



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 05 February 2024

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, 13 February 2024

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

Paul Manning
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 - 8
Minutes of the meeting of the Planning Committee held on 12 December 2023 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

- 3 **Application P/21/0540 for Installation of Access Gates for Emergency Vehicles with Associated Side Panels (Retrospective) at Uddingston Cricket and Sports Club, Castle Avenue, Uddingston** 9 - 16
Report dated 5 February 2024 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 4 **Application P/22/1139 for Erection of 3 Wind Turbines with a Maximum Height to Tip of 149.9 Metres and Associated Infrastructure Including Access Track, Crane Pad, Electrical Housing and Cabling at Land 750 Metres Southeast of Dungavel House, Immigration Removal Centre, Muirkirk Road, Strathaven** 17 - 34
Report dated 5 February 2024 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 5 **Application P/23/1076 for Erection of Roof Extension to Bungalow to Add Additional Floor to Property and Erection of One and a Half Storey Garage with Ancillary Accommodation at 21B Douglas Gardens, Uddingston** 35 - 42
Report dated 5 February 2024 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 6 **Application P/23/1284 for Demolition of Existing Buildings and Erection of 4 Detached Dwellings, Formation of Access Road and Associated Landscaping Works and Ancillary Development at 83 Meikle Earnock Road, Hamilton** 43 - 54
Report dated 5 February 2024 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 7 **Application P/23/1477 for Amendment to Application Site Boundary, Adjustment of Driveway Head, Positioning of House, Erection of Fence and Erection of Detached Double Garage (Retrospective) (Amendment to P/19/1093) at Mid Crosshill Farm, Langlands Road, Auldhouse** 55 - 64
Report dated 5 February 2024 by the Executive Director (Community and Enterprise Resources). (Copy attached)

Urgent Business

- 8 **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
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PLANNING COMMITTEE

2

Minutes of meeting held via Confero and in Committee Room 1, Council Offices, Almada Street, Hamilton on 12 December 2023

Chair:

Councillor Richard Nelson

Councillors Present:

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

Councillors' Apologies:

Councillor Joe Fagan (ex-officio), Councillor Elise Frame, Councillor Mark Horsham, Councillor Martin Lennon, Councillor Monique McAdams, Councillor John Ross

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

Finance and Corporate Resources

S Jessup, Administration Assistant; S McLeod, Administration Officer

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 14 November 2023 were submitted for approval as a correct record.

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

3 Application P/21/0708 for Change of Use of Industrial Unit to Fitness Rehabilitation and Therapy Facility/Gymnasium (Retrospective) at 4 Bairds Crescent, Allanshaw Industrial Estate, Hamilton

A report dated 1 December 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/0708 by S Eeles for a change of use of industrial unit to fitness rehabilitation and therapy facility/gymnasium (retrospective) at 4 Bairds Crescent, Allanshaw Industrial Estate, Hamilton.

The Committee decided: that planning application P/21/0708 by S Eeles for a change of use of industrial unit to fitness rehabilitation and therapy facility/gymnasium (retrospective) at 4 Bairds Crescent, Allanshaw Industrial Estate, Hamilton be granted subject to the conditions specified in the Executive Director's report.

4 Application P/22/0384 for Demolition of Existing Detached Garage and Erection of Replacement Garage with Attic Room Above at 1 Croftbank Avenue, Bothwell

A report dated 1 December 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0384 by JWR Holdings for the demolition of an existing detached garage and erection of a replacement garage with attic room above at 1 Croftbank Avenue, Bothwell.

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/22/0384 by JWR Holdings for the demolition of an existing detached garage and erection of a replacement garage with attic room above at 1 Croftbank Avenue, Bothwell be granted subject to the conditions specified in the Executive Director's report.

5 Application P/22/0508 for Erection of 5 Holiday Let Cottages with Associated Service Road and Gardens at Briarlea House, Lanark Road, Larkhall

A report dated 1 December 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0508 by A Cummings for the erection of 5 holiday let cottages with associated service road and gardens at Briarlea House, Lanark Road, Larkhall.

Following consultation between the Chair and the Head of Planning and Regulatory Services, the application had been referred to the Committee in terms of section 5.2 of the Council's Planning Application Decision Making Process, as it was considered that the application generated policy issues that merited its consideration by elected members.

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/22/0508 by A Cummings for the erection of 5 holiday let cottages with associated service road and gardens at Briarlea House, Lanark Road, Larkhall be refused for the reasons detailed in the Executive Director's report.

Councillor Toner joined the meeting during consideration of the above item of business

6 Application P/22/1234 for Erection of Neighbourhood Centre (Including Classes 1, 2, 3, 11 and Sui Generis) with Associated Access, Parking and Landscaping at Land 100 Metres Northeast of 227 Westburn Road, Grayline Avenue, Newton, Cambuslang

A report dated 1 December 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/1234 by Crucible Developments (Scotland) Limited for the erection of a neighbourhood centre (including classes 1, 2, 3, 11 and Sui Generis) with associated access, parking and landscaping at land 100 metres northeast of 227 Westburn Road, Grayline Avenue, Newton, Cambuslang.

The Committee decided: that planning application P22/1234 by Crucible Developments (Scotland) Limited for the erection of a neighbourhood centre (including classes 1, 2, 3, 11 and Sui Generis) with associated access, parking and landscaping at land 100 metres northeast of 227 Westburn Road, Grayline Avenue, Newton, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 14 December 2010 (Paragraph 14)]

7 Application P/23/0288 for Demolition of Extensions and Cottage, Retention of Original Hotel to Form 4 Flats and Erection of 5 Houses with Associated Access Road, Parking, Landscaping and SuDS System (Planning Permission in Principle) at Abington Hotel, 78 Carlisle Road, Abington, Biggar

A report dated 1 December 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/0288 by D Hill for the demolition of extensions and cottage, retention of the original hotel to form 4 flats and erection of 5 houses with associated access road, parking, landscaping and SuDS system (planning permission in principle) at the Abington Hotel, 78 Carlisle Road, Abington, Biggar.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Legal Agreement. If approved, the application would be subject to a Legal Agreement and/or other appropriate mechanism and the approved procedure would apply.

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

The Committee decided:

- (1) that planning application P/23/0288 by D Hill for the demolition of extensions and cottage, retention of the original hotel to form 4 flats and erection of 5 houses with associated access road, parking, landscaping and SuDS system (planning permission in principle) at the Abington Hotel, 78 Carlisle Road, Abington, Biggar be granted subject to:-
- ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Section 75 Agreement and/or other appropriate agreement between the Council, site owner(s) and applicant to ensure appropriate financial contributions were made at appropriate times during the development towards educational facilities
 - ◆ the applicant meeting the Council's costs associated with the legal agreements

- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards the conclusion of the Legal Agreement within 6 months of the date of the meeting at which the application was considered, the proposed development could be refused on the basis that, without the planning control or developer contribution which could be secured by the Legal Agreement, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Legal Agreement had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Legal Agreement.

[Reference: Minutes of 7 July 2015 (Paragraph 15)]

8 Application P/23/0434 for Erection of 6 Dwellings at Butterburn Park, Hamilton

A report dated 1 December 2023 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/23/0434 by South Lanarkshire Council for the erection of 6 dwellings at Butterburn Park, Hamilton.

The Committee decided: that planning application P/23/0434 by South Lanarkshire Council for the erection of 6 dwellings at Butterburn Park, Hamilton be granted subject to the conditions specified in the Executive Director's report.

9 Application P/23/0507 for Erection of Drive-Through Restaurant (Class 3 and Sui Generis) with Associated Access, Servicing, Car Parking, Landscaping and Other Associated Work at Land 70 Metres South of 28 Beck Avenue, Borland Drive, Larkhall

The Chair advised that this application had been withdrawn at the request of the applicant.

The Committee decided: to note the position.

10 Urgent Business

There were no items of urgent business.

Chair's Closing Remarks

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

Report

3

Report to:	Planning Committee
Date of Meeting:	13 February 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/21/0540
Proposal:	Installation of access gates for emergency vehicles with associated side panels (Retrospective)
Site Address:	Uddingston Cricket and Sports Club Castle Avenue Uddingston G71 7HJ
Applicant:	Mr Allan McGill
Agent:	N/A
Ward:	16 – Bothwell and Uddingston
Application Type:	Full Planning Permission
Advert Type:	Non-notification of neighbours: Hamilton Advertiser 6 May 2021
Development Plan Compliance:	Yes
Departures:	Not applicable
Recommendation:	Grant subject to conditions
Legal Agreement:	Not applicable
Direction to Scottish Ministers	No

1. Reason for Report

- 1.1. The planning application was reported to the Planning Committee on 10 August 2021 with a recommendation to grant consent. Following discussion members agreed to defer a decision to allow further consultation with emergency services on the requirement for the gates. This report provides an update on the current position.

2. Site Description

- 2.1. The application site is a small, rectangular shaped area of ground located within the south-west corner of the grounds of the Uddingston Cricket and Sports Club, at Castle Gate, Uddingston. The site is located within the general urban area, with modern residential properties located to the west, sports pitches to the north and east, and by landscaped areas of ground to both the south and the south-east. An established, approximately 2.5 metre high hedge screens the rugby pitch from Castle Gate, which is an access road into the adjoining, established residential area.

3. Description of Proposed Development

- 3.1. The applicant seeks detailed retrospective planning permission for the installation of vehicular access gates for emergency vehicles with associated side panels. An associated vehicular access over the adopted public footpath has also been formed however this does not require planning permission as the access is not onto a classified road. The gates are 4 metres wide by 2.5 metres high, constructed with green, weld mesh panelling.
- 3.2. The applicant has stated that the gate is for an emergency entrance and exit, identified as being a key requirement of a health and safety audit carried out at the club. It is not utilised as a general entrance to the club and is locked to prevent unauthorised use.
- 3.3. The application is retrospective as the applicant was unaware that the installation of the new gates would require planning permission. It should be noted that the new gates only require formal planning permission due to their height being over one metre above ground level.

4. Relevant Planning History

- 4.1. There is no recent planning history affecting the application site.

5. Supporting Information

- 5.1. The applicant has submitted details of a health and safety audit carried out at the club which recommends the provision of an emergency access including the proposed gates.

6. Consultations

- 6.1. Roads Development Management Team – Advise that the general impact of the development proposed is suitable at this location. Further, there is adequate vehicular visibility from the new access onto Castle Gate.

Response: All noted.

- 6.2. Scottish Ambulance Service – Have noted that the proposal provides an alternative access/egress point which may avoid unnecessary movement of the patient for extrication and therefore have no objections to the proposal.

Response: As highlighted elsewhere in the report the formation of the access itself does not require planning permission.

7. Representations

7.1 Following the statutory period of neighbour notification and advertisement in the local paper, a total of 10 representations (objections) have been received. The issues raised are summarised as follows:-

- ◆ Lack of public consultation and notification
- ◆ Ownership of the full extent of the application site
- ◆ Road safety
- ◆ Requirement/justification for the new access
- ◆ Increased traffic and noise
- ◆ Approval will give “green light” for future residential development
- ◆ Design and appearance of new gates
- ◆ Further alleged breaches of planning control
- ◆ Potential use of gates for non-emergency uses

The above issues will be considered in the assessment below and full copies are 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. The development plan comprises the adopted National Planning Framework 4 and the adopted South Lanarkshire Local Development Plan 2.

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 crisis
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 14 - Design, quality and place
- ◆ Policy 21 – Play, recreation and sport
- ◆ Policy 23 - Health and Safety

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 2 - Climate Change
- ◆ Policy 3 – General Urban Areas
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 13 - Green Network and Greenspace

9. Guidance

9.1. None applicable.

10. Assessment and Discussion

- 10.1. Retrospective planning consent is sought for the installation of vehicular access gates for emergency vehicles, with associated side panels at the Uddingston Cricket and Sports Club, Castle Gate, Uddingston. The main determining issues in assessing this proposal are whether it accords with adopted development plan policy, its impact upon residential and visual amenity, and on road safety.
- 10.2. Following a detailed assessment of the application, it is considered that the installation of the new access gates for emergency vehicle access to the existing sports facilities within the site accord with the relevant policies of both the National Planning Framework 4 (NPF4) and the adopted South Lanarkshire Local Development Plan 2 (SLLDP2).
- 10.3. With regards to the scale and design of the proposed access gates it is considered that they do not have a significant adverse impact upon the character or amenity of the area or upon the amenity of residents living nearby. They are not located immediately adjacent to any dwellings and, given the limited use, do not generate noise or traffic issues. The proposals are therefore considered to accord with Policy 14 of NPF4 and Policies 3 and 5 of the adopted South Lanarkshire Local Development Plan 2.
- 10.4. With regards to road safety, the applicants have provided the health and safety audit that was carried out on their behalf which includes the recommendation for the access and gates as justification for their retention. The application was previously presented to Planning Committee in August 2021 when members agreed to defer a decision to allow consultation with emergency services about the need for the proposal. The Scottish Ambulance Service has advised that the proposal provides an alternative access/egress point which may avoid unnecessary movement of the patient for extrication and therefore have no objections to the proposal.
- 10.5. In addition, Roads and Transportation Services have advised that the general impact of the development proposed is suitable. While not requiring planning permission they have also advised that there is adequate visibility from the new access onto Castle Gate. Finally, there have been no complaints about the operation of the emergency access since the original Planning Committee decision. As a result, it is considered a need for the gates has been provided and that their operation is not causing harm to road safety or amenity.
- 10.6. A number of objectors have raised concerns that the new access will be utilised for additional, unstated purposes, and that it will result in increased traffic and road safety issues. These concerns are noted, however, the applicant has confirmed that a restrictive planning condition, stating that only emergency vehicles can utilise the access, will be acceptable. The letters of objection to the application also raise a number of other issues, relating to lack of public consultation and notification, ownership, road safety, justification for the new access, increased traffic and noise, potential for further development, design and appearance, further alleged breaches of planning control and unauthorised use of the gates. The issues raised have all been fully considered in the assessment of the application, however, none are considered to warrant refusal of the retrospective application.

10.7. Conclusion

In conclusion, following a full and detailed assessment of the proposed development, taking into account all of the letters of representation submitted, it is considered that it would have no significant adverse impact upon amenity, the character of the area, road safety or upon the Green Network. The proposals are therefore considered to be in accordance with the relevant policies of the adopted National Planning Framework 4 and the South Lanarkshire Local Development Plan 2. In view of all of the above it is recommended that the Planning Committee grant the application.

11. **Recommendation and Conditions**

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

Grant detailed planning permission, subject to the following conditions:-

01. That the use of new access gates and associated vehicular access hereby approved shall be solely for the purpose of emergency vehicles, and for no other type of activity without the prior written approval of the Council as Planning and Roads Authority.

Reason: In the interests of amenity and road safety.

02. That for the avoidance of doubt the access gates hereby approved shall only open inwards, into the grounds of the Cricket and Sports Club.

Reason: In the interests of road safety.

12. **Reason for Decision**

- 12.1. The proposals will have no significant adverse impact on either residential or visual amenity and comply with policies 1, 2, 14, 21 and 23 of the National Planning Framework 4, and with policies 2, 3, 5 and 13 of the adopted South Lanarkshire Local Development Plan 2. Further, there are no additional material considerations which would justify refusing planning permission.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 5 February 2024

Background Papers

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

[P/21/0540 | Installation of access gates for emergency vehicles, with associated side panels \(retrospective\) | Uddingston Cricket And Sports Club Castle Avenue Uddingston G71 7HJ \(southlanarkshire.gov.uk\)](#)

- ◆ Extract from health and safety audit carried out on behalf of the applicants
- ◆ A link to the report presented to the Planning Committee on 10 August 2021
[Document.ashx \(cmis.uk.com\)](#)

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/21/0540 Uddingston Cricket and Sports Club, Castle Avenue, Uddingston



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Scale:
1:2,000
Date:
17/01/2024



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

4

Report to:	Planning Committee
Date of Meeting:	13 February 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/22/1139
Proposal:	Erection of 3 No. wind turbines with a maximum height to tip of 149.9m and associated infrastructure including access track, crane pad, electrical housing and cabling
Site Address:	Land 750M Southeast of Dungavel House Immigration Removal Centre (IRC) Muirkirk Road Strathaven
Applicant:	Clean Earth Energy
Agent:	N/A
Ward:	05 – Avondale and Stonehouse
Application Type:	Full Planning Permission
Advert Type:	Non-notification of neighbours: Hamilton Advertiser 6 May 2021
Development Plan Compliance:	Yes
Departures:	Not applicable
Recommendation:	Grant subject to conditions
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 ◆ A section 96 agreement addressing 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	No

1. Reason for Report

- 1.1. This application is being presented to the Planning Committee for determination as it has received more than 5 objections, as detailed in paragraph 3.5 (b) of the Decision Making Process April 2015.

2. Site Description

- 2.1. The application site is an area of approximately 8.76 hectares of open moorland located to the east of the B743 Muirkirk Road, approximately 8km southwest of the settlement of Strathaven. The moorland site is enclosed by mature commercial forestry to the north and south. It is located within an area where there are currently several operational wind farms (including Dungavel, Kype Muir and the Kype Muir Extension), and lies immediately to the west of the operational Dungavel wind farm. The closest residential properties to the nearest part of the application site are located approximately 550 metres to the northwest, on Hamilton Drive. In addition, the site is located approximately 350 metres to the east of the operational Dungavel Immigration Removal Centre (IRC), a category C listed building, originally constructed as a hunting lodge and summer retreat for the Duke of Hamilton.
- 2.2. The site is located on land designated as Rural Area within the adopted South Lanarkshire Local Development Plan 2 (2021). It is located within a landscape designated within NatureScot's Landscape Character Assessment (2019) as Plateau Moorlands – Glasgow and Clyde Valley Landscape Character Type (LCT) and within Rolling Moorland and Forestry LCT within the South Lanarkshire Landscape Character Assessment 2010 (LCA).

3. Description of Proposed Development

- 3.1. Planning permission is sought for the erection of 3 No. wind turbines and associated infrastructure, including access track, crane pad, an electrical housing and cabling. The proposed vehicular access track is to be taken directly from the B743 Muirkirk Road.
- 3.2. The turbines are proposed to be a maximum of 149.9 metres to blade tip height and the applicant requests that they have a generating lifespan of 35 years.

4. Relevant Planning History

- 4.1. Detailed planning permission was given in July 2016 for the erection of a single wind turbine with a blade tip height of 100 metres, a hub height of 60 metres and three blades on the site, with a generating capacity of 2 MW (Planning Ref: EK/15/0375). This application was then subject to a further application to renew the original consent (Planning Ref: P/19/1059), which was granted consent in November 2019. A further application to renew the 2019 consent was submitted in October 2022 but it remains undetermined pending the outcome of this current application (Planning Ref: P/22/1259).

5. Supporting Information

- 5.1. A number of supporting documents have been submitted with the application, including a Planning Statement, Heritage Impact Assessment (HIA) report, Landscape and Visual Impact Assessment (LVIA) report and associated photomontages, Noise Assessment, Peat Survey Assessment, Aviation Assessment, Shadow Flicker Report, Ecology report, Hydrology, Hydrogeology and Geology Report, Construction Traffic Management Plan (CTMP), Road Safety Audit and a Public Consultation Report.

6. Consultations

- 6.1. Roads Development Management Team – no objections to the proposals subject to conditions relating to the formation of the site access, drainage details, visibility splays, formation of a site compound area, a turning facility within the site, further approval of an Abnormal Load Route Assessment (ALRA) and a Traffic Management Plan (TMP), and the subsequent implementation of the approved TMP, and a Travel Plan for the site workers. A legal agreement under Section 96 of the Roads (Scotland) Act covering unreasonable damage to the public road and any associated bridges/infrastructure is also required.

Response: Noted. Appropriate conditions can be attached to any consent issued. A legal agreement forms part of the recommendation of approval.

- 6.2. Environmental Services – no objections to the application, subject to the attachment of a number of conditions covering noise, investigation of complaints, borrow pits and blasting and a condition requiring a shadow flicker mitigation scheme.

Response: Noted. Appropriate conditions form part of the recommendation of approval.

- 6.3. Countryside and Greenspace – no adverse comments or objections to the application.

Response: Noted.

- 6.4. NatureScot – advise that the nearby Muirkirk and North Lowther Uplands Special Protection Area will not be affected by the proposal. Initially sought the submission of additional information from the applicant on peatland habitats. Following the submission of this additional information, they recommend that the applicant submits a detailed habitat management plan, clearly stating what type of habitat they are seeking to achieve at the site.

Response: Noted. Appropriate conditions in relation to the employment of an Ecological Clerk of Works (ECoW) and the further approval of the Habitat Management Plan and the requirement of a Construction Environmental Management Plan (CEMP) form part of the recommendation of approval.

- 6.5. West of Scotland Archaeology Service (WOSAS) – no objection and advise that a condition should be attached to any approval, requiring the applicant to secure the implementation of an archaeological watching brief, and the submission of an associated method statement.

Response: Noted. Appropriate conditions form part of the recommendation for approval.

- 6.6. Ministry of Defence – no objection subject to conditions requiring aviation lighting and aviation charting / safety management.

Response: Noted and the conditions relating to aviation lighting and aviation charting form part of the recommendation of approval.

- 6.7. Prestwick Airport – originally submitted a holding objection to the proposals on the grounds of aviation safety and radar. Following discussions with the applicant and a review of the submitted Instrument Flight Procedure (IFP) assessment, they now confirm that they have no remaining objection to the proposals.

Response: Noted.

- 6.8. National Air Traffic Services Limited (NATS) – originally objected to the proposals on the grounds of aviation safety and radar. Following further discussions with the applicant, an identified and defined radar mitigation scheme has now been agreed. As a result of this, they have now confirmed they have no remaining objection to the proposals.

Response: Noted.

- 6.9. BAA Glasgow Airport – have no objection to the application as the proposals do not conflict with their safeguarding criteria.

Response: Noted.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement in the local paper, a total of 13 representations (objections), 4 from the same party, have been received. The issues raised are summarised as follows:-

- ◆ Lack of public consultation and misrepresentation of consultation results
- ◆ Proximity of turbines to residential properties and the Dungavel Centre
- ◆ Shadow flicker, noise and vibration
- ◆ Cumulative wind farms effects
- ◆ Overlooking and overshadowing/loss of light
- ◆ Impact on quality of life and mental health
- ◆ Impacts on local character and recreational activities
- ◆ Road safety and road closures for deliveries of turbines
- ◆ Impact on property values
- ◆ Adverse impacts on local wildlife and ecology
- ◆ Deforestation
- ◆ Impact on the historic listed Dungavel House and the Duke of Hamilton's grave
- ◆ Impacts on television reception and internet connectivity
- ◆ Misleading postal address
- ◆ Incorrect carbon capture savings
- ◆ Impacts of amplitude modulation
- ◆ Negative visual impacts
- ◆ Unacceptable siting and scale of turbines
- ◆ Contradictions in the applicants supporting documents

The above issues will be considered in the assessment below and full copies are 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. The development plan comprises the adopted National Planning Framework 4 and the adopted South Lanarkshire Local Development Plan 2.

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 crisis
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 4 - Natural Places
- ◆ Policy 11 - Energy

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 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 Environment
- ◆ Policy 15 - Travel and Transport
- ◆ Policy 16 - Water Environment and Flooding
- ◆ Policy 18 - Renewable Energy
- ◆ Policy RE1 - Renewable Energy
- ◆ Policy DM1 - New Development Design
- ◆ Policy GBRA2 - Business Proposals within Green Belt and Rural Area
- ◆ SDCC2 - Flood Risk
- ◆ SDCC3 - Sustainable Drainage Systems
- ◆ NHE9 - Protected Species
- ◆ NHE20 - Biodiversity

Supporting Planning Guidance: Renewable Energy

9. Guidance

9.1. None applicable.

10. Assessment and Discussion

- 10.1. Detailed planning consent is sought for the erection of 3 No. wind turbines and associated infrastructure including access track, crane pad, an electrical housing and cabling. The policies contained within National Planning Framework 4 and the adopted 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. In terms of the adopted National Planning Framework 4, Policies 1 and 2 seek to encourage, promote, and facilitate development that addresses the global climate emergency and nature crisis, and which minimises emissions and adapts to the current and future impacts of climate change. Policy 2 'Climate Change' of the SLLDP2 states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. The proposals are for a renewable energy development and, therefore, intrinsically support minimising the effects of climate change through greener energy generation. It is, therefore, considered that the principle of the development accords with Policies 1 and 2 of NPF4 and SLLDP Policy 2. Policy 4 of NPF4 seeks to protect, restore and enhance natural assets, making best use of nature based solutions, and promotes that natural assets are managed in a sustainable way. Following a detailed assessment of the application, it is considered that the submitted proposals are in accordance with this policy intent.
- 10.3. In strategic terms, NPF4 Policy 11: Energy supports all forms of renewable energy but not within National Parks or National Scenic Areas. The application site is in neither. In terms of the adopted South Lanarkshire Local Development Plan 2, Policy 1 'Spatial Strategy' of the SLLDP2 states that the Plan will encourage sustainable economic growth and regeneration, protect and enhance the built and natural environment and move towards a low carbon economy and that this will be achieved, inter alia, by

supporting 'development that accords with and supports the policies and proposals in the development plan and supplementary guidance. As the site is located within land designated as within the Rural Area, the application, therefore, requires to be assessed under the Policy 4 'Green belt and rural area'. This states that support will not be given for development proposals within the Countryside, unless they relate to uses which must have a countryside location. Policy 4 recognises that there are specific circumstances where proposals may require to be located within a rural area if it can be demonstrated that there is an established need for the proposed development. SLLDP2 Volume 2 Policy GBRA2 Business Proposals within Green Belt and Rural Area lists renewable energy as an appropriate use in the Rural Area subject to it conforming to SLLDP2 Policy 18: Renewable Energy.

- 10.4. Policy 18: Renewable Energy of the SLLDP2 states applications for renewable energy infrastructure developments will be supported subject to a detailed assessment. It further states that all renewable energy proposals shall be assessed against the relevant criteria and requirements set out in the Assessment Checklist for Renewable Energy Proposals (hereon referred to as the Checklist) contained within SLLDP2 Volume 2. SLLDP2 Volume 2 Policy RE1 Renewable Energy supports Policy 18 and states that as well as the Checklist, renewable energy proposals should also take into account the considerations, criteria and guidance contained within the Supporting Planning Guidance on Renewable Energy, Landscape Capacity Study for Wind Energy (2019 as amended) and other relevant policies in SLLDP2. Part of the Checklist includes an assessment of the criteria also referenced in NPF4 Policy 11, as well as SLLDP Policies 5 and 14 and their associated SLLDP2 Volume 2 Policies as referenced above.
- 10.5. Following a detailed assessment of the application against the relevant policies of the NPF4 and the SLLDP2, including against the Assessment Checklist for Renewable Energy Proposals, it is considered that the proposals are acceptable, subject to the attachment of a number of suspensive planning conditions requiring the provision of mitigation measures. The detailed assessment has fully considered impacts on international and national designations, impacts on carbon rich soils, deep peat and priority peatland habitat, community separation for consideration of visual impact, economic benefits, contributions to renewable energy targets, effects on natural heritage and ecology, landscape and visual impacts, cumulative impacts, impacts on residential properties, public access, the historic environment, tourism and recreation, aviation and defence, impacts on transmitting or receiving stations, road safety and traffic, hydrology, water environment and flood risk, site decommissioning and restoration, and environmental protection.
- 10.6. A number of letters of objection to the application have been submitted, raising a number of issues. These relate to impacts on residential amenity (noise, shadow flicker, vibration, overlooking and overshadowing/loss of light), impacts on mental health, landscape and visual amenity, lack of public consultation, cumulative impacts, road safety and traffic restrictions, impacts on property values, on local wildlife and ecology, impacts on historic properties and the submission of inaccurate supporting information. The issues raised have all been fully considered in the assessment of the application, however, none are considered to warrant refusal of the application.
- 10.7. Conclusion
In conclusion, it is considered that the proposed development is acceptable, and that planning permission be granted, subject to the conditions detailed below and the conclusion of a legal agreement to ensure the matters on the front page of the report are addressed. The proposals are considered to be in accordance with the relevant policies of the adopted National Planning Framework 4 and the South Lanarkshire

Local Development Plan 2 and it is recommended that the Planning Committee grant 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 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. That consent is granted for a period of 35 years from the date of initial commissioning of the development as submitted in writing to the Council, as Planning Authority.

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

02. That the development is carried out strictly in accordance with the terms of the application, the plans hereby approved and the accompanying Planning Environmental Statement dated July 2022, including all mitigation and monitoring measures stated in it, subject to any requirements set out in these conditions. Any proposed deviation from the details provided within these documents, must be submitted to and approved in writing by the Planning Authority before the works described therein are undertaken.

Reason: For the avoidance of doubt and to specify the documents upon which the decision was made.

03. At least 2 months prior to commencement on site a Construction Environmental Management Plan (CEMP) and Construction Method Statement (CMS) including Site Waste Management Plan (SWPM) shall be submitted to and approved by the Planning Authority. The CEMP shall incorporate "good practice" methods from the Scottish UK wind farm industry to ensure that environmental impacts are reduced and incorporate all the mitigation measures identified in the Planning Environmental Statement July

2022 supporting the application. Thereafter, all the measures described in the approved CEMP shall be implemented within the timescales set out. The method statement shall include the following:-

- a) A plan of the construction operations at an appropriate scale.
- b) A plan to an appropriate scale showing the location of any contractor's site compound and laydown areas required temporarily in connection with the construction of the development.
- c) Method of defining track route and location (track corridors should be pegged out 500 - 1000m in advance of operations).
- d) Track design approach.
- e) Maps of tracks indicating double and single tracks and position of passing places.
- f) The full extent of anticipated track 'footprint(s)' including extent of supporting 'geogrid' below roadstone and cabling at the edges of the track.
- g) Track construction: Floating track construction over peat >1m deep and gradients of 1:10 or less. Track construction for peat <1m deep, or on gradients of >1:10, cross slopes or other ground unsuitable for floating roads.
- h) Procedures to be followed when, during track construction, it becomes apparent that the chosen route is more unstable or sensitive than was previously concluded, including ceasing work until a solution is identified, informed with reference to advice from ECoW.
- i) Details of peat/soil stripping, storage and re-use. All soils stored on site shall be in accordance with BS3882 and Nature and SEPA guidance.
- j) Specifying the means by which material to be used for the development is brought on site unless it has certification from a suitably UKAS accredited laboratory to confirm that the material is not contaminated.
- k) Drainage Plan shall be submitted to and approved by the Planning Authority in consultation with SEPA. Refer to Planning advice on Sustainable Drainage Systems (SUDS). Compliance with the Council's SUDS design criteria guidance and inclusive sign off by the relevant parties carrying out the elements of work associated with the design criteria appendices 1 to 5.
- l) A coloured plan showing the sustainable drainage apparatus serving the application site together with the contact name and emergency telephone number of the party responsible for its future maintenance. Details of the future maintenance regime in accordance with the latest Construction Design and Management (CDM) Regulations is to be provided on this drawing.
- m) A description of and measures to mitigate impact on surface water courses, hydrology, and private water supplies.
- n) Watercourse crossings should be kept to a minimum to ensure they do not adversely impact on natural flow pathways. These crossings shall be appropriately sized and overland flow routes shall be provided in the event of culvert blockage.
- o) Pollution prevention plan shall be prepared and mitigation measures for all construction elements. Measures to be taken to ensure that the work does not cause mud, silt, or concrete to be washed away either during the construction stage or as a result of subsequent erosion. Where possible construction works shall avoid road construction during periods of high rainfall.
- p) Timing and extent of any necessary re-instatement.
- q) Details of the site security gate, wheel wash facility and site entrance hard standing for the written approval of the Planning Authority. All work associated with construction of the access gate, access bell mouth (with associated abnormal load over run area) and wheel wash facility, vehicle parking on site for staff, visitors and deliveries to ensure that all vehicles can

manoeuvre within the site and exit in forward gear shall be implemented on site prior to commencement of any internal site works. Details for wheel wash facility to maintain the public road network clear of any mineral/soils throughout the construction period.

- r) Surface Water Monitoring Plan shall be submitted to and approved by the Planning Authority in consultation with SEPA. All works require to be carried out by component qualified professional. The methodology of such monitoring including locations frequency, gathering of information of baseline levels, etc shall be submitted to the Planning Authority for approval prior to the commencement of works on site. Thereafter, the plan shall be implemented within the timescales set out to the satisfaction of the Planning Authority and the results of such monitoring shall be submitted to the Planning Authority on a 6 monthly basis, or on request.
- s) A monitoring plan shall be submitted to the planning authority setting out the steps that shall be taken to monitor and mitigate the environmental effects of the development, including the effects on noise and dust, during the construction phase and the operational phase. The methodology of such monitoring including locations, type of monitoring equipment to be used, frequency, gathering of information on background levels, and keeping of records shall be submitted to the Planning Authority for approval prior to the commencement of works on site. Thereafter, the plan shall be implemented to the satisfaction of the Planning Authority and the results of such monitoring shall be submitted to the Planning Authority on request.
- t) Maintain the functionality of wetlands. Maintain the hydrological connectivity downslope and promote diffuse movement of water.
- u) Construction Method Statements.

Reason: In the interests of environmental management.

04. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Council as Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service and approved by the Council as Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Council as Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

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

05. Before any work starts on site, a Peat Management Plan (PMP) shall be submitted to and approved by the Planning Authority. The PMP shall be prepared to accord with SEPA's requirements.

The PMP shall provide information on:-

- ◆ Measures for protecting the carbon content of carbon rich soils
- ◆ Peat restoration / reinstatement depths and profiles
- ◆ Peat reuse strategy
- ◆ Outline how the peat will be used in habitat creation or restoration
- ◆ Details of how any placed peat will be tied in with the surrounding habitat and supporting hydrology

Thereafter all work will be carried out strictly in accordance with the approved PMP within the timescales set out.

Reason: To minimise environmental impact.

06. No later than 5 years prior to the end of the period of this planning permission, or by such date later as may be agreed by the Planning Authority, the applicant shall submit a Restoration and Aftercare Plan including a method statement for the decommissioning of the wind turbines and the restoration of the application site for the approval of the Planning Authority. Decommissioning in accordance with the approved method statement shall be completed within 24 months of the end of the period of this planning permission or any alternative timescale agreed with the Planning Authority in writing and shall include the dismantling and removal from the site of all turbines, buildings and ancillary development.

Reason: To ensure control of the restoration of the site.

07. 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 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.

08. Prior to delivery of turbines details of the confirmed turbine colour, height and manufacture, including illustrations as well as details of size, shall be submitted to, and approved in writing by, the Planning Authority. Only the approved type shall be installed.

Reason: In order to retain effective planning control.

09. No development shall commence unless and until the terms of appointment of an independent Environmental Clerk of Works ("ECoW") by the Company have been submitted to and approved in writing by the Planning Authority in consultation. The terms of appointment shall:-

- (a) impose a duty to monitor compliance with the ecological and hydrological commitments and mitigations measures provided in the Planning Statement, Ecological Surveys, the Hydrology, Hydrogeology and Geology Report and other information lodged in support of the application as well as that required by the Construction and Environmental Management Plan, as approved;
- (b) require the ECoW to report to the nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
- (c) require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site;
- (d) require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
- (e) Advising the Company on adequate protection of nature conservation interests on the site; and
- (f) Directing the micro-siting and placement of the turbines and infrastructure.

The ECoW shall be appointed on the approved terms throughout the period from Commencement of Development to completion of post construction restoration works.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the development during the construction and restoration phase.

10. No later than eighteen months prior to decommissioning of the Development or the expiry of this planning permission (whichever is the earlier), details of the terms of appointment of an ECoW by the Company throughout the decommissioning, restoration and aftercare phases of the Development shall be submitted for the written approval of the Planning Authority.

The ECoW shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the Development.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development during the decommissioning, restoration and aftercare phases.

11. 1.0 Operational Noise from Wind Farm ETSU-R-97

In keeping with the data submitted within the Clean Earth Energy, Hallsburn Windfarm, Operational Noise Impact Assessment, April 2022 (Ref NT15312- Report 0001-V1 Final) hereafter referred to as the supporting noise impact Assessment, the following noise emissions shall be adhered to:-

1.1 Cumulative Day Time Noise Limits

The cumulative day time noise (7am to 11pm) from the wind turbines must not exceed a noise level of 40dB LA90 (10 min) or background LA90 (10 min) +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 cumulative projections contained within the supporting noise impact Assessment - Chapter 5, Table 9: Cumulative Compliance Table - Quiet Daytime. The approved turbines at Hallsburn Wind Farm shall operate in low noise mode at wind speeds from 6 metres per second to 8 metres per second at 10m height as measured within the site.

1.2 Cumulative Night Time Noise Limits

The cumulative night time noise (11pm to 7am) from the wind turbines must not exceed a noise level of 43dB LA90 (10 min) or background LA90 (10 min) +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 cumulative projections contained within the supporting noise impact Assessment - Appendix B (Suggested Apportioned Noise Limits for ESR 1 to ESR 10) and Appendix C (Cumulative ETSU-R-97 Noise Impact Assessment Figures). The development shall not contribute to the emissions for ESR 1, ESR 2 and ESR 3. The approved turbines at Hallsburn Wind Farm shall operate in low noise mode at wind speeds from 6 metres per second to 8 metres per second at 10m height as measured within the site.

2.0 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 condition 1.0 shall be reduced by the penalty level identified within section 28 of 'The Assessment and Rating of Noise from Wind Farms - ETSU-R-97. The definition of audibility for the purposes of this condition shall be as described in ETSU-R-97. The penalty shall only apply at properties where the tonal noise is measured and shall only relate to the wind speeds at which the tonal noise occurs at.

3.0 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. Within 21 days of a written request by the Local Planning Authority, following a complaint to it from a resident alleging noise disturbance at the dwelling at which they reside and where Excess Amplitude Modulation is considered by the Local Planning Authority to be present in the noise emissions at the complainant's property, the wind farm operator shall submit a scheme, for the approval of the local planning authority, providing for the further investigation and, as necessary, control of Excess AM. The scheme shall be based on best available techniques and shall be implemented as approved.

Reason: In the interests of amenity.

12. The utilisation of either borrow pits or blasting shall be agreed with the Planning Authority prior to their implementation. This will require the appropriate method statements and will be subject to the approval of the Planning Authority.

Reason: In the interest of amenity.

13. Prior to the commissioning of the turbines hereby approved, a shadow flicker mitigation programme shall be installed into the turbines. This shall ensure that all impacts are eliminated in the presence of conditions that would cause shadow flicker. This shall include the installation of light meters on the wind turbines and programming of the turbines to switch off during potential shadow flicker occurrences that have been predetermined - this programme shall be capable of being initiated at any time during the operational life of the proposed wind turbines.

Details of the said mitigation and intrinsic light meter installation shall be confirmed and approved in writing by the Planning Authority at the point of selection and installation.

This shall take cognisance of the shadow flicker assessment conclusion that there are 24 properties within the study area that could theoretically receive shadow flicker in excess of the 30 hours per year threshold, and 23 properties experiencing over 30 minutes on any day.

At the reasonable request of the Planning Authority and following notification of alleged shadow flicker, the operator shall engage the services of a competent consultant to review the mitigation programme. Where shadow flicker has occurred, the operator shall make any reasonable adjustment to prevent further occurrence.

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

14. Prior to commencing construction of any wind turbine generators, or deploying any construction equipment or temporal structure(s) 50 metres or more in height (above ground level) the undertaker must submit an aviation lighting scheme for the approval of South Lanarkshire Council in conjunction with the Ministry of Defence defining how the development will be lit throughout its life to maintain civil and military aviation safety requirements as determined necessary for aviation safety by the Ministry of Defence.

This should set out:-

- a) details of any construction equipment and temporal structures with a total height of 50 metres or greater (above ground level) that will be deployed during the construction of wind turbine generators and details of any aviation warning lighting that they will be fitted with; and
- b) the locations and heights of all wind turbine generators and any anemometry mast featured in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the wind turbine generators; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

Thereafter, the undertaker must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the lifetime of the development.

Reason: In the interests of aviation safety.

15. The undertaker must notify the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information:-

- a) the date of the commencement of the erection of wind turbine generators;
- b) the maximum height of any construction equipment to be used in the erection of the wind turbines;
- c) the date any wind turbine generators are brought into use;
- d) the latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s).

The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.

Reason: In the interests of aviation safety.

- 16. That prior to any works commencing on the turbine foundations, the proposed Muirkirk Road site access shall be formed generally in accordance with drawing PR3547-IFP-ENTP1:1250-C with a 11.6metre wide bound surface provided for a distance not less than 15.0m from the public road and shall be constructed in accordance with the specification of the Council as Planning and Roads Authority. Site access gates shall be positioned not less than 15.0m from the public road and shall open inwards to site. All works and specifications shall be agreed in advance in writing with the Council as Planning and Roads Authority prior to the applicant applying for Section 56 Agreement under the Roads (Scotland) Act 1984.

Reason: In the interests of road safety.

- 17. That prior to works commencing on site that applicant shall submit details of a suitable system of site drainage to prevent any surface water or deleterious material from running onto or entering the public road and once approved in writing shall be formed and maintained all to the satisfaction of the Council as Planning and Roads Authority.

Reason: In the interests of road safety.

- 18. That prior to the new Muirkirk Road site access being brought into use, a 4.5metres by 215metres visibility splay shall be provided onto Muirkirk Road in both directions, measured from the access centreline and that everything exceeding 0.9metres in height above the road channel level shall be removed from the visibility splay thereafter nothing exceeding 0.9metres in height shall be planted, placed, erected, or allowed to grow within these sight lines. The visibility splays shall be maintained by the applicant for the life of the windfarm.

That prior to any works commencing on site the applicant shall submit a copy of their third party legal agreement(s) to demonstrate that they have legal rights for the implementation and future maintenance of all visibility splays, all to the satisfaction of the Council as Planning and Roads Authority in consultation with the Council's Legal Service.

Reason: In the interests of road safety.

- 19. That prior to any works commencing on the turbine foundations, the site compound area adjacent to the Muirkirk Road as identified on drawing PR3547-IFP-ENTP-1:1250-C shall be formed to include a turning area within the site to enable vehicles to always enter and exit the application site in a forward gear.

Reason: In the interests of road safety.

20. That a minimum of 3-months prior to delivery of abnormal loads to site, an Abnormal Load Route Assessment (ALRA) for the proposed delivery route from the M74 motorway to the site entrance shall be submitted for the written agreement of the Council as Planning and Roads Authority. For the avoidance of doubt, the ALRA shall include details of works and modifications to the Council's local road network associated with the assessment. Once approved, the ALRA shall be implemented in accordance with the agreement.

Reason: In the interests of road safety.

21. That before any works commence on site, a construction phase Traffic Management Plan (TMP) shall be submitted for the written approval of the Council, as Planning and Roads Authority. The plan shall include, but not be limited to, the following details:-
- (i) Routing of all construction traffic in accordance with the Agreed Route Plan referred to on drawing PR3547-IFP-ROUTETOSITE-B Revision 01.
 - (ii) Measures to ensure that the specified routes are adhered to by all operatives and suppliers, including monitoring procedures.
 - (iii) A construction programme with HGV/LGV/Car movements by month and type of work.
 - (iv) Details of all temporary construction direction signage.
 - (v) Provisions for emergency vehicle access.
 - (vi) Measures to prevent mud and detritus being deposited on the public road.
 - (vii) Details of construction compound, site parking, laydown space and turning area.
 - (viii) Identification of a nominated person to whom any road safety issues can be referred.
 - (ix) Any alteration to the public road network including temporary works for relocation of street furniture including signs, guardrails, bollards, and all temporary measures.

Once approved, the TMP shall be implemented as such and fully maintained for the lifetime of the construction period for the development, hereby approved.

Reason: In the interests of road safety.

22. That no construction and/or delivery vehicles shall be parked on any part of Muirkirk Road at any time.

Reason: In the interests of road safety.

23. The developer will submit a Travel Plan to encourage a reduction in reliance on individual private car trips to site for those personnel involved in construction activities on a routine basis and those attending through the course of site inspections and site meetings and all vehicle movements shall subsequently accord with the terms of the approved Plan.

Reason: In the interests of road safety.

24. A Habitat Management Plan (HMP) should be submitted to, and approved by, the Planning Authority, in consultation with relevant stakeholders, prior to development commencing. The HMP must detail where, how and when an appropriate amount of peatland restoration/enhancement (in excess of that impacted by the development) will be delivered. The delivery of the approved HMP should subsequently be overseen by a Habitat Management Group (HMG). The approved plan must be implemented in full unless, in light of the results of monitoring, it is amended by the HMG, in which case the amended HMP must be implemented in full. The HMP must

operate until the decommissioning and restoration of the site, subject to any changes approved by the Planning Authority in consultation with the HMG.

Reason: In the interests of good land management and the protection of habitats.

25. A Habitat Management Group (HMG) shall be established to oversee the preparation and delivery of the HMP and to review and assess the results from ongoing monitoring. The HMG shall include a representative of South Lanarkshire Council and shall have powers to propose reasonable changes to the HMP necessary to deliver its agreed aims, and notwithstanding the above,
- (a) Site clearance activities and where possible, construction, will take place outwith the bird breeding season (March to July inclusive). If site clearance activities commence during this period ECoW supervision is required.
 - (b) The HMP will operate for the full lifespan of the wind farm, including decommissioning.
 - (c) The agreed proposals identified in the HMP will be fully implemented.
 - (d) Surveillance and monitoring results of species and habitat will be carried out in accordance with the approved plan and be submitted to the HMG in accordance with the timescales set out.

Reason: To safeguard environmental impacts, ecology, species and habitats and maintain effective planning control.

26. A protected species survey should be carried out immediately prior to any construction works commencing on site. The results of the protected species survey shall be submitted, together with any required species protection plans, for the written approval of the Council as planning authority, in consultation with NatureScot. Thereafter any approved species protection plan(s) shall be fully implemented, all to the satisfaction of the Council as planning authority.

Reason: To ensure the protection of any protected species identified at the site.

12. Reason for Decision

- 12.1. The proposals are considered to be acceptable and would not be detrimental to the environment subject to the attached conditions. It complies with policies 1, 2, 4 and 11 of NPF4 and Policies 1, 2, 4, 5, 14, 15 18, DM1, RE1, SDCC2, SDCC3, NHE9, NHE18 and NHE20 of the South Lanarkshire Local Development Plan 2 and Supporting Planning Guidance on Renewable Energy.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 5 February 2024

Background Papers

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

[P/22/1139 | Erection of 3 No. wind turbines with a maximum height to tip of 149.9m and associated infrastructure including access track, crane pad, electrical housing and cabling | Land 750M Southeast Of Dungavel House IRC Muirkirk Road Strathaven \(southlanarkshire.gov.uk\)](#)

Corporate Considerations

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

Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

**P/22/1139 Land 750m southeast of Dungavel House, Strathaven
Erection of three wind turbines with maximum height to tip of 149.9 metres.**



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Scale:
1:25,000
Date:
31/01/2024



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

5

Report to:	Planning Committee
Date of Meeting:	13 February 2023
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/23/1076
Proposal:	Erection of roof extension to bungalow to add additional floor to property and erection of one and a half storey garage with ancillary accommodation
Site Address:	21B Douglas Gardens Uddingston G71 7HB
Applicant:	Mr P Oliver
Agent:	Lynn Perry
Ward:	Uddingston
Application Type:	Full Planning Permission
Advert Type:	Not applicable
Development Plan Compliance:	Yes
Departures:	Not applicable
Recommendation:	Grant subject to conditions
Legal Agreement:	Not applicable
Direction to Scottish Ministers	No

1. Reason for Report

- 1.1. As this application has attracted more than 5 objections, it requires to be referred to Committee as per Section 3.5(a) of the Council's Decision-Making Process (2015).

2. Site Description

- 2.1. The application site is an existing single storey dwelling on a large piece of ground to the east of Douglas Gardens, Uddingston and accessed via an access lane. To the east is a recent residential development comprising two storey dwellings on Drumgray Avenue. Directly north of the site are the older residential properties on Brightside Avenue, with the northern boundary of the application site being a 1.8m high brick wall. The application site lies outside of the Douglas Gardens Conservation Area. The site is predominantly level and screened by several different species of tree located in neighbouring gardens.

3. Description of Proposed Development

- 3.1. Planning permission is sought for the erection of a roof extension to a bungalow in order to add an additional floor to the property, along with the erection of a one and a half storey garage with ancillary accommodation. The new first floor would accommodate additional bedrooms, bathrooms and storage spaces. The external appearance of the existing dwelling would be altered, becoming a two storey property. This extension would be constructed with smooth white render, aluminium flashing and standing seam cladding in grey anthracite, uPVC windows and doors and rooflight windows. The roof will be clad in concrete tiles and accommodate 7 solar panels.
- 3.2. The new one and a half storey detached garage would be placed to the north-east part of the site and provide two car parking spaces on the ground level with useable accommodation above (which is ancillary to the main dwelling). The garage would be constructed with a facing brick basecourse, smooth white render, concrete roof tiles, uPVC windows and doors, aluminium standing seam in grey anthracite colour, Velux roof windows and black steel doors.

4. Relevant Planning History

- 4.1. None.

5. Supporting Information

- 5.1. None.

6. Consultations

- 6.1. None.

7. Representations

- 7.1. Following the statutory period of neighbour notification, a total of 10 representations have been received (10 objections, 0 support). The issues raised are summarised as follows:-

Impact on neighbouring properties and conservation area

- ◆ Loss of privacy
- ◆ Overshadowing/loss of light
- ◆ Overdevelopment of site and due to the height increase, the property would be more visible
- ◆ Noise
- ◆ Inappropriate design which is not in keeping with the surrounding area

Other matters

- ◆ Nature conservation/impact on wildlife
- ◆ Access restrictions/road safety

Non-material planning matters raised

- ◆ Impact upon property values
- ◆ Site safety

7.2. The above issues are considered in the assessment below and full copies are 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 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 3: General Urban Areas and Settlements
- ◆ Policy 5: Development Management and Placemaking

SLLDP2 Volume 2 Policies

- ◆ Policy DM2: House Extensions and Alterations

South Lanarkshire Council (SLC) Supporting Planning Guidance

- ◆ Development at a Dwellinghouse

9. Guidance

9.1. None.

10. Assessment and Discussion

10.1. Principle of Development

Planning permission is sought for the erection of a roof extension to add an additional floor to a property and erection of a one and a half storey garage with ancillary accommodation. The site is located in the general urban area of Uddingston, directly to the east and outside the boundary of the Douglas Gardens Conservation Area.

- 10.2. The addition of an additional storey to an existing dwellinghouse is generally acceptable provided that the development would not result in overdevelopment of the plot, does not create amenity issues and that the scale, design, and materiality of the garage is sympathetic to the house and its surroundings.
- 10.3. Climate Change
Policies 1 and 2 of NPF4 and Policy 2 of the SLLDP2 relate to the climate crises and identify that all development should seek to minimise and mitigate the effects of climate change. Given the scale and nature of the proposed development, it is not considered that any action is required within the context of the development management process.
- 10.4. Layout, Siting and Design
Policy 16 of NPF4 intends to provide quality homes and identifies that householder proposals will be supported where they do not have a detrimental impact on the character of the house or the surrounding area or a detrimental effect on neighbouring amenity by way of physical impact, overlooking or overshadowing. Policies 3 and 5 of SLLDP2 have similar aims to the NPF4 policies. Policy DM2 of the SLLDP2 provides specific guidance on residential alterations and extensions, referring to Development at a Dwellinghouse supplementary planning guidance (SPG).
- 10.5. In relation to overlooking, the existing dwelling is a sufficient distance from neighbouring properties. As such, there would be no window to window privacy failures as a result of this development. Within the surrounding area there are many two storey dwellings which have views over neighbouring garden ground. However, since all the windows proposed on the upper floors of this proposal are either screened by trees or a minimum of 20m from the site boundary, it is not considered that the proposal will lead to a detrimental impact on neighbouring properties by way of overlooking.
- 10.6. In terms of overshadowing, no unacceptable overshadowing of neighbouring properties will occur. Additionally, the proposed garage is a sufficient distance from adjacent properties such that no detrimental loss of light to neighbouring windows shall occur. Therefore, the proposal is not considered to pose a detrimental impact to neighbouring properties by way of overshadowing.
- 10.7. In relation to the scale and physical impact of the proposal, what is proposed is (at the highest point) a 3.3m increase in height to the existing building. Whilst the resulting building will be more visible from adjacent properties, it would not be detrimental to the visual amenity of the surrounding area. The building will be more than 20m away from the nearest building and a pitched roof two-storey dwelling is considered to be an appropriate scale and form in this location.
- 10.8. With regards to the appearance of the extended property, the proposed materials are a light coloured render and a grey concrete tiled roof, the same material palette that exists on the new housing development directly to the east and which is comparable to an existing house at 22A Douglas Gardens. A condition is proposed to ensure the quality of the material finish and minimise any impact upon surrounding properties.
- 10.9. The detached garage is a one and a half storey structure with rooflight windows. The only standard window is in the upper gable and would contain obscured glass as it faces into a bathroom. It is not considered that the garage is inappropriately scaled, designed or positioned, nor is it considered that it will detrimentally impact upon residential amenity.

10.10. Conservation Area

A number of objections make reference to the impact of the proposed development on the Douglas Gardens Conservation Area. The application site lies outwith the Conservation Area and is not in a position where it would be considered to impact upon key views into or from the conservation area. Furthermore, directly to the east of the site is a recently constructed residential development which consists of new semi-detached and detached homes finished in an off-white render, with concrete tile roofs. The extended house would be similar in height to these dwellings and form part of the wider view looking east from Douglas Gardens. As such, it is not considered that this proposal will have any detrimental impact upon the character of the Douglas Gardens Conservation Area.

10.11. Trees

The proposed development does not include works to trees and no trees are proposed to be felled or pruned. This application relates only to the construction of a detached garage and an extension to the existing roof.

10.12. Noise

The proposal consists of works to an existing dwelling within a residential area. Whilst there will be a degree of disruption during construction, it would only be for a temporary period of time during appropriate hours of the day. However, construction noise is outwith the scope of the planning process and is legislated by the Control of Pollution (Scotland) Act 1974. It is not anticipated that the completed development would give rise to any additional noise disturbance.

10.13. Other Matters

As an extension to an existing house, the proposal is not considered to raise any issues with regards to nature conservation or biodiversity. The issues raised by objectors regarding the suitability of the existing private access for construction traffic, or the potential for any future traffic to temporarily cause fire safety issues by obstructing the access is outwith the scope of this planning application.

10.14. Conclusion

The proposal complies with Policies 1, 2, and 16 of the National Planning Framework 4 (adopted 2023) and Policies 2, 3, 5 and DM2 of the Local Development Plan 2 (adopted 2021) and will not result in a detrimental impact on either visual or residential amenity. There are no other material considerations which would justify the refusal of planning permission.

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 the facing materials to be used for the external walls and roof of the development hereby approved shall be finished in render and concrete roof tiles.

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

12. Reason for Decision

- 12.1 It is considered that the proposed extension would not result in a significant detrimental impact on the amenity and character of the house, the streetscape, or any adjacent properties. Consequently, the proposal complies with the provisions of Policies 1, 2 and 16 of the adopted National Planning Framework 4 and Policies 2, 3, 5 and DM2 of the adopted Local Development Plan 2. There are no other material considerations which would justify the refusal of planning permission.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 5 February 2024

Background Papers

Further information relating to the application can be found online:

[P/23/1076 | Erection of roof extension to bungalow to add additional floor to property and erection of one and a half storey garage with ancillary accommodation. | 21B Douglas Gardens Uddingston G71 7HB \(southlanarkshire.gov.uk\)](#)

Corporate Considerations

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

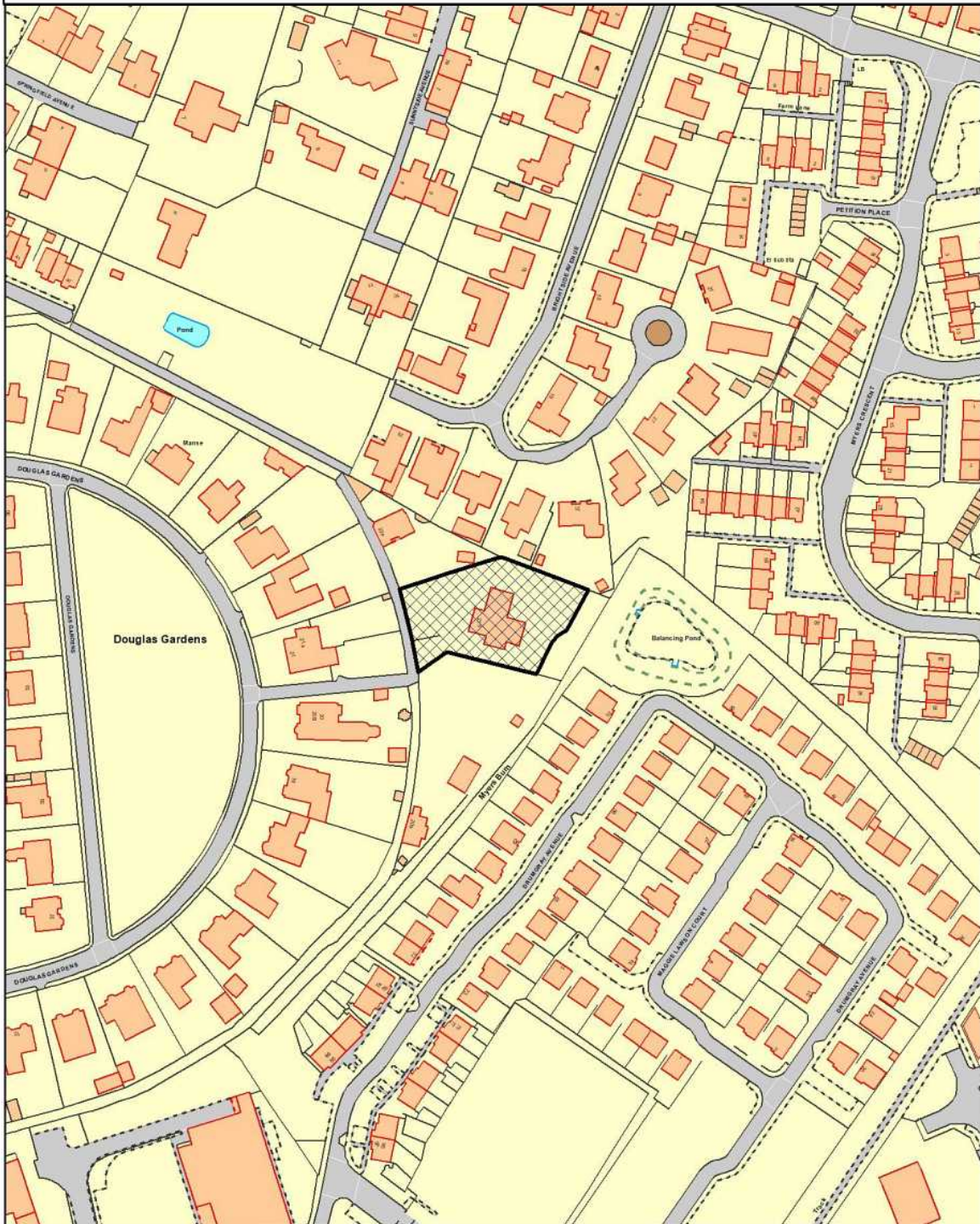
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/23/1076 21B Douglas Gardens, Uddingston



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Scale:
1:2,000
Date:
17/01/2024



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

6

Report to:	Planning Committee
Date of Meeting:	13 February 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/23/1284
Proposal:	Demolition of existing buildings and erection of four detached dwellings, formation of access road and associated landscaping works and ancillary development
Site Address:	83 Meikle Earnock Road Hamilton ML3 8AG
Applicant:	Mr Cameron Revie
Agent:	Alan Wilson
Ward:	Hamilton South
Application Type:	Full planning permission
Advert Type:	N/A
Development Plan Compliance:	Yes
Departures:	N/A
Recommendation:	Grant subject to conditions
Legal Agreement:	No
Direction to Scottish Ministers	No

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 has attracted more than five objections.

2. Site Description

- 2.1. The application site extends to approximately 0.24ha and is situated in an established residential area, within the settlement boundary of Hamilton.
- 2.2. The site is bounded to the north by Meikle Earnock Road and to the east by a pedestrian access lane and further by residential properties. In addition, the site is enclosed to the south by an area of open space, with residential properties further to the west. The surrounding area is predominantly characterised by a mix of house types, including single storey and two storey terraced, semi-detached and detached properties.
- 2.3. The site has considerable level differences throughout and the gradient of the site falls from the south to the north, towards Meikle Earnock Road. The site previously accommodated two traditional detached residential properties and associated garden ground. Both of these residential properties remain on site but are in a state of disrepair.
- 2.4. The site has been poorly maintained and building materials not relating to the existing properties appear to have been disposed of on the land. In addition, a number of trees have previously been removed, with several large tree trunks remaining. The site is not covered by a Tree Preservation Order (TPO) and the felling of these trees (prior to the submission of a planning application) did not require permission.

3. Description of Proposed Development

- 3.1. This is a detailed planning application for the demolition of existing buildings and the erection of four detached dwellings, formation of access road and associated landscaping works and ancillary development at 83 Meikle Earnock Road, Hamilton.
- 3.2. The proposed layout would incorporate pedestrian and vehicular access onto Meikle Earnock Road. One plot would front onto Meikle Earnock Road, with the other three properties being located adjacent to the southern site boundary.
- 3.3. The proposed properties would all be two storey in height and consist of a mixture of four and five bedroom properties. All of the properties would include integrated garages and provide additional driveway parking. Externally, the dwellings are proposed to be finished in a combination of facing stone, cedar lining board, render, glazing panels and concrete roof tiles.
- 3.4. The development proposals include the loss of two self-seeded sycamore trees within the site. However, a new landscaping scheme, including replacement trees, is proposed.

4. Relevant Planning History

- 4.1. An application at the site for the 'demolition of existing buildings and erection of 6 detached dwellings, formation of access road and associated landscaping works' (P/23/0497) was withdrawn on 7 September 2023.

5. Supporting Information

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

- ◆ Design and Access Statement
- ◆ Preliminary Ecological Appraisal Report
- ◆ Bat Survey

6. Consultations

6.1. Environmental Services - No objection to the proposal.

Response: Noted.

6.2. Roads Development Management Team – No objection to the development, subject to the imposition of conditions relating to the submission of a Construction Traffic Management Plan and the provision of dropped kerb access to the site. In addition, the conditions would relate to the layout and construction of the car parking spaces and the provision of minimum visibility splays for the driveway and private access.

Response: Noted.

6.3. Meikle Earnock Community Council – Advised that they undertook community consultation in relation to planning application P/23/0497 (withdrawn) and that they do not consider that the reduction from 6 units to 4 units at site has addressed their concerns.

Response: Noted.

7. Representations

7.1. Following the statutory period of neighbour notification and advertisement, a total of 18 representations have been received (16 objections and 2 supporting the application). The issues raised are summarised as follows:-

Design and Amenity

- ◆ The proposed dwellings would not be in keeping with the surrounding area.
- ◆ The proposed dwellings would result in the overshadowing of adjacent properties.
- ◆ The proposed dwellings would impact on the privacy of nearby properties.
- ◆ The existing boundary fences would be impacted on by the development.

Roads Related Matters

- ◆ The development would result in an increase in traffic, noise and pollution.
- ◆ The works at the site would result in the loss of the pavement in the short term, impacting on an existing safe route to school.
- ◆ The development could lead to an increase in road accidents.
- ◆ The road is not fit for purpose and there are already issues with the construction vehicles and traffic associated with the Hamilton Community Growth Area.

Impact on Natural Environment

- ◆ The existing trees on site were destroyed when the site was cleared.
- ◆ The development would adversely impact on wildlife.
- ◆ There are existing species on the site, including bats.
- ◆ The development should promote nature within the site.

Flood Risk and Drainage

- ◆ The development would result in an increase in flooding and details of the flood prevention measures should be provided.

Other Matters Raised

- ◆ The changes undertaken in the revised application do not address the concerns which we raised in relation to application P/23/0497 (withdrawn).
- ◆ The existing structures on site should be utilised.
- ◆ Impact of the development on health.
- ◆ Concern regarding dust and noise during the construction phase.

Matters Raised in Support of the Application

- ◆ The site is currently an eyesore and should be redeveloped for a residential use.
- ◆ Children currently play at the vacant site and there is concern that there will be an accident.

The above issues will be considered in the assessment below and full copies are 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 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 3 - General Urban Areas
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 15 - Travel and Transport
- ◆ Policy DM1 - New Development Design

9. Guidance

9.1. The South Lanarkshire Council Residential Design Guide (2011).

10. Assessment and Discussion

10.1. Principle of Development

Planning permission is sought for the erection of four detached dwellings and associated works at 83 Meikle Earnock Road, 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. Policy 9 of NPF4 identifies that proposals for the re-use of vacant brownfield land will be supported as this will maximise the use of existing assets and minimise additional land take. The proposal relates to the sustainable re-use of vacant land, within an established urban area, to provide residential accommodation. Subsequently, the proposed development accords with the provisions of Policy 9 of the NPF4.

10.3. Policy 16 of NPF4 seeks to encourage, promote, and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations. The site is not allocated for housing within the local development plan, therefore in terms of Policy 16 part (f), the proposal is contained within the defined settlement boundary where the principle of development is considered to be acceptable in accordance with the local development plan and NPF4. It is therefore considered to comply with part (iii), as the proposal is for smaller scale opportunities within an existing settlement boundary. A timing condition will be applied to any permission granted in line with part (i). Overall, the principle of the small-scale housing development can therefore be accepted in this case. For the avoidance of doubt, Policy 16 part (e) is not applicable in this case as affordable housing contributions are not required for this scale of development. Therefore, the principle of the development of the site for a residential use raises no issues within the context of Policy 16 of NPF4.

10.4. The site is affected by Policy 3 of the local development plan which establishes that residential developments, and those of an ancillary nature, may be considered acceptable provided that they do not have a significant adverse impact on the amenity and character of the area. The use of the site for residential accommodation is long established and the two detached dwelling houses remain in a derelict state. Subsequently, it is considered that the proposed development will not result in a significant adverse impact on residential amenity or the established character of the area and therefore raises no issues within the context of Policy 3 of the adopted Local Development Plan.

Climate Change

10.5. 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 charging infrastructure. The proposal relates to the redevelopment of vacant brownfield land within an established urban area, situated in close proximity to existing supporting facilities and local services, established transport links and will include the provision of electrical vehicle charging infrastructure at the site. Therefore, it is considered that the proposal raises no issues within the context of Policies 1 and 2 of NPF4.

10.6. Policies 1 and 2 of the adopted local development plan 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 regeneration of a derelict site within Hamilton and therefore raises no issues within the context of Policies 1 and 2 of the adopted local development plan.

10.7. Layout, Siting and Design

Policies 14 and 15 of NPF4 relate to 20 minute neighbourhoods and liveable places. The proposed development site is located within the Hamilton settlement boundary, 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 vacant land 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.

10.8. In terms of the detailed design of the development, Policies 5 and DM1 of the local development plan generally require 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 site currently accommodates two detached dwellinghouses and it is accepted that these buildings are structurally unstable (Design and Access Statement prepared by Wilson Architects). Within the context of the local area there are a wide variety of house types and designs. Subsequently, it is considered that the design, location and scale of the proposed development is acceptable and will not result in a significant material impact on the locality or nearby properties.

10.9. The application site is within an established residential area where a degree of mutual overlooking already occurs. In addition, the proposal accords with the standards set out in the Council's Residential Design Guide, particularly in relation to window to window distances, garden ground and car parking provision. Therefore, the proposal raises no issues within the context of Policies 5 and DM1 of the adopted Local Development Plan and the Council's Residential Design Guide.

10.10. Natural and Historic Environment

NPF4 Policy 3, under part (c), details that all local developments shall include appropriate measures to conserve, restore and enhance biodiversity. Prior to the submission of the application, trees were felled on site and this work did not require permission from the Council. The proposal includes a landscaping scheme, with replacement trees, and it is considered that this will improve the biodiversity impact of the development, in accordance with the provisions of Policy 3 of NPF4.

10.11. Policy 4 of NPF4 requires that where proposals are likely to have an impact on a protected species, steps must be taken to establish the presence of the species and the level of protection then afforded. A Preliminary Ecological Appraisal Report and Bat Survey have been submitted to and assessed by the Planning Service, in accordance with the provisions of Policy 4 of NPF4.

10.12. Transport

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 supports sustainable travel and addresses these infrastructure requirements, in accordance with the provisions of Policy 13 of NPF4.

10.13. Policy 15 of the adopted Local Development Plan 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 adjacent to a main route 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 including the matter of pedestrian access during the construction period which would be addressed through the submission of a Construction Traffic Management Plan. Subsequently, it is considered that the proposal accords with the provisions of Policy 15 of the adopted Local Development Plan.

10.14. Technical Matters

A Sustainable Urban Drainage System (SUDS) would be installed to deal with surface water run-off from the roofs, access road and driveways within the development and this matter can be addressed through the use of a planning condition.

10.15. In relation to matters regarding the anticipated construction noise, dust and the impact on health. It is noted that, similar to any construction site, that the proposal is anticipated to result in some local disruption in the short term. However, the matters of noise and dust can be addressed through the use of planning conditions and advisory notes.

10.16. Conclusion

The principle of residential development at the site has been long established. The proposal relates to the sustainable reuse of vacant brownfield land within an established urban area to provide new residential accommodation. The design, layout and general impact of the development is considered to be acceptable and the proposal raises no significant environmental or infrastructure issues. Overall, it is considered that the proposals comply with the provisions of the relevant policies within National Planning Framework 4 and the South Lanarkshire Local Development Plan 2. 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:-

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. Details of all boundary treatment(s) shall be submitted to and approved in writing by the Council as Planning Authority and thereafter all approved works shall be implemented 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.

03. That no development shall commence on site 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.

04. No dwellinghouse shall be occupied until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.

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

05. 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 extensions or outbuildings shall be erected within the curtilages of the dwellinghouses, without the submission of a further planning application to the Council as Planning Authority.

Reason: To ensure that the Council retains control over future developments on the site.

06. That, prior to the occupation of each dwellinghouse an electric vehicle charging (EVC) point shall be installed.

Reason: In order to ensure the provision at each property of appropriate renewable energy technology.

07. That before the development hereby approved is completed or brought into use, all of the parking spaces shown in Drawing 2309-PL-02 Rev E of the approved plans shall be laid out and constructed to the specification of the Council as Roads and Planning Authority.

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

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

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

09. That before the development hereby approved is brought into use, a dropped kerb access to the site shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

10. That before the development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 43 metres measured from the road channel shall be provided to both sides of the shared private 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.

11. That before the development hereby approved is completed or brought into use, a visibility splay of 2 metres by 35 metres measured from the road channel shall be provided to both sides of the junction of the private driveway of Plot 1 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.

12. That prior to any works commencing on site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Council as Roads and Planning Authority. This document should provide details of a safe pedestrian route during the construction phase, details of access and parking provision for staff and visitors, intended working hours, how deliveries of materials will be managed and stored and what wheel washing facilities will be provided to prevent mud being carried on to the adopted road.

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

13. That the requirements and recommendations identified in the Preliminary Ecological Appraisal Report and the Bat Survey (prepared by EP Ecology Ltd) shall be implemented to the satisfaction of the Council as Planning Authority.

Reason: To protect established species.

14. That all trees to be retained within the site shall be fully protected during the period of construction and the 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.

15. That prior to the commencement of any works on site, a scheme of landscaping shall be submitted to and approved in writing by the Council as Planning Authority and it shall include: (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc.; (c) details of any top-soiling or other treatment to the ground;

(d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works.

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

16. 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 amenity.

12. Reason for Decision

- 12.1. The proposed development would redevelop a plot of vacant land, representing a small-scale opportunity within a settlement and is a sustainable location due to the availability of services and infrastructure. The design of the development respects the local residential character, and the site layout ensures that neighbouring amenity would not be significantly impacted. Technical matters have also been met or could be addressed through condition. Consequently, the proposal is considered to comply with Policies 1, 2, 3, 4, 9, 13, 14, 15 and 16 of the National Planning Framework 4 and Policies 1, 2, 3, 5, 15 and DM1 of the adopted South Lanarkshire Local Development Plan 2.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 5 February 2024

Background Papers

Further information relating to the application can be found online:

[P/23/1284 | Demolition of existing buildings and erection of four detached dwellings, formation of access road and associated landscaping works and ancillary development | 83 Meikle Earnock Road Hamilton ML3 8AG \(southlanarkshire.gov.uk\)](#)

Corporate Considerations

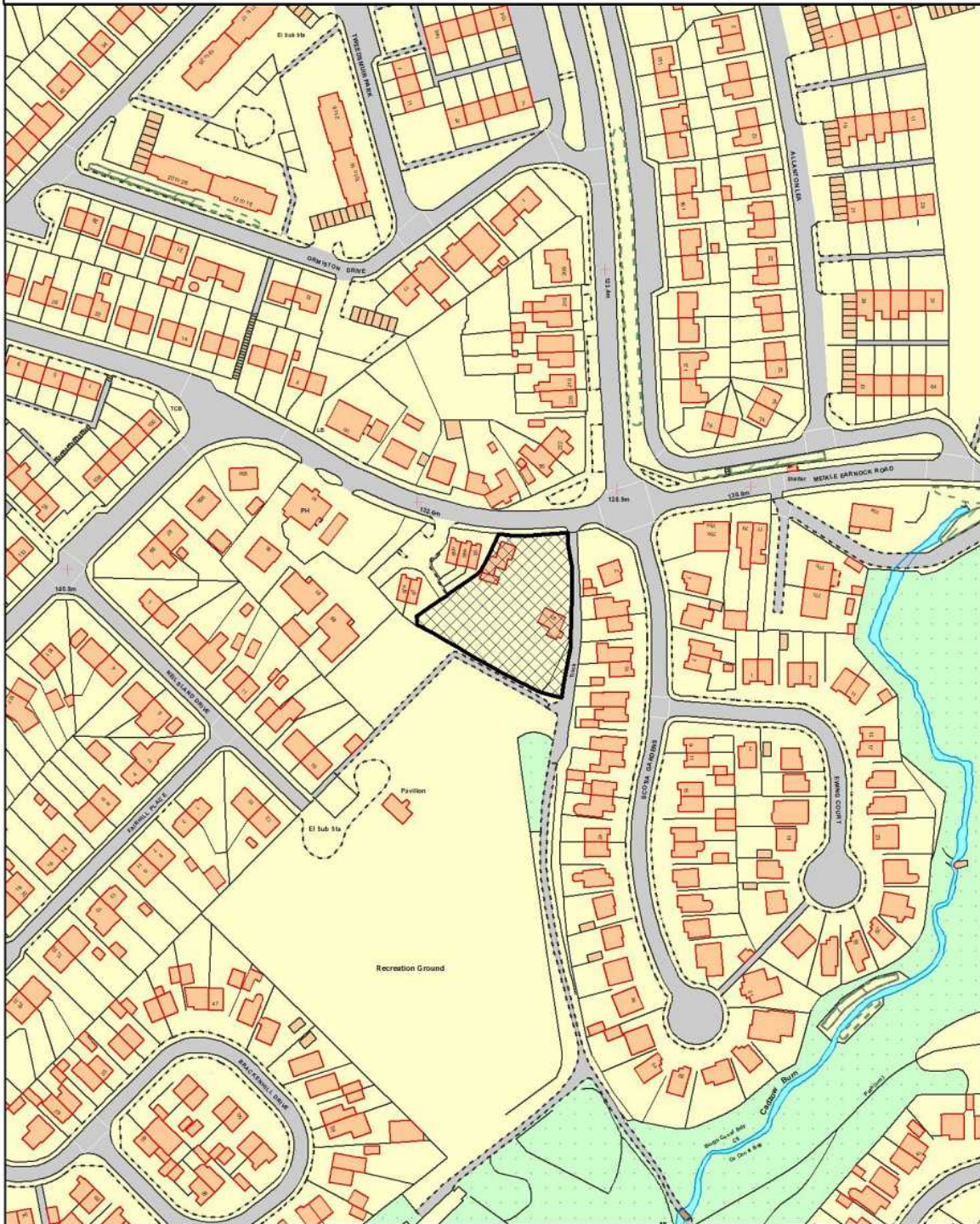
The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

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:
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Date:
03/11/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services

Report

Report to:	Planning Committee
Date of Meeting:	13 February 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/23/1477
Proposal:	Amendment to application site boundary, adjustment of driveway head, positioning of dwellinghouse, erection of fence and erection of detached double garage (retrospective) (amendment to P/19/1093)
Site Address:	Mid Crosshill Farm Langlands Road Auldhouse G75 0QQ
Applicant:	Mr Jacob Kean
Agent:	Block Architects Ltd
Ward:	05 Avondale and Stonehouse
Application Type:	Full Planning Permission
Advert Type:	Non-notification of neighbours
Development Plan Compliance:	Yes
Departures:	N/A
Recommendation:	Grant subject to conditions
Legal Agreement:	N/A
Direction to Scottish Ministers	N/A

1. Reason for Report

- 1.1. This application must be presented to the Planning Committee for determination as it has received more than 5 objections, as detailed in paragraph 3.5(b) of the approved South Lanarkshire Council Planning Application Decision Making Process April 2015.

2. Site Description

- 2.1. The application site which lies within the designated Greenbelt, relates to an area of ground associated with land at Mid Crosshill Farm and sits on the eastern side of Langlands Road, to the northeast of Auldhouse, East Kilbride.
- 2.2. The site is an area of approximately 2130 square metres and relatively flat, albeit the topography of the land starts to rise to the north where it is bounded by the farm steading at East Crosshill Farm and to the south by open fields.

3. Description of Proposed Development

- 3.1. Planning permission is sought for an amendment to the application site boundary, adjustment of the driveway head, positioning of the dwellinghouse, erection of a fence and the erection of detached double garage (retrospective) (amendment to P/19/1093).
- 3.2. The previously consented site boundary has been amended and in doing so has reduced the overall site area and introduced a new relatively small area of ground to the north of the site to accommodate a detached double garage with associated landscaping. The access is already approved in the location currently shown under planning consent P/19/1093. The current proposal is also seeking a small alteration to the radius bend at the junction of the road within the site.
- 3.3. The approved dwellinghouse which is currently under construction, has been built in a slightly different position within the site. As illustrated on the submitted drawings, it has been repositioned approximately 1.8 metres towards the north/east boundary of the site.
- 3.4. The proposed double garage (retrospective) is located to the northern part of the site with partial tree screening. It is approximately 10 metres by 9.5 metres, rising to a maximum height of approximately 6 metres at the top of the pitched roof. The applicant's agent has confirmed that the garage would be used in conjunction with the existing business to store light machinery.
- 3.5. Finally, it is proposed to erect a 1.8 metre timber fence around most of the perimeter of the boundary and to incorporate some tree/hedge screening behind the garage and to the south side of the dwellinghouse as detailed on the proposed site plan.

4. Relevant Planning History

- 4.1. Planning consent (EK/16/0367) granted in March 2017 for the erection of a farmworkers house with associated stables and barn.
- 4.2. Planning consent (P/19/1093) granted October 2019 for the erection of dwellinghouse (substitution of house type approved under planning consent EK/16/0367) and erection of two agricultural barns.
- 4.3. Planning consent (P/20/0429) granted September 2020 for the erection of a cow shed with associated silage storage at existing agricultural holding.

- 4.4. Planning application (P/23/1152) for the amendment to application site boundary, formation of new access, erection of new entry gate/wall, associated landscaping and erection of detached double garage (retrospective) (amendment to P/19/1093) was withdrawn.

5. Supporting Information

- 5.1. Agent email in response to representations.

6. Consultations

- 6.1. Roads and Transportation Services (Development Management) – No objection.
Response: Noted.
- 6.2. Auldhouse and Chapelton Community Council – Object as the work on site has already commenced – including the construction of a garage in the green belt.
Response: Noted. The above issues will be considered in the assessment below.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement, a total of 6 representations have been received. The issues raised are summarised as follows:-
- ◆ Loss of Greenbelt contrary to South Lanarkshire Council Local Development Plan
 - ◆ The garage and house are being applied for retrospectively which should not have been allowed to happen and is unfair to the community
 - ◆ Proposed access is highly dangerous on a blind well used bend, used as a short cut by farm machinery
 - ◆ There is little difference between this application and the previous one which was withdrawn

The above issues will be considered in the assessment below and full copies are 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 8 - Greenbelt

Policy 14 - Design, quality, and place

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 Place Making

Policy 15 – Travel and Transport

SLLDP2 Volume 2 Policies

Policy DM1 – New Development Design

Policy DM2 House Extensions and Alterations

South Lanarkshire Council (SLC) Supporting Planning Guidance

N/A

9. Guidance

9.1. None

10. Assessment and Discussion

Introduction

10.1. The applicant seeks planning permission for an amendment to application site boundary, adjustment of driveway head, positioning of dwellinghouse, erection of 1.8 metre timber fence and erection of detached double garage (retrospective) (amendment to P/19/1093).

10.2. Principle of Development

The application site is located in the Greenbelt in the South Lanarkshire Local Development Plan 2, however, it is noted that the majority of the current application site has already been established by the previous planning consent as the curtilage of a consented dwellinghouse. The amendment to the site boundary would include the addition of a small percentage of the overall established site to the north (where the garage is situated) out with the approved curtilage. It is noted that the applicant's agent has confirmed that the garage, which would have partial tree screening would be used in conjunction with the existing agricultural business to store light machinery. On this basis, it is considered that there is no significant conflict with greenbelt policy in relation to either NPF Policy 8 or SLLDP Policy 4.

10.3. Climate Change

Policies 1 and 2 of NPF4 and Policy 2 of the South Lanarkshire Local Development Plan 2 seek to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis, and which minimises emissions and adapts to the current and future impacts of climate change. Given that development has already been established here, this application to amend the proposal is not considered to raise any issues which conflict with the aims of policies 1 and 2 of NPF4 and Policy 2 of the South Lanarkshire Local Development Plan 2.

10.4. Layout, Siting and Design

Policies 14 and 16 of NPF4 relate to liveable places. Policy 14 sets out that all development should be designed to improve the quality of an area and be consistent with the six qualities of a successful place: healthy, pleasant, connected, distinctive,

sustainable, and adaptable. Policy 16 intends to provide quality homes and identifies that housing proposals will be supported where they do not have a detrimental impact on the character of the house or the surrounding area or a detrimental effect on neighbouring amenity. In this instance, given the previous planning history and having assessed the proposal against these policies, there are no provisions which would change the assessment of the proposal, or the conclusions reached in the context of the local development plan.

- 10.5. 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. Given the location of the garage, along with the materials used, it is considered that the garage would have no significant adverse impact on the amenity of the area that would merit refusal of the application.
- 10.6. In relation to the proposed 1.8 metre timber fencing, it is considered that a post and wire fence would be more in keeping with the rural location. Therefore, notwithstanding the type of fence proposed, a planning condition requiring full details of the design and location of all fences and walls to be erected on the site to be submitted for consideration will be attached to ensure appropriate fencing/boundary treatment at the site. On this basis, it is considered that the current proposal is generally consistent with Policy 5 and Policy DM1 of the adopted Local Development Plan.
- 10.7. In relation to Policy DM2 'House extensions and alterations' of the South Lanarkshire Local Development Plan as contained in the Development Management Place Making and Design supplementary guidance, the double garage is located forward of the building line and to the side. However, it would be finished in materials to match the existing property and partially screened by planting. Given the location and the physical characteristics of this site, it is considered that the garage would be generally consistent with Policy 5 and Policy DM1 of the adopted Local Development Plan.
- 10.8. Technical Matters
Concerns have been expressed regarding the proposed access location and its 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 has been fully assessed by Roads and Transportation Services who have offered no objections as detailed previously. The proposal can therefore be considered to comply with Policy 15 of the adopted Local Development Plan.
- 10.9. The Community Council and neighbouring proprietors have commented that the application is partly retrospective and therefore the community has not had the opportunity to comment and that the planning system is perhaps being misused, lacks effective monitoring and the previous consent has been breached. While the site already has planning consent for a dwellinghouse, it is acknowledged that the applicant commenced works on site in relation to the garage and that the consented house was built in a slightly different position. However, the current application still requires to be considered on its own merits, taking into consideration any relevant comments received.

10.10. Conclusion

In conclusion, it is noted that the principle of residential development within the site is already established by the previous planning consent. None of the proposals in this instance would merit refusal of the application. Furthermore, given that the proposal would not result in adverse amenity, environmental or safety impacts that would merit refusal of the application, it is considered that the proposal is generally 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 detailed 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 the occupation of the dwellinghouse authorised by this permission shall be limited to a person solely or mainly employed or last employed locally in agriculture as defined in Section 277 of the Town and Country Planning (Scotland) Act 1997, or forestry or a dependent of such a person residing with him or her or the widow or widower of such a person.

Reason: To define the permission.

03. That within 3 months of the date of this consent, 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.

04. That the landscaping scheme required by condition 3 above shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or the completion of the development hereby approved, whichever is the sooner.

Reason: In the interests of amenity.

05. That within 3 months of the date of this consent, full details of the design and location of all fences and 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 the dwellinghouse hereby approved is brought into use, a dropped kerb access to the site 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.

07. That before the dwellinghouse 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 interest of public safety.

08. That before the dwellinghouse hereby approved is completed or brought into use, a private vehicular access or driveway of at least 8 metres in length shall be provided and the first 8 metres of this access from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.

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

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

Reason: In the interest of road safety.

10. That no fences or walls shall be erected, and no trees or shrubs shall be planted within the 2 metre wide public utility strip which runs parallel to the rear of the kerb defining the edge of the road.

Reason: In the interest of road safety.

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

Reason: In the interest of public safety.

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

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

13. That notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (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 prior written permission of the Council as Planning Authority.

Reason: To ensure only fencing of a type and height appropriate to the countryside is erected.

12 Reason for Decision

- 12.1. The proposal would have no significant adverse impact on amenity, public safety or the local environment that would merit refusal of the application and generally complies with the provisions of Policies 1, 2, 8, 14 and 16 of the National Planning Framework 4 and Policies 2, 4, 5, 15 DM1 and DM2 of the adopted South Lanarkshire Local Development Plan 2 (2021).

David Booth

Executive Director (Community and Enterprise Resources)

Date: 5 February 2024

Background Papers

Further information relating to the application can be found online:

[P/23/1477 | Amendment to application site boundary, adjustment of driveway head, positioning of dwellinghouse, erection of fence and erection of detached double garage \(retrospective\) \(amendment to P/19/1093\) | Mid Crosshill Farm Langlands Road Auldhouse G75 0QQ \(southlanarkshire.gov.uk\)](#)

Corporate Considerations

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

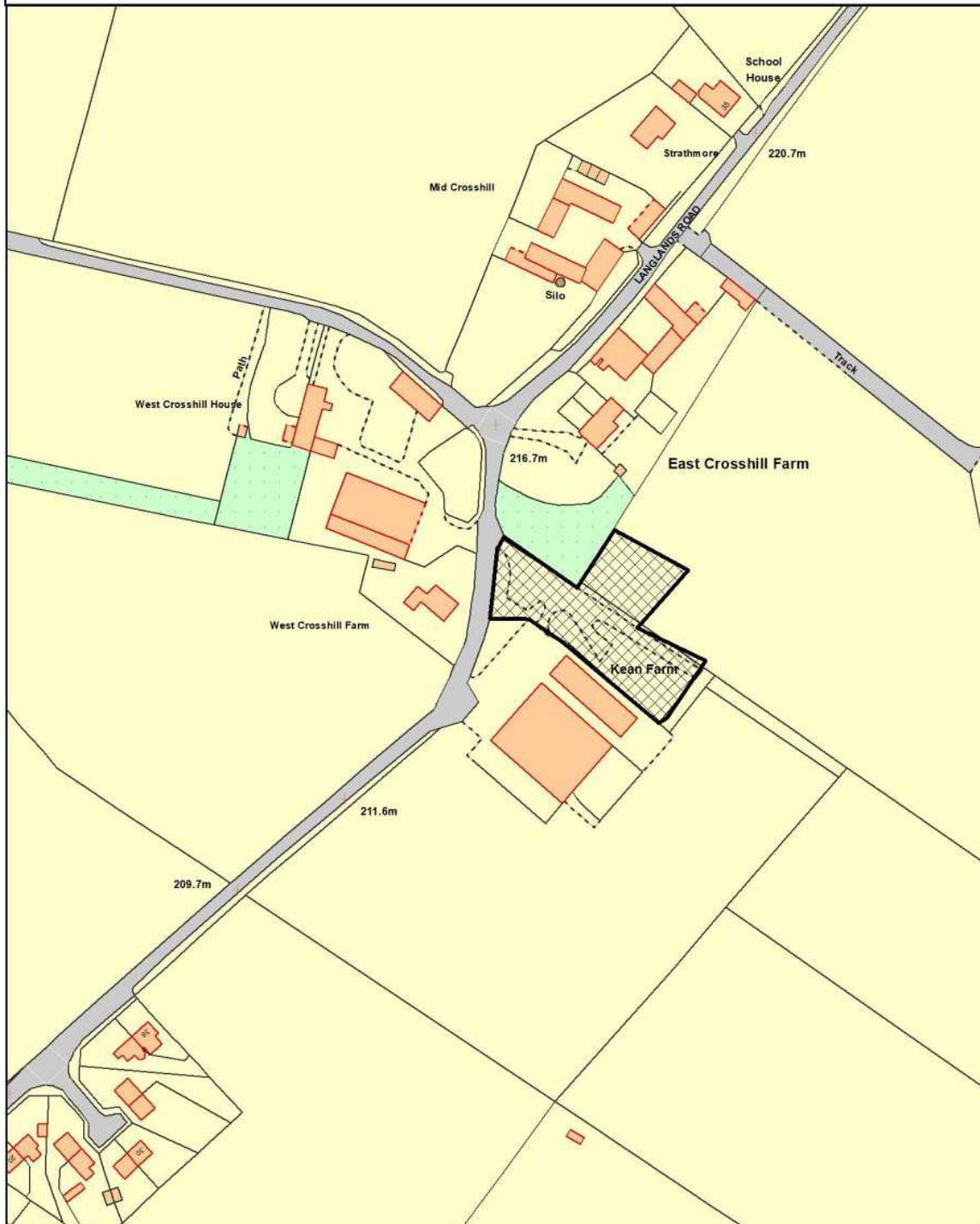
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/23/1477 Mid Crosshill Farm, Langlands Road, Auldhouse



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