



Council Offices, Almada Street  
Hamilton, ML3 0AA

Monday, 05 November 2018

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, 28 August 2018

**Time:** 10:00

**Venue:** Committee Room 1, Council Offices, Almada Street, Hamilton, ML3 0AA

The business to be considered at the meeting is listed overleaf.

<b>Members are reminded to bring their fully charged tablets to the meeting</b>
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Yours sincerely

**Lindsay Freeland**  
**Chief Executive**

### **Members**

Alistair Fulton (Chair), Isobel Dorman (Depute Chair), John Ross (ex officio), Alex Allison, John Bradley, Walter Brogan, Archie Buchanan, Stephanie Callaghan, Margaret Cowie, Maureen Devlin, Mary Donnelly, Fiona Dryburgh, Mark Horsham, Ann Le Blond, Martin Lennon, Richard Lockhart, Julia Marrs, Kenny McCreary, Richard Nelson, Carol Nugent, Graham Scott, David Shearer, Collette Stevenson, Bert Thomson, Jim Wardhaugh, Sheena Wardhaugh

### **Substitutes**

John Anderson, Jackie Burns, Janine Calikes, Gerry Convery, Margaret Cooper, Peter Craig, Allan Falconer, Catherine McClymont, Colin McGavigan, Mark McGeever, Davie McLachlan, Lynne Nailon, Jared Wark, Josh Wilson

## BUSINESS

### 1 Declaration of Interests

### 2 Minutes of Previous Meeting

5 - 14

Minutes of the Meeting of the Planning Committee held on 26 June 2018 submitted for approval as a correct record. (Copy attached)

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Item(s) for Decision	
<b>3 Application P/18/0576 - Installation and Operation of 15 Monitoring Boreholes with Associated Infrastructure (Including Monitoring Equipment Cabinets, Access Tracks and Fencing) at Downiebrae Road, Rutherglen</b>	15 - 30
Report dated 17 August 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	
<b>4 Application P/18/0616 - Change of Use of Shop (Class 1) to Class 10 (Non-Residential Institution) at 36 to 38 New Street, Stonehouse, Larkhall</b>	31 - 40
Report dated 17 August 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	
<b>5 Application P/18/0822 - Section 42 Application to Delete Condition 5 of Planning Consent EK/16/0229 to Allow Permanent Use of Outdoor Seating Area as Part of Existing Coffee Shop Operating 11am until 3pm Monday to Saturday at 2 Thomson Street, Strathaven</b>	41 - 50
Report dated 24 July 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	
<b>6 Application P/18/0458 - Erection of Commercial Dog Kennels at The Maynes, Burnhead Road, Symington, Biggar</b>	51 - 60
Report dated 10 August 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	
<b>7 Application P/18/0857 - Erection of Single Storey Side and Rear Extensions with Associated Alterations (Retrospective) at Alison Lea Community Centre, Alison Lea, East Kilbride</b>	61 - 68
Report dated 8 August 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	
<b>8 Application P/18/0054 - Change of Use of Redundant Agricultural Outbuildings to Music School (Retrospective) at Udston Farm, Udston Mill Road, Stonehouse, Larkhall</b>	69 - 78
Report dated 9 August 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	
<b>9 Application P/18/0060 - Change of use from and Agricultural Shed to a Gym (Retrospective) at Udston Farm, Udston Mill Road, Stonehouse, Larkhall</b>	79 - 88
Report dated 9 August 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	
<b>10 Application EK/17/0197 - Residential Development (89 Units) with Associated Access and Landscaping at Land at Redwood Crescent, East Kilbride</b>	89 - 106
Report dated 17 August 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	

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|-----------|--|-----------|
| <b>11</b> | <b>Application P/18/0172 - Erection of 3 Retail Units and Repositioning of Block D (Formerly Block C1) (Amendment to Planning Consent HM/17/0312) at Carlisle Road, Ferniegair, Hamilton</b><br>Report dated 10 August 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)  | 107 - 122 |
| <b>12</b> | <b>Application EK/17/0378 - Erection of 105 Houses for Social Rent (95 Flats and 10 Houses), with Associated Amenity Space, Landscaping, Car Parking and Infrastructure at 2 Law Place, Nerston Industrial Estate, East Kilbride</b><br>Report dated 1 August 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 123 - 134 |
| <b>13</b> | <b>Consultation Response to Scottish Ministers - Application by North Lowther Energy Initiative for the Erection of 30 Wind Turbines at Queensberry Estate in Dumfries and Galloway</b><br>Report dated 17 August 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)   | 135 - 140 |
| <b>14</b> | <b>South Lanarkshire Council Tree Preservation Order No. SL50 (2018) 26 Grenville Drive, Cambuslang</b><br>Report dated 7 August 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)  | 141 - 148 |
| <b>15</b> | <b>Proposed Alteration of Rights of Way SC79 and SC4 and Core Paths CR/125/1 and CR/125/2 Under Sections 206, 207 and 208 of the Town and Country Planning (Scotland) Act 1997</b><br>Report dated 2 August 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)   | 149 - 154 |

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## **Urgent Business**

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### **16 Urgent Business**

Any other items of business which the Chair decides are urgent.

### ***For further information, please contact:-***

Clerk Name: Pauline MacRae

Clerk Telephone: 01698 454108

Clerk Email: pauline.macrae@southlanarkshire.gov.uk



## PLANNING COMMITTEE

2

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 26 June 2018

### Chair:

Councillor Alistair Fulton

### Councillors Present:

Alex Allison, John Bradley, Archie Buchanan, Stephanie Callaghan, Margaret Cowie, Maureen Devlin, Mary Donnelly, Isobel Dorman, Fiona Dryburgh, Mark Horsham, Ann Le Blond, Martin Lennon, Richard Lockhart, Catherine McClymont (*substitute for Councillor Brogan*), Kenny McCreary, Julia Marrs, Lynne Nailon (*substitute for Councillor Nelson*), Carol Nugent, Graham Scott, David Shearer, Collette Stevenson, Bert Thomson, Jim Wardhaugh, Sheena Wardhaugh

### Councillors' Apologies:

Walter Brogan, Richard Nelson, John Ross (ex officio)

### Attending:

#### Community and Enterprise Resources

L Campbell, Area Manager, Planning and Building Standards Services (Hamilton and Clydesdale); T Finn, Headquarters Manager, Planning and Building Standards Services; F Jack, Team Leader, Development Management Team, Roads and Transportation Services; T Meikle, Area Manager, Planning and Building Standards Services (Cambuslang/Rutherglen and East Kilbride); A Pepler, Planning Officer, Planning and Building Standards Services (Cambuslang/Rutherglen and East Kilbride); J Wright, Minerals Officer, Planning and Building Standards Services

#### Finance and Corporate Resources

J Davitt, Media Officer; P MacRae, Administration Officer; K McLeod, Administration Assistant; K Moore, Legal Services Advisor

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## 1 Declaration of Interests

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The following interests were declared:-

<b>Councillor(s)</b>	<b>Item(s)</b>	<b>Nature of Interest(s)</b>
Callaghan, McCreary and Thomson	Application HM/17/0260 – Erection of Waste Processing Facility Including Waste Recovery Plant and Thermal Treatment Facility for Energy Recovery with Associated Landscaping, Access, Parking Infrastructure and Education and Visitor Centre at Site at Whistleberry Road, Hamilton	Campaigned against the proposal
Allison	Application EK/17/0390 – Demolition of an Existing Single Storey House and Change of Use of Industrial Yard for the Erection of 19 Houses, Public Open Space and Associated Garages and Car Parking at Turner's Yard, Drumclog, Strathaven	Business connection with the applicant

Fulton	Application P/18/0511 – Erection of 30 Houses, Associated Roads, Infrastructure, Amenity Areas, Landscaping and Formation of SUDs Ponds (Approval of Matters Specified in Conditions 1(A) – 1(G), 3, 4, 5, 8 and 10 of Planning Permission CL/17/0199) at Nether Kypeside Farm, Deadwaters, Lesmahagow	Professional connection in respect of the proposal
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## 2 Minutes of Previous Meeting

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The minutes of the meeting of the Planning Committee held on 29 May 2018 were submitted for approval as a correct record.

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

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## 3 Application HM/17/0260 - Erection of Waste Processing Facility Including Waste Recovery Plant and Thermal Treatment Facility for Energy Recovery with Associated Landscaping, Access, Parking Infrastructure and Education and Visitor Centre at Site at Whistleberry Road, Hamilton

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A report dated 7 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0260 by Clean Power Properties Limited for the erection of a waste recovery plant and thermal treatment facility for energy recovery with associated landscaping, access, parking infrastructure and education and visitor centre at Whistleberry Road, Hamilton.

The Headquarters Manager, Planning and Building Standards Services, advised of receipt of the following representations:-

- ◆ objections to the proposal from Councillors Callaghan and McLachlan respectively
- ◆ an objection from Halfway Community Council which had not been summarised in the Executive Director's report

Points raised in those representations were referred to and addressed by officers.

Representations received from the applicant in respect of the Executive Director's report were referred to and addressed by officers. This included a reference to PAN63, which was referred to in the report, as having been replaced by Planning and Waste Management advice produced by the Scottish Government. In response, it was highlighted to members that the general advice in this document was broadly similar to PAN63 and that it had been taken into account in reaching the recommendation.

A request for a hearing had been received from Blantyre Community Council, however, the application did not meet the criteria for a hearing.

**The Committee decided:**

that planning application HM/17/0260 by Clean Power Properties Limited for the erection of a waste recovery plant and thermal treatment facility for energy recovery with associated landscaping, access, parking infrastructure and education and visitor centre at Whistleberry Road, Hamilton be refused for the reasons detailed in the Executive Director's report.

*Councillors Callaghan, McCreary and Thomson, having declared an interest in the above application, withdrew from the meeting during its consideration*

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**4 Application EK/09/0218 - Mixed Use Development Comprising Residential, Retail and Education Uses and Associated Engineering Works for Site Infrastructure, New Access and Distributor Road and Formation of Open Space Framework with Landscaping Works (Planning Permission in Principle) (Revised Masterplan) at Land to South West of East Kilbride, Largely Bounded by Eaglesham Road, Jackton Road and Newlands Road**

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A report dated 15 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/09/0218 by Cala Homes (West) Limited/Lynch Homes for a mixed use development comprising residential, retail and education uses and associated engineering works for site infrastructure, new access and distributor road and formation of open space framework with landscaping works (planning permission in principle) (revised masterplan) at land to the south west of East Kilbride, largely bounded by Eaglesham Road, Jackton Road and Newlands Road.

A request for a hearing had been received from Jackton and Thorntonhall Community Council, however, the application did not meet the criteria for a hearing.

The Planning Committee had approved this application on 13 December 2011, however, the required legal agreement had not been concluded and the decision notice had not been issued. A revised masterplan had subsequently been submitted, which, due to the scale of the changes to the proposal, required to be submitted to the Planning Committee for further determination. Details of the proposed changes contained in the revised masterplan were given in the report.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Planning Obligation. If approved, the application would be subject to a Section 75 Planning Obligation and/or other agreement and the approved procedure would apply.

**The Committee decided:**

- (1) that planning application EK/09/0218 by Cala Homes (West) Limited/Lynch Homes for a mixed use development comprising residential, retail and education uses and associated engineering works for site infrastructure, new access and distributor road and formation of open space framework with landscaping works (planning permission in principle) (revised masterplan) at land to the south west of East Kilbride, largely bounded by Eaglesham Road, Jackton Road and Newlands Road be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ prior conclusion of a Section 75 Planning Obligation and/or other agreement between the Council and the applicants to ensure that financial contributions were made during the development towards the provision of:-
  - ◆ additional nursery, primary and secondary education accommodation, as required, to address the effect of the proposed development

- ◆ improvements to roads infrastructure including identified off-site junction improvements
  - ◆ upgraded community facilities
  - ◆ transportation infrastructure and services provision, including subsidised bus routes and contribution to cycling/pedestrian provision
  - ◆ affordable housing, either on-site, by way of a commuted sum or a mixture of both
  - ◆ improved park and ride facilities in East Kilbride
  - ◆ the applicants meeting the Council's legal costs associated with the Section 75 Planning Obligation and/or other 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 Planning Obligation 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 would be secured by the Planning Obligation, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Planning Obligation 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 Planning Obligation.

*[Reference: Minutes of 13 December 2011 (Paragraph 3) and 7 July 2015 (Paragraph 15)]*

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**5 Application EK/17/0305 - Formation of a Primary Road, with Associated Engineering, Drainage and Landscaping for the East Kilbride Community Growth Area (Part) at Land to the South West of East Kilbride, Largely Bounded by Eaglesham Road, Jackton Road and Newlands Road**

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A report dated 15 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/17/0305 by Cala Homes (West) Limited/Lynch Homes for the formation of a primary road, with associated engineering, drainage and landscaping for the East Kilbride Community Growth Area (part) at land to the south west of East Kilbride, largely bounded by Eaglesham Road, Jackton Road and Newlands Road.

**The Committee decided:** that planning application EK/17/0305 by Cala Homes (West) Limited/Lynch Homes for the formation of a primary road, with associated engineering, drainage and landscaping for the East Kilbride Community Growth Area (part) at land to the south west of East Kilbride, largely bounded by Eaglesham Road, Jackton Road and Newlands Road be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 29 May 2018 (Paragraph 10) and 26 June 2018 (Paragraph 4)]*



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**6 Application P/18/0264 - Demolition of Existing Hotel and Erection of 96 Bedroom Hotel with Ancillary Restaurant and Additional Class 3 Unit at Hamilton Town Hotel, 29 to 31 Townhead Street, Hamilton**

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A report dated 15 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0264 by New Dimension Group (Hamilton) Limited and Whitbread PLC for the demolition of an existing hotel and the erection of a 96 bedroom hotel with ancillary restaurant and additional Class 3 unit at Hamilton Town Hotel, 29 to 31 Townhead Street, Hamilton.

**The Committee decided:** that planning application P/18/0264 by New Dimension Group (Hamilton) Limited and Whitbread PLC for the demolition of an existing hotel and the erection of a 96 bedroom hotel with ancillary restaurant and additional Class 3 unit at Hamilton Town Hotel, 29 to 31 Townhead Street, Hamilton be granted subject to the conditions specified in the Executive Director's report.

*Councillor Stevenson left the meeting during consideration of this item of business*

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**7 Application P/18/0265 - Demolition of Hotel (Conservation Area Consent) at Hamilton Town Hotel, 29 to 31 Townhead Street, Hamilton**

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A report dated 15 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0265 by New Dimension Group (Hamilton) Limited/ Whitbread PLC for the demolition of a hotel (conservation area consent) at Hamilton Town Hotel, 29 to 31 Townhead Street, Hamilton.

**The Committee decided:** that planning application P/18/0265 by New Dimension Group (Hamilton) Limited/ Whitbread PLC for the demolition of a hotel (conservation area consent) at Hamilton Town Hotel, 29 to 31 Townhead Street, Hamilton be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 26 June 2018 (Paragraph 6)]*

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**8 Application P/18/0278 - Demolition of Hotel (Listed Building Consent) at Hamilton Town Hotel, 29 to 31 Townhead Street, Hamilton**

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A report dated 15 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0278 by New Dimension Group (Hamilton) Limited and Whitbread PLC for the demolition of a hotel (listed building consent) at Hamilton Town Hotel, 29 to 31 Townhead Street, Hamilton.

**The Committee decided:** that planning application P/18/0278 by New Dimension Group (Hamilton) Limited and Whitbread PLC for the demolition of a hotel (listed building consent) at Hamilton Town Hotel, 29 to 31 Townhead Street, Hamilton be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 26 June 2018 (Paragraph 7)]*

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**9 Application EK/17/0390 - Demolition of an Existing Single Storey House and Change of Use of Industrial Yard for the Erection of 19 Houses, Public Open Space and Associated Garages and Car Parking at Turner's Yard, Drumclog, Strathaven**

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A report dated 14 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/17/0390 by E and D Turner for the demolition of an existing single storey house and change of use of an industrial yard for the erection of 19 houses, public open space and associated garages and car parking at Turner's Yard, Drumclog, Strathaven.

**The Committee decided:** that planning application EK/17/0390 by E and D Turner for the demolition of an existing single storey house and change of use of an industrial yard for the erection of 19 houses, public open space and associated garages and car parking at Turner's Yard, Drumclog, Strathaven be granted subject to the conditions specified in the Executive Director's report.

*Councillor Allison, having declared an interest in the above application, withdrew from the meeting during its consideration*

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**10 Application CR/17/0195 - Erection of 86 Units, Comprising 4 and 6 Storey Flatted Blocks and 2 Storey Terraced and Semi-detached Houses, with Associated Parking, Roads and Landscaping at Site Located off Bridge Street, Cambuslang**

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A report dated 14 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CR/17/0195 by Link Group Limited for the erection of 86 units, comprising 4 and 6 storey flatted blocks and 2 storey terraced and semi-detached houses, with associated parking, roads and landscaping at a site located off Bridge Street, Cambuslang.

Points raised in a further letter of objection from the Forrest Group were referred to at the meeting and addressed by officers.

**The Committee decided:** that planning application CR/17/0195 by Link Group Limited for the erection of 86 units, comprising 4 and 6 storey flatted blocks and 2 storey terraced and semi-detached houses, with associated parking, roads and landscaping at site located off Bridge Street, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 27 March 2012 (Paragraph 3)]*

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**11 Application P/18/0478 - Formation of 18 House Plots Together with Associated Access Road at Land Adjacent to Holm Road, Crossford, Carluke**

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A report dated 15 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0478 by N Pringle for the formation of 18 house plots together with associated access road at land adjacent to Holm Road Crossford, Carluke.

The application had been assessed against the relevant policies and criteria contained in the Adopted South Lanarkshire Local Development Plan and Supplementary Guidance, the Proposed South Lanarkshire Local Development Plan 2, the Strategic Development Plan and government advice/policy. Details of the assessment were provided in the report. The development constituted Development Contrary to the Development Plan, however, it was not considered that the proposal was significantly contrary to the Development Plan.

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 objectives of Scottish Planning Policy in terms of the purposes of the Green Belt would not be compromised
- ◆ the proposal would enable the rounding off of the settlement edge and the creation of a robust and defensible boundary
- ◆ the scale of the development would not have an adverse impact on the character of the area
- ◆ the established ponds had enhanced the landscape character and amenity of the area
- ◆ the proposed houses would be located around the established ponds which would form a central focal point and feature enabling visual integration
- ◆ there would be no adverse impact on residential or visual amenity, infrastructure or biodiversity

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Planning Obligation. If approved, the application would be subject to a Section 75 Planning Obligation and/or other agreement and the approved procedure would apply.

**The Committee decided:**

- (1) that planning application P/18/0478 by N Pringle for the formation of 18 house plots together with associated access road at land adjacent to Holm Road, Crossford, Carluke be granted subject to:-
  - ◆ the conditions specified in the Executive Director's report
  - ◆ referral of the application to the Scottish Ministers, in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009, as SEPA had advised against the grant of planning permission by objecting in principle on the basis of potential flood risk, to allow the Scottish Ministers the opportunity to consider whether to call in the application for their own determination
  - ◆ prior conclusion of a Section 75 Planning Obligation and/or other appropriate agreement between the Council, the applicants and the site owner(s) to ensure that a financial contribution of £27,000 was made towards the provision of community facilities in the area
  - ◆ the applicants and site owners meeting the Council's legal costs associated with the Section 75 Obligation and/or other agreement
- (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 Planning Obligation 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 would be secured by the Planning Obligation, the proposed development would be unacceptable; and

- (3) that it be noted that, if the Planning Obligation 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 Planning Obligation.

*[Reference: Minutes of 7 July 2015 (Paragraph 15) and 19 December 2017 (Paragraph 3)]*

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## **12 Application CL/18/0041 - Erection of 12 Semi-detached Two Storey Houses and 2 Single Storey Bungalows at Heathland Terrace, Forth**

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A report dated 15 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/18/0041 by Castlebank Homes Limited for the erection of 12 semi-detached two storey houses and 2 single storey bungalows at Heathland Terrace, Forth.

The applicant had submitted a financial contribution of £21,000 towards the improvement of leisure and recreational facilities within the locality of the application site.

**The Committee decided:** that planning application CL/18/0041 by Castlebank Homes Limited for the erection of 12 semi-detached two storey houses and 2 single storey bungalows at Heathland Terrace, Forth be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 19 June 2007 (Paragraph 9)]*

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## **13 Application P/18/0454 - Residential Development (Planning Permission in Principle) at Land Near Blair Cottage, Blair Road, Crossford, Carluke**

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A report dated 8 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0454 by J Macgillivray for a residential development (planning permission in principle) at land near Blair Cottage, Blair Road, Crossford, Carluke.

The application had been assessed against the relevant policies and criteria contained in the Adopted South Lanarkshire Local Development Plan and Supplementary Guidance, the Proposed South Lanarkshire Local Development Plan 2 and government advice/policy. Details of the assessment were provided in the report. The development constituted Development Contrary to the Development Plan, however, it was not considered that the proposal was significantly contrary to the Development Plan.

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 proposed development at the site was low in numbers and would not conflict with other sites being considered for the emerging development plan
- ◆ it was considered the inclusion of this site was not premature to the development plan
- ◆ the proposed site had been highlighted in the Main Issues Report and Proposed Plan for inclusion in the emerging development plan as a new settlement
- ◆ the proposal was small scale in nature and additional tree planting would enhance the landscape character of the area
- ◆ the proposal was adjacent to a grouping of houses and was not an isolated or sporadic position
- ◆ there would be no significant adverse issues upon residential or visual amenity, infrastructure or biodiversity

**The Committee decided:** that planning application P/18/0454 by J Macgillivray for a residential development (planning permission in principle) at land near Blair Cottage, Blair Road, Crossford, Carluke be granted subject to the conditions specified in the Executive Director's report.

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**14 Application P/18/0491 - Erection of 2 Blocks of Flats (18 Units), Associated Parking and Landscaping at Vacant Land at 3 Dundas Place, East Kilbride**

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A report dated 8 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0491 by Carnbroe Estates Limited for the erection of 2 blocks of flats (18 units), associated parking and landscaping at vacant land at 3 Dundas Place, East Kilbride.

**The Committee decided:** that planning application P/18/0491 by Carnbroe Estates Limited for the erection of 2 blocks of flats (18 units), associated parking and landscaping at vacant land at 3 Dundas Place, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

*Councillor McClymont left the meeting during consideration of this item of business*

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**15 Application P/18/0511 - Erection of 30 Houses, Associated Roads, Infrastructure, Amenity Areas, Landscaping and Formation of SUDS Ponds (Approval of Matters Specified in Conditions 1(A) to 1(G), 3, 4, 5, 8 and 10 of Planning Consent CL/17/0199) at Nether Kypeside Farm, Deadwaters, Lesmahagow**

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A report dated 15 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0511 by Kypeside Developments Limited for the erection of 30 houses, associated roads, infrastructure, amenity areas, landscaping and formation of SUDS ponds (approval of matters specified in Conditions 1(A) to 1(G), 3, 4, 5, 8 and 10 of planning consent CL/17/0199) at Nether Kypeside Farm, Deadwaters, Lesmahagow.

**The Committee decided:** that planning application P/18/0511 by Kypeside Developments Limited for the erection of 30 houses, associated roads, infrastructure, amenity areas, landscaping and formation of SUDS ponds (approval of matters specified in Conditions 1(A) to 1(G), 3, 4, 5, 8 and 10 of planning consent CL/17/0199) at Nether Kypeside Farm, Deadwaters, Lesmahagow be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 29 November 2016 (Paragraph 9)]*

*Councillor Fulton, having declared an interest in the above item, withdrew from the meeting during its consideration. Councillor Dorman took the Chair for this item only*

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**16 Application P/18/0171 - Erection of a 2 Storey Detached House at East Overton House, Hamilton Road, Strathaven**

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A report dated 7 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0171 by A Raeburn for the erection of a 2 storey house at East Overton House, Hamilton Road, Strathaven.

**The Committee decided:** that planning application P/18/0171 by A Raeburn for the erection of a 2 storey house at East Overton House, Hamilton Road, Strathaven be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 17 December 2013 (Paragraph 4)]*

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**17 Application P/18/0587 - Erection of Single Storey Front, Side and Rear Extension to House at 7 East Milton Grove, East Kilbride**

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A report dated 7 June 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0587 by R Patterson for the erection of a single storey front, side and rear extension to a house at 7 East Milton Grove, East Kilbride.

A request for a hearing had been received in relation to the proposal, however, the application did not meet the criteria for a hearing.

**The Committee decided:** that planning application P/18/0587 by R Patterson for the erection of a single storey front, side and rear extension to a house at 7 East Milton Grove, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

# Report

3

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>28 August 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/18/0576
Planning proposal:	Installation and operation of 15 No. monitoring boreholes with associated infrastructure (including monitoring equipment cabinets, access tracks and fencing)

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	British Geological Survey
Location:	Downiebrae Road Rutherglen

## 2 Recommendation(s)

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

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

### 2.2 Other actions/notes

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

## 3 Other information

- ♦ Applicant's Agent: Shahid Ali
- ♦ Council Area/Ward: 12 Rutherglen Central And North
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan**  
Policy 1 Spatial strategy  
Policy 2 Climate change  
Policy 4 Development management and placemaking  
Policy 14 Green network and green space  
Policy 15 Natural and historic environment  
Policy 16 Travel and transport  
Policy 17 Water environment and flooding  
Policy 19 Renewable energy

**Supplementary Guidance - Sustainable development and climate change**

## **Supplementary Guidance - Development Management, Placemaking and Design**

### **Proposed South Lanarkshire Local Development Plan**

Policy 1 Spatial Strategy

Policy 2 Climate change

Policy 5 Development Management and Placemaking

Policy 13 Green Network and Greenspace

Policy 14 Natural and Historic Environment

Policy 15 Travel and Transport

Policy 16 Water Environment and Flooding

Policy 18 Renewable Energy

Policy DM1 New Development Design

Policy SDCC2 Flood risk

Sustainable Drainage Systems

Policy SDCC6 Renewable Heat

Policy RE1 Renewable Energy

#### **◆ Representation(s):**

▶	11 including 78 signature petition	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

#### **◆ Consultation(s):**

SEPA Flooding

Roads Flood Risk Management

Environmental Services

SNH

Roads Development Management Team

The Coal Authority Planning and Local Authority Liaison Dept



## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site is located within the Cuningar Loop urban park at Downiebrae Road in Rutherglen and is approximately 1.98 in hectares area. It is owned by Clyde Gateway Developments Limited, an urban regeneration company. The site has an industrial history dating from the 1800s and housed a former colliery and Glasgow's waterworks (which ceased operating circa 1850). From the 1930s to the 1960s the area was quarried for sand and gravel. The waterworks and quarrying areas were in filled in the 1960s and the site lay vacant until it was transformed into an urban park in 2014. The site sits upon underground coal seams that have previously been mined as part of the former colliery.
- 1.2 The administrative boundary between South Lanarkshire Council and Glasgow City Council follows this part of the River Clyde to the east of the site. To the south of the site is an established residential estate (Cuningar Estate), comprising approximately 54 residential caravans/ chalets.

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

- 2.1 Planning permission is sought for the drilling of 15 No. boreholes of differing depths at 5 separate locations (hereon referred to as drill sites) each comprising 3 boreholes. The drilling is expected to take up to 12 months to establish the boreholes. Once established the boreholes will be cased to maintain their integrity and a 15 to 20 year period of monitoring to collect data on minewater flow rates, temperature and chemistry. The project is part of a larger and longer term project by the British Geological Survey to investigate the potential of geothermal energy from minewater to provide a continuous, sustainable renewable heat source. The drilling and installation of the monitoring equipment is expected to last up to a maximum of 12 months. Following completion of this, there will be a period of monitoring of the boreholes which would last 15 to 20 years. If the results are successful in terms of geothermal energy following this Phase 1 period, further studies and testing of technologies are proposed (Phase 2 and 3). It should be noted that any proposals relating to Phases 2 and 3 would be subject to separate planning applications and do not form part of this assessment.
- 2.2 The drill sites are split into two types. The first type comprises three drill sites that each contain 3 minewater characterisation and monitoring boreholes. Originally one of each of these minewater characterisation boreholes were to be to depths of approximately 181m. Following further survey, it is now proposed that the deepest boreholes would be 88m in depth with the shallowest at 9m. The second type of drill site comprises the remaining 2 drill sites with each containing 3 environmental baseline characterisation monitoring boreholes at varying depths between 9m to 43m.
- 2.3 The proposals also involve the creation of access tracks and laydown areas for each site as well as post drilling above ground infrastructure for the monitoring of the water.

### **3 Background**

#### **3.1 National Policy and Guidance**

3.1.1 Scottish Energy Strategy (SES) was published in December 2017 following consultation during 2017. The SES sets out a vision for the future energy system in Scotland through to 2050. It sets out the priorities for an integrated system-wide approach that considers the use and supply of energy for heat, power and transport and its strategic priorities are:

- Energy efficiency (buildings)
- Energy efficiency (industrial)
- Renewable and low carbon solutions (includes onshore wind)
- Innovative local energy systems
- System security and flexibility
- Oil and Gas Industry Strengths

The SES states that provisional statistics show 54% of Scotland's electricity needs were being met from renewable sources in 2016, with major new capacity due to connect to the system in coming years. The strategy sets out two new targets for the Scottish energy system by 2030 – (1) the equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources; (2) an increase by 30% in the productivity of energy uses across the Scottish economy. The strategy provides a long term vision to guide energy policy decisions to tackle the challenges of decarbonising heat and transport in order to meet Scotland's long term energy and climate change targets.

3.1.2 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, that 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 – this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015". Provisional statistics show that Scotland has met the 2015 interim target.

3.1.3 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". 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."

3.1.4 PAN 1/2011 'Planning and Noise' also establishes the best practice and the planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise. It provides further detailed guidance, to be read in tandem with PAN 50, on noise assessments and noise mitigation measures.

## 3.2 Development Plan

- 3.2.1 The Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) is a strategic plan with a strong focus on future growth with a broad spatial framework and a lesser focus on detailed area/site specific policy criteria. Nonetheless, the GCVSDP recognises its position within the Development Plan process relative to development management. As such, Policy 10 heat and electricity states that support should be given, where appropriate, to alternative renewable technologies and associated infrastructure.
- 3.2.2 The adopted South Lanarkshire Local Development Plan 2015 (SLLDP) contains the following policies against which the proposal should be assessed:
- Policy 1 Spatial Strategy
  - Policy 2 Climate Change
  - Policy 4 Development Management and Placemaking
  - Policy 14 Green network and greenspace
  - Policy 15: Natural and Historic Environment
  - Policy 16 Travel and Transport
  - Policy 17 Water Environment and Flooding
  - Policy 19 Renewable Energy
- 3.2.3 The following approved Supplementary Guidance documents support the policies in the SLLDP and also require assessment:
- Supplementary Guidance 1: Sustainable Development and Climate Change
  - Supplementary Guidance 3: Development Management, Placemaking and Design
  - Supplementary Guidance 10: Renewable Energy
- 3.2.4 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, the following policies are relevant:

### Volume 1

- Policy 1 Spatial Strategy
- Policy 2 Climate Change
- Policy 5 Development Management and Placemaking
- Policy 13 Green network and greenspace
- Policy 14 Natural and Historic Environment
- Policy 15 Travel and Transport
- Policy 16 Water Environment and Flooding
- Policy 18 Renewable energy

### Volume 2

- DM1 New Development
- SDCC2 Flood Risk
- SDCC3 Sustainable Drainage Systems
- SDCC6 Renewable Heat
- RE1 Renewable Energy

### 3.3 Planning History

- 3.3.1 In April 2014, planning permission was granted (CR/13/0001) to redevelop the vacant Cuningar Loop into an urban park. This permission has been implemented and the Cuningar Loop is now a well used recreational park.
- 3.3.2 The application was screened under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and was considered not to be of a scale and nature that would constitute being an EIA development.

## 4 Consultation(s)

- 4.1 **Environmental Services** – No objections to the proposals but would request additional mitigation to ensure the noise levels from the drilling works do not impact on residential amenity.  
**Response**: Noted conditions requiring further noise information and mitigation would be attached to any consent granted.
- 4.2 **Roads and Transportation Services (Flooding Team)** – No objection to the proposals.  
**Response**: Noted. The site is located within an area designated as being at low risk of flooding and the proposals would not create any drainage issues. The boreholes would be lined and capped to ensure there is no uncontrolled effect on the water table.
- 4.3 **SEPA** – fully supportive of the investigation of geothermal potential through this research project and offer no objections to the proposals. They consider the proposals to be a water compatible use and consider that the proposed development is at low flood risk and will not increase flood risk elsewhere. SEPA note that the works will require authorisation under the Water Environment (Controlled Activities)(Scotland) Regulations 2011 (as amended)(CAR) and that discussions with the applicant have commenced regarding the CAR authorisation.  
**Response**: Noted.
- 4.4 **Scottish Natural Heritage** – no comments to make on the proposals.  
**Response**: Noted.
- 4.5 **Roads and Transportation Services (Development Management)** – have no objections to the proposals subject to more detail regarding access and egress into the sites, gate positions, unloading, parking and pedestrian routes.  
**Response**: Noted. Conditions dealing with these issues would be attached to any consent granted.
- 4.6 **The Coal Authority** – have no objection to the proposals subject to the mitigation outlined within the planning submission.  
**Response**: Noted.

## 5 Representation(s)

- 5.1 The application was advertised as a Schedule 3 development and for non-notification of neighbours in accordance with Regulation 20 of the Development Management Regulations, within the Rutherglen Reformer on the 9 May, 2018. Following this publicity and the carrying out of neighbour notification, 11 letters of objection,

including a 78 signatory petition have been submitted in relation the proposals. The points raised in the objection letters and petition are summarised below.

- a) **Overlooking/ loss of privacy created by HGV traffic.**  
**Response:** Following the submission of this representation, Clyde Gateway have completed screen fencing between the Cuningar Estate and the Cuningar Loop access road which was the only part of the application site that had the potential for construction traffic to overlook the adjoining properties. It is therefore considered that the issues of privacy/ overlooking have been negated by the completion of the fencing.
- b) **Noise disturbance, especially in relation to properties in Cuningar Estate which comprise residential caravans and chalets which have plywood or tin external walls.**  
**Response:** The construction type of the residential dwellings adjacent to the site has been taken into account in the preparation of the supporting information submitted with the application. It is proposed to attach a condition to any consent granted requiring the submission of further noise assessment once the type of drill rig is known together with details of mitigation and proposals for ongoing noise monitoring during the drilling operations.
- c) **Potential odour release from underground gases.**  
**Response:** Prior to being an urban park the application site had an industrial heritage and, therefore, the requirement for a contaminated land strategy would be subject to a condition attached to any consent granted. SEPA, the Coal Authority and Environmental Services are content with the drilling methods proposed.
- d) **Loss in value of residential caravans**  
**Response:** Property values are not a material consideration in the assessment of a planning application.
- e) **Impact of vibrations of residential caravans**  
**Response:** The proposals involve the use of a rotary drill to minimise vibration and an assessment of the proposed levels of vibration from the drilling and construction traffic forms part of the planning submission. The assessment concludes that the potential for levels of vibration perceptible by a human are low. A condition requiring a vibration monitoring strategy would be attached to any consent granted.
- f) **Impact on amenity and health of residents**  
**Response:** Amenity is assessed in 6.4.5 to 6.4.19 below.
- g) **The timings of the proposals are unsuitable for neighbouring residents.**  
**Response:** It is considered that the proposed hours of operation (8am to 6pm Monday to Fridays and 9am to 1pm on a Saturday with no operations outwith these times) are suitable for the location.
- h) **Failed to notify all residents of the Cuningar Estate**  
**Response:** The neighbour notification is carried out by the Council and all statutory neighbours were notified. Whilst not required as part of this application, it is also noted that the applicant has carried out several public briefings and local engagement meetings throughout 2017 and early 2018.

- 5.2 These letters have been copied and made available in the usual manner and on the Planning Portal.

## **6 Assessment and Conclusions**

- 6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GVCSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance.
- 6.2 On 29 May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. For the purposes of this report, SLLDP2 Policies are only referenced where they differ from the aims of SLLDP.
- 6.3 In terms of national policy, the relevant documents are summarised in 3.1 above. In general, this 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 application proposes the creation of boreholes and, thereafter, the long term monitoring of minewater to assess the potential to provide a renewable, geothermal heat source in the future. It is, therefore, considered that the principle of the proposal complies with National Planning Policy in terms of sustainable development and renewable energy.
- 6.4 The Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) is a strategic plan with a strong focus on future growth within a broad spatial framework and a lesser focus on detailed area/site specific policy criteria. Nonetheless, the GCVSDP recognises its position within the Development Plan process relative to development management. As such, Policy 10 heat and electricity states that support should be given, where appropriate, to alternative renewable technologies and associated infrastructure. It is considered that the principle of the proposal complies with the Strategic Development Plan (GCVSDP) given the proposals are to support alternative renewable technologies. Again, the overall acceptability of such a development must however also meet other Policy and Development Management criteria and these issues are considered in detail further in the report.
- 6.5 At a local level the application requires to be assessed against the policy aims of both the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance. Policy 1 'Spatial Strategy' states that developments that accord with the policies and proposals of the development plan will be supported. Policy 1 also states that the SLLDP supports sustainable economic growth and regeneration and a move towards a low carbon economy by supporting regeneration activities and maximising regeneration and local benefits. The application site is located on land designated as the Clyde Gateway Development Framework site within the South Lanarkshire Local Development Plan 2015 (SLLDP) and specifically referenced as Cuningar Loop. The Framework states that the Cuningar Loop is part of the wider regeneration area and should provide public openspace and parkland. The framework also states that there is a desire to create a

leisure/ visitor attraction which could include complimentary retail, hotel and/ or bar/ restaurant uses.

- 6.6 It is considered that the proposals would not impinge on any path or leisure route through the parkland. The borehole sites are not within the main areas of open space within the park and are not considered to have any impact on any future leisure proposals for the area. The boreholes are designed to investigate the potential for a renewable heat source from the area's mining legacy and are therefore considered to form part of the wider regeneration of the area and maximize local benefits. It is therefore considered that the principle of the development accords with the aims of Policy 1.
- 6.7 Policy 2 'Climate Change' states that new developments should minimise and mitigate against the effects of climate change by maximising the reuse of vacant and derelict land, having no significant adverse impacts on the water and soils environments, air quality and minimising waste. Policy 4 'Development Management and Placemaking' states that development proposals should have no significant adverse impacts on amenity as a result of light, noise, odours, dust or particulates. Policy 4 also states that development proposals should take account of and be integrated within the local context and landscape character. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design. Policy 15 'Natural and Historic Environment' sets out a 3 tier category of protected designations. Table 6.1 of the SLLDP defines the designations within each category but they can generally be summarised as Category 1 (International), Category 2 (National) and Category 3 (Local). Policy 15 states that development within or likely to affect the integrity of Category 1 sites will not be permitted. Development which will have an adverse affect on Category 2 sites or a significant adverse affect on Category 3 sites will only be permitted where it adheres to a number of tests.
- 6.8 Given the inter-relationship between Policies 2, 4 and 15, it is considered appropriate to assess the proposals collectively in relation to their criteria. The criteria of these policies are protected designations, impacts on amenity (noise, dust, air quality etc.), built heritage/ archaeology, visual and landscape Impact and natural heritage/ ecology. The application proposals utilise previously mined land and the proposals are to investigate the potential for mine water to provide a renewable heat source.
- 6.9 In relation to the category of protected designations, there are no category 1 or 2 sites within the application site or within close proximity of the application site. There are category 3 sites in terms of a Right of Way and core path that go round the Cunigar Loop but neither of these routes is impacted upon by the proposals and would remain unaffected should development proceed.
- 6.10 In relation to ecology, a habitat survey was carried out and found that due to the low ecological value of the site given its recent establishment, there was no evidence of protected species on site apart from at one of the borehole sites where there was previous evidence of a badger sett. Mitigation has been proposed as part of the planning submission to ensure any works would be done outwith badger breeding season and in line with any required licence from SNH. It is considered that, subject to a condition requiring the badger mitigation being carried out as outlined within the planning submission, the proposals would not have a detrimental impact on protected species. Following a tree survey, the applicant has already secured an exemption from the requirement for a felling licence under the Forestry Act 1967 and therefore tree felling is not considered as part of this assessment.

- 6.11 In terms of landscape and visual impact, the majority of the works associated with the proposals would be underground and, therefore, hidden from view. With regard the above ground infrastructure, each site would comprise a 4m high solar panel, a 2m high equipment box and each borehole would be covered by a flat manhole. It is proposed that 3 of the 5 locations (Nos. 1, 4 and 5) would be securely fenced with metal, palisade fencing at a height of 2.4m. These 3 sites are located within existing woodland which would effectively screen the sites from view. The remaining 2 sites are located adjacent to the public access road and car park respectively and, therefore, fencing is not proposed to minimise the visual impact. It is considered that the woodland screening for the 3 fenced sites will ensure that any visual impact is mitigated for. Overall, it is considered that the proposals are of a scale that would not have a negative visual impact upon the surrounding area and would resemble normal urban utility infrastructure which would not look incongruous in this environment.
- 6.12 In terms of impacts on amenity (noise, dust, air quality etc) noise and vibration, assessments have been undertaken and submitted as part of this planning application. Both assessments have taken account of vehicular noise associated with the development as well as the drilling itself. The non-traditional construction of the dwellings in the neighbouring Cunigar Estate have also been taken into account given they would be less insulated from noise and vibration from more traditional buildings with foundations. The noise assessment measured the existing noise levels at sensitive receptors, in close proximity to the development. Thereafter, assessment was made of the sound power output from the proposed drilling and traffic operations and, using this information; predictions were made of the likely operational noise levels which would be received at neighbouring receptors. Noise mitigation measures are proposed as part of the application (sound attenuation screening) which are designed to minimise the noise from each site. A phasing plan has also been proposed which would help further minimise cumulative noise to receptors. The hours of operation proposed for the drilling period (including vehicular deliveries) are 8am to 6pm Monday to Fridays and 9am to 1pm on a Saturday with no operations outwith these times. It is considered that the proposed operating times are suitable for the character of the area. Environmental Services are generally content with the methodology and findings of the noise assessment but, given the non-traditional nature of the nearest residential property and its location some 61 metres from the nearest borehole, would require additional noise mitigation to further lower the noise levels to ensure that the proposals do not reach any levels that would be considered a noise nuisance. A condition requiring this further mitigation forms a condition as part of the recommendation.
- 6.13 The vibration assessment states that, to negate any potential vibrations, all drilling would be carried out by a rotary drill (a rotary auger in this instance) which is a constant screw method of drilling that creates little vibration rather than percussive drilling where the borehole is achieved via a drill being hammered into the ground. The vibration assessment concludes that the rotary drilling would result in vibration levels that are imperceptible at the nearest residential properties (Cunigar Estate). A further vibration assessment was carried out in relation to the HGV movements required as part of the drilling operations. The assessment again concluded that the vibration levels created by vehicle movements would not be perceptible. The levels predicted would also not be of a level that would cause structural damage to neighbouring properties, regardless of construction type. Environmental Services are content with the findings of the vibration assessments and agree with the assessments conclusion that there would be no significant effects with regard vibrations.



- 6.14 In terms of Air Quality, the application site is located within the Rutherglen Air Quality Management Area (AQMA) which was designated in 2016 for particulate matter (PM10) from road transport. It is noted, however, that the Cuningar Loop is not indicative of the AQMA given that it is wood and park land with little access by transport. It is, therefore, considered that the proposals would not have an impact upon the Cuningar Loop nor the wider AQMA in relation to road transport particulate matter. Dust suppression measures are proposed as part of the application submission and it is considered that these will ensure airborne dust is prevented.
- 6.15 Policy 14 Green Network and Greenspace states that any development should safeguard the local green network and identify opportunities for enhancement and that loss of any areas of priority greenspace as identified within the SLLDP will not be supported. It is considered that the borehole sites would not lead to a significant loss of greenspace within the large parkland setting of the Cuningar Loop. As noted in 6.9 above the proposals would not have any effect on core paths or Right of Ways.
- 6.16 Policy 16 'Travel and Transport' states that new development must conform to South Lanarkshire Council's 'Guidelines for Development Roads'. It is proposed that each borehole location would be served by its own vehicular access to ensure the construction traffic did not interfere with public parking and access. The drill rigs would not require to be brought in by any abnormal loads but rather on trailers pulled by 4x4s or light vans. During the construction phase there would be pump testing which would require the occasional road tanker being brought in to remove the minewater from each borehole as the testing progressed. The minewater would be disposed of, off site at an appropriately licenced facility. Once the boreholes have been constructed and the monitoring period commences, it is envisaged that each borehole would receive a weekly visit by BGS operatives in a single 4x4. The Roads (Development Management) Team have no objections to the proposals in principle and the vehicular usage proposed as part of the construction and monitoring aspects of the development. They have requested conditions regarding vehicle turning, access and egress in each site and routeing of all vehicles. Given the area is a park, it is essential that the construction traffic does not impact upon recreational users or that vehicle routes are in conflict with pedestrian movements. Roads have, therefore, requested that before any work starts on site a Traffic Management Plan is submitted and agreed. This would mitigate any potential for construction traffic to impinge on the recreational aspect of the park.
- 6.17 Policy 17 'Water Environment and Flooding' states that sites where flooding may be an issue shall be the subject of a local flood risk management assessment. Development will only be supported if suitable flood management can be achieved. Further guidance on flood management and sustainable drainage is also provided within Supplementary Guidance Sustainable Development and Climate Change. The application site is located partially within an area identified on SEPA's risk map as being of a medium likelihood of flood risk. SEPA and Transportation Services (Flooding) note that the development proposed would not increase the areas likelihood for flood risk and there are no buildings proposed as part of the application. The water abstraction component of the proposals would require authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). SEPA are the consenting authority in relation to CAR and it is outwith the scope of this planning assessment.
- 6.18 Policy 19 'Renewable Energy' states that applications for renewable energy infrastructure will be supported subject to an assessment against the principles set out in the 2014 SPP, in particular the considerations set out at paragraph 169. The considerations in SPP paragraph 169 (6.2.3 above) are considerations that have been

considered throughout the planning assessment section of this report. This advice is supported within Supplementary Guidance on Renewable Energy.

- 6.19 Overall, it is considered that the proposals accord with policy at a national and local level particularly in relation to supporting sustaining development and moving towards a low carbon economy. The proposals are located in an area where they do not impact upon the recreation use of the urban park nor adversely affect the residential amenity of the surrounding area. As a result, it is recommended that planning permission be granted.

## **7 Reasons for Decision**

- 7.1 The proposal complies with national planning policy and advice and with the principles of the approved Glasgow and Clyde Valley Strategic Development Plan 2017 and the relevant policies contained within the adopted South Lanarkshire Local Development Plan 2015 and relevant Supplementary Guidance.

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

17 August 2018

### **Previous references**

- ◆ None

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Neighbour notification letter dated 1.5.2018
  
- ▶ Consultations
  - SEPA Flooding 25.05.2018
  - Roads Flood Risk Management 6.08.2018
  - Environmental Services 08.08.2018
  
  - SNH 03.05.2018
  - Roads Development Management Team 06.08.2018
  - The Coal Authority Planning And Local Authority Liaison Dept 24.05.2018
  
- ▶ Representations
  - Nicola Hiscoe, Received Via E-mail 22.06.2018
  - Pamela Foster, 51 Cunigar Estate, Downiebrae Road, Rutherglen, G73 1PW 18.05.2018
  - Mr Jarden Thomas, Received Via E-mail 24.05.2018
  - Mrs Diane Thomas, 52 Cuningar Estate, Downiebrae Road, 24.05.2018

Rutherglen, G73 1PW

Donna Turner And Family, Received Via E-mail	21.05.2018
Mrs M.A Williams, 6 Cuningar Estate, Downiebrae Road, Rutherglen, Glasgow, South Lanarkshire, G73 1PW	17.05.2018
Bennett Hiscoe, 11A Cuningar Estate, Downiebrae Road, G73 1PW	22.05.2018
Norman Thomas, 1 Downiebrae Road, Rutherglen , G73 1PW	17.05.2018
Whitney Cooper, Received Via E-mail	23.05.2018
Gerry Carlton-Thomas, Received Via E-mail	14.05.2018
Alex Sharpe, 53 Cunigar Estate, Rutherglen	22.05.2018

**Contact for further information**

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

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## Detailed planning application

Paper apart – Application number: P/18/0576

### Conditions and reasons

01. That before any work starts on site, a drilling phasing plan shall be submitted for the written approval of the Council as Planning Authority and thereafter implemented as approved for the lifetime of the drilling period.

Reason: In the interests of residential amenity, in order to control the phasing of the drilling.

02. That before any work starts on site, the developer shall submit a detailed Traffic Management Plan (TMP) for the written approval of the Council as Roads Authority, which shall thereafter be carried out as approved for the lifetime of this consent. For the avoidance of doubt, the TMP shall be produced in consultation with Roads & Transportation Services and shall include, but not be limited to, details of vehicle access and egress, turning facilities, access widths, routing of traffic, number of vehicular movements and temporary or other road surfaces.

Reason: In the interests of road safety.

03. That no work shall commence on site until a Construction Environmental Management Plan (CEMP) has been submitted for the written approval of the Council as Planning Authority. For the avoidance of doubt the CEMP will contain, but not be limited to, all mitigation measures as referenced within the Environmental Report and appendices dated April 2018.

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

04. That in the event of any previously unidentified contamination is found at any time throughout the lifetime of the development hereby approved, it shall be reported in writing to the Council, as Planning Authority within 5 working days from the date of discovery and all work shall cease on site. Thereafter, no more than 15 working days following the date of reporting to the Council, a comprehensive contaminated land risk assessment and remediation strategy shall be submitted for the written approval of the Council, as Planning Authority. The remediation strategy will be implemented as approved and completed prior to any other works on site recommencing.

Reason: In the interests of land remediation.

05. That before any work starts on site, a further noise assessment shall be carried out which takes into account the type of drilling rig to be used. The assessment shall include a noise mitigation plan (that ensures noise levels from the development hereby approved shall not exceed a 1 hour LAeq of 55dB (or other noise level to be agreed with the Council following the carrying out of this further noise assessment) at the nearest Noise Sensitive Receptor) and a monitoring strategy to be in place for the lifetime of the development.

Reason: In the interests of residential amenity.

06. No work shall start on site until the Noise Assessment required under condition 5 above has been approved by the Council as Planning Authority. Thereafter the

mitigation and monitoring proposals shall be implemented and maintained for the lifetime of the development hereby approved.

Reason: In the interests of residential amenity.

07. That any construction activity associated with the development hereby approved shall be limited to 8am to 6pm Monday to Fridays and 9am to 1pm on a Saturday only with no other construction operations allowed outwith these times.

Reason: In the interests of residential amenity.

08. Before any work starts on site, a vibration monitoring and management strategy shall be submitted for the written approval of the Council, as Planning Authority. Once approved the vibration monitoring and management strategy shall be fully implemented and maintained for the lifetime of the development, hereby approved. For the avoidance of doubt, the vibration monitoring shall be carried out throughout the drilling phase to determine levels during drilling and also to capture use of the haul roads for access and egress of plant, equipment and site related vehicular movements. Peak particle velocity (PPV) and vibration dose values (VDV) shall be recorded. BS ISO 4866:2010 Mechanical vibration and shock, Vibration of fixed structures, Guidelines for the measurement of vibrations and evaluation of their effects on structures, may be used as the principal guideline for evaluation. BS 7385-2:1993 Evaluation and measurement for vibration in buildings, Guide to damage levels from ground borne vibration, shall also be used as part of the evaluation process. Cognisance to BS 6472-1:2008 Guide to evaluation of human exposure to vibration in buildings, Vibration sources other than blasting, shall be referred to take account of the affect on static caravans.

Reason: In the interests of residential amenity.

09. That in the event that the boreholes are no longer providing data or being used for monitoring purposes for a period of 3 months details of a restoration scheme for the development hereby approved, shall be submitted for the written approval of the Council, as Planning Authority. Once approved the restoration scheme shall be fully implemented within three months of its approval.

Reason: In the interests of visual amenity.

10. That the drilling of the boreholes shall not be carried out for a duration longer than a period of 12 months from the date of the commencement of the development unless otherwise agreed in writing by the Council, as Planning Authority.

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

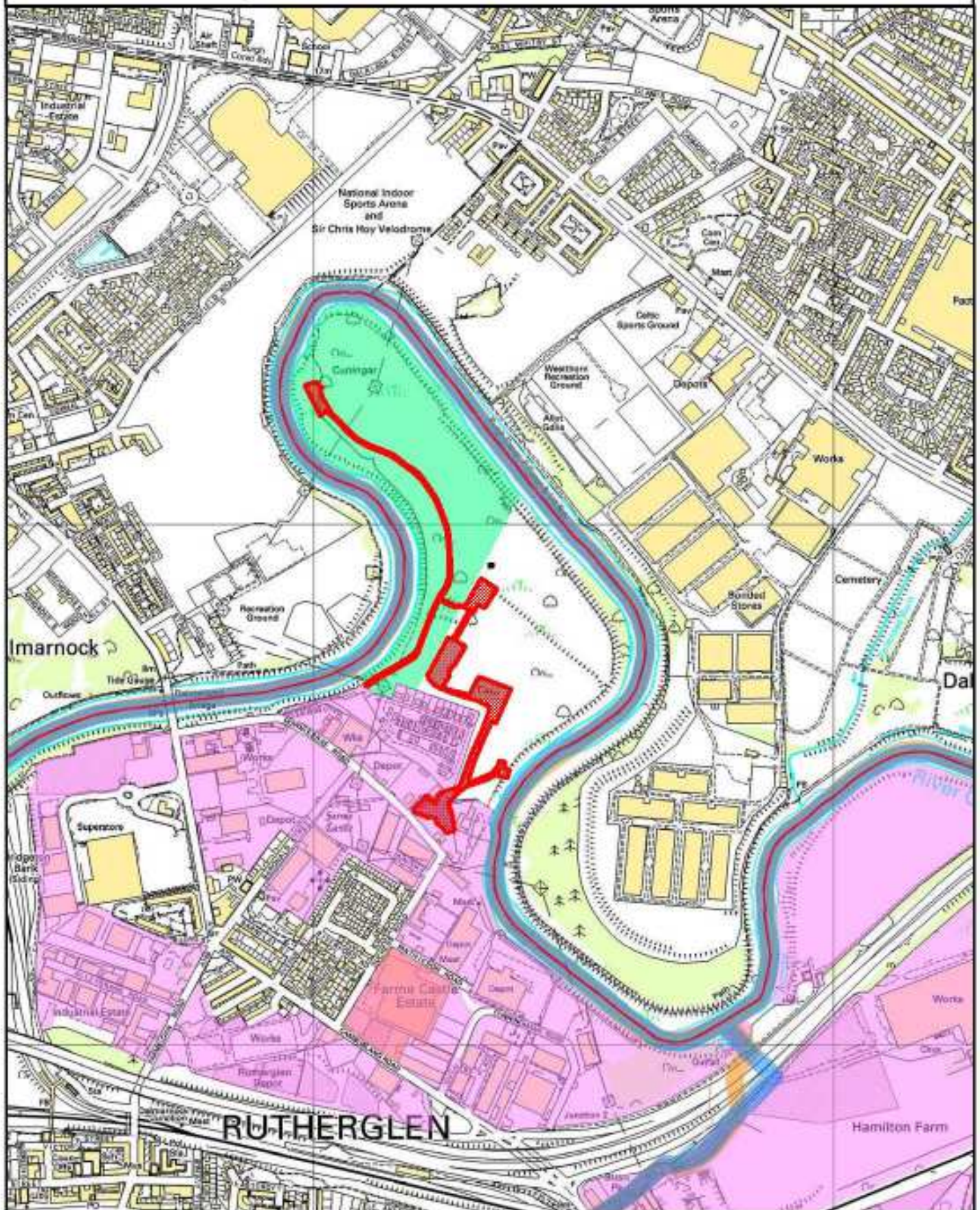
11. That before any work starts on site, a dust management and monitoring scheme shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall thereafter be implemented as approved and maintained for the lifetime of the development hereby approved.

Reason: In the interests of residential amenity.



P/18/0576

Downiebrae Road, Rutherglen



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1:10,000  
Date:  
01/09/2018



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



# Report

4

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>28 August 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/18/0616
Planning proposal:	Change of use of shop (Class 1) to class 10 (non residential institution).

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Trust Jack Foundation
Location:	36-38 New Street Stonehouse Larkhall ML9 3LT

## 2 Recommendation(s)

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

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

### 2.2 Other actions/notes

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

## 3 Other information

- ♦ Applicant's Agent: N/A
- ♦ Council Area/Ward: 05 Avondale And Stonehouse
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (Adopted 2015)**  
Policy 4 Development management and placemaking  
Policy 6 General urban area/settlements  
Policy 15 Natural and historic environment  
Policy NHE7 - Conservation Areas  
**Development management, placemaking and design supplementary guidance (2015)**

### **Proposed South Lanarkshire Local Development Plan 2**

Policy 14 Natural and Historic Environment  
Policy 3 General Urban Areas

◆ **Representation(s):**

▶	10	Objection Letters
▶	13	Support Letters
▶	1	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services



## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site is located at No. 36-38 New Street, Stonehouse. It is situated within the designated Stonehouse Conservation Area and is just outwith the defined local neighbourhood centre. New Street is one of the main arterial roads in and out of Stonehouse.
- 1.2 The property is part of a terrace. The ground floor (No. 36-38) was previously used as a pet store, although it appears to have been vacant for a number of years. Above the site, there are flatted dwellings, while nearby there is a mixture of residential properties and commercial units.

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

- 2.1 The applicant proposes to change the use of the property from retail (class 1) to a non residential institution (class 10).
- 2.2 The Trust Jack Foundation is a charitable organisation which aims to utilise the property as a centre which can provide a variety of services and support for people with mental health illnesses and their families. It will provide an art therapy group, a youth group for young people with mental health issues, coffee mornings, a knitting club, a book club and open a drop in service for the youth of Stonehouse. There will be provision within the building of services and groups for older members of the community, largely in the mornings.

### **3 Background**

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

- 3.1.1 In determining planning applications, the Council must assess the proposed development against the policies contained within the adopted South Lanarkshire Local Development Plan (2015) (SLLDP) and associated Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.1.2 In terms of the SLLDP, the application site is designated as being within a residential area (Policy 6 - General Urban Area/Settlements). Within such areas, non residential development may be acceptable provided it does not have a significant adverse impact on the amenity and character of the area.
- 3.1.2 All development proposals are also affected by additional policies within the local plan. Policies 4 – Development Management and Placemaking seeks to ensure that any proposed development takes due cognisance of the local context and provides high quality design. Policy 15 - Natural and Historic Environment and Policy NHE7 - Conservation Areas are also applicable in this instance due to the location of the building.
- 3.1.3 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policies 3 -

General Urban Area/Settlements, 5 – Development Management and 14 - Natural and Historic Environment are relevant.

### 3.2 Relevant Government Advice/Policy

3.2.1 None are directly applicable given the scale and nature of the proposal.

### 3.3 Planning Background

3.3.1 There is no recent planning history relevant to this application.

## 4 Consultation(s)

### 4.1 Roads and Transportation Services

**Response:** Have offered no objections to the proposal nor have they suggested any conditions or informatives be added to the consent, if granted.

### 4.2 Environmental Services

**Response:** Have offered no objections to the proposal nor have they suggested any conditions or informatives be added to the consent, if granted.

### 4.3 Stonehouse Community Council

**Response:** Have offered a letter a support for the proposal.

## 5 Representation(s)

5.1 Statutory neighbour notification was undertaken in respect of the proposal following which thirteen letters of support, ten letters of objection and one of comment were received.

The grounds of objection can be summarised as follows;

(a) **Concerns relating to parking and traffic congestion; Our street is very busy and is packed to full capacity of cars. I am often unable to park near to my property.**

**Response:** Roads and Transportation Services were consulted as part of the assessment of the application. They have responded that they have no objections to the proposal. There is free and unregulated parking available just outside the unit. It is acknowledged that many of the residential properties do not have off street parking provision, however, the unit was previously utilised as a class 1 shop which would have also attracted a degree of customers who wished to park nearby. Indeed the unit could be utilised as a take away sandwich shop without the requirement for a change of use. It is more likely that a sandwich shop would generate more traffic and congestion around the unit that its intended use.

The applicant has also stated that they intend as far as is possible to arrange to bus people to the property if they live further away. The advantage of the site being situated quite centrally within Stonehouse is that it also gives people the opportunity to walk to the unit, and thereby reduce parking/traffic concerns.

(b) **Concerns relating to an increase in noise and disturbance if the proposal is approved.**

**Response:** Environmental Services were consulted as part of the assessment of the application. They have confirmed that they have no objections to the proposal, nor have they asked for any conditions or informatives to be placed on the consent, if granted.

It must be acknowledged that the unit is located on a busy arterial road leading in and out of Stonehouse, which has a variety of commercial units located nearby. The legal use of the site is currently as a class 1 retail unit. Indeed the unit could be utilised as a variety of class 1 uses, without the requirement for planning permission. The regular activities of the centre which will include an art group, coffee morning, book club and drop in discussion service will not create any material degree of noise/disturbance. Certainly the opportunity for noise creation/disturbance will be no greater than a record shop or sandwich bar which could move into the unit without the requirement for planning permission.

- (c) **The lifestyle centre in Stonehouse has been constructed at huge expense. Surely this is where this type of proposal should be situated?**

**Response:** The applicant has chosen this site for their proposal and has submitted a planning application for the change of use. The Planning Service can only consider and assess the suitability of each application on its individual merit once it has been submitted.

- (d) **This would have a negative impact upon the value and saleability of nearby properties. All properties at present are fully residential in nature.**

**Response** Whether the proposal would have a negative potential impact on nearby property prices and their saleability is not a material planning consideration. That being said, the site is currently a vacant retail unit which has a relatively rundown external appearance. The property being fully utilised and renovated should improve the visual amenity of the site and not have any significant negative impact on nearby residential property prices or saleability.

It is also noted that there are other examples of non residential properties nearby (The Stonehouse Tyre and Exhaust Centre and dry cleaners).

- (e) **Will there be fully trained supervisory staff on site at all times? Mental health is a very serious matter and people go through years of training to be able to provide the support provided.**

**Response-** The assessment of whether there will be suitable staff, training and provision for such a venture is outwith the remit of the Planning Service. There are other suitably qualified regulatory bodies tasked to carry this out this type of assessment.

- (f) **Will there be security on site, with young people there can be trouble. Who will be on hand to stop this?**

**Response-** It is not within the remit of the Planning Service to ensure that the proposed development will have adequate security on site, if indeed this is required. That will fall within the remit of other regulatory bodies. If anti social behaviour does occur then Police Scotland should be contacted immediately.

- (g) **Who can confirm that after the youth centre opens that its opening hours will not be extended.**

**Response-** Environmental Services have not recommended any conditions be applied to the consent, if granted, with regards to restrictions on opening hours. That being said, in the future if there were any concerns with regards to noise then Environmental Services should be contacted immediately.

5.2 In addition to the ten letters of objection that were received, thirteen letters of support for the proposed development were also submitted. These letters of support can be summarised as follows;

(a) **I firmly believe that the proposal from the Foundation will offer a real, tangible and vital support network for young people right in the heart of the community. Their support offered to the mental health wellbeing of young people has offered a critical lifeline for those that need it most and will help raise awareness.**

**Response:-** Noted.

(b) **I do not think that traffic resulting from the development would be an issue, it would be no more than that generated from a shop (which the unit already is).**

**Response:-** Noted.

(c) **I think this centre would offer young people somewhere to go instead of them having to hang around street corners.**

**Response:-** Noted

(d) **It will encourage spending in the local community.**

**Response:-** Noted

(e) **I do not believe that the service or the service users will cause any type of problems. People assume that mental health equals loud, but I can assure you that this is the opposite**

**Response:-** Noted

(f) **The centre being centrally located on New Street means it is easily accessible by bus and by walking, this is handy as I am unable to drive.**

**Response: -** Noted

(g) **I find it highly unlikely that this development will reduce house prices but if this endeavour saves even one life then it will be worthwhile, no one can put a price on life.**

**Response: -** Noted

5.3 These letters have been copied and are available for inspection in the usual manner and on the planning portal.

## **6 Assessment and Conclusions**

6.1 The applicant seeks approval for a change of use from a shop (Class 1) to a non residential institution (Class 10). The determining issues in consideration of this application are its compliance with local plan policy and, in particular, its impact on the amenity of surrounding properties

6.2 The application site is positioned within an area which has been defined as general urban within the adopted SSLDP. That being said, there is a long established mix of different uses, in the surrounding area. A non residential institution of this type is, therefore, the type of use that could be expected within this area. Given that the pet store appears to have been vacant for some time, and that it is not within the defined local neighbourhood centre means that the loss of one retail unit should have no serious impact upon the retail offer available.

- 6.3 The applicant has confirmed that beyond potentially painting the existing external shutters of the property and in the future adding a sign there will no external changes to the unit proposed. Therefore, the proposal is acceptable in terms of Policy 4 and 15 in that the building remains in keeping with the locality and the conservation area.
- 6.4 Environmental Services and Roads and Transportation Services were consulted as part of the assessment of the application. They have both responded that they have no objections to the proposal.
- 6.5 In summary, it is considered that the application conforms with local plan policy. I would, therefore, raise no objection to the application and recommend that planning permission be granted.

## **7 Reasons for Decision**

- 7.1 The proposed change of use will have no material impact on residential amenity and will not detrimentally affect the character or appearance of the conservation area. It therefore complies with Policies 4, 9 and 15 and Policies NHE 7 of the South Lanarkshire Local Development Plan (adopted June 2015), associated Supplementary Guidance and the Proposed Local Development Plan 2 (policies 3, 5 and 14. There are no additional material considerations which would justify refusing planning permission.

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

17 August 2018

### **Previous references**

- ◆ None

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Local Development Plan 2
- ▶ Neighbour notification letter dated 25. 05. 2018
- ▶ Press advert in the Hamilton Advertiser dated 07.06.2018
- ▶ Consultations
  - Roads Development Management Team
  - Environmental Services

Representations	Dated
Dr Lisa Cameron MP, 32 Waterside Street, Strathaven, ML10 6AW	03.07.2018
Mr & Mrs Orr, 29 New Street, Stonehouse, Larkhall, South Lanarkshire, ML9 3LT	08.06.2018
Rhona McGowan, 27 New Street, Stonehouse, Larkhall,	06.06.2018

South Lanarkshire, ML9 3LT

Owner - Occupier, 60 New Street, Stonehouse, ML9 3LT	13.06.2018
J S Stovell, 44 New Street, Stonehouse, ML9 3LT	13.06.2018
Laura Currie, 35 New Street, Stonehouse, ML9 3LT	13.06.2018
Ian Ewing, 70 New Street, Stonehouse, ML9 3LT	13.06.2018
E Brown, 51 New Street, Stonehouse, ML9	13.06.2018
Owner - Occupier, 58 New Street, Stonehouse, ML9	13.06.2018
Owner - Occupier, 25 New Street, Stonehouse, ML9 3LT	13.06.2018
Christina McKelvie MSP, Constituency Office, Barncluith Business Centre, Townhead Street, Hamilton, ML3 7DP	15.06.2018
Mr Keith Gallacher, 8 Naismith Court, Stonehouse, Larkhall, ML9 3HE	18.06.2018 18.06.2018
Mr robert Freel, 75 Lockhart Street, Stonehouse, ML9 3LX	19.06.2018 19.06.2018
Stacey Loudon, Received Via E-mail	26.06.2018
Cllr Graeme Campbell, SLC, Council HQ, Almada Street, Hamilton, ML3 0AA	26.06.2018
Mr Robert Freel, 75 Lockhart Street, Stonehouse, Larkhall, ML9 3LX	29.05.2018 29.05.2018
Ross Chalmers,	15.06.2018
Louise Plenderleith,	15.06.2018
Janette McLaughlin, New Street, Stonehouse, ML9 3LT	07.06.2018
Lorna McEwan, Received Via E-mail	19.06.2018
Amanda Millar,	11.06.2018
Debbie,	08.06.2018
Mrs Mackie,	08.06.2018

### **Contact for further information**

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

Robert McIntosh, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 453601

Email: [robert.mcintosh@southlanarkshire.gov.uk](mailto:robert.mcintosh@southlanarkshire.gov.uk)

Detailed planning application

Paper apart – Application number: P/18/0616

**Conditions and reasons**

01. That the opening hours of the premises hereby granted consent shall be limited to between 0800 and 2200hrs; 7 days a week, unless otherwise agreed by the Planning Service in writing.

Reason: To safeguard amenity and to minimise the risk of nuisance from noise to nearby occupants.



P/18/0616

36-38 New Street, Stonehouse, Larkhall



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1:1,250  
Date:  
30/07/2018



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



# Report

5

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>28 August 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/18/0822
Planning proposal:	Section 42 Application to Delete Condition 5 of Planning Consent EK/16/0229 to Allow Permanent Use of Outdoor Seating Area as Part of Existing Coffee Shop Operating 11am until 3pm Monday to Saturday

## 1 Summary application information

Application type:	Further application
Applicant:	Mr Roddy Gillies
Location:	2 Thomson Street Strathaven South Lanarkshire ML10 6JZ

## 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:
- ♦ Council Area/Ward: 05 Avondale And Stonehouse
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**  
Policy 4 - Development management and placemaking  
Policy 6 – General urban area/settlements  
Policy 15 – Natural and historic environment  
NHE7 - Conservation areas

### **Proposed South Lanarkshire Local Development Plan 2 (2018)**

- Policy 3 - General urban areas/settlements
- Policy 5 – Development management and placemaking

Policy 14 – Natural and historic environment  
NHE6 – Conservation areas

◆ **Representation(s):**

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

◆ **Consultation(s):**

Environmental Services

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site is the rear garden ground associated with the former church hall of the West Church, Thomson Street, Strathaven. The property, which now operates as The Epicentre, comprises of The Crib coffee shop and the Outreach Community Church. The coffee shop is located within the building and was granted planning permission under a previous application (EK/13/0122).
- 1.2 The property is located within a residential area and, as such, is bound immediately on three sides by residential properties. The boundary treatment between the application site and adjacent properties is a mix of hedging and fencing. It is noted that the property also falls within the Strathaven Conservation Area.

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

- 2.1 A temporary consent for use of the garden area as part of the coffee shop was granted for one year under planning application EK/16/0229. This current proposal is a Section 42 application to delete condition 5 of this application to allow permanent use of the outdoor seating area as part of the existing coffee shop operating between the hours of 11am until 3pm Monday to Saturday.
- 2.2 The submitted plan shows a seating area with 6 tables with chairs which would be located on the existing deck and patio areas within the garden.

### **3 Background**

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

- 3.1.1 In terms of the Adopted South Lanarkshire Local Development Plan (2015), the site is located within the settlement boundary and, as such, Policy 4 - Development management and placemaking and Policy 6 - General urban area/settlements are relevant. These policies require development within residential areas to take account of the local context and built form and should be compatible with adjacent buildings in terms of scale, massing, design with no significant adverse impact in the local environment.
- 3.1.2 As the site also lies within a Conservation Area, Policy 15 – Natural and Historic Environment is also applicable and assesses all development proposals in terms of their effect on the character and amenity of the natural and built environment. Policy NHE7 – Conservation Areas of the supplementary guidance advises that development and demolition within a conservation area or affecting its setting shall preserve or enhance its character. The design, materials, scale and siting of any development shall be appropriate to the character of the conservation area and its setting.
- 3.1.3 In addition, the Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy was approved at Planning Committee on 29 May 2018. As such, the SLLDP2 is now a material consideration in determining planning applications. In this case, the corresponding policies are Policy 3 – General urban areas and settlement, Policy 5 – Development management and placemaking, Policy 14 – Natural and historic environment and NHE6 – Conservation areas. It is noted these policies are broadly consistent with the current adopted local plan.

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

3.2.1 None relevant.

### 3.3 **Planning Background**

3.3.1 The Church gained planning permission for the existing coffee shop under planning application EK/13/0122. Following this, they applied to use the rear garden area for seating for customers of the coffee shop. As such, a temporary consent for 1 year was granted under planning application EK/16/0229. More recently, a planning application (P/18/0443) was submitted to delete the condition for the temporary consent and amend the hours of operation from 9.15am until 4pm. However, after consideration of this proposal, the applicant was advised the Planning Service was unlikely to support the extended hours and, as such, the application was withdrawn.

## 4 **Consultation(s)**

4.1 **Environmental Services** – No objections to the proposal for the outdoor seating area to be permanently used for coffee shop patrons between 11am and 3pm Monday to Saturday. They also noted that, during the period in which the outdoor seating area was used under the temporary consent, no complaints were received in relation to noise.

**Response:** Noted.

## 5 **Representation(s)**

5.1 Following the statutory neighbour notification procedure undertaken by the Council and advertisement in the local press due to the nature of the proposal and for non-notification of neighbours, fifteen letters of objection have been received in relation to this proposal. The contents of the letters are summarised below:

a) Objection to extending the opening hours of the external seating area as part of the coffee shop use.

**Response:** This revised proposal does not include an extension to hours; the proposed hours are as per the temporary consent which is 11am to 3pm 6 days a week. It is noted this time there is no proposal to use the seating area for the coffee shop on Sundays.

b) The level of disturbance created by the proposed use will be constant and therefore greater than the use of the garden for sporadic church activities.

**Response:** It is noted that excluding use by customers of the coffee shop, the church garden is available for use for a number of events such as children's parties, BBQ's and general church related activities. It is, therefore, considered that use of the garden for customers of the coffee shop for a limited numbers of hours Monday to Saturday will not have an additional impact on adjacent residents.

c) This proposal significantly impacts on the adjacent residents. There was significant noise and disturbance to adjacent residents as a result of this use during the summer months last year.

**Response:** As noted above, the Council's Environmental Services were consulted as part of this application and have raised no objection to permanent use of the garden area for the specified days and hours. They have also further noted that they received no noise complaints during use of the external seating area under the temporary consent.

d) There is a lack of parking to support the existing coffee house; permanent use of the seating area will increase traffic congestion.

**Response:** The proposal is ancillary to the existing coffee shop, therefore, it is not considered there will be a significant increase in footfall as a result of the external seating area.

- 5.2 These letters have been copied and are available for inspection in the usual manner and on the planning portal.

## **6 Assessment and Conclusions**

- 6.1 A Section 42 application has been submitted to delete condition 5 of planning application EK/16/0229 to allow permanent use of the outdoor seating area as part of the existing coffee shop operating from 11am until 3pm Monday to Saturday. The determining issues in the assessment of this application are compliance with local plan policy and its impact on the amenity of the adjacent properties.
- 6.2 As detailed above, Policy 4 requires all development to take account of and integrate with the local context and have no adverse impacts on the local community. Policy 6 also states that within residential areas, development will not be permitted if it is detrimental to the amenity of residents in terms of visual impact, noise, smell etc. Policies 15 and NHE7 are also relevant in this case as the application site is located within a Conservation Area. These policies require proposals to be assessed in terms of their effect on the character and amenity of the natural and built environment. Any development shall be appropriate to the character of the Conservation Area and its setting.
- 6.3 In this case, there is an existing patio area with deck within the rear garden of the property. The applicant has advised this can be used for church events and activities such as parties, functions, clubs etc along with the remainder of the garden at any time. In addition, as detailed above, the outdoor seating area associated with the existing coffee shop operated under a temporary consent for 1 year from 11am until 3pm 7days a week. During this period, Environmental Services have confirmed they received no complaints regarding any noise associated with the outdoor seating area. Furthermore, no complaints were received by the Planning Service.
- 6.4 In terms of Policies 4 and 6, given that the garden can already be used at any time for a variety of activities and events by the Church, it is considered that use of the outdoor seating area for patrons of the existing coffee shop is acceptable between the limited hours of 11am and 3pm Monday to Saturday. It is noted that the applicant does not propose to use the seating area for coffee shop patrons on Sundays at all. In addition, given that patrons of the coffee shop have used the outdoor seating area under the temporary consent for a year without any complaints being received by either the Planning Service or Environmental Services, it is considered on this occasion that the proposal is acceptable. In terms of Policies 15 and NHE7, it is noted that the garden is enclosed and not visible from Thomson Street, therefore, I am satisfied it will have no adverse impact on the character of the Conservation Area.

6.5 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposals accords with Policies 3, 5, 14 and NHE6 in the proposed plan.

6.6 In conclusion, is it considered that the proposal to delete condition 5 of planning application EK/16/0229 to allow permanent use of the outdoor seating area as part of the existing coffee shop operating 11am until 3pm Monday to Saturday is acceptable. I, therefore, recommend planning permission is granted subject to the attached conditions.

## **7 Reasons for Decision**

7.1 The proposal would have no additional adverse impact on residential amenity or the character of the Conservation Area and complies with policies 4, 6, 15 and NHE7 of the Adopted South Lanarkshire Local Development Plan (2015) and Policies 3, 5, 14 and NHE6 of the Proposed South Lanarkshire Local Development Plan 2 (2018).

**Michael McGlynn**

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

24 July 2018

### **Previous references**

- ◆ P/18/0443
- ◆ EK/16/0229
- ◆ EK/13/0122

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Neighbour notification letter dated 13 June 2018
  
- ▶ Consultations
  - Environmental Services 14.06.2018
  
- ▶ Representations
  - Mrs C McMillan, 14A Dunlop Street, Strathaven, ML10 6PU Dated: 03.07.2018
  - K MacKenzie, 17 Thomson Street, Strathaven, ML10 6JZ 02.07.2018
  - Sandra E Davidson, 17 Thomson Street, Strathaven, ML10 6JZ 03.07.2018
  - Fiona Beveridge, 6 Thomson Street, Strathaven, ML10 6JZ 03.07.2018
  - E Aird, 8A Dunlop Street, Strathaven, ML10 02.07.2018

Owner Occupier, 13 Thomson Street, Strathaven, ML10 6JZ	03.07.2018
Owner Occupier, 35 Townhead Street, Strathaven, ML10 6DH	03.07.2018
Mrs Gillian Bryce, 14 Dunlop Street, Strathaven, ML10	03.07.2018
Susan Ford, 35 Townhead Street, Strathaven, South Lanarkshire, ML10 6DH	03.07.2018
Margaret Lundie, 10 Dunlop Street, Strathaven, South Lanarkshire, ML10 6LA	03.07.2018
Margaret S.G. Leiper, 8 Dunlop Street, Strathaven, South Lanarkshire, ML10 6LA	03.07.2018
Owner/Occupier, 8A Dunlop Street, Strathaven, South Lanarkshire, ML10 6LA	02.07.2018
L Sneddon, 13 Thomson Street, Strathaven, South Lanarkshire, ML10 6JZ	02.07.2018
Ms Rosslyn Halliday, 11B Thomson Street, Strathaven, South Lanarkshire, ML10 6JZ	25.06.2018
Owner/Occupier, 6 Thomson Street, Strathaven, South Lanarkshire, ML10 6JZ	21.06.2018

### **Contact for further information**

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

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

Phone: 01698 455046

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

**Conditions and reasons**

01. That the permission hereby granted relates to a change of use only and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any other such order revoking or re-enacting that order) no alterations shall be made to the external appearance of the building without the prior written consent of the Council as Planning Authority.

Reason: In order to retain effective planning control.

02. The opening hours of the coffee shop shall be restricted to the following hours of opening:

Mondays to Sundays: Between 09.00 and 20.00

Reason: To minimise disturbance to adjacent occupants.

03. Before the coffee shop is brought into use, the proposed method of ventilation shall be operational in accordance with the approved details and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

The ventilation system shall:

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

Reason: To minimise nuisance to occupants of nearby buildings as a result of cooking smells, vapours, airborne pollutants or noise from the premises.

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

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

05. That use of outdoor seating area for patrons of the existing coffee shop shall be restricted to the following hours:

Mondays to Saturdays: Between 11.00 and 15.00

Reason: To safeguard the residential amenity of the area.



P/18/0822

2 Thomson Street, Strathaven



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1:1,250  
Date:  
27/07/2018



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





# Report

6

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>28 August 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/18/0458
Planning proposal:	Erection of commercial dog kennels

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr And Mrs James Stuart
Location:	The Maynes Burnhead Road Symington Biggar ML12 6JX

## 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: Burrell Design Studio
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan**  
Policy 3 Green belt and rural area  
Policy 4 Development management and placemaking  
**Supplementary Guidance 2: Green Belt and Rural Area**  
Policy GBRA1 Economy/business related developments  
**Proposed SLDP2**  
Policy 4 Green Belt and Rural Area  
Policy GBRA2 Business proposals and rural area  
Policy 5 Development Management and Placemaking

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site sits in the grounds of a large sandstone villa in existing woodland to the north east of the applicant's house at the end of the existing private driveway. The site is located within the rural area south of Symington accessed off Burnhead Road. As such, it is important to consider the impact of this proposal upon landscape, the surrounding area and the suitability of the proposed development for the rural area. The relevant policies in this case are Policies 3, 4, and GBRA 1 which seek, amongst other aims, to ensure developments integrate well with their surroundings and are suitable for the rural area. On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance, therefore, Policies 4 Green Belt and Rural Area, GBRA2 Business Proposals and Rural Area and 5 Development Management and Placemaking are also relevant.

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

- 2.1 The proposal is to erect a single storey, pitched roof building incorporating 18 kennels for dog boarding with a reception, office, store along with indoor exercise and grooming areas. The application also shows associated parking for 8 cars, landscaping and the general arrangement of the site. This proposed business will be run by the owners of the dwellinghouse The Maynes.

### **3 Background**

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

- 3.1.1 In terms of the Adopted South Lanarkshire Local Development Plan (2015), the site is located within the rural area as such Policy 3 Green belt and rural area and Policy 4 Development management and placemaking. These policies require development within rural areas functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside, to take account of the local context with no significant adverse impact in the local environment or amenity. Policy GBRA 1 of the supplementary guidance is also relevant and states that the Council will seek to support the rural economy by promoting rural diversification and facilitating job creation by encouraging development of an appropriate type and scale.
- 3.1.2 In addition, the Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy was approved at Planning Committee on 29 May 2018. As such, the SLLDP2 is now a material consideration in determining planning applications. In this case, the corresponding policies are Policy 4 Green Belt and Rural Area and Policy 5 Development Management and Placemaking.. As above, these policies require development to be appropriate to the countryside with no significant adverse impact in the local environment or amenity.

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

- 3.2.1 None relevant

#### **3.3 Planning Background**

- 3.3.1 There is no planning history for this site relevant to this application.

#### 4 Consultation(s)

- 4.1 **Roads Development Management Team** - No objections to the proposal for the kennels subject to conditions on visibility, passing places and parking.

**Response:** Noted: Appropriately worded conditions would be attached to any consent issued.

- 4.2 **Environmental Services** - No objections to the proposal for the kennels subject to conditions on noise, construction standards, acoustics fencing and noise management.

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

#### 5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local press due to the scale and nature of the development. Ten letters of objection have been received from 8 people in relation to this proposal. The contents of the letters are summarised below:

- a) **There are concerns in terms of traffic generation of the proposed business in terms of roads safety and disturbance due to the number car movements.**

**Response:** In terms of car movements, it was observed that the private access that will serve the new kennel business passes a residential property called Maynes Cottage. This cottage is currently being used as a holiday let. It is considered that, even at full capacity, the development would result in 36 car movements per day for customers and if you allow for a couple of staff on top of the owners who live on site, this would result in around 40 car movements per day. Customer drop off and pick up is to be restricted to between 10am and 12 noon and 2pm to 5pm giving an average of 8 car movements per hour. In reality, as dogs will on average stay for more than one night, the number of customer movements most days would be significantly less than this. In addition, as the customer access is restricted to 5 hours in the middle of the day, this will result in the majority of the day having very little additional traffic. At this level, the proposed business traffic is not considered to constitute a nuisance. In terms of road safety, the Roads Development Management Team were consulted on the application and following the submission of a speed survey by the applicant, have no objections or comments to make on the application providing the visibility to the south west of the entrance is improved with the removal of the stone pillar and part of the hedge.

- b) **There are concerns that the proposed kennels will create a noise nuisance to the nearby residential properties and the wider area.**

**Response:** Environmental Health have been consulted on this application due to potential noise concerns. Their response noted they had no comments or objection to the proposal subject to conditions designed to control noise emissions from the business to acceptable levels during the day and night. As part of the submission, the applicant has submitted a noise impact assessment to demonstrate the noise levels expected from the kennels when the dogs are both outside in the runs during the day and within the building, acceptable noise levels can be achieved. The building design was also changed to ensure the noise levels from inside the building shall achieve a minimum sound reduction of 50dB from the external noise level, a level that Environmental Health conclude should result in no noise nuisance to the residential neighbours from dogs while in the kennel building, day or night. In addition, the noise assessment provided by the applicant has shown that any noise experienced by the residents of Symington would be below the level considered a nuisance.

- c) **The proposed business will have a negative impact on tourism.**  
**Response:** Based on the assessments above on traffic movement and noise nuisance it is considered that the proposed business will have no impact on tourism in and around Symington.
- d) **Concerns have been raised that the drainage arrangements put in place are not adequate and that the surrounding drainage infrastructure will be overrun.**  
**Response:** The applicant has shown a treatment system connection to an existing watercourse within their land. Any new drainage system that intends to use an existing watercourse or a connection to land drainage system will need approval from SEPA and this will form the basis of the submission to Building Standards for their building warrant application. A planning condition will be added to the decision notice should consent be granted for the applicant to demonstrate that the approval from SEPA is in place before development is implemented.
- e) **The question of what happens to dog waste from the kennels.**  
**Response:** The plans submitted show a small skip will be placed on site for the collection of solid waste. Environmental Health, as part of the licence process, will require the applicant to demonstrate a system to collect and dispose of the dog waste.
- f) **The design of the building especially the scale of the pitched roof has been questioned in terms of its appropriateness for this location.**  
**Response:** The design of the kennel building is considered an appropriate design for a rural location and the pitched roof is consistent with traditional rural buildings. Although the large roof structure is not required in the operation of the proposed kennels, it is not considered necessary to alter the design.

5.2 These letters have been copied and are available for inspection in the usual manner and on the planning portal.

## 6 Assessment and Conclusions

- 6.1 The application site is located within the private grounds of The Maynes, approximately 500m south of Symington. The proposed kennels will be located in an existing woodland area to the north east of the applicant's house at the end of the existing private driveway. The applicant also proposes the formation of a parking area for the proposal adjacent to the new kennel building.
- 6.2 Policy 3 Green belt and rural area of the South Lanarkshire Local Development Plan states that the Green Belt and rural area functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Policy GBRA1 advises that the Council will seek to support the rural economy by promoting rural diversification and facilitating job creation by encouraging development of an appropriate type and scale. The proposed use is considered appropriate for a rural location and will support the rural economy and facilitate job creation. It is therefore considered that the proposed development accords with Policies 3 and GBRA1.
- 6.3 Policy 4 seeks to ensure integration into the local context including access arrangements. Concerns have been expressed that the proposed kennels will result in an excessive number of traffic movements on the access. However, in response to consultation, the Roads Development Management Team have raised no objections subject to improvements being carried out, these improvements are within the control of the applicant and have been incorporated in the proposed plans. I am of the view the additional traffic generated by this proposal will not create a significant increase in traffic movements which would create road safety concerns or significant nuisance to residential amenity. The kennels are located as to not affect visual amenity and the

design is considered acceptable for its rural location. It is therefore considered that the proposed development accords with Policy 4.

- 6.4 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policies 4 and GBRA2 are relevant.
- 6.5 Roads and Transportation Services and Environmental Services were consulted as part of the planning application process and offered no objections to the proposal subject to conditions. These conditions cover issues ranging from noise limits and construction details to control noise and activity to alterations to the existing access road to improve visibility and provide passing places.
- 6.6 Following the neighbour notification and the advertisement of the application in the local press, the Council received 9 letters of objection in relation to concerns on road safety, noise, drainage etc. These objections have been addressed in section 5 of this report and it is considered that the issues raised have been satisfactorily met by the applicant. Due to the location and design of the kennels, business hours proposed, access improvements and the submission of a comprehensive noise management plan, it is considered the applicant has demonstrated that their proposed business can be operated without causing a significant nuisance to residential amenity.
- 6.7 In conclusion, the proposal is not considered to have a significant detrimental impact on the rural setting, the surrounding amenity or on road safety and, as such, it complies with the relevant policies of the adopted South Lanarkshire Local Development Plan, Supplementary Guidance and the proposed Local Development Plan 2.

## **7 Reasons for Decision**

- 7.1 The proposal complies with the relevant policies of the adopted South Lanarkshire Local Development Plan and Supplementary Guidance (Policies 3 and GBRA1) and the proposed Local Development Plan 2 (Policies 4 and GBRA2). There are no additional material considerations which would justify refusing to grant consent.

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

10 August 2018

### **Previous references**

- ◆ None



## List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Neighbour notification letter dated 17 April 2018
- ▶ Consultations
  - Roads Development Management Team 29.06.2018
  - Environmental Services 27.07.2018
- ▶ Representations Dated:
  - Mr David Carrick, 104 Burnhead Road, Symington, Biggar, South Lanarkshire, ML12 6FS 03.05.2018
  - Mr Craig Ritchie, 106 Burnhead Road, Symington, Biggar, , ML12 6FS 22.04.2018  
03.05.2018
  - Mrs Janet Pilling, The Pines, 40 Abington Road, Symington Biggar, South Lanarkshire, ML12 6JX 03.05.2018
  - Mrs Anne Stillman, Totherin, 46 Abington Road, Symington Biggar, South Lanarkshire, ML12 6JX 02.05.2018  
03.05.2018
  - Alison & Matthew Lehane, Maynes Lodge, Burnhead Road, Symington, Biggar, South Lanarkshire, ML12 6JX 09.05.2018
  - Murdo MacKenzie, "Cipeo", Jerviston Street, Motherwell, ML1 4BL 17.05.2018
  - Mrs Frieda Kennedy, The Woodlands, Burnhead Road, Symington, Biggar, South Lanarkshire, ML12 6FS 10.05.2018
  - Mr David M Thomson, 71 Hillend Road, Clarkston, Glasgow, G76 7XT 09.05.2018

## Contact for further information

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

Steven Boertien, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455116

Email: [steven.boertien@southlanarkshire.gov.uk](mailto:steven.boertien@southlanarkshire.gov.uk)

### Conditions and reasons

01. That before the development hereby approved is completed or brought into use, the alterations to the existing vehicular access to form the passing places as shown on the approved plans, shall be constructed prior to the kennels hereby approved being brought into use all to the satisfaction of the Council as Planning Authority.

Reason: To ensure the private access is fit for purpose.

02. That before the development hereby approved is completed or brought into use, the visibility splay to the south east of the entrance shall be improved by removing the existing stone pillar and hedge that sits within the achievable splay measuring at 2.4m by 92m measured from the edge of the carriageway, the visibility splay north west is currently 2.4m by 107m and this should be maintained. 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.

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

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

04. That during the operation of the kennels hereby approved the noise emissions received from the kennels, within any external amenity area of a noise sensitive receptor, shall comply with the following-

- a) The external levels shall not exceed an LAeq,16hr of 45dB daytime (07:00 - 23:00)
- b) The external levels shall not exceed an LAeq,8hr of 40dB night-time (23:00 - 07:00).
- c) The external levels shall not exceed an LAmax of 50dB night-time (23:00 - 07:00).

Reason: To minimise the risk of nuisance from noise to residential dwellings.

05. The weighted apparent sound reduction index (R'w) for the building envelope around the kennels, exercise area and grooming room shall achieve a minimum sound reduction of 50dB

Reason: To minimise the risk of nuisance from noise to residential amenity.

06. The noise barriers as shown on the approved plans and referred to in the noise impact assessment No. R-8189-TWF-RGM shall be constructed to a minimum height of 1.8m with an average surface density of 15kgm. The barrier shall not have any gaps both between boards and also between the points of contact with the ground. The barrier shall achieve a minimum insertion loss of 15dB.

Reason: To minimise the risk of nuisance from noise to residential dwellings.

07. That the noise management policy (P/18/0458 Noise management plan) submitted to the Planning Authority shall be adhered to at all times and shall thereafter be amended following consultation with the Council as Environmental Health and Planning Authority if required to address any issues arising from the operation of the kennels.

Reason: To ensure the business is operated in a manner to minimise the risk of nuisance from noise to residential dwellings and to maintain effective planning control.

08. That no more than 27 dogs can be boarded at any one time in the kennels hereby approved.

Reason: To ensure the business is of a scale appropriate for its location and to minimise the risk of nuisance from noise and excessive activity to residential dwellings.

09. That no more than 15 dogs shall have access to the outside runs at any one time and that access shall be restricted to between the hours of 9am to 7pm.

Reason: To minimise the risk of nuisance from noise to residential dwellings.

10. That no development shall commence on site until the applicant provides written confirmation from SEPA to the Council as Planning Authority served by a drainage system that meets their standards.

Reason: To ensure the provision of an appropriate drainage system.

11. That the native species hedge as shown on the approved plans shall be planted at the first available planting season following the completion of or occupation of the kennels hereby approved and shall thereafter be maintained at a minimum of 1.8m high and shall act as an effective barrier to views into and out of the site.

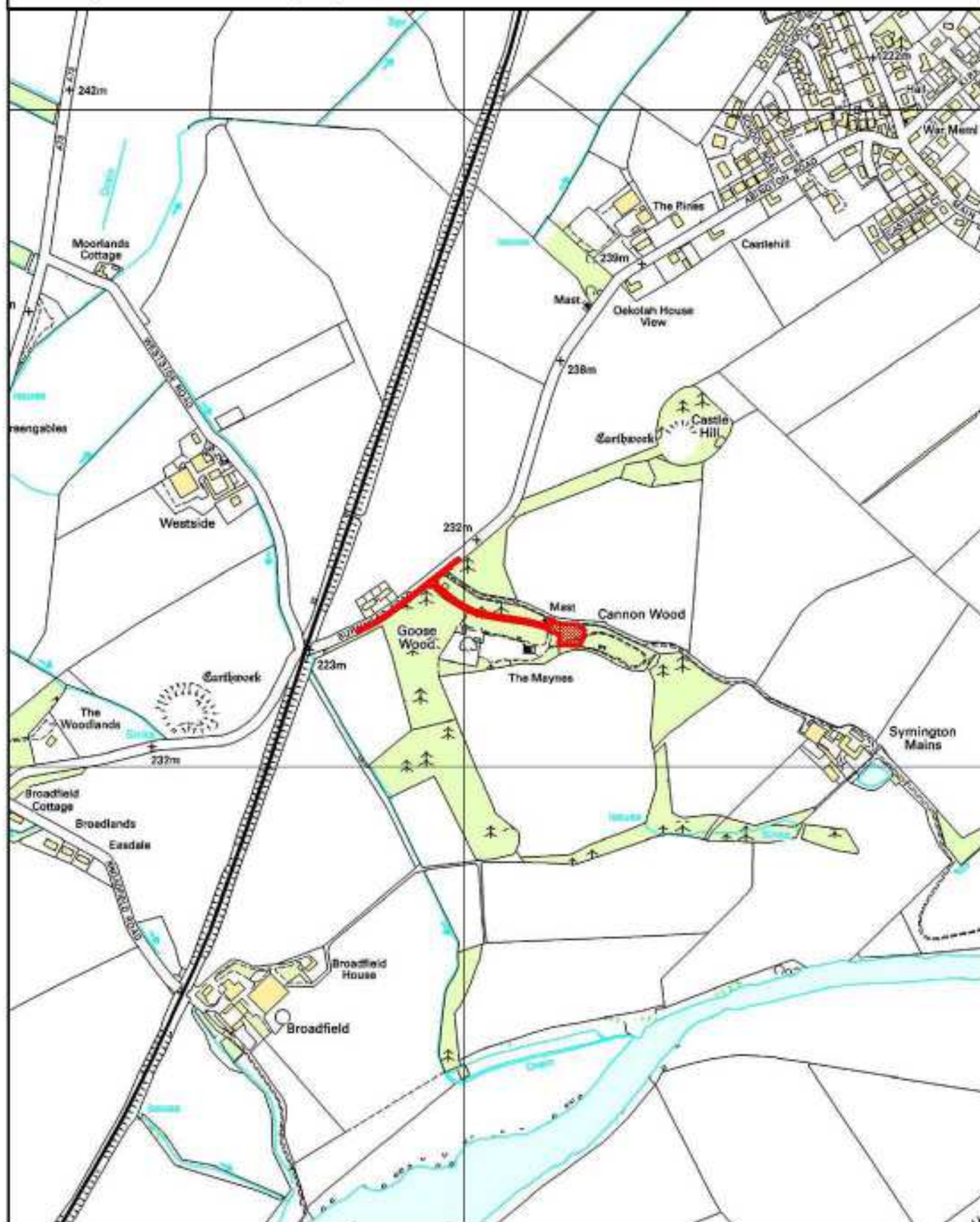
Reason: To ensure the provision of adequate screen planting to the north of the development site adjacent to the farm access road.

12. That before any boundary fences or walls are erected, 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.

P/18/0458

The Maynes, Burnhead Road, Symington



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30/07/2018



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

# Report

7

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>28 August 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/18/0857
Planning proposal:	Erection of Single Storey Side and Rear Extensions with Associated Alterations (Retrospective)

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Alison Lea Community Centre
Location:	Alison Lea Community Centre Alison Lea Calderwood East Kilbride 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: Eraldo Murphy
- ♦ Council Area/Ward: 10 East Kilbride East
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (Adopted 2015):**  
Policy 4 - Development management and placemaking  
Policy 6 - General urban area/settlements

### **Proposed South Lanarkshire Local Development Plan 2 (2018)**

- Policy 3 – General urban areas and settlements
- Policy 5 – Development management and placemaking

◆ **Representation(s):**

- ▶ 1 including petition with 22 signatures      Objection Letters
- ▶ 0      Support Letters
- ▶ 1      Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site is the former Alison Lea Community Centre at Alison Lea, Calderwood, East Kilbride. The site is located within an established residential area and is adjacent to a row of stepped terraced properties to the north east of the site. There are further terraced properties opposite the site across the road to the north and north west. Alison Lea Medical Centre sits to the south and there is a grassed embankment behind the property to the south east which slopes down to the site. It is noted that there is a parking area for the application site and the medical centre to the front of the properties.
- 1.2 The property consists of a single storey building with pitched roof. It is noted that the building requires modernisation and is currently undergoing a number of repairs.

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

- 2.1 The applicant seeks detailed planning permission for the erection of single storey side and rear extensions with associated alterations. The proposal comprises a small extension on the north east elevation of the building of approximately 12.7 square metres for storage purposes. However this replaces an existing extension of 5.4 square metres. A smaller extension on the south east elevation to form a new porched entrance is also proposed and would create an additional 2.8 square metres in floor space. As the works are nearly completed; this is a retrospective application.

### **3 Background**

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

- 3.1.1 In terms of the Adopted South Lanarkshire Local Development Plan (2015), the site is located within the settlement boundary and as such Policy 4 - Development management and placemaking and Policy 6 - General urban area/settlements are relevant. These policies require development within residential areas to take account of the local context and built form and should be compatible with adjacent buildings in terms of scale, massing, design with no significant adverse impact in the local environment.
- 3.1.2 In addition, the Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy was approved at Planning Committee on 29 May 2018. As such, the SLLDP2 is now a material consideration in determining planning applications. In this case, the corresponding policies are Policy 3 – General urban areas and settlements and Policy 5 – Development management and placemaking. As above, these policies require development within residential area to take account of and respect the local context and built form.

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

- 3.2.1 None relevant.

#### **3.3 Planning Background**

- 3.3.1 The property was sold by the Council's Estates Service in 2017 to a private buyer to be used as an after school education and religious centre. Under the Use Classes Order in Scotland, a community hall falls under the same class use as a religious centre. As such, planning permission is not required for the proposed use.

## 4 Consultation(s)

- 4.1 **Roads and Transportation Services** – no objections to the proposal as there is existing parking and servicing associated with this property and the proposal does not significantly increase the overall Gross Floor Area. They have noted that during a site inspection, the parking area was full despite the property not being in use. Whilst they would welcome any additional car parking provision, they acknowledge land constraints.

**Response:** Noted.

## 5 Representation(s)

- 5.1 Following the statutory neighbour notification procedure undertaken by the Council and advertisement in the local press for non-notification of neighbours, one letter of objection incorporating a petition with 22 signatures and a letter of comment have been received in relation to this proposal. The contents of the letters are summarised below:

- a) **The proposal will result in increased traffic generation which will add to existing congestion and parking problems. This a safety issue for children and elderly persons crossing the road. In addition additional noise and pollution will be created. Additional traffic could result in driveways being blocked with residents having to park in surrounding areas.**

**Response:** The proposal is for two small extensions to form additional storage space and a porched entrance. It is not considered that these minor alterations will result in increased traffic generation.

- b) **The side and rear extensions are required to facilitate coffins being brought in and out of the hall for funerals. This will further increase traffic.**

**Response:** As noted above, the proposed use of the property falls under the same class use as a community centre. As such, planning permission is not required for the proposed use and, therefore, the parking situation in relation to the use cannot be assessed in this case.

- c) **When the building was sold, South Lanarkshire Council had a legal duty to be open and transparent however there was no consultation with the community. Residents were also advised that the building was to remain as a community hall.**

**Response:** The Council's Estates Service have confirmed the sale of the community centre followed the normal procedure for disposal and, having previously been transferred to the Corporate Land Bank at the Executive Committee on 24 June 2015, was subsequently advertised for sale. Estates do not carry out community consultation once a property has been declared surplus by the owning resource and transferred to the corporate Land Bank.

- d) **Objectors have been advised that community halls have the planning consent of a church however the property was not built or intended to be used for this purpose and alterations should not be permitted to increase its use as a church in a residential area.**

**Response:** It is noted that a community hall and religious centre fall within the same class under the Use Classes Order in Scotland and, as such, planning permission is not required for the proposed use in this instance.



- e) **All wildlife must be considered and protected should planning permission be granted.**

**Response:** Given the scale of the proposal, it is not considered a bat survey is necessary in this instance. However, should permission be granted, an appropriate advisory note will be attached advising of the procedure should any bats be found.

- 5.2 These letters have been copied and are available for inspection in the usual manner and on the planning portal.

## **6 Assessment and Conclusions**

- 6.1 Detailed planning permission is sought for the erection of single storey side and rear extensions with associated alterations (retrospective) at the former Alison Lea Community Centre, East Kilbride. The determining issues in the assessment of this application are compliance with local plan policy, its impact on the amenity of the adjacent properties and road safety matters.
- 6.2 As noted above, Policy 4 – Development Management 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 and where appropriate should include measures to enhance the environment. Policy 6 – General Urban Area/Settlements is also relevant and states that within residential areas, development will not be permitted if it is detrimental to the amenity of residents in terms of visual impact, noise, smell, air pollution, disturbance, traffic or public safety.
- 6.3 In this case, the proposed extensions are relatively small at approximately 12.7 and 2.8 square metres. It is noted that the larger extension replaces an existing extension of 5.4 square metres, therefore, this is only an increase of 7.3 square metres at this section on the building. Given the small nature of the extensions and as the property sits lower than the closest row of terraced properties, I am satisfied there will be no adverse impact on the amenity of the adjacent properties as a result of these works. In addition, the proposal will be finished in materials to match the existing building, therefore, I am satisfied the proposal complies with Policies 4 and 6 of the Adopted plan.
- 6.4 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposals accords with Policies 3 and 5 in the Proposed plan.
- 6.5 As noted above, the statutory neighbour notification was carried out and the application advertised in the East Kilbride News as not all neighbouring properties could be identified. As such, one letter of comment and one letter of objection, incorporating a petition with 22 signatures was received, the points of which are summarised in section 5 above. It is noted that the majority of points raised are in relation to the intended use of the building which is not the purpose of this planning application. In addition, it is noted parking has also been raised as a concern for the local residents. However, whilst this is noted, there is no requirement for additional parking to be provided as part of this proposal. Furthermore, the Council's Roads and

Transportation Service have raised no objection to the proposal. As such, it is not considered that the points raised merit refusal of the application.

- 6.6 In conclusion, it is considered that the proposed extensions comply with the relevant local plan policies and I, therefore, recommend planning permission is granted subject to the attached condition.

## **7 Reasons for Decision**

- 7.1 The proposal has no adverse impact on amenity and complies with Policies 4 and 6 of the Adopted South Lanarkshire Local Development Plan (2015) and Policies 3 and 5 of the Proposed South Lanarkshire Local Development Plan 2 (2018).

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

8 August 2018

### **Previous references**

- ◆ None

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Neighbour notification letter dated 3 July 2018
  
- ▶ Consultations Dated:
  - Roads Development Management Team 08.08.2018
  
- ▶ Representations Dated:
  - Lynsey Smith, 10 Alison Lea, Calderwood, East Kilbride, G74 3HW (Letter including petition) 23.07.2018
  - J E Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS 19.07.2018

### **Contact for further information**

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

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

Detailed planning application

Paper apart – Application number: P/18/0857

## **Conditions and reasons**

01. That the facing materials to be used for the external walls and roof of the development 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/18/0857

Alison Lea Community Centre, East Kilbride



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27/07/2018



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

# Report

8

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>28 August 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/18/0054
Planning proposal:	Change of use of redundant agricultural outbuildings to music school (retrospective)

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Miss Alyson Tennant
Location:	Udston Farm Udston Mill Road Stonehouse Larkhall ML9 3PB

## 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: CS Plans Ltd
- ♦ Council Area/Ward: 05 Avondale And Stonehouse
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (Adopted 2015)**  
Policy 3 - Green belt and rural area  
Policy 4 – Development management and placemaking  
**Green Belt and Rural Area Supplementary Guidance**  
Policy GBRA1 – Economy/ business related developments  
**Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2)**  
Policy 4 - Green Belt and Rural Area  
Policy 5 - Development Management and Place

Making  
Policy GBRA2 - Business Proposals within Green  
Belt and Rural Area

◆ **Representation(s):**

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

◆ **Consultation(s):**

Environmental Services

Roads Development Management Team

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application relates to a retrospective change of use of one of a group of former farm outbuildings located to the north east to the recently built Smithstone House, Udston Mill Road, Stonehouse. Planning consent (HM/15/0329) was issued for the demolition of the original farmhouse and the erection of a detached dwelling house (Smithstone House) with detached garage and riding arena in October 2015. The application site itself is located approximately 0.3 miles to the south of the village of Stonehouse and is located within the designated Green Belt.
- 1.2 Two of this group of former farm outbuildings are currently occupied by a dog day care centre the other being a commercial gym which is the subject of a retrospective planning application (P/18/0060) currently being assessed by the Council.

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

- 2.1 This proposal relates to the conversion of one of this group of former farm outbuildings to form a music school. A supporting statement has been submitted in respect of this proposal which states that the building was last used for the storage of car parts and spray painting equipment and that the building remained largely empty since the new owner (Smithstone House) acquired the property. In addition, it is advised that the new owner has since made the building wind and water tight and has re-rendered the building and that consent (HM/17/0163) has been issued for a dog day care centre which operates from one of the adjoining units.
- 2.2 The applicant has advised that the business has been in operation since 2017 with over 100 students attending one to one music lessons on a weekly basis with a staff of 4 teachers and that no other premises were found to be suitable within the local area. Students who attend the school cover all age ranges including pensioners in the daytime and children/adults in the evening. In terms of the clientele, the applicant has advised that the majority come from the village of Stonehouse, however, they are now also getting more and more students from the surrounding areas including Strathaven, Larkhall, Hamilton and Wishaw.

### **3 Background**

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

- 3.1.1 The determining issues in the consideration of this application are its compliance with the South Lanarkshire Local Development Plan and in particular Policies 3 – Green Belt and rural area and Policy 4 – Development Management and Placemaking. In addition Policy GBRA1 – Economic/business related developments of the Green Belt and Rural Area supplementary guidance is also relevant to the assessment of this application.
- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policy 4 – Green Belt and Rural Area, Policy 5 - Development Management and Place Making

Policy and Policy GBRA2 – Business Proposals within Green Belt and Rural Area are relevant to the assessment of this application.

3.1.2 A full assessment of the proposal against these specific policies is contained in Section 6 of this report.

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

3.2.1 The SPP states that the purpose of the Green Belt designation is to;

- Direct planned growth to the most appropriate locations and support regeneration
- Protect and enhance the quality, character, landscape setting and identity of towns and cities
- Protect and give access to open space within and around towns and cities

### 3.3 **Planning Background**

3.3.1 Planning consent (HM/09/0043) was issued for the conversion of the former outbuildings associated with the original farmhouse to form 5 houses on 7 August 2009. A further planning consent (HM/15/0329) was issued for the demolition of the original farmhouse and the erection of a bespoke designed detached dwelling house (Smithstone House) with detached garage and riding arena in October 2015 at which time the former outbuildings were to remain unaltered.

## 4 **Consultation(s)**

4.1 **Environmental Services** – Have no objection to the proposal.

**Response:** Noted.

4.2 **Roads Development Management** – Have no objection to the proposal.

**Response:** Noted

## 5 **Representation(s)**

5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the Hamilton Advertiser in respect of development contrary to the development plan following which no letters of representation were received.

## 6 **Assessment and Conclusions**

6.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, states that planning applications have to be determined in accordance with the development plan, unless other material considerations indicate otherwise. The main determining issues, therefore, in the assessment of this application are whether the principle of the development is in compliance with national and local plan policy and whether there are any other material planning conditions that would outweigh the provisions of the development plan.

6.2 Scottish Planning Policy (SPP) advises that proposals should be determined in accordance with the provisions of the development plan and all developments should contribute to sustainable development.

6.3 In terms of Policy 3 of the South Lanarkshire Local Development Plan, the Green Belt and the rural area functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Pressure for development in these locations is strong and managing development in these areas is a key aim of the Council. That being the case, developments which do not require to be located in the countryside will be expected to be accommodated within the settlements identified on the proposals map. In terms of appropriate uses, it is considered that a music school does



not require to be located within a countryside environment and can be readily accommodated within settlements. In this instance, the applicant has advised that she was unaware that planning permission would be required for the change of use of this redundant outbuilding. While it is acknowledged that a lack of understanding of the planning process does not in itself impact on the decision making process it is recognised that the school is well used by the local community of Stonehouse and that there has been a significant level of investment to improve the internal fabric of the building. In this regard, it is considered that the granting of temporary consent would allow this fledgling business to develop and continue to serve the local community of Stonehouse while at the same time ensuring that an unacceptable precedent would not be set within a Green Belt location.

- 6.4 It is noted that the supporting statement makes reference to the fact that consent (HM/09/0043) was granted for external alterations and change of use of these outbuildings to form four residential dwellinghouses in August 2009. Within the Green Belt and Rural Area it is accepted that small scale residential development may be appropriate where it is located in the right place, is of the right quality in terms of siting, scale and design and meets the relevant criteria. Consent was issued in this regard given that the proposal met the relevant criteria as detailed in Policy CRE1 – Housing in the Countryside of the Adopted South Lanarkshire Local Plan which was the adopted local development plan in place at that time. The supporting statement also makes reference to the fact that consent (HM/17/0163) was issued for a dog day care business in relation to one of the other buildings which forms part of this group. In this regard, Appendix 2 of the Green Belt and Rural Area Supplementary Guidance lists boarding kennels and catteries as an acceptable use in a Green Belt location. In this regard, it was considered that this use was compatible with such operations in principle subject to all other policies and relevant criteria being met.
- 6.5 Policy 4 requires all developments to take account of local context and built form. In this case, it is considered that given the proposal relates to a change of use of an existing building and that the alterations relates to internal works no issues are raised in respect of this policy.
- 6.6 The Green Belt and Rural Area Supplementary Guidance provides more detailed policies and guidance on the requirements for all new development proposals within the Green Belt. In their supporting statement they have advised that the proposal brings back into use a previously vacant building and that if the music school is refused then the building is likely to remain empty. While it is acknowledged that in terms of Policy GBRA1 the preference is to reuse redundant buildings to diversify the rural economy all economy/ business related development proposals require to meet a number of criteria. These include the following:
- The proposal should involve an appropriate use in the Green Belt and rural area (see Appendix 2).
  - A specific locational need will require to be demonstrated.
  - Developments should respect local patterns of scale, proportion and density and avoid the introduction of suburban – style developments into the rural environment.

In relation to the above criteria, it is considered that the proposal involves an inappropriate use for the reasons as detailed in para 3.1. It is acknowledged that the applicant has advised in their supporting statement that there were no suitable premises within the village of Stonehouse suitable for a music school. In addition given the school has only been in operation for just over a year, if successful, it is likely to continue to expand with students coming from a wider catchment area. The granting of temporary consent would allow the business to continue to develop with a

view to the applicant seeking a more appropriate location which would better serve the needs of a growing business.

The introduction of a music school in this location and the associated level of activity which would operate throughout the day is more conducive to an urban setting rather than a rural environment. In addition, the site itself does not represent a sustainable location for such a communal use given that it is not readily accessible by public transport and is only accessible by private transport via the minor road network. In the short term however given that the students presently largely come from the adjacent village of Stonehouse the granting of temporary consent will allow the business as it stands to continue to meet the needs of the local community of Stonehouse. In the meantime as the business expands and draws on students from a wider area the issue of temporary consent will allow the applicant to look for more appropriate accommodation which would be in a more sustainable location and will be more accessible to a wider catchment area.

- 6.7 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. It is considered that the proposal does not accord with Policy 4 – Green Belt and Rural Area or Policy GBRA2 – Business Proposals within Green Belt and Rural Area of the SLLDP2 Volume 2.

## **7 Reasons for Decision**

- 7.1 In summary, the application site was advertised as contrary to the development plan as the site is located within the designated Greenbelt. However following a detailed assessment of the proposal taking into account the needs of the local community and, given the fact that consent would be issued on the basis of a temporary nature, it is considered that a departure from the development plan can be justified and temporary planning permission granted for the following reasons:
- 1) The proposal will assist in meeting the needs of the local community
  - 2) It will allow the applicant time to secure more appropriate accommodation in a more sustainable location without prejudicing the existing business
  - 3) The proposal makes use of an existing outbuilding on a temporary basis and there is no new building involved within the designated Green belt.

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

9 August 2018

### **Previous references**

- ◆ HM/15/0329
- ◆ HM/09/0043

### **List of background papers**

- ▶ Application form
- ▶ Application plans

- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Neighbour notification letter dated 25 March 2018
- ▶
- ▶ Consultations
  - Environmental Services 27.03.2018
  - Roads Development Management Team 11.05.2018

**Contact for further information**

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

Mary McGonigle, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455103

Email: [mary.mcgonigle@southlanarkshire.gov.uk](mailto:mary.mcgonigle@southlanarkshire.gov.uk)

Detailed planning application

Paper apart – Application number: P/18/0054

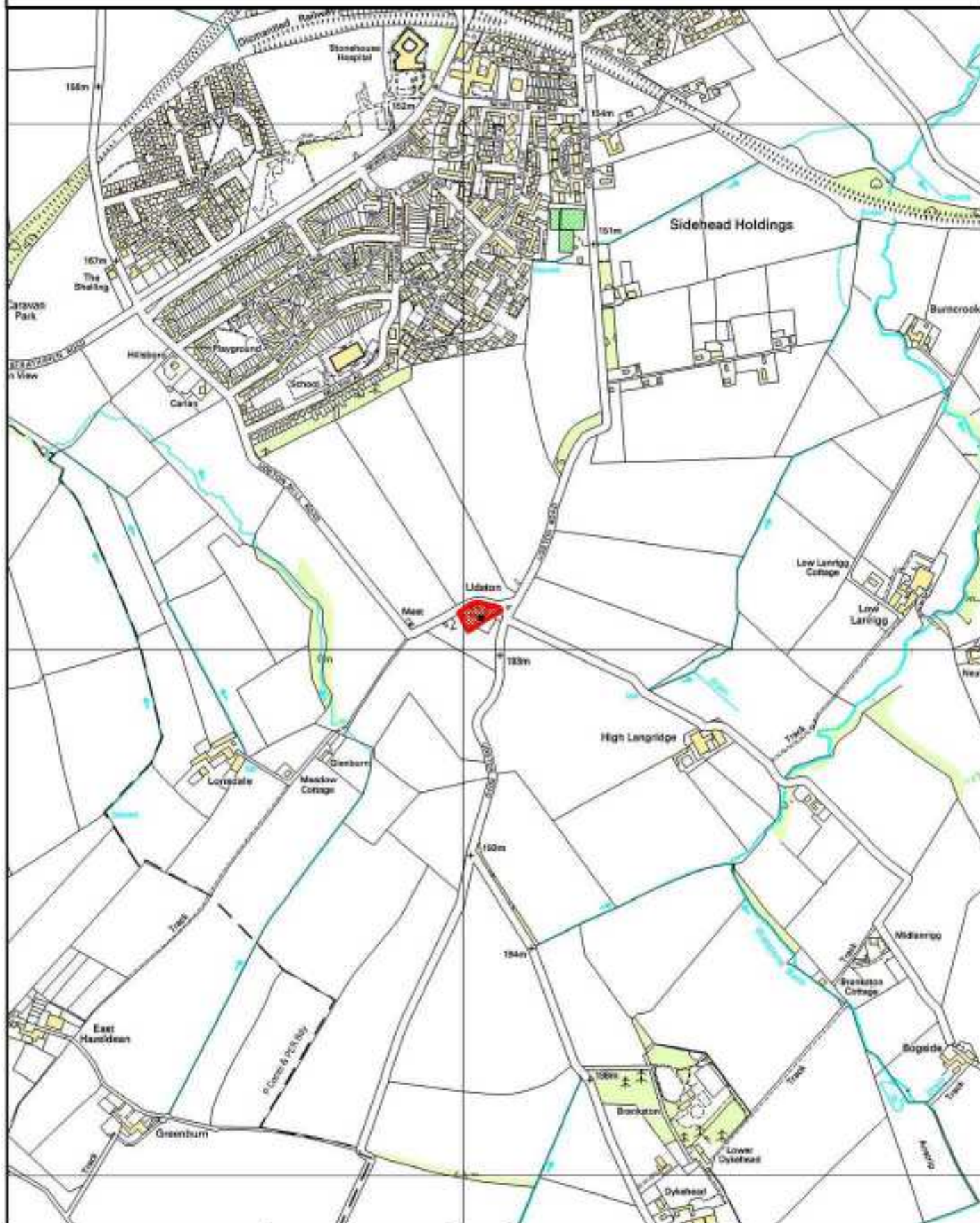
**Conditions and reasons**

01. That the permission hereby granted is for a temporary period only and shall expire on 31 August 2020.

Reason: In order to retain effective planning control

P/18/0054

Udston Farm, Udston Mill Road, Stonehouse



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Scale:  
1:10,000  
Date:  
30/07/2018



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



# Report

9

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>28 August 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/18/0060
Planning proposal:	Change of use from an agricultural shed to a gym (retrospective)

## 1 Summary application information

Application type: Detailed planning application

Applicant: Mr Craig Cameron  
Location: Udston Farm  
Udston Mill Road  
Stonehouse  
Larkhall  
ML9 3PB

## 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 Dalziel
- ♦ Council Area/Ward: 05 Avondale And Stonehouse
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (Adopted 2015)**  
Policy 3 - Green belt and rural area  
Policy 4 – Development management and placemaking  
**Green Belt and Rural Area Supplementary Guidance**  
Policy GBRA1 – Economy/ business related developments  
**Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2)**  
Policy 4 - Green Belt and Rural Area  
Policy 5 - Development Management and Place Making

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services



## **Planning Application Report**

### **1 Application Site**

- 1.1 The application relates to a retrospective change of use of one of a group of former farm outbuildings located to the north east to the recently built Smithstone House, Udston Mill Road, Stonehouse to form a commercial gym. Planning consent (HM/15/0329) was issued for the demolition of the original farmhouse and the erection of a bespoke detached dwelling house (Smithstone House) with detached garage and riding arena in October 2015. The application site itself is located approximately 0.3 miles to the south of the village of Stonehouse and is located within the designated Green Belt. There are some of the former farm buildings remaining on site.
- 1.2 Two of this group of former farm outbuildings are currently occupied by a dog day care centre the other being a music school which is the subject of a retrospective planning application (P/18/0054) currently being assessed by the Council.

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

- 2.1 This proposal relates to the conversion of one of this group of former farm outbuildings to form a commercial gym. A supporting statement has been submitted in respect of this proposal which states that the building was last used for the storage of car parts and spray painting equipment and that the building remained largely empty since the new owner (Smithstone House) acquired the property. In addition it is advised that the new owner has since made the building wind and water tight and has rerendered the building and that consent (HM/17/0163) has been issued for a dog day care centre which operates from one of the adjoining units.
- 2.2 The applicant has advised that he has looked for premises within the village of Stonehouse which would be suitable but found that they were either too small or did not have adequate parking. He has advised that he has strong community support for his business and, that being the case, he wants to remain in the local area.

### **3 Background**

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

- 3.1.1 The determining issues in the consideration of this application are its compliance with the South Lanarkshire Local Development Plan and in particular Policies 3 – Green Belt and rural area and Policy 4 – Development Management and Placemaking. In addition Policy GBRA1 – Economic/business related developments of the Green Belt and Rural Area supplementary guidance is also relevant to the assessment of this application.
- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policy 4 – Green Belt and Rural Area, Policy 5 - Development Management and Place Making Policy and Policy GBRA2 – Business Proposals within Green Belt and Rural Area are relevant to the assessment of this application.

3.1.2 A full assessment of the proposal against these specific policies is contained in Section 6 of this report.

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

3.2.1 The SPP states that the purpose of the Green Belt designation is to:-

- Direct planned growth to the most appropriate locations and support regeneration
- Protect and enhance the quality, character, landscape setting and identity of towns and cities
- Protect and give access to open space within and around towns and cities

### 3.3 **Planning Background**

3.3.1 Planning consent (HM/09/0043) was issued for the conversion of the former outbuildings associated with the original farmhouse to form 5 houses on 7 August 2009. A further planning consent (HM/15/0329) was issued for the demolition of the original farmhouse and the erection of a bespoke designed detached dwelling house (Smithstone House) with detached garage and riding arena in October 2015, at which time the former outbuildings were to remain unaltered.

## 4 **Consultation(s)**

4.1 **Environmental Services** – Have no objection to the proposal.

**Response:** Noted

4.2 **Roads Development Management Team** – Have no objection to the proposal.

**Response:** Noted.

## 5 **Representation(s)**

5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the Hamilton Advertiser in respect of development contrary to the development plan following which no letters of representation were received.

## 6 **Assessment and Conclusions**

6.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, states that planning applications have to be determined in accordance with the development plan, unless other material considerations indicate otherwise. The main determining issues, therefore, in the assessment of this application are whether the principle of the development is in compliance with national and local plan policy and whether there are any other material planning conditions that would outweigh the provisions of the development plan.

6.2 Scottish Planning Policy (SPP) advises that proposals should be determined in accordance with the provisions of the development plan and all developments should contribute to sustainable development.

6.3 In terms of Policy 3 of the South Lanarkshire Local Development Plan, the Green Belt and the rural area functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Pressure for development in these locations is strong and managing development in these areas is a key aim of the Council. That being the case, developments which do not require to be located in the countryside will be expected to be accommodated within the settlements identified on the proposals map. In terms of appropriate uses, it is considered that a commercial gym does not require to be located within a countryside environment and can be readily

accommodated within settlements. It is noted that the applicant has stated that there is strong community support for such a service within the local area and that it has been difficult to find suitable premises within the village of Stonehouse itself. It is considered that in this particular instance, given the need for such a facility and the level of community support, the granting of temporary consent would allow the applicant time to search for more suitable premises within the urban area while at the same time ensuring that an unacceptable precedent would not be set within a Green Belt location.

- 6.4 It is noted that the supporting statement makes reference to the fact that consent (HM/09/0043) was granted for external alterations and change of use of these outbuildings to form four residential dwellinghouses in August 2009. Within the Green Belt and Rural Area, it is accepted that small scale residential development may be appropriate where it is located in the right place, is of the right quality in terms of siting, scale and design and meets the relevant criteria. Consent was issued in this regard given that the proposal met the relevant criteria as detailed in Policy CRE1 – Housing in the Countryside of the Adopted South Lanarkshire Local Plan which was the adopted local development plan in place at that time. The supporting statement also makes reference to the fact that consent (HM/17/0163) was issued for a dog day care business in relation to one of the other buildings which forms part of this group. In this regard, Appendix 2 of the Green Belt and Rural Area Supplementary Guidance lists boarding kennels and catteries as an acceptable use in a Green Belt location. In this regard it was considered that this use was compatible with such operations in principle subject to all other policies and relevant criteria being met.
- 6.5 Policy 4 requires all developments to take account of local context and built form. In this case it is considered that, given the proposal relates to a change of use of an existing building and that the alterations relate to internal works, no issues are raised in respect of this policy.
- 6.6 The Green Belt and Rural Area Supplementary Guidance provides more detailed policies and guidance on the requirements for all new development proposals within the Green Belt. In their supporting statement they have advised that the proposal brings back into use a previously vacant building and that if the commercial gym is refused then the building is likely to remain empty. While it is acknowledged that in terms of Policy GBRA1 the preference is to reuse redundant buildings to diversify the rural economy all economy/ business related development proposals require to meet a number of criteria. These include the following:
- The proposal should involve an appropriate use in the Green Belt and rural area (see Appendix 2)
  - A specific locational need will require to be demonstrated
  - Developments should respect local patterns of scale, proportion and density and avoid the introduction of suburban – style developments into the rural environment.

In relation to the above criteria, it is considered that the proposal involves an inappropriate use for the reasons as detailed in para 3.1. It is acknowledged that the applicant has advised in their supporting statement that there were no suitable premises within the village of Stonehouse suitable for a commercial gym. In addition, given the gym has only been open for the past few months and in operation for just over a year, if successful, it is likely to continue to expand and require more suitable premises within the urban area to meet the needs of future clients. The granting of temporary consent would allow the business to continue to develop with a view to the

applicant seeking a more appropriate location which would better serve the needs of a growing business and the local community which it serves.

The introduction of a commercial gym in this location and the associated level of activity which would operate throughout the day is more conducive to an urban setting rather than a rural environment. In addition, the site itself does not represent a sustainable location for such a communal use given that it is not readily accessible by public transport and is only accessible by private transport via the minor road network. In the short term, however, given that the clients presently largely come from the adjacent village of Stonehouse, the granting of temporary consent will allow the business as it stands to continue to meet the needs of the local community of Stonehouse. In the meantime, as the business expands and draws on clients from a wider area, the granting of temporary consent will allow the applicant time to look for more appropriate accommodation which would be in a more sustainable location and will be more accessible to a wider catchment area.

- 6.7 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. It is considered that the proposal does not accord with Policy 4 – Green Belt and Rural Area or Policy GBRA2 – Business Proposals within Green Belt and Rural Area of the SLLDP2

## **7 Reasons for Decision**

- 7.1 In summary, the application site was advertised as contrary to the development plan as the site is located within the designated Green Belt. However, following a detailed assessment of the proposal, taking into account the needs of the local community and given the fact that consent would be issued on the basis of a temporary nature, it is considered that a departure from the development plan can be justified and temporary planning permission granted for the following reasons:

- 1) The proposal will assist in meeting the needs of the local community
- 2) It will allow the applicant time to secure more appropriate accommodation in a more sustainable location without prejudicing the existing business.
- 3) The proposal makes use of an existing outbuilding on a temporary basis and there is no new building involved within the designated Green Belt.

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

9 August 2018

### **Previous references**

- ◆ HM/15/0329
- ◆ HM/09/0043

**List of background papers**

- ▶ Application form
  - ▶ Application plans
  - ▶ South Lanarkshire Local Development Plan 2015 (adopted)
  - ▶ Green Belt and Rural Area Supplementary Guidance 2015
  - ▶ Neighbour notification letter dated 25 March 2018
  - ▶ Proposed South Lanarkshire Local Development Plan 2
- 
- ▶ Consultations
    - Roads Development Management Team 11.05.2018
    - Environmental Services 27.03.2018

**Contact for further information**

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

Mary McGonigle, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455103

Email: [mary.mcgonigle@southlanarkshire.gov.uk](mailto:mary.mcgonigle@southlanarkshire.gov.uk)

Detailed planning application

Paper apart – Application number: P/18/0060

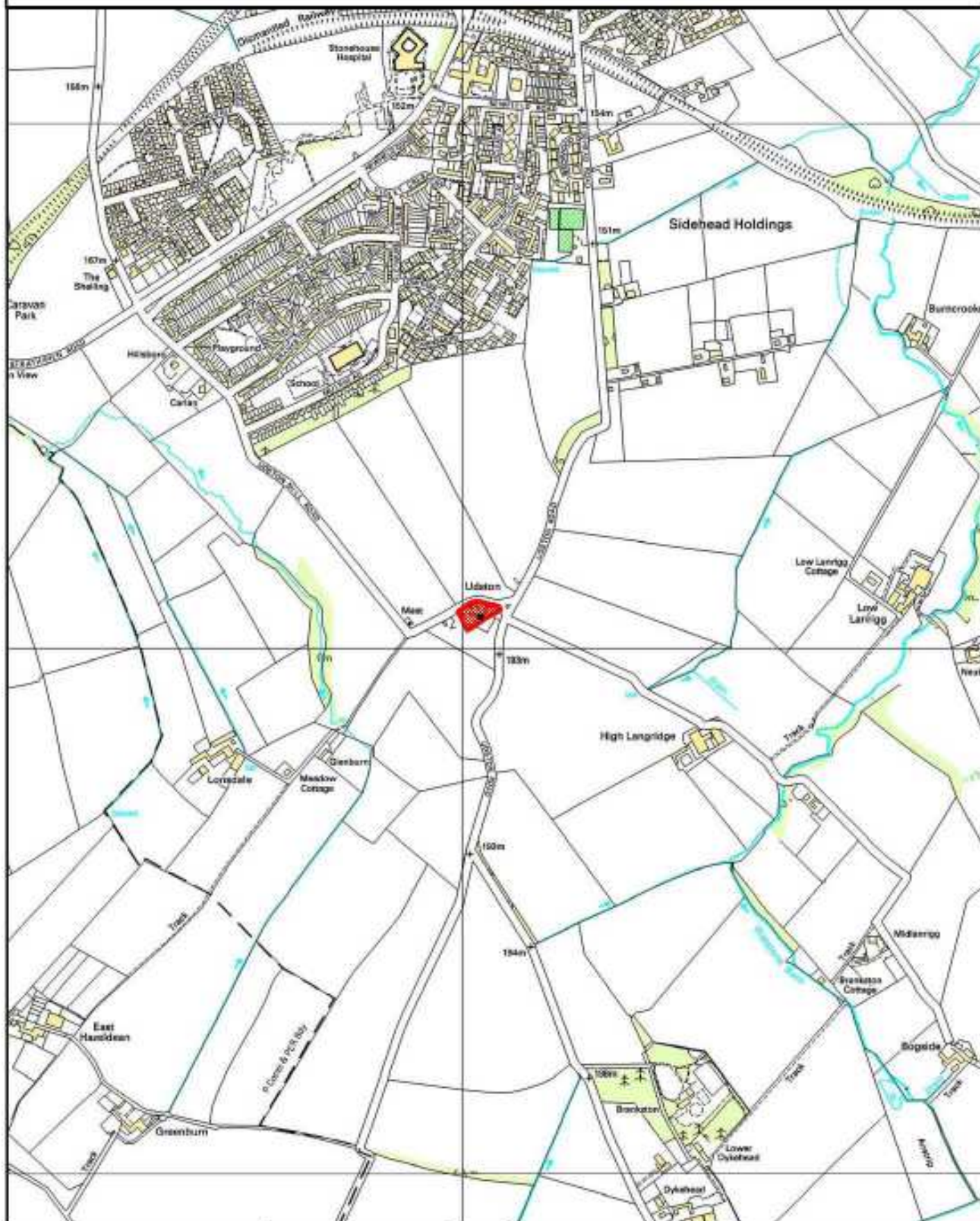
**Conditions and reasons**

01. That the permission hereby granted is for a temporary period only and shall expire on 31 August 2020.

Reason: In order to retain effective planning control

P/18/0060

Udston Farm, Udston Mill Road, Stonehouse



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Scale:  
1:10,000  
Date:  
30/07/2018



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





# Report

10

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>28 August 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	EK/17/0197
Planning proposal:	Residential development (89 units) with associated access and landscaping

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	SC East Kilbride Limited
Location:	Land at Redwood Crescent East Kilbride

## 2 Recommendation(s)

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

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

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) Detailed planning permission should not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council, the applicants and the site owner(s). This planning obligation should ensure that appropriate financial contributions are made at appropriate times during the development towards the provision of educational facilities and community facilities.

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

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

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

### 3 Other information

- ♦ Applicant's Agent: Turley
- ♦ Council Area/Ward: 09 East Kilbride West
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan(adopted 2015)**

Policy 1 - Spatial strategy  
Policy 2 – Climate Change  
Policy 4 - Development management and placemaking  
Policy 5 Community infrastructure assessment  
Policy 6 General urban area/settlements  
Policy 10 - New retail/commercial proposals  
Policy 13 Affordable housing and housing choice  
Policy 14 Green network and green space  
Policy 15 Natural and Historic Environment  
Policy 16 Travel and transport  
Policy 17 Water environment and flooding

**Development management, placemaking and design supplementary guidance (2015)**

**Sustainable Development and Climate Change Supplementary Guidance**

**South Lanarkshire Council Residential Development Guide**

**Proposed South Lanarkshire Local Development Plan 2 (2018)**

Policy 1 - Spatial Strategy  
Policy 2 – Climate Change  
Policy 3 – General urban areas and settlements  
Policy 5 – Development management and placemaking  
Policy 7 – Community Infrastructure Assessment  
Policy 10 – New Retail/Commercial Proposals  
Policy 11 – Housing  
Policy 12 – Affordable Housing  
Policy 13 – Green Network and Greenspace  
Policy 15 – Travel and Transport  
Policy 16 – Water Environment and Flooding  
Policy SDCC2 – Flood Risk  
Policy SDCC3 – Sustainable Drainage Systems  
Policy SDCC4 – Sustainable Transport  
Policy DM1 – New Development Design  
Policy NHE18 – Walking, cycling and riding routes  
Policy NHE20 - Biodiversity

◆ **Representation(s):**

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

◆ **Consultation(s):**

CER Play Provision Community Contributes Judith Gibb

Countryside And Greenspace

Arboricultural Services

Roads Development Management Team

SEPA West Region

SP Energy Network

Housing Planning

Scottish Water

Transport Scotland

Education Resources School Modernisation Team

Environmental Services

RT Flood Risk Management Section

National Grid UK Transmission

SPT

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site (3.7 hectares) relates to a vacant site within Peel Park Industrial Estate at Redwood Crescent, East Kilbride. The site is bounded to the north by Peel Park industrial area, to the northwest by Redwood Crescent, to the south by additional vacant land and beyond to Redwood Drive. To the east is an area, known as K Wood, a community woodland and informal open space with a network of footpaths, grassland and clusters of mature woodland and shrubs. K Wood is managed by East Kilbride Community Trust.
- 1.2 The site is accessed via a roundabout from Redwood Crescent and generally comprises rough grassland with some mature woodland to the east and a mature belt of deciduous trees to the north. The site is irregular in shaped and slopes gradually towards its southern boundary. It is largely enclosed by mature woodland and scrub along its northern, eastern and southern boundaries.

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

- 2.1 This is a detailed planning application seeking consent for the erection of 89 residential units. Comprising a range of house types including 2 bed terraced, 3 bed semi detached, 3 and 4 bed detached and 1 and 2 bed cottage flats. The layout includes an area, in the south west of the site, identified for 22 affordable housing units (social rented) which would be constructed simultaneously with the overall development and would be developed and managed by East Kilbride Housing Association. All the properties are two storeys in design some with integral garages or detached garages. The materials to be used are a mix of render finish and facing brick, precast cills and lintels. Concrete roof tiles together with upvc windows are also proposed.
- 2.2 The layout also includes the formation of pockets of open space together with a SUDS area and a toddlers' play area would be provided. In addition a pedestrian footway link to the 'K Wood' open space and footpath network is proposed in the northeast corner of the site. An existing informal footpath from Redwood Crescent through the mature woodland along the northern boundary of the site would be maintained.
- 2.3 The development is classified as a Major development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and was the subject of pre-application consultation. A number of documents have been provided in support of the application, namely a Pre-application Consultation Report, a Design & Access Statement, Planning Statement, Tree Survey Report, Geo-technical Report, Transport Assessment, Drainage Assessment, Noise Impact Assessment, Air Quality Assessment, and a Habitat Survey.

### **3 Background**

#### **3.1 Relevant Government Advice/Policy**

- 3.1.1 Relevant Government guidance is set out within the consolidated Scottish Planning Policy (SPP) 2014 which confirms the requirement for the Council to maintain a five year supply of effective housing land and also provides policy guidance relating to the provision of affordable housing. Planning authorities are required to promote the efficient use of land by directing development towards sites within existing settlements where possible to make effective use of existing infrastructure and services

## 3.2 Local Planning Policy

- 3.2.1 In determining this planning application, the Council must assess the proposed development against the policies contained within both the adopted South Lanarkshire Local Development Plan (2015) and Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.2.2 The site is located within the designated settlement boundary of East Kilbride. In land use terms, the application site is identified as a retail/commercial out of centre site where Policy 10 – New Retail/Commercial Proposals is relevant. A small section of the site along the northern boundary is designated as Green Network and Priority Greenspace where Policy 14 is relevant.
- 3.2.3 A number of other policies within the adopted SLLDP are considered appropriate to the determination of this application, namely Policy 1 – Spatial Strategy, Policy 2 – Climate Change, Policy 4 - Development Management and Placemaking, Policy 5 - Community Infrastructure Assessment, Policy 6 – General Urban Areas/Settlements, Policy 13 - Affordable Housing and Housing Choice, Policy 15 – Natural and Historic Environment, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding. These principle policies are supported by its specific policy guidance provided through approved Supplementary Guidance. The aim of these policies and guidance is to seek well designed development which is located in appropriate locations, appropriately serviced and results in no adverse impact. In addition, the Council has prepared a Residential Design Guide. The aim of the associated policies and guidance is to seek well designed development which is located in appropriate locations and is appropriately serviced.
- 3.2.4 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, the following policies are relevant:
- Policy 1 - Spatial Strategy
  - Policy 2 – Climate Change
  - Policy 5 – Development Management and Placemaking
  - Policy 7 – Community Infrastructure Assessment
  - Policy 10 – New Retail/Commercial Proposals
  - Policy 11 – Housing
  - Policy 12 – Affordable Housing
  - Policy 13 – Green Network and Greenspace
  - Policy 15 – Travel and Transport
  - Policy 16 – Water Environment and Flooding
  - Policy SDCC2 – Flood Risk
  - Policy SDCC3 – Sustainable Drainage Systems
  - Policy SDCC4 – Sustainable Transport
  - Policy DM1 – New Development Design
  - Policy NHE18 – Walking, cycling and riding routes
  - Policy NHE20 - Biodiversity
- 3.2.5 A full assessment of the proposal against these specific policies is contained in Section 6 of this report.

### 3.3 Planning Background

- 3.3.1 The site forms part of a larger area where planning permission for a large scale retail/commercial development, including a food superstore, garden centre and petrol filling station, was approved in June 2014 under planning reference EK/14/0057. Currently planning application EK/17/0228 to renew this consent is with the Council for determination. In addition, another application EK/17/0291 for a retail warehouse park including Class 1 bulky goods units, class 1 and class 3 units and 2 No. Class 3 restaurants, is with the Council for determination. This application relates to the residual area of land located directly south of the residential site.

## 4 Consultation(s)

- 4.1 **Community Resources** – In accordance with policy on Community Infrastructure Assessment, a financial contribution is sought to enable improvement to community facilities within the local area.

**Response:** Noted. If Committee agree to grant consent, developer contributions would be secured through a Section 75 Legal Agreement between the developer and the Council.

- 4.2 **Countryside and Greenspace** – the proposed residential development is on a site where there is presently no adjacent residential communities or local services to which it would be connected. A woodland management plan and a fully specified open space strategy should be a condition of any planning consent. In addition there is an opportunity to create a network of access routes to link the residential area with the adjacent open space/woodland.

**Response:** The layout would be linked to the surrounding network of paths within K Wood through an existing woodland path along the northern boundary of the site, together with a new footway link from the north eastern corner of the site to allow access to this area.

- 4.3 **Arboricultural Services** – Intimated that some of the proposed plots have rear gardens which may be affected by shade from the mature tree belt to the north and by mature trees to the east.

**Response:** Noted.

- 4.4 **Roads Development Management Team** – Following an initial assessment of the proposals, the Roads Engineer required some changes to be made to the layout to improve driveway widths, traffic calming, adequate vehicular visibility splays, adequate on-curtilage car parking provision, turning heads within parking courts.

**Response:** A revised layout has been received to address these matters. Any outstanding issues would be addressed through appropriately worded conditions.

- 4.5 **SEPA West Region** – No objections but provide advice on matters including district heating and low or zero carbon heat networks as well as flood risk, surface water drainage, foul drainage and air quality.

**Response:** Noted. Any issues raised through this consultation would be addressed by condition if consent is granted.

- 4.6 **SP Energy Network** – No objections in principle but advise that Scottish Power has underground cable within the vicinity of the proposals. They reserve the right to protect and/or deviate cable/apparatus at the applicant's expense.

**Response:** Noted. A suitable condition would be attached to any consent that the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at their own expense.

- 4.7 **Housing Services** - Have no objections to the provision of affordable housing managed by East Kilbride Housing Association within the site.  
**Response:** Noted.
- 4.8 **Scottish Water** – No response to date.  
**Response:** Noted.
- 4.9 **Transport Scotland** – No objections.  
**Response:** Noted.
- 4.10 **Education Resources School Modernisation Team** - In accordance with policy on Community Infrastructure Assessment, a financial contribution is sought to address the impact of the proposals on the capacity of schools within the catchment area of the site..  
**Response:** Noted. If Committee agree to grant consent, developer contributions would be secured through a Section 75 Legal Agreement between the developer and the Council.
- 4.11 **Environmental Services** - have no objections to the proposal subject to recommending that conditions and advisory notes are imposed relating to noise level reduction, construction noise, dust control and radon gas.  
**Response:** Any issues raised through this consultation would be addressed by condition or advisory notes if consent is granted.
- 4.12 **RT Flood Risk Management Section** - has no objections to the proposal, subject to compliance with the Council's SUDS Design guidance and completion of the Self Certification appendices.  
**Response:** These requirements can be addressed, where appropriate, through the use of condition/advisory note on any approval.
- 4.13 **National Grid UK Transmission** – No response to date.  
**Response:** Noted.
- 4.14 **SPT** – No response to date.  
**Response:** Noted.

## **5 Representation(s)**

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the East Kilbride news due to the non notification of neighbours and as Development Contrary to Development plan. Further neighbour notification and advertisement was undertaken following the submission of a revised layout. In response, one letter of representation and two comments letters were received in respect of the proposals, the points of which are summarised below:

- a) **All flora and fauna should be afforded all possible protection.**  
**Response:** The applicant lodged a habitat survey with the application which identified negligible presence of wildlife within the site.  
**Response:** An informative would be attached to any approval to require that any vegetation removal should take place outwith the bird breeding season and to monitor for the presence of bats and badgers during construction.
- b) **There should be an inclusion of 25% social housing at an affordable rent, built to the same standard as the other housing and not segregated.**

**Response:** The proposal includes the development of 22 social rented units which are incorporated satisfactorily within the site and would be built to the same design standards as the private housing on the site.

- c) **An adjacent industrialist is reliant on there being no disruption to the power supply at their facility. During construction, what reassurances would be in place to prevent this occurring?**

**Response:** The developer would be required to ensure that local businesses and other neighbours are not affected during construction, by loss of power etc. This would be a matter between the developer and SP Energy Network.

- d) **If the industry adjacent is to expand in the future, would the residential proposal so close to the facility have an impact on any future planning application for their company?**

**Response:** The residential application site has the benefit of a buffer of existing mature woodland within the application site boundary which would segregate the housing from the existing Peel Park industrial area. Any approval would include a woodland management and maintenance condition to control the continued care, maintenance and protection of these trees, including any replanting required. Therefore, in amenity terms, it is considered that the future development of employment uses would not be prejudiced by this residential proposal. Any future expansion of the industrial facility within Redwood Place would be considered on its own merits.

- e) **Concern about potential traffic disruption and access to the area during construction.**

**Response:** A condition requiring a construction management plan to be submitted to the Council for written approval prior to the commencement of site works would be attached to any consent granted.

- 5.2 These letters have been copied and are available for inspection in the usual manner and on the planning portal.

## **6 Assessment and Conclusions**

- 6.1 The applicant is seeking detailed planning permission for the erection of 89 dwellinghouses comprising of a mixture of house types and including 22 social rented units on land at Redwood Crescent in East Kilbride. In terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, planning applications have to be determined in accordance with the development plan unless other material considerations indicate otherwise. The main considerations in determining this application are whether the proposals comply with national and local plan policy, the impact on amenity and road safety and effect on infrastructure and ecology.
- 6.2 Scottish Planning Policy highlights that, where a proposal accords with up-to-date development plans, it should be considered acceptable in principle. However, the site is designated within the adopted Local Development Plan as a proposed out of centre retail/commercial location. This reflects a previous planning consent for a supermarket and garden centre on a larger adjacent development site which includes this application site. In general land use terms therefore the proposal for residential development on this site is contrary to policy.
- 6.3 In determining whether a departure from the land use status is appropriate, it is noted circumstances have changed since the granting of the earlier consent in that the previous owner is no longer intending to develop at this location. The land has been purchased by the applicants who have reviewed the opportunities associated with the



site. An application to renew the existing consent has been submitted and it is currently under consideration. At the same time, this application for residential development on part of the wider area, subject of the earlier consent, has been submitted. It must be determined on its merits while taking into account the land use planning implications for the area.

- 6.4 Members will recall that at the meeting of the Planning Committee on 29 May 2018 approval was given for the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The site the subject of the consent for retail/commercial development has been identified as a Proposed Development Framework Site in the proposed plan where a range of uses may be appropriate. Appendix 3 in Volume 1 of SLLDP2 sets out the requirements for the site which states that any new development proposal should demonstrate how the proposed land uses would integrate with adjoining land uses.
- 6.5 In terms of whether residential development on a discrete part of the overall site is acceptable, it is noted that the land in question can be accessed independently and safely from an existing access, via a roundabout on Redwood Crescent and would not prejudice achieving access to other parts of the Development Framework site. The application site is bounded by Peel Park Industrial Area to the north, however, a substantial buffer exists, comprising mature woodland which would be retained. It is, therefore, considered there would not be a significant conflict between the proposed housing and the operation of adjoining businesses. A significant part of the site sits immediately adjacent to K Wood which is used for informal recreation purposes. Again, there would not be a conflict in land use terms between these two areas of land and the proposals include provision for access from the development into the woodland. In terms of the impact of the proposals on the future development of the wider Development Framework site, it is considered that topography and existing landscaping would reduce the impact of any non-residential uses on that part of the site on the amenity of new residents within the application site. Finally, it is noted that the Proposed SLLDP2 includes a proposal to redesignate land currently identified for employment use on the opposite side of Redwood Crescent to housing land which would help integrate residential development on the application site with the wider area. Overall, therefore, it is considered in land use terms that the development of new housing on the site is acceptable and will not prejudice the wider objectives for the surrounding area. A departure from the adopted Local Development Plan is, therefore, appropriate.
- 6.6 It is noted that a small section of the application site along the northern boundary is also identified as being part of the Green Network within the adopted SLLDP. This applies to the woodland buffer between the proposed houses and Peel Park Industrial Area to the north. Policy 14 states that proposals should safeguard the Green Network and that its protection and enhancement will form a core component of any Masterplan. In this case the proposed development layout retains this woodland buffer while enhancing the green network through the introduction of pockets of open space and providing a connection to K Wood. The existing networks of paths are managed by East Kilbride Community Trust, and ongoing improvements to the paths have been taking place. Therefore, it is considered that the proposal accords with Policy 14 and supplementary guidance.
- 6.7 Policy 2 – Climate Change and associated Supplementary Guidance on Sustainable Development and Climate Change is also relevant. This policy requires new developments to seek to minimise and mitigate against the effects of climate change where possible. In this case, it is noted that the site is located within a designated

settlement identified for development. The site has been assessed in terms of flood risk and drainage and will be developed in accordance with the principles of sustainable urban drainage. The proposal is, therefore, acceptable in this respect. In addition foul drainage will be treated in accordance with the specification and requirements of both Scottish Water and the Council's Flood Risk Management guidance. As such, it is considered that the proposed development support the aims of Policy 2.

- 6.8 Policy 4 – Development Management and Placemaking requires all proposals to take account of and be integrated with the local context and built form. The policy states that development proposals should have no significant adverse impacts on the local community and, where appropriate, should include measures to enhance the environment and the quality of placemaking. These requirements are further supported by the associated supplementary guidance relating to development management, placemaking and design. As detailed above, it is noted that the site is screened from the adjoining business park by a buffer of mature woodland. There would, therefore, be no adverse impact on residential amenity on new residents in the proposed development. In addition, it is considered that the proposal would not have an adverse amenity impact on any nearby existing uses. The proposals include landscape provision, areas of open space including a Suds area and a footpath link to the adjacent community woodland and network of footpaths which would enhance the quality of the local environment and would encourage residents to use the wider amenity space.
- 6.9 In terms of the detailed design of the development, it is considered that the proposed layout for the development is acceptable and that it generally meets the main standards set out in the Council's Residential Design Guide, particularly in relation to road layout, house to plot ratios, rear garden depths, open space and car parking provision. A wide range of house types and sizes are proposed as well as units that will be available for social rent. It is further considered that the proposed development will be in keeping with existing residential development in the general East Kilbride area. The proposal, therefore, accords with Policy 4 and associated supplementary guidance.
- 6.10 The proposal has been designed in such a manner that it takes cognisance of the surrounding area and has properly assessed any impact on wildlife species and habitats. Any requirement highlighted within the supporting documents can be conditioned as part of any consent issued, or, if more appropriate, advisory notes can be attached. In addition, the site is capable of integrating well with the adjacent footpath network and community woodland area to the east and with other development proposals within the area. On this basis the proposal is considered to meet the requirements of Policies 14 and 15 of the adopted SLLDP.
- 6.11 The Council's adopted policy on Community Infrastructure Assessment (Policy 5) advises that a financial contribution from developers will be sought where it is considered that a development requires capital or other works or facilities to enable the development to proceed. In this instance, education and community infrastructure contributions have been broadly agreed and staged payments will be secured through a Section 75 legal Agreement between the Council and the developer. In addition, 22 affordable housing units, to be managed by East Kilbride Housing Association, are proposed within the layout. This is acceptable to Housing Services and accords with Policy 13 – Affordable Housing and Housing Choice and associated Supplementary Guidance.
- 6.12 Any specific concerns raised by the consultees have been discussed with the developer during the consideration of this proposal, and can be addressed through

the use of conditions, when appropriate to do so. The third party representations received have been described and addressed in section 5 of the report. They are not considered to merit refusal of the application.

6.13 The proposal was advertised as Development Contrary to the Development Plan in the East Kilbride News as it constitutes a residential proposal within an area defined as a retail/commercial out of centre site in the adopted South Lanarkshire Local Development Plan. It has, therefore, been concluded that the proposals do not accord with the development plan. In this case however the proposed South Lanarkshire Local Development Plan 2 has reviewed the land use status of that designation and now proposes identifying it as a Development Framework Site where a range of uses may be acceptable where are compatible with each other and those in the surrounding area. For the reasons set out earlier in the report residential development in a discrete part of the site is considered acceptable and would not prejudice the wider land use objectives for the area. On that basis, a departure from policy is considered justified. The proposal has been fully assessed and it is recommended that planning permission is granted for the following reasons:

1. The proposal accords with the Proposed South Lanarkshire Local Development Plan 2 which is a material consideration in the determination of the application in that the application site forms part of a wider Development Framework site where a range of uses including residential may be acceptable;
2. The proposal would not have any adverse impact on operational industrial or business premises in the vicinity of the site.
3. The proposal would not prejudice the development of the remainder of the wider Development Framework site in terms of access or impact on amenity
4. There are no road safety or infrastructure issues.

## **7 Reasons for Decision**

7.1 The proposal is an acceptable departure from the development plan for the reasons stated in paragraph 6.13 above.

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

17 August 2018

### **Previous references**

◆ EK/14/0057

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Neighbour notification letter dated
  
- ▶ Consultations
  - CER Play Provision Community Contribs Judith Gibb 11.05.2018
  - Countryside And Greenspace 20.06.2017
  - Arboricultural Services 13.06.2017
  - Roads Development Management Team 03.05.2018

SEPA West Region	12.07.2017
SP Energy Network	14.06.2017
Housing Planning Consultations	11.05.2018
Environmental Services E-consult	14.08.2018
Transport Scotland	22.05.2018
Education Resources	08.05.2018

#### RT Flood Risk Management Section

► Representations	Dated:
Joe Allan, 94 Franklin Place, East Kilbride, G75 8LS	28.06.2017
Bruce Neil, 1 Redwood Place, East Kilbride G74 5PB	30.06.2017
	30.06.2017
Joe Allan, 94 Franklin Place , Westwood , East Kilbride, G75 8LS	26.04.2018

#### Contact for further information

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

Maud McIntyre, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Ext: 5043 Tel (01698 455043)

Email: [maud.mcintyre@southlanarkshire.gov.uk](mailto:maud.mcintyre@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: In the interests of amenity and in order to retain effective planning control.

02. That before any of the dwellinghouses hereby approved are completed or brought into use, a private vehicular access or driveway of at least 6m metres in length shall be provided and the first 2 metres of this access from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.

Reason: In the interests of traffic and public safety.

03. That before the dwellinghouses hereby permitted are occupied, 2 car parking spaces for a 3 bedroom property and 3 parking spaces for a 4 bedroom property shall be provided within the curtilage of the plots and outwith the public road or footway and shall thereafter be maintained to the specification of the Council as Planning Authority.

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

04. The surface of the driveways and accesses shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the highway.

Reason: To prevent deleterious material being carried into the highway.

05. That a suitable system of site drainage shall be required to prevent surface water flowing onto the public road, details of which shall be submitted for consideration and approval to the Council as Planning and Roads Authority, prior to works commencing on the site.

Reason: In the interests of traffic and public safety.

06. That, during construction, appropriate wheel wash facilities/road cleaning systems shall be introduced within the site to ensure that mud and debris is not deposited on the public road.

Reason: In the interests of traffic and public safety.

07. That all construction and/or other vehicles shall be able to access and exit the site in forward gears, therefore a turning area must be provided, together with sufficient parking within the site boundary to accommodate all site staff/operatives parking requirements, details to be submitted for approval in writing by the Council as Planning and Roads Authority.

Reason: In the interests of traffic and public safety.

08. That all new residents within the approved site shall be issued by the applicant with a Residential Travel Pack.

Reason: To encourage the use of public transport, walking and cycling.

09. That the surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland and with the Council's Sustainable Drainage Design Criteria (or any subsequent updated version of this guidance) and shall be agreed in writing with the Council as Planning Authority in consultation with SEPA.

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

10. Details of facilities for the storage of refuse within the proposed development, including the design, location and access for uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwellings shall be occupied until the facilities for the storage of waste have been provided within the proposed development, in accordance with the approved scheme.

Reason: To ensure that suitable refuse facilities are provided.

11. That the applicant shall adopt and implement the flood risk management measures as outlined in the submitted Drainage & Water Management Strategy Report dated 30 May 2017, in agreement with the Council's Flood Risk Management Team. These measures shall be implemented prior to the completion of the site, to the satisfaction of the Council as Planning and Flood Authority.

Reason: To alleviate any potential for on-site and off-site flooding.

12. That before any work commences on the site, a landscaping scheme shall be submitted to the Council as Planning Authority for written approval and it shall include: (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc.; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details unless otherwise agreed with the Planning Authority.

Reason: To ensure the appropriate provision of landscaping within the site.

13. That the landscaping scheme required by condition 12 above shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the buildings or the completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

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

14. That prior to any work commencing on the site, a maintenance management schedule for the landscaping scheme approved under the terms of Condition 12 above 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.

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 the interests of amenity.

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

Reason: In order to retain effective planning control.

17. That prior to the occupation of the last dwellinghouse, a footpath link, shaded blue on the approved plan, shall be provided to the eastern side of Plot 32, to the satisfaction of the Council as Planning and Roads Authority, unless otherwise agreed.

Reason: To encourage walking and cycling.

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

Reason: In the interests of amenity.

19. (a) Prior to commencement of any works on site, a comprehensive risk assessment for radon gas shall be carried out, and approved in writing by the Council as Planning Authority. Whilst radon is specifically excluded from Part IIA of the Environmental Protection Act 1990 the investigation should follow:

- Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995)  
If the risk assessment identifies unacceptable risks posed by radon gas a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.

(b) The remediation plan will consider guidance contained in:

- BRE 376 Radon: Guidance on protective measures for new dwellings in Scotland (1999), with supplementary guidance given in:  
BRE 211 (2007) Radon: Guidance on protective measures for new buildings (including supplementary advice for extensions, conversions and refurbishment). (England & Wales).

Reason: In the interests of amenity.

20. That prior to the commencement of site works an appropriate construction traffic and construction management plan shall be submitted to the Council as Planning and Roads Authority for written approval.

Reason: In the interests of public and traffic safety.

21. That before development starts, full details of the design and location of all retaining walls to be constructed 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.

22. That before development starts or otherwise agreed in writing, full details of the site levels including finished floor levels, shall be submitted 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.

23. Noise 07B Plant Machinery or Equipment likely to give rise to single octave amplification or 1/3 octave tonality

Noise associated with the Plant Machinery or Equipment shall not give rise to a noise level, assessed with the windows open (or closed under exceptional conditions) within any dwelling or noise sensitive building, in excess of the equivalent to Noise Rating Curve 35, between 07:00 and 20:00 hours, and Noise Rating Curve 25 at all other times

Reason: In the interests of amenity.

24. Noise: Residential Levels

In keeping with the WHO Community Noise Guidelines and also BS 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings, the following noise levels shall be achieved –

- a) The internal levels with windows open (or under exceptional circumstances closed) shall not exceed an  $L_{Aeq,16hr}$  of 40 dB daytime (07.00 – 23.00)
- b) The internal levels with windows open (or under exceptional circumstances closed) shall not exceed and  $L_{Aeq,8hr}$  of 30 dB night-time (23.00 – 07.00)
- c) The internal levels with windows open (or under exceptional circumstances closed) shall not exceed  $L_{A,max}$  of 45 dB night-time (23.00 – 07.00)
- d) The external levels shall not exceed an  $L_{Aeq,16hr}$  of 55 dB daytime in any external amenity garden areas, when measured free-field.

Reason: In the interests of residential amenity.

25. That before any work commences on the site, a scheme for the provision of an equipped toddler play area within the application site shall be submitted to the Council as Planning Authority for written approval and this shall include:



- (a) details of the type and location of play equipment, seating and litter bins to be situated within the play area;
- (b) details of the surface treatment of the play area, including the location and type of safety surface to be installed;
- (c) details of fences to be erected around the play area; and
- (d) details of the phasing of these works.

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

26. That prior to the occupation of the last dwellinghouse within the development, all of the works required for the provision of the equipped play area included in the scheme approved under the terms of Condition 25, shall be completed, and thereafter the area shall not be used for any purpose other than as an equipped play area.

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

27. 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.

28. That before any work commences on site, a woodland management and maintenance scheme, covering the area shaded green on the approved plans, shall be submitted to the Council as Planning Authority for written approval and it shall include:

(a) proposals for the continuing care, maintenance and protection of the trees, shrubs and hedges including details of the timing and phasing of all such works;

(b) details of the number, variety and size of trees and shrubs to be planted and the phasing of such works.

Reason: To ensure the protection and maintenance of the existing woodland within the site.

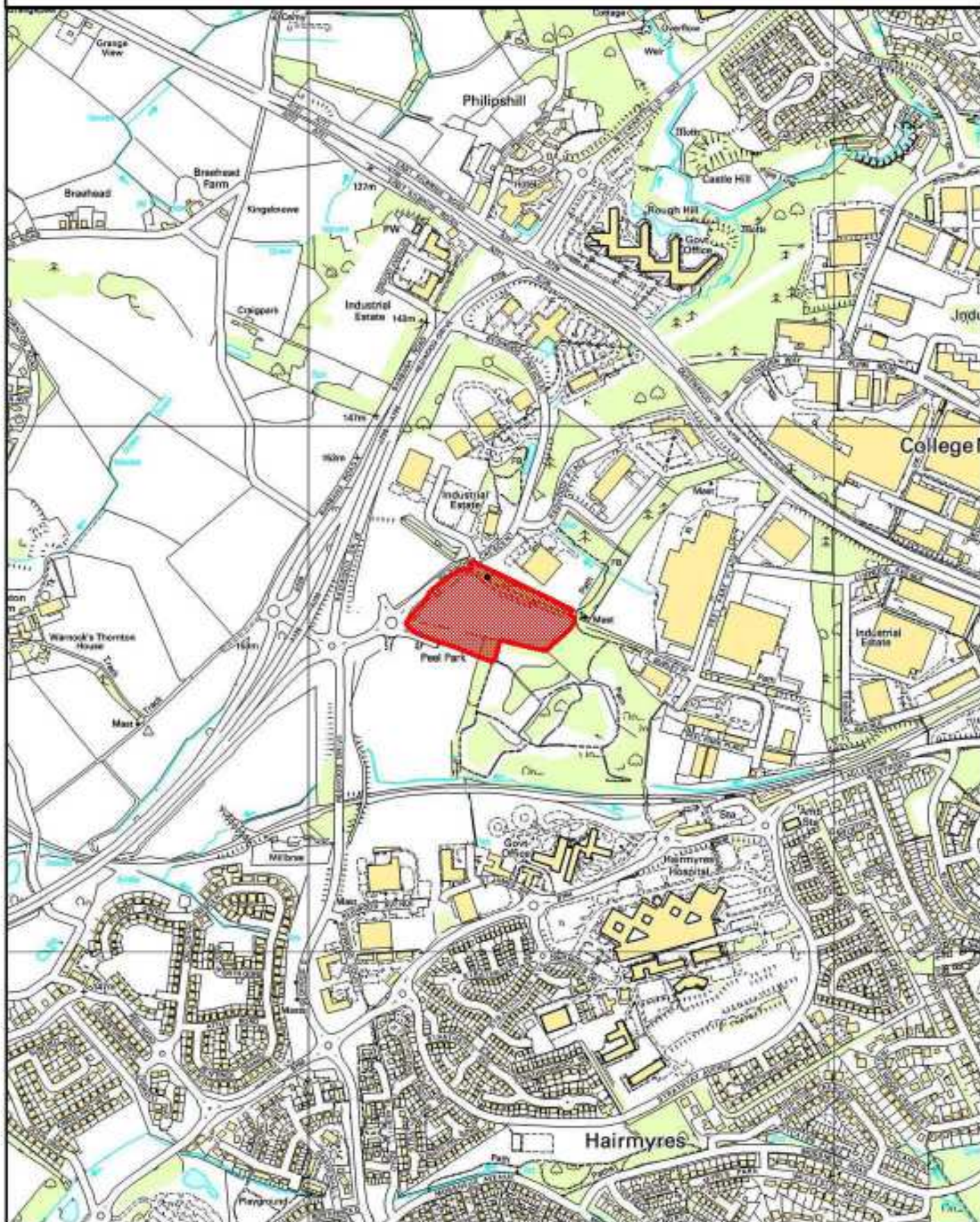
29. That no consent is hereby granted for the traffic calming measures,(eg raised junction/speed table; speed bend) as shown on the approved plan, and no work shall commence on site until a plan showing alternative measures has been submitted to and approved by the Council as Planning and Roads Authority. Thereafter the approved measures shall be implemented to the satisfaction of the Council as Planning Authority.

Reason: In the interests of traffic and public safety.



EK/17/0197

Land at Redwood Crescent, East Kilbride



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1:10,000  
Date:  
30/07/2018



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



# Report

11

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>28 August 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/18/0172
Planning proposal:	Erection of 3 retail units and repositioning of Block D (formerly Block C1) as a revision to planning permission HM/17/0312

## 1 Summary application information

Application type: Detailed planning application

Applicant: Clyde Valley Housing Association  
Location: Carlisle Road  
Ferniegair  
Hamilton

## 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: John Russell Partnership
- ♦ Council Area/Ward: 17 Hamilton North And East
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan**  
Policy - 1 Spatial strategy  
Policy 2 - Climate change  
Policy 4 - Development Management and Place Making  
Policy 10 - New Retail/Commercial Proposals  
Policy 12 - Housing land  
Policy 14 - Green Network and Green Space  
Policy 16 - Travel and Transport  
Policy 17 - Water Environment and Flooding

**Development Management, Place Making and Design Supplementary Guidance (2013)**

**Residential Design Guide (2011)**

**Proposed South Lanarkshire Local**

## **Development Plan 2 (Volumes 1 and 2)**

Policy 1 - Spatial Strategy

Policy 2 – Climate Change

Policy 5 - Development Management and Place Making

Policy 10 - New Retail/Commercial Proposals

Policy 11 - Housing

Policy 13 - Green Network and Greenspace

Policy 15 - Travel and Transport

Policy 16 - Water Environment and Flooding

Policy DM1 - New Development Design

Policy SDCC2 – Flood Risk

Policy SDCC3 - Sustainable Drainage Systems

Policy SDCC4 – Sustainable Transport

Policy DM15 - Water Supply

Policy NHE18 – Walking, cycling and riding routes

Policy NHE20 - Biodiversity

### **◆ Representation(s):**

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

### **◆ Consultation(s):**

Education Resources School Modernisation Team

Environmental Services

Roads Flood Risk Management

Roads Development Management Team

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application relates to an area of land located adjacent to Carlisle Road at the southern side of Ferniegair. The site is bounded directly to the north east by the Hamilton/Larkhall railway line and to the south west by Carlisle Road. The remainder of the site is essentially bounded by residential properties. The site slopes from north-west to south-east and there is a significant fall in level from the roadway to the boundary with the railway track. The site extends to approximately 0.9 hectares and currently includes a mix of unmaintained grass, semi mature trees and scrub.

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

- 2.1 The applicant seeks detailed planning permission for the erection of 3 retail units and the repositioning of Block D (formerly Block C1) as a revision to planning permission HM/17/0312 for the erection of 26 flatted dwellings and 16 terraced dwellinghouses on the site. The submitted supporting information advises that the proposal includes a small development of one and two bedroom flats and three bedroom terraced houses which are to be considered as 'affordable homes' and are to be built on behalf of Clyde Valley Housing Association. The applicant initially proposed hot food takeaway facilities for two of the three retail units. However, following discussions with the Planning Service, for amenity reasons, this aspect of the proposal was removed.
- 2.2 The proposed retail units would be located adjacent to the north western boundary of the site within a building which would be two storeys in height when viewed from the front elevation and three storeys in height when viewed from the rear where it follows the contours of the site. The three retail units proposed would comprise one larger unit measuring approximately 234 square metres in floor area in addition to two smaller units measuring approximately 54 and 90 square metres. The three units would be located on the ground floor of the building. The upper floor of the building would comprise 6 flatted dwellings and the lower ground floor would include one flatted dwelling and a stock room associated with the largest retail unit. The proposed building would incorporate a traditional hipped roof and would be finished with concrete roof tiles, a mixture of buff and grey facing brick for the exterior walls and UPVC windows and doors.
- 2.3 Block D of the proposal, which was formerly referred to as Block C1 in the previously approved development, would be re-positioned in line with Block B of the approved scheme. This block would also be increased in height from two storeys to three with four additional flatted dwellings included to compensate for the loss of units required to accommodate the retail aspect of the proposal. This building would also incorporate a hipped roof and would be finished with concrete roof tiles, a mixture of buff and grey facing brick with grey lining board for the exterior walls and dark grey UPVC window frames. The car parking associated with the block would also be redesigned but would still be located to the north east of the block.
- 2.4 A Train Noise Impact Assessment, Design and Access Statement, Extended Phase 1 Habitat Survey and a Geotechnical and Geo-Environmental Interpretative Report were submitted with the application as supporting documents.

### **3 Background**

#### **3.1 Local Plan Policy**

3.1.1 The application site is designated for residential use in the adopted South Lanarkshire Local Development Plan where it is identified as part of the 2014 Housing Land Supply. The site also forms Site B of the Ferniegair Community Growth Area and is covered by the Green Network. The relevant policies for the assessment of the application are Policy 1 - Spatial Strategy, Policy 2 – Climate Change, Policy 4 - Development Management and Place Making, Policy 10 – New Retail/Commercial Proposals, Policy 12 - Housing Land, Policy 14 - Green Network and Greenspace, Policy 16 - Travel and Transport and Policy 17 – Water Environment and Flooding in addition to the supplementary guidance of the Proposed Development Management, Place Making and Design Supplementary Guidance relating to 'Design'. An assessment of the proposal against the above policies is contained in Section 6 of this report.

3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 5 - Development Management and Place Making, Policy 10 - New Retail/Commercial Proposals, Policy 11 Housing, Policy 13 Green Network and Greenspace, Policy 15 - Travel and Transport and Policy 16 - Water Environment and Flooding are relevant. Volume 2 of the Proposed Plan contains further policy guidance that will be used when assessing planning applications. In this instance, Policies DM1 - New Development Design, SDCC2 - Flood Risk, SDCC3 - Sustainable Drainage Systems, SDCC4 - Sustainable Transport, DM15 - Water Supply, NHE18 - Walking, cycling and riding routes and NHE20 – Biodiversity are relevant.

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

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

#### **3.3 Planning Background**

3.3.1 Detailed planning permission was granted to Clyde Valley/Wilson Developments for the erection of 26 flatted dwellings and 16 terraced dwellinghouses with associated amenity space and car parking within the site on 13 October 2017 (HM/17/0312).

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

4.1 **Environmental Services** – have no objections to the proposal subject to a condition requiring the submission of a Noise Management Plan prior to the occupation of the retail units to prevent disturbance to local residents resulting from deliveries and collections to and from the property.

**Response:-** Noted. Any consent granted would incorporate an appropriately worded condition to address the above matter.

- 4.2 **Roads Development Management Team** – have no objections to the application subject to conditions requiring the provision of adequate visibility splays and the provision of a Sustainable Urban Drainage System to treat the adoptable road surface water.

**Response:-** Noted. Any consent granted would incorporate appropriately worded conditions to address the above matters.

- 4.3 **Roads and Transportation Services (Flood Risk Management)** - have no objections to the application subject to conditions requiring the submission of a Flood Risk/Drainage Assessment for the Council's further approval and the provision of a sustainable urban drainage system (SUDS) within the site designed and independently checked in accordance with the Council's current SUDS Design Criteria Guidance Note.

**Response:-** Noted. Any consent granted would incorporate appropriately worded conditions to address the above matter.

- 4.4 **Education Resources School Modernisation Team** - have no objections to the application.

**Response:-** Noted.

## **5 Representation(s)**

- 5.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the Hamilton Advertiser under the heading Non Notification of Neighbours. Four letters of representation have been received in relation to the application. The grounds of objection are summarised below:

- a) **The layout and density of development is excessive for such a confined area. It is a large unnecessary development on a small piece of land with overcrowding, parking and increased cars.**

**Response:** The site forms part of the Ferniegair Community Growth Area. The proposed layout complies with the main guidance contained within the Council's Residential Design Guide. It is considered that the proposal does not represent overdevelopment of the site and would be in keeping with development in the surrounding area.

- b) **The increase in traffic flow resulting from the commercial part of the development onto a busy main road is a major concern considering the existing accesses already there and the accident history on the said road.**

**Response:** Roads and Transportation Services are satisfied that the proposal raises no access or road safety issues and that a sufficient amount of car parking is being provided for the development.

- c) **Late night traffic noises/possible disturbances from people loitering outside the commercial premises/litter and odours will affect the amenity of Leven Road residents in particular and those in the surrounding area.**

**Response:** No adverse comments have been raised by any of the consultees in relation to these matters. Anti social behaviour would be a matter for Police Scotland to address where necessary.

- d) **Security concerns as a result of an increase in visitors especially in the evening.**  
**Response:** Whilst it is not anticipated that the proposed development would lead to any additional security concerns, such matters would be for Police Scotland to address where necessary.
- e) **You should be made aware of the clause stated and action by the Duke of Edinburgh forbidding the opening of any retail establishment in the town of Ferniegair.**  
**Response:** This is not a material planning consideration.
- f) **Potential safety issues where the facility may attract young children from the neighbouring estates along or across a busy main road.**  
**Response:** Roads and Transportation Services are satisfied that the proposal raises no access or road safety issues.
- g) **Overlooking and loss of privacy to 56 Leven Road from the proposed buildings.**  
**Response:** The proposal initially included two standard upper floor kitchen windows on the side elevation of the proposed retail block facing onto the existing flatted development on Leven Road. Amended plans were submitted which show the two standard kitchen windows replaced by two high level windows to ensure that there is no adverse impact on the amenity of adjacent properties in terms of overlooking and loss of privacy.
- h) **In relation to environmental issues what impact will there be on animals and vegetation in the area due to the loss of one of the very few natural areas of land left in the area.**  
**Response:** Whilst the site is covered by the Green Network, it is not covered by any statutory wildlife designations. However, a Habitat Survey was submitted with the application which highlights that habitats and species are typical of those found on brownfield land with no notable species found within the site. There was no evidence of any bats, otter, badger or water vole within the site.
- i) **Concerns regarding drainage infrastructure and additional waste from the development.**  
**Response:** No adverse comments were raised by any of the consultees in this regard. However, any consent granted would include conditions requiring the provision of appropriate drainage infrastructure prior to the development being occupied.

5.2 These letters are available for inspection in the usual manner and on the Councils Planning Portal.

## 6 Assessment and Conclusions

6.1 The applicant seeks detailed planning permission for the erection of 3 retail units and the repositioning of Block D (formerly Block C1) as a revision to planning permission HM/17/0312 for the erection of 26 flatted dwellings and 16 terraced dwellinghouses on the site. The submitted supporting information advises that the proposed development includes a small development of two bedroom flats and three bedroom terraced houses which are to be considered as 'affordable homes' and are to be built on behalf of Clyde Valley Housing Association. The determining issues in consideration of this application are its compliance with national and local plan policy and its impact on the



amenity of adjacent properties and on the local road network.

- 6.2 In terms of national planning policy relative to residential development, Scottish Planning Policy (SPP) requires Councils to maintain a five year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity. In this instance, the application site has been identified as a proposed housing site in the adopted Local Plan and is included within the Ferniegair Community Growth Area. The site would be accessible by public transport as all dwellings would be located within close proximity of both the nearest bus route and Chatelherault train station and the development would be well integrated into existing walking and cycling networks. It is, therefore, considered that the proposal is in accordance with national planning policy.
- 6.3 In terms of local plan policy, the application site is designated for residential use in the adopted South Lanarkshire Local Development Plan where it is identified as part of the 2014 Housing Land Supply. The site also forms part of the Ferniegair Community Growth Area and is covered by the Green Network. The relevant policies for the assessment of the application are Policy 1 - Spatial Strategy, Policy 4 - Development Management and Place Making, Policy 10 - New Retail/Commercial Proposals, Policy 12 - Housing Land, Policy 14 - Green Network and Greenspace, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding.
- 6.4 Policy 1 encourages sustainable economic growth and regeneration, protection and enhancement of the built and natural environment and a move towards a low carbon economy. This will be partly achieved through the delivery of the development proposals identified in Table 3.1: Spatial Strategy Development Priorities including the Ferniegair Community Growth Area (CGA). Policy 2 encourages development in sustainable locations, the reuse of vacant and derelict land, the protection of the natural and historic environment and mitigation against the impacts of climate change. In line with these policies the proposal relates to a site located within the Ferniegair Community Growth Area (Site B) in a sustainable location close to Chatelherault train station and includes opportunities for active travel routes and trips by public transport. The proposal is, therefore, considered to be in accordance with the terms of Policies 1 and 2.
- 6.5 As the proposal is for residential use and the application site is located within an area designated for housing under Policy 12 the proposal raises no policy issues and conforms with the terms of Policy 12.
- 6.6 With regard to the detailed design of the development, Policy 4 generally requires new development to have due regard to the layout, form, design and local context of the area and to promote quality and sustainability in its design. It is considered that the proposed layout for the development is acceptable and that it meets the main standards set out in both the Council's Masterplan Development Framework for the Ferniegair Community Growth Area and the Council's Residential Design Guide, particularly in relation to road layout, window to window distances, amenity open space and car parking provision. It is considered that the proposed development is of a high quality design incorporating a suitably high standard of materials and that it will be in keeping with the recent phases of residential development in the surrounding area. The proposed buildings have been designed appropriately and would be positioned a sufficient distance away from existing properties to ensure that there will be no adverse impact to those properties in terms of overshadowing or loss of privacy. It is, therefore, considered that the proposal meets the terms of the above policy and guidance.

- 6.7 In terms of the retail aspect of the proposal, Policy 10 requires any proposals for retail or commercial development to be assessed against the following criteria and must:
- i. follow the sequential approach as set out in SPP;
  - ii. not undermine the vitality and viability of the strategic and town centres and/or neighbourhood centres;
  - iii. be supported by the area's catchment population;
  - iv. complement regeneration strategies for the area;
  - v. promote sustainable development;
  - vi. take account of development location and accessibility;
  - vii. minimise environmental and traffic impact;
  - viii. have no significant adverse impact on natural and/or built heritage resources, including Natura 2000 sites and Protected Species
  - ix. promote quality design and accessibility for all;
  - x. take account of drainage and service infrastructure implications.
- 6.8 The policy goes on to say that major development proposals over 2,500 m<sup>2</sup> (gross) comparison floorspace; 1,000 m<sup>2</sup> (gross) convenience should be accompanied by a retail assessment. This assessment should include a quantitative assessment of retail impact and capacity, and the qualitative impacts of the proposal. The cumulative effect of recently implemented or consented retail developments in nearby locations should also be taken into account. In particular locations, for example neighbourhood centres, a retail assessment may also be required for developments less than 1,000 m<sup>2</sup> (gross) floorspace.
- 6.9 In view of the above, the applicant submitted a retail statement to address the criteria listed within the policy. In terms of Criterion i. the applicant has not followed the sequential approach as set out in SPP. With regard to criterion ii. the site is located approximately 2 miles from Hamilton and 3 miles from Larkhall and should, therefore, be considered an out of town centre location. The applicant proposes to develop a small convenience store (retail space 234 sqm) in addition to two smaller retail units (90 sqm and 54 sqm). The size and type of the proposed development has been designed to cater for local needs and consequently it is considered that it would not endanger any of the retail establishments in either Hamilton or Larkhall. In relation to Criterion iii. the village of Ferniegair has undergone a great deal of expansion over the last decade and at present there are no local retail establishments in the village. House builders such as Robertson Homes, George Wimpey, Persimmon Homes, Avant Homes have expanded the village boundaries bringing new households to the area and a new train station has been provided which has encouraged the further expansion of Ferniegair. It is considered that these new households in conjunction with those in the existing village would adequately support the retail units proposed. In terms of Criterion iv. and as noted above, the village of Ferniegair is rapidly expanding and is in need of a local store. In relation to Criterion v. the development would be located in a sustainable location close to the existing train station and bus routes and would be designed to be as energy efficient as possible. As part of the building warrant process there would be SBEM calculations undertaken to ensure the development better the carbon emissions standards set out by The Scottish Government.

- 6.10 In terms of Criterion vi, the retail units would be visible from the main road between Hamilton and Larkhall which is a busy thoroughfare. Instead of taking the access off that road, access to the units would be taken off the road into the approved affordable housing development which would provide a safer vehicular access into the car parking area. The proposed retail units would also be conveniently located for the railway station and the local golf club and would be fully assessable with designated disabled parking bays and level access throughout. In relation to Criterion vii, the development would be within walking distance for most people in Ferniegair who at present need to use a car or public transport to visit any retail store. The proposed convenience store is not regarded as somewhere local residents would do all their weekly shopping but rather as a convenience store where they could top up their weekly shopping which would in turn reduce car journeys. In terms of Criteria viii, ix and x, the development would have no significant adverse impact on natural and/or built heritage resources, including Natura 2000 sites and Protected Species, the proposed buildings have been designed to a high standard to be fully accessible with disabled parking spaces and the proposed retail units are being created as part a larger housing association development with appropriate drainage and sustainable urban drainage (SUDS) incorporated into the development as a whole. In summary, whilst the application does not meet the terms of Criterion i, in terms of the sequential test it is considered that the rapid expansion of Ferniegair to date and the need for a retail facility within the Ferniegair settlement outweighs the requirement for the sequential approach to be followed in this instance. In view of all of the above, it is considered that the proposal meets the terms of Policy 10.
- 6.11 Policy 14 states that development proposals should safeguard the local green network, identified on the proposals map, and identify opportunities for enhancement and/or extension which can contribute towards:
- i placemaking,
  - ii mitigating greenhouse gases,
  - iii supporting biodiversity,
  - iv enhancing health and quality of life,
  - v providing water management including flood storage, and buffer strips,
  - vi providing areas for leisure activity, and
  - vii promoting active travel.
- 6.12 This current planning application is a revision to planning permission HM/17/0312, therefore, in terms of green networks it is considered that the development layout previously approved incorporates an appropriate level of amenity space and landscaping linked by footpaths. A footpath/cycle connection to the wider Green Network to the south would also be provided to ensure continuity in the Network. On this basis, it is considered that the proposal complies with the terms of Policy 14.
- 6.13 Policy 16 - Travel and Transport seeks to ensure that development considers, and where appropriate, mitigates the resulting impacts of traffic growth and encourages sustainable transport options that take account of the need to provide proper provision for walking, cycling and public transport. As discussed, the site would be accessible by public transport as all dwellings would be located within close proximity of both the nearest bus route and Chatelherault train station and the development would be well integrated into existing walking and cycling networks. Roads and Transportation Services are satisfied that the proposal will not have an adverse impact on traffic flows or road safety and that a sufficient amount of car parking is being provided for the development. On this basis, it is considered that the proposal complies with the terms of Policy 16.

- 6.14 The overall development approved under planning permission HM/17/0312 was assessed by the relevant bodies in terms of Policy 17. With regard to flooding, no adverse comments were raised subject to conditions requiring the submission of a Flood Risk/Drainage Assessment for the Council's further approval and the provision of a sustainable urban drainage system (SuDS) within the site. In addition, Scottish Water confirmed under the above planning application that they had no objections to the proposed development. Conditions would be attached to any consent to ensure that the development would be designed to sustainable urban drainage system requirements. It is, therefore, considered that the proposed development is in accordance with the Policy 17.
- 6.15 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposal accords with Policy 1 - Spatial Strategy, Policy 2 – Climate Change, Policy 5 - Development Management and Place Making Policy, Policy 11 Housing, Policy 13 Green Network and Greenspace, Policy 15 - Travel and Transport and Policy 16 - Water Environment and Flooding in the Proposed Plan in addition to Policies DM1 - New Development Design, SDCC3 Sustainable Drainage Systems and DM15 Water Supply of the SLLDP2 Volume 2.
- 6.16 In summary, it is considered that the application conforms with both national and local plan policy and that the proposal raises no significant environmental or infrastructure issues. I would, therefore, raise no objection to the application and recommend that planning permission be granted subject to the conditions listed.

## **7 Reasons for Decision**

- 7.1 The proposal has no adverse impact on residential or visual amenity nor raises any environmental or infrastructure issues and complies with Policies 1, 2, 4, 10, 12, 14, 16 and 17 of the adopted South Lanarkshire Local Development Plan and the supplementary guidance of the Proposed Development Management, Place Making and Design Supplementary Guidance relating to 'Design.' The proposal also complies with Policies 1, 2, 5, 10, 11, 13, 15, 16 and Policies DM1, SDCC2, SDCC3, SDCC4, DM15, NHE18 and NHE20 of the Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2).

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

10 August 2018

### **Previous references**

- ◆ HM/17/0312

## List of background papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (Adopted 2015)
- ▶ Development Management, Place Making and Design Supplementary Guidance (2013)
- ▶ Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) (2018)
- ▶ Residential Design Guide (2011)
- ▶ Neighbour notification letter dated 03.03.2018 & 18.05.2018
- ▶ Press Advertisement, Hamilton Advertiser dated 14.06.2018
  
- ▶ Consultations
  - Education Resources School Modernisation Team 12.04.2018
  
  - Environmental Services 27.03.2018
  - Roads Flood Risk Management 27.03.2018
  - Roads Development Management Team 20.04.2018
  
- ▶ Representations
  - Mr Kevin Mullarkey, 18 Candytoft Wynd, Ferniegair, Hamilton, ML3 7ZF Dated: 25.03.2018
  
  - Gary Wedlock, 12 Buttercup Crescent, Ferniegair, Hamilton, ML3 7ZG 15.03.2018
  
  - Mr Robert Black, 58 Leven Road, Ferniegair, Hamilton, South Lanarkshire, ML3 7WS 20.03.2018
  
  - Mrs W Craw, 56 Leven Road, Ferniegair, Hamilton, South Lanarkshire, ML3 7WS 04.06.2018

## Contact for further information

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

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

**Conditions and reasons**

01. That 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 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.

03. 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 2, 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.

04. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any such order revoking or re-enacting that order), no gates, fences, walls or other means of enclosure shall be erected between the front of the dwellings and the adjoining road.

Reason: To safeguard the residential amenity of the area.

05. That before any work commences on the site , a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:
- (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development;
  - (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees;
  - (c) details of any top-soiling or other treatment to the ground;
  - (d) sections and other necessary details of any mounding, earthworks and hard landscaping;
  - (e) proposals for the initial and future maintenance of the landscaped areas;
  - (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

Reason: To ensure the appropriate provision of landscaping within the site.

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

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

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

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

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

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

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

Reason: In the interests of traffic and public safety.

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

Reason: To ensure satisfactory vehicular and pedestrian access facilities to the site.

11. That before the development hereby approved is completed or brought into use, a visibility splay of 4.5 metres by 60 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of road safety.

12. The surface of all non-adopted driveways shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the highway.

Reason: In the interest of public safety.

13. That the scheme for the mitigation of noise referred to in the Train Noise Impact Assessment - Revision 00 by New Accoustics dated 6 September 2017 shall be implemented prior to the development being brought into use and where appropriate, shall be maintained in accordance with the scheme to the satisfaction of the Council as Planning Authority.

Reason: To safeguard the amenity of the area.

14. (a) Remediation of the site shall be carried out in accordance with the Geotechnical and Geo-Environmental Interpretative Report dated September 2013, prior to the proposed development being brought into use. Any amendments to the remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.

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

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

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

15. That before any of the dwellings hereby approved are occupied, details for the storage and collection of refuse within the development shall be submitted to and approved by the Council as Planning Authority and thereafter maintained all to the satisfaction of the Council.

16. That the best practice measures referred to in Chapter 8 of the submitted Extended Phase I Habitat Survey dated September 2017 shall be implemented throughout the construction stage to the satisfaction of the Council as Planning Authority.

Reason: To safeguard the amenity of the area.

17. That prior to the commencement of development, details of the land drainage works shall be submitted to and approved by the Council as Planning Authority.

Reason: In the interest of public safety.

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

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



19. That prior to the occupation of the retail units hereby approved, a Noise Management Plan covering all aspects of deliveries and collections to and from the units shall be submitted to and approved by the Council as Planning Authority.

Reason: To safeguard the amenity of the area.

P/18/0172

Carlisle Road, Ferniegair, Hamilton



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Date:  
09/08/2018



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

# Report

12

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>28 August 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	EK/17/0378
Planning proposal:	Erection of 105 Houses for Social Rent (95 Flats and 10 Houses), with Associated Amenity Space, Landscaping, Car Parking and Infrastructure

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Link Group Ltd
Location:	2 Law Place Nerston Industrial Estate East Kilbride G74 4QL

## 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: Mast Architects Ltd
- ♦ Council Area/Ward: 09 East Kilbride West
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (2015)**  
Policy 4 Development management and placemaking  
Policy 6 General urban area/settlements  
Policy 12 Housing land  
Policy 13 Affordable housing and housing choice  
  
**Supplementary Guidance 3  
Development Management, Placemaking and Design**  
Policy DM1 Design  
Policy DM13 Development within general urban area/settlement

**Proposed South Lanarkshire Local  
Development Plan 2 (Volumes 1 and 2)**  
Policy 3 – General Urban Area/Settlements  
Policy DM1 – New Development Design  
Policy 11 - Housing  
Policy 12 – Affordable Housing

◆ **Representation(s):**

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

◆ **Consultation(s):**

CER Play Provision Community Contributions

Roads Development Management Team

SEPA West Region

SP Energy Network

Scottish Water

RT Flood Risk Management Section

National Grid UK Transmission

SPT

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site consists of a former five-a-side football sports pitch facility and an area of vacant land located within the Nerston area of East Kilbride. The site is situated to the south of the Law roundabout. The application site is located within an identified housing area which was previously granted planning permission for flats in 2006 as part of a development which included the site to the north. Whilst the site is flat, Law Place itself slopes down from west to east which means the site is retained by gabion baskets on the northern and eastern boundaries.
- 1.2 To the north of Law Place is a 4 storey block of flats which was developed in 2006. The application site measures 1.46 hectares. To the south of the site is an industrial unit and beyond that the Muller dairy factory and storage facility. The site is on the edge of the Nerston industrial estate which has seen a number of housing developments in the recent past.

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

- 2.1 Detailed planning permission is sought for the erection of a total of 95 two bedroom flats and 10 terraced houses for social rent. The flats will be spread over 4 blocks – three 4 storey – and one 6 storey. The terraced houses will be in two blocks of 3 houses and one block of four houses. The six storey block is located at the west of the site at the entrance to the site from the Law roundabout. To ensure the site is developable, the applicants are proposing a new gabion wall on the northern and southern boundaries. The details have been agreed with the Council's Geotechnical Officer.

### **3 Background**

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

- 3.1.1 With regard to the South Lanarkshire Local Development Plan (adopted 2015), the site falls within the general urban area as defined by Policy 6. Policy 4 – Development Management and Placemaking is also of relevance to the proposal. In addition, the guidance contained within the supplementary guidance document relating to development management, placemaking and design (Policies DM1 and DM13) are of relevance to the proposed development as are Policy 12 – Housing Land and Policy 13 – Affordable Housing and Housing Choice. South Lanarkshire Council's Residential Development Guide also provides additional advice of relevance and sets out the criteria against which new housing development proposals should be assessed.
- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policies 3, DM1, 11 and 12 are relevant



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

- 3.2.1 Relevant Government guidance is set out within the Scottish Planning Policy (SPP) which confirms the requirement for the Council to maintain a five year supply of effective housing land. Planning authorities are required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity.
- 3.2.2 In terms of residential development, SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements across all tenures. New housing developments should be integrated with public transport and active travel networks, such as footpaths and cycle routes, rather than encouraging dependence on the car. New streets should connect well with existing streets and with walking and cycling networks, and allow for links into future areas of development.
- 3.2.3 The SHIP (Strategic Housing Investment Plan) is a key part of South Lanarkshire Council's Local Housing Strategy (LHS) process which links the strategic priorities and outcomes in the LHS to a strategic plan for the delivery of new affordable housing. The Scottish Government has identified the SHIP as the key document for identifying strategic housing projects to assist the achievement of the Scottish Government's target of 50,000 new affordable homes during the life of the current Parliament. The Council has a target to deliver 1000 additional homes by 2021, and has a range of Services working together to identify opportunities to increase housing stock. The application site is identified as a site within the SHIP that will contribute towards the Council New Build Programme.

### 3.3 **Planning Background**

- 3.3.1 Planning permission EK/06/0295 was granted in 2006 for the erection of 60 flats with associated car parking, however, these were never constructed. This application gave consent to a further 20 flats on the site to the north and these were constructed.

## 4 **Consultation(s)**

- 4.1 **Roads and Transportation Services (Development Management)** – ask that conditions relating to surfacing, parking, visibility and drainage be attached.  
**Response:** Noted. These conditions will be attached to any consent granted.
- 4.2 **Roads and Transportation Services (Flood Risk Management)** – no objections subject to conditions relating to Sustainable Urban Drainage (SUDs).  
**Response:** Noted. These conditions will be attached to any consent granted.
- 4.3 **Community Resources** – the proposal is acceptable in principle in terms of community/play provision. As the proposal relates to social housing, no contribution will be sought.  
**Response:** Noted.
- 4.4 **Scottish Water** – no objections  
**Response:** Noted.
- 4.5 **SEPA** – no objections  
**Response:** Noted.
- 4.6 **SP Energy Networks** – no objections

**Response:** Noted.

- 4.7 **Roads and Transportation Services (Geotechnical)** – previously advised that use of the existing gabion retention on site was unsuitable following prolonged assessment of calculations and soil testing. Following updated information in the form of a ‘geogrid’ retaining wall submitted by the applicant’s engineers and their agent Dougal Baillie, the appropriate new gabion walls on the northern and southern boundaries are considered acceptable. A number of conditions should be attached to ensure the construction is appropriate. These include approval of all construction details by the Council as and when they come in.

**Response:** Noted. These conditions have been attached.

- 4.8 **Strathclyde Partnership for Transport** – no response to date.

**Response:** Noted.

## **5 Representation(s)**

- 5.1 Statutory neighbour notification was undertaken following which one letter of representation was received.

**(a) Block 2 overlooks the flats to the north which creates privacy issues. Due to the height difference between the two blocks, this will also cause loss of light and noise and disturbance from construction activity.**

**Response:** Block 2 is in a similar location to a previously proposed block from the 2006 proposal. Due to the orientation of the blocks in question, there are no directly facing windows and I am satisfied that an acceptable level of privacy and sunlight/daylight will be maintained. In addition, the shape of the site dictates the layout of the development and the streetscape benefits from the proposal. The nearest proposed block (Block 2) is in excess of 20 metres from the existing block to the north. Construction is an accepted part of any development; however Environmental Services have appropriate legislation for ensuring noise levels will be maintained.

- 5.2 This letter has been copied and is available for inspection in the usual manner and on the planning portal.

## **6 Assessment and Conclusions**

- 6.1 Planning consent is sought by Link Housing Association for a residential development of 105 dwellings consisting of 95 flatbed dwellings and 10 terraces for social rent with associated access, parking and landscaping on land to the south of Law Place, East Kilbride. The proposed flats are three, four storey blocks and one six storey block at the entrance to the site. The proposed development would be accessed from the existing roundabout at Law Place to the north-west corner of the site. The proposal will not only see the provision of vital houses for social rent but will redevelop a site that has been sitting undeveloped for a considerable time and has been subject to fly tipping problems over the years.

- 6.2 The determining issues in the assessment of this application are its compliance with local plan policy as well as its impact on surrounding amenity. Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan framework against which the proposal requires to be assessed comprises the South Lanarkshire Local Development Plan (adopted 2015) and its associated supplementary guidance.

- 6.3 In terms of the adopted local development plan, it is noted that the site is located in an area which is an identified housing site as designated by Policy 12. As such, the principle of the use of the site for residential purposes is considered to be acceptable. With regard to the specific design and layout of the proposed development Policy 4 – Development Management and Placemaking requires all proposals to take account of and be integrated with the local context and built form. The policy states that development proposals should have no significant adverse impacts on the local community and, where appropriate, should include measures to enhance the environment and the quality of placemaking. These requirements are further supported by Policy DM13 of the associated supplementary guidance relating to development management, placemaking and design.
- 6.4 It is considered that the proposed development would be appropriate to the site in question in terms of design and layout and would comply with the standards set out in the Council's Residential Development Guide, particularly in relation to road layout, the density of the development, car parking provision and provision of amenity space. The proposed development of modern flats would be in keeping with the settlement pattern of development in the surrounding area. This specific area of Nerston has seen an increase in new housing in the recent past and there are a number of high density flatted developments. The proposed flats are orientated in such a way that there are no privacy issues, overshadowing and no loss of daylight or sunlight. Whilst there is a six storey block at the entrance, it will provide an architectural focal point for the development. The block does not overlook any existing housing and the elevations will be broken up by the use of different materials.
- 6.5 The existing gabion retaining blocks are unsuitable to support development of the site. Given this, the applicants have submitted detailed information, including soil testing and geotechnical calculations. Following detailed discussions, the applicants are now proposing new retaining walls on the northern and southern boundaries as the geotechnical solution. The new retaining walls on the northern and southern boundaries are satisfactory from a geotechnical viewpoint and will have a positive impact on the visual appearance of the northern boundary. This will also ensure the stability of the site for the future and is preferential to maintaining the current gabion baskets.
- 6.6 An appropriate portion of the site will be retained as open space. The application site is identified as a site within the SHIP that will contribute towards the Social Housing New Build Programme, and will provide a welcome addition to social housing provision within the East Kilbride area. In terms of planning contributions, as per Policy 5 of the adopted local development plan, as the site relates to social housing, the Council will not be pursuing any contributions for education, social housing or community facilities.
- 6.7 The Council's Roads and Transportation Services have advised that, subject to conditions relating to access, parking and provision of visibility splays, they have no objections to the proposed development. Subject to the required conditions, it is considered that the proposal would have no adverse amenity impact and would comply with Policy 4 of the adopted local development plan and with all relevant policy and guidance as set out in associated supplementary guidance.



- 6.8 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposal accords with Policies 3, DM1, 11 and 12 in the proposed plan.
- 6.9 Following the standard neighbour notification procedure, one letter of representation was received in relation to the proposed development. The points raised are addressed in detail in Section 5 above. There are no issues raised which would warrant refusal of the application.
- 6.10 In conclusion, it is considered that the proposed development would be appropriate to the site in question in terms of design and layout, would not adversely affect surrounding amenity and would be compliant with the provisions of the relevant policies of the South Lanarkshire Local Development Plan, specifically Policies 4 and 6 as well as with all relevant policy and guidance contained within associated supplementary guidance. I would, therefore, recommend 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 adverse amenity impact and is compliant with Policies 4 and 6 of the South Lanarkshire Local Development Plan (adopted 2015) and with all relevant associated supplementary guidance.

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

1 August 2018

### **Previous references**

- ◆ None

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2)
- ▶ Neighbour notification letters dated 3 November 2017 & 25 July 2018
- ▶ Consultations

CER Play Provision Community Contributions

SPT

Roads Development Management Team

SEPA West Region

SP Energy Network

Scottish Water

Roads and Transportation Services (Geotechnical)

RT Flood Risk Management Section

► Representations Dated:  
David Lindores, 8 Law Roundabout, Nerston, East Kilbride, 20.11.2017  
G74 4GP

**Contact for further information**

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

Iain Morton, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Ext: 5048 Tel (01698 455048)

Email: [iain.morton@southlanarkshire.gov.uk](mailto:iain.morton@southlanarkshire.gov.uk)

**Conditions and reasons**

01. That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include: (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

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

02. That the landscaping scheme required by condition 1 above shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or the completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of amenity.

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

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

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

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

05. That before the development hereby approved is completed or brought into use, the vehicular access or driveway of at least 5.5 metres in width shall be provided and the first 2 metres of this access from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.

Reason: To prevent deleterious material being carried into the highway.

06. That before the dwellinghouses hereby permitted are occupied; the car parking spaces hereby approved shall be provided outwith the public road or footway and shall thereafter be maintained to the specification of the Council as Planning Authority.

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

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

Reason: In the interest of road safety

08. That before the development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 2.4 metres measured from the heel of the footway shall be provided on both sides of the vehicular access and everything exceeding 0.6 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.6 metres in height shall be planted, placed or erected within these sight lines.

In the interest of public safety

09. The surface of the vehicular access shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the highway.

Reason: In the interest of public safety

10. That all traffic calming should be provided and be in accordance with the National Roads Development Guide.

Reason: In the interest of public safety

11. That during construction wheel wash facilities/ road cleaning regime must be provided. All vehicles should be able to access and exit the site in forward gears. In addition sufficient parking should be provided within the site boundary to accommodate all site staff / operatives parking requirements. Prior to construction commencing, a plan showing the turning area and location and number of spaces for site staff / operatives should be submitted for approval.

Reason: In the interest of public safety

12. That no trees within the application site shall be lopped, topped, pollarded or felled, and no shrubs or hedges shall be removed from the application site without the prior written consent of the Council as Planning Authority.

Reason: To ensure the protection and maintenance of the existing trees and other landscape features within the site.

13. That the existing trees to be retained must be protected in accordance with methods as set out in BS5837/1991 during and until completion of all site operations and building works.

Reason: To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.

14. That all retaining walls around the perimeter of the site (as per drawing number 17-249-SK-18) shall be constructed using the Macwall product or similar type hereby approved. The extent of all soil reinforcement shall be approved in writing by the Council as Planning Authority.

Reason: In the interests of public safety and to ensure the geotechnical stability of the site.

15. That, before any site works commence, design and independent check certificates shall be provided to and approved by South Lanarkshire Council for the retaining walls. The certificates shall state that the selection of soil parameters is included in the scope of the design.

Reason: In the interests of public safety and to ensure the geotechnical stability of the site.

16. That, before any site works commence, design and check certificates shall be provided to and approved by South Lanarkshire Council for the flatted dwelling foundations. The certificates shall confirm that any nearby retaining walls were considered in the foundation design and that they do not compromise the integrity of the foundations.

Reason: In the interests of public safety and to ensure the geotechnical stability of the site.

17. That no construction work shall commence on the flats hereby approved or their foundations until the existing walls have been removed and the new retaining walls have been completed to the satisfaction of the Council as Planning Authority.

Reason: In the interests of public safety and to ensure the geotechnical stability of the site.

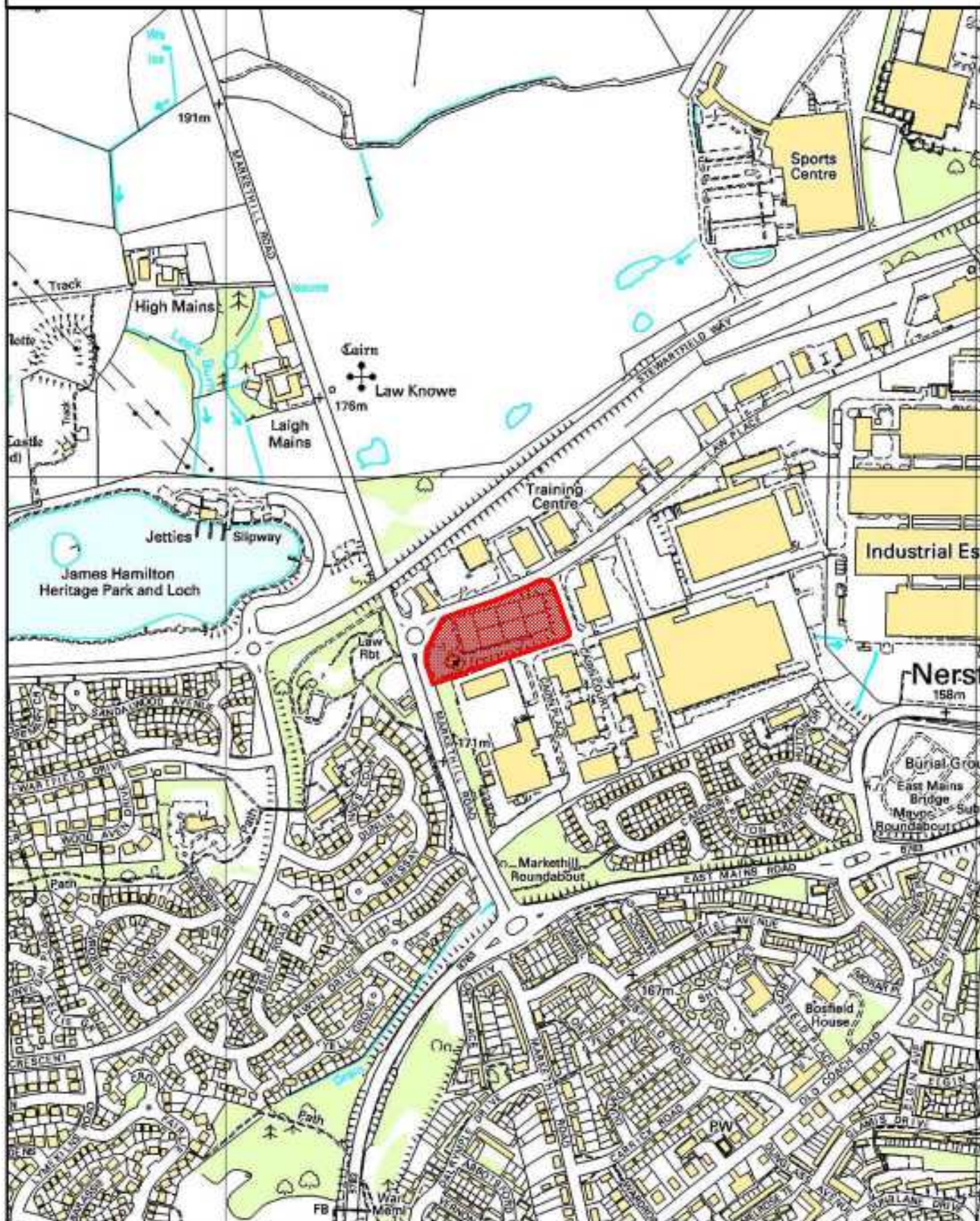
18. That before any of the dwellinghouses hereby approved are occupied, details of the storage and collection of refuse within the development shall be submitted to and approved by the Council as Planning Authority. Thereafter, prior to the occupation of any dwelling, the approved scheme shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.

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



EK/17/0378

2 Law Place, Nerston Industrial Estate



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Date:  
30/07/2018



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

# Report

13

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>28 August 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Subject:	Consultation Response to Scottish Ministers
	Application by North Lowther Energy Initiative for the erection of 30 wind turbines at Queensberry Estate in Dumfries and Galloway

## 1. Purpose of Report

1.1 The purpose of the report is to:-

- ◆ Seek Committee approval to object to the North Lowther Wind Farm application under Section 36 of The Electricity Act 1989 for the reasons stated in this report and inform Scottish Ministers that South Lanarkshire Council, as a neighbouring Planning Authority objects for the reasons stated in the report.
- ◆ Seek Committee approval that the Head of Planning and Economic Development be authorised to undertake the appropriate statutory procedures to participate in any Public Inquiry that may be held in connection with the North Lowther Wind Farm application and maintain South Lanarkshire Council's objection to the wind farm.

## 2. Recommendation(s)

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

- (1) That Scottish Ministers are informed that South Lanarkshire Council objects to the North Lowther Wind Farm application under Section 36 of The Electricity Act 1989 for the reasons stated in the report.
- (2) That the Head of Planning and Economic Development be authorised to undertake the appropriate statutory procedures to participate in any Public Inquiry that may be held in connection with the North Lowther Wind Farm application and maintain South Lanarkshire Council's objection to the wind farm.

## 3. Background

3.1 The applicant is North Lowther Energy Initiative Ltd (NLEI) which is a joint venture between 2020 Renewables Ltd and Buccleuch Estates Ltd. NLEI were originally seeking consent from the Scottish Ministers for the erection of 35 wind turbines (149m maximum height to tip), new access tracks and two access points, crane hardstandings, temporary construction compound, substation control building, other associated infrastructure and conservation management plan. The application involves an electrical generation output of over 50 Mega Watts (MW) and, therefore, the application has been made under Section 36 of The Electricity Act 1989 where the Scottish Government Energy Consents Unit is the Consenting Authority for the application.



- 3.2 The application site is located wholly within the boundary of Dumfries and Galloway Council and they have been consulted as the relevant Planning Authority by the Scottish Government's Energy Consents Unit. However, the eastern application boundary of the site adjoins South Lanarkshire and, therefore, the Council has also been consulted on the application.
- 3.3 Following a review of initial consultation responses, the applicant submitted an amended scheme for erection of 30 wind turbines (149m maximum height to tip), new access tracks and two access points, crane hardstandings, temporary construction compound, substation control building, other associated infrastructure and conservation management plan. The amended scheme removed 5 turbines from the southern part of the application site (turbines Nos. 10-14). The 5 turbines that have been removed are in a location that is considered to have no impact upon the Council's Area as they are at the southern most point of the application site and furthest from the boundary to South Lanarkshire. The amended scheme includes:-
- 30 wind turbines up to a maximum height of 149m to blade tip
  - 30 crane hardstandings
  - Approximately 29km of permanent on site access tracks involving the utilisation (and upgrading) of 3km of existing forestry track and 26km of new track. A further 3km of existing forestry tracks which do not need upgrading are also proposed to be utilised as part of the proposals
  - A substation control building including transformers and other associated electrical equipment
  - 2 points of vehicular access from the site boundary to join the public road network
  - Associated on site connecting electrical cables and infrastructure
  - A total maximum output capacity of 147 megawatts (MW).
- 3.4 The application site is approximately 4,550 hectares of open moorland interspersed with some forestry plantations. The site is located within the Queensberry Estate approximately 5km south of Crawfordjohn. The Southern Upland Way long distance route (designated as one of Scotland's Great Trails) runs through the middle of the site
- 3.5 The application has been subject to an Environmental Assessment and included topics relating to landscape and visual impact, ecology, aviation, traffic and road safety, economic impact and noise.

#### **4. Planning Policy**

- 4.1 Scottish Energy Strategy (SES) and Onshore Wind Policy Statement were published in December 2017 following consultation during 2017. The SES sets out a vision for the future energy system in Scotland through to 2050. It sets out the priorities for an integrated system-wide approach that considers the use and supply of energy for heat, power and transport and its strategic priorities are:
- Energy efficiency (buildings)
  - Energy efficiency (industrial)
  - Renewable and low carbon solutions (includes onshore wind)
  - Innovative local energy systems
  - System security and flexibility
  - Oil and Gas Industry Strengths



The SES states that provisional statistics show 54% of Scotland's electricity needs were being met from renewable sources in 2016, with major new capacity due to connect to the system in coming years. The strategy sets out two new targets for the Scottish energy system by 2030 – (1) the equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources; (2) an increase by 30% in the productivity of energy uses across the Scottish economy. The strategy provides a long term vision to guide energy policy decisions to tackle the challenges of decarbonising heat and transport in order to meet Scotland's long term energy and climate change targets.

- 4.2 The Onshore Wind Policy Statement (OWPS) published in December 2017 reaffirms the vital role for onshore wind in meeting Scotland's energy targets. The statement sets out the Scottish Government's position for the ongoing need for more onshore wind development and capacity in locations across Scotland where it can be accommodated. The Scottish Government acknowledges the way in which wind turbine technology and design is evolving and fully supports the delivery of large wind turbines in landscapes judged to be capable of accommodating them without significant adverse impacts.
- 4.3 National Planning Framework 3 (NPF3) published in 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, that 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 – this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015". Provisional statistics show that Scotland has met the 2015 interim target.
- 4.4 Scottish Planning Policy (SPP) published in 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". 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." 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).
- 4.5 Scottish Government's Specific Advice Sheet for Onshore wind turbines was last modified on 28 May 2014 and provides information and best practice on renewable energy developments. It also gives advice on areas for planning authorities to focus upon, technical information likely to be required to be submitted with an application and typical planning considerations to be taken into account in determining planning applications for onshore wind turbines.

## **5 Assessment**

- 5.1 The consideration of the proposals the subject of the application has been limited to the potential impact of the proposed windfarm on the landscape character, setting of settlements, residential amenity and road safety within South Lanarkshire.
- 5.2 Of the 30 proposed turbines, four are located along the administrative boundary between Dumfries and Galloway and South Lanarkshire. These turbines sit on a ridge line that rises from South Lanarkshire and are therefore visible from a range of viewpoints within the Council area. As a result of the topography of the area and the intervening distance with the remainder of the proposal development these turbines are separate from the main, proposed cluster of turbines and, therefore, would not be read as part of the development as a whole.
- 5.3 The Leadhills and Lowther Hills area of South Lanarkshire forms part of the more extensive Lowther Hills range, which extends into Dumfries and Galloway. This landscape of remote rounded hills and isolated upland glens is characterised by a general sense of emptiness. One of the key features of this section of the Lowther Hills is the setting it gives for the remote character of Scotland's two highest villages Leadhills (in South Lanarkshire) and Wanlockhead (in Dumfries and Galloway). Currently, there are no windfarms located on the Lowther Hills which preserves their remoteness and maintains the settings of both villages. The remoteness of the journey to both villages lends a sense of arrival that adds to their character and setting. It is considered that the introduction of 4 turbines onto the ridge of this landscape to the south west of Leadhills would introduce a dominant feature on the existing landscape and setting as well as visually impacting onto the established remote setting of Leadhills.
- 5.4 The Lowther Hills are steep and smooth in appearance, again lending to the unspoiled, emptiness of the area's character. The introduction of turbines would add visual clutter to the landscape and the associated access tracks would create a highly visible scar on a currently untarnished landscape. Whilst relatively small in proportion the steepness of the Lowther Hills accentuates their scale when viewed from Leadhills and from the low valley floors. The turbines would add a visual scale into the area that would reduce the perception of the landscape's height and therefore remove some of the dramatic landscape character within the area.
- 5.5 The M74 corridor around Crawford represents a well established pattern of significant windfarm development which provides a visual barrier between this windfarm landscape and the undeveloped landscape of the Lowther Hills to the west. The introduction of turbines into this area would significantly encroach into the emptiness of the undeveloped Lowther Hills landscape.
- 5.6 Members may recall at the June Planning Committee, the Committee objected to another S36 application for the proposed Harryburn windfarm whose site is located within South Lanarkshire. South Lanarkshire Council has now formally objected to these proposals on the grounds of the detrimental landscape and visual impact of the proposals including the cumulative impact the proposals would have with the Clyde Wind Farm to the east. This cumulative impact would be exacerbated by the NLEI proposals and would lead to the pattern of developed windfarm areas continuing westwards into the Lowther Hills area.

- 5.7 The Southern Upland Way which is recognised as an important recreational tourist attraction to this part of South Lanarkshire transects the site. The dramatic, undeveloped views of this section of the route are, therefore, an important attraction for users. It is, therefore, considered that the introduction of development of the scale of the proposed windfarm would have a detrimental impact on the experience of wilderness currently felt by recreational users of the route.
- 5.8 In terms of impact on existing properties within the Council's area, the potential for disruption as a result of noise generated by the turbines has been assessed as part of the application. If the application were to be approved any noise limits would have to take account of cumulative noise levels created by all existing and proposed turbines within the wider area and not restricted to those in Dumfries and Galloway. Therefore, whilst not objecting on noise grounds, the Council should be involved in any preparation and subsequent monitoring of noise levels for the proposals if approved by the Scottish Ministers.
- 5.9 In terms of road safety, whilst the 2 proposed road accesses are not located in South Lanarkshire it is noted that the proposed route for delivery of the site infrastructure and turbines themselves would be from junction 13 at Abington and thereafter on public highways (B740 and B797) that are within South Lanarkshire. The proposed route of any abnormal loads would involve crossing structures such as bridges and culverts that are not designed for the size of these loads. In addition, there are sections where an abnormal load may have difficulty in using the public highway and road improvements may be necessary. Therefore, whilst not objecting on these grounds, if approval were to be granted by the Scottish Government, the Council should be involved in future discussions on the haulage route and any necessary road improvements. This may include the conclusion of a Section 96 or other legal agreement to ensure that the cost of addressing wear and tear of the public road network caused by the abnormal loads would be borne by the applicant.

## **6. Conclusion**

- 6.1 Whilst it is recognised that Local Authorities should seek to support renewable energy projects this is subject to the capacity of the landscape in which they would be located being judged capable of accommodating them without significant adverse impacts. Overall, it is considered that the proposals would have a significantly detrimental visual impact within the surrounding area in terms of the effect on the landscape of the Lowther Hills as well as for users of the Southern Upland Way. The landscape is currently that of natural, undeveloped land and it is considered that the introduction of 4 turbines on the south western boundary of South Lanarkshire would significantly impact on the natural aspect of the landscape. It is also considered that this remote landscape adds to the setting and character of Leadhills (and that of Wanlockhead in Dumfries and Galloway). The introduction of windfarm development on an elevated position adjacent to the village would have an adverse impact upon its setting. As a result it is considered, on balance, that the significant landscape and visual impact of the windfarm would outweigh the SPP presumption in favour of sustainable development.
- 6.2 It is, therefore, recommended that South Lanarkshire Council objects to the North Lowther Energy Initiative application under Section 36 of The Electricity Act 1989 and that Scottish Ministers be informed of this and that, should consent be granted contrary to the Council's position, South Lanarkshire Council should be consulted with regard to any conditions relating to noise and any legal agreement relating to routing agreements and wear and tear of the public road network in South Lanarkshire.

## **7. Employee Implications**

7.1 Should a Public Inquiry be held Officers may be required to attend.

**8. Financial Implications**

8.1 There may be costs associated with South Lanarkshire Council participating in any subsequent Public Inquiry if held.

**9. Other Implications**

9.1 A Public Inquiry may be held depending on other statutory consultee responses to the Scottish Government. It should be noted that an objection from South Lanarkshire Council as Neighbouring Authority would not trigger the requirement for a Public Inquiry on its own.

**10. Equality Impact Assessment**

10.1 An Equality Impact Assessment is not required.

**Michael McGlynn**

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

17 August 2018

**Link(s) to Council Values/Ambitions/Objectives**

- Support the local economy by providing the right conditions for inclusive growth
- Work with communities and partners to promote high quality, thriving and sustainable communities.

**List of Background Papers**

South Lanarkshire Landscape Capacity Study for Wind Energy 2016

Harryburn Windfarm Planning Application - CL/17/0235

**Contact for Further Information**

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

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# Report

14

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>28 August 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Subject:	<b>South Lanarkshire Council Tree Preservation Order No. SL50 (2018) 26 Grenville Drive, Cambuslang</b>
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## 1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ seek approval to confirm the South Lanarkshire Council Tree Preservation Order No. SL50 (2018) 26 Grenville Drive, Cambuslang

## 2. Recommendation(s)

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

- (1) that Committee confirm the South Lanarkshire Council Tree Preservation Order No. SL50 (2018) 26 Grenville Drive, Cambuslang.

## 3. Background

3.1 Approval was given by Committee on 15 August 2017 in relation to 26 Grenville Drive, Cambuslang to promote a Tree Preservation Order (TPO).

3.2 The Order to protect the two mature trees at this site was imposed in order to protect the trees from being removed or harmed by inappropriate tree works. The trees are considered to make a positive contribution to the sense of place, character and amenity in the local area as a result of their size, form and siting. Following an assessment of the site by the Council's Arboricultural Manager, it was recommended that the two trees were protected by the promotion of a TPO and this was agreed to by the Planning Committee at the meeting of 15 August 2017.

## 4. Current

4.1 Following the period of consultation, three letters of objection have been received by the Council in respect of this matter. These were all submitted on behalf of, or by the immediate neighbours of the site, Mr and Mrs Stephen of 24 Grenville Drive, Cambuslang.

4.2 The grounds of objection can be summarised as follows:

### TPO Procedure and Process

(a) The Council should not be promoting TPOs on trees in private gardens unless there are exceptional circumstances. The owner of 26 Grenville Drive has not made a formal application for a TPO, and the circumstances do not merit the promotion. There are many other large trees in the area which do not have protection and the trees do not fall within the categories set out in the

**Scottish Government Guidance on TPOs. In a private garden they do not provide any amenity.**

**Response:** In terms of the legislation and guidance regarding TPOs, the Council is able to make Orders if it appears to be expedient in the interest of amenity and/or where the trees are of cultural or historic significance. Whilst TPOs can be made on trees in close proximity to development sites to ensure that significant trees are protected during construction, it is also good practice for the Council to consider making TPOs on other significant trees where appropriate.

Following an assessment by the Council's Arboricultural Manager and the Planning Service, these trees are considered to merit a TPO as they make a positive contribution to the sense of place, character and amenity of the local area. The other trees in the local area do not make the same level of contribution and are less visually prominent. Public accessibility to trees is not a requirement of a TPO, which are often made on trees located in private land.

The owner of the land on which the trees are located has been aware of this process since the start, and has offered no objections.

**(b) Concerns regarding the notification and consultation associated with the TPO. The objector has not been able to comment until this stage, and previous correspondence has not been responded to. The procedures set out in the Scottish Government guidance have been ignored as neighbouring properties have not been individually notified. No notice of the TPO has been posted in the local area.**

**Response:** The legislation and guidance related to TPOs sets out the process for making an Order, and the consultation that is appropriate. There is generally no requirement to notify neighbouring properties directly of a TPO, even where branches may overhang the boundary. The making of the TPO is advertised in the local press, together with details as to how to comment upon it. The Order itself was made available to view at local Council offices.

Given that the neighbours objecting to this TPO had previously been in contact with the Council regarding this process, it was considered appropriate to further notify them of the Order directly, and it is understood that all previous items of correspondence received by the Planning Service, who manage the TPO process, that were related to this process have been responded to.

**(c) Concerns over the time taken to promote the TPO since the decision of the Committee. The TPO also has no conditions attached and so it would be at the discretion of the owner at No. 26 to determine how large the trees grow.**

**Response:** The making of the Order was agreed to by the Committee in August 2017; however the 6 week consultation period only commences once the Order has been legally made. The time between the Committee date and formally making the Order was not significant as the trees did not appear to be in immediate danger. Conditions cannot be attached to a TPO and, as with all trees on private land; it is generally a matter for the landowner to maintain their trees.

**(d) As the Council is promoting the TPO they will take on some of the responsibility for the trees, despite having no control over them.**

**Response:** The making of a TPO does not transfer responsibility for privately owned trees to the Council. It would be a matter for the landowner to undertake maintenance to the trees on their land to ensure that they are safe and do not adversely impact upon neighbours.

**(e) As there are valid objections to the Order, the Committee should not confirm the TPO. The issue is simply a dispute between neighbours regarding a tree which has outgrown its site and there are no other issues at stake. The confirmation of a TPO would not be in the spirit of the legislation.**

**Response:** Whilst it is recognised that there is a neighbour dispute regarding tree T2 and overhanging branches, it is not materially relevant to the making of a TPO. The making of a TPO does not remove the rights of neighbours to cut back overhanging branches, however any work would require the prior consent of the Council.

**Response to the Report to Planning Committee of 15 August 2017**

**(f) The report to designate the TPO was narrow in focus, essentially stating that the trees should not be pruned indiscriminately. The Council has given no explanation or provided any evidence to support of their view that the order was made for the reasons stated in the Committee Report or why the trees in question require protection.**

**Response:** The reasons for the making of the TPO were set out in the report to the Committee on 15 August 2017. It is acknowledged that amenity can be a subjective concept; however, the trees have been inspected by both the Council's Arboricultural Manager and Officers from the Planning Service who have come to the view that these trees merit the protection that a TPO provides for those reasons stated.

**(g) The previous Committee report states that the trees are "the most visually prominent in the area", however this statement is subjective and depends on where the trees are viewed from. As they are set back from the road they are not visible further along Grenville Drive, and there are other prominent trees.**

**Response:** It is acknowledged that other trees may appear more visually prominent depending on exactly where you are on the street; however, the two trees in question are considered to be very prominent given their size and position in the front garden and next to the junction of Grenville Drive and Douglas Drive.

**(h) The report gives no consideration to damage the tree roots could cause to foundations or underground services. The report also fails to mention that tree T1 is growing through overhead cables and poses a danger.**

**Response:** The impact of the trees on underground services, overhead wires or foundations would not be changed by this Order, and it would be a matter for the landowner and relevant service providers to mitigate any future issues. The making of this TPO would not stop appropriate maintenance from being undertaken and, as such these matters are not considered relevant.

**(i) The report states that the promotion of a TPO is necessary "to ensure the future retention of the trees", however the removal of the trees has not been proposed. In addition, they are not "mature oak trees" as the trees were probably planted in the 1920s and likely have another 30 years of growth.**

**Response:** Whilst it is understood that there is currently no proposal to remove the trees, it is possible the future owners of the property would consider removing the trees. The TPO ensures the retention of the trees into the future. The trees have been described as mature oak trees following an assessment by the Council's Arboricultural Manager of their current condition.

**(j) The TPO is contrary to the rights of the neighbours and is a breach of both Scottish and European law. The Council has failed to justify the Order and the objectors believe that no reasonable body would have made it for the reasons stated. The grounds stated do not reflect reality and fail to take into consideration the rights of neighbours. The previous Committee report states**

**that there is “no requirement to carry out an impact assessment”, however the rights of neighbours would be removed by this TPO.**

**Response:** The making of this TPO is in compliance with the relevant legislation and does not impact upon the rights of objectors or neighbours. The reasons for making the TPO were set out on the Committee report of 15 August 2017, which was prepared following a detailed assessment of the trees by the Council’s Arboricultural Manager and Officers from the Planning Service.

There was no requirement to undertake an equality impact assessment as the Order would only relate to a single property, the owner of which has offered no objections. In addition, the Order does not remove the rights of either the owner or neighbours to undertake tree works, so long as they are agreed in advance with the Council.

**(k) The position of T2 on the drawing appears to be wrong. The tree is closer to the dwelling than shown on the plan. The diagram also only shows the location of trees with no mention of their height or diameter.**

**Response:** There are only two mature oak trees in the front garden of the property and the plan is considered to clearly indicate those trees protected by this Order. The plan meets the requirements of the legislation in identifying the trees, and there is no requirement to specify tree cover or height.

#### **Size and Maintenance of the Trees**

**(l) Concerns regarding tree T2, which overhangs the boundary. Tree owners should make sure any growth beyond their boundary is not intrusive to neighbours. The tree owner has not undertaken any maintenance on the trees and refuses to agree to any works being undertaken. The owner is seeking to use the TPO process to prevent work taking place, and the Order would effectively grant rights over neighbouring properties with regards to overhanging branches, removing legal rights to cut overhanging branches.**

**Response:** The owner of the land on which the trees are located is responsible for the general maintenance of trees and should ensure that they do not become a danger to the public. It is also good practice to ensure that the trees do not disturb neighbours, particularly where they are in close proximity to the boundary. The Council can generally only take action on privately owned trees where there is an immediate danger to the public, and cannot normally require owners to undertake maintenance to trees.

As indicated previously, the granting of a TPO does not stop maintenance work being undertaken to the tree, including any works undertaken by neighbours to overhanging branches, however any such work would require the prior approval of the Council. No legal rights are removed by this Order.

**(m) Oak trees are more suited to woodland areas, not suburban gardens due to their height and lifespan. While tree T2 has little effect on the blockage of sunlight, privacy or a view from the objector’s property, it has outgrown its location in a residential garden.**

**Response:** Oak trees are not uncommon in gardens, and it is considered that these trees have not outgrown their site. Their size and location help to provide a sense of place and positively contribute to the character of the area. The objector’s comment that the trees do not impact upon sunlight, privacy or views is noted.

**(n) Making this Order will not guarantee that appropriate maintenance is undertaken. The property owner has not given any assurances that maintenance will be carried out and the Council does not have the authority to grant permission to have work done on privately owned trees. The TPO will potentially do the opposite of what is intended as the failure to manage its**



**growth is adversely affecting the amenity of the locality and may be causing the tree to develop in a manner which is detrimental to it and potentially a danger to the public.**

**Response:** As indicated previously, the Council cannot require owners to undertake maintenance on privately owned trees. The Council can, however, provide advice on tree works when requested and can take action in circumstances where trees pose an immediate threat to public safety. Neighbours also have rights with regards to branches that overhang the boundary line, that are not removed by this Order.

The making of this Order will not stop maintenance being undertaken to the trees. The TPO is designed to avoid the felling of the trees or any inappropriate maintenance being undertaken that would harm them. An application for tree works requires to be submitted to the Council for consideration before any works to protected trees can take place, regardless of the ownership of the land on which those trees are sited.

- 4.3 The grounds of objection are noted; however, it is considered that they do not merit the withdrawal, alteration or modification of the Tree Preservation Order, all factors considered. As such, it is recommended that the South Lanarkshire Council Tree Preservation Order No. SL50 (2018) 26 Grenville Drive, Cambuslang is confirmed.

## **5 Employee Implications**

- 5.1 None.

## **6 Financial Implications**

- 6.1 None.

## **7 Equality Impact and Consultation Arrangement**

- 7.1 The order has been advertised in the local press, and made available at the Cambuslang Q&A Office and at the office of the Executive Director, Montrose House, for public inspection.
- 7.2 Consultations have taken place with the Council's Arboricultural Manager. There is no requirement to carry out an impact assessment in terms of the proposals contained within this report.

**Michael McGlynn**

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

7 August 2018

## **Link(s) to Council Values/Ambitions/Objectives**

- Improve the Quality of the Physical Environment

## **Previous References**

- Report of Planning Committee – 15 August 2017

## **List of Background Papers**

- Newspaper Advert, Rutherglen Reformer, dated 02 May 2018
- Objection – Mr Ronald Stephen, 24 Grenville Drive, Cambuslang, G72 8DS, dated 01 June 2018
- Objection – Mr Ronald Stephen and Mrs Irene Stephen, 24 Grenville Drive, Cambuslang, G72 8DS, dated 9 May 2018

- Objection – Mr John Mair on behalf of Mr & Mrs Stephen, 24 Grenville Drive, Cambuslang, G72 8DS, dated 31 May 2018
- South Lanarkshire Council Tree Preservation Order No. SL50 (2018) 26 Grenville Drive, Cambuslang

**Contact for Further Information**

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

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**Tree Preservation Order - No SL50**  
**26 Grenville Drive, Cambuslang**



This is the plan referred to in the First Schedule to the foregoing Tree Preservation Order

Schedule : T1 Oak  
 T2 Oak

**Community and Enterprise Resources  
 Planning & Building Standards Services**

Date: July 2017

Scale: 1:1000

C.R. Coordinates



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# Report

**15**

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>28 August 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Subject:	Proposed alteration of Rights of Way SC79 and SC4 and core paths CR/125/1 and 125/2 under Sections 206, 207 and 208, Town and Country Planning (Scotland) Act 1997
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## 1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ Seek Committee approval for arrangements to promote a diversion of Rights of Way SC79, and SC4 and core paths CR/125/1 and CR/125/2 at Newton Community Growth Area. Approval is sought to prepare the Order, carry out the necessary statutory procedures and, if confirmed, divert the Core Paths to the altered routes and extinguish the right of way over the current route of the Core Paths. This would include approval to refer the appropriate diversions under Section 206, 207 and 208 of the Town and Country Planning (Scotland) Act 1997 to the Scottish Government. In the event of any objections being received and a Public Inquiry or Hearing being necessary, the planning applicant shall be responsible for all costs (including the Council's legal fees) associated with this

## 2. Recommendation(s)

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

- (1) Note the requirement to alter Rights of Way SC79, and SC4 and core paths CR/125/1 and 125/2 to those shown on the attached plan on the basis that that alternative rights of way will be provided over the altered routes.
- (2) Authorise the preparation and promotion of the diversions and all actions necessary to achieve the confirmation of the Orders.
- (3) Authorise the referral of any of the Orders to the Scottish Government for determination if objections to any of the Orders are received.
- (4) Authorise all actions necessary to secure confirmation of the Order at any Public Inquiry or Hearing held by the Scottish Government

## 3. Background

3.1 In 2014, planning permission was granted for the extension of the Newton Community Growth Area (CGA) (CR/09/0139). This CGA included Rights of Way SC79, and SC4 and core paths 125/1 and 125/2 within the proposed housing developments. The developer, Taylor Wimpey, has now applied to divert the Rights of Way and Core Paths outwith the housing areas to facilitate development. The diverted routes will still reach the same terminus and there will be rights of public access over the diverted routes.

3.2 The diversion of the Rights of Way and Core Paths will be undertaken through Sections 206, 207 and 208 of the Town and Country Planning (Scotland) Act 1997 which grant local authorities powers to extinguish divert and stop up the right of public access over roads and footpaths.

**4. Employee Implications**

4.1 There are no implications for staff resources within this Service.

**5. Financial Implications**

5.1 All publications and staffing costs arising from the recommendations of this report are accounted for within established budgets.

**6. Other Implications**

6.1 None

**7. Equality Impact Assessment and Consultation Arrangements**

7.1 This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and, therefore, no impact assessment is required.

7.2 The proposed documents will be available on the Council's web site and at the Council's Planning Offices and Q&As. Notices will be placed in the Rutherglen Reformer and the Edinburgh Gazette to inform the public of the promotions.

7.3 No consultation was required for this report. However consultation was undertaken during the processing of the respective planning applications and it is noted that there were no objections at that stage.

**Michael McGlynn**

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

2 August 2018

**Link(s) to Council Values/Ambitions/Objectives**

Work with Communities and Partners to Promote High Quality, Thriving and Sustainable Communities

**Previous References**

CR/09/0139

CR/14/0155

CR/17/0165

**List of Background Papers**

None

**Contact for Further Information**

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

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