



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 28 August 2023

Dear Councillor

Planning Committee

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

Date: Tuesday, 05 September 2023
Time: 10:00
Venue: Hybrid - Committee Room 1, Council Offices, Almada Street, Hamilton, ML3 0AA

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

Yours sincerely

Cleland Sneddon
Chief Executive

Members

Richard Nelson (Chair), Gerry Convery (Depute Chair), Joe Fagan (ex officio), Alex Allison, Ralph Barker, Archie Buchanan, Ross Clark, Margaret Cowie, Maureen Devlin, Colin Dewar, Gladys Ferguson-Miller, Elise Frame, Alistair Fulton, Celine Handibode, Mark Horsham, Ross Lambie, Martin Lennon, Monique McAdams, Lesley McDonald, Davie McLachlan, Norman Rae, John Ross, Graham Scott, David Shearer, Helen Toner, David Watson

Substitutes

Walter Brogan, Robert Brown, Mathew Buchanan, Margaret Cooper, Poppy Corbett, Allan Falconer, Grant Ferguson, Graeme Horne, Martin Hose, Julia Marrs, Ian McAllan, Kenny McCreary, Bert Thomson

BUSINESS

1 Declaration of Interests

- 2 **Minutes of Previous Meeting** 5 - 16
Minutes of the meeting of the Planning Committee held on 8 August 2023 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

- 3 **Application P/19/0097 for Erection of 3 Wind Turbines With a Blade Tip Height of 24.8 Metres and a Hub Height of 18.3 Metres at Land 210 Metres West of O'Cathian House, Hayhill Road, Thortonhall** 17 - 24
Report dated 28 August 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 4 **Application P/22/0205 for Erection of Residential Development (81 Houses) with Associated Roads, Parking, Amenity Space and Associated Works at Land 115 Metres South of 122 Goremire Road, Goremire Road, Carluke** 25 - 40
Report dated 28 August 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 5 **Application P/22/0345 for Change of Use of Farm Steading to Form 2 Houses, Restoration of Farmhouse to Form 1 House, Erection of 3 Houses and Associated Access Improvements (Renewal of Planning Consent P/18/0374) at Orchard Farm, Waygateshaw Road, Carluke** 41 - 62
Report dated 28 August 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 6 **Application P/22/1646 for Erection of 7 Wind Turbines with Associated Infrastructure and Meteorological Mast to 105 Metres - Section 42 Application to Vary Condition 12 (Operational Lifetime), Condition 23 (Restoration Period) and Conditions 11, 13, 15, 17 and 19 (Vary Timing of Information Submission) of Planning Consent P/19/1803 at Priestgill Wind Farm, Little Gill Farm, Abington** 63 - 82
Report dated 28 August 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 7 **Application P/23/0071 for Refurbishment and Alterations to Former Student Accommodation to Form 26 Residential Flats with Associated Parking at 2 Barrack Street, Hamilton** 83 - 90
Report dated 28 August 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 8 **Application P/23/0301 for Erection of a 1.5 Storey House with Associated Works at 8A Abbeygreen, Lesmahagow** 91 - 100
Report dated 28 August 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 9 **Application P/23/0308 for Erection of 6 Wind Turbines, Access Tracks and Ancillary Infrastructure (Section 42 Application to Amend Condition 1 of Planning Consent P/20/0406 to Extend Time Period to 16 April 2054 and Condition 15 to Extend Period for Decommissioning to 3 Years) at Muirhall Wind Farm, Auchengray, Lanark** 101 - 112
Report dated 28 August 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)

- 10 Application P/23/0309 for Extension to Existing Muirhall Wind Farm Involving Erection of 2 145 Metre High Wind Turbines and Associated Infrastructure (Section 42 Application to Amend Condition 2 of Planning Consent P/20/0409 to Extend Time Period to 16 April 2054 and Condition 4 to Extend Period for Decommissioning to 3 Years) at Muirhall Wind Farm, Auchengray, Lanark** 113 - 122
Report dated 28 August 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 11 Application P/23/0431 for Substitution of House Types and Reduction of Units Consisting of 55 Detached, Semi-Detached and Terraced Units and 9 Flats, Including 17 Affordable Housing Units and Associated Road Realignment (Amendment to Planning Consent P/21/1901) at Former Hoover Site Phase 4, Dale Avenue, Cambuslang** 123 - 136
Report dated 28 August 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 12 Application P/23/0748 for Erection of 44 Semi-Detached Houses and Associated Works at Site of Former Cairns Primary School, Cairnswell Avenue, Cambuslang** 137 - 148
Report dated 28 August 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 13 Application P/23/0848 for Erection of House with Associated Access and Parking (In Part Retrospective) at Land 50 Metres South Southwest of 1 Milton Cottage, Milton Road, Carluke** 149 - 158
Report dated 28 August 2023 by the Executive Director (Community and Enterprise Resources). (Copy attached)

Urgent Business

14 Urgent Business

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

For further information, please contact:-

Clerk Name:	Stuart McLeod
Clerk Telephone:	07385 370 117
Clerk Email:	stuart.mcleod@southlanarkshire.gov.uk

PLANNING COMMITTEE

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Minutes of meeting held via Confero and in Committee Room 1, Council Offices, Almada Street, Hamilton on 8 August 2023

Chair:

Councillor Richard Nelson

Councillors Present:

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

Councillors' Apologies:

Councillor Gerry Convery (Depute), Councillor Joe Fagan (ex officio), Councillor Martin Lennon, Councillor Monique McAdams, Councillor Davie McLachlan

Attending:

Community and Enterprise Resources

F Carlin, Head of Planning and Regulatory Services; B Darroch, Planning and Building Standards Manager (East); F Jack, Team Leader, Development Management Team, Roads and Transportation Services; S Laird, Engineering Manager (Transportation Engineering); T Meikle, Planning and Building Standards Manager (West); J Weir, Planning Team Leader (West Team); J Wright, Planning Team Leader (Headquarters)

Finance and Corporate Resources

M Cannon, Legal Services Adviser; S Jessup, Administration Assistant; S McLeod, Administration Officer

1 Declaration of Interests

The following interests were declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
Horsham	Application P/22/0390 for Change of Use of Land from Agriculture to Class 6 (Storage or Distribution), Installation of Modular Office Building, Erection of Vehicle Washing Bay and Creation of Hardstanding Area (Retrospective) and Formation of Haul Road at Townhead Farm, Ponfeigh Road, Sandilands, Lanark	Prior involvement in the application
Nelson	Application P/22/1359 for Change of Use of Domestic Office and Gym to a One-Bedroom Self-Catering Holiday Let (Retrospective) at 3 Mauldslie Castle Orchard, Mauldslie Road, Carluke	Known to an objector

Fulton	Application P/22/0357 for Planning Permission in Principle for the Erection of 25 Chalets, a Commercial Facility, Tourist/Leisure Use, Eco Village and Associated Landscaping (Section 42 Application to Remove Condition 2 – Number of Units of Planning Consent P/17/0199) at Land 160 Metres Northeast of Nether Kypeside Farm, Lesmahagow	Employer involved in previous related applications
Shearer	Application P/23/0596 for Erection of Detached House on Agricultural Land (Planning Permission in Principle) at Stockwell Farm, Braidwood Road, Braidwood, Carluke	Prior discussion with the applicant and requested to address the Committee as a local member

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 6 June 2023 were submitted for approval as a correct record.

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

3 South Lanarkshire Local Development Plan 3, South Lanarkshire Development Plan Scheme 2023 and Open Space Strategy

A report dated 31 July 2023 by the Executive Director (Community and Enterprise Resources) was submitted:-

- ♦ requesting approval of the commencement of the relevant statutory processes and engagement in relation to the preparation of South Lanarkshire Local Development Plan 3 (SLLDP3)
- ♦ updating the Committee on the work that had been carried out on an Open Space Strategy for the Council's area
- ♦ requesting approval of the South Lanarkshire Development Plan Scheme 2023

The Planning (Scotland) Act 2019 had introduced a number of changes to the development planning system including giving the Scottish Government's National Planning Framework an enhanced status as part of the development plan alongside the Council's local development plan. The 2019 Act also included a revised framework for local development plan preparation and a new statutory duty for councils to prepare an Open Space Strategy. There was no longer a requirement for councils to prepare Strategic Development Plans.

The process for preparing SLLDP3 was set out in the Act, with further detail provided in the subsequent Regulations and guidance published in May 2023. Details of the process for the preparation of SLLDP3, which would cover a 10 year period as opposed to the previous 5 year period, and its format were provided in the report.

As detailed in the report, the local development plan process now comprised the following stages:-

- ◆ development plan scheme
- ◆ evidence report
- ◆ gate check
- ◆ proposed plan
- ◆ examination
- ◆ adoption

The preparation of an annual Development Plan Scheme (DPS) was a statutory duty and the draft South Lanarkshire Development Plan Scheme 2023 was attached as Appendix 1 to the report. The DPS set out the proposed timetable for each stage of the local development plan preparation and also included a Participation Statement which outlined how interested parties could engage in the preparation. The Participation Statement had been subject to consultation, via an on-line survey, and had been reviewed to take account of the responses.

The Open Space Strategy (OSS) would set out the strategic framework of the Council's policies and proposals for the development, maintenance and use of green infrastructure and bring together the policies of services including Planning, Estates, Grounds, Countryside and Greenspace, and Roads and Transportation. Guidance on the preparation of local development plans made reference to the OSS having to be submitted as part of the evidence report and the requirement to achieve the following 6 outcomes:-

- ◆ improving access to green infrastructure, open space and green networks
- ◆ creating successful and sustainable places
- ◆ improving health and wellbeing
- ◆ advancing equality and eliminating discrimination
- ◆ securing positive effects for biodiversity
- ◆ mitigation of and adaptation to climate change

An audit of the Council's open spaces had been completed earlier this year and work had commenced on identifying localities at an appropriate scale for which statements describing the existing quality, quantity and accessibility of open space would be prepared. This would inform the assessment of current and future requirements in terms of the 6 outcomes and the needs of each locality. Engagement with local communities, including children and young people, older people, disabled people and key agencies would be carried out. This work would also align with the requirement to prepare a separate Play Sufficiency Assessment as part of the local development plan process.

Update reports on the preparation of SLLDP3 would be submitted to future meetings of this Committee as appropriate.

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

The Committee decided:

- (1) that officers be authorised to commence the relevant statutory processes and engagement in relation to the preparation of South Lanarkshire Local Development Plan 3;
- (2) that it be noted that work had started on the preparation of an Open Space Strategy for the Council's area in the context of the process for preparing a local development plan; and
- (3) that the South Lanarkshire Development Plan Scheme 2023, attached as Appendix 1 to the report, be approved.

[Reference: Minutes of 21 June 2022 (Paragraph 9) and 21 March 2023 (Paragraph 3)]

4 Application P/21/2155 for Change of Use of Agricultural Farmland to Form an Agricultural Vehicle, Plant and Machinery Sale Yard Including the Erection of 2 Agricultural Sheds and Associated Works (Retrospective) at Stoneside of Dripps Farm, Cartside Highway, Thorntonhall

A report dated 31 July 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/2155 by Carnbroe Estates Limited for the change of use of agricultural farmland to form an agricultural vehicle, plant and machinery sale yard including the erection of 2 agricultural sheds and associated works (retrospective) at Stoneside of Dripps Farm, Cartside Highway, Thorntonhall.

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

The Committee decided: that planning application P/21/2155 by Carnbroe Estates Limited for the change of use of agricultural farmland to form an agricultural vehicle, plant and machinery sale yard including the erection of 2 agricultural sheds and associated works (retrospective) at Stoneside of Dripps Farm, Cartside Highway, Thorntonhall be refused for the reasons detailed in the Executive Director's report.

Councillor Toner left and rejoined the meeting during this item of business due to technical difficulties

5 Application P/22/0078 for Erection of House with Associated Works at Land Adjacent to Holmpark, Stonymeadow Road, East Kilbride

A report dated 31 July 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0078 by E Pringle for the erection of a house with associated works at land adjacent to Holmpark, Stonymeadow Road, East Kilbride.

The application had been referred to Committee for consideration, as requested by Councillor Scott, in terms of section 2.4 of the Council's Planning Application Decision Making Process.

Points raised in further representations to elected members were referred to at the meeting and addressed by an officer.

The application had been assessed against the relevant policies and criteria contained in the National Planning Framework 4 (NPF4) and adopted South Lanarkshire Local Development Plan 2 (SLLDP2). Details of the assessment were provided in the report. In the view of the Executive Director (Community and Enterprise Resources), while there was compliance with some aspects of the development plan, the application site was located in the green belt and there was no specific locational requirement for the dwelling to be located in the green belt, therefore, the application was deemed to be contrary to Policies 8, 14, 15 and 16 of NPF4 and Policies 4 and GBRA1 of SLLDP2.

Following discussion, during which an officer responded to members' questions on aspects of the report, Councillor Nelson, seconded by Councillor Devlin, moved that the application be refused for the reasons detailed in the Executive Director's report. Councillor Scott, seconded by Councillor Shearer, moved that the application be granted subject to appropriate conditions, to be prepared by officers, on the grounds that the application site was deemed to be a brownfield site. The Legal Services Adviser highlighted that, if the application was granted, it would result in a determination contrary to the development plan. On a vote being taken using the electronic voting system, 10 members voted for the motion and 12 for the amendment which was declared carried.

The Committee decided:

that planning application P/22/0078 by E Pringle for the erection of a house with associated works at land adjacent to Holmpark, Stoney Meadow Road, East Kilbride be granted subject to the conditions attached as Appendix 1 to this minute.

6 Application P/22/0122 for Erection of Detached Double Garage at Plot 4, Stanmore Park, St Leonard Street, Lanark

A report dated 31 July 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0122 by A and A Reid for the erection of a detached double garage at Plot 4, Stanmore Park, St Leonard Street, Lanark.

The Committee decided:

that planning application P/22/0122 by A and A Reid for the erection of a detached double garage at Plot 4, Stanmore Park, St Leonard Street, Lanark be granted subject to the conditions specified in the Executive Director's report.

7 Application P/22/0390 for Change of Use of Land from Agriculture to Class 6 (Storage or Distribution), Installation of Modular Office Building, Erection of Vehicle Washing Bay and Creation of Hardstanding Area (Retrospective) and Formation of Haul Road at Townhead Farm, Ponfeigh Road, Sandilands, Lanark

A report dated 31 July 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0390 by JHP Transport Lanark Limited for a change of use of land from agriculture to Class 6 (storage or distribution), installation of modular office building, erection of vehicle washing bay and creation of hardstanding area (retrospective) and formation of haul road at Townhead Farm, Ponfeigh Road, Sandilands, Lanark.

Members of the Committee thanked officers and the applicant for their efforts in overcoming the difficulties related to the application.

The Committee decided:

that planning application P/22/0390 by JHP Transport Lanark Limited for a change of use of land from agriculture to Class 6 (storage or distribution), installation of modular office building, erection of vehicle washing bay and creation of hardstanding area (retrospective) and formation of haul road at Townhead Farm, Ponfeigh Road, Sandilands, Lanark be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 22 September 2020 (Paragraph 3)]

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

8 Application P/22/0878 for Erection of 14 Wind Turbines (12 with 149.9 Metres Maximum Height to Tip and 2 with 180 Metres Maximum Height to Tip) with a Maximum Output of up to 50 Megawatts and Associated Infrastructure Including Substation, Control Building etc (Section 42 Application to Amend Condition 3 of Planning Consent P/18/1540 to Permit Operational Lifetime for a 30 Year Period) at Cumberhead Windfarm, Stockbriggs from New Trows C13 to Cumberhead, Lesmahagow

A report dated 31 July 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0878 by Cumberhead Wind Energy Limited for the erection of 14 wind turbines (12 with 149.9 metres maximum height to tip and 2 with 180 metres maximum height to tip) with a maximum output of up to 50 megawatts and associated infrastructure including substation, control building etc (Section 42 application to amend condition 3 of planning consent P/18/1540 to permit an operational lifetime for a 30 year period) at Cumberhead Windfarm, Stockbriggs from New Trows C13 to Cumberhead, Lesmahagow.

The Committee decided:

that planning application P/22/0878 by Cumberhead Wind Energy Limited for the erection of 14 wind turbines (12 with 149.9 metres maximum height to tip and 2 with 180 metres maximum height to tip) with a maximum output of up to 50 megawatts and associated infrastructure including substation, control building etc (Section 42 application to amend condition 3 of planning consent P/18/1540 to permit an operational lifetime for a 30 year period) at Cumberhead Windfarm, Stockbriggs from New Trows C13 to Cumberhead, Lesmahagow be granted subject to the conditions detailed in the Executive Director's report.

[Reference: Minutes of 25 August 2020 (Paragraph 11)]

9 Application P/22/1359 for Change of Use of Domestic Office and Gym to a 1-Bedroom Self-Catering Holiday Let (Retrospective) at 3 Mauldslie Castle Orchard, Mauldslie Road, Carluke

A report dated 31 July 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/1359 by A Loudon for a change of use of a domestic office and gym to a 1-bedroom self-catering holiday let (retrospective) at 3 Mauldslie Castle Orchard, Mauldslie Road, Carluke.

The Committee decided:

that planning application P/22/1359 by A Loudon for a change of use of a domestic office and gym to a 1-bedroom self-catering holiday let (retrospective) at 3 Mauldslie Castle Orchard, Mauldslie Road, Carluke be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 19 November 2013 (Paragraph 8)]

Councillor Nelson, having declared an interest in the above application, withdrew from the meeting during its consideration. Councillor Devlin, in the absence of the Chair and Depute Chair, took the Chair for this item only

10 Application P/23/0069 for Installation of Battery Storage Facility (Section 36 Scottish Government Consultation) at Land at Broken Cross Open Cast Coal Site, Tower Road, Douglas, Lanark

A report dated 31 July 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/0069 by Alcemi Storage Developments 6 Limited for the installation of a battery storage facility (Section 36 Scottish Government Consultation) at Land at Broken Cross Open Cast Coal Site, Tower Road, Douglas, Lanark.

The proposal had been submitted to the Scottish Government under Section 36 of the Electricity Act 1989 as it had an electricity generating capacity of over 50 megawatts (MW). As a result, the Council was a consultee to the application and not the consenting authority.

The application was considered acceptable on the basis that it accorded with the relevant policies in the National Planning Framework 4 and adopted South Lanarkshire Local Development Plan 2.

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

The Committee decided:

- (1) that the Scottish Government be advised that the Council had no objections to planning application P/23/0069 by Alcemi Storage Developments 6 Limited for the installation of a battery storage facility (consultation from Scottish Ministers under Section 36 of the Electricity Act 1989) at land at Broken Cross Open Cast Coal Site, Tower Road, Douglas, Lanark, subject to the conditions specified in the Executive Director's report;
- (2) that the Head of Planning and Regulatory Services be authorised to undertake any discussions in relation to further agreements on the proposed conditions, if required, with the Scottish Government; and
- (3) that, in addition, the Scottish Government be advised that approval should be subject to the conclusion of legal agreements covering:-
 - ◆ the provision of a temporary overbridge solution for the passage of all abnormal loads requiring to cross the B7078 Poniel Bridge
 - ◆ the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the construction of the development

[Reference: Minutes of 7 July 2015 (Paragraph 15) and 25 August 2020 (Paragraph 12)]

11 Application P/23/0357 for Planning Permission in Principle for the Erection of 25 Chalets, a Commercial Facility, Tourist/Leisure Use, Eco Village and Associated Landscaping (Section 42 Application to Remove Condition 2 - Number of Units of Planning Consent CL/17/0199) at Land 160 Metres Northeast of Nether Kypeside Farm, Lesmahagow

A report dated 31 July 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/0357 by NKS Renewables Company Limited for planning permission in principle for the erection of 25 chalets, a commercial facility, tourist/leisure use, eco village and associated landscaping (Section 42 application to remove condition 2 – number of units of planning consent CL/17/0199) at land 160 metres northeast of Nether Kypeside Farm, Lesmahagow.

Points raised in further representations to elected members were referred to at the meeting and addressed by an officer.

There followed a discussion on the application during which an officer responded to members' questions on aspects of the report and application, including a request by the applicant for consideration of the application to be deferred.

The Committee decided: that planning application P/23/0357 by NKS Renewables Company Limited for planning permission in principle for the erection of 25 chalets, a commercial facility, tourist/leisure use, eco village and associated landscaping (Section 42 application to remove condition 2 – number of units of planning consent CL/17/0199) at land 160 metres northeast of Nether Kypeside Farm, Lesmahagow be refused for the reasons detailed in the Executive Director's report.

[Reference: Minutes of 26 June 2018 (Paragraph 15)]

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

12 Application P/23/0587 for Overcladding of Roof and Walls, Erection of Single Storey Extension, Nursery Playground Extension and Associated Fencing, Creation of New Car Park, Widening of Existing Road, Formation of New Pedestrian Footpath, Stair and Ramp, Substation and Associated Infrastructure at Our Lady of Lourdes Primary School, Carnegie Hill, East Kilbride

A report dated 31 July 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/0587 by South Lanarkshire Council for the overcladding of roof and walls, erection of single storey extension, nursery playground extension and associated fencing, creation of new car park, widening of existing road, formation of new pedestrian footpath, stair and ramp, substation and associated infrastructure at Our Lady of Lourdes Primary School, Carnegie Hill, East Kilbride.

The Committee decided: that planning application P/23/0587 by South Lanarkshire Council for the overcladding of roof and walls, erection of single storey extension, nursery playground extension and associated fencing, creation of new car park, widening of existing road, formation of new pedestrian footpath, stair and ramp, substation and associated infrastructure at Our Lady of Lourdes Primary School, Carnegie Hill, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

13 Application P/23/0596 for Erection of Detached House on Agricultural Land (Planning Permission in Principle) at Stockwell Farm, Braidwood Road, Braidwood, Carluke

A report dated 31 July 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/0596 by Mr and Mrs C Smith for the erection of a detached house on agricultural land (planning permission in principle) at Stockwell Farm, Braidwood Road, Braidwood, Carluke.

The application had been referred to Committee for consideration, as requested by Councillor Shearer, in terms of section 2.4 of the Council's Planning Application Decision Making Process.

The Committee heard Councillor Shearer, a local member, in support of the application.

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

The Committee decided: that planning application P/23/0596 by Mr and Mrs C Smith for the erection of a detached house on agricultural land (planning permission in principle) at Stockwell Farm, Braidwood Road, Braidwood, Carlisle be refused for the reasons detailed in the Executive Director's report.

Councillor Shearer, having declared an interest in the above application, withdrew to the public gallery until invited to make representations to the Committee as a local member. He returned to the public gallery during consideration of the application

14 Urgent Business

There were no items of urgent business.

Chair's Closing Remarks

The Chair referred to the revised report format and advised that it was intended to include links in future reports to enable members to look at photographs and street views of the application sites.

Application P/22/0078 for Erection of House with Associated Works at Land Adjacent to Holmpark, Stonymeadow Road, East Kilbride

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

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

2. 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.

3. 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.

4. 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.

5. 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 and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.

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

6. 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.

7. That all trees to be retained within the site shall be fully protected during the period of construction and prior to any work commencing on the site. Written details specifying the nature of such measures shall be submitted to and approved by the Council as Planning Authority. Existing trees to be retained must be protected in accordance with methods as set out in BS5837/2012 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.

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

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

9. 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.

10. That before the development hereby approved is completed or brought into use, a turning space shall be provided within the site to enable vehicles to enter and leave the application site in forward gears at all times.

Reason: In the interests of traffic and public safety.

11. That before the development hereby approved is completed or brought into use, the first 4 metres of the driveway, measured from the edge of the carriageway, shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.

Reason: To prevent deleterious material being carried onto the road.

12. That before the dwellinghouse hereby permitted is occupied, 3no. car parking spaces shall be provided within the curtilage of the plot 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.

13. That before the development hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 120 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

14. That prior to any works associated with the construction of the development commencing, a Construction Traffic Management Plan shall be submitted to the Council as Roads and Planning Authority for approval. This shall include:-
1. A programme for starting on site
 2. Details of wheel washing / road cleaning regime to ensure mud and debris is not deposited on the public road
 3. A plan showing that all vehicles should be able to access and exit the site in forward gears, therefore a turning area must be provided
 4. A plan showing the turning area and location and number of spaces for site staff / operatives

Reason: In the interests of traffic and public safety.

15. Prior to works commencing on site, details of slope protection along the length of the visibility splays shall be provided for approval and thereafter implemented to the satisfaction of the Council as Roads and Planning Authority.

Reason: These details have not been submitted or approved.

16. The scheme shall ensure that:-

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

Details of any mitigation (glazing specification/close-board fencing) to demonstrate compliance with the above shall be submitted to the Council as Planning Authority for approval prior to habitation.

Reason: To minimise noise disturbance.

17. That before any works commence on site, a bat survey of the outbuilding being demolished shall be carried out by a qualified ecologist, the findings of which shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter any recommendations of the survey shall be implemented throughout the construction process.

Reason: To ensure that any species are protected and suitable mitigation measures are put in place.

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

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

Report

3

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

Reference no:	P/19/0097
Proposal:	Erection of 3 no. wind turbines with a blade tip height of 24.8m and a hub height of 18.3m
Site Address:	Land 210m West of O'Cathian House Hayhill Road Thorntonhall South Lanarkshire
Applicant:	Jackton Estates Limited
Agent:	Ica Architects Ltd
Ward:	09 East Kilbride West
Application Type:	Full Planning Permission
Advert Type:	Non-notification of neighbours: East Kilbride News 26 February 2019
Development Plan Compliance:	No
Departures:	N/A
Recommendation:	Refuse
Legal Agreement:	N/A
Direction to Scottish Ministers	N/A

1. Reason for Report

- 1.1. Members will recall that a decision on this application was deferred by Committee at the meeting on 9 May 2023 to allow the applicant more time to engage with the National Air Traffic Service and BAA Glasgow Airport.

2. Site Description

- 2.1. The application site is located on land to the west of O'Cathian House, Hayhill Road, Thorntonhall. The proposed turbines are located in an area of arable land and livestock pasture, and further new residential properties are being developed to the south.

3. Description of Proposed Development

- 3.1 Planning permission is sought for the erection of 3 no. wind turbines with a blade tip height of 24.8m and a hub height of 18.3m. The turbines would be twin blade lattice towers and linked by underground cabling to the distillery and the wider grid network.
- 3.2 The turbines would have a life of 25 years and the power would be used on site for the distillery with any excess exported to the grid. The site will be accessed via the existing distillery commercial access delivery road to the west of the distillery.

4. Relevant Planning History

- 4.1. Prior to the current planning application, a previous planning application (Reference EK/10/0354) for the erection of a single wind turbine of 24.8m in height was withdrawn following an unresolved objection by BAA Glasgow Airport on the grounds of air safety as it conflicts with safeguarding criteria.

5. Supporting Information

- 5.1. The applicant submitted a number of documents in support of the current application which included a Visual Impact and Development Document, Turbine Installation Manual, Preliminary Ecology Report and a Delivery Information Document.

6. Consultations

- 6.1 BAA Glasgow – objects to the proposed turbine development as the development has been examined from an aerodrome safeguarding perspective and the proposal conflicts with safeguarding criteria. It was noted that the proposed development may benefit from an approved mitigation technology (Terma). This could allow the objection to be removed, but is subject to:-

- ◆ specific technical and operational evaluation by Glasgow Airport
- ◆ formal agreement between Glasgow Airport and the applicant

Response: The applicant initiated a process of obtaining a commercial agreement with Glasgow Airport in respect of a Radar Mitigation Scheme. No confirmation has been provided by the applicant of an agreement in respect of a Radar Mitigation Scheme having been concluded and it is understood that no engagement has taken place with BAA Glasgow since the application was last reported to the Committee on 9 May 2023. This is despite written requests to the applicant/agent from the Planning Service.

- 6.2 Environmental Services – requested further information including a site and turbine specific Noise Impact Assessment and cumulative noise assessment. This information had not been requested as there are unresolved air safety objections.

Response: Noted.

- 6.3 Historic Environment Scotland – no comments in respect of the proposed development.
Response – Noted.
- 6.4 Ministry of Defence (MoD) (Wind Farms) – no objections subject to a condition in respect of notification in writing to the MoD at least 14 days prior to commencement of works.
Response: Noted. Should planning permission be approved, appropriate conditions can be attached.
- 6.5 National Air Traffic Systems Ltd (NATS) – object on the grounds of aviation safety in regard the turbines impacting upon the aviation PSR RADAR system at Glasgow and en-route Prestwick air traffic control (ATC).
Response: Noted. It is understood that no engagement has taken place with NATS since the application was last reported to the Committee on 9 May 2023, following requests to the applicant/agent from the Planning Service.
- 6.6 Nature Scot – no comments in respect of the proposed development.
Response – Noted.
- 6.7 Prestwick Airport (Windfarms and Metmasts) – no objections to the proposed development as the development is terrain shielded from Prestwick Airport primary radar, and thus does not pose an aviation safety concern to Prestwick Airport operational airspace.
Response: Noted.
- 6.8 Roads and Transportation Services (Development Management) – raised no objections to the proposed development subject to conditions in respect of turbine delivery vehicle access and turning areas.
Response: Noted. Should planning permission be approved appropriate conditions could be attached to any decision issued.
- 6.9 RSPB Scotland – no response to date.
- 6.10 Scottish Water – no objections to the proposed development.
Response – Noted
- 6.11 SEPA – provided standing advice in respect of the proposed development.
Response – Noted.
- 6.12 TRANSCO – no comments in respect of the proposed development.
Response – Noted.
- 6.13 West of Scotland Archaeology Service – no objections to the proposed development.
Response – Noted.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement, a total of 2 representations have been received (1 objection, 1 comment) as defined in the scheme of delegation. The issues raised are summarised as follows:-

- ◆ visual impact
- ◆ habitat and wildlife protection

The above issues will be considered in the assessment below and full copies are available on the planning portal.

8. Development Plan

8.1. 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 National Planning Framework 4 2023 (NPF4) and the adopted South Lanarkshire Local Development Plan 2 2021 (SLLDP2).

8.2 National Planning Framework 4

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

National Planning Framework 4 Policies

- ◆ Policy 1 Tackling the Climate and Nature Crises
- ◆ Policy 2 Climate Mitigation and Adaptation
- ◆ Policy 8 Green Belts
- ◆ Policy 11 Energy
- ◆ Policy 23 Health and Safety

8.3. South Lanarkshire Local Development Plan 2(2021)

For the purposes of determining planning applications the Council will, therefore, assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

SLLDP2 Volume 1 Policies

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

SLLDP2 Volume 2 Policies

- ◆ Policy 1 Spatial Strategy
- ◆ Policy 2 Climate Change
- ◆ Policy 4 Green Belt and Rural Area
- ◆ Policy 5 Development Management and Placemaking
- ◆ Policy 18 Renewable Energy
- ◆ Policy DM1 New Development Design
- ◆ Policy GBRA2 Business Proposals within Green Belt and Rural Area
- ◆ Policy RE1 Renewable Energy

South Lanarkshire Council (SLC) Supporting Planning Guidance

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

9. Guidance

9.1. None

10. Assessment and Discussion

- 10.1 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 National Planning Framework 4 2023 (NPF4) and the adopted South Lanarkshire Local Development Plan 2 2021 (SLLDP2).
- 10.2 Policies 18 and RE1 require renewable energy proposals to be assessed against the checklist and other relevant policies of SLLDP2. Following a detailed assessment of the proposed turbine development the key issues are set out below.
- 10.3 As noted earlier, there is an objection from National Air Traffic Systems Limited (NATS) in relation to the proposals having a detrimental impact upon the aviation PSR RADAR system at Glasgow and en-route Prestwick ATC and, therefore, aviation safety. In addition, Glasgow Airport objected to the proposed development having examined the proposal from an aerodrome safeguarding perspective as the proposal conflicts with safeguarding criteria.
- 10.4 It was noted that the proposed development may benefit from an approved mitigation technology (Terma). This could allow the objection to be removed, however, this would be subject to a specific technical and operational evaluation by Glasgow Airport and a formal agreement between Glasgow Airport and the applicant.
- 10.5 The applicant initiated a process of obtaining a commercial agreement with Glasgow Airport in respect of a Radar Mitigation Scheme. No confirmation has been provided by the applicant of an agreement in respect of a Radar Mitigation Scheme having been concluded. Given the outstanding objection from NATs and Glasgow Airport and there being no confirmation that a Radar Mitigation Scheme has been concluded, the proposal is considered to have unresolved air safety impacts. Following on from Planning Committee of 9 May 2023, no information has been submitted to suggest that the applicant has engaged with either NATS or BAA Glasgow.
- 10.6 A Visual Impact and Development Document was submitted as part of the application. This consisted of six photomontages, however, no Landscape and Visual Impact Assessment report or Zone of Theoretical Visibility map have been provided.
- 10.7 In terms of Landscape Impact the application site is located on the edge of Plateau Farmland and the Urban Fringe Farmland Character Type (LCT), as defined in the South Lanarkshire Landscape Character Assessment 2010 (LCA). Given the medium scale of the turbine in the landscape, I am satisfied that the proposed turbines would not have a significant, detrimental impact upon the landscape character of these Landscape Character Types.
- 10.8 In terms of general visual impact, it is considered that the height of the turbines, at 24.8m to blade tip, and their location would result in visual impact occurring across the surrounding area. It is considered that the visual impact of the proposed turbines is significantly detrimental to the closest residential properties and that the turbines would be prominent in views from the A726 Glasgow Southern Orbital Road and from the southern edge of East Kilbride including the new residential developments north of Hayhill Road and Eaglesham Road and Thorntonhall.

- 10.9 Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker
The impact of the proposed development on communities and individual dwellings requires to be assessed. It is noted that a Residential Visual Amenity Study (RVAS) has not been carried out.
- 10.10 The Visual Impact and Development Document does, however, demonstrate that significant visual effects are predicted from the turbines at Viewpoints (VP) 2, 3, 4, 5 and 6 where the turbine would be prominent in views from residential areas of East Kilbride and Thorntonhall and would have a significantly detrimental effect on the residential visual amenity of the closest residential properties, recent developments to the south of Eaglesham Road and consented properties under construction to the south of Hayhill Road.
- 10.11 A noise assessment or shadow flicker assessment have not been submitted. Environmental Services requested further information including a site and turbine specific Noise Impact Assessment and cumulative noise assessment. This information had not been requested as there are unresolved air safety objections.
- 10.12 In conclusion, NPF4 supports renewable energy development in the right places provided the impacts of the proposed development can be mitigated. A full assessment of the proposals against the Development Plan has been carried out above. South Lanarkshire Council continues to support meeting renewable energy targets and has a suite of development plan and strategic documents to ensure the Council area continues to promote suitable renewable development.
- 10.13 However, in this instance, following the above assessment, it is considered that, due to the outstanding objections from NATs, Glasgow Airport and no confirmation having been provided by the applicant of an agreement in respect of a Radar Mitigation Scheme having been concluded, the proposal is considered to have unresolved air safety impacts as well as the proposed turbines having an unacceptable visual impact, therefore, on balance, the proposals do not comply with policy.
- 10.14 The detrimental impact of the proposal outweighs the renewable energy gain and therefore it is recommended that planning permission be refused.

11. Recommendation and reasons for refusal.

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

Refuse planning permission for the reasons outlined below:-

01. The proposal would have an adverse impact on aviation safety and appropriate mitigation has not been proposed to address this matter. As a result, the proposals are contrary to Policy 11 of the National Planning Framework 4 (2023).
02. The proposal would result in an unacceptable impact on the visual amenity of the area. As such, the proposal is contrary to Policy 11 of the National Planning Framework 4 (2023).
03. The proposal would have an adverse impact on aviation safety and appropriate mitigation has not been proposed to address this matter. As a result, the proposals are contrary to Policy 18 of the adopted South Lanarkshire Local Development Plan 2 (2021).

04. The proposal would have an adverse impact on aviation safety and appropriate mitigation has not been proposed to address this matter. As such, the proposal is contrary to Policy RE1 and Criteria 15 the Assessment Checklist for Renewable Energy of the adopted South Lanarkshire Local Development Plan 2 (2021) and South Lanarkshire Local Development Plan 2 Supporting Planning Guidance Renewable Energy 2021.
05. The proposal would result in an unacceptable impact on the visual amenity of the area. As such, the proposal is contrary to Policy 18 of the South Lanarkshire Local Development Plan 2 (2021).
06. The proposal would result in an unacceptable impact on the visual amenity of the area. As such, the proposal is contrary to Policy RE1 and Criteria 3 the Assessment Checklist for Renewable Energy of the adopted South Lanarkshire Local Plan 2 (2021) and South Lanarkshire Local Development Plan 2 Supporting Planning Guidance for Renewable Energy 2021.

David Booth
Executive Director (Community and Enterprise Resources)

Date: 28 August 2023

Background Papers

Further information relating to the application can be found online:

[P/19/0097 | Erection of 3 no. wind turbines with a blade tip height of 24.8m and a hub height of 18.3m. | Land 210M West Of Ocathian House Hayhill Road Thorntonhall Glasgow South Lanarkshire](#)

Corporate Considerations

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

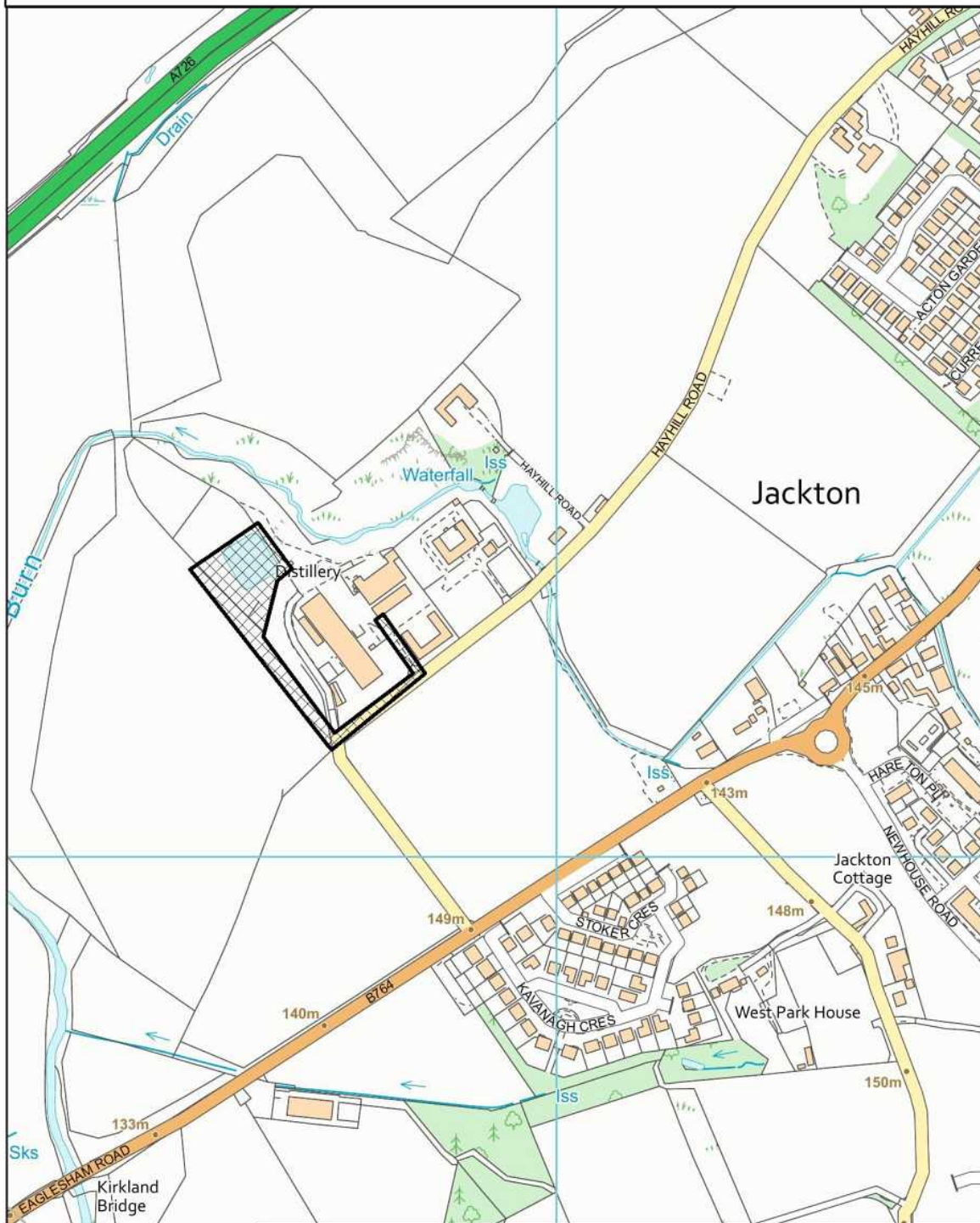
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/19/0097 Land 210m west of O'Cathian House, Hayhill Road, Jackton



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Scale:
1:5,000
Date:
09/08/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

4

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

Reference no:	P/22/0205
Proposal:	Erection of residential development (81 dwellings) with associated roads, parking, amenity space and associated works
Site Address:	Land 115m south of 122 Goremire Road Goremire Road Carluke
Applicant:	JR Construction (Scotland) Ltd
Agent:	Iceni Projects
Ward:	01 Clydesdale West
Application Type:	Full Planning Permission
Advert Type:	Non-notification of neighbours and Development Contrary to the Development Plan: Lanark Gazette 02 March 2022
Development Plan Compliance:	Yes
Departures:	None
Recommendation:	Grant Subject to Conditions
Legal Agreement:	None required
Direction to Scottish Ministers	No

1. Reason for Report

- 1.1. The application is required to be determined by the Planning Committee under Clause 5.1 of the Decision-Making Process 2015: The Planning Committee deals with all national and major planning applications as set out in the planning legislation, including detailed planning applications for housing proposals comprising 50 or more units.

2. Site Description

- 2.1. The application site extends to 3.77 hectares and is located to the south of Carluke and fronts onto Goremore Road. To the east is a residential development, to the west, the site bounds onto greenspace and agricultural land, and to the south there is a SUDS pond serving the adjacent residential development, along with greenspace and agricultural land.
- 2.2. The majority of the site is located within the settlement boundary of Carluke, with a small peripheral area extending into designated Greenbelt.

3. Description of Proposed Development

- 3.1. Planning permission is sought for 81 homes comprising 49 two bedroom terraced houses, 19 three bedroom terraced houses, 12 two bedroom flats and one three bedroom end terrace bungalow. The development would be owned and managed by Link Housing Association.
- 3.2. There will be footpath links to Old Lanark Road along the western boundary whilst another path will connect through to the adjacent residential area to the east. Parking spaces will be finished in porous pavements to facilitate surface water drainage which will be carried in pipes to be treated by a filter tank trench and attenuation tank, before draining into the existing surface sewer along Goremore Road.

4. Relevant Planning History

- 4.1. A Proposal of Application Notice CL/15/X0173/NEW for a residential development was issued in February 2015 with no further consultation required. The Planning Committee approved the recommendation to grant permission for Planning Application CL/17/0325 for residential development (Planning Permission in Principle) in September 2019 subject to the conclusion of a section 75 agreement to secure financial contributions towards affordable housing, education and community facilities. To date the conclusion of the section 75 agreement remains outstanding.
- 4.2. A Proposal of Application Notice P/21/006/PAN for a residential development (Community Growth Area) including affordable housing was submitted in February 2022 along with appropriate local consultation, prior to the submission of the current application.

5. Supporting Information

- 5.1. The following information was submitted by the agent in support of the application:-
 - ◆ Design and Access Statement
 - ◆ Drainage Impact Assessment
 - ◆ Extended Phase 1 Habitat Survey
 - ◆ Pre-application Consultation Report Ground Investigation Report
 - ◆ Shadow Analysis
 - ◆ Assessment of Landscape Proposals
 - ◆ Transport Assessment (Updated July 2023)
 - ◆ Arboriculture Report

6. Consultations

- 6.1. Environmental Services – no objections, subject to conditions and advisory notes in respect of construction noise, pest control, piling, dust mitigation, nuisance, and contamination remediation strategy and implementation.
Response - Noted.
- 6.2. Roads Flood Risk Management – no objection subject to the attachment of conditions in respect of Flood Risk Assessment, sustainable drainage design details and completion of SUDs appendices.
Response - Noted.
- 6.3. Roads and Transportation Services – no objection to the proposal subject to conditions since adequate access and parking are proposed. The proposed conditions relate to access, parking and submission of a construction management plan.
Response – Noted.
- 6.4. The Coal Authority - records indicate that the site is underlain by former mine workings, however, none relate to the extraction of coal. Accordingly, in this instance, it is beyond the remit of the Coal Authority to have any responsibility for considering these features. The Coal Authority therefore has no comments to make on the proposal.
Response - A comprehensive and detailed Ground Investigation Report has been submitted with recommendations for addressing land stability, removing toxic elements, and safeguarding the public from potential contact with contaminants and gas emissions. If permission is granted, conditions will be attached requiring the approval and implementation of a remediation strategy.
- 6.5. Scottish Water - there is sufficient capacity in Camps Water Treatment Works and Maudslie Waste Water Treatment works for a foul only connection. Scottish Water indicate that the development may impact upon a trunk mains in the proximity of the development. The developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request.
Response - Noted.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement for non notification of neighbours and Development Contrary to the Local Plan in the local press, a total of 12 objections and one representation have been received. The issues raised are summarised as follows:-

Objections:-

Amenity

- ◆ Impact upon privacy
- ◆ Terraced housing out of keeping with detached housing along Goremore Road
- ◆ Loss of open space
- ◆ Overshadowing/loss of light
- ◆ Design and layout of development including the additional roads and parking provision

Land Use Concerns

- ◆ The proposed site lies outwith the 20 minute neighbourhood of Carluke town centre

Impact on Natural and Historic Environment

- ◆ Destroys habitat including trees and does not enhance green network
- ◆ Contrary to biodiversity aims
- ◆ Impact upon wild birds and mammals

Roads Related Matters

- ◆ Impact upon road safety as a result of additional traffic
- ◆ Pedestrian access routes are not safe and inclusive
- ◆ Lack of footway over the full length of the Goremore Road frontage

Other Matters Raised

- ◆ Impact upon school capacity
- ◆ NHS is already overstretched
- ◆ Mineshafts have not been identified
- ◆ Ground being excavated may result in flooding/standing water if the development is at a different height

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

- ◆ Disruption during construction
- ◆ Too many houses being built in a short space of time

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

8. Development Plan

8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. National Planning Framework 4

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

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the Climate and Nature Crises
- ◆ Policy 2 - Climate Mitigation and Adaptation
- ◆ Policy 3 - Biodiversity
- ◆ Policy 8 - Green Belts
- ◆ Policy 9 - Brownfield, vacant and derelict land
- ◆ Policy 14 - Design, quality, and place
- ◆ Policy 15 - Local Living and 20 minute neighbourhoods
- ◆ Policy 16 - Quality Homes

8.3. South Lanarkshire Local Development Plan 2 (2021)

The South Lanarkshire Local Development Plan 2 (SLLDP2) was formally adopted on 9 April 2021. For the purposes of determining planning applications the Council will, therefore, assess proposals against the policies contained within the adopted SLLDP2.

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

SLLDP2 Volume 1 Policies

- ◆ Policy 1 - Spatial Strategy
- ◆ Policy 2 - Climate Change
- ◆ Policy 3 - General Urban Areas and Settlements
- ◆ Policy 4 - Green Belt and Rural Area
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 11 - Housing
- ◆ Policy 13 - Green Network and Greenspace

SLLDP2 Volume 2 Policies

- ◆ Policy DM1 - New Development Design

9. Guidance

- 9.1. None applicable.

10. Assessment and Discussion

10.1. Introduction

The determining issues in the consideration of this application are its compliance with the National Planning Framework 4 (NPF4) and adopted South Lanarkshire Local Development Plan 2 (SLLDP2).

10.2. Principle of Development

The majority of the site falls within the settlement boundary of Carluke and forms part of the Carluke Community Growth Area. However, a small area in the northwest corner of the application site is located within the designated green belt but will remain undeveloped.

- 10.3. This will provide a strong landscape buffer along the eastern edge, whilst Goremore Road and existing dwellings to the north will provide the necessary defensible boundary. Therefore, the proposal complies with Policies NPF4 8 – Green Belts and SLLDP2 4 – Green Belt and Rural Area.

- 10.4. Policy 1 Spatial Strategy of SLLDP2 encourages sustainable economic growth and regeneration, a move to a low carbon economy, protection of the natural and historic environment and mitigation against the impact of climate change. To achieve this the spatial strategy will direct larger developments to sustainable urban locations such as Carluke and Lanark, support the development of the Community Growth Areas and redevelopment of appropriate brownfield sites. Appendix 3 lists the Community Growth Areas which includes Carluke and sets down specific requirements to be addressed for the development of the identified site. This includes the definition of new landscape measures to consolidate new Green Belt edges and establish green networks within the development. There is also a requirement for the provision of housing types which accord with local development plan (LDP) policies including affordable housing.

- 10.5. The application site is identified as a Community Growth Area within the settlement boundary of Carluke in the LDP. The proposal will contribute towards the housing supply and help meet demand for affordable housing.

- 10.6. Under Policy 11 - Housing, the application site is identified as part of the housing land supply in the LDP and is included within the settlement boundary of Carluke. Policy 3 – General Urban Areas and Settlements advises that residential developments on appropriate sites will generally be acceptable. The residential development of the site positively contributes towards the Council's requirement to maintain a five year effective supply of housing land provision. Policy 11 encourages a range of house size and types to give greater choice in meeting the needs of the local community whilst recognising demands of the wider housing market area. In that respect, the proposal includes a range of two and three bedroom residential units, with terraced and flatted housing and one bungalow. The proposal satisfactorily complies with the aims of Policy 3 – General Urban Areas and Settlements and Policy 11 - Housing of the LDP and therefore the principle of the proposed development is acceptable.
- 10.7. NPF4 Policy 16 – Quality Homes seeks to encourage, promote and facilitate the delivery of high quality homes, in the right locations. Development proposals for new homes on land allocated for housing in LDPs will be supported. The application site forms part of allocated housing land, identified in the adopted Local Plan and, therefore, the proposal complies with Policy 16 of NPF4.
- 10.8. Policy 9 Brownfield, vacant and derelict land supports the reuse of brownfield land. The proposed development will result in the sustainable reuse of brownfield land which formerly operated as a mine. A comprehensive Ground Investigation Report has been submitted containing survey results, assessments, and recommendations for foundations, gas emissions, contamination, and mine entries. As a precaution, Environmental Services in their consultation response recommended conditions requiring the submission and implementation of a remediation strategy. In consideration, the proposal complies with Policy 9.
- 10.9. Climate Change
NPF4 Policy 1 requires that when considering all development proposals, significant weight will be given to the global climate and nature crises. NPF4 Policy 2 Climate Change and Mitigation expands on this, requiring all new developments to be sited and designed (1) to minimise lifecycle greenhouse gas emissions as far as possible and (2) to adapt to the current and future risks from climate change. In the absence of a methodology for measuring the emissions which would result from the proposed buildings, it is considered appropriate at this time to instead consider the general sustainability of the proposal in land-use planning terms (whether the conversion of existing building and associated new build enabling development is supportable when assessed against other relevant policies in NPF4) and use that as an indicator about whether or not it is likely to minimise emissions and adapt to current and future impacts of climate change.
- 10.10. Policy 2 Climate Change of the LDP seeks to minimise and mitigate against the effects of climate change by considering various criteria including: being sustainably located; reuse of vacant and derelict land; avoidance of flood risk areas; incorporating low and zero carbon generating technologies; opportunities for active travel routes and trips by public transport; electrical vehicle recharging infrastructure and, where appropriate, connection to heat networks. The site is not at risk of flooding, nor will the development exacerbate flooding elsewhere. The site layout has been designed in a manner which maximises solar gain, whilst trees and the retained bund along the western boundary will mitigate the impact of the southwest prevailing winds. In consideration, the proposals would not undermine the objectives of Policy 2.

10.11. Layout, siting, and design

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

10.12. The development layout sits back from Goremore Road and intervening embankments with natural habitats along the northern and western boundaries, which create the impression of a self-contained, development that will not detract from the local character.

10.13. Concerns were raised in relation to the footpath link to the adjacent residential development to the east on the grounds that residents should not be able to use amenity facilities in an adjoining residential estate. However, this link is mutually accessible and will likewise allow adjoining residents to enjoy amenity and landscaping in the proposed development and gain safe access to footpath links to Old Lanark Road.

10.14. Reasonable walking distances to bus routes, shops, schools, and other services will help reduce reliance on car journeys. Provision has been allowed within the design for Air Source Heat Pumps to minimise impact on the streetscape and located in the optimal location close to the tank to maximise the efficiency of the system. In consideration, the proposed development complies with Policy 14 of NPF4.

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

10.16. The site lies at the southern periphery of Carluke, within 400m of Lanark Road (A73), where bus routes can be accessed with a range of facilities within walking distance. In view of the circumstances described, the proposal does accord with the aims and intent of Policy 15 of National Planning Framework 4.

10.17. Policy 5 - Development Management and Place Making, together with the Development Management and Placemaking Supplementary Guidance supports residential developments where they do not have a significant adverse effect on the amenity of the area. In addition, any new development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials, and intensity of use. The character and amenity of the area must not be impaired by reason of traffic generation, parking, overshadowing, overlooking or visual intrusion.

10.18. Policy DM1- New Development Design reiterates these points and adds that modern innovative design can reflect local tradition through scale, massing, siting and colour rather than replicating existing building form. New houses should be designed in such a way as to incorporate high speed broadband connection.

10.19. The proposed dwellings, layout, landscaping, amenity space and footpath links will enhance an otherwise suburban street scene. A shadow analysis has been undertaken which demonstrates that the nearest neighbouring dwellings will not be significantly affected by overshadowing. In considering the orientation and intervening distance between existing and proposed dwellings along with proposed boundary

fencing and landscaping, privacy standards will not be compromised. The proposal complies with guidance in the Residential Development Guide.

10.20. The proposal will not have a significant impact upon landscape features, protected habitats, or species. There are no infrastructure constraints. Roads and Transportation Services have not raised any traffic or public safety issues in their consultation response and conditions are proposed which will ensure that the proposed roads and footways are completed at the appropriate time and that disruption during construction is minimised and effectively managed. Adequate parking, turning areas and access can be provided.

10.21. Natural and Historic Heritage

NPF4 Policy 3 Biodiversity states that development proposals should contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats, and building and strengthening nature networks and the connections between them. NPF4 Policy 3 Biodiversity seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. To ensure that such measures are implemented, suitable conditions on the landscaping of the site have been recommended below. The proposal is therefore considered to comply with Policy 3 Biodiversity of National Planning Framework 4.

10.22. The site is not designated nor are there plans for it to be designated as a site important for its habitat and biodiversity. The proposal will not impact directly or indirectly upon any nearby designated sites. An ecological survey has been undertaken which has not identified any adverse impacts upon protected species, subject to recommendations for the retention of mature beech trees with bat roosting potential, pre-site start badger surveys, removal of non-native invasive species and avoidance of light overspill in woodland habitat. Conditions are proposed to ensure compliance with these recommendations along with a requirement for the submission, approval, and implementation of a Biodiversity Management Plan.

10.23. Technical Matters

The site is not at risk from flooding as the nearest surface water feature is a burn located 30m to the south. The Drainage Impact Assessment, submitted as supporting information, concludes that it is not considered that the additional flows from the development constitute a material increase in flood risk. Given the topography of the site, the drainage solution incorporates a loop running from the highest point of the site entrance, running to the lower part of the site where it will discharge to the public network, via the proposed SUDS solution.

10.24 Surface water drainage will be attenuated in below ground attenuation tanks after being filtered/treated by SUDS via porous pavements in the driveways and then along treatment trenches. The proposed drainage for the site will comprise a separate foul and surface water system that will discharge to the existing surface water and foul water sewers. Scottish Water have advised that there is sufficient capacity in the sewerage network. The Flood Unit have not objected subject to a condition requiring a flood risk assessment. The surface water run off rate, post development, will not exceed the current greenfield run off and therefore will not impact upon the existing surface water sewer.

10.25 Records indicate that there are three mineshafts within or immediately adjacent to the site, along the eastern boundary. One mineshaft has been identified whilst the other two have still to be located. Trenching investigations indicate that one mineshaft lies out with the application site boundary. The third mineshaft will have to be located by probe drilling. The mineshafts will have to be consolidated with grout injection and

reinforced concrete caps. There will be no development or construction, with potential to undermine ground stability, in standoff zones around these mine entries. The development layout and housing avoid these standoff areas.

10.26 Conclusion

The proposal will result in the development of a designated housing site which will provide and meet demand for affordable rented housing in Carluke. The retention of scrub habitat and mature trees around the periphery will allow for sensitive integration into the wider landscape setting whilst referencing biodiversity aims. In view of the above assessment and supporting information, the proposal represents an appropriate form of residential development for the application site and neighbouring vicinity.

11. **Recommendation and Conditions**

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

Grant Full Planning Permission subject to conditions:-

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

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

2. 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.

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

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

4. The tree protection measures, and arboricultural recommendations listed in the Tree Survey and Arboricultural Report (Langton Tree Specialists, August 2021) shall be fully complied with.

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

5. That the approved landscaping scheme shall be carried out simultaneously with the development, or each phase thereof, and shall be completed and thereafter maintained and replaced where necessary to the satisfaction of the Council as Planning Authority.

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

6. That the landscaping scheme as shown on the approved plan 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.

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

7. That prior to any work commencing on the site, a maintenance management schedule for the approved landscaping scheme shall be submitted to and approved by the Council as Planning Authority.

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

8. A Biodiversity Management Plan as recommended by the Landscape Assessment shall be submitted to and approved by the Council as Planning Authority.

Reason: In the interests of biodiversity.

9. The recommendations and mitigation measures (including: pre bat checks if mature beech trees, identified for retention, are to be removed; maintenance of 30m buffer if bat roost found; avoidance of vegetation clearance during bird nesting season; removal of non-native invasive species; retention of hedgerows and trees along boundaries: avoidance of light overspill into woodland habitat and; pre-works badger survey) as listed in the Extended Phase 1 Habitat and Aerial Tree Survey (Wild Surveys Ltd, July 2021) shall be fully complied with.

Reason: In the interests of biodiversity and wildlife.

10. That before any work commences on the site, a scheme for the provision of play area(s) within the site shall be submitted to the Council as Planning Authority for written approval and shall include:(a) details of the type and location of play equipment, seating and litter bins to be situated within the play area(s); (b) details of the surface treatment of the play area, including the location and type of safety surface to be installed; (c) details of the fences to be erected around the play area(s); and (d) details of the phasing of these works unless agreed in writing by the Council as Planning Authority.

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

11. That prior to the completion or occupation of the last dwellinghouses within the development, all of the works required for the provision of equipped play area(s) included in the scheme approved under the terms of Condition 10, shall be completed.

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

12. That proposals for the maintenance of all areas of open space/play areas within the development shall be submitted to the Council as Planning Authority and no work on the site shall be commenced until the permission of the Council has been granted for these proposals or such other proposals as may be acceptable.

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

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

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

14. Prior to the commencement of works on site, the applicant will require to submit a flood risk assessment for the consideration and approval of the Council. Self-certification and independent check certificates appendices A and B (refer to the Council's developer design guidance May 2020) duly signed by the relevant party are to be submitted.

Reason: To ensure that works proposed are not at risk of flooding and will not increase the likelihood of flooding elsewhere.

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

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

16. No piling works shall be carried out until a method statement has been submitted to and approved in writing by the Planning Authority. This statement shall include an assessment of the impact of the piling on surrounding properties, taking into account the guidance contained in BS 6472: 1992 'Evaluation of human exposure to vibration in buildings'. It shall detail any procedures which are proposed to minimise the impact of noise and vibration on the occupants of surrounding properties. This statement shall be prepared by a suitably qualified person, and the piling works shall thereafter be carried out in accordance with the approved method statement.

Reason: To minimise noise, vibration and disturbance to neighbouring residents/occupants during blasting.

17. A detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.

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

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

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

19. Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

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

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

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

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

a) the total predicted energy requirements and CO₂ emissions of the development, clearly illustrating the additional 10% reduction beyond the 2007 building regulations CO₂ standard;

b) a schedule of proposed on-site zero and low carbon energy technologies to be included in the development and their respective energy contributions and carbon savings;

c) an indication of the location and design of the on-site energy technologies; and

d) a maintenance programme for the on-site zero and low carbon energy technologies to be incorporated.

Reason: To secure a reduction in carbon dioxide emissions.

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

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

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

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

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

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

25. Prior to the development hereby approved being brought into use, the entire access road and footpath network serving the development shall be laid out and constructed in accordance with the specification of the Council as Roads and Planning Authority.

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

26. Prior to the development hereby approved being brought into use, all of the parking spaces shown on Drawing 2770 L(90)02 Rev E shall be laid out, constructed and available for use.

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

27. Prior to the development hereby approved being brought into use, a visibility splay of 2.5 metres by 43 metres (as shown in Drawing 2770 L(90) Rev E), shall be provided on both sides of the vehicular access on to Goremore Road.

Reason: In the interests of traffic and public safety.

28. Prior to the development hereby approved being brought into use, visibility splays shall be provided at each driveway in accordance with the approved plans.

Reason: In the interests of public safety.

29. Prior to the development hereby approved being brought into use, a 3 metre wide shared footway/cycleway shall be constructed through the site which connects Old Lanark Road in the west, to Goremore Road in the east. The shared footway/cycleway shall be completed to the specification of the Council as Roads and Planning Authority.

Reason: In the interests of public safety.

30. That the first 2 metres of each driveway as measured 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.

31. That prior to the commencement of any works associated with the development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Council as Roads and Planning Authority and implemented thereafter. This plan should include details of access and parking provision for staff and visitors, intended working hours, the management and storage of deliveries and further information regarding the provision of wheel washing facilities to prevent mud being carried on to the adopted road.

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

32. The development hereby approved shall consist of social housing only, operated by a Registered Social Landlord unless otherwise agreed in writing with the Council as Planning Authority.

Reason: In order to retain effective planning control.

12 Reason for Decision

- 12.1. The proposal will not adversely impact on visual amenity, landscape quality, raises no road safety concerns and helps meet demand for affordable housing. The proposal accords with Policies 1, 2, 3, 8, 9, 14, 15 and 16 of National Planning Framework 4 and policies 1, 2, 3, 4, 5, 11, 13 and DM1 of the South Lanarkshire Local Development Plan 2.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 28 August 2023

Background Papers

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

[P/22/0205 | Erection of residential development \(81 dwellings\) with associated roads, parking, amenity space and associated works. | Land 115M South Of 122 Goremore Road Goremore Road Carluke](#)

Corporate Considerations

The report raises no impacts or risks in terms of equalities however financial contributions may be required to extend capacity for schools affected by an increase in pupil numbers. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

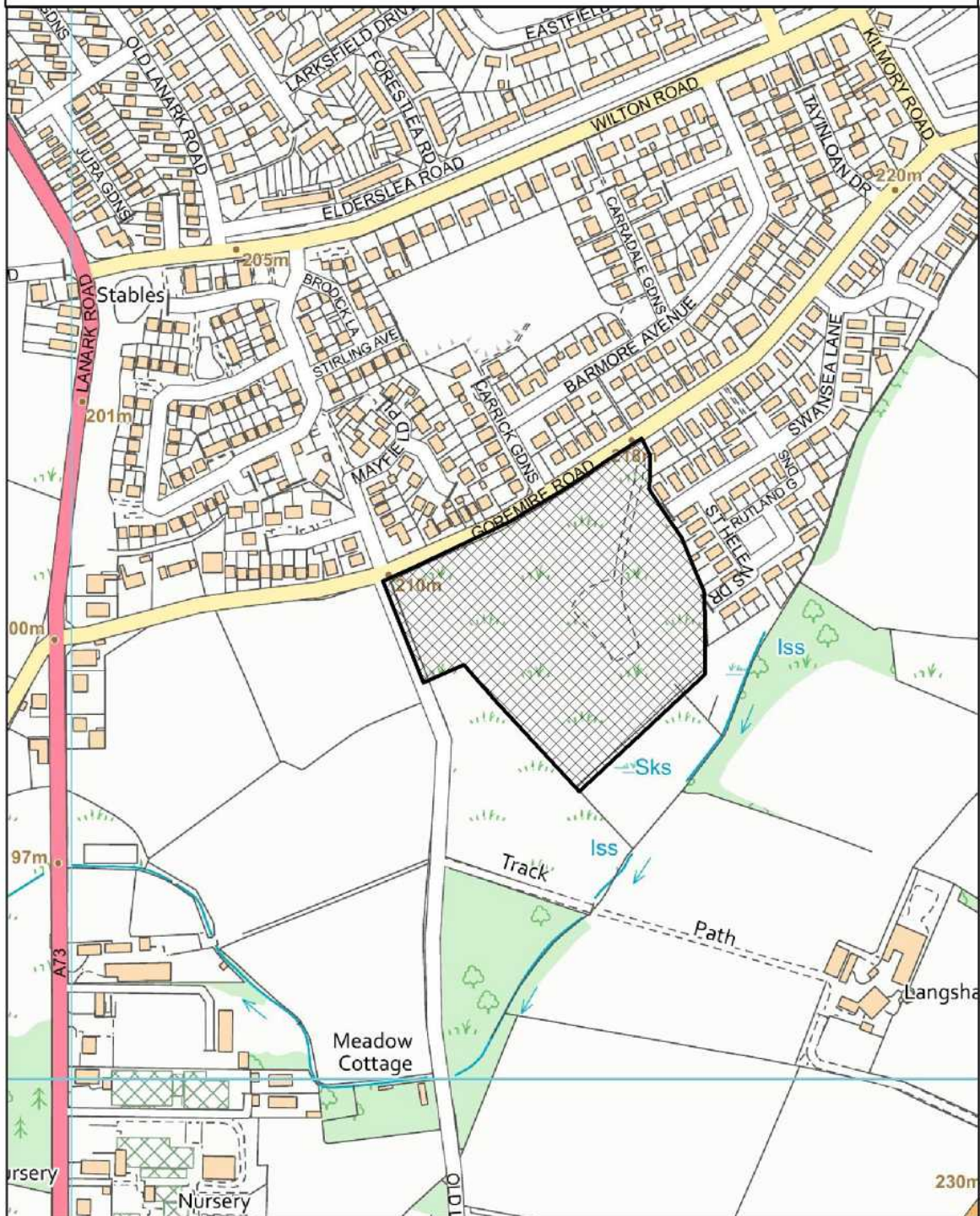
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/22/0205 Land 115m south of 122 Goremire Road, Carluke



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



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

5

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

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

1. Reason for Report

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

2. Site Description

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

3. Description of Proposed Development

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

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

4. Relevant Planning History

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

5. Supporting Information

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

6. Consultations

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

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

7. Representations

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

Objections:-

Amenity

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

Land Use Concerns

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

Impact on Natural and Historic Environment

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

Roads Related Matters

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

Other Matters Raised

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

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

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

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

8. Development Plan

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

8.2. National Planning Framework 4

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

The relevant NPF4 policies are as follows:-

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

8.3. South Lanarkshire Local Development Plan 2 (SLLDP2)

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

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

SLLDP2 Volume 1 Policies

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

SLLDP2 Volume 2 Policies

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

9. Guidance

9.1. None

10. Assessment and Discussion

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

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

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

10.3. Principle of Development

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

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

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

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

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

10.10. Climate Change

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

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

10.12. Layout, Siting and Design

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

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

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

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

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

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

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

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

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

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

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

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

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

11. Recommendation and Conditions

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

Grant subject to conditions:-

01. That:-

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

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

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

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

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

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

Reason: These details have not been provided or approved.

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

Reason: In the interests of nature conservation.

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

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

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

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

07. Prior to the commencement of the development hereby approved (including any demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Council as Planning Authority. Specific issues to be dealt with in the TPP and AMS are as follows:-

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) A full specification for the installation of boundary treatment works.
- e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.

- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) A specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.
- k) Boundary treatments within the RPA.
- l) Methodology and detailed assessment of root pruning.
- m) Arboricultural supervision and inspection by a suitably qualified tree specialist.
- n) Reporting of inspection and supervision.
- o) Methods to improve the rooting environment for retained and proposed trees and landscaping.
- p) Veteran and ancient tree protection and management.

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

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

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

Reason: In the interests of amenity.

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

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

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

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

Reason: In the interests of amenity.

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

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

Reason: To safeguard the amenity of the area.

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

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

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

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

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

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

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

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

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

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

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

Reason: These details have not been submitted or approved.

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

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

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

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

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

Reason: In the interest of public safety.

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

Reason: In the interest of road safety.

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

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

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

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

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

For the avoidance of doubt this shall show:-

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

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

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

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

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

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

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

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

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

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

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

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

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

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure safe development and mitigate against ground instability on site for the lifetime of the development.

28. Prior to the occupation of the dwelling house at Plot 3, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure safe development and mitigate against ground instability on site for the lifetime of the development.

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

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

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

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

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

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

Reason: To secure a reduction in carbon dioxide emissions.

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

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

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

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

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

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

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

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

12. Reason for Decision

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

David Booth

Executive Director (Community and Enterprise Resources)

Date: 28 August 2023

Background Papers

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

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

Corporate Considerations

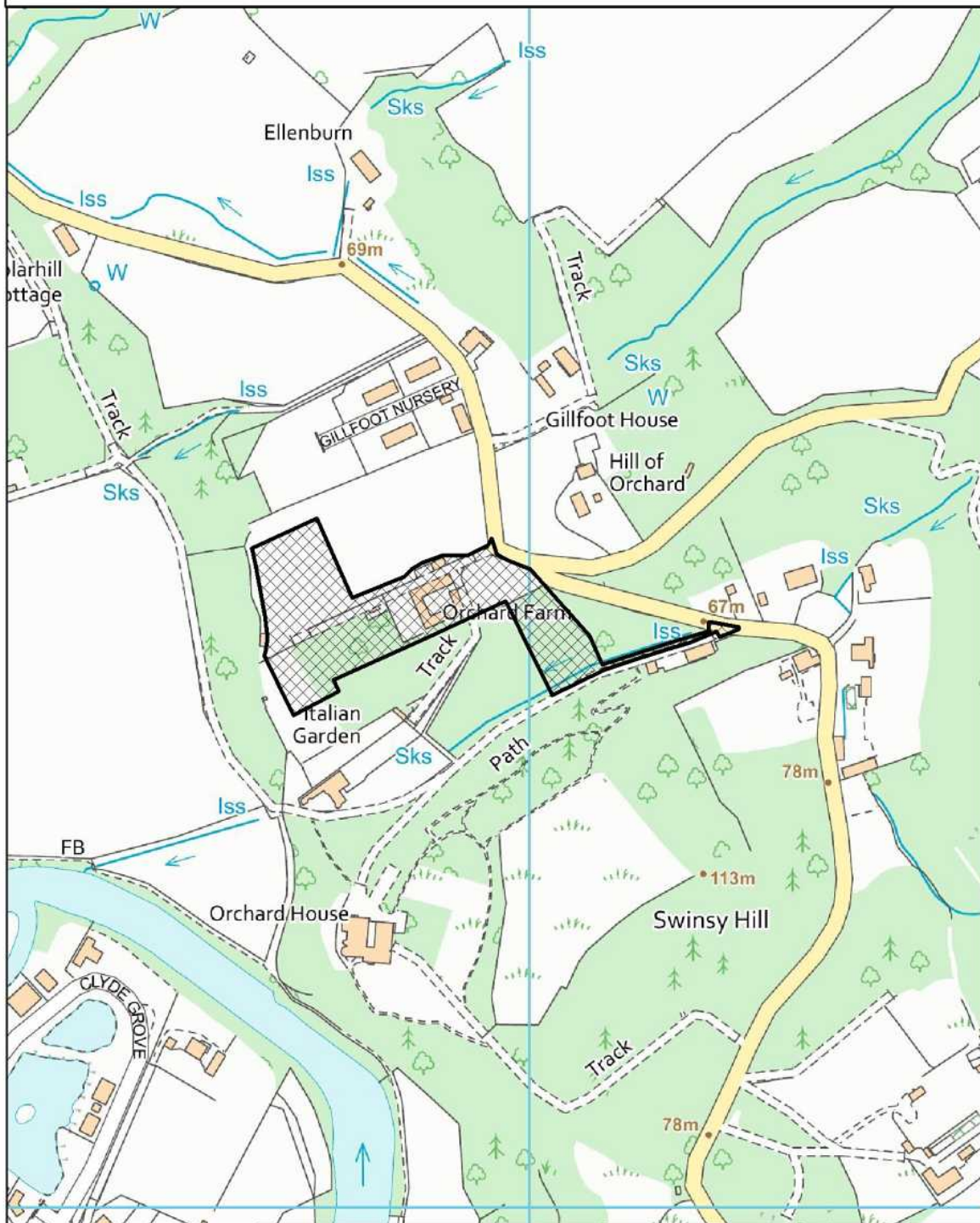
The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk



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



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

6

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

Reference no:	P/22/1646
Proposal:	Erection of 7 wind turbines with associated infrastructure, meteorological mast to 105m - Section 42 application to vary condition 12 (operational lifetime), condition 23 (restoration period) and conditions 11, 13, 15, 17 and 19 (vary timing of information submission) of application P/19/1803
Site Address:	Priestgill Wind Farm Little Gill Farm Abington ML12 6RW
Applicant:	Priestgill Wind Farm Ltd
Agent:	Muirhall Energy
Ward:	03 – Clydesdale East
Application Type:	Modification, Variation or Removal of Planning Conditions
Advert Type:	Environmental Impact Assessment (EIA) Report : Lanark Gazette 18 January 2023 EIA Report : Edinburgh Gazette 20 January 2023 Non-notification of neighbours: Lanark Gazette 18 January 2023
Development Plan Compliance:	Yes
Departures:	None
Recommendation:	Grant subject to the conclusion of a Legal Agreement
Legal Agreement:	<p>The Committee should note that the decision notice should not be issued until the following matters are concluded:-</p> <p>A Legal Agreement securing:-</p> <ul style="list-style-type: none"> • Community contributions per megawatt generated • The setting up of a Habitat Management Group • The repair of roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements

Direction to Scottish Ministers	Not Required
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1. Reason for Report

- 1.1. The application is required to be determined by the Planning Committee under Clause 5.1 of the Decision-Making Process 2015 as it constitutes a major planning application.

2. Site Description

- 2.1. The application site is located within the rural area approximately 2.2km north east of the village of Abington and 3.6km to the north of Crawford and extends to approximately 304 hectares (ha) in area. The most recent use of the application site has been upland grazing.

3. Description of Proposed Development

- 3.1. The application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 as the applicant wishes to vary a number of conditions attached to a previous application, ref: P/19/1803, (hereon referred to as the original permission), which granted planning permission for 7 turbines on the site, at a maximum tip height of 200 metres. Changes to conditions 11, 12, 13, 15, 17, 19 and 21 of that consent are now proposed and in summary this seeks to extend the operational lifetime of the Wind Farm from 25 to 40 years, to extend the period for decommissioning from 2 to 3 years, and to vary the timetable for the submission of supporting information.
- 3.2 Paragraphs 3.4 to 3.10 below set out in detail the variations that are sought to the wording of conditions and this is marked in italics.
- 3.3 Condition 11 of the original permission states:-

Prior to development commencing on site, details of siting, design and appearance of the monitoring mast, substation and any other site compounds shall be submitted to and approved in writing by the Planning Authority. This will include details of the materials, external finishes and colours of battery storage, substation and for all ancillary elements (including access tracks, transformers, switchgear/metering building, compound, boundary treatment and fencing). If required by the Planning Authority, samples of materials shall be provided and only materials approved by the Planning Authority shall be used. Thereafter, the development shall be carried out in accordance with the approved details.

The applicant has requested that condition 11 be varied to read:-

Prior to construction of the monitoring mast, substation and any other site compounds, the details of siting, designs and appearance of each shall be submitted to and approved in writing by the Planning Authority. This will include details of the materials, external finishes and colours of battery storage, substation and for all ancillary elements (including access tracks, transformers, switchgear/metering building, compound, boundary treatment and fencing). If required by the Planning Authority, samples of materials shall be provided and only materials approved by the Planning Authority shall be used. Thereafter, the development shall be carried out in accordance with the approved details.

- 3.4 Condition 12 of the original permission states:-

Consent is granted for the wind farm and its associated infrastructure for a period from the date of this consent *until 25 years* from the date of final commissioning of the development. Written confirmation of the date of first commissioning shall be provided to the Planning Authority no later than one calendar month after that date.

The applicant has requested that condition 12 be varied to read:-

Consent is granted for the wind farm and its associated infrastructure for a period from the date of this consent *until 40 years* from the date of final commissioning of the development. Written confirmation of the date of final commissioning shall be provided to the Planning Authority no later than one calendar month after that date.

3.5 Condition 13 of the original permission states:-

There shall be no commencement of development until a scheme for the avoidance or mitigation of any shadow flicker experienced by residential and commercial properties situated within 10 rotor diameters of any turbine forming part of the development and which lawfully exist or for which planning permission has been granted at the date of this consent has been submitted to and approved in writing by the Planning Authority. The approved mitigation scheme shall thereafter be implemented in full.

The applicant has requested that condition 13 be varied to read:-

Prior to the installation of any turbines, a scheme for the avoidance or mitigation of any shadow flicker experienced by residential and commercial properties situated within 10 rotor diameters of any turbine forming part of the development and which lawfully exist or for which planning permission has been granted at the date of this consent, shall be submitted to and approved in writing by the Planning Authority. The approved mitigation scheme shall thereafter be implemented in full.

3.6 Condition 15 of the original permission states:-

Within 3 months of commissioning the approved wind farm the applicant shall submit to the Planning Authority an 'as built plan' at an appropriate scale indicating the location of any track, turbine, crane pad and restored borrow pit within the development.

The applicant has requested that condition 15 be varied to read:-

Within 3 months of final commissioning of the approved wind farm the applicant shall submit to the Planning Authority an 'as built plan' at an appropriate scale indicating the location of any track, turbine, crane pad and restored borrow pit within the development.

3.7 Condition 17 of the original permission states:-

That before any work starts on site, details of all turbine aviation lighting shall be submitted for the written approval of the Council, as Planning Authority. Once approved be implemented and maintained as such for the lifetime of the development, hereby approved.

The applicant has requested that condition 17 be varied to read:-

Prior to the erection of any turbines or meteorological mast on the site, details of aviation safety lighting to be installed on any turbine or meteorological mast to be erected shall be submitted for the written approval of the Council, as Planning Authority. Once approved, the details shall be implemented, and maintained as such, for the lifetime of the development hereby approved.

3.8 Condition 19 of the original permission states:-

No development shall commence unless precise details including the type, dimensions, colour, and external finish of the proposed turbines have been submitted to and approved in writing by the Planning Authority. The height of the turbines hereby granted planning permission shall not exceed 200 metres to tip above ground level. Thereafter, the turbines shall be installed in accordance with the details as approved.

The applicant has requested that condition 19 be varied to read:-

Prior to the erection of any turbines, precise details including the type, dimensions, colour, and external finish of the proposed turbines shall be submitted to and approved in writing by the Planning Authority. The height of the turbines hereby granted planning permission shall not exceed 200 metres to tip above ground level. Thereafter, the turbines shall be installed in accordance with the details as approved.

3.9 Condition 23 of the original permission states:-

The decommissioning and restoration of the site shall be completed within 2 years from the date on which the development ceases to generate electricity unless otherwise agreed in writing with the Planning Authority.

The applicant has requested that condition 23 be varied to read:-

The decommissioning and restoration of the site shall be completed within 3 years from the date on which the development ceases to generate electricity unless otherwise agreed in writing with the Planning Authority.

3.10 In essence, this application requests an extension to the operating period of the wind farm from 25 years to 40 years, and a change from 2 years to 3 years to decommission and restore the site, together with varying the timetable to submit further information required to discharge various conditions.

3.11 If successful, the effect of a Section 42 application to modify a planning condition or conditions is to grant a further planning permission for the whole development but with the amended condition or conditions replacing those that were previously issued, or with conditions removed if required.

3.12 All other conditions, if relevant, are also required to be attached to any new planning permission. If the proposed changes to the condition or conditions are deemed unacceptable, then Section 42 of the Act requires the application to be refused. Any refusal of an application under Section 42 of the Act does not have any effect on the original planning permission which remains intact.

4. Relevant Planning History

4.1. Planning application ref: CL/17/0009 for the erection of 7 wind turbines with a maximum tip height of 145m and associated infrastructure including access tracks, substation buildings and battery storage was refused by the Planning Committee on 15 August 2017. Following an appeal against the decision to the Planning and Environmental Appeals Division (DPEA) the appointed Reporter upheld the appeal and granted planning permission.

- 4.2 A subsequent Section 42 application, ref: P/19/1803 was submitted in 2019, seeking to increase the overall height of 5 of the approved turbines to 200 metres (blade tip height), and to increase 2 turbines to 180 metres (blade tip height). This application was granted planning permission at Planning Committee on 1 December 2020. This consent was subject to a section 75 agreement to secure the formation of a Habitat Management Group, ensure the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and community benefit contributions to offset some of the impacts caused by wind farm development.

5. Supporting Information

- 5.1. The applicant has submitted a number of supporting documents with the application, including a Section 42 Supporting Statement setting out the justification for the application, and a number of the original submitted EIA documents and figures.

6. Consultations

- 6.1. **The Ministry of Defence (MOD)** – originally advised that whilst they have no objection to the amended wording of condition 12 to extend the operational lifetime of the wind farm, they do object to the amended wording proposed by the applicant for condition 17: Details of aviation safety lighting to be installed. This was because it only proposed that the lighting details be submitted and approved for the proposed turbines on the site and did not mention or take into account the proposed 105 metre-high meteorological mast also approved on the site. Following a number of discussions between the applicant, the MOD and the Planning Service, the MOD has now confirmed that the further amended wording of condition 17, reflecting their most recent proposed wording, is acceptable, and that they no longer object to the current application.

Response: Noted.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement, no representations have been received.

8. Development Plan

- 8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. National Planning Framework 4

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

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 3 - Biodiversity
- ◆ Policy 4 - Natural places
- ◆ Policy 5 - Soils
- ◆ Policy 11 - Energy
- ◆ Policy 29 - Rural development

8.3. South Lanarkshire Local Development Plan 2 (2021)

The application site and associated proposals are affected by the following policies contained in the South Lanarkshire Local Development Plan 2 (SLLDP2):-

SLLDP2 Volume 1 Policies

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

South Lanarkshire Council (SLC) Supporting Planning Guidance

- ◆ Renewable Energy (January 2021)

9. Guidance

- 9.1. None applicable.

10. Assessment and Discussion

- 10.1. 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. The policies contained within National Planning Framework 4 and the South Lanarkshire Local Development Plan 2 are the main consideration in this case, together with an assessment of any other material planning considerations.
- 10.2. As the proposals involve an amendment to an existing live consent, there is no opportunity for the Planning Authority to revisit the principle of the development, or any facets of the Original Consent that do not form part of the proposed amendments. Therefore, in this instance, the assessment of the proposals relate solely to consideration of any impacts that may arise from an increase in the permitted period of operation from 25 to 40 years; an increase in time for decommissioning/restoration; and the timing of the submission of required information. The main matters for the Council's consideration are therefore whether these alterations to timescales would continue to comply with the Development Plan. No changes to the scale, design or layout of the previously approved scheme are proposed.
- 10.3. In determining whether the proposed 15 year extension to the operation of the wind farm is acceptable, it should be noted that the 25 year time limit on the original permission was not imposed to mitigate any effects of the wind turbines on the surrounding area, but rather reflected the 'industry standard' at the time, in that the operational capacity of turbines was limited by the technology then in place.
- 10.4. However, as technology has advanced and wind farms become an established feature, developers have sought to extend their operational time limits. Overall, there is a general presumption in favour of granting permission in such cases, unless exceptional circumstances suggest otherwise. In this instance, the policy direction on wind farm development is broadly identical to when the original permission was granted, and it is considered that the environmental impact of the proposals remains unchanged. In addition, the application, if successful, would result in an additional 15 years of renewable electricity generation for an already consented/operational wind farm which accords with policy direction at both a national and a local level. This aspect of the application is therefore acceptable.

10.5 Condition 23 currently requires the decommissioning and restoration of the site to be completed within 2 years from the date on which the development ceases to generate electricity. The proposal to extend this period by a further year does not raise concerns.

10.6 Finally, it is considered that the small changes to the wording of conditions 11, 13, 15, 17 and 19 are also acceptable.

10.7 Conclusion

In conclusion, it is considered that subject to the replication and amendment of the various conditions attached to the original 2019 Section 42 permission, the proposals are acceptable. It is, therefore, recommended that the Planning Committee approve the application.

11. Recommendation and Conditions

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

Grant consent subject to the conditions listed below and the conclusion of a legal agreement to secure the following:-

- ◆ Community contributions per megawatt generated
- ◆ The setting up of a Habitat Management Group
- ◆ The repair of roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements

The applicant will be responsible for meeting the Council's reasonably incurred legal expenses in respect of the legal agreement and restoration guarantee quantum.

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Legal Agreement 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 Legal Agreement, 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 Legal Agreement.

If granted the planning permission shall not be released until the Legal Agreement has been concluded.

Conditions

01. The development shall be carried out strictly in accordance with the terms of all volumes of the Document titled Priestgill Wind Farm dated November 2019, including all mitigation and monitoring measures stated in it, subject to any requirements set out in these conditions. Any proposed deviation from the detail provided within these documents, must be submitted to and approved in writing by the Planning Authority before the works described therein are undertaken.

Reason: To ensure that the development is carried out in accordance with the approved details.

02. The applicant shall ensure that all works carried out on site must be carried out in accordance with the current BS5228, 'Noise control on construction and open sites'. The applicant shall further ensure that audible construction activities shall be limited to, Monday to Friday 08.00 to 19:00, Saturday 08.00 to 13.00, and with no audible activity taking place on Sunday, and local and national bank holidays without prior written approval of the Planning Authority. HGV movements to and from the site (excluding abnormal loads) during construction of the wind farm shall be limited to 08.00 to 19.00, Saturday 08.00 to 13.00, with no HGV movements to or from site taking place on a Sunday or on national public holidays. Under exceptional conditions the above time restrictions may be further varied subject to written agreement with the Planning Authority.

Reason: In the interests of controlling construction noise.

03. No fixed or mobile plant used within the site during the construction period shall incorporate bleeping type warning devices that are audible at any noise sensitive receptor. Details of alternative warning devices shall be submitted to and approved in writing by the Planning Authority prior to development starting on site. Efficient silencers shall be fitted to, used and maintained in accordance with manufacturers' instructions on all vehicles, plant and machinery used on the development site.

Reason: In the interests of controlling construction noise.

04. No development shall commence unless a Traffic Management Plan (TMP) has been submitted to and approved by the Planning Authority, in consultation with the Roads Authority and Transport Scotland. The TMP shall include:-

- a) details of the transportation and delivery route(s) for wind turbine and construction traffic;
- b) details of the timings, volumes and types of vehicles;
- c) details of any alteration to the public road network, including all temporary works and relocation of street furniture;
- d) detailed plans and specifications for access arrangements to the A702 and visibility splays associated with them;
- e) arrangements for emergency vehicle access;
- f) details of proposed signage during the construction period;
- g) any necessary mitigation; and
- h) a travel plan.

Thereafter, the development shall be carried out in accordance with the TMP, unless agreed otherwise in writing with the Planning Authority.

Reason: In the interests of road safety.

05. At least 3 months prior to the delivery of abnormal loads the developer will undertake an Abnormal Load Route Assessment (ALRA) which shall include a swept path assessment of the route and proposals for a trial run of abnormal load deliveries, and submit details of their report together with any recommendations for the written approval of the Council as Roads Authority and in consultation with Transport Scotland. The ALRA shall include details of a public relation strategy to inform the relevant communities of the programme of abnormal deliveries and confirmation from Transport Scotland that it is acceptable if their land is encroached by abnormal loads along the approved route. The recommendations shall thereafter be implemented in accordance with a programme to be approved by the Planning Authority and shall be

implemented prior to the delivery of the abnormal loads. Should the abnormal load route include any bridge crossings, prior to the commencement of the development clarification on the Bridge Assessments require to be submitted to and approved by the Planning Authority.

Reason: In the interests of road safety.

06. Prior to commencement of construction works a full Safety Audit for all infrastructure to be constructed and adopted, or altered, on the public road, undertaken in accordance with the Institute of Highways and Transportation Guidelines, shall be submitted to and approved by the Planning Authority.

Reason: In the interests of road safety.

07. No development shall commence unless a Construction and Environment Management Plan (CEMP) including a Construction Method Statement, has been submitted to and approved by the Planning Authority in consultation with the Scottish Environment Protection Agency (SEPA). The Statement/s shall integrate "good practice" methods from the Scottish/UK wind farm industry and incorporate the mitigation measures identified in the Environmental Impact Assessment Report. The CEMP shall include the following matters:-

- a) details of ecological pre-construction surveys of all areas of construction and a suitable buffer that will be undertaken no more than three months prior to commencement of development and, if necessary, the relevant disturbance licenses from Scottish Natural Heritage (SNH) will be applied for prior to construction commencing;
- b) Protected Species Protection Plan covering the monitoring of any known protected species, resting sites and also include details of how any reptiles that may be present on the site during construction will be protected;
- c) water quality monitoring programme which will include monitoring of watercourses and their water quality to be completed on a monthly basis with extractive samples sent for laboratory analysis to ensure construction of the development is not detrimentally effecting water quality;
- d) details of basic ecological constraints training to be provided by the Environmental Clerk of Works to raise awareness to all construction staff of specific ecological issues through the site induction and toolbox talks as part of a wider site induction;
- e) Breeding Bird Protection Plan
- f) a Site Waste Management Plan;
- g) a Pollution Prevention Plan;
- h) details of on-site storage of materials, including fuel and other chemicals;
- i) details of on-site storage and off-site disposal of excavated material where required;
- j) details of the methodology for reuse of the small amounts of peat in the re-turfing of the verges; if greater volumes of peat are encountered, a Peat Management Plan shall be prepared;
- k) a Sustainable Drainage System (SuDS) design concept including run-off and sediment control measures;
- l) a Flood Risk Assessment with recommendations and mitigation measures where required;
- m) details and timetable for phasing of construction works;
- n) details of all internal access tracks, including accesses from the public road and hardstanding areas;
- o) details of borrow pit excavation and restoration including the need to carry out any blasting;

- p) details of proposed temporary site compound for storage of materials, machinery, and designated car parking;
- q) cleaning of site entrance, site tracks and the adjacent public road and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the public road;
- r) details and timetable for post construction restoration and/or reinstatement of the working areas and any other temporary works; and
- s) the development site shall not be illuminated by lighting unless the Planning Authority has given prior written approval or lighting is required during working hours which have been approved by the Planning Authority; or an emergency requires the provision of lighting.

Thereafter, the construction of the development shall be carried out in complete accordance with the approved CEMP, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on amenity and the environment, and that the mitigation measures contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented.

08. There shall be no Commencement of Development unless the Planning Authority has approved in writing the terms of appointment by the Company of an independent Ecological Clerk of Works (ECoW). The terms of the appointment shall include the ECoW to be appointed prior to commencement of development, remaining appointed until the final commissioning of the development. The scope of work of the ECoW shall include:-

- a) monitoring compliance with the ecological mitigation works that have been approved in this consent, including the mitigation measures identified in the Environmental Impact Assessment Report dated November 2019;
- b) advising the developer on adequate protection of nature conservation interests on the site;
- c) directing the micro siting and placement of the turbines, bridges, compounds and tracks; and
- d) monitoring compliance with the Construction Environmental Management Plan of condition 7.

Reason: To secure effective monitoring compliance with the environmental mitigation and management measures associated with the development.

09. Prior to the commencement of decommissioning, an Ecological Clerk of Works (ECoW) shall be appointed by the developer and approved by the Planning Authority after consultation with SNH until the completion of aftercare or such earlier date as may be agreed in writing by the Planning Authority. The scope of work of the ECoW shall include those elements identified in condition 8 with the exception of points c) and d) of that condition and will include monitoring compliance with the Decommissioning, Restoration and Aftercare Plan required by condition 23.

Reason: To secure effective monitoring compliance with the environmental mitigation and management measures associated with the development.

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

Reason: In order to safeguard the archaeological heritage of the site and to ensure that the developer provides for an adequate opportunity to investigate, record and rescue archaeological remains on the site, which lies within an area of potential archaeological importance.

11. Prior to construction of the monitoring mast, substation and any other site compounds, the details of siting, designs and appearance of each shall be submitted to and approved in writing by the Planning Authority. This will include details of the materials, external finishes and colours of battery storage, substation and for all ancillary elements (including access tracks, transformers, switchgear/metering building, compound, boundary treatment and fencing). If required by the Planning Authority, samples of materials shall be provided and only materials approved by the Planning Authority shall be used. Thereafter, the development shall be carried out in accordance with the approved details.

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

12. Consent is granted for the wind farm and its associated infrastructure for a period from the date of this consent until 40 years from the date of final commissioning of the development. Written confirmation of the date of final commissioning shall be provided to the Planning Authority no later than one calendar month after that date.

Reason: In order to retain effective planning control.

13. Prior to the installation of any turbines, a scheme for the avoidance or mitigation of any shadow flicker experienced by residential and commercial properties situated within 10 rotor diameters of any turbine forming part of the development and which lawfully exist or for which planning permission has been granted at the date of this consent, shall be submitted to and approved in writing by the Planning Authority. The approved mitigation scheme shall thereafter be implemented in full.

Reason: To offset impacts of shadow flicker on residential and commercial property amenity.

14. Each turbine shall be erected in the position indicated in the co-ordinates within the Environmental Impact Assessment Report November 2019. A variation of the indicated position of any turbine or other development infrastructure detailed on the approved drawing shall be notified on the following basis: (a) if the variation is less than 50 metres it shall only be permitted following the approval of the Ecological Clerk of Works (ECoW) in consultation with SEPA and West of Scotland Archaeology Service, (b) if the variation is of between 50 metres and 100 metres it shall only be permitted following written approval of the Planning Authority in consultation with SEPA and West of Scotland Archaeology Service. The said provisions relating to variation shall not have the effect such that any variation will:-

- bring a turbine outwith the planning application boundary, or
- breach the 20m water buffer zones

without the prior written agreement of the Planning Authority.

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

15. Within 3 months of final commissioning of the approved wind farm the applicant shall submit to the Planning Authority an 'as built plan' at an appropriate scale, indicating the location of any track, turbine, crane pad and restored borrow pit within the development.

Reason: In order to retain effective planning control.

16. No part of any turbine shall be erected above ground unless:-

- a) a Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and approved in writing by the Planning Authority; and
- b) the approved Primary Radar Mitigation Scheme has been implemented.

The development shall thereafter be operated fully in accordance with such approved Scheme.

For the purpose of the condition above:-

"Operator" means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act). "Primary Radar Mitigation Scheme" or "Scheme" means a detailed scheme agreed with the Operator which sets out the measures to be taken to avoid at all times the impact of the development on the Lowther Hill primary radar and air traffic management operations of the Operator.

Reason: In the interests of aviation safety and in order to avoid the impact of the development on the Primary Radar of the Operator located at Lowther Hill and associated air traffic management operations.

17. Prior to the erection of any turbines or meteorological mast on the site, details of aviation safety lighting to be installed on any turbine or meteorological mast to be erected shall be submitted for the written approval of the Council, as Planning Authority. Once approved, the details shall be implemented, and maintained as such, for the lifetime of the development hereby approved.

Reason: In the interests of aviation safety.

18. The blades on all the turbines hereby approved shall rotate in the same direction.

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

19. Prior to the erection of any turbines, precise details including the type, dimensions, colour, and external finish of the proposed turbines shall be submitted to and approved in writing by the Planning Authority. The height of the turbines hereby granted planning permission shall not exceed 200 metres to tip above ground level. Thereafter, the turbines shall be installed in accordance with the details as approved.

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

20. Only mechanical means of snow clearance shall be used to clear access tracks, unless otherwise agreed in writing by the Planning Authority.

Reason: To minimise the environmental impact of snow clearing operations by avoiding the use of chemicals or salt without explicit approval.

21. There shall be no Commencement of Development unless a decommissioning, restoration and aftercare strategy has been submitted to and approved in writing by the Planning Authority. The scheme shall detail measures for the decommissioning of the development, restoration and aftercare of the site and will include, without limitation, proposals for the removal of the above ground elements of the development, the treatment of ground surfaces, the management and timing of the works, and environmental management provision.

Reason: To ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

22. No later than 3 years prior to decommissioning of the development or the expiration of this consent (whichever is the earlier) a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted to the Planning Authority for written approval in consultation with SNH and SEPA. The detailed decommissioning, restoration and aftercare plan will provide updated and detailed proposals for removal of above ground elements of the development, the treatment of ground surfaces, the management and timing of the works and environment management provisions. The development shall be decommissioned, site restored, and aftercare thereafter undertaken in accordance with the approved plan, unless otherwise agreed in writing in advance with the Planning Authority.

Reason: To ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

23. The decommissioning and restoration of the site shall be completed within 3 years from the date on which the development ceases to generate electricity, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of safety, amenity and environmental protection.

24. No development shall commence until the developer puts in place a Private Water Supply Protection Plan, covering the period from the Commencement of the Development until 12 months after date of Final Commissioning. The Plan will be submitted to and approved in writing by the Planning Authority. The approved mitigation scheme shall thereafter be implemented in full. The Plan shall include details of monitoring and contingency measures to be delivered to maintain the quality

and continuity of water supplies to properties which are served by private water supplies at the date of this consent and include:-

- a) details of the water quality sampling methodology and locations;
- b) details of site investigation to establish the route of the Wandel private water supply pipe;
- c) measures for protection of the pipe if it is found to pass across the proposed access track, or within the 10 metre up-gradient and down-gradient; and
- d) measures to notify the occupants of properties supplied by the pipe and the provision of an alternative supply should the water supply be disturbed or effected as a consequence of construction activities.

Reason: To maintain a secure and adequate quality water supply to all properties with private water supplies which may be affected by the development.

25. There shall be no Commencement of Development unless a Wandel Public Right of Way Access Mitigation Plan, covering the period from the Commencement of Development until the date of Final Commissioning, has been submitted to and approved in writing by the Planning Authority. The Plan will relate to the first 200 metres of the Wandel Public Right of Way where the route is shared or parallel to the wind farm access track.

Reason: In the interests of recreational amenity.

26. Prior to starting on site, a Habitat Management Plan (HMP) shall be prepared and finalised in consultation with the Council's Local Biodiversity Officer and RSPB and submitted to the Planning Authority for approval. The HMP shall be approved prior to the commencement on site. The HMP shall include habitat management and enhancement to benefit breeding curlew within the Border Hills Natural Heritage Zone (NHZ) and timing and programme of delivery and monitoring. Thereafter all works shall be implemented strictly in accordance with the terms of the approved HMP within the timescales set out in the approved HMP.

Reason: To safeguard environmental impacts, ecology, species and habitats, to ensure development conforms to the environmental statement and supplementary environmental information and maintain effective planning control.

27. That no work shall start on site prior to the establishment of a Habitat Management Group (HMG) to oversee the preparation of the approved Habitat Management Plan. The HMG shall include a representative of South Lanarkshire Council and RSPB and shall have powers to make reasonable changes to the HMP necessary to deliver its agreed aims.

Reason: To safeguard habitat and to ensure development conforms to Environmental Statement and maintain effective planning control.

28. If any wind turbine(s) fails to produce an electricity supply to the grid for a continuous period of 12 months then, unless otherwise agreed in writing by the Planning Authority, the wind turbine and any associated above ground infrastructure solely required for that turbine(s) shall be dismantled and removed from the site and the area around the turbine restored in accordance with a scheme to be submitted to and approved in writing by the Planning Authority.

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

29. At least one month prior to the commencement of the development, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the planning authority. Such guarantee must:-

- i. be granted in favour of the planning authority.
- ii. be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee.
- iii. be for an amount which covers the value of all site restoration and aftercare liabilities as determined by the planning authority at the commencement of development.
- iv. contain provisions so that all the site restoration and aftercare liabilities as determined at the commencement of development shall be increased on each fifth anniversary of the date of this consent.
- v. come into effect on or before the date of commencement of development and expire no earlier than 24 months after the end of the aftercare period.

No work shall begin at the site with the exception of Phase 1 felling until (1) written approval of the Planning Authority has been given to the terms of such guarantee and (2) thereafter the validly executed guarantee has been delivered to the planning authority.

In the event that the guarantee becomes invalid for any reason, no operations will be carried out on site until a replacement guarantee completed in accordance with the terms of this condition is lodged with the Planning Authority.

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

30. The day time noise emissions (7am to 11pm) from the wind turbines must not exceed a noise level of 37dB LA90,10min or background LA90,10min +5dB, whichever is the greater, at the boundary of the curtilage of any noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site. This is based on the SLR Environmental Statement - Chapter 10 Noise.

The night time noise emissions (11pm to 7am) from the wind turbines must not exceed a noise level of 43dB LA90,10min or background LA90,10min +5dB, whichever is the greater, at the boundary of the curtilage of any noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site. This is based on the SLR Environmental Statement - Chapter 10 Noise.

Wind Turbine - Tonal Contribution

Where the tonal noise emitted by the development exceeds the threshold of audibility by between 2dB and 6.5dB or greater, then the acceptable noise specified in the (relevant) condition shall be reduced by the penalty level identified within section 28 of 'The Assessment and rating of Noise from Wind Farms - ETSU-R-97.

Wind Farm - Investigation of Complaints

At the reasonable request of the Planning Authority and following a complaint to it relating to noise emissions arising from the operation of the wind farm, the wind farm operator shall appoint an independent noise consultant, whose appointment shall require to be approved by the Planning Authority, to measure the level of noise emission from the wind farm at the property to which the complaint related. The measurement and calculation of noise levels shall be undertaken in accordance with ETSU-R-97 having regard to paragraphs 1 to 3 and 5 to 11 inclusive of the schedule

on Pages 95 to 97 inclusive, and Supplementary Guidance Notes to the Planning Obligation pages 99 to 109 of ETSU-R-97. The Planning Authority shall inform the wind farm operator whether the noise giving rise to the complaint contains or is likely to contain a tonal component or an amplitude modulation.

Where an assessment of any noise impact is, in the opinion of the Planning Authority acting reasonably, found to be in breach of the noise limits the developer shall carry out mitigation measures to remediate the breach so caused. Details of any such mitigation measures required are to be submitted to the planning authority for prior approval. In the event of amplitude modulation being established, the developer shall implement suitable mitigation consistent with best available technology to the satisfaction of the Planning Authority. At this time this would be in keeping with the Institute of Acoustics, IOA Noise Working Group (Wind Turbine Noise) Final Report, A Method for Rating Amplitude Modulation in Wind Turbine Noise, 9 August 2016, Version 1 [Reason: to mitigate excessive noise]

Noise mitigation

Pursuant to condition Noise 13 above, where an assessment of any noise impact which, in the opinion of the Council as Planning Authority acting reasonably, is found to be in breach of the noise limits described in condition 5 the developer shall carry out mitigation measures to remediate the breach so caused. Details of any such mitigation measures required are to be submitted to the planning authority for prior approval.

If the tonal noise emitted by the development exceeds the threshold of audibility by 6.5dB or more, then the acceptable noise specified in Condition 5 shall be reduced by 5dB, always providing that the definition of audibility for the purposes of this condition shall be as described in 'The Assessment and Rating of Noise from Wind Farms (ETSU-R-97)'.

Reason: In the interests of residential amenity.

31. That before any work starts on sites, details of the Wandel Roman Camp Archaeological interpretation programme shall be submitted for the written approval of the Planning Authority, in consultation with West of Scotland Archaeology Service (WOSAS). Once agreed, the programme shall be implemented and maintained as such for the lifetime of the development, hereby approved.

Reason: In the interests of archaeological interpretation.

32. That no development shall take place until a Wind Farm Specification/Operation Schedule has first been submitted to and approved in writing by the Council as Local Planning Authority following written consultation with the Ministry of Defence. As a guideline, the Wind Farm Specification/Operation Schedule should, as a minimum, include:-

A detailed wind farm schedule (detailed location, technical and dimensional specifications for each of the wind turbine generators proposed);

A method statement and schedule for a testing protocol to assess the impact of the proposed wind turbine generators as well as establish baseline seismic ground vibration data for the application site;

Proposals for the test and evaluation of the wind turbines for specific time periods; and

A specification for a post implementation Wind Farm Output Report (WFOR) that shows how each wind turbine generator will be in a low impact state/curtailment

position in order to minimise Seismic Ground Vibration output. The WFOR shall define the required low impact state/curtailment position and provide details of the methods of measuring the impact of the wind farm on the Eskdalemuir Seismic Array and, if applicable, a means of mitigating or managing that impact.

Approval will only be provided by the Council where, following consultation with the MOD, it has been demonstrated that the turbines can be operated fully in accordance with the agreed Eskdalemuir budget as allocated by MOD, with any freed-up budget returning to MOD.

Thereafter the development shall be constructed strictly in accordance with the details set out in the approved Wind Farm Specification/Operation Schedule.

Reason: In order to define the terms of the consent in the interests of the Eskdalemuir Seismic Array.

33. Any wind turbine erected as part of this development shall not be permitted at any time to operate in anything but the low impact state/curtailment position as defined and agreed through condition 32 above, other than:-

a. for the purpose of test and evaluation for specific time periods as defined in the approved Wind Farm Specification/Operation Schedule; or

b. following the submission and approval in writing of the completed Wind Farm Output Report (to the specification agreed through the discharge of condition 32 and outlined in the Wind Farm Specification/Operation Schedule) by the Council as Local Planning Authority following written consultation with the Ministry of Defence.

Thereafter, and for the lifetime of the development, the development shall be operated strictly in accordance with the approved Wind Farm Specification/Operation Schedule.

Reason: In order to define the terms of the consent in the interests of the Eskdalemuir Seismic Array.

12. Reason for Decision

- 12.1. The proposals to vary a number of conditions to extend the lifespan of the wind farm development and to extend the period for decommissioning from 2 to 3 years and to vary the timing of information submission to assist with the early stages of the construction programme are considered acceptable, subject to the imposition of the previous suite of applicable environmental conditions accord with policies 1, 2, 3, 4, 5, 11 and 29 of the National Planning Framework 4, and with policies 1, 2, 4, 5, 14, 15, and 18 of the adopted South Lanarkshire Local Development Plan 2 and its supporting planning guidance on Renewable Energy.

David Booth
Executive Director (Community and Enterprise Resources)

Date: 28 August 2023

Background Papers

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

[P/22/1646 | Erection of 7 wind turbines with associated infrastructure, meteorological mast to 105m \(Section 42 application to vary condition 12 \(operational lifetime\), condition 23 \(restoration period\) and Conditions 11, 13, 15, 17 and 19 \(vary timing of information submission\) of application P/19/1803 | Priestgill Wind Farm Little Gill Farm Abington ML12 6RW](#)

Corporate Considerations

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

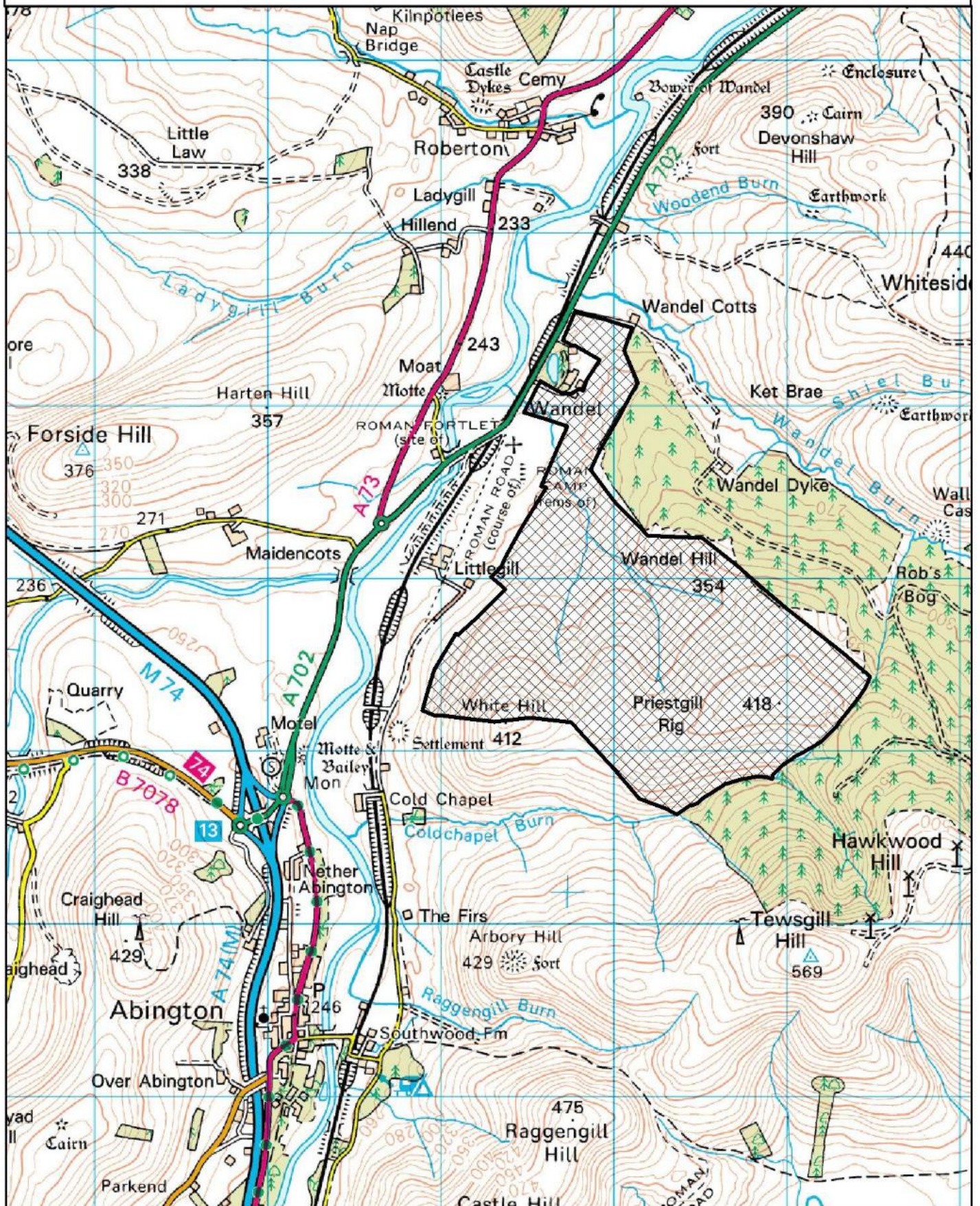
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/22/1646 Priestgill Windfarm. Adjacent to Littlegill Farm, A702, Abington



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Scale:
1:30,000
Date:
09/08/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

7

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

Reference no:	P/23/0071
Proposal:	Refurbishment and alterations to former student accommodation to form 26 residential flats with associated parking
Site Address:	2 Barrack Street, Hamilton, ML3 0HZ
Applicant:	C&S Group
Agent:	N/A
Ward:	17 Hamilton North and East
Application Type:	Full Planning Permission
Advert Type:	None
Development Plan Compliance:	Yes
Departures:	None
Recommendation:	Grant subject to conditions
Legal Agreement:	Not required
Direction to Scottish Ministers	Not required

1. Reason for Report

- 1.1. This application is required to be determined by the Planning Committee within the context of the approved Planning Application Decision Making Process (2015) as the proposal is for more than 10 residential units.

2. Site Description

- 2.1. The site extends to approximately 0.2ha and occupies a prominent corner position. The site is enclosed by Almada Street and Bothwell Road, two key routes through Hamilton, and is situated in close proximity to the designated strategic centre of Hamilton.
- 2.2. The site accommodates an existing building with associated parking, which was purpose built as student accommodation. The existing building, which was constructed in the 1990s, is three storeys in height and forms a courtyard setting. Vehicular access to the site is via a pend on Barrack Street and parking is provided within the courtyard area at ground floor level. The existing building is finished in buff facing brick, UPVC cladding and concrete roof tiles.
- 2.3. The applicant has advised that the site was utilised by the University of the West of Scotland (UWS) until 2018. Following the relocation of their campus, the building has mostly been vacant with only intermittent use by the Salvation Army to provide homeless accommodation. The site was sold by UWS in 2022 and currently contains 26 units, each with 6 bedrooms. The property is designated as a house in multiple occupation (HMO) use.

3. Description of Proposed Development

- 3.1. This is a detailed planning application for the refurbishment and alterations to the former student accommodation to form 26 residential flats with associated parking. The properties would all have 2 bedrooms and a study/office area. The vehicular access and pend would be retained, with the parking layout revised to provide 32 parking spaces. The parking provision would include two accessible spaces and provide 27 electric vehicle charging points. In addition, a bike storage area would also be provided.
- 3.2. Externally, there would be minor alterations affecting the appearance of the building. This work would include the installation of replacement windows, doors, cladding and general repair work.

4. Relevant Planning History

- 4.1. The application site formed part of a larger development which was granted planning permission in principle on 13 January 2020, for a 'mixed use development incorporating residential dwellings, hotel, office, care home, retail, restaurant/café, open space and associated works (Planning Permission in Principle)' (HM/17/0488).

5. Supporting Information

- 5.1. In support of the planning application, the applicant has submitted:-

♦ A Roads and Parking Strategy

6. Consultations

- 6.1. Environmental Services - no objection to the proposal, subject to the imposition of advisory notes relating to nuisance and noise.
Response - Noted.

- 6.2. Roads Development Management Team – no objection to the proposal subject to conditions relating to the proposed parking layout. The site is located in close proximity to local bus stops and train stations and is therefore accessible to public transport links. There are parking restrictions in place along Barrack Street and Almada Street, which will ensure that there is no overspill parking associated with the development on the surrounding streets.
Response - Noted.

7. Representations

- 7.1. Following the statutory period of neighbour notification, no representations have been received.

8. Development Plan

- 8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. National Planning Framework 4

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

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the Climate and Nature Crises
- ◆ Policy 2 - Climate Mitigation and Adaptation
- ◆ Policy 9 - Brownfield, Vacant and Derelict Land and Buildings
- ◆ Policy 13 - Sustainable Transport
- ◆ Policy 14 - Design, Quality and Place
- ◆ Policy 15 - Local Living and 20 Minute Neighbourhoods
- ◆ Policy 16 - Quality Homes

8.3 South Lanarkshire Local Development Plan 2 (2021)

For the purposes of determining planning applications, the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard, the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

SLLDP2 Volume 1 Policies

- ◆ Policy 1 - Spatial Strategy
- ◆ Policy 2 - Climate Change
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 11 - Housing
- ◆ Policy 15 - Travel and Transport

9. Guidance

- 9.1. None

10. Assessment and Discussion

- 10.1. Detailed planning permission is sought for the refurbishment and alterations to former student accommodation to form 26 residential flats with associated parking at 2 Barrack Street, Hamilton. The determining issues in the consideration of this application are its compliance with national policy, local development plan policy and its impact on residential amenity, traffic safety, environmental matters and infrastructure issues.

10.2. Principle of Development

Policy 16 of NPF4 seeks to encourage, promote, and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations. In addition, Policy 16 provides support for homes on land allocated for housing in the Local Development Plan (LDP). The application site is identified as an allocated housing site in the LDP and therefore the principle of the use of the existing building for flatted homes raises no issues within the context of Policy 16 of NPF4.

10.3. Policy 9 of NPF4 states that proposals for the re-use of existing buildings, including conversions to other uses, will be supported. The proposal relates to the sustainable re-use of an intermittently vacant building to provide residential flats. Subsequently, the proposal accords with the provisions of Policy 9 of the NPF4.

10.4. The site is identified as a part of the larger 'Development Framework Site' (University of West of Scotland Almada Street, Barrack Street, Hamilton) under Policy 1 of the adopted LDP. The proposal raises no issues within the context of Policy 1 of the adopted LDP.

10.5. Policy 11 of the adopted LDP is also relevant and designates the site as part of the housing land supply. Subsequently, the principle of the use of the site to provide residential accommodation accords with Policy 11 of the LDP.

10.6 Climate Change

Policy 1 of NPF4 requires that when considering all development proposals, significant weight will be given to the global climate and nature crises. Policy 2 of NPF4 seeks to minimise and mitigate against the effects of climate change by considering various criteria, including being sustainably located, the reuse of vacant and derelict land, the avoidance of flood risk areas, incorporating low and zero carbon generating technologies, opportunities for active travel routes and trips by public transport and the provision of electrical vehicle recharging infrastructure. The proposal relates to a site in close proximity to established public transport links. In addition, provision of electric vehicle recharging infrastructure is proposed. Therefore, it is considered that the proposal raises no issues within the context of Policies 1 and 2 of NPF4.

10.7. Policies 1 and 2 of the adopted LDP encourage sustainable economic growth and regeneration, a move towards a low carbon economy, the protection of the natural and historic environment and mitigation against the impacts of climate change. The proposal involves the re-development of an existing building, located in close proximity to the designated strategic centre of Hamilton, and therefore raises no issues within the context of Policies 1 and 2 of the adopted LDP.

10.8 Layout, Siting and Design

Policies 14 and 15 of NPF4 relate to 20 minute neighbourhoods and liveable places. Policy 14 sets out that all development should be designed to improve the quality of an area and be consistent with the six qualities of a successful place: healthy, pleasant, connected, distinctive, sustainable and adaptable. Policy 15 establishes that development proposals should contribute to local living and 20 minute neighbourhoods.

10.9. The proposed development site is located within the Hamilton settlement boundary, within close proximity to the strategic centre which has a wide range of facilities and services. The site is considered to be well connected and situated within a sustainable location which will contribute to minimising emissions. In addition, the site is considered to be adaptable as the proposal seeks to ensure the long-term

reoccupation of an existing building, whilst simultaneously improving the vitality of the area. Therefore, it is considered that the proposal raises no issues within the context of Policies 14 and 15 of NPF4.

10.10. In terms of the detailed design of the development, Policy 5 of the adopted LDP 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. The proposed design changes relate to minor external alterations which are acceptable and accord with the provisions of Policy 5 of the adopted LDP.

10.11 Other Issues

Policy 13 of NPF4 provides support for development proposals which have links to local facilities, are accessible via public transport, provide low emission vehicle charging points, provide cycle parking and take into account the transport needs of diverse groups, whilst simultaneously reducing the dominance of the car. The location of the site and the design of the proposal support sustainable travel and address these infrastructure requirements, in accordance with the provisions of Policy 13 of NPF4.

10.12. Policy 15 of the adopted LDP 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. In this regard, the site is situated at the junction of two key transport routes through Hamilton, is accessible by public transport and the development would be well integrated into existing walking and cycling networks. In addition, Roads and Transportation Services consider that the proposal is acceptable in terms of access, parking and road safety issues. Subsequently, it is considered that the proposal accords with the provisions of Policy 15 of the LDP.

10.13 Conclusion

In conclusion, the proposal relates to the sustainable reuse of an existing building situated in close proximity to the strategic centre of Hamilton. The design, layout and general impact of the development is considered to be acceptable and that the proposal raises no significant environmental or infrastructure issues. The proposal is considered to be acceptable and it is therefore recommended that the application be granted subject to the conditions listed.

11. Recommendation and Conditions

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

Grant Planning Permission Subject to the following Conditions:-

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

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

2. That before the development is completed or brought into use, all of the parking spaces and the associated electric vehicle charging points shown in Drawing ALM-PL-300 Rev C of the approved plans shall be 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.

12. Reason for Decision

- 12.1. The proposal raises no amenity, environmental or infrastructure issues and complies with Policies 1, 2, 9, 13, 14, 15 and 16 of the National Planning Framework 4 and Policies 1, 2, 5, 11 and 15 of the adopted South Lanarkshire Local Development Plan 2. There are no other material considerations which would justify the refusal of planning permission.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 28 August 2023

Background Papers

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

[P/23/0071 | Refurbishment and alterations to former student accommodation to form 26 residential flats with associated parking. | 2 Barrack Street Hamilton ML3 0HZ \(southlanarkshire.gov.uk\)](#)

Corporate Considerations

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

Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

LANARKSHIRE

South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

8

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

Reference no:	P/23/0301
Proposal:	Erection of 1.5 storey dwellinghouse with associated works
Site Address:	8A Abbeygreen, Lesmahagow, ML11 0DB
Applicant:	Mr and Mrs B Hood
Agent:	Axiom Design Services
Ward:	04 Clydesdale South
Application Type:	Full Planning Permission
Advert Type:	Affect setting of a Listed Building – Carlisle Gazette 19 July 2023 and Site Notice 15 May 2023
Development Plan Compliance:	Yes
Departures:	None
Recommendation:	Grant subject to conditions
Legal Agreement:	Not required
Direction to Scottish Ministers	Not required

1. Reason for Report

- 1.1. The application is required to be determined by the Planning Committee under Clause 4.1 of the Decision-Making Process 2015: any application which has attracted more than five objections.

2. Site Description

- 2.1. The application site relates to an area of land to the rear of the former Royal Bank of Scotland building at 8 Abbeygreen, Lesmahagow. The former bank is a Category B-listed building, with the application site itself comprising of open soft-landscaped grounds which were formally associated with the bank building.
- 2.2. The application site is bound by Bloomfield Road to the south and Wellwood Road to the west and is separated from the roads by an existing stone boundary wall and by existing landscaping including a number of mature trees. The majority of the site is relatively level and extends to approximately 0.07 hectares. The site is located on the edge of the designated local centre, however, most of the adjacent properties are residential in terms of their current use.

3. Description of Proposed Development

- 3.1. The proposal involves the erection of a 1.5 storey dwellinghouse, the formation of a new vehicular access onto Wellwood Road and the provision of a driveway to the front and side. The house would have an H-shaped footprint and a pitched roof. A small front dormer is proposed for the centre of the front elevation and a rear two storey gable featuring a Juliet balcony is proposed serving the main bedroom, with a second Juliet balcony proposed for the side elevation, serving the other upper floor bedroom. The proposed finishing materials include concrete roof tiles, rendered walls with a stone finish to the central entrance, powder coated windows and uPVC rainwater goods.
- 3.2. Bin storage provision would be to the side of the house with the garden ground beyond this area also to the side of the house, as well as to the rear. The existing stone boundary wall is to be lowered to 900mm along Wellwood Road and Bloomfield Road to accommodate the access.

4. Relevant Planning History

- 4.1. Planning permission in principle was granted for the erection of a dwellinghouse on the site in 2019 (P/19/0613). A detailed application for the erection of a dwellinghouse was submitted in 2020 (P/20/1755) but was later withdrawn by the applicant. In 2021 detailed consent was approved for the erection of a 1.5 storey dwellinghouse (P/21/0509). The approved dwelling was of a different design to that proposed in this application.

5. Supporting Information

- 5.1. **Design and Planning Statement** - this outlines the proposed design of the development.

6. Consultations

- 6.1. Roads Development Management Team – No objections subject to the inclusion of conditions relating to the numbers of off-street parking spaces, the provision of an electric vehicle charging point, the provision of an appropriate visibility splay and suitable surfacing.
Response: Noted.
- 6.2. Environmental Services – No comments.
Response: Noted.

- 6.3. Scottish Water – There is sufficient capacity for water in the area to service the development.

Response: Noted.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement, a total of 25 representations have been received (20 objections, 5 support). The issues raised are summarised as follows:-

Road safety, vehicular access and parking

- ◆ Concern regarding restricting access to existing properties on Wellwood Road including safety, emergency vehicle access and turning space provision
- ◆ Lack of visibility
- ◆ Concern regarding the existing level of insufficient on-street parking
- ◆ Parking and access will be more difficult whilst construction works take place
- ◆ Objection to the access, not to the proposed house itself
- ◆ Parking restrictions could be used to improve access
- ◆ Construction traffic
- ◆ Increased traffic congestion
- ◆ Road safety

Drainage

- ◆ There have been local drainage issues and the proposed development will affect capacity

Impact upon the environment and nature

- ◆ Significant disruption to nature and the environment in the area recently
- ◆ Building works would impact upon the existing trees and wildlife habitats within the application site

Support

- ◆ Support for rejuvenating the neighbourhood
- ◆ Proposal fits well with neighbouring houses
- ◆ Sufficient parking provision

Matters raised which are not material planning considerations

- ◆ Property values may be impacted by parking congestion or by the erection of this proposed house

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

8. Development Plan

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

National Planning Framework 4

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

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 7 - Historic assets and places
- ◆ Policy 14 - Design, quality and place
- ◆ Policy 15 - Local Living and 20 minute neighbourhoods
- ◆ Policy 16 - Quality homes

8.3 South Lanarkshire Local Development Plan 2 (2021)

The application site and associated proposals are affected by the following policies contained in the South Lanarkshire Local Development Plan 2 (SLLDP2):-

SLLDP2 Volume 1 Policies

- ◆ Policy 1 – Spatial Strategy
- ◆ Policy 2 - Climate Change
- ◆ Policy 3 – General Urban Areas and Settlements
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 9 - Network of Centres and Retailing
- ◆ Policy 14 - Natural and Historic Development

SLLDP2 Volume 2 Policies

- ◆ Policy DM1 - New Development Design
- ◆ Policy NHE3 - Listed Buildings

South Lanarkshire Council (SLC) Supporting Planning Guidance

None

9. Guidance

9.1. None applicable.

10. Assessment and Discussion

10.1. Full planning permission is sought for the Erection of 1.5 storey dwellinghouse with associated works at 8A Abbeygreen, Lesmahagow, ML11 0DB. The main issues to be addressed in the determination of this application includes the acceptability in principle of the proposed development, its layout, siting and design, and an assessment of technical matters. The policies contained within National Planning Framework 4 and the South Lanarkshire Local Development Plan 2 are the main consideration in this case, together with an assessment of any other material planning considerations.

10.2. Principle of Development

The application site is located within the settlement boundary. NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods supports development proposals that will contribute to local living and consideration will be given to the existing settlement pattern and to the level and quality of interconnectivity of the proposed development to local shops, services, parks and sustainable modes of transport. Policy 16 – Quality Homes sets out the conditions by which new homes will be supported. This includes supporting new homes within existing settlement boundaries where the proposal is consistent with the development plan spatial strategy and with other relevant policies including local living and 20-minute neighbourhoods. SLLDP2 Policy 11 – Housing supports housing developments on identified sites, subject to a range of house sizes and types being provided and subject to the proposals according with the other relevant policies in the development plan. The site is also located on the edge of the designated local centre, and SLLDP2 Policy 9 – Network of Centres and Retailing is therefore relevant. This policy seeks to support a network of Strategic, Town and

Local Centres to provide retail and other local services. In local centres an appropriate mix of uses that will meet the economic and social need of the community is supported.

10.3. In this instance, the site has not been identified as a specific housing site, however, it is located within the settlement and is sited on the edge of the designated local centre. As it is located within the settlement boundary, the principle of building a dwellinghouse at this site is acceptable in principle as it would constitute appropriate infill development and the site is in close proximity to the local shops, services and transport links on and around Abbeygreen, contributing successfully to local living principles. The use of this site for residential use would have no negative impact upon the function of the local centre. As such, the proposal is considered to accord with NPF4 Policies 15 and 16 and SLLDP2 Policy 9. It is further in accordance with Policies 1, 3 and 5 of the SLLDP2 as it appropriately directs development to urban areas.

10.4. Climate Change

NPF4 Policy 1 - Tackling the Climate and Nature Crises and NPF4 Policy 2 - Climate Mitigation and Adaptation together aim to ensure that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. In addition, SLLDP2 Policy 2 - Climate Change states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. The sites' location within the settlement and its close proximity to local services and transportation links are such that the proposal can be considered to be sustainably located, and while the proposal would involve some loss of mature landscaping, the overall impact upon the local environment would not be significant. As such, the proposal is considered to comply with the provisions of Policies 1 and 2 of NPF4 and Policy 2 of the SLLDP2.

10.5. Layout, Siting and Design

NPF4 Policy 14 – Design, Quality and Place requires development proposals to be designed to improve the quality of an area and supports proposals where they are consistent with the six qualities of successful places; healthy, pleasant, connected, distinctive, sustainable, and adaptable. SLLDP2 Policies 5 - Development Management and Placemaking and DM1 - New Development Design state that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community.

10.6. The proposed dwellinghouse would be effectively 1.5 stories in height, finished with a pitched roof. The overall size, scale and design would suitably integrate with the local area and the noted choices of external finishing materials are broadly acceptable, with the final details able to be controlled by the inclusion of a suitably worded condition given the setting of the proposed building. There are some more modern design elements such as the Juliet balconies to the side and rear elevations, and the large, glazed doors to the rear, but overall, the proposal is reflective of the character of the area. The proposed layout provides a suitable vehicular access and three off-street parking spaces as well as adequate garden amenity space and bin storage. The proposed layout, scale and design would also not introduce any significant amenity issues in terms of overlooking or overshadowing neighbouring properties. As such, the proposal complies with NPF4 Policy 14 and with SLLDP2 Policies 5 and DM1.

10.7. Other issues

The adjacent former bank building is a Category B-Listed Building, and there is a potential that development at this site may affect the character or setting of the Listed Building. NPF4 Policy 7 – Historic Assets and Places seeks to protect and enhance historic environment assets and places. Specifically, development proposals affecting

the setting of a Listed Building should preserve its character, and its special architectural or historic interest. SLLDP2 Policies 14 – Natural and Historic Environment and NHE3 – Listed Buildings similarly seek to protect these historic assets and require development affecting a Listed Building or its setting, as a first principle, to seek to preserve the building and its setting and any features of special architectural interest which it has.

10.8. The proposed dwellinghouse would be located within the grounds of this Listed Building and in relative proximity, however, it would be positioned towards the rear of the site. Given its proposed setting, layout, form, and the topography of the area, it would not significantly impact upon the setting or character of the Listed Building or upon any special architectural features. Sections of the existing rear boundary wall adjacent to Wellwood Road will require to be removed and lowered in height to accommodate the development, however, the partial removal of this wall will not significantly impact upon the adjacent Listed Building. As such, the proposal is considered to comply with NPF4 Policy 7 and SLLDP2 Policies 14 and NHE3.

10.9. Technical Matters

Concerns have been expressed regarding the proposed driveway location and the access, turning and parking situation in the local area. Roads and Transportation Services have offered no objections, subject to the inclusion of relevant conditions and advisory notes. The concerns about on-street parking and access are noted, but it is also noted that Wellwood Road contains a number of existing driveways, and the concerns raised already exist. The proposal contains sufficient space for sufficient off-street parking to accommodate the proposed house, and so it should not add to the demand for on-street parking. Therefore, it is considered that the additional driveway will not significantly impact upon the availability of on-street parking. Sufficient visibility at the driveway can also be conditioned to ensure that there is no significant impact upon public or road safety. On balance, the proposed additional house and associated access and parking can be adequately accommodated and is therefore acceptable in terms of the above policies.

10.10. Scottish Water raise no objection to the proposal, and the small-scale nature of the single dwellinghouse and its urban location within the settlement is not considered to give rise to any adverse environmental impacts. As such, the proposal is considered to satisfy technical matters.

10.11. A number of letters of representation refer to the potential impact of the development on property values. For clarification, the impact of a proposal on property values is not a material planning consideration and it therefore cannot be taken into consideration when determining a planning application.

11 Recommendation and Conditions

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

Grant Planning Permission Subject to the following Conditions:-

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

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

02. That before any development commences on site details and specification of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority. The development shall thereafter be carried out in accordance with the approved details to the satisfaction of 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 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. The development shall thereafter be carried out in accordance with the approved details to the satisfaction of the Council as Planning Authority.

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

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

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

05. That before the development is completed or brought into use, all of the parking spaces shown in Drawing HHP3/A1/102 on the approved plans shall be laid out, constructed to the specification of the Council as Roads and Planning Authority.

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

06. 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.

07. That before the development is completed or brought into use, the first 2m of the driveway shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the road.

Reason: In the interests of traffic safety and to prevent deleterious material entering the road.

08. That before the development hereby approved is completed or brought into use, a visibility splay of 2 metres by 20 metres measured from the road channel shall be provided to the left of 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 to either the left or right of the vehicular access.

Reason: In the interests of traffic and public safety.

12 Reason for Decision

- 12.1. The proposal raises no significant amenity, environmental or infrastructure issues, and it would have no significant adverse impact upon the setting of the adjacent Listed Building. The proposal therefore complies with Policies 1, 2, 7, 14, 15 and 16 of the National Planning Framework 4 and Policies 2, 3, 5, 9, 14, DM1 and NHE3 of the adopted South Lanarkshire Local Development Plan 2. There are no other material considerations which would justify the refusal of planning permission.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 28 August 2023

Background Papers

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

[P/23/0301 | Erection of 1.5 storey dwellinghouse with associated works | 8A Abbeygreen Lesmahagow ML11 0DB \(southlanarkshire.gov.uk\)](#)

Corporate Considerations

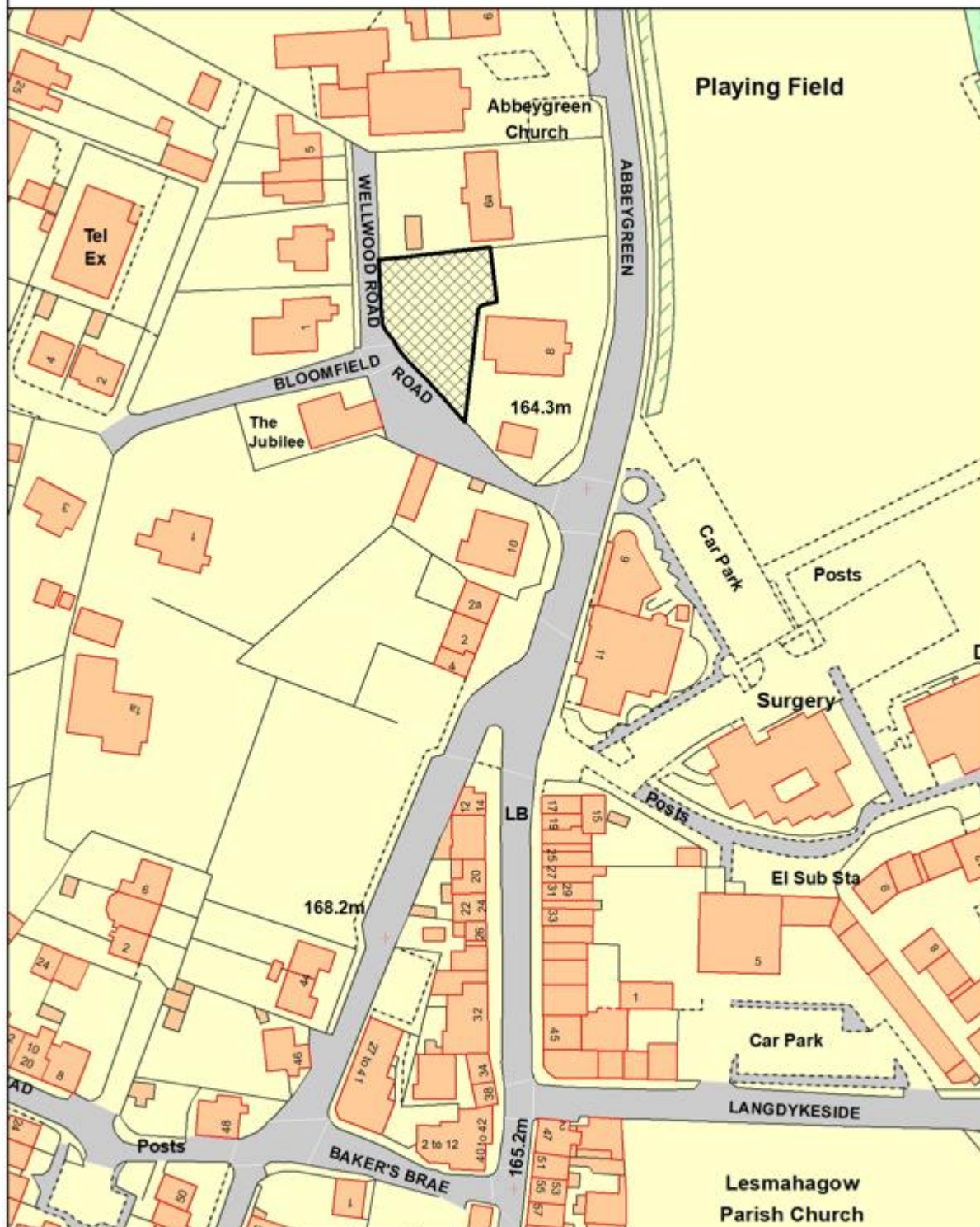
The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk



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Scale:
1:1,250
Date:
18/07/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

9

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

Reference no:	P/23/0308
Proposal:	Erection of 6 wind turbines, access tracks and ancillary infrastructure (Section 42 application to amend condition 1 of P/20/0406 to extend time period to 16 April 2054 and Condition 15 to extend period for decommissioning to three years)
Site Address:	Muirhall Wind Farm Auchengray Lanark
Applicant:	Muirhall Wind Farm Ltd
Agent:	Muirhall Energy Ltd
Ward:	02 – Clydesdale North
Application Type:	Modification, Variation or Removal of Planning Conditions
Advert Type:	Environmental Impact Assessment (EIA) Report : Lanark Gazette 12 April 2023 EIA Report : Edinburgh Gazette 14 April 2023 Non-notification of neighbours: Lanark Gazette 12 April 2023 Bad Neighbour: Lanark Gazette 12 April 2023
Development Plan Compliance:	Yes
Departures:	None
Recommendation:	Grant Subject to Conditions
Legal Agreement:	Not Required
Direction to Scottish Ministers	Not Required

1. Reason for Report

- 1.1. The application is required to be determined by the Planning Committee under Clause 5.1 of the Decision-Making Process 2015 as it constitutes a major planning application.

2. Site Description

- 2.1. The application site forms part of what is now considered as Phase 1 of the existing Muirhall wind farm, which is located approximately 2 km south east of the settlement of Auchengray. The overall wind farm array comprises 11 turbines which were erected over three phases and this particular phase involves 6 turbines, each at a height of 125m to blade tip. The turbines have been operational since 2011.

3. Description of Proposed Development

- 3.1. The application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) to vary the wording of planning conditions 1 and 15 attached to planning permission P/20/0406 (a previous Section 42 application that granted consent for the original 25 years for the lifetime of the wind farm to be extended to 30 years). The applicant is now seeking consent for a 40 year operational period for the Muirhall wind farm (condition 1) and extension of the period for carrying out restoration of the site (condition 15) as follows and these changes are marked in italics.

- 3.2 Condition 1 of application P/20/0406 states:-

"That consent is granted from the date of this consent until *28th March 2041.*"

The applicant has requested that condition 1 be varied to read:-

"That consent is granted from the date of this consent until *16th April 2054.*"

- 3.3 Condition 15 of planning application P/20/0406 states:-

"Within 12 months of the end of the period of this consent as specified in condition 1 above, (unless a further consent is granted) all wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site and the land shall be restored and subject to aftercare, in accordance with the restoration and aftercare scheme referred to in Conditions 16 and 17. For the purposes of this condition "restored" means the removal of all wind turbines, turbine pads, initial layer of foundation and all buildings and ancillary development. Notwithstanding this requirement, no later than one year prior to the commencement of the restoration and aftercare scheme, the Council as Planning Authority, shall review the retention of pads, foundations, cable/ducts, and access tracks within the context of the restoration strategy to identify any elements to be retained on site or requiring alternative reinstatement."

The applicant has requested that condition 15 be varied to read:-

"Within 3 years of the end of the period of this consent as specified in condition 1 above, (unless a further consent is granted) all wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site and the land shall be restored and subject to aftercare, in accordance with the restoration and aftercare scheme referred to in Conditions 16 and 17. For the purposes of this condition "restored" means the removal of all wind turbines, turbine pads, initial layer of foundation and all buildings and ancillary development. Notwithstanding this requirement, no later than one year prior to the commencement of the restoration and aftercare scheme, the Council as Planning Authority, shall review the retention of pads, foundations, cable/ducts, and access tracks within the context of the restoration strategy to identify any elements to be retained on site or requiring alternative reinstatement."

- 3.4 A separate planning application P/23/0309 which seeks similar changes to conditions to the planning permission for phase 2 of Muirhall wind farm is the subject of a separate report on this agenda.
- 3.5 If successful, the effect of a Section 42 application to modify a planning condition or conditions is to grant a further planning permission for the whole development but with the amended condition or conditions replacing those that were previously issued, or with conditions removed if required. All other conditions, if relevant, are also required to be attached to any new planning permission. If the proposed changes to the condition or conditions are deemed unacceptable, then Section 42 of the Act requires the application to be refused. Any refusal of an application under Section 42 of the Act does not have any effect on the original planning permission which remains intact.

4. Relevant Planning History

- 4.1. Muirhall wind farm comprises 11 turbines in total and was developed over three phases under separate planning permissions. In terms of phase 1, planning permission was originally granted for 6 turbines at a maximum height of 125m to blade tip in 2008 (Planning Ref: CL/05/0209) and was subject to a condition limiting the life span of the turbines to 25 years. A Section 42 application (ref: P/20/0406) was approved in August 2020 to increase the operational timescale for the approved turbines to 30 years ie until 2041. This 2020 consent is the current, extant permission that the 6 turbines are operating under and is therefore the permission that is subject to this current Section 42 application.
- 4.2 Phase 2 of the wind farm constituted a further 2 turbines at a maximum height of 145m to tip height (Planning Ref: CL/12/0074 granted in September 2012). This phase of the wind farm has been operational since 2014 with a life span until 2039. Planning permission P/20/0409 was subsequently granted for the operational timescale of the development to be extended by a further 2 years ie 2041.
- 4.3 Phase 3 of the wind farm (Planning Ref: CL/14/0113) constituted a further 3 turbines at a height of 147m to tip. This application was originally refused on landscape and visual matters but the subsequent appeal to the DPEA was sustained in July 2015. The turbines have now been operational since 2016 with a life span until 28 March 2041. It should however be noted that this phase of the wind farm is now under separate ownership.

5. Supporting Information

- 5.1. The applicant has submitted a number of supporting documents with the application, including a Section 42 Supporting Statement setting out the justification for the application, and copies of the original submitted Environmental Statement (ES) documents and figures.

6. Consultations

- 6.1. The Ministry of Defence (MOD) – no adverse comments or objections, as the turbine location and dimensions haven't altered from the previous approval.
Response: Noted.
- 6.2. National Air Traffic Services (NATS) – no adverse comments or objections to the proposals.
Response: Noted.
- 6.3. Edinburgh Airport – no objection to the application, as the proposals do not conflict with safeguarding criteria.
Response: Noted.

7. Representations

7.1 Following the statutory period of neighbour notification and advertisement, 1 letter of representation, objecting to the application, has been received. The issues raised are summarised as follows:-

- ◆ Too many wind farms in this area
- ◆ They are a blot on the landscape
- ◆ Damage to the local roads
- ◆ Damage to peat
- ◆ Damage to wildlife, including birds, bats and insects
- ◆ Interference with mobile phones, radar and television signals
- ◆ Only people who gain are MPs, the landowner and Councils

The above issues will be considered in the assessment below. This letter is available for inspection on the planning portal.

8. Development Plan

8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 National Planning Framework 4

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

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 3 - Biodiversity
- ◆ Policy 4 - Natural places
- ◆ Policy 5 - Soils
- ◆ Policy 11 - Energy
- ◆ Policy 29 - Rural development

8.3 South Lanarkshire Local Development Plan 2 (2021)

For the purposes of determining planning applications the Council will, therefore, assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

SLLDP2 Volume 1 Policies

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

9. Guidance

9.1. None applicable.

10. Assessment and Discussion

- 10.1. 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. The policies contained within National Planning Framework 4 and the South Lanarkshire Local Development Plan 2 are the main consideration in this case, together with an assessment of any other material planning considerations.
- 10.2 As the proposals involve amendments to an existing consent, now implemented, there is no opportunity to revisit the principle of the development, or any facets of the Original Consent that do not form part of the proposed amendments. Therefore, in this instance, the assessment of the proposals relates solely to consideration of any impacts that may arise from an increase in the permitted period of operation of Muirhall Wind Farm from 25 to 40 years, and from the extended period proposed for site decommissioning and restoration. The main matters for the Council's consideration are therefore whether these extended periods for operation and decommissioning/restoration of the wind farm would continue to comply with the Development Plan. No changes to the scale, design or layout of the approved scheme are proposed.
- 10.3 In determining whether the proposed extension to the operation of the wind farm is acceptable, it should be noted that the 25 year time limit on the original permission was not imposed to mitigate any effects of the wind turbines on the surrounding area, but rather reflected the 'industry standard' at the time, in that the operational capacity of turbines was limited by the technology then in place.
- 10.4 However, as technology has advanced and wind farms become an established feature, developers have sought to extend their operational time limits. Overall, there is a general presumption in favour of granting permission in such cases, unless exceptional circumstances suggest otherwise. In this instance, the policy direction on wind farm development is broadly similar to when the original permission was granted, and it is considered that the environmental impact of the proposals remains unchanged. In addition, the application, if successful, would result in an additional 13 years of renewable electricity generation for an already consented/operational wind farm, which accords with policy direction at both a national and a local level.
- 10.5 The previous consents, now implemented, first established the principle of a wind farm development at Muirhall in 2008. The amendments proposed relate, firstly, to an extension of the permitted period of operation from 27 to 40 years for the full Wind Farm site (in conjunction with application P/23/0309). As such, the key issue in assessing the application is whether the continued operation of the wind farm for a further 13 years is considered acceptable. In addition, consideration requires to be given to the proposed extension of time for site decommissioning and restoration. A detailed assessment against NPF4, local development plan policy in the adopted South Lanarkshire Local Plan 2 and its associated supporting planning guidance on Renewable Energy has been carried out. It is concluded that the extension of the permitted period of operation for the Wind Farm and the extension of time for site

decommissioning and restoration would accord with the relevant assessment criteria and would not have any resultant significant, adverse impacts.

10.6 A single letter of objection to the application was received, and whilst noting the comments the current application isn't proposing any further wind turbines or associated infrastructure on the existing wind farm site. In addition, the principle of a wind farm on the site was first established in 2008, with full consideration being given to impacts on visual and residential amenity, impact on the local road network, impacts on peat, wildlife, ecology, and biodiversity, and on potential interference issues.

10.7 It should also be noted that the Original Permission is also subject to a legal agreement to ensure the provision of a habitat management plan is implemented throughout the lifetime of the wind farm. The legal agreement also requires yearly contributions (£2,500 per MW generated) to the South Lanarkshire Renewable Energy Fund. It should be noted that whilst not a material consideration to the assessment of the application, if this application is successful, it would result in an additional 13 years of payments being made to this fund. The legal agreement has been structured in such a way that any permission that supersedes the Original Permission (as would be the case if this current application were permitted) would also be subject to the provisions of the legal agreement and a variation of the agreement is not required.

10.8 Conclusion

In conclusion, it is considered that subject to the replication of the relevant (post construction) conditions attached to the original permission, the proposals for the extension of the operational life span of the wind farm, and for the extended period of site decommissioning and restoration are considered acceptable. It is, therefore, recommended that the Planning Committee approve the application.

11. Recommendation and Conditions

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

Grant consent subject to the following conditions:-

01. That consent is granted from the date of this consent until 16 April 2054

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

02. The development shall be carried out strictly in accordance with the terms of the application and the accompanying Environmental Statement (ES) as amended in part by the addendum, including all mitigation measures as stated therein subject to the conditions below, such conditions having precedence over the terms of the application, the ES, and the Addendum.

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

03. That within 3 months of the date of decision, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the planning authority. Such guarantee must:-

- i. be granted in favour of the planning authority;
- ii. be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
- iii. be for an amount which covers the value of all site restoration and aftercare; liabilities as determined by the planning authority at the commencement of development;

- iv. contain provisions so that all the site restoration and aftercare liabilities as determined at the commencement of development shall be increased on each fifth anniversary of the date of this consent;
- v. come into effect on or before the date of commencement of development and expire no earlier than 24 months after the end of the aftercare period.

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

04. In the event of any turbine, or group of turbines, failing or being no longer required for electricity generation, or any other reason, for a continuous period of six months, unless otherwise agreed with the planning authority, the turbine(s) shall be replaced (in the case of failures), or dismantled and removed. In the case of removal, that part of the site accommodating the turbine, the turbine pad and access roads shall be reinstated within three months of the end of the six month period of non-generation in accordance with the agreed scheme under condition 51 of this permission, all to the satisfaction of the Council as Planning Authority.

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

05. That within 6 months from the date of this decision, a monitoring plan shall be submitted to the Council as Planning Authority setting out the steps that shall be taken to monitor the environmental effects of the development during the operational phase. The plan shall make specific reference to habitat creation, biodiversity impact, ground water, surface water, noise, and dust. Thereafter, the plan shall be implemented to the satisfaction of the Council. Results of such monitoring to be submitted to the Council on a 6 monthly basis, or a frequency agreed in writing by the Council, as Planning Authority.

Reason: In the interest of amenity and the environment.

06. Throughout the decommissioning and subsequent restoration of the site, an appropriately qualified environmental clerk of works named to and approved by the Council as Planning Authority shall be made available by the developer to direct said works. The ecological clerk of works shall also check water quality and other ecological matters and shall provide regular reports as an input to the compliance assessment.

Reason: In order to ensure suitable restoration.

07. That within 6 months from the date of this decision, a Pollution Prevention and Incident Plan which includes mitigation measures against environmental pollution during the life of the site shall be submitted to the Council as Planning Authority.

Reason: In the interests of pollution prevention.

08. At the reasonable request of the Council as Planning Authority and following a complaint to the Council relating to noise emissions arising from the operation of the wind farm, the wind farm operator shall appoint an independent noise consultant, whose appointment shall require to be approved by the Council, to measure the level of noise emission from the wind farm at the property to which the complaint related. The measurement and calculation of noise levels shall be undertaken in accordance with ETSU-R-97 having regard to paragraphs 1 to 3 and 5 to 11 inclusive of the schedule on Pages 95 to 97 inclusive, and Supplementary Guidance Notes to the Planning Obligation pages 99 to 109 of ETSU-R-97.

Reason: In the interests of amenity.

09. Noise from the wind turbines shall not exceed the following levels at the boundary of the curtilage of any adjacent noise sensitive premises at wind speeds of up to 9 metres per second at 10m height as measured on the site:-

- Quiet Daytime Hours, as defined in ETSU-R-97 as all evenings 1800 to 2300, Saturdays 1300 to 1800 and Sundays 0700 to 1800, background noise level plus 5dB(A) L90 or 40 dB(A) L90 whichever is the greater;
- Night time Hours, as defined in ETSU-R-97 as 2300 to 0700 on all days plus 5dB(A) L90 or 43 dB(A) L90, whichever is the greater.

Reason: In the interests of amenity.

10. If the tonal noise emitted by the development exceeds the threshold of audibility by 6.5dB or more, then the acceptable noise specified in condition 9 shall be reduced by 5dB, always providing that the definition of audibility for the purposes of this condition shall be as described in 'The Assessment and rating of Noise from Wind Farms (ETSU-R-97).

Reason: In the interests of amenity.

11. Pursuant to condition 8 above, where an assessment of any noise impact which, in the opinion of the Council as Planning Authority acting reasonably, is found to be in breach of the noise limits described in condition 9, the developer shall carry out mitigation measures to remediate the breach so caused. Details of any such mitigation measures required are to be submitted to the planning authority for prior approval.

Reason: In the interests of amenity.

12. That within 3 months from the date of this decision, details shall be submitted to the Council as Planning Authority of groundwater management, water treatment and the means of drainage from all hard surfaces and structures within the site. For the purposes of this condition, "hard surfaces" includes internal access tracks, construction and laydown areas, turbine pads and crane pads. The details to be submitted should indicate the means of protecting groundwater and diverting surface water run-off and will allow for the recharging of peat areas within the site. Thereafter the approved measures shall be implemented for the lifetime of the development, hereby approved.

Reason: In the interests of hydrology.

13. The clearance of snow from access tracks will be by mechanical means only unless otherwise agreed in writing by the Council as Planning Authority. For the avoidance of doubt the use of chemicals or salt based material is not to be used for snow clearance purposes.

Reason: In the interests of the environment.

14. Any fuel, oil, lubricant, paint, or solvent stored on site should be contained within bunds or double skin tanks which must be locked and capable of containing at least 110% of the largest capacity vessel stored therein and any spillage of any oil shall be dealt with immediately.

Reason: In the interests of the environment.

15. Within 3 years of the end of the period of this consent, as specified in condition 1 above, (unless a further consent is granted) all wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site and the land shall be restored and subject to aftercare, in accordance with the restoration and aftercare scheme referred to in Conditions 16 and 17. For the purposes of this condition "restored" means the removal of all wind turbines, turbine pads, initial layer of foundation and all buildings and ancillary development. Notwithstanding this requirement, no later than one year prior to the commencement of the restoration and aftercare scheme, the Council as Planning Authority shall review the retention of pads, foundations, cable/ducts, and access tracks within the context of the restoration strategy, to identify any elements to be retained on site or requiring alternative reinstatement.

Reason: In the interests of restoration.

16. Prior to the decommissioning of any turbine, an aftercare scheme for the restored site shall be submitted to and approved by the Council as Planning Authority and thereafter implemented to its satisfaction. The aftercare scheme shall include the measures necessary to manage the site or that part of the site as the case may be in accordance with the habitat management plan subject to the Section 75 Agreement compiled in conjunction with this planning permission.

Reason: In the interests of aftercare.

17. Without prejudice to the generality of condition 16 above, prior to the development becoming operational, the restoration plan will include details of phased decommissioning, the land use prevailing after decommissioning has taken place, the means of disposal of all waste materials and road metal, the dismantling methodologies for each turbine setting out the extent of recovery or of recycling of all metals and other recyclable parts, the means of removing the turbine bases and crane pads and the removal of cabling and ducts within the site.

Reason: In the interests of restoration.

18. That within 3 months from the date of this decision, a written scheme, setting out a protocol for the assessment of shadow flicker (and including mitigation measures) in the event of the receipt of a complaint, shall be submitted and approved by the Council as Planning Authority. Operation of the turbines shall take place in accordance with the approved protocol unless the Council gives its prior written approval to any variation.

Reason: In the interest of amenity.

19. The wind farm operator shall undertake of monitoring of migratory pink-footed geese birds from the date of this consent: at five yearly intervals, at 1, 5, 10 and 15 years thereafter. Surveys during operation shall record bird strikes and bird movement during the migratory period between September and November. Within one month of the issue of planning permission the detail and methodology for the ornithological monitoring and reporting of results shall be submitted to and approved by the Council as Planning Authority in consultation with Scottish Natural Heritage and such other parties the Planning Authority considers appropriate. The findings of these surveys shall be collated into two reports, at three and fifteen years after commissioning of the development, and all of the original data, and the reports, shall be made available to the Planning Authority, Scottish Natural Heritage and other such parties as the Planning Authority considers appropriate.

Reason: In the interests of ornithology.

12. Reason for Decision

- 12.1. The proposals to extend the lifespan of a wind farm development that already benefits from planning consent by 13 years to 16 April 2054, and to extend the period for site decommissioning to 3 years are considered acceptable, subject to the imposition of the previous suite of applicable environmental conditions. The proposals are considered to accord with Policies 1, 2, 3, 4, 5, 11 and 29 of the National Planning Framework 4, and with Policies 1, 2, 4, 5, 14, 15, and 18 of the adopted South Lanarkshire Local Development Plan 2 and its supporting planning guidance on Renewable Energy.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 28 August 2023

Background Papers

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

[P/23/0308 | Erection of 6 wind turbines, access tracks and ancillary infrastructure \(Section 42 application to amend condition 1 of P/20/0406 to extend time period to 16.04.2054 and Condition 15 to extend period for decommissioning to three years\) | Muirhall Wind Farm Auchengray Lanark](#)

Corporate Considerations

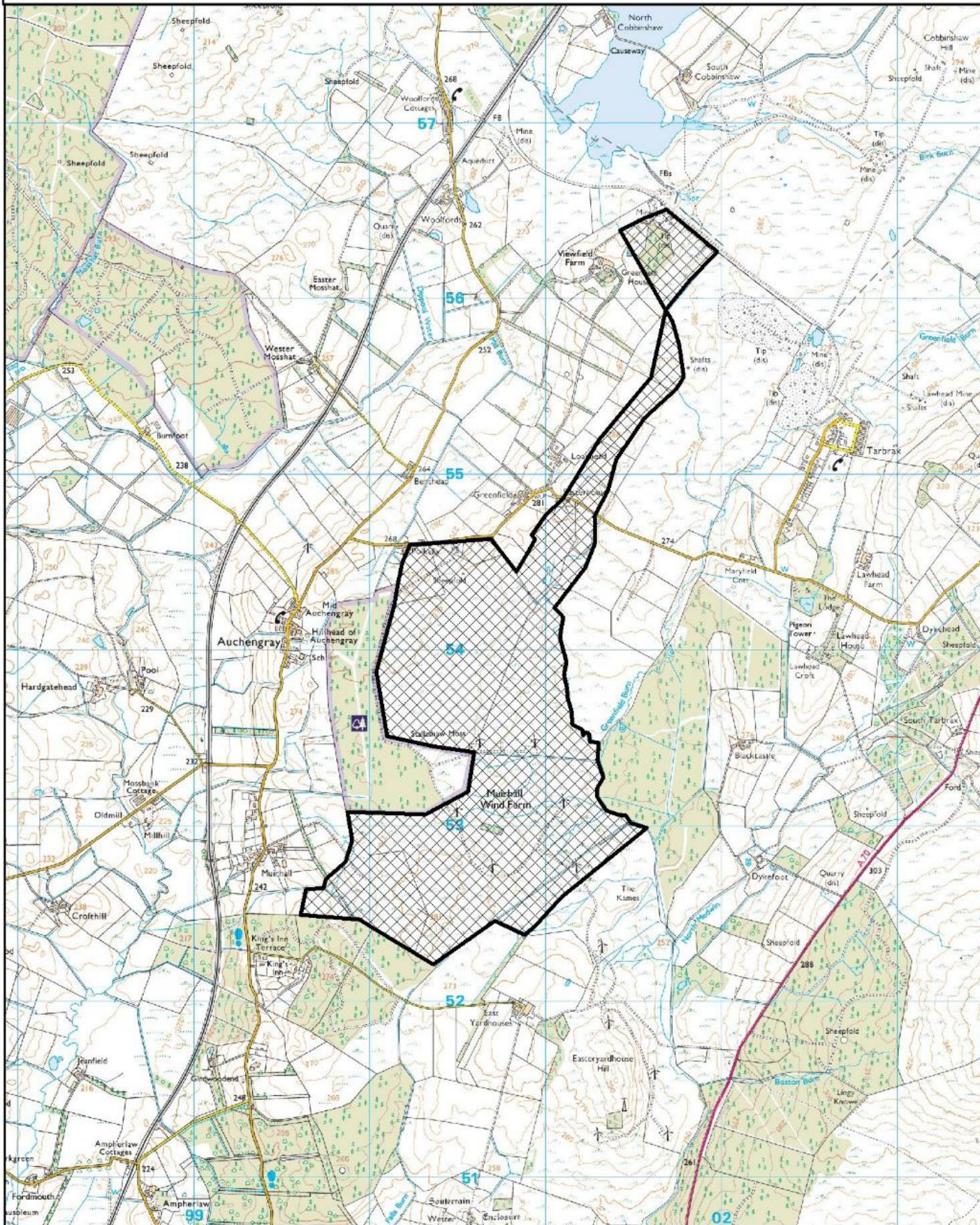
The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk



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Scale:
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Date:
11/08/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

10

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

Reference no:	P/23/0309
Proposal:	Extension to existing Muirhall wind farm involving erection of two 145 metre high wind turbines and associated infrastructure (Section 42 application to amend condition 2 of P/20/0409 to extend time period to 16 April 2054 and Condition 4 to extend period for decommissioning to three years)
Site Address:	Muirhall Wind Farm Auchengray Lanark
Applicant:	Muirhall WF Extension Ltd
Agent:	Muirhall Energy Ltd
Ward:	02 – Clydesdale North
Application Type:	Modification, Variation or Removal of Planning Conditions
Advert Type:	Environmental Impact Assessment (EIA) Report : Lanark Gazette 12 April 2023 EIA Report : Edinburgh Gazette 14 April 2023 Non-notification of neighbours: Lanark Gazette 12 April 2023 Bad Neighbour: Lanark Gazette 12 April 2023
Development Plan Compliance:	Yes
Departures:	None
Recommendation:	Grant subject to Conditions
Legal Agreement:	Not Required
Direction to Scottish Ministers	Not Required

1. Reason for Report

- 1.1. The application is required to be determined by the Planning Committee under Clause 5.1 of the Decision-Making Process 2015 as it constitutes a major planning application.

2. Site Description

- 2.1. The application site forms part of what is now considered as the Phase 2 extension of the existing Muirhall wind farm, which is located approximately 2 km south east of the settlement of Auchengray. The overall wind farm array comprises 11 turbines which were erected over three phases (as described in 3.6 below). This particular phase involves the erection of 2 turbines, both at a height of 145m to blade tip. The turbines have been operational since 16 April 2014.

3. Description of Proposed Development

- 3.1. The application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) to vary the wording of planning conditions 2 and 4 attached to planning permission P/20/0409 (a previous Section 42 application for Phase 2 of the Muirhall wind farm that granted consent for the operational timescale of the development for a further 2 years). The applicant is now seeking consent for a 40 year operational period for the Muirhall wind farm (condition 2) and the period for carrying out restoration of the site (condition 4) as follows and these changes are marked in italics.

- 3.2 Condition 2 of application P/20/0409 states:-

“That consent is granted from the date of this consent until *28th March 2041.*”

The applicant has requested that condition 2 be varied to read:-

“That consent is granted from the date of this consent until *16th April 2054.*”

- 3.3 Condition 4 of planning application P/20/0409 states:-

“*Within 12 months* of the end of the period of consent (unless a further consent is granted) all wind turbines, ancillary equipment and buildings shall be dismantled and removed from site and the land restored and subject to aftercare, in accordance with the restoration and aftercare scheme referred to in Condition 5. For the purposes of this condition 'restored' means the removal of all wind turbines, turbine pads, initial layers of foundation and all buildings and ancillary development. Notwithstanding this requirement, no later than one year prior to the commencement of the restoration and aftercare scheme, the planning authority, shall review the retention of pads, foundations, cable/ducts, and access tracks within the context of the restoration strategy to identify any elements to be retained on site or requiring alternative reinstatement.”

The applicant has requested that condition 4 be varied to read:-

“*Within 3 years* of the end of the period of consent (unless a further consent is granted) all wind turbines, ancillary equipment and buildings shall be dismantled and removed from site and the land restored and subject to aftercare, in accordance with the restoration and aftercare scheme referred to in Condition 5. For the purposes of this condition 'restored' means the removal of all wind turbines, turbine pads, initial layers of foundation and all buildings and ancillary development. Notwithstanding this requirement, no later than one year prior to the commencement of the restoration and aftercare scheme, the planning authority, shall review the retention of pads, foundations, cable/ducts, and access tracks within the context of the restoration

strategy to identify any elements to be retained on site or requiring alternative reinstatement.”

- 3.4 A separate planning application P/23/0308 which seeks similar changes to conditions to the planning permission for phase 1 of Muirhall wind farm is the subject of a separate report on this agenda.
- 3.5 If successful, the effect of a Section 42 application to modify a planning condition or conditions is to grant a further planning permission for the whole development but with the amended condition or conditions replacing those that were previously issued, or with conditions removed if required. All other conditions, if relevant, are also required to be attached to any new planning permission. If the proposed changes to the condition or conditions are deemed unacceptable, then Section 42 of the Act requires the application to be refused. Any refusal of an application under Section 42 of the Act does not have any effect on the original planning permission which remains intact.

4. Relevant Planning History

- 4.1. Muirhall wind farm comprises 11 turbines in total and was developed over three phases under separate planning permissions. In terms of phase 1 planning permission was originally granted for 6 turbines at a maximum height of 125m to blade tip in 2008 (Planning Ref: CL/05/0209). A Section 42 application (ref: P/20/0406) was approved in August 2020 to increase the operational timescale for the approved turbines to 30 years ie until 2041.
- 4.2 Phase 2 of the wind farm constituted a further 2 turbines at a maximum height of 145m to tip height (Planning Ref: CL/12/0074 granted in September 2012). This phase of the wind farm has been operational since 2014 and was subject to a condition limiting the life span of the turbines to 25 years ie until 2039. Planning permission P/20/0409 was subsequently granted for the operational timescale of the development to be extended by a further 2 years ie 2041. This 2020 consent is the current, extant permission that phase 2 of the wind farm is operating under and is therefore the permission that is subject to this current Section 42 application.
- 4.3 Phase 3 of the wind farm (Planning Ref: CL/14/0113) constituted a further 3 turbines at a height of 147m to tip. This application was originally refused on landscape and visual matters but the subsequent appeal to the DPEA was sustained in July 2015. The turbines have now been operational since 2016 with a life span until 28 March 2041. It should however be noted that this phase of the wind farm is now under separate ownership.

5. Supporting Information

- 5.1. The applicant has submitted a number of supporting documents with the application, including a Section 42 Supporting Statement setting out the justification for the application, and copies of the original submitted Environmental Statement (ES) documents and figures.

6. Consultations

- 6.1. The Ministry of Defence (MOD) – no adverse comments or objections, as the turbine location and dimensions haven't altered from the previous approval.
Response: Noted.
- 6.2. National Air Traffic Services (NATS) – no adverse comments or objections to the proposals.
Response: Noted.

- 6.3. Edinburgh Airport – no objection to the application, as the proposals do not conflict with safeguarding criteria.

Response: Noted.

7. Representations

- 7.1 Following the statutory period of neighbour notification and advertisement, 1 letter of representation, objecting to the application, has been received. The issues raised are summarised as follows:-

- ◆ Too many wind farms in this area
- ◆ They are a blot on the landscape
- ◆ Damage to the local roads
- ◆ Damage to peat
- ◆ Damage to wildlife, including birds, bats and insects
- ◆ Interference with mobile phones, radar and television signals
- ◆ Only people who gain are MPs, the landowner and Councils

The above issues will be considered in the assessment below and the full copy is available to view on the planning portal.

8. Development Plan

- 8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 National Planning Framework 4

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

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 3 - Biodiversity
- ◆ Policy 4 - Natural places
- ◆ Policy 5 - Soils
- ◆ Policy 11 - Energy
- ◆ Policy 29 - Rural development

8.3 South Lanarkshire Local Development Plan 2 (2021)

For the purposes of determining planning applications the Council will, therefore, assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

SLLDP2 Volume 1 Policies

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

9. Guidance

9.1. None applicable.

10. Assessment and Discussion

- 10.1. 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. The policies contained within National Planning Framework 4 and the South Lanarkshire Local Development Plan 2 are the main consideration in this case, together with an assessment of any other material planning considerations.
- 10.2 As the proposals involve amendments to an existing consent, now implemented, there is no need to revisit the principle of the development, or any facets of the Original Consent that do not form part of the proposed amendments. Therefore, in this instance, the assessment of the proposals relates solely to consideration of any impacts that may arise from an increase in the permitted period of operation of the Muirhall Wind Farm extension, from 27 to 40 years, and from the extended period proposed for site decommissioning and restoration. The main matters for the Council's consideration are therefore whether these extended periods for operation and decommissioning/restoration of the wind farm would continue to comply with the Development Plan. No changes to the scale, design or layout of the approved scheme are proposed.
- 10.3 In determining whether the proposed extension to the operation of the wind farm is acceptable, it should be noted that the 25 year time limit on the original permission was not imposed to mitigate any effects of the wind turbines on the surrounding area, but rather reflected the 'industry standard' at the time, in that the operational capacity of turbines was limited by the technology then in place.
- 10.4 However, as technology has advanced and wind farms become an established feature, developers have sought to extend their operational time limits. Overall, there is a general presumption in favour of granting permission in such cases, unless exceptional circumstances suggest otherwise. In this instance, the policy direction on wind farm development is broadly similar to when the original permission was granted, and it is considered that the environmental impact of the proposals remains unchanged. In addition, the application, if successful, would result in an additional 13 years of renewable electricity generation for an already consented/operational wind farm, which accords with policy direction at both a national and a local level.
- 10.5 The previous consents, now implemented, first established the principle of a wind farm development at Muirhall in 2008. The amendments proposed relate, firstly, to an extension of the permitted period of operation from 27 to 40 years for the extension to the original wind farm site (in conjunction with application P/23/0308). As such, the key issue in assessing the application is whether the continued operation of the wind farm for a further 13 years is considered acceptable. In addition, consideration requires to be given to the proposed extension of time for site decommissioning and restoration. A detailed assessment against NPF4, local development plan policy in the adopted South Lanarkshire Local Plan 2 and its associated supporting planning guidance on Renewable Energy has been carried out. It is concluded that the extension of the permitted period of operation for the extension to the wind farm, and the extension of time for site decommissioning and restoration, would accord with the

relevant assessment criteria and would not have any resultant significant, adverse impacts.

10.6 A single letter of objection to the application was received, and whilst noting the comments, the current application isn't proposing any further wind turbines or associated infrastructure on the existing wind farm site. In addition, the principle of a wind farm on the Muirhall wind farm site was first established in 2008, with an additional 2 turbines granted consent in 2012. Full consideration would have been given to impacts on visual and residential amenity, impact on the local road network, impacts on peat, wildlife, ecology, and biodiversity, and on potential interference issues on both applications.

10.7 It should also be noted that the Original Permission is also subject to a legal agreement to ensure the provision of a habitat management plan is implemented throughout the lifetime of the wind farm. The legal agreement also requires yearly contributions (£2,500 per MW generated) to the South Lanarkshire Renewable Energy Fund. It should be noted that whilst not a material consideration to the assessment of the application, if this application is successful, it would result in an additional 13 years of payments being made to this fund. The legal agreement has been structured in such a way that any permission that supersedes the Original Permission (as would be the case if this current application were permitted) would also be subject to the provisions of the legal agreement and a variation of the agreement is not required.

10.8 Conclusion

In conclusion, it is considered that subject to the replication of the relevant (post construction) conditions attached to the original permission, the proposals for the extension of the operational life span of the wind farm extension, and for the extended period of site decommissioning and restoration are considered acceptable. It is, therefore, recommended that the Planning Committee approve the application.

11. **Recommendation and Conditions**

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

Grant the further application, subject to conditions:-

01. The development shall be carried out strictly in accordance with the terms of the application and the accompanying ES (Muirhall Wind Farm Extension Environmental Statement) as amended in part by the addendum, including all mitigation measures as stated therein subject to the conditions below, such conditions having precedence over the terms of the application, the ES, and the Addendum.

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

02. That consent is granted from the date of this consent until 16 April 2054.

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

03. That within 3 months of the date of decision, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the planning authority. Such guarantee must:-

- i. be granted in favour of the planning authority;
- ii. be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;

- iii. be for an amount which covers the value of all site restoration and aftercare liabilities as determined by the planning authority at the commencement of development;
- iv. contain provisions so that all the site restoration and aftercare liabilities as determined at the commencement of development shall be increased on each fifth anniversary of the date of this consent;
- v. come into effect on or before the date of commencement of development and expire no earlier than 24 months after the end of the aftercare period.

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

04. Within 3 years of the end of the period of consent (unless a further consent is granted) all wind turbines, ancillary equipment and buildings shall be dismantled and removed from site and the land restored and subject to aftercare, in accordance with the restoration and aftercare scheme referred to in Condition 5. For the purposes of this condition 'restored' means the removal of all wind turbines, turbine pads, initial layers of foundation and all buildings and ancillary development. Notwithstanding this requirement, no later than one year prior to the commencement of the restoration and aftercare scheme, the planning authority, shall review the retention of pads, foundations, cable/ducts, and access tracks within the context of the restoration strategy to identify any elements to be retained on site or requiring alternative reinstatement.

Reason: In the interests of restoration.

05. That within 6 months from the date of this decision, a restoration plan shall be submitted to and approved by the Council as Planning Authority and shall include details of phased decommissioning, the means of reinstating the site following the removal of the components of the development, the land use prevailing after decommissioning has taken place, the means of disposal of all waste materials and road metal, the dismantling methodologies for each turbine setting out the extent of recovery or of recycling of all metals and other recyclable parts, the means of removing the turbine bases and crane pads and the removal of cabling and ducts within the site.

Reason: In the interests of restoration.

06. Noise from the wind turbine shall not exceed 35db LA90 (10min) or background LA90 (10 min) + 5db, whichever is the greater at the boundary of the curtilage of any noise sensitive properties at all times at wind speeds of up to 9 metres per second as measured within the site.

If the tonal noise emitted by the development exceeds the threshold of audibility by 6.5db or more, then the acceptable noise specified above shall be reduced by 5db, always providing that the definition of audibility for the purposes of this condition shall be described in 'The Assessment and rating of Noise from Wind Farms (ETSU-R-97).

Reason: In the interest of amenity.

07. At the reasonable request of the Council as Planning Authority and following a complaint to the Council relating to noise emissions arising from the operation of the wind farm, the wind farm operator shall appoint an independent noise consultant, whose appointment shall require to be approved by the Council, to measure the level of noise emission from the wind farm at the property to which the complaint related.

Reason: In the interests of amenity.

08. Pursuant to condition 7 above, where an assessment of any noise impact which, in the opinion of the Council as Planning Authority acting reasonably, is found to be in breach of the noise limits described in condition 6, the developer shall carry out mitigation measures to remediate the breach so caused. Details of any such mitigation measures required are to be submitted to the planning authority for prior approval.

Reason: In the interests of amenity.

09. Within 3 months from the date of this permission an updated badger protection plan shall be submitted for the written approval of the Council, as Planning Authority. For the avoidance of doubt this protection plan shall show a clearly visible exclusion zone 200 metres around any badger setts and maintained as such for the lifetime of the development hereby approved, including any decommissioning works.

Reason: In the interests of badger protection.

10. That within 3 months from the date of this decision, a written scheme, setting out a protocol for the assessment of shadow flicker (and including mitigation measures) in the event of the receipt of a complaint, shall be submitted and approved by the Council as Planning Authority. Operation of the turbines shall take place in accordance with the approved protocol unless the Council gives its prior written approval to any variation.

Reason: In the interest of amenity.

11. The right of way which crosses the application site shall remain open to the public at all times during the operation, decommissioning and reinstatement phases of the development hereby approved.

Reason: In the interests of public access.

12. In the event of any turbine, or group of turbines, failing or being no longer required for electricity generation, or any other reason, for a continuous period of six months, unless otherwise agreed with the planning authority, the turbine(s) shall be replaced (in the case of failures), or dismantled and removed. In the case of removal, that part of the site accommodating the turbine, the turbine pad and access roads shall be reinstated within three months of the end of the six month period of non-generation in accordance with the agreed scheme under condition 5 of this permission, all to the satisfaction of the Council as Planning Authority.

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

13. The blades of the turbines shall both rotate in the same direction as each other and the turbines on the adjoining Muirhall wind farm (Phase 1).

Reason: In the interests of amenity.

14. Throughout the decommissioning and subsequent restoration of the site, an appropriately qualified environmental clerk of works named to and approved by the Council as Planning Authority shall be made available by the developer to direct said works. The ecological clerk of works shall also check water quality and other ecological matters and shall provide regular reports as an input to the compliance assessment.

Reason: In order to ensure suitable restoration.

12. Reason for Decision

- 12.1. The proposals to extend the lifespan of a wind farm development that already benefits from planning consent by 13 years to 16 April 2054, and to extend the period for site decommissioning to 3 years are considered acceptable, subject to the imposition of the previous suite of applicable environmental conditions. The amended lifespan of the wind farm would allow substantial additional renewable energy to be generated and is not considered to result in any adverse impacts in relation to the previous consented development. The proposals are considered to accord with Policies 1, 2, 3, 4, 5, 11 and 29 of the National Planning Framework 4, and with Policies 1, 2, 4, 5, 14, 15, and 18 of the adopted South Lanarkshire Local Development Plan 2 and its supporting planning guidance on Renewable Energy.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 28 August 2023

Background Papers

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

[P/23/0309 | Extension to existing Muirhall wind farm involving erection of two 145 metre high wind turbines and associated infrastructure \(Section 42 application to amend condition 2 of P/20/0409 to extend time period to 16.04.2054 and Condition 4 to extend period for decommissioning to three years\) | Muirhall Wind Farm Auchengray Lanark](#)

Corporate Considerations

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

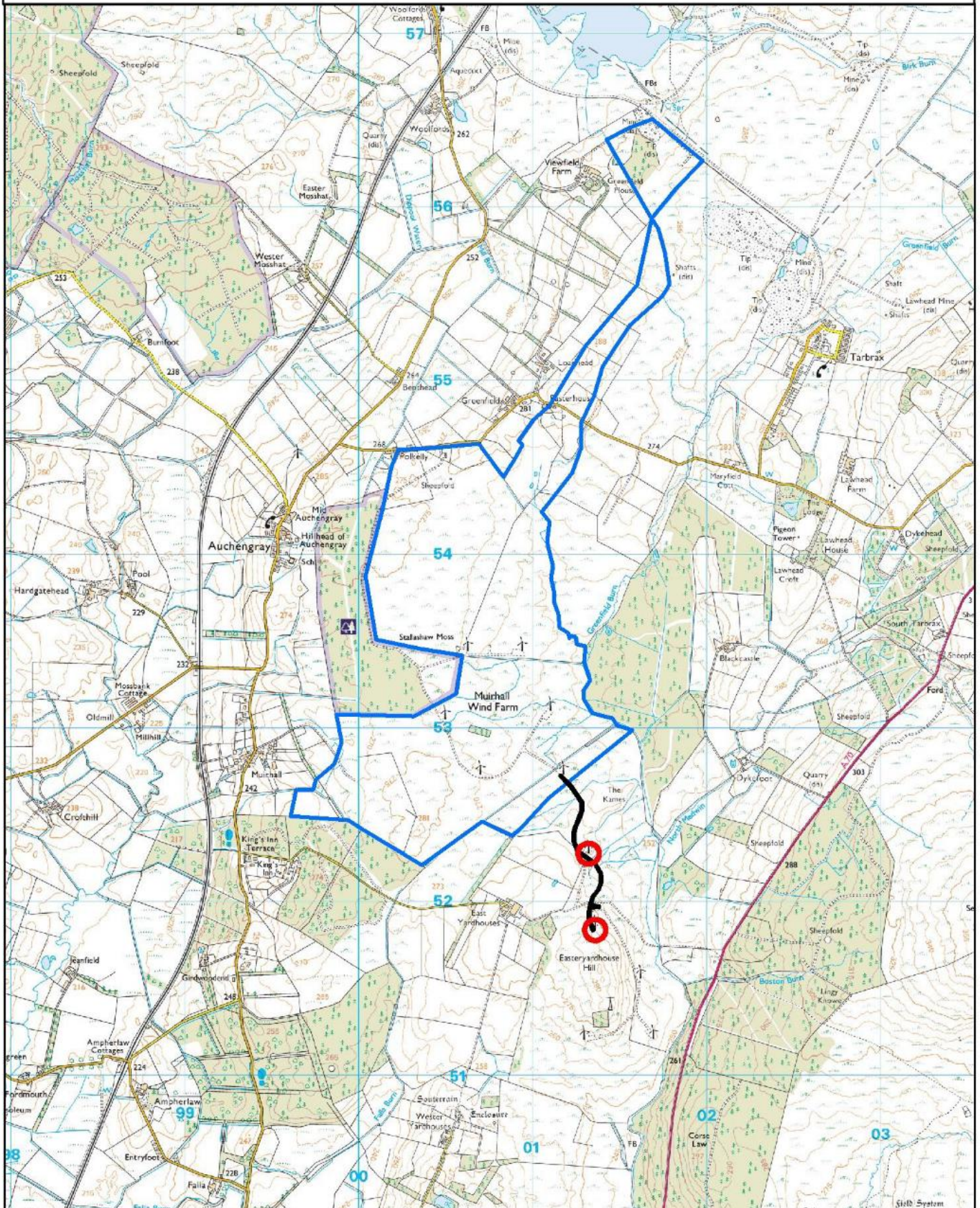
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

**P/23/0309 Muirhall Wind Farm Phase 2 (Black line)
(Phase 1 shown as blue line)**



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Date:
14/08/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

11

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

Reference no:	P/23/0431
Proposal:	Substitution of house types and reduction of units consisting of 55 detached, semi-detached and terraced and 9 flats, including 17 affordable housing units and associated road realignment (amendment to P/21/1901)
Site Address:	Former Hoover Site Phase 4 Dale Avenue Cambuslang G72 7TZ
Applicant:	Dawn Homes Limited
Agent:	Hypostyle Architects
Ward:	13 Cambuslang West
Application Type:	Full Planning Permission
Advert Type:	Non-notification of neighbours: Rutherglen Reformer 26 April 2023
Development Plan Compliance:	Yes
Departures:	None
Recommendation:	Grant Subject to Conditions
Legal Agreement:	Not required
Direction to Scottish Ministers	Not Required

1. Reason for Report

- 1.1. The application is required to be determined by the Planning Committee under Clause 5.1 of the Decision-Making Process 2015: detailed housing proposals comprising 50 or more units.

2. Site Description

- 2.1. The planning application site relates to an area of land to the south of Dale Avenue in Cambuslang forming part of the cleared site of the former Hoover factory. The site extends to approximately 3.77 hectares. The site is bounded to the southwest by the main Glasgow to London railway line and to the south-east by recently constructed residential development, to the north-west by the Trade Team Tennent's Distribution Depot and to the north-east by open vacant land which has Planning Consent for a recreational cycle park.

3. Description of Proposed Development

- 3.1 Planning permission is sought for the substitution of house types from 71 residential units to the erection of 64 residential units, consisting of 55 detached, semi-detached and terraced and 9 flats, including 17 affordable housing units and associated road realignment/alterations (amendment to P/21/1901).
- 3.2 The development will be accessed via Dale Avenue, and a significant area of mature trees is located to the north-west of the site and separates the site from the commercial distribution depot to the north. Structural planting and a landscaped noise bund will separate the development from the railway to the south-west. Previously consented sites provide the main area of open space area to the west of the site close to the River Clyde. Approximately half of this open space houses the SUDs basin for the wider site and the remainder is being laid out as informal open space with a formal games court located adjacent to the SUDs basin. New footpath and cycle path links are provided to the Clyde Walkway on the River Clyde as part of previous consents.

4. Relevant Planning History

- 4.1 Planning Permission in Principle (CR/11/0248) was granted to Forrest Developments Limited and St Vincent (435) c/o Dawn Developments Limited in March 2012 for a mixed use development for the regeneration of the Hoover/Bridge Street site in Cambuslang, comprising a supermarket, 208 houses, relocation of business and industry, a spine road linking the new junction at Bridge Street through the site to Dallas Drive, a park and ride facility to serve Cambuslang Station, landscaping and footpath links.
- 4.2 There have been three previous phases completed on the original site. Planning consent for this specific area (phase 4) was granted in 2023 for the erection of 71 residential units, consisting of 62 detached, semi-detached and terraced, 9 flats, including 17 affordable housing units, formation of 2 new vehicular accesses and associated infrastructure under planning consent P/21/1901.

5. Supporting Information

- 5.1 None applicable.

6. Consultations

- 6.1 Roads and Transportation Services (Development Management) – no objection subject to the imposition of a planning condition relating to the submission of a Traffic Management Plan for the development prior to commencement on site.
Response: Noted.

7. Representations

- 7.1 Following the statutory period of neighbour notification, no valid representations have been received.

8. Development Plan

- 8.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 National Planning Framework 4

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

National Planning Framework 4 Policies

- ♦ Policy 1 - Tackling the climate and nature crises
- ♦ Policy 2 - Climate mitigation and adaptation
- ♦ Policy 3 – Biodiversity
- ♦ Policy 14 - Design, quality and place
- ♦ Policy 15 - Local living and 20-minute neighbourhoods
- ♦ Policy 16 - Quality homes
- ♦ Policy 22 Flood Risk and Water Management
- ♦ Policy 26 Business and Industry

8.3 South Lanarkshire Local Development Plan 2(2021)

For the purposes of determining planning applications the Council will, therefore, assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

SLLDP2 Volume 1 Policies

- ♦ Policy 2 - Climate Change
- ♦ Policy 5 - Development Management and Placemaking
- ♦ Policy 8 - Employment
- ♦ Policy 13 – Green Network and Greenspace
- ♦ Policy 15 – Travel and Transport
- ♦ Policy 16 – Water Environment and Flooding

SLLDP2 Volume 2 Policies

- ♦ Policy SDCC2 – Flood Risk
- ♦ Policy SDCC3 – Sustainable Drainage Systems
- ♦ Policy DM1 – New Development Design
- ♦ Policy ICD2 - Non-conforming Uses in Core Industrial/Business Areas

South Lanarkshire Council (SLC) Supporting Planning Guidance **Residential Development Guide**

9. Guidance

- 9.1. None applicable.

10. Assessment and Discussion

10.1. Introduction

The applicant, Dawn Homes Limited, seeks consent for the substitution of house types from 71 residential units to the erection of 64 residential units, consisting of 55 detached, semi-detached and terraced and 9 flats, including 17 affordable housing units and associated road realignment (amendment to P/21/1901). The determining issues in the consideration of this application are its compliance with the Development Plan.

10.2. Principle of Development

The application site is located in a Core Industrial and Business Area therefore NPF4 Policy 26 Business and Industry and SLLDP2 Policy 8 Employment are applicable. Any proposed residential development would also require to be justified in terms of Policy ICD2 Non-conforming Uses in Core Industrial/Business Areas. In this instance the previous planning consent (P/21/1901) accepted the principle of residential development at this site as being acceptable. This application essentially is a substitution to previously consented house types (resulting in a reduction in numbers from 71 to 64) and associated road alignment/alterations.

10.3. Climate Change

NPF4 Policy 1 Tackling the Climate and Nature Crises and NPF4 Policy 2 Climate Mitigation and Adaptation aim to ensure that new developments minimise and mitigate against climate change and the generation of greenhouse gases. NPF4 Policy 3 - Biodiversity aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. The proposed development will redevelop previously developed vacant land bringing it back into use. The site is within walking distance of Cambuslang Town Centre, Cambuslang Train Station and local bus services. The development will not result in any loss of trees and will incorporate structural planting and additional trees within the development. The site is not on peatland or carbon rich soil or in a flood risk area. It is therefore considered that the proposal is consistent with Policy 1, 2 and 3 of the NPF4.

- 10.4 SLLDP2 Policy 2 Climate Change aims to ensure that new developments minimise and mitigate against climate change and the generation of greenhouse gases. The proposed residential development is located within a reasonable distance of existing health, community, and retail facilities in Cambuslang, with public transport provided for rail and various bus services in the wider area. The proposed dwellings incorporate measures to improve the sustainability of the development and mitigate against climate change. It is therefore considered that the proposal is consistent with Policy 2 of the adopted local development plan.

10.5. Layout, Siting and Design

NPF4 Policy 14 Design, Quality and Place aims to encourage, promote, and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. It sets out six qualities of successful places. The proposal is consistent with these qualities and is therefore considered to be consistent with Policy 14 of the NPF4.

- 10.6 NPF4 Policy 15 Local Living and 20 Minute Neighbourhoods aims to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods. As set out above, the proposed residential development is located within a reasonable distance of existing health, community, and retail facilities in Cambuslang, with public transport provided for rail and various bus services in the wider area. The proposal is therefore considered to be consistent with Policy 15 of the NPF4.

- 10.7 NPF4 Policy 16 Quality Homes aims to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities. It states that development proposals for new homes on land allocated for housing in local development plans (LDPs) will be supported. As set out above, the site is located within the existing settlement on an allocated housing site. The proposed development is of a high-quality design and materials and forms part of a wider development which provides a range of housing sizes. The proposal is therefore considered to be consistent with Policy 16 of the NPF4.
- 10.8 Policy 5 Development Management and Policy DM1 New Development Design of the Local Development Plan state that all planning applications should take fully into account the local context and built form in terms of layout, scale, massing, design and external materials. The principle of redeveloping the application site for residential use has already obtained planning consent when it was established that the residential development would result in a development that is of an appropriate scale that would respect the landscape character of the area. The proposed substitution of house types and the proposed mix of house styles, external materials, size of properties and development layout are acceptable. Additionally, the proposed development would not have any significant impact in respect of overshadowing or privacy that would justify refusal of the application. On balance, the proposed development would have no significant adverse impact on residential amenity of the area that would merit refusal of the application. In relation to the associated road reconfiguration, Roads and Transportation Services have no objections. It is therefore considered that the proposal is consistent with Policy 5 and Policy DM1 of the adopted Local Development Plan.
- 10.9 The previous planning consent also established that the proposal raised no issues in relation to Policy 13: Green Network and Greenspace of the South Lanarkshire Local Development Plan because the railway line will remain open and form a landscape buffer which continues the green corridor along the edge of the railway. The area to the north forms part of the wider open space area which will be landscaped with a natural/wild planting mix. The details of this can be required to be submitted for approval under a landscape condition. Both areas of Green Network will be retained continuing the existing green network links through the site and beyond along the railway and River Clyde corridors. The imposition of said conditions is applicable to the current application and, therefore, the proposal complies with Policy 13.
- 10.10. Technical Matters
NPF4 Policy 22 aims to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. It is noted that the previous consented proposal included a sustainable drainage system which links to the wider development SUDs system and drainage basin. The applicants submitted a Drainage Strategy and the Flood Risk Management Team advised that they had no objections to the proposed development subject to conditions in relation to the implementation of a Sustainable Drainage Design designed and independently checked in accordance with the Council's SUDS Design Criteria Guidance. Taking the above into account and subject to the imposition of the same conditions, it is considered that the proposal is acceptable with regard to the requirements of Policy 22 of NPF4.
- 10.11 With regard to road safety, Policy 15 - Travel and Transport requires all new development proposals to consider the resulting impacts of traffic growth. The impact of the proposal on the local road network and in terms of parking provision has been fully assessed by Roads and Transportation Services who have offered no objections,

subject to conditions. The proposal can therefore be considered to comply with Policy 15 of the adopted LDP.

- 10.12 In terms of Policies 16, SDCC2 and SDCC3 it is noted that the previous consented proposal included a sustainable drainage system which links to the wider development SUDs system and drainage basin. The applicants submitted a Drainage Strategy and the Flood Risk Management Team advised that they have no objections to the proposed development subject to conditions in relation to the implementation of a Sustainable Drainage Design designed and independently checked in accordance with the Council's SUDS Design Criteria Guidance. Taking the above into account and subject to the imposition of the same conditions, it is considered that the proposal is acceptable with regard to the requirements of Policies 16, SDCC2 and SDCC3 of the adopted LDP.

11. Recommendation and Conditions

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

Grant Full Planning Permission subject to the following conditions:-

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

Reason: In order to retain effective planning control.

02. 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.

03. 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.

Reason: In the interests of amenity.

04. 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.

05. 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: These details have not been submitted or approved.
06. 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 5 above, shall be erected.
- Reason: In order to retain effective planning control.
07. That before any development commences on site, details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwelling unit shall be occupied until these facilities have been provided in accordance with the approved scheme or such alternative as may be agreed in writing with the Council as Planning Authority.
- Reason: To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.
08. That the use of the garages hereby permitted shall be restricted to private use incidental to the enjoyment of the dwellinghouse on the site and no commercial activity shall be carried out in or from the garage.
- Reason: To retain effective planning control and safeguard the amenity of the area.
09. 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: To ensure the provision of a satisfactory land drainage system.
10. That the required drainage scheme shall be completed in accordance with the approved details prior to the occupation of any house hereby approved.
- Reason: To ensure the provision of a satisfactory land drainage system.
11. That before works start on each phase of the development the applicant shall provide written confirmation from Scottish Water to the Council as Planning Authority that each phase of the development can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.
- Reason: To ensure the provision of a satisfactory sewerage system.
12. That no development shall commence until details of surface water drainage arrangements (including maintenance responsibilities) have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements (Appendices C, D and E).

Reason: To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows, increased surface water run-off and/or reduction of flood storage capacity.

13. That prior to the construction of any dwelling house, surface water drainage works shall be completed in accordance with the details submitted to and approved by the Council as Planning Authority, under the terms of Condition 12 above.

Reason: To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows, increased surface water run-off and/or reduction of flood storage capacity.

14. All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. (Any Sustainable Urban Drainage Scheme should not be sited within 10 metres of railway infrastructure and should be designed with long term maintenance plans which meet the needs of the development).

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

15. If not already in place, the applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. We recommend a 1.8 metre high 'rivetless palisade' or 'expanded mesh' fence. Network Rail's existing boundary measure must not be removed without prior permission.

Reason: In the interest of public safety.

16. Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary.

Reason: In the interest of public safety.

17. That prior to occupation of the first dwelling house the developer will submit for the written approval of the Council, as Planning Authority, a Residential Travel Plan which shall include a plan highlighting walking and cycling connections from the site to existing infrastructure together with nearby bus stops (boarding and alighting), current bus service timetables, web link to Traveline Scotland and information on Strathclyde Partnership for Transport MyBus service.

Reason: In the interest of public safety.

18. That all new residents within the approved site shall be issued by the developer with a copy of the approved Residential Travel Pack.

Reason: In the interest of public safety.

19. (a) The applicant should be required to undertake a further comprehensive site investigation, carried out to the appropriate Phase level, to be submitted to and approved in writing by, the Council as Planning Authority. The investigation shall be completed in accordance with advice given in the following:-

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

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

(c) If the risk assessment identifies any unacceptable risks, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan. The proposed remediation strategy shall include, however, not be limited to, details of:-

- a suitable capping layer of a minimum 600mm with a minimum of 300mm topsoil with the remainder being made up by the use of suitable subsoil
- how the identified asbestos containing material on site will be removed from the site
- prior to any material being re-used or imported onto the site, full details of the assessment criteria and sampling frequency that would adequately demonstrate the suitability for use of any site won material or to import material. It shall also confirm that the top 300mm is free from metals, plastic, wood, glass tarmac, paper and odours.

No works are to commence prior to the site investigation being submitted in writing to and approved 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.

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

(b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels. This report will include a verification report containing details of the source of the material and appropriate test results to demonstrate its suitability for use.

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

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

21. The applicant shall ensure that (prior to the development becoming occupied) the neighbourhood noise levels (including noise from road traffic, railway noise and both industrial and commercial noise sources) comply with the following:-

Part 1

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

Part 2

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

- a) An internal L_{Aeq},16hr of 40dB daytime (07:00-23:00) and an internal L_{Aeq},8hr of 30dB night-time (23:00-07:00)
- b) The internal L_{Amax} shall not exceed 45dB night-time (23:00-07:00)
- c) The external levels shall not exceed an L_{Aeq},16hr of 50dB daytime in any garden amenity areas, when measured free-field

Part 3

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

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

The mitigation measures set out in the submitted "Acoustic Design Statement - Parcel 4, Former Hoover Site, Cambuslang" Bureau Veritas June 2022 must be adopted in full to the satisfaction of the Council as Planning Authority.

Reason: To minimise noise disturbance for occupants of the residential properties.

22. Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

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

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

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

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

Reason: In the interests of traffic and public safety.

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

Reason: In the interests of traffic and public safety.

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

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

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

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

28. That before the development hereby approved is completed or brought into use, all of the parking spaces shown on the approved plans shall be laid out, constructed to the specification of the Council as Planning Authority.

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

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

Reason: In the interests of road safety.

30. That before any work commences on the site a scheme for the provision of equipped play area(s) 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(s); (b) details of the surface treatment of the play area, including the location and type of safety surface to be installed; (c) details of the fences to be erected around the play area(s); and (d) details of the phasing of these works.

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

31. That prior to the completion or occupation of 35 dwellinghouses within the development, all of the works required for the provision of equipped play area(s) included in the scheme approved under the terms of Condition 4 above, shall be completed, and thereafter, that area shall not be used for any purpose other than as an equipped play area.

Reason: In order to retain effective planning control.

12 Reason for Decision

- 12.1. The proposal would have no significant adverse impact on amenity, public safety or the local environment and complies with the provisions of Policies 1, 2, 3, 14, 15, 16, 22 and 26 of the National Planning Framework 4 and Policies 2, 5, 8, 13, 15, 16, SDCC2, SDCC3, DM1 and ICD2 of the adopted South Lanarkshire Local Development Plan 2 (2021).

David Booth

Executive Director (Community and Enterprise Resources)

Date: 28 August 2023

Background Papers

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

[P/23/0431 | Substitution of housetypes from 71 residential units to the erection of 64 residential units, consisting of 55 detached, semi-detached and terraced and 9 flats, including 17 affordable housing units and associated road realignment/alterations \(amendment to P/21/1901\) | Former Hoover Site Phase 4 Dale Avenue Cambuslang G72 7TZ](#)

Corporate Considerations

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

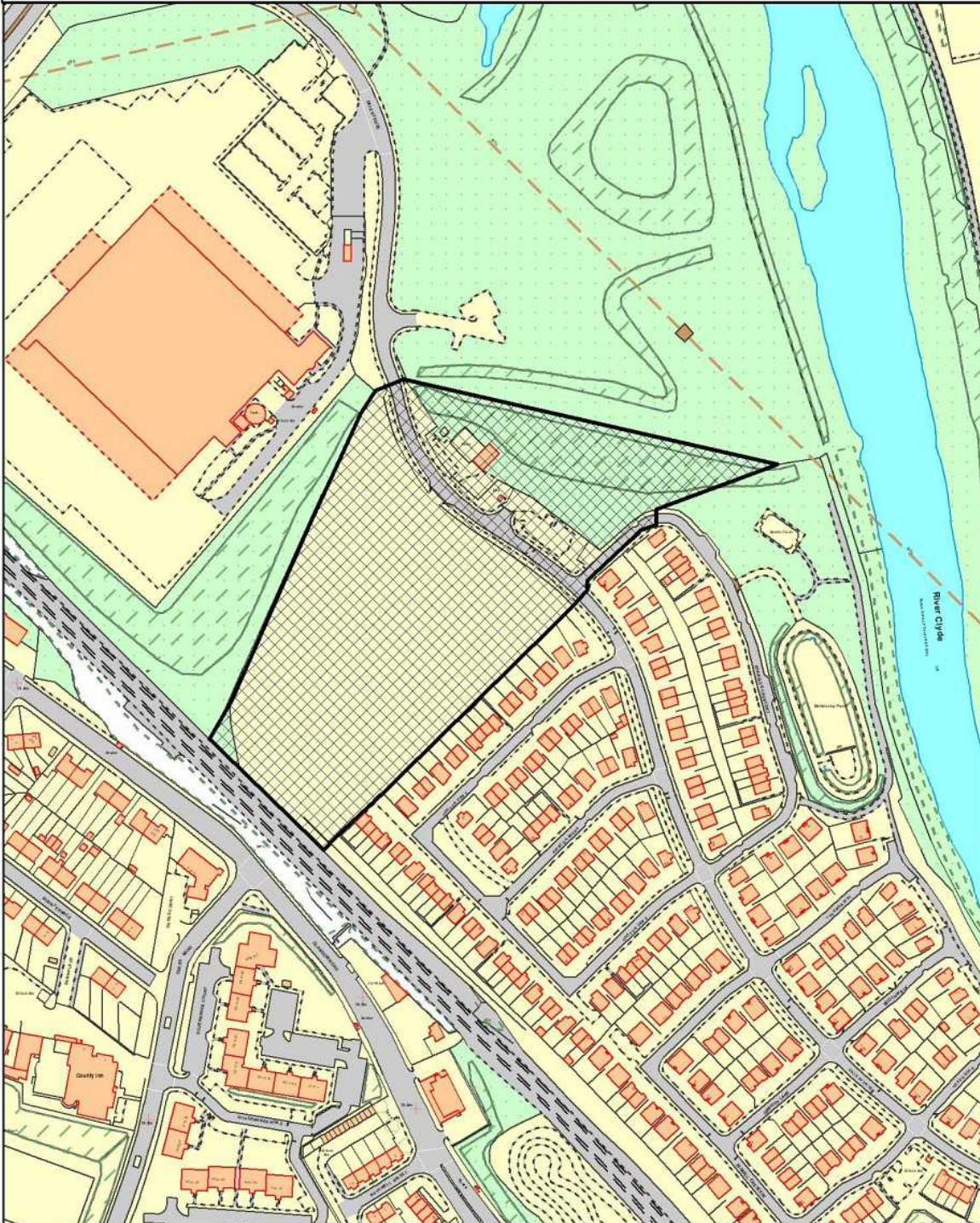
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/23/0431 Former Hoover site Phase 4, Dale Avenue, Cambuslang G72 7TZ



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Scale:
1:3,000
Date:
24/08/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

12

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

Reference no:	P/23/0748
Proposal:	Erection of 44 semi-detached dwellinghouses and associated works
Site Address:	Site of Former Cairns Primary School Cairnswell Avenue Cambuslang
Applicant:	South Lanarkshire Council
Agent:	Housing and Technical Resources
Ward:	14 Cambuslang East
Application Type:	Full Planning Permission
Advert Type:	Not required
Development Plan Compliance:	Yes
Departures:	None
Recommendation:	Grant subject to Conditions
Legal Agreement:	None required
Direction to Scottish Ministers	Not required

1 Reason for Report

- 1.1. The application is required to be determined by the Planning Committee under Clause 5.2 of the Decision-Making Process 2015: housing proposals between 11-50 units.

2 Site Description

- 2.1. The application site is located at the former Cairns Primary School, Cairnswell Avenue, Cambuslang. The application site is accessed directly off Cairnswell Avenue and is approximately 1.74 hectares. The topography of the land drops down from Woodlands Crescent (south) to Cairnswell Avenue (north) and from St Cadoc's Primary (west) to Rosebank Drive (east). Two storey residential properties are located to the north, south and east of the site. There is an existing tree in close proximity to the north/west boundary. The application site is within the existing settlement and is designated as a housing site in the adopted South Lanarkshire Local Development Plan 2 (SLLDP2).

3 Description of Proposed Developments

- 3.1. Planning permission is sought for the erection of 44 semi-detached, two storey dwellinghouses and associated works. The development would provide 18 two-bedroom, 16 three-bedroom and 10 four-bedroom layouts. Each layout is designed to suit a wide range of tenants. Facing brick and white render would be the dominant finish in the development. Level entry arrangement to the front and rear of all houses would facilitate access by wheelchair users.
- 3.2. The properties would include mechanical ventilation with heat recovery systems, double glazing, photovoltaic panels fitted to the tiled pitched roofs and enhanced insulation to minimise household energy costs. The development is sought as 100% affordable housing provided by the Council and is identified in the Strategic Housing Investment Plan (SHIP) for 44 social rent units.
- 3.3. Access would be obtained at the northwest of the site, with the access road serving the development running southeast. Six units are proposed to be positioned along the access orientated to face west. The proposed development would be laid out with houses primarily positioned on an east-west linear axis featuring 16 houses positioned in a row to the north, and 22 in a row to the south.
- 3.4. A landscaped buffer is proposed along the northern boundary separating the houses from Cairnswell Avenue. The southern portion of sloping land which lies out with the red line site boundary would remain undeveloped, and the tree to the west would be unaffected by the proposed development. A substation is proposed to the northwest corner of the site and an area for overflow and SuDS pond is proposed to the northeast corner where there is a proposed turning head. Parking is proposed to the front of each dwellinghouse and the development seeks to connect to the public water supply and drainage network.

4 Relevant Planning History

- 4.1. Planning application (P/23/0416) was withdrawn 16 June 2023 following concerns raised in relation to the proposed layout.

5 Supporting Information

- 5.1 Design Statement - this outlines the proposed siting and design of the development.

6 Consultations

- 6.1 Environmental Services – No objection subject to the imposition of planning conditions relating to contamination, residential waste control, dust control and standard informatives relating to noise and SEPA.
Response: Noted.

- 6.2 Roads and Transportation Services (Development Management) – No objection subject to standard conditions being attached to any permission granted.
Response: Noted.
- 6.3 Roads Flood Risk Management – Conditions in respect of sustainable drainage design details and completion of SUDs appendices should be attached to any consent.
Response: Noted.
- 6.4 Scottish Power – No objection.
Response: Noted.
- 6.5 Scottish Water – No objection.
Response: Noted.

7 Representations

- 7.1. Following the statutory period of neighbour notification and advertisement, 1 objection has been received. The issues raised are summarised as follows:-

Roads Related Matters

- ◆ Impact upon traffic safety, junction access
- ◆ Increased traffic and noise
- ◆ Impact on existing parking

- 7.2 The above issues are considered in the assessment below. This letter is available for inspection on the planning portal.

8 Development Plan

- 8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

National Planning Framework 4

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

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 3 – Biodiversity
- ◆ Policy 14 - Design, quality and place
- ◆ Policy 15 - Local living and 20-minute neighbourhoods
- ◆ Policy 16 - Quality homes
- ◆ Policy 22 - Flood Risk and Water Management

South Lanarkshire Local Development Plan 2(2021)

The application site and associated proposals are affected by the following policies contained in the South Lanarkshire Local Development Plan 2 (SLLDP2):-

SLLDP2 Volume 1 Policies

- ◆ Policy 1 – Spatial Strategy
- ◆ Policy 2 - Climate Change
- ◆ Policy 3 – General Urban Areas/Settlements
- ◆ Policy 5 - Development Management and Placemaking

- ◆ Policy 11 – Housing
- ◆ Policy 15 – Travel and Transport
- ◆ Policy 16 – Water Environment and Flooding

SLLDP2 Volume 2 Policies

- ◆ Policy SDCC2 – Flood Risk
- ◆ Policy SDCC3 – Sustainable Drainage Systems
- ◆ Policy DM1 – New Development Design

South Lanarkshire Council (SLC) Supporting Planning Guidance Residential Design Guide

9 Guidance

9.1. None applicable.

10. Assessment and Discussion

10.1. Introduction

The applicant seeks detailed planning consent for the erection of 44 semi-detached dwellinghouses and associated works on land forming part of the former Cairns Primary School. The determining issues in the consideration of this application includes the acceptability in principle of the development, its layout, siting and design and an assessment of the technical matters. The main consideration in this case is therefore its compliance with the development plan, which consists of National Planning Framework 4 (Adopted 2023) and South Lanarkshire Local Development Plan 2 (Adopted 2021).

10.2. Principle of Development

The application site is located within the settlement boundary and is also identified as a housing site in the SLLDP2 therefore the principle of residential development at this site is acceptable in principle. It can be supported by Policies 1, 3 and 5 of the SLLDP2 as it directs development to allocated sites within the settlement. This is in line with Policy 16 of NPF4 which supports the development of affordable housing provision under criteria c (iv) and e. SLLDP2 Policy 11 – Housing supports housing developments on identified sites, subject to the proposals according with the other relevant policies in the development plan.

10.3. Climate Change

NPF4 Policy 1 Tackling the Climate and Nature Crises and NPF4 Policy 2 Climate Mitigation and Adaptation aim to ensure that new developments minimise and mitigate against climate change and the generation of greenhouse gases. The proposed residential development is located within the settlement within a reasonable distance of existing health, community and retail facilities in Cambuslang, with public transport provided at the railway station and by various bus services in the wider area. The proposed dwellinghouses incorporate measures to improve the sustainability of the development and mitigate against climate change including the provision of mechanical ventilation with heat recovery systems, double glazing, photovoltaic electricity generation, and enhanced insulation to minimise household energy costs. Electric vehicle charging will also be incorporated within the development scheme. It is therefore considered that the proposal is consistent with Policy 1 and Policy 2 of the NPF4. This is further in accordance with SLLDP2 Policy 2 Climate Change which aims to ensure that new developments minimise and mitigate against climate change and the generation of greenhouse gases.

- 10.4 NPF4 Policy 3 - Biodiversity aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. In this regard, a landscape buffer would be provided to the north of the application site. Given the above, it is considered that the proposal would deliver positive effects in respect of biodiversity, in compliance with Policy 3 of NPF4.
- 10.5. Layout, Siting and Design
NPF4 Policy 14 Design, Quality and Place aims to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. It sets out six qualities of successful places. The proposal is consistent with these qualities and is therefore considered to be consistent with Policy 14 of the NPF4.
- 10.6 NPF4 Policy 15 Local Living and 20 Minute Neighbourhoods aims to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods. The proposed residential development is located within a reasonable distance of existing health, community and retail facilities in Cambuslang, with public transport provided for rail and various bus services in the wider area. The proposal is therefore considered to be consistent with Policy 15 of the NPF4.
- 10.7 NPF4 Policy 16 Quality Homes aims to encourage, promote, and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities. It states that development proposals for new homes on land allocated for housing in LDPs will be supported. As set out above, the site is located within the existing settlement on an allocated housing site. The proposed development is of a high-quality design and materials and forms part of a wider development which provides a range of housing sizes. The proposal is therefore considered to be consistent with Policy 16 of the NPF4.
- 10.8 Policy 5 Development Management and Policy DM1 New Development Design of the Local Development Plan state that all planning applications should take fully into account the local context and built form in terms of layout, scale, massing, design and external materials. It is noted that the proposal is for 44 detached dwellinghouses, associated parking and infrastructure. The proposed mix of house sizes, the external materials and development layout are acceptable. On balance the proposed dwellinghouses would have no significant adverse impact on residential amenity of the area that would merit refusal of the application. Additionally, the proposed development would not have any significant impact in respect of overshadowing or privacy that would justify refusal of the application. It is therefore considered that the proposal is consistent with Policy 5 and Policy DM1 of the adopted Local Development Plan.
- 10.9 Technical Matters
NPF4 Policy 22 aims to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. The imposition of planning conditions in respect of sustainable drainage design details and completion of SUDs appendices should be attached to any consent to ensure that the proposed development would have a sustainable drainage system. Taking the above into account, it is considered that the proposal is acceptable with regard to the requirements of Policy 22 of NPF4 and SLLDP2 Policies 16, SDCC2 and SDCC3 which relate to any potential flood risk and impact on the water environment from the proposed development.

10.10 Concerns have been expressed regarding the proposed access location, potential congestion and parking situation in the local area. Policy 15 - Travel and Transport requires all new development proposals to consider the resulting impacts of traffic growth. The impact of the proposal on the local road network and in terms of parking provision has been fully assessed by Roads and Transportation Services who have offered no objections, subject to conditions. The proposal can therefore be considered to comply with Policy 15 of the adopted LDP.

10.11 Conclusion

In conclusion, it is noted that the principle of residential development of this site is supported by development plan policies. Furthermore, given that the proposal will not result in adverse amenity, environmental or safety impacts, it is considered that the proposed development is in compliance with the provisions of the relevant policies of the National Planning Framework 4 and the adopted South Lanarkshire Local Development Plan 2. It is therefore considered appropriate for planning permission to be granted for the proposed development subject to the attached conditions.

11 Recommendation and Conditions

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

Grant subject to conditions:-

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

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

02. That 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 Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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

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

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

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

The development hereby approved shall not be occupied until surface water drainage works have been completed in accordance with the details submitted to and approved by the Council.

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 any work commences on the site, a scheme of landscaping shall be submitted to the 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.

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.

Reason: To ensure the appropriate provision of landscaping within the site and in the interests of the visual amenity of the area.

06. Prior to commencement of development, the applicant shall be required to undertake a comprehensive site investigation, carried out to the appropriate Phase level, to be submitted to and approved in writing to the Planning Authority. The investigation shall be completed in accordance with the advice given in the following:-

(i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);

(ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;

(iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.

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

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

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

07. Further to the requirements of Condition 06 prior to the commencement of development, a remediation plan shall be submitted to and approved in writing by the Planning Authority. Any remediation of the site shall be carried out in complete accordance with the approved scheme prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.

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

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

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

08. Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

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

09. 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 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.

10. Prior to the commencement of development, full details of the visibility, including forward visibility at the speed bend, must be shown on a plan and submitted for the written agreement by the Planning Authority.

For the avoidance of doubt, no development in connection with the permission hereby granted shall commence unless visibility of 43m x 2.4m in both directions along the channel line of the public road has been provided in accordance with the Council's Road standards. The visibility splays shall be physically formed and all obstructions within the splays shall be removed.

Once formed, the visibility splays shall be permanently retained thereafter.

Reason: In the interests of traffic and public safety.

11. Notwithstanding the permission hereby approved, prior to commencement of development full details of pedestrian crossing points, vehicular dropped kerbs, gullies, grit bins and bollards shall be submitted for the written approval by the Planning Authority in conjunction with Roads Construction Consent.

Reason: In the interests of traffic and public safety.

12. Prior to the commencement of development, full details of the embankment slopes and drainage of the site shall be submitted for the written agreement by the Planning Authority. Once agreed, the works shall be carried out in full accordance with the agreed scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

13. No works in connection with the development hereby approved shall commence unless a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the planning authority. This will include the route proposed for access to the site for construction and delivery vehicles. This should also demonstrate where all deliveries are to be dropped off, compound, car parking for staff/contractors/visitors and wheel washing facilities.

Reason: In the interests of traffic and public safety.

12 Reason for Decision

- 12.1. The proposal would have no significant adverse impact on amenity, public safety or the local environment and complies with the provisions of Policies 1, 2, 3, 14, 15, 16, and 22 of the National Planning Framework 4 and Policies 1, 2, 3, 5, 11, 15, 16, SDCC2, SDCC3 and DM1 of the adopted South Lanarkshire Local Development Plan 2 (2021).

David Booth

Executive Director (Community and Enterprise Resources)

Date: 28 August 2023

Background Papers

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

[P/23/0748 | Erection of 44 semi-detached dwellinghouses and associated works | Site Of Former Cairns Primary School Cairnswell Avenue Cambuslang](#)

Corporate Considerations

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

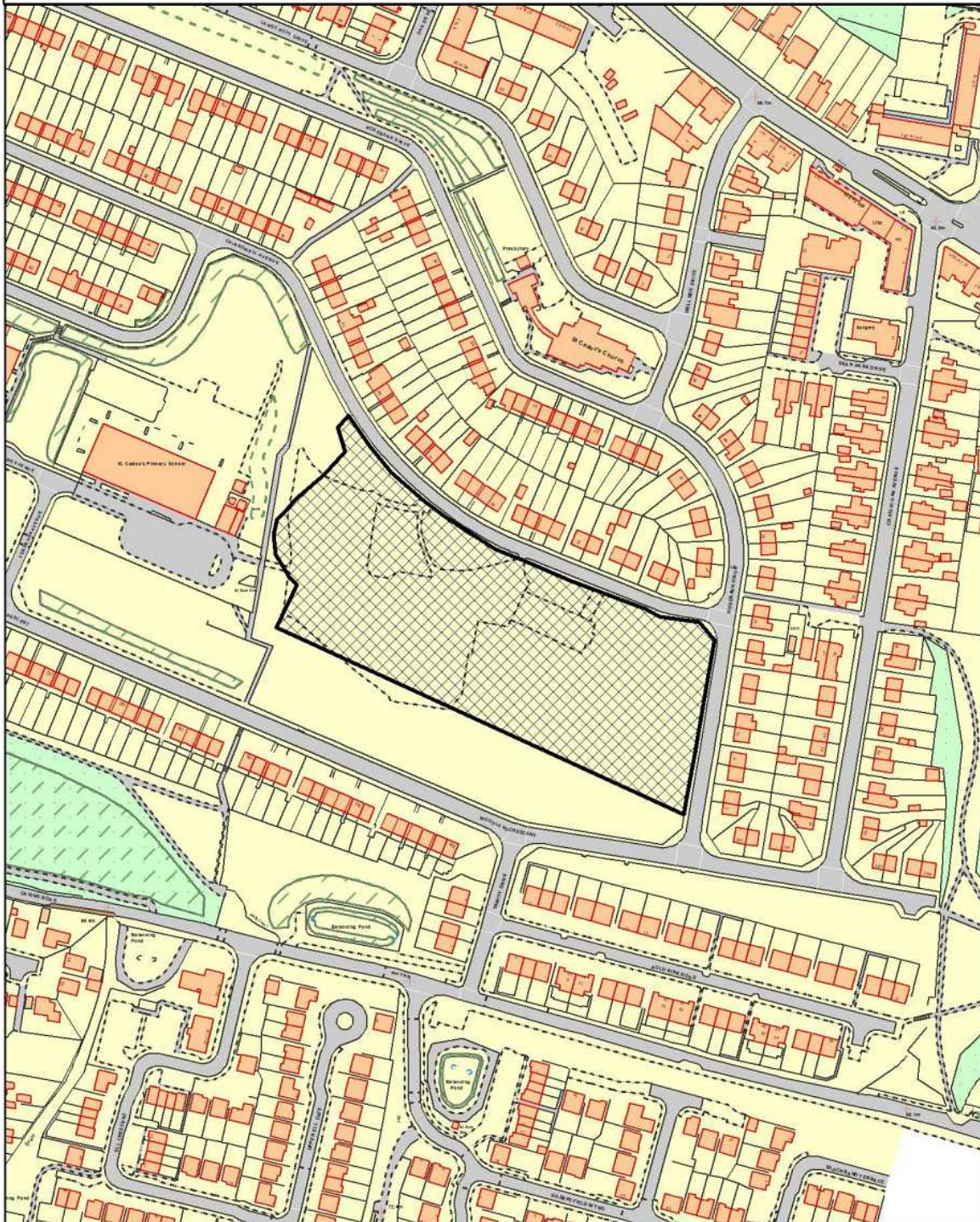
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/23/0748 Site of former Cairns Primary School, Cairnswell Avenue, Cambuslang



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Scale:
1:2,500
Date:
07/08/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

13

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

Reference no:	P/23/0848
Proposal:	Erection of dwellinghouse with associated access and parking (in part retrospective)
Site Address:	Land 50m SSW of 1 Milton Cottage Milton Road Carluke ML8 5PT
Applicant:	Mr and Mrs David Cornwell
Agent:	Derek Scott
Ward:	01 Clydesdale West
Application Type:	Full Planning Permission
Advert Type:	Non-notification of neighbours and Development Contrary to Development Plan: Lanark Gazette 26 July 2023
Development Plan Compliance:	No
Departures:	None
Recommendation:	Refuse
Legal Agreement:	Not required
Direction to Scottish Ministers	Not required

1. Reason for Report

- 1.1. As required by the approved South Lanarkshire Council Planning Application Decision-Making Process 2015, a request that this otherwise delegated application be determined by the Planning Committee was received from Councillor David Shearer and this was agreed by the Head of Planning and Regulatory Services and the Chair of the Planning Committee.

2. Site Description

- 2.1. The application site is located in designated Green Belt to the south-east of Carluke and is accessed from Milton Road via an existing private access track (approximately 278m in length). The site itself is roughly triangular and bound on the northern side by a hedge and private access track, providing pedestrian access to Carluke.
- 2.2. The site is relatively level and lies south of an existing building group comprising Milton Cottages (three separate dwellings) and a modern house built on the site of a demolished stables block.
- 2.3. On a site visit in July 2023 it was noted the dwellinghouse applied for was substantially completed and appeared to be occupied. To the west is an area of woodland and to the east and south lies agricultural land. Directly to the southeast there are 3 chalets which have been erected without Planning Permission, a fourth unauthorised chalet sits further south. A more detailed timeline of works and changes to the site is included in Section 4 (Relevant Planning History) and Section 10 (Assessment).

3. Description of Proposed Development

- 3.1. Planning permission is sought for the erection of a detached one and a half storey dwellinghouse (containing 4 bedrooms), finished in stonework, white render and slate substitute - features include entrance porch, pitched roof dormers with vertical timber boarding, solar panels and rear roof overhang to create a covered veranda. The dwelling would be served by a driveway, parking spaces and a landscaped garden.
- 3.2. Private drainage arrangements in the form of a treatment plan and discharge are detailed in the submitted application form. However, specific drainage details are not shown on proposed plans. A public water supply connection is proposed.

4. Relevant Planning History

4.1. Pre-Autumn 2021

According to aerial mapping dated December 2004 the application site contained woodland, a building and open/vacant land. Photographs of the building are included within the applicants' supporting statement.

4.2. Autumn 2021-2022

The supporting statement details the building was demolished and woodland removed in autumn 2021. A planning application (ref P/21/1780) was submitted in October 2021 by Mr Bryan Neil for the erection of three houses on this application site and additional land to the southwest. Site photography associated with this application, taken by an officer in January 2022, show a cleared site with an area of open compacted gravel to the front with grass to the rear. This application was withdrawn in August 2022 prior to determination.

4.3. Summer 2022-2023

A planning application (ref P/22/1178) was submitted in August 2022 for a single dwelling which was submitted by Mr and Mrs Cornwell - the same applicant to this current application. In September 2022 the site photographs show foundations being erected. By June 2023 the dwellinghouse was substantially complete. This

application was refused by Planning Committee on 6 June 2023. That decision has not yet been appealed to the Department of Planning, Environmental Appeals (DPEA). However, the applicant has a right to appeal that decision up until 8 September 2023. A Planning Contravention Notice was served on the property by Sherrif Officers on 9 June 2023. The application being presented to this Committee is a second application, for the same proposal as previously refused.

- 4.4. In addition, it was discovered in September 2022 that 4 chalets (3 directly adjacent and one further south) had been constructed, on land adjacent to the application site. These had been constructed and were being occupied without planning permission. Investigations (Ref. ENP/22/0336) commenced in September 2022 to address this alleged breach of planning control. The supporting statement submitted details these works were undertaken by another party and are not in relation to the current application and/or development.

5. **Supporting Information**

- 5.1 The applicant submitted the following information to support the application.
- 5.2 A covering letter which highlights issues relating to the previous Committee Report which was presented to Committee on 6 June 2023 and details the personal impact of further refusal and enforcement proceedings.
- 5.3 A supporting statement which sets out details of the site prior to works, the proposed development and why works took place on site. It then takes each point of refusal of the previously submitted application (P/22/1178) in turn. The main arguments put forward are that the site is brownfield, forms a homogenous group of buildings, the site is sustainably located in proximity of Carluke and does not undermine the Green Belt. The statement raises issues in relation to the timescale to determine the previous application, description of the site in the previous report and refers to other applications determined post adoption of NPF4.

6 **Consultations**

- 6.1 Environmental Services - No objection subject to conditions requiring a contaminated land investigation/remediation strategy and informatives on construction noise, nuisance, pest control and a remediation completion report.
Response – noted.
- 6.2 Roads Development Management Team - No objections, this would represent the 5th authorised dwelling off a private road which is acceptable. The passing places, visibility and parking spaces are acceptable. In this instance, the application site is served from an existing private access and there are currently 4 lawful residential dwellings using this access. As such, the proposed additional dwelling proposed would not trigger the requirement for Roads Construction Consent. It is noted that there are also unauthorised chalets adjacent to the application site which are not considered to contribute to the number of dwellings using the existing access.
Response – noted.
- 6.3 Scottish Water – There is sufficient capacity at the Camps Water Treatment Works and at the Maudslie Waste Water Treatment for a foul only connection. For reasons of sustainability and to protect their customers from potential future sewer flooding, Scottish Water do not accept any surface water connections into their combined sewer system.
Response – noted.

7 Representations

- 7.1. Following the statutory period of neighbour notification and advertisement, no valid representations have been received.

8 Development Plan

- 8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. National Planning Framework 4

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

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 3 - Biodiversity
- ◆ Policy 8 - Green belts
- ◆ Policy 9 - Brownfield, vacant and derelict land and empty buildings
- ◆ Policy 14 - Design, quality and place
- ◆ Policy 15 - Local Living and 20-minute neighbourhoods
- ◆ Policy 16 - Quality Homes

8.3. South Lanarkshire Local Development Plan 2(2021)

For the purposes of determining planning applications the Council will, therefore, assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

SLLDP2 Volume 1 Policies

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

SLLDP2 Volume 2 Policies

- ◆ Policy GBRA1 - Rural Design and Development
- ◆ Policy GBRA9 - Consolidation of Existing Building Groups
- ◆ Policy GBRA5 – Redevelopment of previously developed land containing buildings
- ◆ Policy GBRA8 – Development of Gap Sites
- ◆ Policy NHE16 - Landscape

9 Guidance

9.1 South Lanarkshire Council (SLC) Supporting Planning Guidance

- ◆ Electric Vehicle Charging Points August 2022
- ◆ South Lanarkshire Landscape Character Assessment 2010
- ◆ South Lanarkshire Validating Local Landscape Designations 2010

10 Assessment and Discussion

10.1 Introduction

The applicant seeks detailed planning permission, in part retrospect, for the erection of a dwellinghouse with associated access and parking.

10.2 The main issues to be addressed in the determination of this application include the acceptability in principle of the proposed development. The policies contained within National Planning Framework 4 and the South Lanarkshire Local Development Plan 2 are the main considerations in this case, together with an assessment of any other material planning considerations.

10.3 Principle of Development

The site is located within the Green Belt and the supporting statement advises that the site is brownfield. The policies relating to the Green Belt and brownfield land should be considered in the first instance in order to assess and establish the principle of development.

10.4 NPF4 Policy 8 Green Belts seeks to encourage, promote and facilitate compact urban growth and use the land around our towns and cities sustainably. The policy is twofold, part (i) sets out circumstances where various types of development in the Green Belt can be considered acceptable. The proposal is for a single dwelling, it is not in relation for accommodation for a key worker, it does not involve the one for one replacement of an existing dwelling nor does it relate to the reuse of a historic environment asset. The proposal fails to meet any of the criteria in part (i) of the policy. Therefore, it is not appropriate to assess the proposal against part (ii). As such, the proposal is contrary to Policy 8 of National Planning Framework 4.

10.5 NPF4 Policy 3 Biodiversity seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. It requires that developments contribute to the enhancement of biodiversity and integrate nature-based solutions where possible. The application site was vacant land which was in the process of naturalising before unauthorised works commenced. As such, the site had biodiversity value with significant capacity for enhancement. Whilst the current proposal would see the creation of landscaped garden ground, there is no information or specification detailed which would demonstrate biodiversity enhancement of these garden areas in comparison to the larger naturalised site. Given that the current proposal does not propose any specific measures to conserve, restore and enhance biodiversity, it is contrary to Policy 3 of National Planning Framework 4

10.6 NPF4 Policy 9 Brownfield, vacant and derelict land and empty buildings aims to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings to help reduce the need for greenfield development. The supporting statement purports the land is brownfield land. This application is the second application following the previous refusal. It should also be noted that the proposal is in part retrospective, as the dwelling is now substantially complete. Therefore, in assessing whether the land is brownfield, the condition of the land will be taken at the point before unauthorised work commenced, i.e., prior to August/September 2022.

10.7 As advised earlier in this report, the application site in 2021 was cleared of a building and woodland. The supporting statement details the trees were removed due to a fungal disease and had only related to 15% of the site. The supporting statement advises the remainder of the site was hardstanding. The site photos taken by a Planning Officer in January 2022 show this hardstanding area to be an area of

compacted gravel, a permeable covering, located at the front of the site. There is grass evident in these photographs to the rear of the site and this remains the case in July 2023 with the land immediately to the rear of the under-construction house, and which would form its garden, being a grass field.

- 10.8 Policy 9 states that when determining whether the re-use of a brownfield site is sustainable, the biodiversity value of the brownfield land which has naturalised should be considered. Given the permeable open nature of the hardstanding at the front of the site, which was already naturalising, the grass to the rear, and the surrounding context of adjacent, agricultural land, hedges and woodland, the site could have easily naturalised if the unauthorised development had not occurred and increased in biodiversity value. As set out above, the site does not comply with Policy 8 Green Belt and is not considered a sustainable location for residential use. Consequently, the proposal is not considered a sustainable reuse of brownfield land. It is not in a sustainable location and the semi-naturalised state of the site (prior to recent unauthorised development) would have resulted in an increased biodiversity value. The proposal is contrary to Policy 9 of National Planning Framework 4.
- 10.9 NPF4 Policy 14 – Design, Quality and Place advises that proposals will be supported where they are consistent with the 6 qualities of successful places. It confirms that proposals which are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the 6 qualities of place will not be supported. The proposed erection of a single dwellinghouse in the green belt, contrary to policies designed to preserve that green belt, is not considered to be characteristic of a sustainable place and, as such, is contrary to Policy 14 of NPF4.
- 10.10 NPF4 Policy 15 – Local Living and 20-minute neighbourhoods seeks to create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by using sustainable transport options. A site placed just beyond the settlement boundary, would have access to a significant number of the criteria listed in Policy 15. However, it should also be noted that encouraging new homes just outwith approved settlement boundaries, within the designated green belt, leads to exactly the sort of sprawled out, unconnected residential areas lacking facilities and services that this policy is designed to avoid. Whilst residents might indeed have access to many of the facilities/benefits of local living identified in the policy, the development itself would run directly contrary to the policy intent, namely, to create connected and compact settlements and mixed-use neighbourhoods. As such, the proposal is not considered compatible with the intent of Policy 15 of NPF4.
- 10.11 NPF4 Policy 16 – Quality Homes seeks to encourage, promote, and facilitate the delivery of high-quality homes, in the right locations. It advises that development proposals for new homes on land not allocated for housing in the Local Development Plan (LDP) will only be supported in limited circumstances. The proposed housing development is not consistent with the spatial strategy and other relevant policies in the plan and does not involve; delivery of a site in the housing land pipeline; housing in the rural area; an opportunity within an existing settlement boundary or a proposal for affordable homes. As such, the proposal is directly contrary to Policy 16 – Quality Homes of NPF4.
- 10.12 In terms of Local Development Plan policy, the application site lies within the Green Belt and is subject to assessment against Policy 4 - Green Belt and Rural Area of the adopted SLLDP2. The policies in the SLLDP2 which can be used to justify new residential buildings in the green belt are GBRA5 – Redevelopment of previously

developed land containing buildings, GBRA8 – Development of Gap Sites and GBRA9 – Consolidation of building groups.

10.13 The proposed dwelling does not need to be in the countryside. It is not sustainable to incrementally add additional housing to this Green Belt location. None of the 'GBRA' exceptions apply in this instance as the proposal is on a site with no remaining buildings; does not constitute the consolidation of an existing building group (being distinct from the buildings to the north and in effect extending the group south of the access track, rather than consolidating it); and which is not a gap site (having open countryside on 3 sides). As, such the proposal is contrary to Policy 4 Green Belt and Rural Area and Green Belt and Rural Area Policies GBRA5, GBRA8 and GBRA9 of SLLDP2.

10.14 As advised above, the proposal is also considered contrary to NPF4 Policy 9 Brownfield, vacant and derelict land and empty buildings, however, even if the proposal had complied with Policy 9, this would not be considered sufficient to outweigh the provisions of NPF4 Policy 8 Green Belt. Whilst Policy 9 addresses brownfield land generally, Policy 8 specifically applies to green belt areas and, as such, takes precedence in the determination of planning applications in the green belt.

10.15. Climate Change

NPF4 Policy 1 requires that when considering all development proposals, significant weight will be given to the global climate and nature crises. NPF4 Policy 2 Climate Change and Mitigation expands on this requiring all new developments to be sited and designed (1) to minimise lifecycle greenhouse gas emissions as far as possible and (2) to adapt to the current and future risks from climate change. The Chief Planner letter (4 February 2023) confirms that at this stage quantitative assessments are not expected for all applications. In the absence of a methodology for measuring the emissions which would result from the emissions of the proposed buildings, it is considered appropriate at this time to instead consider the general sustainability of the proposal in land-use planning terms (whether the use of this site as housing land is supportable when assessed against other relevant policies in NPF4) and use that as an indicator in whether or not it is likely to minimise emissions and adapt to current and future impacts of climate change. It has been detailed above the principle of development at this site is not established.

10.16. Policy 2 Climate Change of SLLDP2 seeks to minimise and mitigate against the effects of climate change by considering various criteria including: being sustainably located; reuse of vacant and derelict land; avoidance of flood risk areas; incorporating low and zero carbon generating technologies; opportunities for active travel routes and trips by public transport; electrical vehicle recharging infrastructure and where appropriate connection to heat networks.

10.17. The site is not at risk of flooding. If the proposal was considered acceptable the applicant could be asked to submit further details of low carbon technology; a tree planting scheme and the installation of electric vehicle charging points for the approval of the planning authority. In consideration, the proposals would not undermine the objectives of Policy 2 of the South Lanarkshire Local Development Plan 2 (2021).

10.18. Layout, Siting and Design

Given that the principle of development is not considered to be acceptable in this location, the design of the proposed dwelling in terms of Policies 5 'Development Management and Place Making' and GBRA1 'Rural Design and Development' of

SLLDP2 is not considered to be a determining factor in the assessment of this application.

10.19. Landscape Impact

Policy 14 – Natural and Historic Environment of SLLDP2 states that the Council will assess all development proposals in terms of their impact on the natural and historic environment, including landscape. The Council will seek to protect important natural and historic sites and features from adverse impacts resulting from development, including cumulative impacts. Category 3 areas include Special Landscape Areas where development which would have a significant adverse impact following the implementation of mitigation measures will only be permitted where the effects are outweighed by significant social or economic benefits.

10.20. Policy NHE16 – Landscape of the SLLDP2 advises that development proposals within Special Landscape Areas will only be permitted where they can be accommodated without having an unacceptable significant adverse effect on the landscape character, scenic interest and special qualities and features for which the area has been designated. All proposed development should consider the detailed guidance contained in the South Lanarkshire Landscape Character Assessment 2010.

10.21. The site falls within the Urban Fringe Farmlands where further incremental release of land for residential development should be carefully planned and the use of vernacular building designs is encouraged. The proposed development reflects traditional rural architecture with appropriate contemporary features. No historic or landscape features which contribute to landscape quality will be affected. In view of these circumstances the proposal complies with policies 14 and NHE16 of SLLDP2.

10.22 Conclusion

In summary, taking all the above into account, it is considered that the proposed development would constitute inappropriate development with regards to the sites Green Belt designation and there are no exceptions to policy, in either NPF4 or SLLDP2, which would justify a dwellinghouse in this location. As such, the proposed development fails to adhere to the provisions of the development plan, with specific regard to Policies 1, 2, 3, 8, 9, 14, 15 and 16 of National Planning Framework 4 (adopted 2023) and Policies 4, GBRA5, GBRA8 and GBRA9 of the South Lanarkshire Local Development Plan 2 (adopted 2021) and there are no material considerations which would outweigh this variance with the development plan. In view of this, it is recommended that the application is refused planning permission.

11. **Recommendation and Conditions**

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

Refuse Planning Permission for the reasons outlined below:-

01. The proposal would be contrary to Policy 8 – Green belts of National Planning Framework 4 as it does not meet the criteria set out in the policy for green belt development and as such fails to encourage, promote and facilitate compact urban growth and use the land around our towns and cities sustainably.
02. The proposal would be contrary to Policies 4 - Green Belt and Rural Area of the South Lanarkshire Local Development Plan 2 as it would constitute an inappropriate form of development, that cannot be justified under policies GBRA5, GBRA8 or GBRA9 and which adversely affects the character of the Green Belt at this location.

03. The proposal would be contrary to Policy 9 - Brownfield, vacant and derelict land and empty buildings of National Planning Framework 4 as the site no longer has any buildings upon it, has reverted to a naturalised state with biodiversity value and is not allocated housing land.
04. The proposal would be contrary to Policy 3 – Biodiversity of National Planning Framework 4 as it does not include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance.
05. The proposal would be contrary to Policy 14 – Design, Quality and Place of National Planning Framework 4 as it is not consistent with the 6 qualities of successful places. Specifically, it fails to achieve the characteristics of a sustainable place.
06. The proposal would be contrary to Policy 15 - Local Living and 20 minute neighbourhoods of National Planning Framework 4 as it fails to create connected and compact settlements and mixed-use neighbourhoods.
07. The proposal would be contrary to Policy 16 – Quality Homes of National Planning Framework 4 as it does not constitute the delivery of high quality homes in the right locations as set out in the policy criteria.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 28 August 2023

Background Papers

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

[P/23/0848 | Erection of dwellinghouse with associated access and parking \(in part retrospective\) | Land 50M SSW Of 1 Milton Cottage Milton Road Carluke ML8 5PT](#)

Corporate Considerations

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

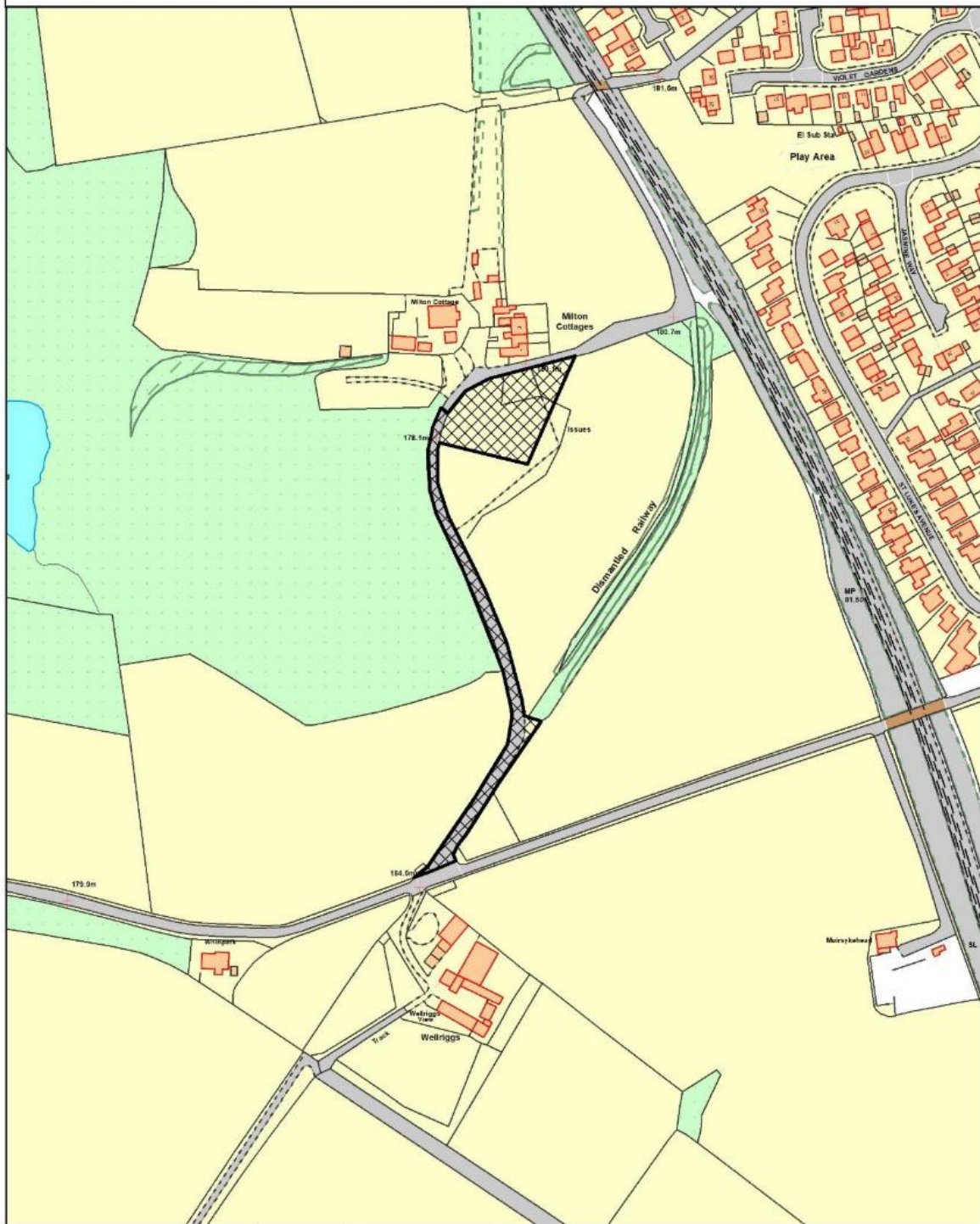
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/23/0848 Land 50m SSW Of 1 Milton Cottage, Milton Road, Carluke



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Scale:
1:3,000
Date:
04/08/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services