' which states that within the Rural Area proposals for new houses on sites adjoining existing settlements will be required to meet the following criteria:-
1. The development shall round off the existing built form of the settlement and maintain a defensible settlement boundary. This should be achieved through the retention or enhancement of existing features or by additional structural planting.
 2. The proposals shall respect the specific local character and the existing pattern of development within the settlement. The development should be of a scale proportionate to the size of the existing settlement.
 3. The location, siting and design of the new house(s) shall meet existing rural design policy and guidance as set out in Policy GBRA1 and in supporting planning guidance.
- 6.8 The site is located at the southeastern edge of Symington – it is bounded to the west by dwellings in the settlement boundary and also to the south, on the farside of Biggar Road, by detached dwellings within the settlement boundary. In considering the shape of the settlement boundary in this location, where the boundary to the south runs beyond the eastern extremity of the site, the proposal, in such circumstances represents a logical rounding off of the settlement edge. The proposal is small scale and proportionate to the settlement size of Symington. The proposed dwellings will front onto Biggar Road, reflecting the development pattern aligning Biggar Road to the west and south. The proposed shelter belt planting along the eastern boundary will create a definitive and defensible boundary. Therefore, it is considered that from a land use perspective the proposal is acceptable and accords with Policies 4 and GBRA7.
- 6.9 The proposed development has also been considered against Policies 5 'Development Management and Place Making' and GBRA1 'Rural Design and Development'. Proposals should not have a significant adverse impact on the local area and address the six qualities of placemaking. In addition, any new development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use. Proposed developments shall be well related to locally traditional patterns of scale and shall avoid the introduction of suburban-style developments into the rural environment. Proposals specifically for residential development should not be isolated or sporadic. The character and amenity of the area must not be impaired by reason of traffic generation, parking, overshadowing, overlooking or visual intrusion. Development proposals shall incorporate suitable boundary treatment and landscaping proposals to minimise the visual impact of the development on the surrounding landscape. Existing trees,

woodland and boundary features such as beech and hawthorn hedgerows and stone dykes, shall be retained on site. Proposals shall be readily served by all necessary infrastructure. Proposals shall have no unacceptable significant adverse impact on the natural and historic environment and no adverse effect on the integrity of Natura 2000 sites.

- 6.10 The application site relates to a dismantled railway, railway bridge, footpath and paddock with dilapidated agricultural shed which structurally is falling apart – beside this building is an abandoned caravan. There has already been a history of development along the former railway to the west of the site and, therefore, the opportunity for a continuous transport corridor or footway has been lost. The railway bridge which will be removed is not visually distinctive or of historic or engineering relevance whereby its preservation is important to the local heritage. The existing building and abandoned caravan are an eyesore which detracts from the entrance into the village therefore the redevelopment of this brownfield site is a positive opportunity to replace a sense of dereliction with a small scale residential development at the settlement edge. Although trees will be felled to accommodate the development, adequate compensatory planting is proposed. No important landscape features will be lost, and the proposal will not have a significant impact upon protected habitats or species – as a precaution a condition requiring a badger survey has been applied. Suitable parking has been provided and Roads and Transportation Services in their consultation response have not raised any traffic or public safety issues. There are no infrastructure constraints. The proposed dwellings will integrate successfully into the settlement edge of Symington. It is a good quality design, sensitive to the rural character and will be finished in render and slate (or slate substitute). The plots and garden sizes reflect the average for the area and accord with the Residential and Rural Development Guides. In consideration the proposal is an appropriate form and scale of development for this location and therefore complies with Policies 5 and GBRA1.
- 6.11 Policy 2 ‘Climate Change’ seeks to, where possible, minimise and mitigate against the effects of climate change and sets out a range of criteria which new development should consider to achieve this. To help meet government targets on climate change the need for development to be served by renewable energy sources and electric vehicle recharging infrastructure are highlighted.
- 6.12 If Committee grant Planning Permission, conditions will be attached requiring renewable energy, electrical vehicle recharging points and tree planting. There is no evidence that the site is at risk from flooding and a condition would be applied requiring the installation of an approved Sustainable Urban Drainage System. The proposed development is consistent with Policy 2.
- 6.13 Policy 14 – Natural and Historic Environment states that the Council will assess all development proposals in terms of their impact on the natural and historic environment, including landscape. The Council will seek to protect important natural and historic sites and features from adverse impacts resulting from development, including cumulative impacts. Category 3 areas include Special Landscape Areas where 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. 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.

- 6.14 The site falls within the Broad Valley Upland Landscape type where the consolidation of smaller rural settlements is favoured over incremental residential development in open countryside. Another aim is to conserve natural river landscapes by discouraging schemes which introduce engineered features or structures. The design has been influenced by traditional rural architecture and the minor infilling of a former railway line cannot be described as an engineered feature - the development will sensitively integrate into its setting consolidating the northeast edge of Symington. No features which make a significant contribution to the landscape character of the area will be affected. Some scrub and a group of medium mature trees along the frontage will be removed to accommodate the development, however, the removed trees will be replaced by additional tree planting to the west and east of the site. In considering the above, the proposal complies with policies 14 and NHE16.
- 6.15 Policy 15 – Travel and Transport states that existing walking and cycling routes, including former railway lines will be safeguarded and enhanced where appropriate. The loss of these routes will only be acceptable where compensatory replacement can be provided.
- 6.16 A section of an existing footway including a railway crossing bridge will be removed, however, an acceptable and safe alternative diverted route will be provided thereby ensuring a continuous, uninterrupted route. The diversion is minor in nature and will not result in any inconvenience or a significant extension in the length of the route. Therefore, the proposal is consistent with the terms of Policy 15.
- 6.17 Overall, the proposed layout, design, location and impact of the development on the surrounding amenity is considered to be acceptable. The proposals represent an appropriate form of residential development for the site, and it is, therefore, recommended that detailed planning consent be granted subject to the conditions listed.

7 Reasons for Decision

- 7.1 The proposal will have no adverse impact on residential amenity, the setting of Symington or landscape character and raises no road safety concerns. The development complies with Policies 2, 4, 5, 14, 15, GBRA1, GBRA7 and NHE16 of the adopted South Lanarkshire Local Development Plan 2 together with the relevant Supplementary Guidance.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 16 January 2023

Previous references

- ◆ CL/05/0749 – Clydesdale Area Committee - 14 February 2006
- ◆ CL/07/0736
- ◆ P/22/0771 – Planning Committee - 22 November 2022

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated

► Consultations	
Network Rail	06.06.2022
West of Scotland Archaeology Service	15.06.2022
Symington Community Council	
Countryside and Greenspace	01.06.2022
Roads Development Management Team	28.09.2022
Environmental Services	26.08.2022
Scottish Water	06.06.2022
SP Energy Networks	09.09.2022
BT Cellnet	
TRANSCO	
Roads Flood Risk Management	09.09.2022
SGN Use	
British Telecom	

► Representations	Dated:
Mr Eamonn Courtney, Woodemailing House, 66 Biggar Road, Symington, Biggar, ML12 6FT	13.06.2022
Julian and Karen Dow, 69 Biggar Road, Symington, Biggar, ML12 6FT	22.06.2022
Linda Garrish, 69A Biggar Road, Symington, Biggar, ML12 6FT	27.06.2022
Mrs Sheena Carlyle, 68 Biggar Road, Symington, Biggar, Lanarkshire, ML12 6FT	15.06.2022
Mr Robin Thompson, Annieston Farm, Symington, Biggar, ML12 6LQ	29.10.2022 29.10.2022
Mr F Thompson, Annieston Farm House, Symington, Biggar, ML12 6LQ	27.10.2022 27.10.2022

Contact for further information

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

Ian Hamilton, Planning Officer, Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA
Phone: 07551 845 733
Email: ian.hamilton@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 roof of the dwellings, hereby approved, shall be clad externally in natural slate or a slate substitute which closely resembles slate.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality 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 03, 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 trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, 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 within the site.

06. 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.

07. Prior to completion of the development, full details of the tree planting scheme, shown on the Block Plan as Proposed (Dr no: AR2118(FS)003 Rev J), shall be submitted to and approved in writing by the Council as Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.
- Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works or five years of the carrying out of the tree planting scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To enhance the natural heritage of the area.

08. That the approved tree planting shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the dwelling 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.

09. That no dwellinghouse shall be occupied until the developer provides a written agreement from Scottish Water that the site can be served by a water and sewerage scheme constructed to the specification and satisfaction of Scottish Water as the Water and Sewerage Authority.

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

10. 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.

11. Prior to the commencement of works on site, the applicant will require to provide confirmation from Scottish Water that they are willing to accept the drainage discharge and design.

Reason: To ensure that the site will be effectively drained.

12. Prior to development commencing, the developer shall secure the implementation of an archaeological standing building survey of the extant structures, to be carried out by an archaeological organization acceptable to the Planning Authority. The scope of the archaeological standing building survey will be set by the West of Scotland Archaeology Service on behalf of the Planning Authority. The name of the archaeological organization 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 the survey commences. Copies of the resulting survey shall be deposited in the National Record for the Historic Environment Scotland and in the local Historic Environment Record upon completion.

Reason: To ensure that an adequate record of the bridge prior to its removal.

13. That no development shall take place until surveys to determine the presence or absence of badgers within the site and on the land immediately adjacent to the site have been undertaken and submitted to and approved by the Council as Planning Authority. The development shall not begin until any such action as is recommended by these surveys has been implemented and completed in accordance with the agreed details.

Reason: In order to protect badgers.

14. The applicant shall ensure that audible construction activities shall be limited to, Monday to Friday 8.00am to 7.00pm, Saturday 8.00am to 1.00pm and Sunday - No audible activity. No audible activity shall take place during local and national bank holidays - without the prior written approval of the planning authority. Under exceptional conditions the above time restrictions may be further varied subject to written agreement with the council as Planning Authority.

Reason: To minimise noise disturbance to nearby residents.

15. That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at his or her own expense.

Reason: In order to retain effective planning control.

16. That unless otherwise agreed in writing, pedestrian access across the former railway bridge and along the northern boundary of the site shall remain unimpeded at all times until the diverted route, detailed on the Black Plan as Proposed (Dr no: AR2118(FS)003 Rev J) has been completed and is available for public use.

Reason: In the interests of public access.

17. That before the development hereby approved is completed or brought into use, a visibility splay of 2.4metres by 60 metres measured from the road channel shall be provided to the left of the vehicular access and a visibility splay of 2.4metres by 43 metres measured from the road channel shall be provided to the right of the vehicular access as indicated in Drawing AR21118(FS) 003 Rev J of the approved plans 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.

18. That all dwellinghouses with garages shall have driveways with a minimum length of 6 metres measured from the heel of the footway/service strip and the first 2 metres of each driveway as measured from the heel of the footpath shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.

Reason: To ensure the provision of adequate on-site parking facilities to reduce the incidence of roadside parking.

19. That no dwellinghouse 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.

20. 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.

21. 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 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 as well as to preserve the amenity of the surrounding area.

22. Prior to the occupation of the dwellings, the developer shall provide a drop kerb pedestrian crossing over the access road to the west of the site to link the proposed footpath with the existing footpath along the A72, to the satisfaction of the Council as Planning and Roads Authority.

Response; In the interests of public safety.

23. 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.

24. 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, available for use and thereafter maintained and replaced where necessary to the satisfaction of the Council.

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

25. 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.

26. 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.

27. 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).

28. That before any development commences on site, the existing caravan shall be removed from the site to the satisfaction of the Council as Planning Authority.

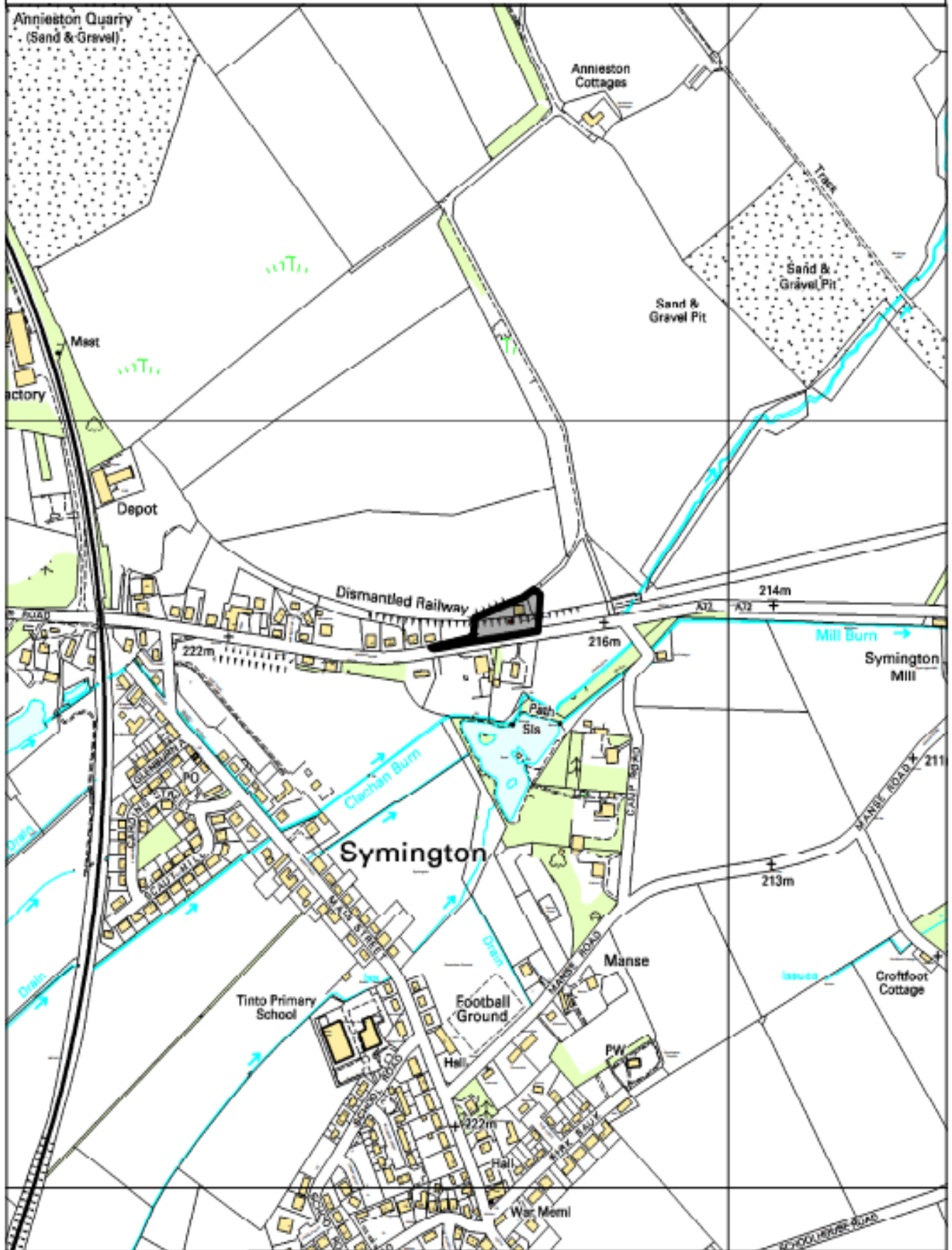
Reason: To ensure the site does not detract from the visual amenity of the surrounding.

29. That prior to any work commencing on the site, a maintenance management schedule for the tree planting scheme approved under the terms of Condition 07 shall be submitted to and approved by the Council as Planning Authority. Thereafter, the landscaping shall be maintained in accordance with the approved management schedule to the satisfaction of the Council.

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

P/22/0771

Land 60M North of 68 Biggar Road, Biggar Road, Symington



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Scale:
1:7,000
Date:
02/11/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

6

Report to:	Planning Committee
Date of Meeting:	24 January 2023
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/1264
Planning proposal:	Erection of a 55kW vertical axis wind turbine with a rotor diameter of 14m and maximum tip height of 37m

1 Summary application information

Application type:	Detailed planning application
Applicant:	Access Energy Limited
Location:	Land 250M West of Park Farm Hurlawcrook Road East Kilbride South Lanarkshire G75 0QL

2 Recommendation(s)

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

(1) Refuse the application for the reasons attached.

2.2 Other actions/notes

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

3 Other information

- ◆ Applicant's Agent: Dan Grierson
- ◆ Council Area/Ward: 05 Avondale and Stonehouse
- ◆ Policy Reference(s): **Adopted South Lanarkshire Local Development Plan 2**
Policy 1 Spatial Strategy
Policy 2 Climate Change
Policy 4 Green Belt and Rural Area
Policy 5 Development Management and Placemaking
Policy 18 Renewable Energy
Policy DM1 New Development Design
Policy RE1 Renewable Energy

**Adopted South Lanarkshire Local Development
Plan 2 – Supporting Planning Guidance
Renewable Energy**

♦ **Representation(s):**

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

♦ **Consultation(s):**

Roads Development Management Team

BAA Glasgow

National Air Traffic Services Ltd

MoD (Windfarms)

Prestwick Airport - Windfarms and Metmasts

Countryside and Greenspace

Auldhouse and Chapelton Community Council

Environmental Services

Planning Application Report

1 Application Site

- 1.1 The application site is located at Park Farm on Hurlawcrook Road approximately 2 km to the south of East Kilbride. The site is located to the south west of the farm buildings approximately 200m to the west of Hurlawcrook Road and 275m north of Millwell Road. The site is located to the west of the nearest properties, with the closest being Grianag, one of the farm dwellinghouses, approximately 185m to the south east and Leaburn House approximately 190m to the south. The site falls within the Plateau Farmland landscape-type. The site of the proposed turbine is located in an area of livestock pasture on this dairy farm.

2 Proposal(s)

- 2.1 Planning permission is sought for the erection of a 55kW vertical axis wind turbine, with a rotor diameter of 14m and maximum tip height of 37m. The turbine would be fixed via screw pile steel foundations and linked by underground cabling to the farm and the wider grid network. The turbine would have a life of 30 years and the power would be used on site for the farm with any excess exported to the grid. The site will be accessed through the farm buildings on the existing farm access track.

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 The Revised Draft National Planning Framework 4 was approved by the Scottish Parliament on 11 January 2023. The next step is its formal adoption and publication by Scottish Ministers. Due to its advanced stage, the Revised Draft NPF4 is now considered to be a material consideration in the determination of this application. However, there are not considered to be any specific implications in respect of the provisions of the draft framework relating to this application. The Revised Draft National Planning Framework 4 aims to encourage low and zero carbon design and energy efficiency, development that is accessible by sustainable travel, and expansion of renewable energy generation whilst stressing the need to ensure the right development happens in the right place.
- 3.1.3 Scottish Planning Policy (SPP) December 2020 aligns itself with NPF3 and one of its policy principles 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).

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

- Policy 1 Spatial Strategy
- Policy 2 Climate Change
- Policy 4 Green Belt and Rural Area
- Policy 5 Development Management and Placemaking
- Policy 18 Renewable Energy
- Policy DM1 New Development Design
- Policy RE1 Renewable Energy

3.2.3 In addition, the Council has prepared Supporting Planning Guidance on Renewable Energy which provides further detailed advice and requirements for renewable energy developments.

3.3 Planning Background

3.3.1 Prior to the current planning application, two planning applications (EK/15/0233 and EK/17/0031) for the installation of an Anaerobic Digestion Biogas Plant at the farm were withdrawn prior to determination. In August 2015, Planning Consent was granted for the removal of an agricultural occupancy condition attached to the farm cottage, now known as Grianag. Planning Consent (P/21/0015) was also granted in May 2021 for an agricultural dairy building, located to the south of the main farm buildings, to expand the dairy business on the farm.

3.3.2 The applicant did not submit an EIA screening request to the Council prior to submitting the current turbine application.

4 Consultation(s)

4.1 **Roads and Transportation Services (Development Management)** – raised no objections to the proposed development given that the turbine components have been delivered to site and there would be limited construction and maintenance vehicles accessing the site.

Response: Noted.

4.2 **Environmental Services** – raised no objections to the proposal subject to conditions in respect of appropriate noise impact assessment and noise limits in relation to residential dwellings and noise sensitive premises being attached to any consent. The submitted Supporting Statement is not considered sufficient in this respect.

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

- 4.3 **National Air Traffic Systems Ltd (NATS)** – object on the grounds of aviation safety in regard the turbine impacting upon the aviation RADAR system at Glasgow, Cumbernauld and en-route Prestwick ATC.
Response: Noted.
- 4.4 **BAA Glasgow** – have examined from an aerodrome safeguarding perspective and the proposal could conflict with safeguarding criteria unless any planning permission granted is subject to conditions in respect of a Radar Mitigation Scheme and ongoing compliance with any agreed Radar Mitigation Scheme. They noted that the applicant may benefit from an approved mitigation technology which is controlled by Scottish Power Renewables (infill radar) which would be subject to legal agreements, specific technical and operational evaluation by Glasgow Airport and commercial agreement with Scottish Power and the applicant.
Response: Noted. The applicant responded stating that the turbine was a low-budget project which would not benefit from any subsidy or feed-in tariff, therefore, the costs of this could render the project unviable. Since that time no confirmation has been provided by the applicant of agreements in respect of a Radar Mitigation Scheme.
- 4.5 **Ministry of Defence (Wind Farms)** – no objections subject to a condition in respect of notification in writing to the MoD at least 14 days prior to commencement of works.
Response: Noted. Should planning permission be approved, appropriate conditions can be attached.
- 4.6 **Countryside and Greenspace** – raised no objections to the proposed development.
Response: Noted.
- 4.7 **Prestwick Airport (Windfarms and Metmasts)** – no response to date.
- 4.8 **Auldhouse and Chapelton Community Council** – no response to date.

5 Representation(s)

- 5.1 Following statutory neighbour notification and advertisement in the local press in respect of non-notification of neighbours and the nature and scale of the development, no letters of representation have been received.

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 (GVCSDP) and the adopted South Lanarkshire Local Development Plan 2 2021 (SLLDP2).
- 6.2 In terms of National Planning Policy and Guidance, National Planning Framework 3 (NPF3) 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. NPF3 also notes in paragraph 3.8 "We want to meet at least 30% of overall energy demand from renewables by 2020 - this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015". Scottish Planning Policy (SPP) June 2014 aligns itself with NPF3 and one of its policy principles states that there will be "a presumption in

favour of development that contributes to sustainable development” (page 9). 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, landscape and visual impacts and impacts on aviation (paragraph 169).

- 6.3 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 above, 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 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 be the Development Plan.
- 6.4 The proposed development requires to be considered against the Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP). This strategic plan sets a vision of making the Clydeplan region a resilient, sustainable, compact city region attracting and retaining investment and improving the quality of life for people and reducing inequalities through the creation of a place which maximises its economic, social and environmental assets and fulfils its potential by 2036. The GCVSDP is a strategic document and does not have specific policies relating to this local level of development within land designated as countryside within a Local Development Plan. Therefore, there is no further assessment of the application against the GCVSDP.
- 6.5 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 the Green Belt, the application requires to be assessed under Policy 4 ‘Green Belt and Rural Area’. This states that support will not be given for development proposals within the countryside, unless they relate to uses which must have a countryside location. Policy 4 recognises that there are specific circumstances where proposals may require to be located within the countryside 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 Green Belt subject to it conforming to SLLDP2 Policy 18: Renewable Energy. Further assessment of the proposals against SLLDP2 Policy 18 are considered below but the principle of the renewable energy use within the Green Belt 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 below.
- 6.6 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 proposal is 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 below.

- 6.7 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.
- 6.8 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, in 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 DM1 above. The assessment below, therefore, also includes the assessment against the criteria of these policies.
- 6.9 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
- 6.10 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 proposal is not located within a group 1 area.
- 6.11 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
- 6.12 There are no national or international designations or other nationally important mapped environmental interests within the boundary of the site or surrounding land. It is therefore considered that there would be no adverse impacts upon national and international designations, as well as other nationally important mapped environmental interests.

- 6.13 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. The communities of East Kilbride and Auldhouse are within 2km of the application site, with the turbine being approximately 1,000m to the Auldhouse settlement boundary and approximately 1,100m to the East Kilbride settlement boundary. The application site, therefore, falls within a Group 2 Area of significant protection. It is noted that being within a Group 2 Area does not automatically preclude wind farm development as the 2km buffer zone around settlements is an indicative area in which potential developers will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. The separation is not a ban on wind energy development in the identified area but does require a full assessment of a wind farms potential impact in relation to the community. This assessment is carried out from paragraph 6.25 onwards.
- 6.14 As noted, in 6.8 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.
- 6.15 Impact on international and national designations.
National and international designations have been previously assessed at paragraphs 6.11 and 6.12 above and it is considered that there are no adverse effects on national and international designations.
- 6.16 Impact on carbon rich soils, deep peat and priority peatland habitat (CPP).
The application site does not have any of these interests.
- 6.17 Community separation for consideration of visual impact.
This is examined in detail in paragraphs 6.22 to 6.28 below.
- 6.18 Economic benefits.
This includes local and community socio-economic benefits such as employment, associated business and supply chain opportunities. No assessment of the socio-economic impact of the proposed development was submitted as part of the application. It is acknowledged that the erection of the turbine will generate power for the existing dairy operations at the farm and that any excess power generated will be exported to the grid providing additional income for the farm and dairy business. It is considered that there is little weight in any consideration of the development in relation to economic benefits.
- 6.19 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. It is also acknowledged that renewable energy production is only one material consideration with any planning assessment and is balanced against the suitability of any scheme and its location.
- 6.20 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. A “Baseline Ecological Constraints Report” undertaken by EP Ecology Ltd in January 2021 has been submitted as part of the application. It concludes that badgers may pass through the site and there is high roosting potential for bats within the site which will require further surveys using static detectors in the turbine vicinity to assess numbers of bats flying and characterise the risks. It also provides proposed mitigation measures such as vegetation clearance being carried out with the nesting bird season. It is considered that, given the application site is mainly cultivated land, the conclusion of the Baseline Ecological Constraints Report is accepted and that the proposals would not have a significant, adverse impact upon the natural heritage of the area subject to suitable mitigation measures. Whilst the site is relatively small in wind farm terms there is still adequate land adjacent to the application site to create new habitats to enhance the existing natural environment. It is considered that whilst not referenced within the planning submission, should approval be given, a habitat creation and management plan should be a conditional requirement of the decision to ensure that there is a natural benefit arising from the development.

6.21 Effect on the natural heritage, including birds – Table 7 criteria 7b) Habitat Management Plans (HMP).

As noted above, it is considered appropriate to require the implementation of habitat creation to improve biodiversity within the site if consent is granted.

6.22 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. Firstly, the impact on landscape designation and character, and the capacity of the landscape to accommodate the proposed development is assessed below. Secondly, the visual impact is assessed followed by the impact on visual residential amenity. Visual impact is, therefore, in essence, a development’s impact in relation to how it impacts upon receptors. A Landscape and Visual Impact Assessment (LVIA) was submitted as part of the application.

6.23 The application site is located within the Plateau Farmland Landscape Character Type (LCT), Clyde Basin Farmlands, as defined in the South Lanarkshire Landscape Character Assessment 2010 (LCA). South Lanarkshire’s Landscape Capacity for Wind Turbines 2016 (Landscape Capacity Study) provides guidance on the individual and cumulative landscape impact of wind farm and wind turbine developments in the Plateau Farmland. The application site is in an area defined as having ‘Medium’ capacity for turbines with heights between 30m to 50m and where smaller turbines should be consented singly and larger turbines should be carefully reviewed where close to sensitive areas such as settlements. The proposal is for a vertical access turbine with a tip height to 37m within the areas of significant protection, the community separation areas for consideration of visual impact in respect of East Kilbride and Auldhouse.

6.24 The application site is located on a rise in the land where it is open to views from surrounding settlements and roads enhancing its prominence within the landscape. The site has no landscape backdrop which would help minimise the turbine scale within the landscape given that there are very few other vertical structures of this scale in the immediate landscape. However, given the medium scale of the turbine in the landscape, I am satisfied that the proposed turbine would not have a significant, detrimental impact upon the landscape character of this Landscape Character Type.

- 6.25 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. In terms of general Visual Impact, it is considered that the height of the turbine and its location on a rise in the land would result in Visual Impact occurring across a wide area. There are no significant areas of woodland that could provide effective mitigation and wider open views of the site from surrounding settlements and roads with only broken lines of field edge trees providing intermittent screening. The nature of the turbine, being a vertical axis model, is visually bulky with the upper section of the turbine consisting of three vertical blades and supporting structure rather than a monopole bladed turbine. A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the application Supporting Statement. The LVIA included photomontage visualisations from 3 viewpoints, and additional wireline viewpoints submitted at a later stage, together with the Zone of Theoretical Visibility map to 10km show that the turbine would be prominent in views at distances of up to approximately 3.5km including from the settlements of Auldhouse and the southern areas of East Kilbride. The turbine would be highly visible from the closest residential properties including Grianig, Leaburn House, Cleughearn Farm, Allanrowie and Victoria Falls. The turbine would also be highly visible from surrounding roads, and visitor attractions such as Langlands Golf Club and Langlands Moss Nature Reserve. It is considered that the Visual Impact of the proposed turbine is significantly detrimental to the closest residential properties and that the turbine would be prominent in views from the settlements of Auldhouse and the southern areas of East Kilbride, from surrounding roads and Core Paths Network and visitor attractions.
- 6.26 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.
- 6.27 As noted above, the application site is considered a Category 2 development as the turbines are within 2km of a settlement/community, in this case within approximately 1,000m of Auldhouse and approximately 1,100m of East Kilbride. Whilst being located within a Category 2 area does not preclude wind farm development, it does require the visual impact of the community to be taken into account and developers required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. It is noted that a Residential Visual Amenity Study (RVAS) has not been carried out as part of the LVIA. The LVIA does, however, demonstrate that significant visual effects are predicted from the turbine at Viewpoints (VP) 1 to 7, where the turbine would be dominant in views from residential properties at Grianig (VP4), Leaburn House, Cleughearn Farm (VP3) and Victoria Falls (VP5) and this would also be the case at Allanrowie on the Cleughearn Road. The turbine is located approximately 1,000m from the Auldhouse settlement boundary and approximately 1,100m from the East Kilbride settlement boundary where the turbine would be prominent in views to the south and east, and particularly visible in views to the east from Auldhouse.
- 6.28 It is considered that the turbine would have a significantly detrimental effect on the residential visual amenity of the closest residential properties of Grianig, Leaburn House, Cleughearn Farm, Allanrowie and Victoria Falls. It is considered that the proposed turbine, therefore, does not constitute appropriate development at this scale and in this location and, therefore, does not also accord with Paragraph 28 of SPP which 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.”

- 6.29 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 Supporting Statement, however, this assessment is not considered sufficient as it is not turbine specific and requires to be carried out using the principles set out in the document “The Assessment and rating of Noise from Wind Farms (ETSU-R-97)” and other recognised guidance. Environmental Services raise no objections to the proposed turbine subject to conditions in respect of appropriate noise impact assessment and noise limits in relation to residential dwellings and noise sensitive premises being attached to any consent. A Shadow Flicker assessment has been included in the Supporting Statement which refers to the rotor diameter of the turbine being 14m, therefore, the potential shadow flicker area being 140m. There are no properties within 140m of the turbine therefore the assessment concludes that there are not predicted to be any shadow flicker impacts. Shadow flicker assessment for this type of vertical axis turbine differ in that the blades are not rotating in the same way as standard turbine blades as they are fixed in a vertical position with the hub rotating rather than blades sweeping.
- 6.30 Impacts on carbon rich soils and peat, using the carbon calculator.
The application submission did not include a carbon calculation in relation to the development but, as noted in 6.16, the proposals do not involve the loss of peat or carbon rich soils.
- 6.31 Impact on Public Access.
This consideration set out at criteria 12 of the Checklist aligns with SLLDP2 Policies 14 (Natural and Historic Environment) and NHE 18 (Walking, Cycling and Riding Routes) which contain guidance on core paths and rights of way. Although being visible from the Core Path Network, the proposal would not restrict access to and use of any core paths or right of ways during construction or operation. It is, therefore, considered that the proposal is acceptable in relation to public access.
- 6.32 Impacts on the historic environment.
This consideration set out at criteria 13 of Table 7 of the Supporting Planning Guidance on Renewable Energy 2021, in line with the criterion of SLLDP2 Policy 14, has previously been assessed under National Designations at paragraph 6.15 with the exception of impact upon C Listed Buildings. With regard to C Listed Buildings, the closest is The Auldhouse Arms in Auldhouse approximately 1km to the west of the site. It is considered that this distance is sufficient to minimise any impact upon the C Listed Building. On the basis of the above assessment, it is considered that the proposed development accords with the consideration set out at criteria 13 of the Checklist.
- 6.33 Impacts on tourism and recreation.
As noted in 6.18 above, no assessment of the socio-economic impact of the proposed development was submitted as part of the application. It is considered, however, that the proposed turbine 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. The visual impact could be considered to have a detrimental impact upon the aesthetic of the area which could be considered to detract from the potential attractiveness of the area to visit but not in any significant quantifiable means.

6.34 Impacts on aviation and defence and transmitting or receiving systems.

As noted earlier there is an objection from National Air Traffic Systems Limited (NATS) in relation to the proposals having a detrimental impact upon their RADAR systems and, therefore, aviation safety. In addition, Glasgow Airport have examined from an aerodrome safeguarding perspective and the proposal could conflict with safeguarding criteria unless any planning permission granted is subject to conditions in respect of Radar Mitigation Scheme and ongoing compliance with any agreed Radar Mitigation Scheme. They noted that the applicant may benefit from an approved mitigation technology which is controlled by Scottish Power Renewables (infill radar) which would be subject to legal agreements, specific technical and operational evaluation by Glasgow Airport and commercial agreement with Scottish Power and the applicant. The applicant responded stating that the turbine was a low-budget project which would not benefit from any subsidy or feed-in tariff, therefore, the costs of this could render the project unviable. Since that time no confirmation has been provided by the applicant of agreements in respect of a Radar Mitigation Scheme. Given the outstanding objection from NATs and the hesitancy of the applicant to enter into agreements in respect of a Radar Mitigation Scheme, the proposal is considered to have unresolved air safety impacts.

6.35 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 all new development to conform to South Lanarkshire Council's Road Development Guidelines. In this instance, Roads and Transportation Services raised no objections to the proposed development given that the turbine components have been delivered to site and there would be limited construction and maintenance vehicles accessing the site.

6.36 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.

6.37 Decommissioning and restoration.

This consideration requires a plan for decommissioning and restoration of the proposed development to be robust. It is noted that the planning submission states that decommissioning would consist of the removal of the turbine components and screw pile foundations. It is considered that a single turbine on existing agricultural land is of a scale and nature whereby the Planning Authority could impose a suitable condition ensuring an acceptable decommissioning and restoration scheme would be secured.

6.38 Opportunities for energy storage.

The turbine will generate power for the existing dairy operations at the farm and that any excess power generated will be exported to the grid providing additional income for the farm and dairy business. No energy storage is proposed as part of the application.

- 6.39 Site decommissioning and restoration bond.
Should planning permission be granted, a condition requiring a bond or other financial mechanism would be required to ensure delivery of any restoration scheme. The bond or guarantee will have to satisfy the Council's criteria.
- 6.40 Forestry and woodland removal.
Criteria 22 of the Checklist requires the effect proposals may have on forestry and woodland to be fully assessed. The turbine site is agricultural land adjacent to the existing farm building complex and there are no trees or woodland affected by the proposals.
- 6.41 Impact on Prime Agricultural Land.
There is no Prime Agricultural Land within the application site.
- 6.42 Borrow pits.
There are no borrow pits proposed as part of the application.
- 6.43 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 waste water 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 should form part of any permission to ensure all construction is carried out in line with all required environmental authorisations and licenses.
- 6.44 Notifiable installations and exclusion zones.
There are none within proximity to the application site.
- 6.45 Mitigation.
Criteria 27 of the Checklist requires the developer to demonstrate that appropriate mitigation measures will be applied. As noted in 6.20 above, mitigation in relation to ecology is proposed. It is considered that whilst the mitigation does not add benefit in ecological terms it does minimise the proposal's impact on the natural environment.
- 6.46 Legal agreement.
Criteria 28 of the Checklist requires, where appropriate for the Council to enter into a legal agreement to address matters that cannot be controlled by planning condition. Whilst not a planning consideration, applicants may enter into a legal agreement to provide community benefits to the South Lanarkshire Renewable Energy Fund to offset some of the impacts caused by wind farm development. The applicant has not confirmed that they would be willing to provide a community contribution.
- 6.47 In conclusion, SPP clearly sets out that whilst the principle of sustainable development should be supported, it should only be in relation to the right development in the right place. SPP then reinforces the provisions of the Town and Country Planning Act by supporting a plan led system whereby the Development Plan is the primary consideration for assessing development. A full assessment of the proposals against the development plan has been carried out above. It is considered that the provision of renewable energy alone is not a material consideration in its own right and that renewable energy projects must be considered to meet development plan criteria to be supported. South Lanarkshire Council continues to support meeting renewable energy targets and has a suite of development plan and strategic documents to ensure the Council area continues to promote suitable renewable development. In this instance, following the above assessment, it is considered that, due to the outstanding

objection from NATs and the hesitancy of the applicant to enter into agreements in respect of a Radar Mitigation Scheme, the proposal is considered to have unresolved air safety impacts as well as the proposed turbine having an unacceptable visual impact, therefore, on balance, the proposals do not comply with policy. The detrimental impact of the proposal outweighs the renewable energy gain and, therefore, the proposals cannot be supported at this scale and at this location as they do not accord with policy in the adopted SLLDP2 and supporting planning guidance on renewable energy. It is, therefore, recommended that planning permission be refused.

7 Reasons for Decision

- 7.1 The proposed turbine would have an adverse impact on aviation safety where appropriate mitigation has not been proposed to address this matter and the turbine would also result in an unacceptable impact on the landscape and visual amenity of the area. The proposal would, therefore, be contrary to SPP (2020), Policy 10 Glasgow and Clyde Valley Strategic Development Plan (2017), Policies 5, 18, DM1 and RE1 of the adopted South Lanarkshire Local Development Plan 2 (2021).

David Booth

Executive Director (Community and Enterprise Resources)

Date: 13 January 2023

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 24 March 2021

- ▶ Consultations
 - Roads Development Management Team 05.05.2021
 - BAA Glasgow 19.04.2021
 - National Air Traffic Services Ltd 07.05.2021
 - MoD (Windfarms) 09.04.2021
 - Countryside and Greenspace 26.03.2021
 - Environmental Services 13.12.2022

Contact for further information

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

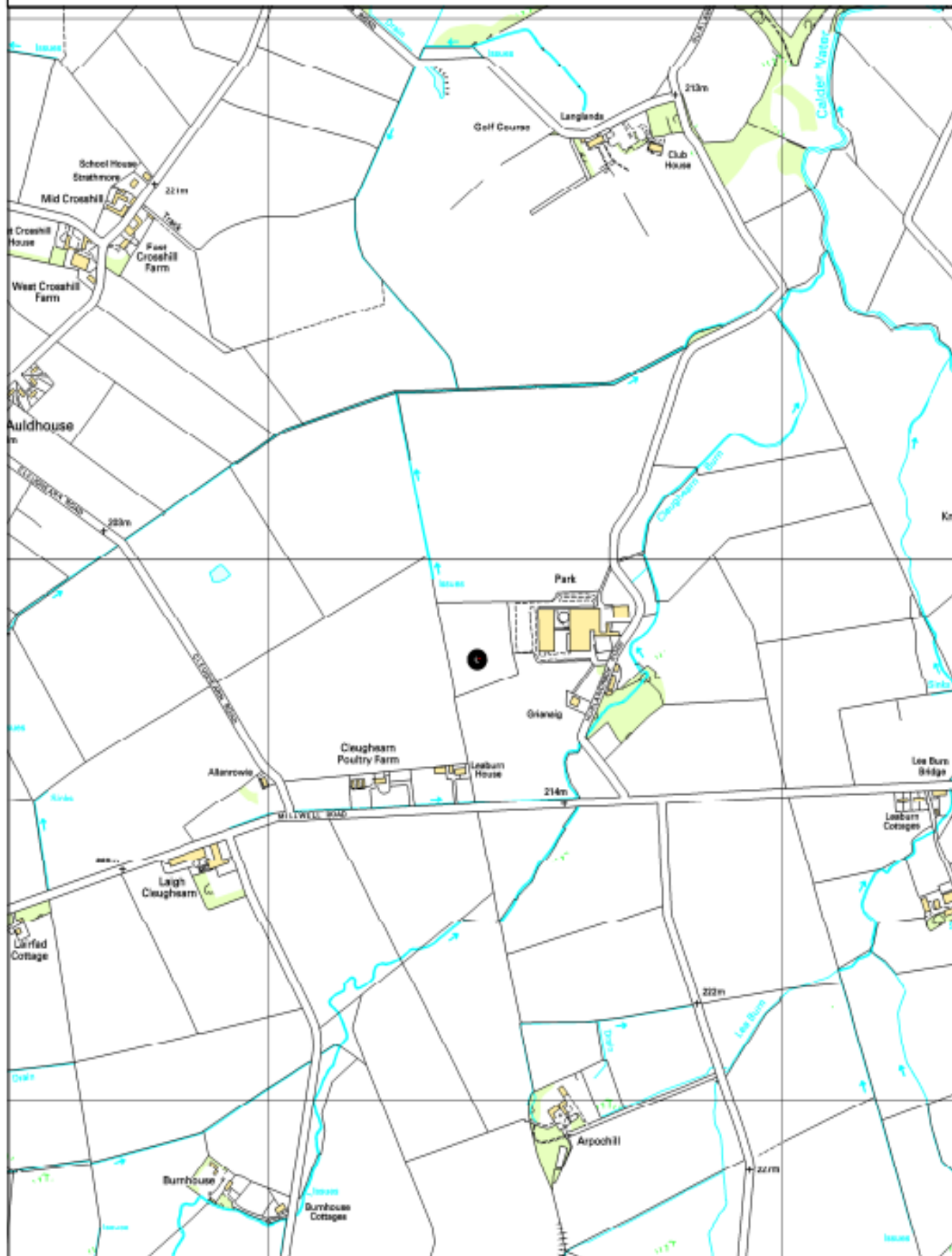
Morag Neill, Planning Officer, Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA
Phone: 07551 842 294
Email: morag.neill@southlanarkshire.gov.uk

Reasons for refusal

01. The proposals would have an adverse impact on aviation safety and appropriate mitigation has not been proposed to address this matter. As a result the proposals are contrary to Scottish Planning Policy (2014), Policy 10 of the Glasgow and Clyde Valley Strategic Development Plan (2017), Policy 18, Policy RE1 and Criteria 15 of the Assessment Checklist for Renewable Energy of the adopted South Lanarkshire Local Development Plan 2 (2021) and South Lanarkshire Local Development Plan 2 Supporting Planning Guidance Renewable Energy 2021.
02. The application site is located within East Kilbride and Auldhouse Community Separation Areas which would result in an unacceptable impact on the landscape and visual amenity of the area. As such the proposals are contrary to Scottish Planning Policy (2014), Policy 10 of the Glasgow and Clyde Valley Strategic Development Plan (2017), Policy 18, Policy RE1 and Criteria 3 of the Assessment Checklist for Renewable Energy of the adopted South Lanarkshire Local Development Plan 2 (2021) and South Lanarkshire Local Development Plan 2 Supporting Planning Guidance Renewable Energy 2021.

P/20/1264

Land 250M West of Park Farm, Hurlawcrook Road, East Kilbride



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Scale:
1:10,000
Date:
21/12/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

7

Report to:	Planning Committee
Date of Meeting:	24 January 2023
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/22/1217
Planning proposal:	Erection of Class 1 retail unit with associated works

1 Summary application information

Application type:	Detailed planning application
Applicant:	IA Real Estate Limited
Location:	151 Western Road Cambuslang G72 8PE

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: David Aitcheson
- ◆ Council Area/Ward: 13 Cambuslang West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (adopted 2021)**
Policy 2 - Climate Change
Policy 5 - Development Management and Placemaking
Policy 10 - New Retail/Commercial Proposals
Policy 11 - Housing
Policy DM1 - New Development Design

◆ Representation(s):

▶	7	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

Planning Application Report

1 Application Site

- 1.1 The application site relates to land at 151 Western Road, Cambuslang which is currently in use as a car park and storage area associated with the adjacent ongoing regeneration of East Whitlawburn. The site, which is predominantly flat throughout, is currently accessed from both Western Road and Morven Road.
- 1.2 The site is bounded to the north by Western Road, to the east by Morven Road, to the south by Arkle Terrace and to the west by residential flatted dwellings forming part of the Whitlawburn area. An existing Class 1 food retail unit, operated by Nisa, is also located within the application site.

2 Proposal(s)

- 2.1 Planning permission is sought for the erection of a Class 1 food retail unit at 151 Western Road, Cambuslang. An ancillary delicatessen counter would also be provided as part of the proposed development. The proposed development would have a gross floorspace of approximately 695 square metres.
- 2.2 It is proposed that the existing adjacent Nisa retail store would relocate to this proposed development, which would be slightly larger and more easily accessible than the existing retail unit. Any proposals for the future change of use of the existing retail unit would be dealt with in due course through the planning process as separate applications. The vehicular access from the site to Morven Road would be closed off as part of the proposals, with the access from Western Road being retained. Car parking would be provided within the existing parking area to serve the development.

3 Background

3.1. National Policy

- 3.1.1 The Revised Draft National Planning Framework 4 was approved by the Scottish Parliament on 11 January 2023. The next step is its formal adoption and publication by Scottish Ministers. Due to its advanced stage, the Revised Draft NPF4 is now considered to be a material consideration in the determination of this application. However, there are not considered to be any specific implications in respect of the provisions of the draft framework relating to this application.

3.2 Local Plan Status

- 3.2.1 The application site is designated as housing land in the South Lanarkshire Local Development Plan 2 (adopted 2021) as the site forms part of the East Whitlawburn regeneration area. As such, Policy 11 – Housing is of relevance to the application, albeit the proposals in this case do not relate to residential development. The following Local Development Plan policies are also considered to be of relevance to the application:-

- Policy 2 - Climate Change
- Policy 5 - Development Management and Placemaking
- Policy 10 - New Retail/Commercial Proposals
- Policy DM1 - New Development Design

3.3 Planning Background

- 3.3.1 Planning application reference P/19/0299 related to the wider redevelopment of the East Whitlawburn Area including the provision of 311 residential dwellings and associated works. Consent for this development was granted in August 2019 and development works are currently ongoing on site.

- 3.3.2 Planning application reference P/21/1569 relates to the proposed erection of four dwellinghouses on the area where the retail unit is now proposed. It is now not anticipated that this development will proceed with the proposed retail unit being constructed instead, subject to receipt of planning permission from the Council.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Development Management Team)** – initially deferred their recommendation pending the submission of additional details relating to pedestrian connections and electric vehicle charging points. Following the submission of this additional information they confirmed their satisfaction with the proposals, subject to conditions that could be attached to any consent issued.
Response: Noted. The requested conditions would be attached to any consent issued.

- 4.2 **Roads and Transportation Services (Flood Risk Management Team)** – have not responded to date.
Response: Noted. Standard conditions would be attached to any consent issued to ensure that flood risk management issues would be fully accounted for as part of the proposed development.

- 4.3 **Environmental Services** – Offered no objection to the proposed development subject to conditions relating to noise, waste and dust management on site.
Response: Noted. The requested conditions would be attached to any consent issued.

- 4.4 **Estates Services** – Offered no objection to the proposed development.
Response: Noted.

- 4.5 **Scottish Water** – Offered no objection to the proposed development.
Response: Noted.

- 4.6 **SP Energy Networks** – Offered no objection to the proposed development.
Response: Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local press. Seven letters of objection were received in respect of the proposed development. The points of objection are summarised as follows:-

- a) **The writer is of the view that the applicants do not have full ownership control of the land to which the development relates.**

Response: In general, issues of land ownership are not planning matters but are civil matters to be resolved separately between the parties involved. In this case, it is noted that the applicants have confirmed their satisfaction that they maintain control over all of the land associated with this planning application.

- b) **Car parking provision associated with the proposed development would be provided within existing parking areas that are already allocated to other nearby commercial units. This would cause a particular issue as car parking is at a premium in this area.**

Response: The Council's Roads and Transportation Services were consulted in respect of the application and have confirmed that, in terms of their car parking requirements, there is sufficient space available in the sizeable car park located within the application site boundary to accommodate the requirements of both the proposed development and the existing adjacent commercial

premises. As such, there are no concerns relating to car parking provision associated with this proposed development.

- c) **The proposals would result in the closure of the access from the site onto Morven Road, which would have an adverse impact on traffic in the local area.**

Response: As part of their consideration of the application, the Roads Service undertook a detailed assessment in respect of the proposed closure of the access from the site onto Morven Road. From observation of the usage of the site they noted that the access onto Western Road is, by far, the primary access point to the site and that only a small number of vehicles, by comparison, utilise the Morven Road access. As such, they are of the view that the removal of the access onto Morven Road is acceptable and would not have any significant impact on traffic in the local area. As such, there are no concerns in this regard.

- d) **The reduction in car parking provision to existing commercial units that would result from the proposed development would have an adverse impact on the economic viability of the existing commercial units.**

Response: As noted above, there are no concerns with regard to car parking provision as there is considered to be sufficient space to accommodate both the existing and proposed commercial facilities within the existing car park. It is also noted that the proposed unit would be occupied by Nisa, who would relocate from their current premises within the commercial area. However, in any event, it would not be considered appropriate in planning terms to refuse consent for the proposal based on economic viability grounds. Instead, market forces would determine whether existing business premises would remain viable following the development of the proposed retail unit.

- e) **There is no requirement for this development given that there is already a food retail store in close proximity to the proposed development site.**

Response: As noted above, the proposed unit would be occupied by Nisa, who would relocate from their current premises within the commercial area. As such, an additional food retail store would not be formed. However, given the relatively small scale of the retail stores in question, it would not be considered unacceptable for two small food retail units to co-exist at this location in any case.

- f) **The issues that would arise from the reduction in car parking provision, including vehicle idling and congestion, would have an adverse impact locally in terms of local environmental considerations such as noise, disturbance and pollution matters.**

Response: As detailed above, it is not considered that the proposed development would create issues in terms of car parking, traffic or congestion. It is also noted that the Council's Environmental Services have offered no objection to the proposed development, subject to conditions that would be attached to any consent issued. As such, there are no concerns held by the Planning Service with regard to these matters.

- g) **Given the current wider economic issues, including Covid and inflation, it is likely that the development of a retail store at this location would put existing commercial properties out of business.**

Response: As set out above, the proposed unit would be occupied by Nisa, who would relocate from their current premises within the commercial area. However, in any event, it would not be considered appropriate in planning terms to refuse consent for the proposal based on economic viability grounds.

Instead, market forces would determine whether existing business premises would remain viable following the development of the proposed retail unit.

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

6 Assessment and Conclusions

6.1 Planning permission is sought for the erection of a Class 1 food retail unit at 151 Western Road, Cambuslang. An ancillary delicatessen counter would also be provided as part of the proposed development. The proposed development would have a gross floorspace of approximately 695 square metres.

6.2 It is proposed that the existing adjacent Nisa retail store would relocate to this proposed development, which would be slightly larger and more easily accessible than the existing retail unit. Any proposals for the future change of use of the existing retail unit following its closure would be dealt with in due course through the planning process as separate planning applications. The vehicular access from the site to Morven Road would be closed off as part of the proposals, however, the access from Western Road would be maintained. Car parking would be provided within the existing parking area to serve the development. The proposed development requires to be considered against the relevant provisions of the South Lanarkshire Local Development Plan 2 (adopted 2021) as well as any other relevant material considerations.

6.3 The application site is located within an area designated as housing land under Policy 11 – Housing, due to the ongoing regeneration of the East Whitlawburn area that lies directly adjacent to the site to the south and east. Although no housing is proposed to be formed as part of this development, the provision of ancillary, small-scale, retail facilities is considered to be appropriate within residential areas. Additionally, it is noted that it is proposed for the existing Nisa retail store located adjacent to the site to relocate into the proposed retail unit. As such, the principle of the proposed development does not raise any concerns in respect of Policy 11.

6.4 Given the nature of the proposed development as a retail unit, Policy 10 - New Retail/Commercial Proposals is also of relevance. Policy 10 seeks to ensure that proposed new retail developments do not undermine designated retail centres, complement local regeneration strategies, promote sustainable development and do not create any unacceptable environmental or traffic issues. In addition, Policy 2 – Climate Change seeks to ensure that all proposed developments seek to minimise and mitigate against climate change impacts.

6.5 In this case, the view is taken that the proposed development would allow the relocation of the existing Nisa retail store at Western Road into a slightly larger and more accessible unit, while retaining the provision of a local food retail store to serve the local community, including the area at East Whitlawburn which is currently the subject of a significant regeneration project. It is not considered that the provision of a local, relatively small scale, food retail store would have any significant impact on any larger designated retail centres. The development would also promote sustainable development and the 20-minute neighbourhood concept by providing improved retail facilities in close proximity to a residential area. As such, the proposed development is considered to be fully compliant with the provisions of Policies 2 and 10 of the Local Development Plan.

- 6.6 Policies 5 - Development Management and Placemaking and DM1 – New Development Design provide general development management policy and guidance for all new developments and seek to ensure that proposed developments are appropriately designed and sited and do not have any significant adverse amenity impact. In this case, a simple rectangular structure is proposed that is typical of small-scale convenience stores of this type. It is not considered that the design of the development raises any concerns and it is considered that its location would not raise any significant amenity issues in respect of nearby residential properties. Additionally, it is noted that both the Council's Roads and Environmental Services have confirmed their satisfaction with regard to the proposed development, subject to conditions that would be attached to any consent issued, and that no other consultees have raised any concerns regarding the proposals. As such, the proposed development is considered to be fully compliant with the provisions of Policies 5 and DM1 of the Local Development Plan.
- 6.7 Following the undertaking of statutory neighbour notification and the advertisement of the application in the local press, seven letters of objection were received in respect of the proposals. The points raised are considered in detail in Section 5 above. It is not considered that any of the points raised merit the refusal of the application in this instance.
- 6.8 In summary, following a detailed assessment of the application, it is considered that the proposed development would allow the relocation of the existing retail unit at Western Road into a slightly larger and more accessible premises and would also be fully compliant with the relevant provisions of the South Lanarkshire Local Development Plan 2 (adopted 2021) with specific regard to Policies 2, 5, 10, 11 and DM1. It is therefore recommended that planning permission is granted for the proposed development, subject to the attached conditions.
- 7 Reasons for Decision**
- 7.1 The proposal would have no significant adverse impact on amenity and complies with the relevant policies of the adopted South Lanarkshire Local Development Plan 2 (Policies 2, 5, 10, 11 and DM1). There are no additional material considerations which would justify refusing to grant consent.

David Booth
Executive Director (Community and Enterprise Resources)

Date: 13 January 2023

Previous references

- ◆ P/19/0299 – Planning Committee – 13 August 2019
- ◆ P/21/1569

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 6 September 2022

►	Consultations	
	Roads Development Management Team	12.12.2022
	Environmental Services	09.09.2022
	Scottish Water	11.09.2022
	SP Energy Networks	09.09.2022
	Estates Services - Housing and Technical Resources	09.09.2022
►	Representations	Dated:
	Ruqayyah Ahmed, By Email	15.12.2022
	Fatima Iqbal, Upper Level, 151 Western Road, Cambuslang, G72 8PE	31.10.2022
	Abdul Malik, Unit 4, 151 Western Road, Cambuslang, G72 8PE	31.10.2022
	Mr Atif Hayat, 151 Western Road, Unit 8 - Kids Complex, Glasgow, G72 8PE	28.09.2022
	Samiya Ishaq, Upper Level, 151 Western Road, Cambuslang, G72 8PE	31.10.2022
	Atif Hayat, By Email	04.10.2022
	Arieg Hussain, 151 Western Road, Cambuslang, G72 8PE	01.11.2022

Contact for further information

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

Declan King, Planning Officer, Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA
 Phone: 07551 843 111
 Email: declan.king@southlanarkshire.gov.uk

Conditions and reasons

01. That, notwithstanding the provisions of the Town & Country Planning (Use Classes) (Scotland) Order 1997, the development hereby approved shall be utilised as a Class 1 food retail use (including the provision of an ancillary delicatessen counter) and for no other use 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.

02. That no development shall commence until drainage and flood risk details to include signed appendices A to E are submitted to and approved in writing by the Planning Authority. The development shall not be occupied until the surface drainage works and any required flood mitigation 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.

03. 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).

04. That no sub-division of the development hereby approved, or formation of mezzanine areas within the development hereby approved, shall be undertaken without the prior written approval of the Council as Planning Authority.

Reason: In order to retain effective planning control.

05. Between the hours of 08:00 and 20:00 the measured noise rating level emitted from the premises (L_{Ar},1hr) shall not exceed the pre-existing background noise level (L_{A90},30 min) by more than 4dB when measured in accordance with British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound at buildings where people are likely to be affected. Between the hours of 20:00 and 08:00 the noise rating level emitted from the premises (L_{Ar},15min) shall not exceed the pre-existing background noise level (L_{A90},30min) by more than 4dB when measured in accordance with BS4142:2014 at buildings where people are likely to be affected.

All lifts and/or hoists, including doors, guide rails and ancillary plant and machinery, as well as mechanical air handling/ air conditioning plant and ducted systems, shall be suitably isolated from the structure of the building to minimise transmission of noise and vibration to adjacent dwellings/premises, all to the satisfaction of the Council as Planning Authority.

Reason: To safeguard the environmental amenity of the area.

06. Details for the storage and the collection of waste arising from the proposed development shall be submitted to, and approved in writing by the Planning Authority. The agreed details shall be in place prior to the development being brought into use and thereafter be implemented and satisfactorily maintained to the satisfaction of the Council as Planning Authority.

Reason: To safeguard the environmental amenity of the area.

07. Prior to development commencing on site, a scheme for the control, monitoring 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 safeguard the environmental amenity of the area.

08. That, before the development hereby approved is completed or brought into use, the existing access to the site from Morven Road shall be permanently closed to vehicular traffic and the ground within the area formerly occupied by the access shall thereafter form part of the proposed development with a footpath connection provided on to Morven Road, all to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

09. That, before the development hereby approved is completed or brought into use, all of the parking spaces shown in Drawing 02 Rev A 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.

10. That, before any works start on site relating to the development hereby approved, a Traffic Management Plan (TMP) for that construction phase with information such as, but not limited to, construction phasing, site deliveries routing/timings, construction compound layout, turning facilities, site car parking for visitors and site operatives and wheel washing facilities shall be submitted to and approved by the Council as Planning Authority. The TMP shall include a Travel Plan element to encourage less reliance on individual private car trips to the site for those personnel involved in construction activities on a routine basis and those attending through the course of site inspections and site meetings. The TMP shall be produced in consultation with the Council's Roads and Transportation Service, Police Scotland and Transport Scotland.

Reason: In the interests of traffic and public safety.

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

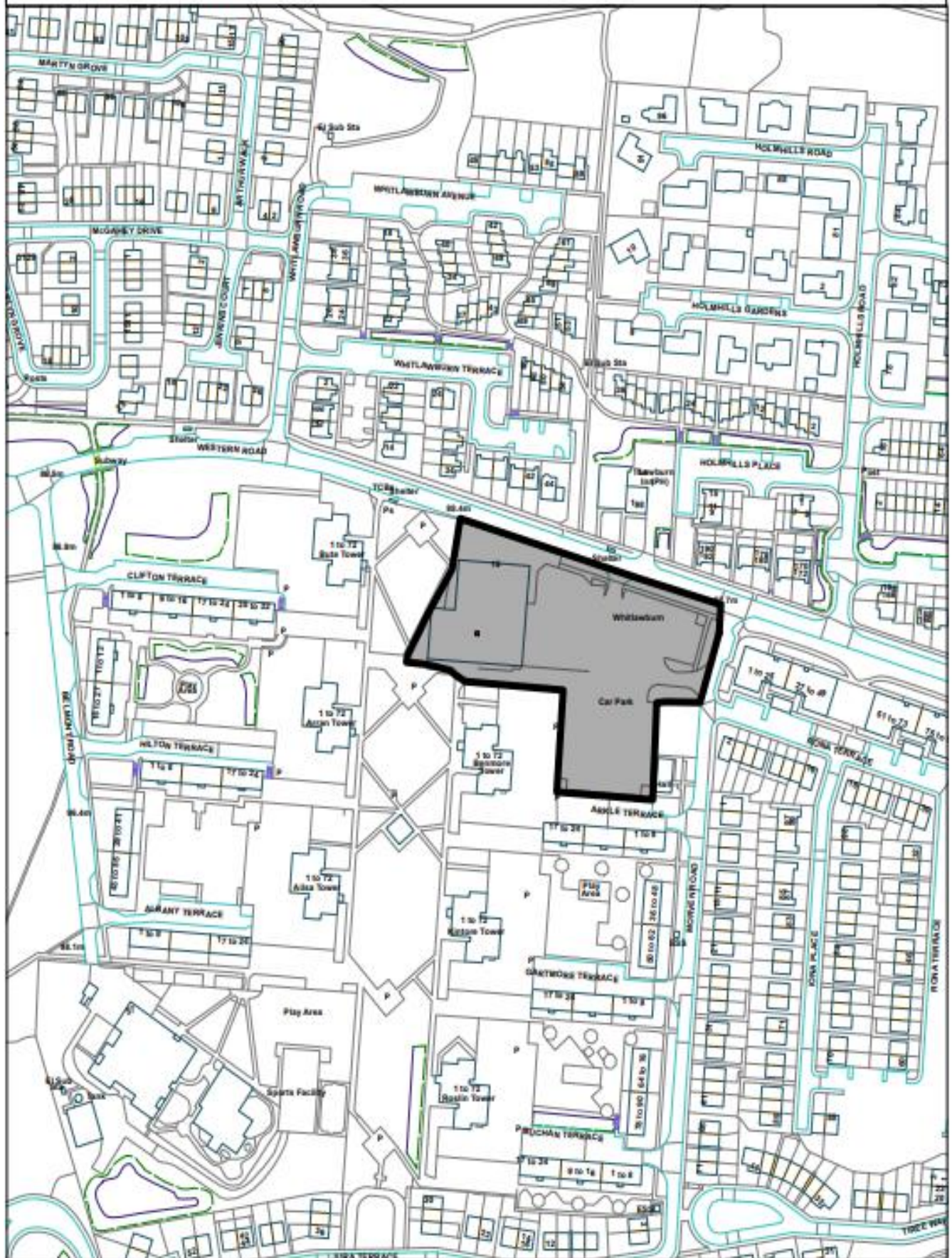
Reason: In the interests of traffic and public safety.

12. That, prior to commencement of any works on site and unless otherwise agreed with the Council as Roads and Planning Authority, the applicant shall submit, for the written approval of the Council as Roads and Planning Authority, details of the electric vehicle charging (EVC) facilities. Details shall also include arrangements for siting of charging posts taking account of parking bays/boundary features/pedestrian movement and be accompanied by proposals for maintenance arrangements. All information shall be submitted for the written approval of the Council as Roads and Planning Authority. Thereafter the agreed EVC provision shall be installed, commissioned, and maintained in accordance with the approved plans and specifications before the development hereby approved is brought into use.

Reason: To ensure the appropriate provision of electric vehicle charging facilities within the site.

P/22/1217

151 Western Road, Cambuslang



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Scale:
1:2,500
Date:
21/12/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

8

Report to:	Planning Committee
Date of Meeting:	24 January 2023
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/22/0819
Planning proposal:	Erection of two detached houses with associated parking and landscaping

1 Summary application information

- Application type: Detailed planning application
- Applicant: Mr and Mrs R Lawson
- Location: Land at Rowhead Farm
Biggar Mill Road
Biggar
ML12 6DU

2 Recommendation(s)

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

- (1) Refuse detailed planning permission (for the reasons stated).

2.2 Other actions/notes

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

3 Other information

- ◆ Applicant's Agent: DTA
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): SLDP2: Policy 2 Climate Change
SLDP2: Policy 4 Green Belt and Rural Area
SLDP2: Policy 5 Development Management and Placemaking
SLDP2: Policy 14 Natural and Historic Environment
SLDP2: Policy GBRA1 Rural Design and Development
SLDP2: Policy GBRA7 Small Scale Settlement Extensions
SLDP2: Policy GBRA8 Development of Gap Sites
SLDP2: Policy NHE16 Landscape

◆ **Representation(s):**

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

◆ **Consultation(s):**

West of Scotland Archaeology Service

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

Scottish Water

Countryside and Greenspace

Planning Application Report

1 Application Site

- 1.1 The site (extending to 0.2250 ha) forms part of the eastern section of an agricultural field fronting Biggar Mill Road. The site is bounded by Rowhead Farm and associated curtilage to the south, by Davies Burn, an access track and Rowhead Cottage and commercial yardage, to the west by the remaining field area and to the east by Biggar Mill Road and beyond by the banks and floodplain (consisting of marsh and semi natural meadow/grassland) of the Biggar Burn and sloping agricultural fields which extend eastward to Carwood Road.
- 1.2 Although the site is relatively level, it sits above Biggar Mill Road and slopes in a southern and northern direction from Rowhead Farm, down to Davies Burn and Rowhead Cottage.

2 Proposal(s)

- 2.1 The applicant seeks permission for two one and a half storey (containing 4 bedrooms) dwellings, finished in render and slate (or slate substitute) and feature dormers and steep roof pitches. The design is generally reflective of traditional rural architecture, with a modern interpretation. Each plot will be served by a separate driveway accessing directly onto Biggar Mill Road – three parking spaces and associated turning/standing will be laid out in the front curtilage. A 5m wide shelter belt will be established along the rear boundary (western boundary) whilst landscaping strips will define rear garden areas assigned to each house.
- 2.2 A justification for the proposal and a Planning Statement have been submitted as supporting information.

3 Background

3.1 Local Plan Status

The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan 2 and its impact upon residential and visual amenity and townscape character.

- 3.1.1 The 2021 adopted South Lanarkshire Local Development Plan 2 (SLLDP2) identifies the application site as being within the Rural Area, subject to assessment against Policy 4 - Green Belt and Rural Area, Policy 5 - Development Management and Placemaking and GBRA1 - Rural Design and Development. In addition, the proposals require to be assessed against the guidance contained within Policies GBRA7 - Small Scale Settlement Extensions and GBRA8 - Development of Gap Sites which are the most relevant to the assessment of the application. Policies 2 – Climate Change, 14 - Natural and Historic, and NHE16 - Landscape are also of relevance.

3.2 Relevant Government Advice/Policy

- 3.2.1 In terms of residential development, Scottish Planning Policy (SPP) advises that the planning system should identify a generous supply of land to support the achievement of housing land requirements and maintaining at least a 5 year supply of land at all times. It should also enable the development of well designed, energy efficient, good quality housing in sustainable locations and focus on the delivery of allocated sites. Consideration should be given to the re-use or redevelopment of brownfield land before development takes place on greenfield sites.

3.2.2 The Revised Draft National Planning Framework 4 was approved by the Scottish Parliament on 11 January 2023. The next step is its formal adoption and publication by Scottish Ministers. Due to its advanced stage, the Revised Draft NPF4 is now considered to be a material consideration in the determination of this application. However, there are not considered to be any specific implications in respect of the provisions of the draft framework relating to this application. The Revised Draft National Planning Framework 4 aims to encourage low and zero carbon design and energy efficiency, development that is accessible by sustainable travel, whilst stressing the need to ensure the right development happens in the right place.

3.3 **Planning Background**

3.3.1 A previous planning application P/21/1829 was withdrawn in March 2022 to allow consideration of concerns raised by Planning. This has resulted in a resubmission for an identical house design, however, the total site area has been reduced by 16 per cent.

4 **Consultation(s)**

4.1 **WOSAS** – The plot of ground that is proposed for development falls within an archaeological consultation trigger, which in this instance has been defined in relation to a crop-marking, identifying the presence of a circular enclosure that was visible on aerial photographs taken by Historic Scotland and the Department of Archaeology in 1998. Although the recorded position of this crop-marking lies around 100m to the south-west of the plot of ground that is the subject of the application, its presence does demonstrate the potential for sub-surface archaeological deposits and features to survive in this area. Material of this type would be disturbed or removed as a result of ground disturbance associated with construction of the proposed new houses and their associated infrastructure. Government policy as set out in Scottish Planning Policy is that planning authorities should ensure that prospective developers arrange for the archaeological issues raised by their proposals to be adequately addressed. Where the survival of significant archaeological material is uncertain and the scale of the development is reasonably limited, as in this case, the West of Scotland Archaeology Service would advise planning authorities to consider attaching an archaeological watching brief condition to any consent they may be minded to grant.

Response: If Committee determine to grant planning permission, the recommended condition could be attached to the Decision Notice.

4.2 **Roads and Transportation Services** – The general impact of the development proposal is suitable at this location. Access would be taken onto Biggar Mill Road via proposed private accesses. The required visibility splays of 2m x 43m have been shown on a plan and are achievable. A Road Opening Permit under Section 56 of the Roads (Scotland) Act would be required for the new accesses. A channel drain should be provided along the road edge to prevent any surface water from spilling onto the public road. Driveway gradients should not exceed 1 in 12. The site was visited during the school morning peak period and there were only a few pedestrians on the road. The development traffic would not generate significant vehicle movements. For 4-bedroom houses, at least 3 off-street car parking spaces are required. These have been shown on a plan with adequate turning space. Roads do not wish to object to this application.

Response: Noted. If the Planning Committee determine that the planning application should be approved, then appropriate conditions can be attached.

4.3 **Environmental Services** - No objection subject to informatives relating to construction noise, nuisance and contaminants.

Response: The recommended informatives will be attached if consent is granted.

4.4 **Flood Unit** – No response to date.

Response: Noted.

4.5 **Scottish Water** - There is sufficient capacity at the Coulter Water Treatment Works and the Biggar Waste Water Treatment works. For reasons of sustainability and to protect their customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into their combined sewer system. There may be limited exceptional circumstances where they would allow such a connection for brownfield sites only, however, this will require significant justification from the customer taking account of various factors including legal, physical and technical challenges. In order to avoid costs and delays where a surface water discharge to their combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. They will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

Response: Noted. If consent is granted a condition will be attached requiring confirmation from Scottish Water that they are willing to accept drainage discharge into their system, if such a connection is required.

4.6 **Countryside and Greenspace** – No comment.

Response: Noted.

5 **Representation(s)**

5.1 In response to the carrying out of neighbour notification and the advertisement of the application in the local press due to Development Contrary to the Development Plan and non-notification of neighbours, 7 letters of objection have been received. The issues raised are summarised below:-

a) **On-going issue of smell from the existing sewerage network which is now only being addressed.**

Response: There is no evidence that this development will contribute to smell in the sewerage network. Nuisance from smell from the sewerage network would be addressed separately by Scottish Water and Environmental Services.

b) **The objector experiences low water pressure – any further demands on the water pressure will have a negative impact.**

Response: Scottish Water in their consultation response have not objected to this application. Any future complaint about low water pressure is a matter which would be investigated by Scottish Water.

c) **Increase of traffic on a narrow section of road which has no pavement.**

Response: In their consultation response, Roads and Transportation Services have not objected, nor have they highlighted any public and traffic safety concerns.

d) **The site is not a gap site.**

Response: Although there are neighbouring properties to the north and south, the proposal does not adequately meet criteria set down in Policy GBRA8 – Development of Gap Sites.

e) **The site is outwith the designated settlement boundary of Biggar.**

Response: Noted. The site adjoins the northern edge of Biggar.

f) **The application site should not be deemed an infill site as it is bound by an existing water course and road between properties.**

Response: Noted. The water course and track are situated between the northern boundary of the site and Rowhead Cottage.

- g) **The area was recently affected by flooding and any additional development will only increase the run-off into other properties and roads.**

Response: If planning permission is granted conditions can be attached requiring a flood risk assessment and the installation of a Sustainable Urban Drainage System (SUDS) to control and manage surface water run-off.

- h) **Additional pressure in the sewerage system will cause further issues.**

Response: In their consultation response Scottish Water have confirmed that there is sufficient capacity in the sewage network.

- i) **Prior to the application being heard the applicants should be required to carry out detailed environmental surveys to ensure there are no endangered species present.**

Response: The site is on improved agricultural land, devoid of natural habitat, woodland and trees which would support wildlife. In these circumstances an ecological survey is not considered necessary.

- j) **This is agricultural land which forms part of an open field. It has no natural screening or landscaping.**

Response: Noted. Currently along the western boundary there are no natural or built features providing a defensible boundary between the site and the remaining field area.

- k) **Does not meet the criteria for a gap site. To the side of Plot One are two house plots not habitable houses and Plot 2 is two house plots, not habitable houses and Plot 2 is bounded by Davies Burn and an access road.**

Response: Noted. The site is not closely bounded by existing buildings and, therefore, the development would lack the necessary visual cohesion.

- l) **There is sufficient available new build property within the town boundary.**

Response: Noted. Each development is assessed on its individual merits. Local Plan policies do support, in particular circumstances, development outwith town boundaries subject to there being no adverse impacts upon rural character, landscape quality and residential development, as set down in criteria detailed in relevant policies.

- m) **Davies Burn which runs along the edge of Plot 2 has also flooded significantly in recent years. In the SEPA flood maps the site is not identified as being at risk from flooding.**

Response: The proposed dwellings sit at a higher level than the burn, of which the channel is narrow with a low water volume flow in normal conditions. Notwithstanding, if planning permission is granted a condition will be attached requiring a flood risk assessment to determine any necessary mitigation measures prior to the commencement of development.

- n) **The existing services in Biggar are at capacity whether it be the health centre or local schools.**

Response: An additional two dwellings would be unlikely to generate significant pressure on existing services.

- o) The applicant has openly declared that its long-term intent is to expand the town boundary to include the entire field for which he seems determined to erode.**

Response: There is no evidence to substantiate this claim.

- p) To facilitate his existing planning application for two plots on the small site, previously occupied by Rowhead Farm, he has already moved a fence to increase the site footprint and in turn create the supposed gap that he intends to fill with the application.**

Response: The movement of a fence is not a material consideration. The assessment relates to the area enclosed by the application site boundaries.

- q) A reduction in privacy and in time the proposed screening will affect the light to the property.**

Response: In considering the orientation of the proposed dwellings and distance to nearest dwellings, privacy standards will not be compromised. The shelter belt runs along the western boundary, therefore, only the edge of it faces towards the objector's garden – light is more likely to be restricted by existing mature trees and vegetation within the objector's garden. Trees and landscaping could be established at any time without any requirement for prior approval.

- r) Will contribute to flooding elsewhere.**

Response: See points m) and g) above.

- s) Where a document is submitted in the public record with photos of an adjacent property it would be common courtesy to ensure it is accurate. The indicated yardage described in the application is not associated with Rowhead Cottage. It has its own separate access and is associated with the fields behind.**

Response: Noted.

- t) This is a repeat application that was withdrawn previously by the applicant, and nothing has changed.**

Response: The current application has a slightly smaller area than that for the withdrawn application.

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

6 Assessment and Conclusions

6.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan 2 (SLLDP2).

6.2 Scottish Planning Policy (SPP) states that the planning system should in all rural and island areas promote a pattern of development that is appropriate to the character of the particular area and the challenges it faces and encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. In this instance, it is considered that the proposed development is not consistent with SPP in that it would further erode the quality of the countryside and represents the continuing urbanisation of the rural area within this vicinity. The proposal, if approved, would not protect, or enhance the environment at this location, nor support a prosperous and sustainable community. Local Plan policies already allow for multiple opportunities for small scale housing development in the rural area.

- 6.3 Policy 4 'Green Belt and Rural Area' of the adopted South Lanarkshire Local Development Plan 2 specifies that within the Rural Area, the aim is to protect the amenity of the countryside while at the same time, supporting small scale development in the right places that is appropriate in land use terms and is of a high environmental quality that will support the needs of communities. It functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not need to be in the countryside will be expected to be accommodated within the settlements identified on the proposals map. Isolated and sporadic development will not be supported. There are several instances where small scale residential developments could be acceptable including redevelopment of previously developed land, gap site development, consolidation of building groups and proportionate expansion of settlements. In this case the relevant policies are described below.
- 6.4 Policy 'GBRA7 Small Scale Settlement Extensions' states that within the Rural Area proposals for new houses on sites adjoining existing settlements will be required to meet the following criteria:-
1. The development shall round off the existing built form of the settlement and maintain a defensible settlement boundary. This should be achieved through the retention or enhancement of existing features or by additional structural planting.
 2. The proposals shall respect the specific local character and the existing pattern of development within the settlement. The development should be of a scale proportionate to the size of the existing settlement.
 3. The location, siting and design of the new house(s) shall meet existing rural design policy and guidance as set out in Policy GBRA1 and in supporting planning guidance.
- 6.5 Policy GBRA8 development of gap sites outlines criteria which should be adhered to in order for a proposal on a gap site to be favourably considered; the salient criteria are as follows:-
- ◆ the building group should form a clearly identifiable nucleus with strong visual cohesion. The site should be bounded on at least two sides by habitable houses or other buildings that are either in use or capable of being brought back into use. The distance between the existing buildings shall be no more than that needed to form a maximum of two house plots of a size in keeping with the curtilage and frontage of the existing group
 - ◆ the proposed house size to plot ratio shall be comparable to existing properties in the building group
 - ◆ the proposed development shall not result in ribbon development or coalescence with another building group
 - ◆ exceptionally, within the rural area only, the layout of the existing group of houses may allow the infill of a small area up to a natural boundary, for example, an established tree belt or other landscaping feature, a physical feature such as a boundary wall or road
- 6.6 In considering the current proposal in conjunction with the two dwellings which have been approved within the curtilage of Rowhead Farm (Planning Permission P/21/0815 for two detached dwellings, granted July 2021), cumulatively this would create a one sided ribbon of development extending along Biggar Mill Road. To the east there is open countryside following the course of the Biggar Burn, therefore, in such circumstances there would be no benefit of consolidation or rounding off of the settlement edge. There is a proposal to create a shelter belt along the western boundary, however, that would take time to mature and become established. The open agricultural fields and flood plains to the east, devoid of woodland and mature

vegetation means the site is exposed and would be prominent and easily visible from higher ground particular for traffic leaving or entering Biggar from Carwood Road. The site is not closely bound by physical development on two sides, one of the reasons being that there has been no commencement of development of the approved dwellings adjacent to Rowhead farm to the east. The minor access track and the Davies Burn running along the northern boundary do not provide sufficient physical visual presence to create a defensible edge and certainly could not be described as complying with the term exceptional circumstance as outlined in Policy GBRA8 – Development of Gap Sites. The size of the proposed plots is large and not commensurate with the average density within the adjoining settlement of Biggar. In paragraph 3.16 of the adopted Local Plan it states '*The development of gap sites will not normally be acceptable in locations characterised by a scattering of houses or outbuildings/other buildings in open countryside or where the development would result in the extension of an existing ribbon of development or contribute to coalescence with another building group*'. As alluded to earlier, this development would cause ribbon development, also consideration must be given to the nature, garden size and characteristics of countryside properties which are generally different to densities and characteristics found within urban settings. For this reason, the applicant referring to the curtilage size of Rowhead Cottage to the north does not provide a convincing justification for allowing the development, due to established countryside and urban differences. This proposal would merge the settlement edge of Biggar with Rowhead Cottage and adjacent yardage, resulting in coalescence of separate building groups, eroding the quality of the rural area. In support of the development the applicant has cited various examples of planning approvals in locations throughout South Lanarkshire, inferring the establishment of precedence, however, this location at the edge of Biggar is distinctive and unique and not comparable to the examples quoted. On this basis, it is considered that the application proposal is contrary to Policies 4, GBRA7 and GBRA8 of the adopted SLLDP2.

- 6.7 The proposed development has also been considered against Policies 5 'Development Management and Place Making' and GBRA1 'Rural Design and Development'. Proposals should not have a significant adverse impact on the local area and address the six qualities of placemaking. In addition, any new development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use. Proposed developments shall be well related to locally traditional patterns of scale and shall avoid the introduction of suburban-style developments into the rural environment. Proposals specifically for residential development should not be isolated or sporadic. The character and amenity of the area must not be impaired by reason of traffic generation, parking, overshadowing, overlooking or visual intrusion. Development proposals shall incorporate suitable boundary treatment and landscaping proposals to minimise the visual impact of the development on the surrounding landscape. Existing trees, woodland and boundary features such as beech and hawthorn hedgerows and stone dykes shall be retained on site. Proposals shall be readily served by all necessary infrastructure. Proposals shall have no unacceptable significant adverse impact on the natural and historic environment and no adverse effect on the integrity of Natura 2000 sites.
- 6.8 A shelter belt along the western boundary is proposed which will eventually, when mature, contribute to the landscape character of the area. No important landscape features will be lost, and the proposal will not have a significant impact upon protected habitats or species. Suitable parking has been provided and Roads and Transportation Services in their consultation response have not raised any traffic or public safety issues. There are no infrastructure constraints. It is a reasonable quality design, generally sensitive to the rural character, however, slate or slate substitute

would be preferable to tile. In consideration, the proposal generally complies with most of the criteria outlined in Policies 5 and GBRA1.

- 6.9 Policy 14 – Natural and Historic Environment states that the Council will assess all development proposals in terms of their impact on the natural and historic environment, including landscape. The Council will seek to protect important natural and historic sites and features from adverse impacts resulting from development, including cumulative impacts. Category 3 areas include Special Landscape Areas where 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. 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.
- 6.10 The site falls within the Rolling Farmlands Landscape type where the rolling topography may allow natural screening of some smaller developments. However, the landscape would be sensitive to schemes which break ridgelines and fail to respond to topography. Developments should generally be of a small scale, well sited to maximise the natural screening and integration provided by topographic and woodland variety. The imposition of developments which require medium to large scale modifications to the undulating topography should be resisted; developments and their external areas should be tailored to ‘fit’ the landscape or sites selected which permit their integration. New land uses that would result in the loss of traditional features, or the introduction of new features, should be discouraged, particularly in more prominent areas. The design has been influenced by traditional rural architecture and no significant alterations to the topography are proposed. No landscape features which make a significant contribution to the landscape character of the area will be affected and a shelter belt along the western boundary is proposed. Although the development will be visually prominent from viewpoints along Carwood Road, the development area is relatively small scale and will not significantly encroach into the landscape whereby the aims of policies 14 and NHE16 would be compromised.
- 6.11 In view of the above, it is concluded that the proposal does not comply with the requirement of applicable policies within the adopted South Lanarkshire Local Development Plan 2. It is therefore recommended that permission is refused.

7 Reasons for Decision

- 7.1 The proposed development does not comply with the requirements of Policies 4 (Green Belt and Rural Area), GBRA7 (Small Scale Settlement Extensions) and GBRA8 (Development of Gap Sites) of the adopted South Lanarkshire Local Development Plan 2.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 16 January 2023

Previous references

- ◆ None

List of background papers

▶	Application form	
▶	Application plans	
▶	South Lanarkshire Local Development Plan 2 (adopted 2021)	
▶	Neighbour notification letter dated	
▶	Consultations	
	West of Scotland Archaeology Service	23.06.2022
	Roads Development Management Team	06.07.2022
	Environmental Services	04.07.2022
	Roads Flood Risk Management	No response
	Scottish Water	28.06.2022
	Countryside and Greenspace	07.07.2022
▶	Representations	Dated:
	Mr Stewart Houston, 21 Rowhead Terrace, Biggar, ML12 6DU	20.07.2022
	Mr Andrew Gupwell, Rowhead Cottage, Biggar, ML12 6LY	04.07.2022
	Mr Brian Warnock, 27 Rowhead Terrace, Biggar, South Lanarkshire, ML12 6DU	03.08.2022
	Mrs Kate Allister, Hillwood, Biggar Mill Road, Biggar, ML12 6LY	18.07.2022
	Mrs Lorraine Murray, 33 Rowhead Terrace, Biggar, ML12 6DU	22.06.2022
	Miss Eleanor Smith, 30 Knocklea, Biggar, ML12 6EE	17.07.2022
	N/A Ross and Lesley Armstrong, Oakburn, Biggar Mill Road, Biggar, ML12 6LY	21.06.2022

Contact for further information

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

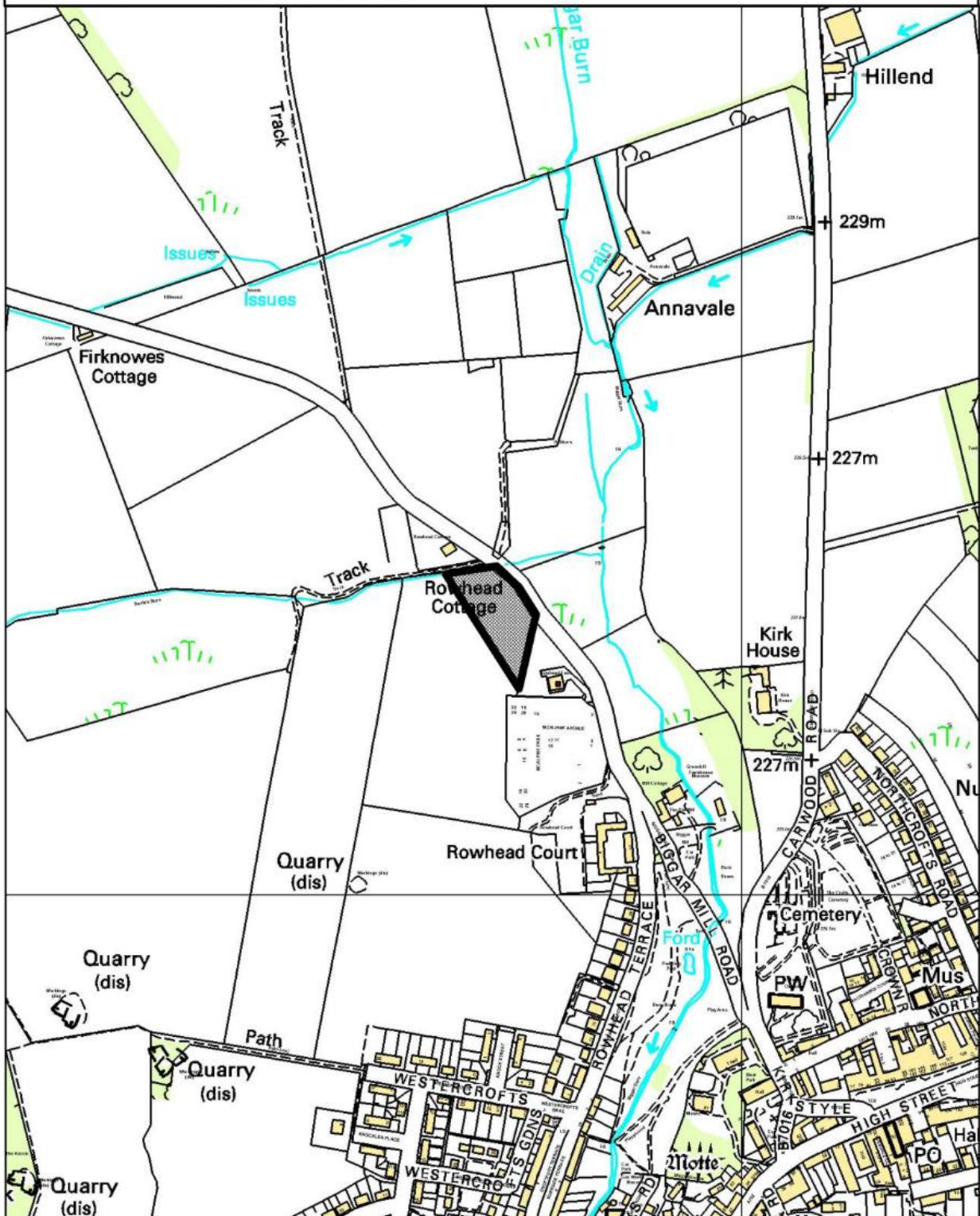
Ian Hamilton, Planning Officer, Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA
Phone: 07551 845 733
Email: ian.hamilton@southlanarkshire.gov.uk

Reason for refusal

01. The proposal would be contrary to Policy 4 (Green Belt and Rural Area) of the South Lanarkshire Local Development Plan 2 as it would constitute an inappropriate form of development, without appropriate justification, which adversely affects the character of the Rural Area at this location.
02. The proposed residential dwelling on the site would be contrary to Policy GBRA8 (Development of Gap Sites) of the South Lanarkshire Local Development Plan 2 as it would constitute an inappropriate form of development, without appropriate justification. The site is not closely bounded on two sides by existing buildings and the proposed dwelling and associated curtilage would be significantly larger than existing plots within the linear group. The proposal would exacerbate the impression of existing ribbon/linear development adversely affecting the amenity of the Rural Area at this location.
03. The proposed residential dwelling on the site would be contrary to Policy GBRA7 (Small Scale Settlement Extensions) of the South Lanarkshire Local Development Plan 2 as it would constitute an inappropriate form of development, without appropriate justification. The development would not round off the existing built form of the settlement nor maintain a defensible settlement boundary, rather it would extend in ribbon like fashion beyond the edge of the settlement, an impression exacerbated by the open nature of the countryside on the east side of Biggar Mill Road, devoid of any existing built development to provide the necessary consolidation and rounding off.

P/22/0819

Land at Rowhead Farm, Biggar Mill Road, Biggar



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Scale:
1:5,000
Date:
21/12/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

9

Report to:	Planning Committee
Date of Meeting:	24 January 2023
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/22/1492
Planning proposal:	Erection of upper floor extension and two storey extension to dwellinghouse

1 Summary application information

Application type:	Householder
Applicant:	Mr Ross Watson
Location:	1 Hillend Road Rutherglen G73 4JU

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: Calum Miller
- ◆ Council Area/Ward: 11 Rutherglen South
- ◆ Policy Reference(s): SLDP2: Policy 3 General Urban Areas and Settlements
SLDP2: Policy 5 Development Management and Placemaking
SLDP2: Policy DM2 House Extensions and Alterations

◆ Representation(s):

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

◆ Consultation(s): None

Planning Application Report

1 Application Site

- 1.1 The application site consists of a single storey dwellinghouse with a detached single storey garage at 1 Hillend Road, Rutherglen. The site level falls from south to north and, therefore, there is a basement within the rear part of the dwellinghouse. The site is surrounded on the south, west and east by a mix of single storey and 1.5 storey dwellinghouses. The site lies on an elevated position in relation to Stirling Drive which is to the north of the site. Stirling Drive consists mainly of two storey dwellinghouses and it is noted the rear gardens of 32, 33 and 34 Stirling Drive face on to the rear of the dwellinghouse within the application site.

2 Proposal(s)

- 2.1 The applicant seeks planning permission for an upper floor extension, thus transforming the single storey dwellinghouse to a two storey dwellinghouse with basement at the rear. The proposed upper floor extension matches the current footprint of the dwellinghouse. The proposal also involves a two-storey side extension facing onto Hillend Road. The single storey garage will be demolished to allow the two-storey side extension.
- 2.2 The proposed upper floor extension will consist of 2 bedrooms with ensuite and a study room, whilst the proposed two storey side extension will consist of a garage on the lower floor and a bedroom with ensuite on the upper floor. The basement area will remain within the dwellinghouse. The plans show the existing dwellinghouse and the proposed extensions to the property will be re-cast in off white roughcast with grey cladding board. Internal alterations will replace two bedrooms at the rear of the dwellinghouse with a kitchen/dining room.
- 2.3 Plans indicate there is a small balcony measuring approximately 1.2m in width and 5.4m in length. The balcony faces onto the west of the site which consists of open garden space surrounded by semi- mature trees.

3 Background

3.1 Local Plan Status

- 3.1.1 The adopted Local Development Plan 2 identifies the site as being within a general urban area. Accordingly, policies 3 - General Urban Areas; 5 - Development Management and Placemaking; DM2 - House Extensions and Alterations are applicable to this proposal.

3.2 Relevant Government Advice/Policy

- 3.2.1 The Revised Draft National Planning Framework 4 was approved by the Scottish Parliament on 11 January 2023. The next step is its formal adoption and publication by Scottish Ministers. Due to its advanced stage, the Revised Draft NPF4 is now considered to be a material consideration in the determination of this application. However, there are not considered to be any specific implications in respect of the provisions of the draft framework relating to this application.

3.3 Planning Background

- 3.3.1 There are no planning applications associated with this site.

4 Consultation(s)

- 4.1 No formal consultations were required to be undertaken in respect of this proposal.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken and 9 letters of representation have been received. The points of objection are summarised as follows:-

- a) **There would be a loss of privacy from the proposal due to the additional windows and a balcony on the second floor on the west elevation. There is also a loss of light from the increased height of the building.**
Response: The windows and a small balcony on the upper floor of the west elevation faces onto the applicant's extensive side garden. The side and rear garden is surrounded by semi- mature trees and, therefore, this minimises any overlooking from the upper windows. It is also noted the site lies on an elevated position to the properties on Stirling Drive and, therefore, views from the proposed upper floor will not increase significantly from existing views available from the ground floor of the existing dwellinghouse. Whilst the proposed upper floor extension and two storey side extension would create a two-storey dwellinghouse, the development is approximately 4.5m off the neighbouring boundary to the properties on Stirling Drive and, as such, it is considered direct light will still reach the rear gardens of 32, 33, and 34 Stirling Drive, particularly in the summer when the sun is highest in the sky. Additionally, it should be noted that a degree of overshadowing is considered to be commonplace in residential areas. Accordingly, it is not considered that the increase in height of the dwellinghouse will significantly increase overshadowing, given the orientation and elevated position of the existing dwellinghouse.
- b) **I am concerned the upper floor extension will have a significant impact to the rooms at the rear of our house.**
Response: It is noted the windows of the proposed dwellinghouse are approximately 18.5m from the neighbouring properties to the rear. Although the Council's recommendation of 20m is for windows of habitable rooms facing habitable rooms, drawings indicate the windows on the upper floor will not look directly into the rear room windows in Stirling Drive.
- c) **The proposed development represents an overdevelopment of the site replacing a 4-bedroom house on one floor with a 4-bedroom luxury house. A larger 4-bedroom house could be built on the site without building an upper floor.**
Response: As noted previously, the upper floor extension does not exceed the footprint of the original house. There is sufficient garden ground within the site and the dwellinghouse is a sufficient distance from neighbouring boundaries, therefore, it is not considered an over development of the site. It is noted there is a substantial ground level difference between the site and the properties to the north, however, there is not a significant adverse impact in terms of overshadowing or loss of privacy.
- d) **The drainage flows from the dwelling house to under the garage of 35 Stirling Drive. It is known there have been some issue with the drains being blocked. The increase of the dwellinghouse will exacerbate the issue.**
Response: The issues of blocked drains are a private matter between the applicant and the owner of number 35 Stirling Drive.
- e) **Excavations have started to the east of the site and foundations are being laid. I spoke to the foreman and he advised they are building a retaining wall to the east. This is not on the plans.**

Response: It was noted during the site visit that the garage had been demolished. The removal of the garage does not require planning consent. At the time of the site visit, the case officer was advised only internal works were being carried out. Any works which deviate from the plans may require further planning consent. It is noted there is a split-level garden at the east side of the property, with decking on the ground floor level, plans indicate this will not change and the decking will be upgraded to form a patio area.

- f) **In the evening when the sun is setting on the west this will have an impact on the light entering our house. Also, if there are any windows on the proposed two storey extension, this may impact our privacy. We wish to discuss the plans with the case officer.**

Response: Plans show the proposed two storey extension is approximately 2.3m from the neighbouring boundary on Stuart Avenue. There are no windows on the east elevation of the extension facing the neighbouring property. The proposed two storey extension is set back from the side elevation of the neighbouring property and, therefore, there would be no significant adverse impact regarding loss of light. The proposed boundary wall is approximately 1.0m in height.

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

6 Assessment and Conclusions

- 6.1 Within the adopted 2021 South Lanarkshire Local Development Plan 2, the application site lies within the settlement boundary of Rutherglen. Policies 3 – General Urban Areas, 5 - Development Management and Place Making, DM2 – House Extensions and Alterations, therefore apply. Collectively, these policies seek to promote the principles of sustainability in development and aim to make a positive contribution to the character and appearance of the environment in which they are located, taking account of, and being integrated with the local context and built form.
- 6.2 The determining issues in assessing this proposal are compliance with local plan policies and in particular the impact of the proposal on the character, amenity and appearance of the residential area.
- 6.3 Overall, it is considered that the impact of the proposal will be within acceptable limits, all aspects considered, and it will not be to a significant or adverse extent. The proposed works to the property are relatively extensive, however, the upperfloor extension and two storey side extension matches the footprint to the existing dwellinghouse and the detached garage. From the public elevation, the property will be re-cast in off white smooth render, natural slate and uPVC rainwater good, thereby creating a contemporary two storey dwellinghouse. The anthracite grey uPVC windows and doors will alter the appearance of the property, mainly by virtue of their colour, but it is not considered that this will be detrimental to the streetscape. Accordingly, it is considered the upper floor extension and two storey side extension are not of a size, scale or design that would be out of keeping within the street or would significantly adversely impact upon existing levels of privacy or overshadowing in the local area. Furthermore, sufficient garden ground and off-street parking will remain.
- 6.4 In light of the above, it is considered that the proposal would have no significant adverse impact upon amenity or the character and appearance of the neighbouring properties or the wider residential area and that it reflects the spirit and thrust of the relevant local development plan policies and guidance. The granting of planning consent, subject to conditions, is therefore considered justified.

- 6.5 Nine letter of representation have been received regarding the application which have been summarised in section 5 above. The concerns raised either individually or collectively would not justify the refusal of consent and the normal presumption in favour of issuing consent for proposals that comply with Local Development Plan policy should prevail.

7 Reasons for Decision

- 7.1 The proposed erection of an upper floor extension and two storey extension to create a two storey dwellinghouse will have no significant adverse impact on either residential or visual amenity and complies with Policies 3, 5, and DM2 of the Local Development Plan 2. There are no additional material considerations which would justify refusing planning permission.

David Booth
Executive Director (Community and Enterprise Resources)

Date: 13 January 2023

Previous references

- ◆ None

List of background papers

▶ Application form	
▶ Application plans	
▶ South Lanarkshire Local Development Plan 2 (adopted 2021)	
▶ Neighbour notification letter dated 3 November 2022	
▶ Representations	Dated:
Guy Grenade, 11 Stuart Avenue, Rutherglen, Glasgow, South Lanarkshire, G73 4JL	22.11.2022
William Goldie, 31 Stirling Drive, Rutherglen, Glasgow, South Lanarkshire, G73 4JH	18.11.2022
Mr Michael Healy, 34 Stirling Drive, Rutherglen, Glasgow, G73 4JH	21.11.2022
Mrs Josee Grenade, 11 Stuart Avenue, Rutherglen, Glasgow, South Lanarkshire, G73 4JL	23.11.2022
Mr Craig Beattie, 33 Stirling Drive, Rutherglen, GLASGOW, G73 4JH	21.11.2022
Nikki Black, 32 Stirling Drive, Rutherglen, Glasgow, G73 4JH	16.11.2022
Mrs Moira Redmond, 35 Stirling Drive, Burnside, Rutherglen, G73 4JH	21.11.2022
Neil Barton, 36 Stirling Drive, Burnside, Rutherglen, G73 4JH	5.12.2022
Mr Frank Chambers, 37 Stirling Drive, Rutherglen, South Lanarkshire, G73 4JH	5.12.2022

Contact for further information

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

Mohammed Hussain, Planning Officer, Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA

Phone: 07551 845 091

Email: mohammed.hussain@southlanarkshire.gov.uk

Conditions and reasons

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

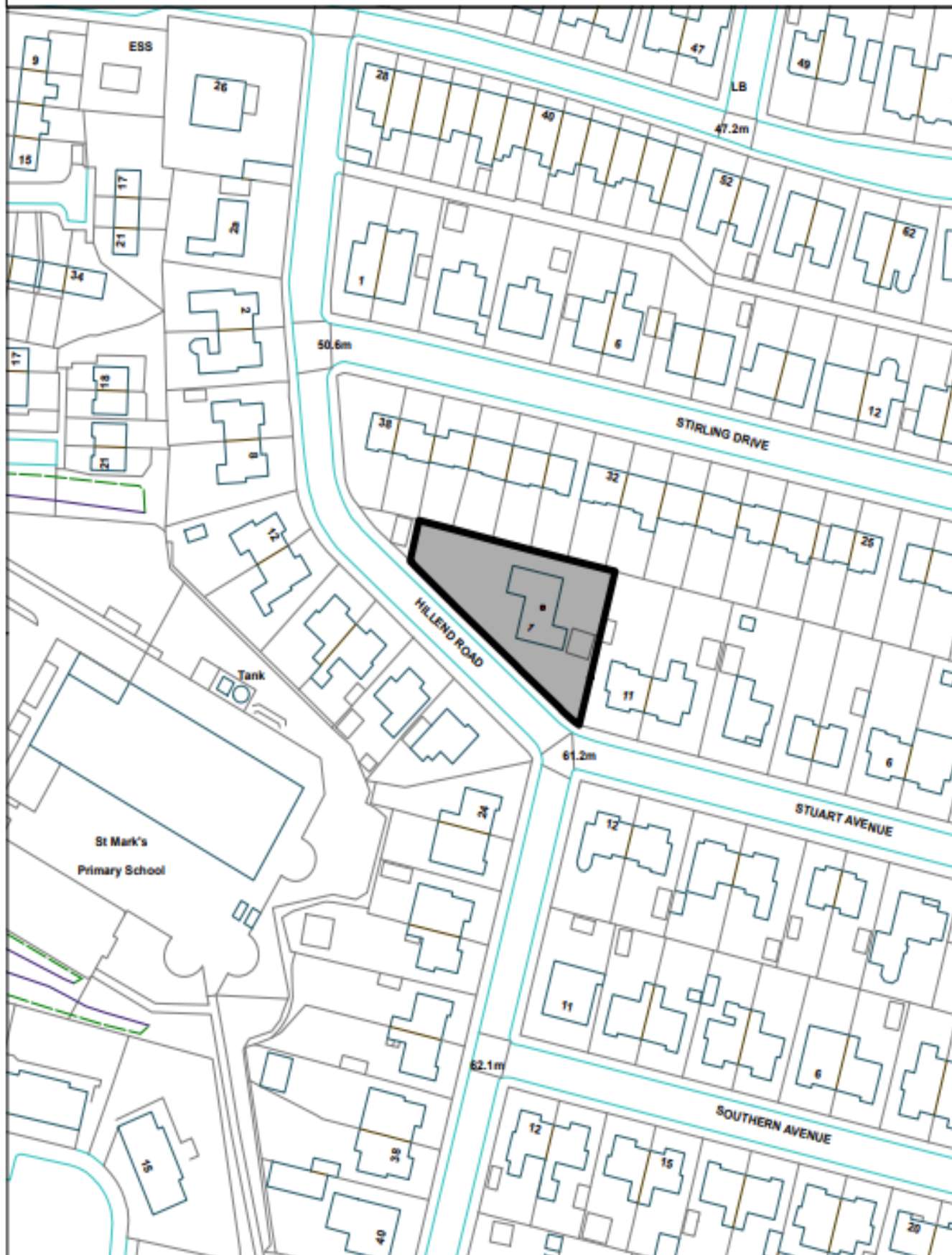
Reason: To comply with Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. That the facing materials to be used for the external walls and roof of the upper floor extension and two storey 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/22/1492

1 Hillend Road, Rutherglen



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1:1,250
Date:
21/12/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

10

Report to:	Planning Committee
Date of Meeting:	24 January 2023
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/22/1659
Planning proposal:	Erection of single storey rear extension

1 Summary application information

Application type:	Householder
Applicant:	Mrs Gladys Miller
Location:	14 Clamps Wood East Kilbride G74 2HB

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 condition attached.

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
(2) The applicant is a local member of South Lanarkshire Council

3 Other information

- ◆ Applicant's Agent: Alicia Harvey
- ◆ Council Area/Ward: 08 East Kilbride Central North
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted 2021)**
Policy 3 General Urban Areas
Policy 5 Development Management and Placemaking
Policy DM2 House Extensions and Alterations

◆ Representation(s):

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

◆ Consultation(s): None

Planning Application Report

1 Application Site

- 1.1 The application relates to a semi-detached dwellinghouse at 14 Clamps Wood, East Kilbride.
- 1.2 The application site fronts onto Clamps Wood. The application site adjoins the neighbouring property at 15 Clamps Wood. There are residential properties to either side of the respective dwellinghouse. Vehicular and pedestrian access to the property is taken from Clamps Wood.

2 Proposal(s)

- 2.1 The applicant seeks planning consent for the erection of a single-storey rear extension.
- 2.2 The proposed extension would project from the rear elevation by approximately 7.2 metres and be approximately 6 metres in width. The height of the eaves from ground level will be approximately 2.1 metres and the ridge height will be approximately 3.7 metres. The proposed extension will provide additional area for an open plan habitable room and dining room.
- 2.3 The proposal relates to a single-storey rear extension with a non-symmetrical dual-pitched roof with red concrete roof tiles that will feature two Velux windows on either ridge and a chimney with an external render to match existing. The rear elevation will feature aluminium double glazed bifold doors that open onto a slabbed patio and a vertical timber screen. The south-eastern elevation will feature a uPVC double glazed window, walls rendered to match existing, grey facing brick and buff facing brick to the basecourse. The underside of the canopy on the side elevation will feature fibre cement cladding. All soffits, fascias and rainwater goods will be white uPVC.

3 Background

3.1 Local Plan Status

3.1.1 South Lanarkshire Local Development Plan 2 (SLLDP2)

The SLLDP2 was formally adopted on 9 April 2021 and now supersedes the former Local Development Plan. For the purposes of determining planning applications the Council will, therefore, assess proposals against the policies contained within the adopted SLLDP2. In this regard the application site and associated proposals is affected by the following policies contained in the SLLDP2:-

- ◆ Policy 3 General Urban Areas
- ◆ Policy 5 Development Management and Placemaking
- ◆ Policy DM2 House Extensions and Alterations

3.2 Relevant Government Advice/Policy

- 3.2.1 The Revised Draft National Planning Framework 4 was approved by the Scottish Parliament on 11 January 2023. The next step is its formal adoption and publication by Scottish Ministers. Due to its advanced stage, the Revised Draft NPF4 is now considered to be a material consideration in the determination of this application. However, there are not considered to be any specific implications in respect of the provisions of the draft framework relating to this application.
- 3.2.2 Scottish Planning Policy (Revised 2020) (SPP) advises that proposals that accord with up-to-date plans should be considered acceptable in principle.

3.3 Planning Background

- 3.3.1 Planning applications EK/02/0500 for the erection of an extension to garage and EK/05/0037 for the erection of an upper floor extension to dwellinghouse have previously been submitted.

4 Consultation(s)

- 4.1 None.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken, and one letter of comment was received from the adjoining neighbouring proprietor at 15 Clamps Wood. The grounds of the comments are summarised as follows:-

a) Requesting that the neighbour notification period is delayed due to neighbour notification letters not containing a block plan of the proposed application site.

Response: It is noted that there was an error in which the location plan on the notification letter did not correctly print. As such, the neighbour notification letters were resent on 19 December 2022. The respective neighbour was notified of this information and referred to South Lanarkshire Council's Simple Search website which features submitted information (drawings, application forms, statements) relating to planning applications.

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

6 Assessment and Conclusions

- 6.1 The applicant seeks planning consent for the erection of a single-storey extension to the rear of the dwellinghouse. Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan 2 (LDP2) and its impact on the amenity of the adjacent properties.
- 6.2 The application site is located within the identified settlement boundary of East Kilbride. As such, the proposal is required to be considered against Policy 3 of the LDP2 which establishes that residential developments, and those of an ancillary nature, may be considered acceptable provided that they do not have a significant adverse impact upon the amenity and character of the area. It is considered that the principle of the erection of a single-storey rear extension to 14 Clamps Wood raises no issues within the context of Policy 3 of the LDP2.
- 6.3 Policy 5 – Development Management and Placemaking states that development proposals should be well designed and integrate well with the local area. Proposals should not have unacceptable significant adverse impacts upon adjacent buildings or the streetscape in regard to layout, scale, massing, design, external materials or amenity.
- 6.4 Policy DM2 – House Extensions and Alterations states that development proposals should respect both the character of the existing dwelling and the wider area in regard to siting, form, scale, design and materials, not dominate the existing dwelling or neighbouring properties and not significantly adversely affect adjacent properties in terms of overlooking, loss of privacy, daylight or sunlight.

- 6.5 The application site has a garden of adequate size at the rear of the property to accommodate the proposed single-storey extension. As such, sufficient space will remain thereby ensuring that no overdevelopment or overbearing occurs. The proposed external materials will match existing. As such, it is considered that the design, position, materials and scale of the proposed extension is sympathetic to the existing house and its surroundings.
- 6.6 The proposed extensions potential impact regarding overshadowing was a consideration during the assessment. A shadow test was conducted to assess the impact of the proposal on adjacent dwellinghouses. Given the position of the respective dwellinghouses in relation to the travel path of the sun, it is considered that there will not be a significant or unacceptable impact in terms of overshadowing/loss of sunlight that would justify refusal of this application. In addition, it is noted that the adjacent property is well screened by a fence. As such, it is considered that the proposal will not result in any significant adverse overshadowing or overlooking upon adjacent properties and any increase would be of a negligible amount.
- 6.7 In conclusion, following detailed consideration of the proposed extension as set out above, it has been determined that the proposal generally complies with Policies 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, subject to the attached condition, 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: 13 January 2023

Previous references

- ◆ EK/02/0500 - Erection of extension to garage
- ◆ EK/05/0037 - Erection of upper floor extension to dwellinghouse

List of background papers

- ▶ Application form
 - ▶ Application plans
 - ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
 - ▶ Neighbour notification letter dated 2 December 2022
 - ▶ Consultations: None
 - ▶ Representations
- Stuart and Rena Currie, 15 Clamps Wood, East Kilbride, South Lanarkshire, G74 2HB

Dated:
16/12/2022

Contact for further information

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

Kerr Murray, Planning Officer, Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA

Phone: 07795 455 474

Email: kerr.murray@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/22/1659

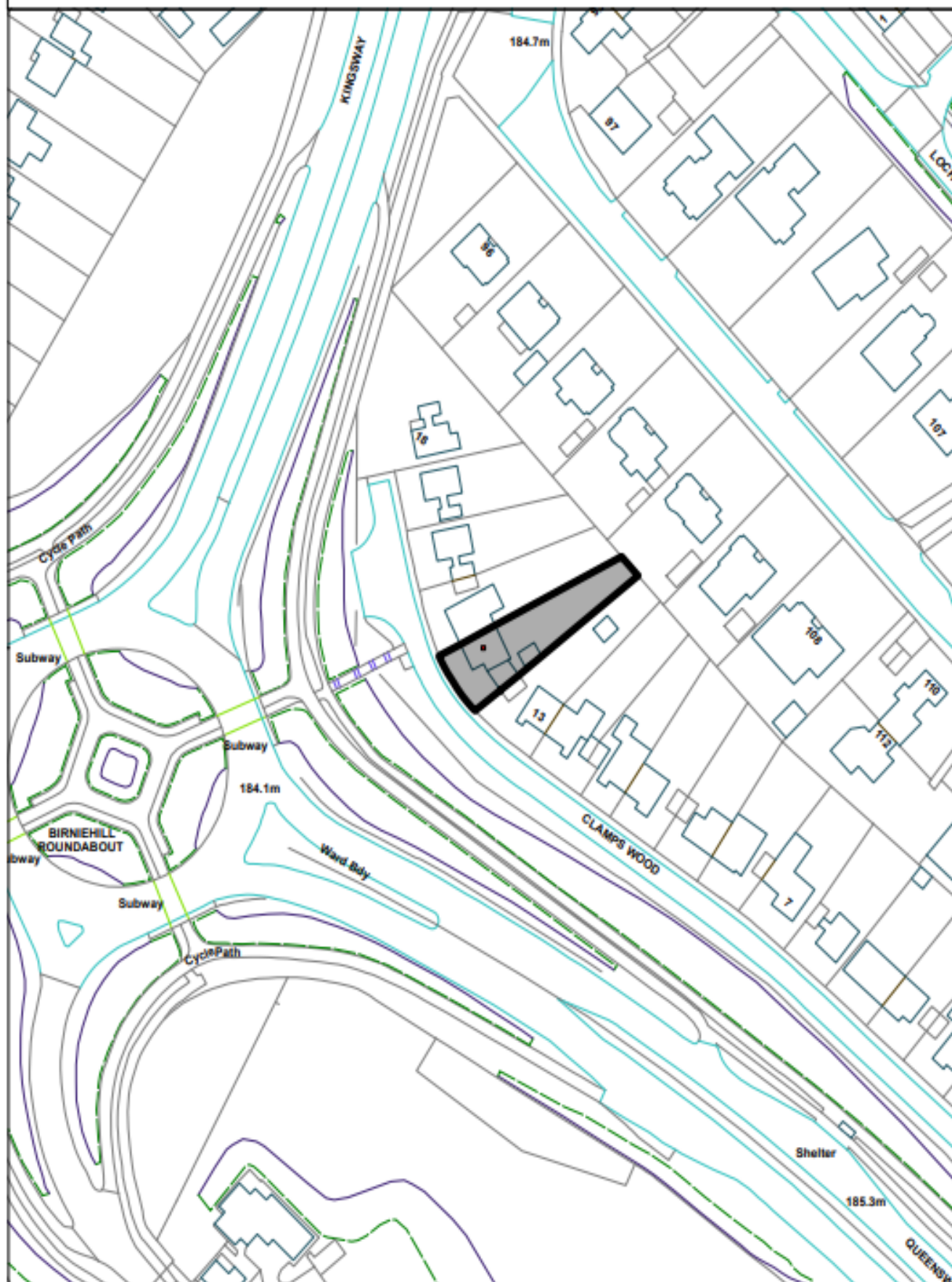
Conditions and reasons

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

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

P/22/1659

14 Clamps Wood, East Kilbride



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Scale:
1:1,250
Date:
21/12/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

11

Report to:	Planning Committee
Date of Meeting:	24 January 2023
Report by:	Executive Director (Community and Enterprise Resources)

Subject:	Tree Preservation Order – Chestnut Walk and Dunavon Avenue, Strathaven
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ♦ seek approval for the making of a Tree Preservation Order (TPO) on 28 trees at Chestnut Walk and Dunavon Avenue, Strathaven which fall within the boundary shown on the accompanying plan

2. Recommendation(s)

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

- (1) that a Provisional Tree Preservation Order is promoted under the terms of Section 163 (Provisional Tree Preservation Order) of the Town and Country Planning (Scotland) Act 1997 on the area identified on the attached plan; and
- (2) that this Provisional Tree Preservation Order be confirmed within six months from the date of this Order, should there be no objections.

3. Background

3.1. The trees that are subject to the proposed TPO are a group of trees located at:-

1 Chestnut Walk (**1 tree** – 1 Lime)

12 Chestnut Walk (**1 tree** – 1 Lime)

Opposite 1-20 Chestnut Walk (**7 trees** – 5 Lime, 1 Horse Chestnut, 1 Sycamore)

Between 3 and 5 Dunavon Avenue (**13 trees** 12 Lime, 1 Sycamore)

Rear of 3-5 Chestnut Walk and 1 Dunavon Avenue (**6 trees** – 1 Horse Chestnut, 1 Red Oak, 2 Lime, 1 Sycamore, 1 Holly)

The trees are considered to contribute to the character, amenity and sense of place of Chestnut Walk, Dunavon Avenue and surrounding area. Branches of some trees overhang the boundaries of several houses in the area, and, as such, there is the potential that certain works could be undertaken to the trees by all the householders. In addition, work is proposed by the factor of the houses within the development. The promotion of a TPO would not stop maintenance works being undertaken to the trees, but it would require such works to be agreed in advance with the Council to ensure that no inappropriate work takes place.

4. Policy History

- 4.1. The site is identified in the adopted South Lanarkshire Local Development Plan as being within a designated residential area with Commercial Road running along the front of the site to the north.
- 4.2. The promotion of a TPO would not stop maintenance works being undertaken to the trees, but it would require such works to be agreed in advance with the Council to ensure that no inappropriate work takes place.

5. Grounds for Making the TPO

- 5.1. The reason for making the TPO is that the trees are considered to contribute to the character, amenity and sense of place within the local area. The trees are notably visible in the area by virtue of their size, form and siting throughout the development encompassing Chestnut Walk and Dunavon Avenue. To ensure that only appropriate maintenance is undertaken, in consultation with the Council, and to ensure the future retention of the trees, the promotion of a TPO is considered necessary.

6. Employee Implications

- 6.1. None.

7. Financial Implications

- 7.1. None.

8. Climate Change, Sustainability and Environmental Implications

- 8.1. There are no significant implications for climate change, sustainability or the environment in terms of the information contained in this report.

9. Other Implications

- 9.1. There are no significant implications for risk in terms of the information contained in this report.

10. Equality Impact and Consultation Arrangement

- 10.1. Consultations have taken place with the Council's Arboricultural Manager who has recommended that a Tree Preservation Order be placed on the trees in question.
- 10.2. There was no requirement to carry out an impact assessment in terms of the proposals contained within this report.

David Booth

Executive Director (Community and Enterprise Resources)

13 January 2023

Link(s) to Council Values/Priorities/Outcomes

- ◆ Good quality, suitable and sustainable places to live

Previous References

- ◆ None

List of Background Papers

- ◆ None

Contact for Further Information

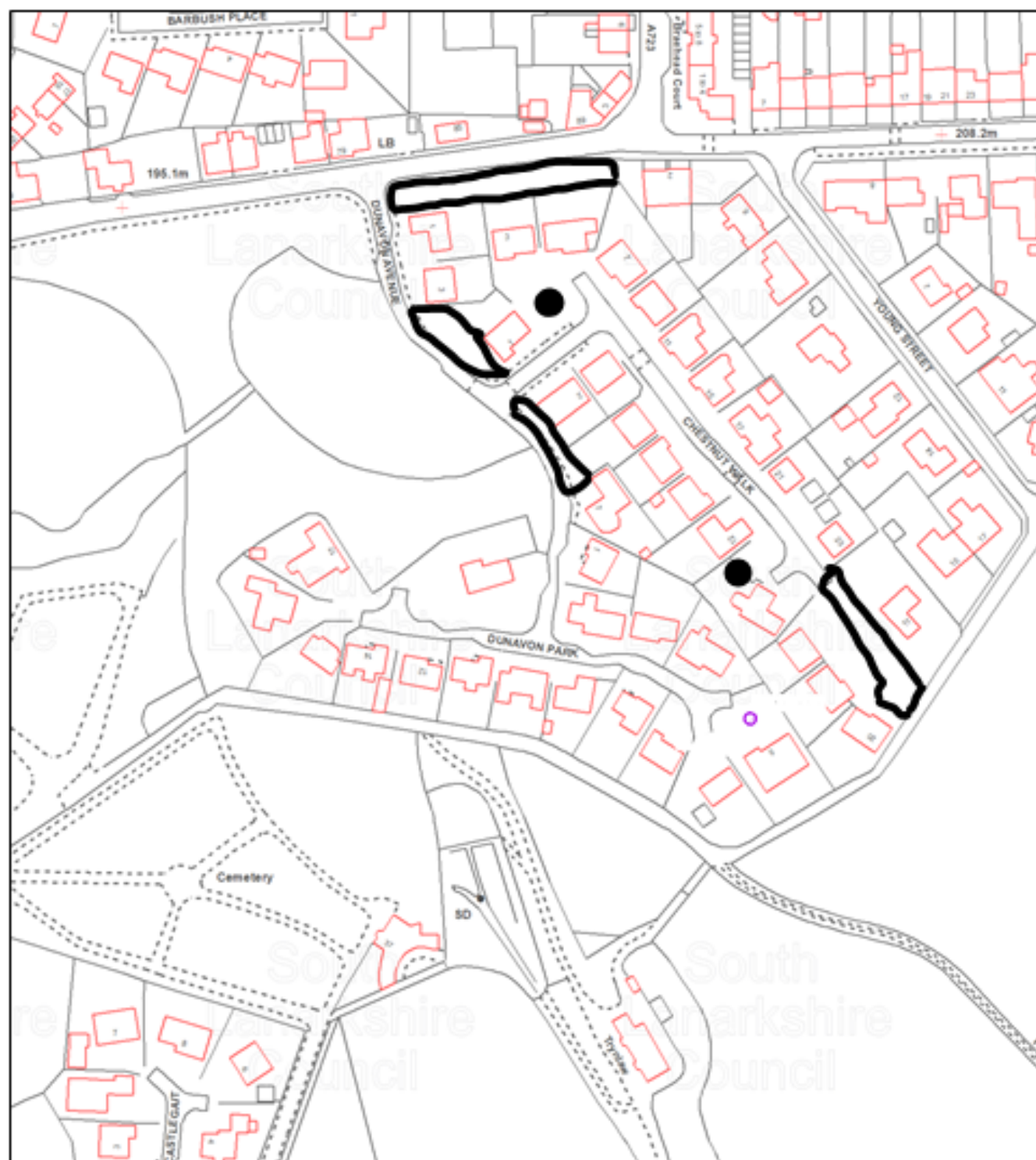
If you would like to inspect the background papers or want further information, please contact:-

Iain Morton, Team Leader, Floor 6, Almada Street, Hamilton, ML3 0AA

Tel: 07551 842 788

E-mail: planning@southlanarkshire.gov.uk

PROPOSED TREE PRESERVATION ORDER – Chesnut Walk/Dunavon Park, Strathaven



Outline of Area of Proposed TPO -

Planning & Regulatory Services
Community and Enterprise Resources

Date: January 2023

Scale: 1:2,000



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