



Council Offices, Almada Street  
Hamilton, ML3 0AA

Monday, 26 November 2018

Dear Councillor

## **Planning Committee**

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

**Date:** Tuesday, 04 December 2018

**Time:** 10:00

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

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

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

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

### **Members**

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

### **Substitutes**

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

## BUSINESS

### 1 Declaration of Interests

### 2 Minutes of Previous Meeting

5 - 10

Minutes of the meeting of the Planning Committee held on 6 November 2018 submitted for approval as a correct record. (Copy attached)

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### Item(s) for Decision

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| <b>3</b>  | <b>Application CL/17/0233 for a Residential Development (Planning Permission in Principle) at Milton Ground, Lesmahagow</b><br>Report dated 16 November 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)  | 11 - 24   |
| <b>4</b>  | <b>Application P/18/0434 for Erection of Twelve Flats in a 4 Storey Block and Formation of Associated Car Parking at Land to Rear of St Andrew's Parish Church, Avon Street, Hamilton</b><br>Report dated 23 November 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)  | 25 - 38   |
| <b>5</b>  | <b>Application P/18/0072 for Erection of 9 Wind Turbines and Associated Infrastructure, Including 4 Borrow Pits and New Access Track (Section 42 Application to Vary Planning Conditions 1, 8, 9, 17, 18, 20, 32, 35, 36 and 45 of Planning Consent CL/08/0727) at Proposed Windfarm at Penbreck and Carmacoup Forest, Glentaggart Road, Glespin</b><br>Report dated 12 November 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 39 - 78   |
| <b>6</b>  | <b>Application P/18/1145 for Installation of Access Track, Including Upgrading of Existing Track at Proposed Windfarm at Penbreck and Carmacoup Forest, Glentaggart Road, Glespin</b><br>Report dated 12 November 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)  | 79 - 94   |
| <b>7</b>  | <b>Application P/18/0782 for Partial Change of Use of House to Boarding Kennels, Erection of 1.2 Metres High Timber Fence to Front of Property and Erection of Timber Stable Block at 65 Wilsontown Road, Wilsontown, Lanark</b><br>Report dated 16 November 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)   | 95 - 106  |
| <b>8</b>  | <b>Application P/18/0847 for Erection of Single Storey Side and Rear Extension and Formation of Front and Rear Dormer Windows at 12 Stephenson Terrace, East Kilbride</b><br>Report dated 9 November 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)   | 107 - 118 |
| <b>9</b>  | <b>New Lanark and Falls of Clyde Conservation Area Appraisal</b><br>Report dated 14 November 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)   | 119 - 122 |
| <b>10</b> | <b>Tree Preservation Order at Beechwood Avenue, Rutherglen</b><br>Report dated 16 November 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)   | 123 - 126 |

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### Urgent Business

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## **11 Urgent Business**

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

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

Clerk Name: Pauline MacRae

Clerk Telephone: 01698 454108

Clerk Email: [pauline.macrae@southlanarkshire.gov.uk](mailto:pauline.macrae@southlanarkshire.gov.uk)



## PLANNING COMMITTEE

2

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 6 November 2018

### Chair:

Councillor Isobel Dorman (Depute)

### Councillors Present:

Alex Allison, John Anderson (*substitute for Councillor Stevenson*), John Bradley, Walter Brogan, Archie Buchanan, Stephanie Callaghan, Margaret Cowie, Peter Craig (*substitute for Councillor Fulton*), Maureen Devlin, Mary Donnelly, Fiona Dryburgh, Mark Horsham, Martin Lennon, Richard Lockhart, Julia Marrs, Kenny McCreary, Lynne Nailon (*substitute for Councillor Nelson*), Carol Nugent, Graham Scott, David Shearer, Bert Thomson, Jim Wardhaugh, Sheena Wardhaugh

### Councillors' Apologies:

Alistair Fulton (Chair), Ann Le Blond, Richard Nelson, John Ross (ex officio), Collette Stevenson

### Attending:

#### Community and Enterprise Resources

L Campbell, Area Manager, Planning and Building Standards Services (Hamilton and Clydesdale); P Elliott, Head of Planning and Economic Development; T Finn, Headquarters Manager, Planning and Building Standards Services; F Jack, Team Leader, Development Management Team, Roads and Transportation Services; T Meikle, Area Manager, Planning and Building Standards Services (Cambuslang/Rutherglen and East Kilbride)

#### Finance and Corporate Resources

J Davitt, Public Relations Team Leader; P MacRae, Administration Officer; K McLeod, Administration Assistant; K Moore, Legal Services Adviser

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## 1 Declaration of Interests

No interests were declared.

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## 2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 25 September 2018 were submitted for approval as a correct record.

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

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## 3 Application P/18/0656 - Section 42 Application to Vary Condition 3 of Planning Consent P/LK/01/88/0401 to Extend Opening Hours to 6.00am until 11.00pm Monday to Sunday at Northway Service Station, 87 Stewart Street, Carluke

A report dated 16 October 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0656 by MRH (GB) Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act to vary Condition 3 of planning consent P/LK/01/88/0401 to extend the opening hours to 6.00am until 11.00pm Monday to Sunday at Northway Service Station, 87 Stewart Street, Carluke.

Points raised in late representations from Aileen Campbell, MSP, on behalf of constituents, and J Wright were referred to at the meeting and addressed by officers.

Councillor Dorman, seconded by Councillor Craig, moved that the application be granted subject to the conditions specified in the Executive Director's report. Councillor Shearer, seconded by Councillor Donnelly, moved as an amendment that the application be granted subject to the conditions specified in the Executive Director's report but that Condition 1 be amended to restrict the hours of operation on Saturdays and Sundays to 7.00am until 11.00pm. On a vote being taken by a show of hands, 18 members voted for the amendment and 4 for the motion. The amendment was declared carried.

**The Committee decided:**

that planning application P/18/0656 by MRH (GB) Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act to vary Condition 3 of planning consent P/LK/01/88/0401 to extend the opening hours to 6.00am until 11.00pm at Northway Service Station, 87 Stewart Street, Carluke be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ an amendment to Condition 1 to restrict the hours of operation on Saturdays and Sundays to 7.00am until 11.00pm

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**4 Application HM/17/0533 for Erection of 49 Houses with Associated Roads and Infrastructure at Land North of Robert Smillie Primary School, Clare Crescent, Larkhall**

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A report dated 26 October 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0533 by Lovell Partnership Limited for the erection of 49 houses with associated roads and infrastructure at land north of Robert Smillie Primary School, Clare Crescent, Larkhall.

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

**The Committee decided:**

- (1) that planning application HM/17/0533 by Lovell Partnership Limited for the erection of 49 houses with associated roads and infrastructure at land north of Robert Smillie Primary School, Clare Crescent, Larkhall be granted subject to:-
  - ◆ the conditions specified in the Executive Director's report
  - ◆ prior conclusion of a Section 75 Planning Obligation and/or other agreement between the Council, the applicant and the site owner(s) to ensure that appropriate financial contributions were made at appropriate times during the development towards the provision of additional nursery, primary and secondary education accommodation, as appropriate
  - ◆ the applicants meeting the Council's legal costs associated with the Section 75 Obligation and/or other legal agreements
- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards the conclusion of the Planning Obligation within 6 months of the date of the meeting at which the application was considered, the proposed development could be refused on the basis that, without the planning control or developer contribution which would be secured by the Planning Obligation, the proposed development would be unacceptable; and

- (3) that it be noted that, if the Planning Obligation had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Planning Obligation.

*[Reference: Minutes of 24 March 2015 (Paragraph 15) and 7 July 2015 (Paragraph 15)]*

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**5 Application P/18/0259 for a Residential Development (Planning Permission in Principle) at Site of Former Petrol Filling Station, 235 Stonelaw Road, Rutherglen**

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A report dated 17 October 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0259 by MRH (GB) Limited for a residential development (planning permission in principle) at the site of the former petrol filling station, 235 Stonelaw Road, Rutherglen.

**The Committee decided:** that planning application P/18/0259 by MRH (GB) Limited for a residential development (planning permission in principle) at the site of the former petrol filling station, 235 Stonelaw Road, Rutherglen be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 6 November 2012 (Paragraph 7)]*

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**6 Application HM/17/0512 for Erection of Extension to Existing Car Wash Structure (Retrospective) at Petrol Filling Station, 1 Machan Road, Larkhall**

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A report dated 10 October 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0512 by H&M Valeting for the erection of an extension to an existing car wash structure (retrospective) at the petrol filling station, 1 Machan Road, Larkhall.

**The Committee decided:** that planning application HM/17/0512 by H&M Valeting for the erection of an extension to an existing car wash structure (retrospective) at the petrol filling station, 1 Machan Road, Larkhall be granted.

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**7 Application HM/17/0509 for Erection and Display of Advertisement Signage (Retrospective) at Petrol Filling Station, 1 Machan Road, Larkhall**

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A report dated 10 October 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0509 by H&M Valeting for the erection and display of advertisement signage (retrospective) at the petrol filling station, 1 Machan Road, Larkhall.

**The Committee decided:** that planning application HM/17/0509 by H&M Valeting for the erection and display of advertisement signage (retrospective) at the petrol filling station, 1 Machan Road, Larkhall be granted subject to the conditions specified in the Executive Director's report.

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**8 Application P/18/1099 for Installation of Modular Self-Service Launderette (Retrospective) at Petrol Filling Station, 1 Machan Road, Larkhall**

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A report dated 10 October 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/1099 by Photo-Me International plc for the installation of a modular self-service launderette (retrospective) at the petrol filling station, 1 Machan Road, Larkhall.

**The Committee decided:** that planning application P/18/1099 by Photo-Me International plc for the installation of a modular self-service launderette (retrospective) at the petrol filling station, 1 Machan Road, Larkhall be granted.

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**9 Application P/18/1041 for Erection of 287 Houses and Associated Works (Approval of Matters Specified in Conditions of Planning Consent CR/09/0139) at Land at Newton Farm, Pod 2I and 2J, Newton Avenue, Cambuslang**

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A report dated 10 October 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/1041 by Taylor Wimpey West Scotland for the erection of 287 houses and associated works (approval of matters specified in conditions of planning consent CR/09/0139) at land at Newton Farm, Pod 2I and 2J, Newton Avenue, Cambuslang.

In response to a member's question, the Head of Planning and Economic Development advised that consideration would be given to ways of improving dissemination of information on planning gain and the resultant end use to local members.

**The Committee decided:** that planning application P/18/1041 by Taylor Wimpey West Scotland for the erection of 287 houses and associated works (approval of matters specified in conditions of planning consent CR/09/0139) at land at Newton Farm, Pod 2I and 2J, Newton Avenue, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

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

*Councillor Buchanan left the meeting following consideration of the above application*

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**10 Application P/18/0782 for Partial Change of Use of House to Boarding Kennels, Erection of 1.2 Metres High Timber Fence and Gates to Front of Property and Erection of Timber Stable Block at 65 Wilsontown Road, Wilsontown, Lanark**

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A report dated 11 October 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/0782 by D Sitek for the partial change of use of a house to boarding kennels, erection of a 1.2 metres high timber fence and gates to the front of the property and the erection of a timber stable block at 65 Wilsontown Road, Wilsontown, Lanark.



Councillor Dorman, seconded by Councillor Craig, moved that the application be granted subject to the conditions specified in the Executive Director's report. Councillor Scott, seconded by Councillor Lockhart, moved as an amendment that consideration of the application be continued to a future meeting of the Committee to allow for further investigation to take place in respect of the proposal and for mitigation to be received from the applicant. On a vote being taken by a show of hands, 15 members voted for the amendment and 6 for the motion. The amendment was declared carried.

**The Committee decided:** that consideration of planning application P/18/0782 by D Sitek for the partial change of use of a house to boarding kennels, erection of a 1.2 metres high timber fence and gates to the front of the property and the erection of a timber stable block at 65 Wilsontown Road, Wilsontown, Lanark be continued to a future meeting of the Committee to allow for further investigation to take place in respect of the proposal and for mitigation to be received from the applicant.

*Councillors Thomson and J and S Wardhaugh left the meeting following consideration of the above application*

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**11 Application P/18/1133 for Change of Use of Shop (Class 1) to Hot Food Takeaway (Sui Generis) and Installation of Flue at Rear of Building at 39 The Murray Square, East Kilbride**

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A report dated 17 October 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/1133 by Y Aziz for the change of use of a shop (Class 1) to a hot food takeaway (sui generis) and the installation of a flue at the rear of the building at 39 The Murray Square, East Kilbride.

**The Committee decided:** that planning application P/18/1133 by Y Aziz for the change of use of a shop (Class 1) to a hot food takeaway (sui generis) and the installation of a flue at the rear of the building at 39 The Murray Square, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

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**12 Application CL/17/0400 for Change of Use of Agricultural Yard to Storage and Distribution Yard, Formation of Additional Hardstanding and Installation of Portable Office Buildings (Retrospective) at Townhead Farm, Ponfeigh Road, Sandilands, Lanark**

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

**The Committee decided:** to note the position.

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**13 Application P/18/1217 for Change of Use and Conversion of Class 2 (Financial and Professional Services) and Class 11 (Assembly and Leisure) Units to Form 15 Flats and Expansion of Existing Commercial Unit at 4 to 12 St James Avenue, East Kilbride**

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A report dated 10 October 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/1217 by CVO Limited for the change of use and conversion of Class 2 (financial and professional services) and Class 11 (assembly and leisure) units to form 15 flats and to expand an existing commercial unit at 4 to 12 St James Avenue, East Kilbride.

**The Committee decided:** that planning application P/18/1217 by CVO Limited for the change of use and conversion of Class 2 (financial and professional services) and Class 11 (assembly and leisure) units to form 15 flats and to expand an existing commercial unit at 4 to 12 St James Avenue, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 20 June 2017 (Paragraph 6)]*

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**14 Urgent Business**

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There were no items of urgent business.

# Report

3

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>4 December 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	CL/17/0233
Planning proposal:	Residential development (planning permission in principle)

## 1 Summary application information

Application type:	Permission in principle
Applicant:	Patersons Of Greenoakhill Ltd
Location:	Milton Ground Lesmahagow

## 2 Recommendation(s)

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

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

### 2.2 Other actions/notes

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

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

If, however, this matter is being progressed satisfactorily the applicant will be offered the opportunity to enter into a Processing Agreement, if this is not

already in place. This will set an alternative agreed timescale for the conclusion of the Planning Obligation.

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

### 3 Other information

- ◆ Applicant's Agent: DTA Chartered Architects
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): South Lanarkshire Local Development Plan:  
Policy 6 General urban area/settlements  
Policy 2 Climate change  
Policy 4 Development management and placemaking  
Policy 13 Affordable Housing and Housing Choice  
Policy 17 Water Environment and Flooding

Proposed SLLDP2:  
Policy 2 Climate change  
Policy 3 General Urban Areas  
Policy 12 Affordable Housing  
Policy 16 Water Environment and Flooding  
Policy DM21 Legal Agreements

#### ◆ Representation(s):

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

#### ◆ Consultation(s):

Roads Development Management Team

SEPA West Region

Education Resources

Environmental Services

RT Flood Risk Management Section

Scottish Natural Heritage

West Of Scotland Archaeology Service

Scottish Water

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site extends to 2.07 hectares in a rectangular shape along the western edge of Lesmahagow. The site is located on ground which sits above the existing houses on Strathaven Road, and the site slopes downwards from west to east. The site is bound to the west and south by open grassland, and to the north by a cemetery. Located to the south-east corner is Milton Primary School and its associated outdoor space. Along the eastern boundary there are modern dwellings ranging from single storey to two storey in height. There is a haulage yard and Lesmahagow High School located to the south east of the site on the opposite side of Strathaven Road.
- 1.2 It should be noted that, during the course of the application, the applicant reduced the size of the site from 4.01 hectares to 2.07 hectares.

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

- 2.1 The applicant has submitted an application for planning permission in principle to develop the land for residential development. Whilst the initial submission included an indicative layout, the applicant has not submitted an amended indicative layout to take into account the smaller application site. The detail of the scheme, including density and layout, will be assessed through the submission of a further application.
- 2.2 The singular vehicular access into the site is proposed to be taken from Strathaven Road. This would involve the demolition of an existing dwellinghouse at 15 Strathaven Road to allow the formation of the access. Again, the details of demolition will be considered through the submission of a further application.
- 2.3 The applicant has highlighted an area along the northern boundary of the site for soft landscaping and a play park. The details of these features will be carefully assessed through the submission of a further application.
- 2.4 As supporting documents, the applicant has submitted a pre-application consultation report, Transport Assessment and Flood Risk Assessment.

### **3 Background**

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

- 3.1.1 The adopted South Lanarkshire Local Development Plan (SLLDP) identifies the site as being located within the settlement boundary of Lesmahagow where Policy 6 - General urban area/settlements applies.
- 3.1.2 Other relevant policies in the assessment of this application are: Policy 2 - Climate Change and Policy 4 - Development Management and Placemaking, Policy 17 – Water Environment and Flooding, together with Supplementary Guidance on Sustainable Development and Climate Change and Development Management, Placemaking and Design. The content of the above policies and how they relate to the proposal is addressed in detail in Section 6 of this report.
- 3.1.3 The development meets the criteria where financial contributions towards education provision, affordable housing and recreational facilities are considered necessary. The scale of development also requires an on-site play park. The proposal will be assessed against Policy 5 - Community Infrastructure Assessment and Policy 13 –

Affordable Housing and Housing Choice and the Council's Community Infrastructure Assessment supplementary guidance in this respect.

- 3.1.4 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policies 2, 3, 12, 16 and DM21 are relevant.

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

- 3.2.1 SPP advises that the planning system should identify a generous supply of land to support the achievement of housing land requirements and maintaining at least a 5 year supply of land at all times. It should also enable the development of well designed, energy efficient, good quality housing in sustainable locations and focus on the delivery of allocated sites. Planning should take every opportunity to create high quality places and direct development to the right places, whilst taking cognisance of the natural and built environment.

### 3.3 **Planning Background**

- 3.3.1 The application site is in excess of 2.0 hectares and, therefore, classified as a major development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The applicant submitted a Proposal of Application Notice (PAN) (CL/16/X0172/New) to the Council as Planning Authority for consideration and approval. The applicant subsequently carried out the agreed Pre-application Consultation (PAC) for residential development at Milton Ground, Lesmahagow prior to the submission of the application. One public event at Lesmahagow Library on 24 May 2016 was held, and the event was advertised in the Carlisle and Lanark Gazette on 11 May 2016. As a requirement of this application, the applicant has submitted a Pre-application Consultation Report.
- 3.3.2 Through the assessment of the application, the applicant has reduced the application site area from 4.1 hectares to 2.07 hectares. The applicant has reduced the site boundary following the submission of a flood risk assessment which demonstrated that an area of land to the north of the site should not be made available for built development due to the impact on an existing flood plain.

## 4 **Consultation(s)**

- 4.1 **Roads and Transportation Services (Development Management Team)** – do not object to this application and are satisfied with the proposed vehicular access point into the application site from Strathaven Road. A Transport Assessment has been submitted by the applicant which concludes that the site is in a good location for walking, cycling and public transport. There are no road improvements required as part of this development. The applicant's consultant has reviewed the effect of on street parking along Strathaven Road on either side of the proposed site access and confirmed that the volume of traffic generated by the site can be accommodated on the network.

**Response:** It is noted that no concerns are raised with regard to public or road safety, and no road improvements are required along Strathaven Road.

- 4.2 **Scottish Water** – do not object to this application, and advise the developer to contact Scottish Water to discuss a connection to the public infrastructure.

**Response:** Noted.

- 4.3 **Environmental Services** – have no objection to the proposal. It is recommended that an air quality impact assessment is carried out to consider the impact of increased traffic generation on existing neighbouring residents.  
**Response:** Noted. Should consent be granted, then conditions will be attached to address the above requirement. It is not considered that a dust mitigation is necessary as any issues arising due to dust can be suitably addressed through powers under Environmental Services.
- 4.4 **Education Resources - School Modernisation Team** – no objections subject to the developer providing a financial contribution towards additional education accommodation in the school catchment areas for the site.  
**Response:** Noted. Planning permission would not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council and the applicants. The planning obligation would ensure that appropriate financial contributions are made at appropriate times during the development towards education provision in the local area. The applicant has, in principle, indicated a willingness to enter into a section 75 obligation.
- 4.5 **Roads and Transportation Services (Flood Risk Management Section)**– do not object to this application subject to any consent granted being conditioned to address the following: a Sustainable Drainage System (SUD's) provided to serve the site; an updated flood risk assessment to be carried out, and the relevant Appendices of the Council's Design Criteria Guidance being completed.  
**Response:** Noted. Should consent be granted then conditions will be attached to address the above requirements.
- 4.6 **SEPA** – have no objection to this planning application. Their earlier objection, based on flood risk grounds, has been removed as the applicant has taken the necessary steps to reduce the application site from outwith the flood plain extent. It is considered that an area of the flood plain could be utilised for soft landscaping a play park depending on the ground works and surfacing necessary.  
**Response:** Noted.
- 4.7 **WOSAS** – have no objection to the development subject to a condition being attached to any consent granted requiring the applicant to carry out a programme of archaeological works.  
**Response:** Noted. Should consent be granted then a suitable condition will be attached to address the above requirement.
- 4.8 **Scottish Natural Heritage** – offered no formal comment on this application.  
**Response:** Noted.

## **5 Representation(s)**

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the Lanark Gazette for non-notification of neighbours. Following this process, 7 letters of representation were received. The grounds of objection are summarised as follows:

a) **The local schools have limited capacity.**

**Response:** The proposal has been considered by South Lanarkshire Council Education Services and a financial contribution towards local education facilities has been requested to accommodate the impact of the development on schools within the catchment area. The applicant has agreed to pay the requested amount.

- b) **Alternative brown field sites should be developed prior to the development and removal of Greenfield sites.**  
**Response:** The application site is identified as a suitable site for the provision of housing within the adopted SLLDP. This issue is addressed in section 6.2 of this report.
- c) **There was a technical issue using the Council's Planning Portal which prevented members of the public viewing plans and therefore reduced the time available to make comments.**  
**Response:** In the event that the Council's Planning Portal is unavailable, members of the public can contact the Planning Officer directly to arrange to view a copy of the plans. Whilst there was a brief interruption of service, it is not considered that the ability to make a duly considered representation was unreasonably impaired.
- d) **The proposal would create overlooking and overshadowing to neighbouring dwellings, and also to the cemetery located to the north of the site.**  
**Response:** This application is in principle only, and a detailed assessment of the residential layout and impact on overshadowing and overlooking will be carried out through the submission of a further detailed application.
- e) **The increase in population will create additional noise nuisance and disturbance to existing residents and those visiting the cemetery, loitering and anti-social behaviour.**  
**Response:** The proposed residential use is in keeping with the character of the immediate residential area and, as such, it is not considered incongruous or disruptive. Any issue of anti-social behaviour is a Police matter.
- f) **There are no details provided within the application, including: layout, density, house type, boundary treatment etc.**  
**Response:** This application is in principle only, and a detailed assessment of the residential layout, density, house type and boundary treatment will be carried out through the submission of a further detailed application.
- g) **It is not clear if there will be a second access into the site from a farm track to the north of the site.**  
**Response:** There is only one vehicular access point into the site from Strathaven Road and this is shown on the plan submitted.
- h) **The proposed access into the site is not suitable, and the increase to traffic generation and the detriment to road and public safety along Strathaven Road are unacceptable.**  
**Response:** The Council's Roads and Transportation Services have carefully considered the impact of the proposal on the existing road network and the new access point into the site. They are satisfied that the proposal can be accommodated without an adverse impact on the immediate area to an unacceptable degree.
- i) **The proposal will exacerbate existing flooding issues to neighbouring dwellings.**  
**Response:** The applicant has submitted a Flood Risk Assessment which shows the extent of the flood plain to the northern area of the site. The applicant has submitted a reduced application site boundary to remove the flood plain out of the developable area. This issue is addressed further in paragraphs 4.5, 4.6 and 6.4 of this report.
- j) **Additional amenities should be provided to support the additional population accommodated.**



**Response:** Should consent be granted then the applicant will be required to include an equipped play park for community use as part of the further detailed application. A legal agreement will also secure financial contributions towards the provision of affordable housing, additional educational facilities and recreational facilities.

- k) **The construction of the site will involve noise disruption, dust creation, piling impact to residents, litter dropping and inappropriate car parking on Strathaven Road.**

**Response:** Should consent be granted, a suitable condition will be attached to ensure that the applicant submits a parking strategy for during the construction phase to ensure there is not an unacceptable impact on Strathaven Road. Should the developer be working outwith accepted hours, creating noise nuisance, unacceptable dust levels or piling impacts then the Council's Environmental Services would investigate and take action as necessary.

- l) **There are no utility details provided with this application.**

**Response:** It should be noted that the issue of utility equipment such as street lighting is addressed through the Roads Construction Consent process. This application is in principle and, as such, no details of utility equipment or phasing of the development is necessary at this stage.

- m) **It is not clear if the proposal will include affordable housing to be built on the site for the benefit of the local area.**

**Response:** The Council's preference in this case is to seek a commuted sum in lieu of on site provision. This issue is addressed further in paragraph 6.8 of this report.

- n) **The proposal will have an adverse impact on wildlife.**

**Response:** The site consists of open grassland and there is no obvious sign or habitats of European Union protected or endangered wildlife species.

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

## **6 Assessment and Conclusions**

- 6.1 The determining issues in the assessment of this application are compliance with local plan policy, its impact on the amenity of the adjacent properties, flooding and surface water run-off, and road safety matters.

- 6.2 The application site is located within the settlement boundary of Lesmahagow as identified in the adopted SLLDP. Policy 6 - General Urban/Settlements and Policy 4 - Development Management and Place Making, together with the Development Management and Placemaking Supplementary Guidance supports residential developments where they do not have a significant adverse effect on the amenity of the area. The character and amenity of the area must not be impaired by reason of traffic generation or parking. In this case, given the site's position within the settlement boundary and immediately adjoining an existing area of residential use, it is considered that a residential development is acceptable at this location. The details of the proposed vehicular access into the site from Strathaven Road and potential traffic creation are discussed further in paragraphs 4.1 and 6.3 of this report. However, this proposal is in principle only and, as such, a detailed planning application will be required to be submitted to demonstrate a suitable layout, scale, density, materials and the provision of adequate car parking within the site.

- 6.3 The Council's Roads and Transportation Service has assessed the submitted Transport Assessment (TA) and determined that residential development can be

accommodated within the application site without adversely impacting upon the existing road infrastructure and traffic along Strathaven Road to an unacceptable degree. The vehicular access point into the site from Strathaven Road is also acceptable.

- 6.4 The applicant has submitted a Flood Risk Assessment which shows the extent of the flood plain to the northern area of the site. The applicant has submitted a reduced application site boundary to remove the flood plain out of the developable area. It was on this basis that SEPA and the Council's Flood Risk Management Section removed their earlier objection to the application, and are now satisfied that the proposed residential development will not adversely impact upon flooding in the locality. Should consent be granted, an updated food risk assessment will be required, and the submission of SUDs details to ensure that future built development sufficiently address surface water run-off. The proposal complies with the requirements of Policy 17 – Water Environment and Flooding of the adopted SLLDP.
- 6.5 Along the eastern boundary there are modern dwellings ranging from single storey to two storey in height. These dwellings are located on a lower ground level than the proposed application site. Should consent be granted, a condition would be attached to ensure that the first row of dwellings located behind these existing on Strathaven Road shall be restricted to single storey bungalows with roof lights in the attic only. It is considered that the remainder of the site can accommodate two storey dwellings as is predominant within the locality of the site.
- 6.6 Policy 2 - Climate Change seeks to minimise and mitigate against the effects of climate change by considering criteria, including being sustainably located. The site is sustainably located within the settlement boundary of Kirkfieldbank and is closely located to bus routes and nearby shops and services. The site is not at risk of flooding and there are no infrastructure constraints. In consideration the proposals would not undermine the objectives of the policy.
- 6.7 Policy 5 - Community Infrastructure Assessment states that where development proposals would require capital or other works or facilities to enable the development to proceed, financial contributions towards their implementation will be required. These contributions will be appropriately assessed and developers will be required to ensure transparency in the financial viability of a development. In compliance with this, the applicant has agreed in principle to the payment of financial contributions for education provision, off site affordable housing, and a contribution towards recreation and leisure within the locality, all of which will be addressed through the conclusion of a section 75 obligation. In addition to the above, the applicant will provide an equipped play park within the application site for use by the community.
- 6.8 Policy 13 - Affordable Housing and Housing Choice states that the Council will expect developers to contribute to meeting affordable housing needs across South Lanarkshire by providing, on sites of 20 units or more, up to 25% of the site's capacity as serviced land for the provision of affordable housing, where there is a proven need. If on-site provision is not a viable option the Council will consider off-site provision in the same Housing Market Area. The provision of a commuted sum will only be acceptable if on or off site provision cannot be provided in the locale or there are no funding commitments from the Scottish Government. The Council's preference in this case is to seek a commuted sum in lieu of on site provision and this has been accepted by the applicant the value of which would be based on the development viability of the site.
- 6.9 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on

Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposal accords with Policies 2, 3, 12, 16 and DM21 in the Proposed plan.

- 6.10 As noted in section 5 of the report, 7 letters of objection have been received from local residents. Concerns raised in the representations include road safety and traffic generation; flooding to the site and its locality; the need for the development on Greenfield land; and the impact on residential amenity. All of these matters have been considered as part of the assessment of the application and are not considered to merit the refusal of the application.
- 6.11 In summary, it is considered that this site is suitable for residential development and accords with the aims of local plan policy. It is, therefore, recommended that permission in principle is granted subject to the attached conditions.

## **7 Reasons for Decision**

- 7.1 The principle of residential development is acceptable on this site and would not adversely impact upon the amenity or road and public safety of the surrounding area. The proposal raises no significant environmental or infrastructure issues and complies with Policies 2, 4, 6, 13 and 17 of the adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance, and Policies 2, 3, 12, 16 and DM21 of the Proposed South Lanarkshire Local Development Plan 2.

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

Date: 16 November 2018

### **Previous references**

- ◆ CL/16/X0172/New

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 06.06.2017
- ▶ Lanark Gazette advertisement 14.06.2017
  
- ▶ Consultations
  - Roads Development Management Team 06.03.2018
  - SEPA West Region 15.10.2018
  - Environmental Services 20.06.2017
  - RT Flood Risk Management Section 19.07.2018
  - Scottish Natural Heritage 07.06.2017
  - West Of Scotland Archaeology Service 15.06.2017

Scottish Water 19.06.2017

Education Resources 21.11.2017

► Representations	Dated:
Mr M Keogh, 91 Strathaven Road, Lesmahagow	13.06.2017
J.K Semple, 27 Strathaven Road, Lesmahagow, Lanark, ML11 0DN	15.06.2017
Scott Rollo, Strathaven Road, 9B, ML110DN, ML110DN	24.06.2017
William Duncan McInnes.	26.06.2017
Carole and Gavin Forrest, Craignethan, Strathaven Road, Lesmahagow, Lanark, ML11 0DN	27.06.2017
H. & J. Simpson, 7 Strathaven Road, Lesmahagow, ML11 0DN	27.06.2017
Mr James & Mrs Nicola Murray, 103 Strathaven Road, Lesmahagow, ML11 0DN	30.06.2017

**Contact for further information**

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

Pamela McMorran, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton,  
ML3 6LB

Phone: 01698 455170

Email: [pamela.mcmorran@southlanarkshire.gov.uk](mailto:pamela.mcmorran@southlanarkshire.gov.uk)

### Conditions and reasons

01. Prior to the commencement of development on site, a further application(s) for the approval of any of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).  
These matters are as follows:
- (a) the layout of the site, including all roads, footways, parking areas, landscaping and open spaces;
  - (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
  - (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum.
  - (d) the design and location of all boundary treatments including walls and fences;
  - (e) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs, including, where appropriate, the planting of fruit/apple trees;
  - (f) an equipped play area to be provided equivalent in size to 20sq.m per dwelling;
  - (g) amenity open space to be provided equivalent in size to 20sq.m per dwelling
  - (h) the means of drainage and sewage disposal.
  - (i) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);

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

02. That the further application(s) required under the terms of Condition 1 shall make reference to and incorporate the criteria specified within the approved South Lanarkshire Council 'Residential Design Guide', with particular reference made to Section 3 Design Process - delivering the place. All road infrastructure and car parking shall be designed to the National Roads Development Guide (Scotland).

Reason: In the interests of amenity and to ensure that the Council's residential design standards are met.

03. That any dwellinghouse erected within the first row behind existing dwellings on Strathaven Road shall be restricted to a single storey bungalow with any roof accommodation using rooflights only. The remainder of dwellinghouses within the application site shall be restricted to a maximum of 2 storeys in height to the satisfaction of the Council as Planning Authority.

Reason: To safeguard the residential amenity of neighbouring properties, and to ensure satisfactory integration with the surrounding area.

04. That the further application required under the terms of Condition 1 above, shall include a detailed scheme for surface water drainage. Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage

Systems Design Manual for Scotland and Northern Ireland and with the Council's Sustainable Drainage Design Criteria and requirements and shall be agreed in writing with the Council as Planning Authority in consultation with SEPA.

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

05. The only permitted use and operational development within the hatched area as shown on the approved plan, shall be soft landscape planting and a play park area to the satisfaction of the Council as Planning Authority and SEPA. None of the hatched area shall be included as domestic garden ground or form part of any road infrastructure.

Reason: To ensure that built development and all house plots, are excluded from the flooding extent area in the interest of flood prevention measures.

06. That the further application(s) required under the terms of Condition 1 shall include one access point onto Strathaven Road (as shown on the approved plan) with a visibility splay of 4.3 metres by 43 metres measured from the road channel shall be provided on both sides of the vehicular access with nothing exceeding 0.9 metres in height above the road channel level shall be within the visibility area.

Reason: In the interests of traffic and public safety.

07. That the further application(s) required under the terms of Condition 1 shall include the submission of a construction and staff parking strategy to ensure that no vehicles associated with construction are parked on Strathaven Road to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

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

Reason: In the interests of archaeology.

09. The applicant is required to undertake and submit an air quality impact assessment which satisfies the Planning Authority that the Local Air Quality Management Objectives for the pollutants specified in the Air Quality Regulations, made under Part IV of the Environment Act 1995, will not be exceeded at residential properties in the vicinity of the development due to the impacts of the proposed development and to the increase in traffic associated with the development. The survey and report should use the method set out in the Environmental Protection UK document Development Control: Planning for Air Quality (2017 Update) and Scottish Government publication

“Local Air Quality Management Technical Guidance LAQM.TG(09)” or a method that has been agreed with the Planning Authority.

Reason: In the interests of amenity to existing neighbouring residents.

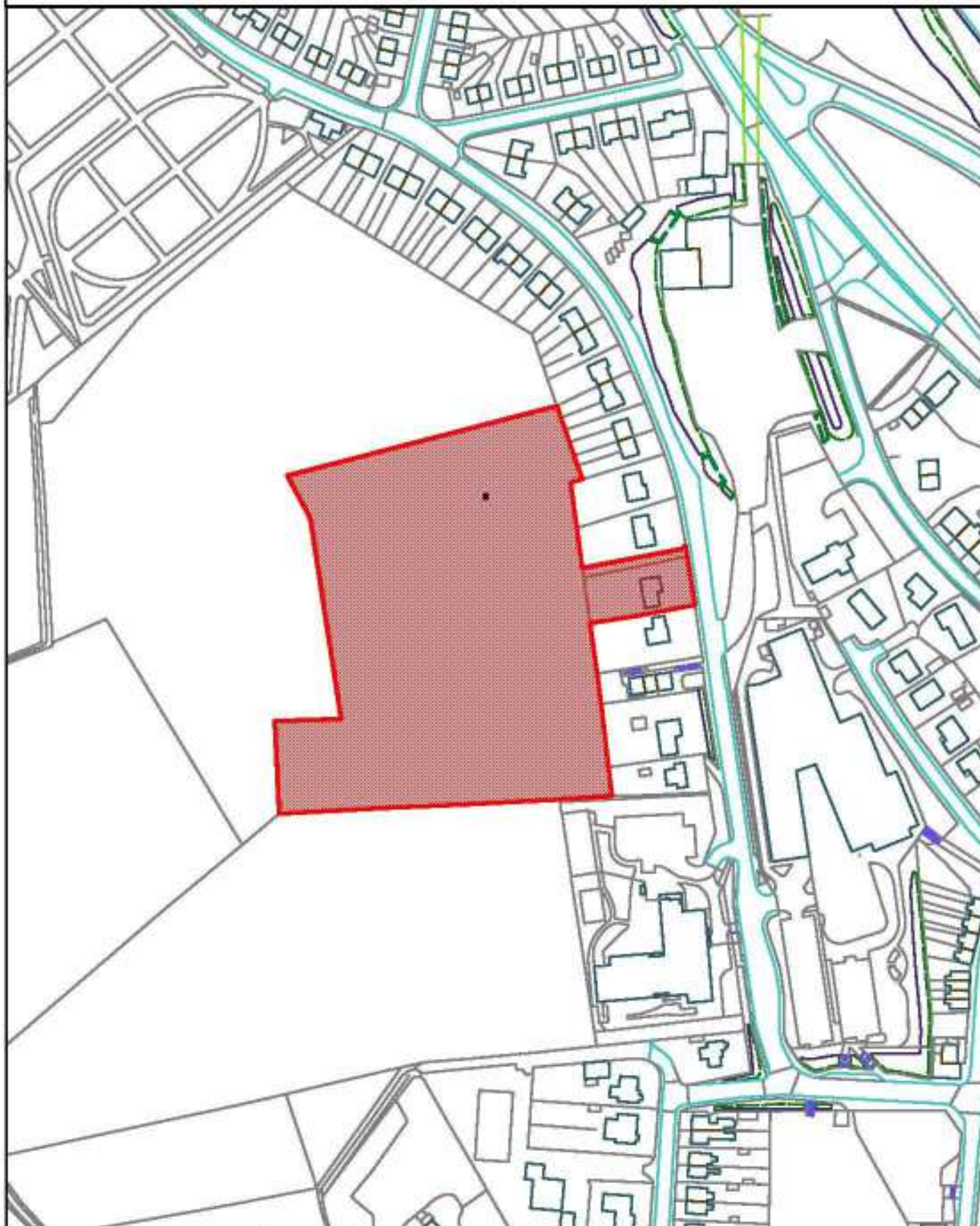
10. That the further application(s) required under the terms of Condition 1 shall require the updating of the submitted flood risk assessment to take into account the details of the built development and play area to the satisfaction of the Council as Planning Authority and Flood Risk Management Section.

Reason: In the interests of flood risk and surface water run-off.



CL/17/0233

Milton Ground, Lesmahagow



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Scale:  
1:2,500  
Date:  
15/11/2018



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



# Report

4

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>4 December 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/18/0434
Planning proposal:	Erection of 12 flats (4 storey high) and formation of associated car parking.

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr Craig Smith
Location:	St Andrews Parish Church Avon Street Hamilton South Lanarkshire ML3 7HU

## 2 Recommendation(s)

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

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

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) Detailed planning permission should not be issued until an appropriate financial contribution towards the upgrading of community facilities is received.

## 3 Other information

- ♦ Applicant's Agent: Convery Prenty Architects
- ♦ Council Area/Ward: 19 Hamilton South
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**  
Policy 4 – Development Management and Place Making  
Policy 6 – General urban area/settlements  
Policy 16 - Travel and Transport  
Policy 17 - Water environment and flooding

**Development Management, Placemaking and Design Supplementary Guidance (2015)**  
DM1 - Design  
DM13 – Development within general urban area/settlement

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

Policy 3 – General Urban Areas and Settlements

Policy 5 – Development Management and  
Placemaking

DM1 – New Development Design

Policy 15 - Travel and Transport

Policy 16 - Water Environment and Flooding

**Residential Design Guide**

◆ **Representation(s):**

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

◆ **Consultation(s):**

Environmental Services

Roads Development Management Team

SP Energy Network

## **Planning Application Report**

### **1 Application Site**

- 1.1 The applicant seeks detailed planning permission for the erection of a flatted development within the grounds of the vacant car park to the rear of the former St Andrews Church, Avon Street, Hamilton. The site is situated close to the town centre within a general residential area. St Andrews Church itself is a Grade B Listed Building.

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

- 2.1 The proposal relates to the construction of a four storey flatted development consisting of twelve flats within the grounds of the former car park associated with the vacant church. The existing hall is to be demolished and consent (P/18/0194) was issued on 2 November 2018 in respect of these works. The ground floor, first and second floor will comprise of 9 two bedroom flats with the third floor comprising of 3 one bedroom flats. Vehicle access to the site will be from Haddow Street. A proposed landscape decking area together with ground floor areas of green space will provide, in total, approximately 548 square metres of private communal amenity green space. In terms of car parking provision 21 spaces will be provided 6 spaces will operate via a platform lift which stacks the cars in pairs (one parks sub terrain with one remaining at ground level – accessed through the vehicle lift/ramp system). This, in effect, doubles this provision to 12. In addition, 9 parking spaces will be provided at ground floor level.
- 2.2 The applicant has submitted a design and access statement in support of the original scheme. Since the submission of these details, the proposal has been subject to a number of amendments which have included the introduction of a landscape deck together with alterations to the parking arrangements involving the provision of several car parking spaces on the lower ground floor accessed by a number of vehicular lifts.

### **3 Background**

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

- 3.1.1 Scottish Planning Policy (2014) (SPP) advises that proposals that accord with up-to-date plans should be considered acceptable in principle. In terms of residential development, the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements.

#### **3.2 Local Plan Status**

- 3.2.1 In determining this planning application the Council must assess the proposed development against the policies contained within both the adopted South Lanarkshire Local Development Plan (2015) and Supplementary Guidance (SG) produced in support of the SLLDP. In particular, Policy 4 - Development Management and Placemaking, Policy 6 - General Urban Area/Settlements, Policy 16 – Travel and Transport and Policy 17 – Water Environment and Flooding. In addition, Policy DM1 - Design and Policy DM13 – Development within general urban area/settlements of the Development Management, Placemaking and Design Supplementary Guidance are also relevant to the assessment of this application.

- 3.2.2 The Council's Residential Design Guide requires a financial contribution to address any impact on sport/ recreational facilities within the local area for flatted developments. In this instance, a figure of £1,500 has been requested in respect of this proposal.
- 3.2.3 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policy 3 – General urban areas/settlements, Policy 5 – Development Management and Placemaking and Policy DM1 – New Development Design are also relevant to the assessment of this application.
- 3.2.4 An assessment of the proposal against these specific policies is contained in Section 6 of this report.

### 3.3 Planning Background

- 3.3.1 Planning Consent (P/18/0194) was granted on 30 October 2018 for the demolition of the activity hall and vestibule to the west of St Andrew Church to form a single dwelling. The activity hall forms part of the current application site.

## 4 Consultation(s)

- 4.1 **SP Energy Network** – have no objection to the proposal. They have, however, commented that they have underground cables and an operational substation within the vicinity of the proposal. They reserve the right to protect and/or deviate their cable/apparatus at the applicant's expense.

**Response:** The applicant has been advised of this and a suitably worded informative can be attached to any consent issued.

- 4.2 **Environmental Services** – have no objection to the proposal subject to the imposition of conditions relating to the control of waste and suitable dust mitigation measures being put in place. In addition, they have commented that noise levels should be controlled during the development phase and that formal action may be taken should any nuisance occur as a result of these operations. In addition, in the unlikely event of encountering any contaminants, an action plan should be prepared in advance of works starting.

**Response:** It is considered that these matters can be addressed by use of a number of suitably worded conditions and informatives.

- 4.3 **Roads Development Management Team** – raised no objections subject to conditions

**Response:** Noted and conditions will be attached to any consent issued.

## 5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken in respect of this proposal following which two letters of representation were received. The grounds of these objections are summarised as follows:

- a) **The erection of a 4 storey block of flats which is to be the same height as the tenement flats next to the church grounds from an already elevated**

**position will completely overlook and overshadow the adjacent property and will result in a loss of privacy.**

**Response:** It is considered that the height of the proposed block of flats is in keeping with the surrounding streetscape given it will be the same height as the existing adjacent tenement block which runs alongside John Street.

- b) In consulting the residential design guide, building heights should be determined by the character of the area in relation to the street or public space and in relationship with buildings adjacent to the proposed site i.e. not overlooking or overshadowing any other properties**

**Response:** The Council's Residential Design Guide seeks to advise developers on the factors they should take into account when designing development proposals which takes account of the local context and built form. In this regard, as part of this proposal, the applicant has submitted a design and access statement which provides an analysis of the character of the local area. The report recognises that the area contains a mixture of buildings ranging from one and a half to three storeys. It is recognised that this building will be 4 storeys in height, however, given it is no higher than the adjacent building, it is considered that it is compatible with the surrounding streetscape

- c) Landmark buildings (in this case Cadzow Parish Church which is being proposed to be converted into 5 flats) should be greater in height in relation to a new building to emphasise their significance in the streetscape. The proposed flats would be the same height as the tenement flats which is greater in height to the church therefore it would block out completely and in turn remove the church as a focal point and landmark in the community**

**Response:** St Andrews Church is the subject of two applications currently being considered by the Council for Listed Building Consent and Detailed Planning Permission ref P/18/0933 and P/18/0432 respectively and not Cadzow Parish Church. It is acknowledged that the proposed flatted development will, to a degree, screen the rear elevation of the church in respect of the view from John Street however it is already to a degree screened by the existing activity hall. In addition the main facade of the church which is viewed from Avon Street will not be affected by this proposal

- d) New residential developments must allow for adequate sunlight and daylight to reach adjoining properties in line with the Building Research Establishment (BRE).**

**Response:** The applicant has submitted details relating to shadow paths analysis and it is considered that the proposal will not have a significant adverse effect on the surrounding properties in terms of sunlight / daylight issues.

- e) In the design of the flats in particular where refuse is collected the length of a cleansing vehicle, which is in the region of 10 metres, an estimated turning circle of 15 metres will be required. Vehicles should not have to reverse for more than 12 metres. Bearing this in mind if adequate space is not available within the new development for the cleaning vehicle to manoeuvre, parking the vehicles in Haddow Street would not be an option as it would completely block the road to all traffic due to the width of the road.**

**Response:** The applicant would be required to submit further details in relation to the collection and storage of refuse for the prior written approval of the Council as Planning Authority should consent be issued in this regard by use of a condition before any development commenced on the site. It should be noted,

however, that Roads and Transportation Services have not raised any objections to the proposal.

- f) **The entrance to the proposed flats would be from the existing entrance on Haddow Street. This is completely impractical as this is a secondary road, not a main road and not conducive to further traffic being generated from more properties being built.**

**Response:** Roads Development Management Team have been consulted in respect of this proposal and have raised no objections in this regard.

- f) **The plans do not really give a proper idea of the situation or layout of the flats i.e. will the front of the flats look onto Haddow Street?**

**Response:** The flatted development would be fronting on to 21 – 27 and 20 John Street.

- g) **A number of properties in John Street are privately rented and the letter will have gone to the tenants of the property and not the owners**

**Response:** Statutory neighbour notification was carried out in respect of this proposal and letters were sent out to all properties as per the relevant legislation.

- h) **Having lived in my property for over ten years and having spent a lot of money over the years in making it a home it is very disappointing that a building of this size is being considered for a quiet street in Hamilton. One of the factors in purchasing this property was the fact there was a bit of privacy and the property was not looking onto anything or having anyone looking on to it.**

**Response:** The existing site is a vacant car park which is no longer used. This proposal will enable this ground to be brought back into productive use and will provide residential accommodation close to Hamilton Town Centre and the main transport links. The proposal complies with the Council's guidance on privacy and it is not considered that the development of the site will result and any overlooking of existing properties.

- i) **Noise and pollution would come from having a working site in front of my home This would have a massive impact on residents particularly those who work shifts. Having a disturbed sleep with construction work going on will have an impact on health and ability to work.**

**Response:** Environmental Services were consulted in respect of this proposal and they advised with regards to noise that works carried out on site must be carried out in accordance with BS 5228 Parts 1-4 1997, 'Noise control on construction and open sites' and that formal action may be taken should any nuisance occur as a result of these actions. It is considered that should consent be issued in this regard the applicant can be advised of these matters by use of a suitably worded informative.

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

## **6 Assessment and Conclusions**

- 6.1 The applicant proposes to construct a four storey flatted development consisting of twelve units within the grounds of the former car park adjacent to St Andrew's Church which is currently vacant. In terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, planning applications have to be determined in accordance with the development plan unless material considerations indicate otherwise. The main

determining issues in assessing this proposal are whether it accords with local plan policy, its impact on amenity and road safety matters.

- 6.2 Policy 4 seeks to ensure that development takes account of and is integrated with the local context and built form. Within this general area, there is a mixture of predominately two storey and three storey flatted residential properties together with a small row of terraced houses which run alongside John Street. Although this development is four storeys in height, it is no higher than the adjoining tenement block which lies adjacent to the application site. That being the case, it is considered that, given the area contains mostly tenement blocks and that the scale of the development is in keeping with the adjoining properties, no issues are raised in respect of this policy.
- 6.3 With regards to Policy 6, residential developments are acceptable provided they do not have a significant adverse impact on the amenity and character of the area. It is considered that this proposal is compatible with the character of the surrounding area. Indeed, the proposed landscaped decking will provide areas of communal green space in an area where there is very little. It is considered that this will improve the amenity of the area in general.
- 6.4 In terms of Policy 16 – Travel and Transport seeks to ensure that developers consider, 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. It goes on to say that existing and proposed walking and cycling routes will be safeguarded, including former railway lines which can provide walking, cycling and horse riding opportunities. The application site is readily accessible by public transport and is situated close to Hamilton Town Centre Rail Station and Bus Depot and would be well integrated into existing walking and cycling networks. Furthermore, Roads and Transportation Services are satisfied that the proposal raises no access, parking or road safety issues. It is, therefore, considered that the proposal will not have an adverse impact on traffic flows or road safety and that the proposal complies with the terms of Policy 16.
- 6.5 Policy 17 - Water Environment and Flooding states that any development proposals which have a significant adverse impact on the water environment will not be permitted. It is considered that the development will have no significant adverse impact on the water environment and any consent granted would be suitably conditioned to ensure the provision of a sustainable urban drainage system (SUDS) within the site. It is, therefore, considered that the proposal complies with the terms of Policy 17.
- 6.6 In relation to Policy DM1 the applicant has submitted a Design and Access Statement in support of this proposal. The report notes that, within the local area, the building form is regular and linear with elevations generally dominated by strong horizontal eaves or parapet lines, with considered proportions and varied building mass. It is considered that the design of the building reflects this local context. In addition the materials to be used on the roof and the walls of the external finishes have been selected to deliver a quality finish and ensure longevity of appearance continuing the approach of the surrounding 19<sup>th</sup> and 20<sup>th</sup> century developments. That being the case, it is considered that the overall design is compatible with the surrounding streetscape and that no issues are raised in respect of this policy.
- 6.7 With regards to Policy DM13, development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use. In this case, it is considered that the proposals can be readily accommodated within the

local area and that no issues are raised in respect of this policy for the reasons as stated above in paragraph 6.6 of this report.

- 6.8 The proposed development has also been considered against the relevant policies in the Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. It is considered that the proposal accords with Policy 3 – General Urban Areas and Settlements, Policy 5 – Development Management and Placemaking, Policy DM1 – New Development Design, Policy 15 – Travel and Transport and Policy 16 – Water Environment and Flooding of the Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2). I would, therefore, consider that the proposal is acceptable and recommend that planning permission be granted.

## **7 Reasons for Decision**

- 7.1 The proposal has no adverse impact on residential or visual amenity and complies with Policy 4, Policy 6, Policy 16 and Policy 17 of the adopted South Lanarkshire Local Development Plan. In addition the proposal complies with Policy DM1 and Policy DM13 of the Development Management, Placemaking and Design Supplementary Guidance (2015). The proposal also complies with Policy 3, Policy 5 Policy DM1, Policy 15 and Policy 16 of the Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2).

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

Date: 23 November 2018

### **Previous references**

- ◆ P/18/0194

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 16 April 2018
- ▶ Development Management, Placemaking and Design Supplementary Guidance (2015)
- ▶ Design and Access Statement
  
- ▶ Consultations
  - SP Energy Network 25.05.2018
  - Environmental Services 21.05.2018
  - Roads Development Management Team 13.08.2018
- ▶ Representations
  - Jill Farmer, 15 John Street, Hamilton, ML3 7EU Dated: 30.05.2018
  - Stephanie Allan And John Gavin, Flat 1, 1 Haddow Street, Hamilton, ML3 7HX 21.05.2018



**Contact for further information**

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

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

Phone: 01698 455103

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

**Conditions and reasons**

01. That before any development commences on site, details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwelling unit shall be occupied until these facilities have been provided in accordance with the approved scheme or such alternative as may be agreed in writing with the Council as Planning Authority.

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

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

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

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

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

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

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

05. That before the development hereby permitted is occupied or brought into use, all the fences or walls for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 4 above, shall be erected and thereafter maintained to the satisfaction of the Council.

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

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

completed in accordance with the details submitted to and approved by the Council as Planning Authority.

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

07. That the development shall not be occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.

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

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

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

09. That the approved landscaping scheme in relation to Condition 8 above relating to the development shall be laid out simultaneously with the development or each phase thereof, and shall be completed to the satisfaction of the Council as Planning Authority.

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

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

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

11. That the vehicular lifts hereby approved shall be installed and fully operational prior to the occupation of any of the flatted dwellings hereby approved are occupied and shall thereafter be maintained in perpetuity to the satisfaction of the Council as Planning Authority.

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

12. That before any development commences on site, details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwelling shall be occupied until these facilities have been provided in

accordance with the approved scheme or such alternative as may be agreed in writing with the Council as Planning Authority.

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

13. That before the development hereby approved is brought into use, a 5.5 metre wide dropped kerb vehicular footway crossing 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.

14. That before the development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 43 metres measured from the road channel shall be provided on the south side of the vehicular access and everything exceeding 0.9 metres in height above the footway 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.

15. That before the development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 25 metres measured from the road channel shall be provided on the north side of the vehicular access and everything exceeding 0.9 metres in height above the footway 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.

16. That before the development hereby approved is completed or brought into use, 21 parking spaces shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

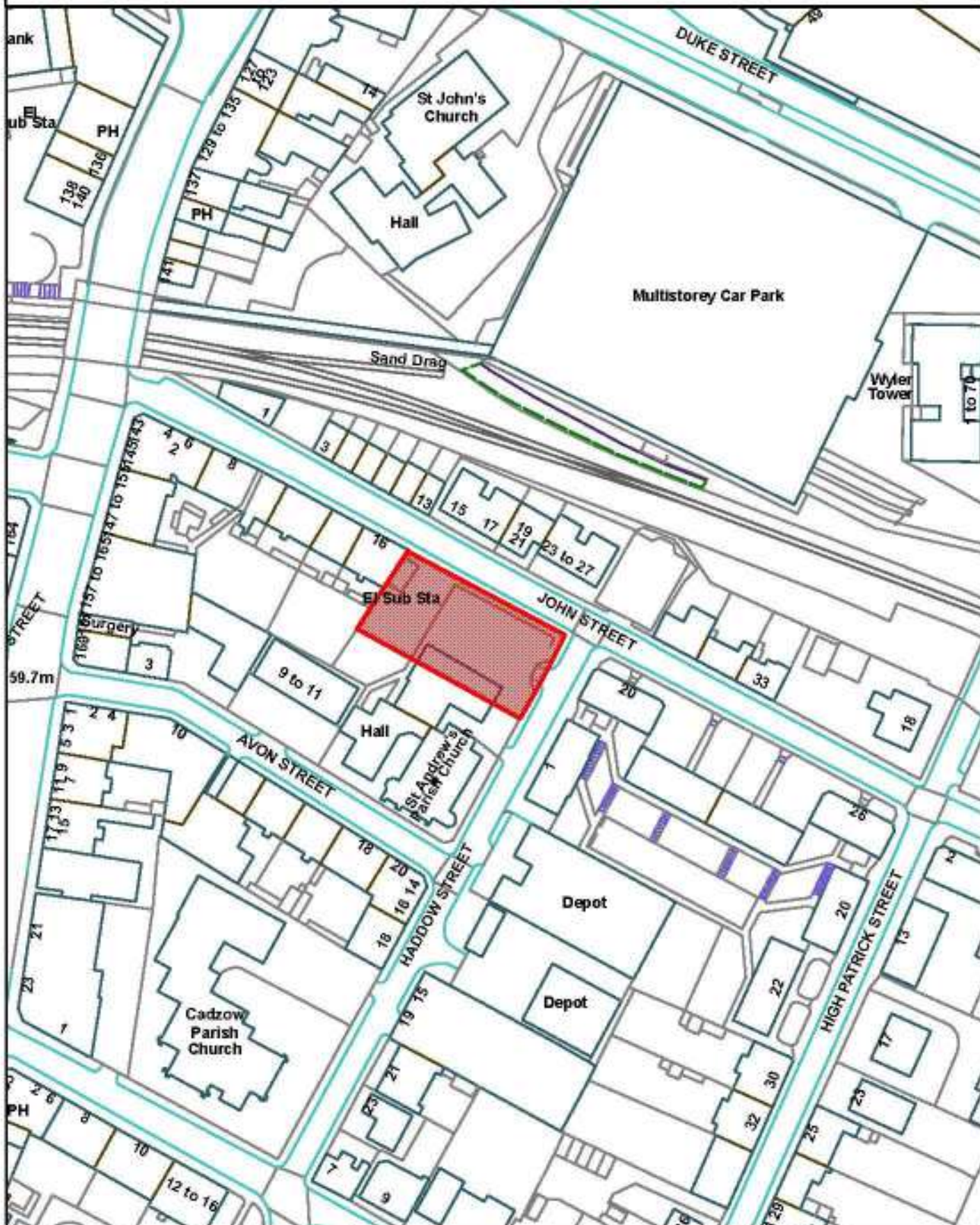
Reason: To ensure the provision of adequate parking facilities within the site.

17. That during the construction phase sufficient parking should be provided within the development site for all site personnel to the satisfaction of the Council as Roads and Planning Authority.

Reason; In the interests of Road Safety

P/18/0434

St Andrews Parish Church, Avon Street, Hamilton



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Scale:  
1:1,250

Date:  
08/11/2018



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





# Report

5

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>4 December 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/18/0072
Planning proposal:	Erection of 9 wind turbines and associated infrastructure, including 4 borrow pits and new access track (Section 42 application to vary planning conditions 1, 8, 9, 17, 18, 20, 32, 35, 36 and 45 of permission CL/08/0727)

## 1 Summary application information

Application type:	Further application
Applicant:	Brookfield Renewable UK Limited
Location:	Proposed Windfarm At Penbreck & Carmacoup Forest Glentaggart Road Glespin

## 2 Recommendation(s)

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

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

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) Detailed planning permission should not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council, the applicants and the site owner(s). This planning obligation should ensure the following issues are addressed:
  - Submission of a Bond for the Restoration and Aftercare of the site
  - A contribution to the Council's Renewable Energy Fund
  - The provision of an Ecological Clerk of Works
  - The funding of a Planning Monitoring Officer
  - Control over turbine transportation, and the repair of any damage to 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 SLC'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.

### **3 Other information**

- ♦ Applicant's Agent: Jo Cottin
- ♦ Council Area/Ward: 03 Clydesdale East
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**  
Policy 2 - Climate Change  
Policy 3 - Green Belt and Rural Area  
Policy 4 - Development management and placemaking  
Policy 15 - Natural and Historic Environment  
Policy 17 - Water Environment and Flooding  
Policy 19 - Renewable Energy

#### **Supplementary Guidance 1: Sustainable Development and Climate Change**

#### **Supplementary Guidance 2: Green Belt and Rural Area**

Appendix 2

#### **Supplementary Guidance 3: Development Management, Placemaking and Design**

DM1 – Design

#### **Supplementary Guidance 9: Natural and Historic Environment**

NHE2 - Scheduled monuments and their setting

NHE3 - Listed buildings

NHE4 - Gardens and designed landscapes

NHE5 - Historic battlefields

NHE 6 Non-scheduled archaeological sites and monuments

NHE7 – Conservation Areas

NHE9 - National Nature Reserves and Sites of Special Scientific Interest

NHE10 - Prime agricultural land

NHE11 - Ancient semi-natural woodland

NHE15 – Peatlands

NHE18 – Walking, cycling and riding routes

NHE19 - Protected species

#### **Supplementary Guidance 10: Renewable Energy**

RE1 - Spatial Framework for Wind Energy

RE2 - Renewable Energy Developments



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

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

DM1 New Development  
SDCC2 Flood Risk  
SDCC3 Sustainable Drainage Systems

### **◆ Representation(s):**

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

### **◆ Consultation(s):**

Roads Transportation Services Bridges Structures Section

Douglas Community Council

Roads Flood Risk Management

CAA

Scottish Wildlife Trust

Countryside And Greenspace

Environmental Services

RSPB Scotland

MoD (Windfarms

Arquiva

Transport Scotland

Scottish Water

West of Scotland Archaeology Service

SP Energy Network

NATS

Roads Development Management Team

Scottish Gas Networks

BAA Glasgow

SEPA West Region

Ofcom

Forestry Commission Central Scotland Conservancy

Historic Environment Scotland

Prestwick Airport

Scottish Natural Heritage

East Ayrshire Council

# Planning Application Report

## 1 Application Site

- 1.1 The application site is located approximately 11km south west of Douglas and 7km south west of Glespin in South Lanarkshire and 5km south of Muirkirk in East Ayrshire. The site is located in plateau moorland character type and is predominantly used for commercial forestry. The site is located on land designated as rural within the Adopted South Lanarkshire Local Development Plan (SLLDP) (2015). The application site also extends into the East Ayrshire Local Authority Boundary with 3 of the 9 turbines located outwith South Lanarkshire. The proposals in this application solely relate to the 6 turbines that are located within South Lanarkshire's administrative boundary. Therefore, any references throughout this report to proposals to wind turbines only relates to those within South Lanarkshire.

## 2 Proposal(s)

- 2.1 The application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) and is an application for planning permission for the development of land but without compliance with a condition or conditions attached to a previous planning permission.
- 2.2 In this instance, the applicant wishes to vary conditions 1, 8, 9, 17, 18, 20, 32, 35, 36 and 45 of planning permission Ref: CL/08/0727 granted in 2014 (hereon referred to as the Original Permission) for the erection of 9 wind turbines and associated infrastructure, including 4 borrow pits and new access track. This application was granted subject to 54 conditions and a legal agreement covering:
- Submission of a Bond for the Restoration and Aftercare of the site
  - A contribution to the Council's Renewable Energy Fund
  - The provision of an Ecological Clerk of Works
  - The funding of a Planning Monitoring Officer
  - Control over turbine transportation, and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements.

The permitted turbines had a maximum blade tip height of 125m and a typical generating capacity of up to 3.0MW each. The installed capacity of the approved wind farm development would be up to a maximum of 27MW.

- 2.3 A description of each of the extant conditions the applicant seeks to vary and the changes proposed to be made to the wording is set out as follows;

Condition 1 requires that the development is carried out strictly in accordance with the terms of the application and the accompanying Environmental Statement and Supplementary Environmental Information, including all mitigation and monitoring measures stated in it, subject to any requirements set out in these conditions. The original application sought consent for turbines with a maximum blade to tip height of 125m. The applicant has requested that this condition is amended to allow for an increase in the turbines maximum height to blade tip to 145m.

Condition 8 limits construction activities to between 8am and 7pm Monday to Friday and 8am to 1pm on Saturdays with no audible activity taking place on Sunday, local and national bank holiday. Outwith these periods, works at the site shall be limited to emergency works and dust suppression, unless otherwise approved in writing by the

local planning authority. The local planning authority shall be informed in writing of emergency works within three working days of occurrence. The applicant has requested that the working hours are amended to 7.00am to 7.00pm Monday to Friday and 7.00am to 4.00pm on Saturdays.

Condition 9 relates to blasting during the excavation of the borrow pits and, in particular, limits blasting to between 10.00 - 12.00 and 14.00 - 16.00-Mondays to Fridays and 10.00- 12.00 Saturdays. The applicant has requested that the Monday to Friday blasting hours are amended to 10.00am to 4.00pm.

Conditions 17 and 18 deal with the submission of a Construction Environmental Management Plan (CEMP) including Peat Management Plan, Peat Slide Risk Assessment, Site Waste Management Plan and Ground Water and Surface Water Monitoring Plan. The applicant has requested that the Surface Water Monitoring Plan requirement is substituted by a requirement for a Surface Water Management Plan.

Condition 20 relates to how proposals for the micro-siting of turbines will be dealt with and includes the requirement for the Council to consult with various bodies. The condition goes on to state that any variation shall not bring a turbine any closer to an uninvolved property than is already approved. The applicant has requested that condition 20 be amended minor changes to who will be consulted on these proposals and that reference to bringing a turbine any closer to an uninvolved property than is already approved be removed.

Condition 32 requires that no fixed or mobile plant used within the site during the construction period shall incorporate bleeping type warning devices that are audible at any noise sensitive receptor. The applicant has requested that 'unless agreed in advance with the Planning Authority' be added at the end of this requirement sentence.

Condition 35 requires a Habitat Management Group (HMG) to be established to oversee the preparation and delivery of the Habitat Management Plan and to review and assess the results from ongoing monitoring. The HMG shall include a representative of South Lanarkshire Council, RSPB and FCS and shall have powers to make reasonable changes to the HMP necessary to deliver its agreed aims. The applicant has requested that the condition be amended to state that the Company shall within one month following the date of Commissioning invite the Planning Authority, SNH and RSPB to participate with them in a Habitat Management Group (HMG). The purpose of the HMG will be to oversee the delivery of the HMP and to review and assess the results from on-going monitoring. The HMG shall have the power to review the terms of the HMP but changes to the HMP shall only take effect once approved in writing by the Planning Authority.

Condition 36 states that no part of any turbine blade shall be closer than a minimum of 50m from the nearest woodland (forest edges) unless otherwise agreed in writing with the Planning Authority and that a European Protected Species licence has been obtained from SNH. The applicant wishes to add 'if required' at the end of the condition and 'in consultation with SNH.

Condition 45 requires that the developer shall be responsible for any alterations required to statutory undertaker's apparatus. The applicant wishes to clarify in this condition that the developer's responsibility only relates to alterations required by the construction, operation or decommissioning of Penbreck Wind Farm.

- 2.4 If successful, the effect of a Section 42 application to modify a planning condition or conditions is to grant a further planning permission for the whole development again

but with the amended condition(s) replacing those that were previously issued, or with conditions removed if required. All other conditions, if relevant, are also required to be attached to any new planning permission. As a new planning permission would then be issued for the whole development, any legal agreements attached to the previous permission would not be valid for the new permission and therefore a new legal agreement reflecting the new planning permission would be required to be entered into. If the proposed changes to the condition or conditions are deemed unacceptable, then Section 42 of the Act requires the application should be refused. Refusal of an application under Section 42 of the Act does not have any effect on the original planning permission which remains intact.

- 2.5 A separate application to amend the means of delivering turbines to the site has been submitted by the applicant and is the subject of another report on this agenda (P/18/1145).

### **3 Background**

#### **3.1 National Policy**

- 3.1.1 National Planning Framework 3 (NPF3) June 2014 sets out the long term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3 also notes in paragraph 3.8 “We want to meet at least 30% of overall energy demand from renewables by 2020 - this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015”.
- 3.1.2 Scottish Planning Policy (SPP) June 2014 aligns itself with NPF3 and one of its policy principles states that there will be “a presumption in favour of development that contributes to sustainable development” (page 9). At paragraph 28 SPP states that “the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.” The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).
- 3.1.3 Scottish Government's Specific Advice Sheet for Onshore wind turbines was last modified on 28 May 2014. It supports the policy in SPP 2010 by providing information and best practice on renewable energy developments. It also gives advice on areas for planning authorities to focus upon, technical information, and typical planning considerations to be taken into account in determining planning applications for onshore wind turbines. This advice is currently being updated in line with SPP 2014.

#### **3.2 Development Plan Status**

- 3.2.1 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions. Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. Policy 10 Onshore Energy requires proposals to accord with local development plans. With regard to this proposal it is noted that part of the site is

located within the Areas with Potential for Wind Farm Development identified in Diagram 6 of Clydeplan.

3.2.2 The South Lanarkshire Local Development Plan (SLLDP) was adopted in 29 June 2015 and contains the following policies against which the proposal should be assessed:

- Policy 2: Climate change
- Policy 3: Green belt and rural areas
- Policy 4: Development management and placemaking
- Policy 15: Natural and historic environment
- Policy 17: Water environment and flooding
- Policy 19: Renewable energy

3.2.3 The following approved Supplementary Guidance documents support the policies in the SLLDP and also require assessment:

- Supplementary Guidance 1: Sustainable Development and Climate Change
- Supplementary Guidance 2: Green Belt and Rural Area
- Supplementary Guidance 3: Development Management, Placemaking and Design
- Supplementary Guidance 9: Natural and Historic Environment
- Supplementary Guidance 10: Renewable Energy

3.2.4 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance the following policies are relevant:

#### Volume 1

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

#### Volume 2

- DM1 New Development
- SDCC2 Flood Risk
- SDCC3 Sustainable Drainage Systems

3.2.5 All these policies and guidance are examined in the assessment and conclusions section of this report. It should be noted that LDP2 policies are only referenced if they do not accord with the existing policy context in SLLDP.

### 3.3 Planning Background

3.3.1 Planning permission was originally granted in 2014 (Ref: CL/08/0727) for the erection of 9 wind turbines (with a maximum blade tip height of 125m) and associated infrastructure, including 4 borrow pits and new access track (the Original Application).

The application was granted subject to 54 conditions and a legal agreement covering the following:

- Submission of a Bond for the Restoration and Aftercare of the site
- A contribution to the Council's Renewable Energy Fund
- The provision of an Ecological Clerk of Works
- The funding of a Planning Monitoring Officer
- Control over turbine transportation, and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements.

3.3.2 Due to its scale and nature, the Original Application constituted an EIA development and an Environmental Statement (ES) was submitted as part of the planning application. This Section 42 application also constitutes an EIA development as set out within The Town and Country Planning (Environmental Impact Assessment)(Scotland) Regulations 2017. As part of this planning submission, the original ES has been updated to reflect any baseline changes and to assess the implications the increase in turbine height may have on the Environment.

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

4.1 **Roads and Transportation Services (Flood Prevention)** - no objection subject to replication of previous conditions to comply with the Council's Design Criteria and to complete the necessary forms and provide required information prior to commencement on site.

**Response:** Noted. The previous conditions relating to water management and drainage form part of this recommendation to be incorporated into planning conditions if planning permission is granted.

4.2 **Roads and Transportation Services (Traffic and Transportation)** – no objection subject to replication of the Roads conditions (relating to Traffic Management Plan, Travel Plan, vehicle parking on site, signage, wheel wash facility, Abnormal Loads Route Assessment) that were attached to the Original Permission and an agreement to secure control over turbine transportation, and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements.

**Response:** If planning consent is granted, the previous requirements of Roads and Transportation Services can be incorporated into planning conditions and a new legal agreement entered into with the same Heads of Terms.

4.3 **Roads and Transportation Services (Structures)** – no objection subject to replication of the Roads conditions (relating to Traffic Management Plan, Travel Plan, Abnormal Loads Route Assessment) that were attached to the Original Permission and an agreement to secure control over turbine transportation, and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements.

**Response:** If planning consent is granted, the previous requirements of Roads and Transportation Services can be incorporated into planning conditions and a new legal agreement entered into with the same Heads of Terms.

- 4.4 **Environmental Services** – no objection subject to conditions in relation to noise, blasting, validation testing of noise levels, dust mitigation and complaint investigation.  
**Response:** Noted. If planning consent is granted, appropriate conditions can be imposed to control operations and construction to ensure the works are conducted in a way that minimises noise, pollution and dust to meet the requirements of Environmental Services.
- 4.5 **Countryside & Greenspace (C&G)** – no comments to make.  
**Response:** Noted. The increase in turbine height is considered to have no further impact in relation to access and wildlife subject to the use of the previous mitigation conditions, namely the setting up of a Habitat Management Group. All mitigation conditions from the Original Permission are replicated within the recommendation and would form part of the planning permission, if granted.
- 4.6 **Transport Scotland** – do not advise against planning permission being granted.  
**Response:** Noted. The proposed route for any abnormal loads on the trunk road network must be approved by the trunk roads authority prior to the movement of any abnormal load. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the trunk road authority before delivery commences. If planning consent is granted, appropriate conditions shall be attached.
- 4.7 **BAA Aerodrome Safeguarding (Glasgow)** - no objection. The proposal has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.  
**Response:** Noted.
- 4.8 **Defence Estate Organisation (MOD)** – no objection. As part of the Original Permission, the MOD required conditions to be attached to the planning permission regarding information to be provided to the MOD and the turbines fitted with aviation lighting. The MOD have no objections to the proposals subject to the replication of these conditions.  
**Response:** If approved, the MOD conditions would be replicated on the new permission, if approved.
- 4.9 **National Air Traffic Services Ltd (NERL Safeguarding)** – no objections subject to the use of the NERL Safeguarding conditions from the Original Permission.  
**Response:** Noted. These conditions would be replicated on the new permission, if approved.
- 4.10 **Scottish Environmental Protection Agency (SEPA)** – no comments to make given there are no changes to the turbine bases and infrastructure.  
**Response:** Noted. All previous conditions relating to the turbine infrastructure etc. are replicated within the recommendation and would be attached to any permission, if approved.
- 4.11 **Scottish Natural Heritage (SNH)** – no objection. SNH provide comments on protected species, special landscape designations, habitat management and landscape and visual effects. Subject to mitigation and enhancement measures set out in the Environment Report and the Original Permission which include the preparation of a protected species plan and a habitat management plan SNH conclude there will be no additional adverse impacts on ecological and natural heritage interests. SNH consider that there will only be a limited change to the overall visibility of the turbines following the increase in turbine height.



**Response:** Noted. All mitigation measures from the Original Permission have been replicated as part of this recommendation and would be attached to any permission if granted. The comments provided in relation to landscape and visual and cumulative impacts are assessed throughout section 6 of the report below.

- 4.12 **West of Scotland Archaeology Service (WOSAS)** – no objections to the proposals subject to the replication of the Original Permission’s archaeological condition.

**Response:** If approved, the archaeological condition would be replicated on the new permission.

- 4.13 **Historic Environment Scotland** – no objection.

**Response:** Noted.

- 4.14 **Scottish Water** – no objection. Provide detailed advice for the applicant regarding Scottish Water assets

**Response:** Noted. The applicant has received the detailed advice.

- 4.15 **SP Energy Networks (Acting for Scottish Power)** – No objections but note that they have infrastructure within the vicinity of the proposals and reserve the right to protect and/ or deviate cable/ apparatus at the applicant’s expense.

**Response:** Noted. This is a civil matter that is outwith the remit of the Planning Authority. The applicant is aware of this advice should permission be granted.

- 4.16 **Forestry Commission Scotland** – no objections to the proposals subject to a forestry/ woodland management plan.

**Response:** Noted. A forestry/ woodland Management Plan was a condition to the Original Permission. If approved, this condition would be replicated on the new permission.

- 4.17 **East Ayrshire Council** – originally objected on lack of information of landscape and visual assessment in relation to views from their administrative area. Following this, additional information was submitted and East Ayrshire Council removed their objection and considered that the increase in turbine height would not result in a significant effect on receptors. East Ayrshire also noted that noise conditions should still be imposed to ensure that acceptable noise levels are maintained with the increased height of the turbines.

**Response:** Noted. The noise conditions form part of this recommendation.

- 4.18 The following consultees had no comments to make in relation to the proposed development:

Arquiva  
RSPB  
Scotia Gas Networks  
Scottish Wildlife Trust  
Ofcom  
Douglas Community Council  
Prestwick Airport  
CAA

## **5 Representation(s)**

- 5.1 Neighbour notification was carried out on 26 April 2018. The proposal was publicised as an application requiring advertisement due to the scale or nature of operations and for the non-notification of neighbours in the Lanark Gazette on 9 May 2018. The application was also advertised in accordance with the EIA Regulations 2017 with

adverts being placed in the Lanark Gazette (9 May 2018) and the Edinburgh Gazette (11 May 2018).

- 5.2 No representations have been made following this publicity.

## **6 Assessment and Conclusions**

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

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

This type of application therefore does not permit the revisit of the principle of development on the site but only considers the appropriateness of the conditions attached to the previous consent and whether it is acceptable to amend or delete as proposed. The granting of consent in these circumstances results in a new, stand alone planning permission for the original development but with a new suite of conditions. Should the proposed amendment to the condition(s) not be acceptable the application is to be refused but without affecting the status of the original permission. In this instance the applicant has requested that conditions 1, 8, 9, 17, 18, 20, 32, 35, 36 and 45 be amended. However the nature of the legislation requires the necessity and/or the wording of all conditions to be revisited as they may be linked or connected to these specific conditions.

- 6.2 As is described in 2.3 above, most of the changes proposed relate to minor amendments to the wording of conditions which are considered acceptable. The proposed amendments to conditions 8 and 9 seek to extend the hours during which construction activity and blasting respectively may be carried out. A noise impact assessment has been submitted and reviewed by Environmental Services and they have no objections to the small extensions to the timing of these activities.
- 6.3 The main change sought by the applicant is to allow the maximum height of the turbines to be increased from 125m in the original consent to 145m. This requires a change to condition 1 which relates the consent granted in 2014 to the detail submitted and approved at that time. Any deviation from these details requires the approval of the Council. The following assessment is, therefore, focused on the proposed request to amend condition 1 and allow an increase in turbine height. The main matters for consideration are therefore whether this would undermine the reasons for the original conditions or the Development Plan position; and if it is considered this Section 42 application does undermine either of these, whether there are material considerations which would outweigh this to allow permission to be granted. The main issues in determining the application are whether the amended proposals continue to comply with National and Development Plan Policy and the implications of the amended scheme in terms of landscape and visual impact, cumulative impact, impact on the water environment, aviation and defence, ecology, ornithology, residential amenity and communities and traffic and road safety.
- 6.4 In terms of National Planning Policy and Guidance NPF 3 notes in paragraph 3.8 that the Government seeks to meet at least 30% of overall energy demand from renewables by 2020 – this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015. SPP Policy Principles (page 9) state that there will be “a presumption in favour of development that contributes to sustainable development.” At paragraph 28 SPP states that “the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and

benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.” The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169). SPP also requires planning authorities to prepare supplementary guidance and set out a spatial framework for onshore wind farm developments. The considerations set out in SPP at paragraph 169 are now established in the Council’s approved SG on Renewable Energy 2016 and are assessed at section below.

- 6.5 It is considered appropriate to set out an assessment of the proposal against the current SPP. The preparation of a Spatial Framework requires the approach set out in Table 1 of the SPP to be followed. This categorises areas into three groups. In Group 1 areas (National Parks and National Scenic Areas), wind farms will not be acceptable. Group 2 is used to identify areas of significant protection. This includes areas described as ‘community separation for consideration of visual impact’ and is relevant to this proposal. SPP indicates that this represents an area not exceeding 2km around settlements. This distance, however, is to be determined by the planning authority based on landform and other features which restrict views out from the settlement. The visual impact, including the impact on settlements, is assessed at later in the report. Group 3, identifies ‘areas with potential for wind farm development’. These are described as locations in which the acceptability of wind farms is subject to detailed consideration against criteria and SPP sets out 19 considerations to be taken into account when assessing wind farm developments. These include landscape and visual impact, cumulative impact, net economic impact and contribution of the development to renewable energy generation targets. Paragraph 170 of SPP states that “Areas identified for wind farms should be suitable for use in perpetuity. Consents may be time-limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities.” Taking into account the above, the Original Permission and for the reasons set out later in the report, it is considered the proposed development accords with SPP.
- 6.6 The Scottish Government Specific Advice Sheet – Onshore Wind Turbines - was last modified 28 May 2014 and describes typical planning considerations to be assessed when determining applications for onshore wind turbines. The advice covers the consideration and assessment of: landscape, wildlife, habitats, ecosystems, biodiversity, communities, aviation and defence matters, historic environment, road traffic, cumulative impacts, good practice during construction and decommissioning. The Environmental Statement (ES) submitted as part of the application covers the impacts listed above and this has been taken into consideration in the assessment of the development against the Development Plan.
- 6.7 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions; Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. The methodology used in devising the Onshore Wind Spatial Framework is set out in Part Two of Background Report 10 Low and Zero Carbon Generating Technologies. At section 15.10 the background report acknowledges that wind turbine development is likely to be acceptable subject to detailed consideration against local policy criteria and that potential wind farm development should not be viewed in isolation. It goes on to state that developers and interested parties must refer to any local guidance made available by the local planning authority including

local development plans and supplementary guidance, and landscape capacity studies. Policy 10 Onshore Energy requires proposals to accord with local development plans. With regard to this proposal, it is noted that the site is located within the Areas with Potential for Wind Farm Development identified in Diagram 6 of Clydeplan. The proposed development by its nature contributes to developing low carbon energy. The visual, landscape and cumulative impact of the proposal is assessed below and concludes that there would not be an adverse effect. Consequently it is considered that the proposal accords with Policy 10 of Clydeplan.

- 6.8 In the Adopted South Lanarkshire Local Development Plan (SLLDP) 2015 the overall strategic vision is 'to promote the continued growth and regeneration of South Lanarkshire by seeking sustainable economic and social development within a low carbon economy whilst protecting and enhancing the environment.' Policy 2: Climate Change, seeks to minimise and mitigate against the effects of climate change by a number of criteria. The criteria relevant to this proposal are (iii) utilising renewable energy sources, (vii) having no significant adverse impacts on the water and soils environment, air quality, biodiversity (including Natura 2000 sites and protected species) and green networks. Taking into account the increase in turbine size would increase the amount of electricity they can generate in line with Governments targets on renewable energy generation it is considered that the proposal complies with Policy 2 and that of the advice in the SG Sustainable Development and Climate Change.
- 6.9 Policy 3: Green Belt and Rural Area states that the Green Belt and rural area functions primarily for agricultural, forestry, recreation and other uses appropriate for the countryside. The proposal is located within the rural area. SG 2: Green Belt and Rural Area lists in Appendix 2 renewable energy as an appropriate use within this area and refers to the SG Renewable Energy, and SG Sustainable Development and Climate Change for further guidance. It is considered that the principle of the development has already been deemed acceptable within the Rural Area and the proposed alterations to the planning conditions have no further implications for the countryside strategy set out within the Development Plan.
- 6.10 Policy 4 Development Management and Placemaking states that development proposals should have no significant adverse impacts on the local community, landscape character, habitats or species including Natura 2000 sites, biodiversity and Protected Species nor on amenity. Policy 4 also states that development should be integrated with the local context and landscape. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design. The principle of the turbines has already been established and is therefore still acceptable under this policy. Detailed assessment of the increase in height of the turbines in relation to the natural environment and amenity is contained throughout Section 6.5 of this report.
- 6.11 Policy 15: Natural and Historic Environment provides the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment. It seeks to protect important natural and historic sites and features as listed in Table 6.1 of the SLLDP from adverse impacts resulting from development, including cumulative impacts. The policy categorises each of the natural and historic environment designations within three distinct groups and are assessed in turn below.
- 6.12 Category 1 areas include Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) (Natura 2000 sites) where development will only be permitted where an appropriate assessment of the proposal demonstrates that it will not adversely affect the integrity of the site following the implementation of any mitigation

measures. The application site is not located within but is adjacent to the Muirkirk and North Lowther Uplands Special Protection Area (SPA). This SPA is classified for its breeding and wintering populations of hen harrier and breeding populations of merlin, peregrine, short-eared owl and golden plover. The Original Permission took cognisance of the site's proximity to this SPA and the setting up of a Habitat Management Group was required by condition to mitigate the turbines impact on the SPA. SNH do not consider the increase in turbine height adversely affecting the SPA subject to the replication of the previous mitigation that were conditions on the Original Permission.

- 6.13 SNH also advise that the site's proximity to the SPA requires an appropriate assessment under the Habitats Regulations to be carried out the Council with specific regard to the impact the development may have on the qualifying interests of this SPA (breeding and wintering hen harriers and breeding populations of merlin, peregrine, short-eared owl and golden plover). The applicant has provided data on the likely impacts of the development on the qualifying interests of the SPA as part of the planning submission and SNH are content with the information provided. It is considered that an increase in height of the turbines from 125m to 145m is unlikely to have any additional effect on the bird population of the SPA and therefore it is considered that the proposals would not adversely affect the integrity of the SPA. It is, therefore, considered that the Council have carried out an appropriate assessment of the proposals in relation to the qualifying interests of the SPA.
- 6.14 Category 2 areas include Scheduled Monuments and their setting, Category A listed buildings and their setting Gardens and Designed Landscapes and Historic Battlefields where development will be permitted where the objectives of the designation and the overall integrity of the area can be shown not to be compromised following the implementation of any mitigation measures. Any significant adverse effects must be clearly outweighed by social or economic benefits of national importance. The ES provides full details of the assessment of the proposed development on the historic environment in section 10. There are no scheduled monuments, listed buildings or Inventory Gardens and Designed Landscapes (GDL) within the application site. A cultural heritage assessment forms part of the planning submission and states that the increase in height will not have any additional impact upon any heritage designation given the distance of the site to the nearest designations. Historic Environment Scotland (HES) have no objections to the proposals. The turbine base locations remain as previously approved and therefore the previous archaeological assessment and Original Permission conditions are valid subject to the conditions being replicated on any new permission.
- 6.15 Other category 2 national designations include Sites of Special Scientific Interest (SSSI) and National Nature Reserve where development will only be permitted where an appraisal has demonstrated a) the objectives of designation and the overall integrity of the area will not be compromised; or b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. The site is adjacent to the Muirkirk Uplands Site of Scientific Interest (SSSI) which is designated for its blanket bog, wet and dry heaths and acid grassland and palaeontology. It is considered that an increase in turbine height would have no impact upon these features or hydrology. Category 2 land includes Prime agricultural land and also land of lesser quality that is locally important. The application site does not contain any prime agricultural land as identified in SLLDP Strategy Map. In addition, the water environment falls within the definition of category 2 national designations. The impact of the proposed development on the water environment has been assessed in terms of SLLDP Policy 17 below and finds there would be no adverse effect.

- 6.16 Category 3 areas include Category B and C listed buildings and their setting, Non-scheduled archaeological sites and monuments and Conservations areas where development which would affect these areas following the implementation of any mitigation measures will only be permitted where there is no significant adverse impact on the protected resource. Where possible, any development proposals which affect natural and historic designations should include measures to enhance the conservation value of the site affected. There are no listed buildings within the site boundary. The cultural assessment submitted as part of the planning submission carried out a predicted visibility study that demonstrates that no heritage assets within 5km of the application site would be impacted upon by the increase in turbine height. Historic Scotland has no objections to the proposals.
- 6.17 Special Landscape Areas (SLA) are included within category 3 local designations however the application site is not within any designated SLA. The nearest SLA is several kilometres to the east of the site (Douglas Valley SLA) and it is considered that the increase in turbine height would not be perceptible within the context of this SLA. In addition the proposed windfarm at Kennoxhead to the east of the site which was granted by the Scottish Government Energy Consents Unit comprised turbines with a maximum height to blade tip of 145m. This sets the context for the capacity of the landscape in this part of the Council's area to accommodate windfarm developments. The Environmental Report carried out a revised landscape and visual assessment which concurs with this. Therefore having considered the scale and location of the proposed amendments to conditions it is considered that it will not adversely affect the overall quality of any SLA designated landscape area. Category 3 local designations include peatland where development will only be supported where any significant adverse effects are clearly outweighed by significant social or economic benefits. It adds that renewable energy development will be assessed on the basis of the specific guidance on peat contained in the Renewable Energy Supplementary Guidance. Section 11 of the ES assesses Hydrology, hydrogeology and geology. The Original Permission contained conditions relating to the management and protection of peat. Again the increase in height would not have any additional impact on peat given the turbine bases are in the same location as the Original Permission. Finally category 3 local designations relate to core paths and rights of way. There are no rights of way or core paths that would be affected by the increase in turbine height. The Original Permission included paths and tracks that could be used by the public following construction of the wind farm and again these requirements would be replicated for any new permission.
- 6.18 Policy NHE 19 in the SG Natural and Historic Environment states that development which will have an adverse effect on protected species following the implementation of any mitigation measures will not be permitted unless it can be justified in accordance with the relevant protected species legislation. European Protected Species were assessed in the original ES and an update of this baseline information has been carried out through further protected species surveys to inform the Environmental Report submitted as part of this planning application. The surveys show that there are no additional protected species within the application site. The turbine bases and infrastructure approved through the Original Permission are not to be altered through this application and therefore the increase in turbine height would only have any additional impact on species such as bats and birds and not ground dwelling ones. The Environmental Report concludes that subject to the previously approved mitigation measures such as the Habitat Management Group and creating a 50m buffer between the turbines and tree canopies the increase in turbine height would not have any additional impact on protected species than the previous turbine heights. SNH are satisfied that surveys for habitats and species have been undertaken using the appropriate methodologies and agree with the conclusions of the Environment Report. It is considered that if all the Original Permission's wildlife

and habitat mitigation conditions are fully implemented there will be no additional adverse impacts on protected species. SNH consider the bird surveys to have been undertaken appropriately and confirmed there is no further significant impact on protected bird species and connectivity the Special Protection Area (SPA). On the basis of the above and subject to replication of the mitigation conditions being attached, the proposed amendments to conditions would be considered to comply with Policy NHE 19 protected species.

- 6.19 Policy 17: Water Environment and Flooding states that any development proposal which will have a significant adverse impact on the water environment will not be permitted. The water environment is made up of groundwater, surface water and watercourses. The SG on Sustainable Development and Climate Change contains guidance on the water environment, and the water environment falls under category 2 national designations within Policy 15 of the SLLDP. The increase in turbine height would not have any impact on the water environment. South Lanarkshire Council's Transportation Flooding Team have no objection to the proposals subject to the replication of previous drainage conditions. In the Original Permission a condition requiring the preparation of a Construction Environment Management Plan (CEMP), which would include surface water pollution prevention measures, peat management, and construction method statements, would be included. Thereafter the CEMP has to be approved by the Planning Authority in consultation with SEPA and implemented during construction, operation and decommissioning. On the basis of the above assessment it is considered that subject to replication of the previous CEMP and drainage conditions the proposal complies with Policy 17 Water environment of the SLLDP.
- 6.20 Policy 19: Renewable Energy states applications for renewable energy infrastructure developments will be supported subject to an assessment against the principles set out in the 2014 SPP, in particular the considerations set out at paragraph 169 and additionally for onshore wind developments the terms of Table 1: Spatial Frameworks. The policy also requires the Council to produce statutory supplementary guidance which accords with SPP. As noted above at paragraph 3.2.4, the Council has prepared SG on Renewable Energy (SG10). The proposed development will be assessed against Table 7.1 Assessment checklist for wind energy proposals which includes the Spatial Framework and the principles set out in paragraph 169 of SPP. Each is taken in turn below.
- 6.21 Policy RE1 Spatial Framework for Wind Energy requires applications for onshore wind turbine developments of a height to blade tip of 15m or over to accord with the Spatial Framework and to meet the relevant criteria set out in section 6 Development Management considerations and Table 7.1 Assessment checklist for wind energy proposals. The spatial framework identifies those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities. Table 4.1 of SG10 Renewable Energy sets out three groupings in relation to wind energy development. These are as follows:
- Group 1: Areas where wind farms will not be acceptable
  - Group 2: Areas of significant protection
  - Group 3: Areas with potential for wind farm development
- 6.22 Group 1 areas comprise of National Parks and National Scenic Areas (NSA). There are no National Parks or NSA that will be affected by the proposed development. Group 2 Areas of significant protection; SPP and SG10 recognise the need for significant protection of particular areas which include:
- National and international designations
  - Other nationally important mapped environmental interests

- Community separation for consideration of visual impact

National and international designations have been previously assessed above and it is considered that subject to conditions there are no adverse effects on national and international designations. Other nationally important mapped environmental interests include areas of wild land as shown on the 2014 SNH map of wild land areas and carbon rich soils, deep peat and priority peatland habitat. There are no areas of designated wild land within South Lanarkshire. SNH has prepared a consolidated spatial dataset of carbon-rich soil, deep peat and priority peatland habitats in Scotland derived from existing soil and vegetation data. There are no areas of carbon rich soils/peatland within the site boundary of the proposed development. The third criteria of the Group 2 Areas of significant protection relates to community separation for consideration of visual impact. This is defined by SPP as an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The 2km buffer zone around settlements is an indicative area in which potential developers will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. The separation is not a ban on wind energy development in the identified area. There are no settlements within 2km of the application site.

- 6.23 Within Group 3 Areas (with potential for wind farm development) SPP and SG Renewable Energy (SG10) states that beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria. Table 7.1 of SG10 sets out a series of considerations which are to be taken into account when assessing renewable energy proposals and these are in line with the considerations set out at section 169 of SPP.
- 6.24 Policy RE2 Renewable Energy Development replicates Policy RE1's requirement that applications for all renewable energy development will only be acceptable if they accord with the relevant guidance set out in section 6 and Table 7.1. Therefore, the development proposals are collectively assessed against the criteria of both policies as follows;

Impact on international and national designations.

National and international designations have been previously assessed above and it is considered that subject to replication of previous conditions there are no adverse effects on national and international designations.

Impact on carbon rich soils, deep peat and priority peatland habitat (CPP).

This has previously been assessed in paragraph 6.17 above.

Community separation for consideration of visual impact.

This is examined in detail in paragraphs 6.5.41 to 6.5.52 below.

Economic benefits.

This includes local and community socio-economic benefits such as employment, associated business and supply chain opportunities. It is considered that the increase in turbine height would have a neutral impact on the socio-economic benefits of the Original Permission.

The scale of contribution to renewable energy generation targets and effects on greenhouse gas emissions

The increase in height would increase renewable electricity generation and therefore the proposals will have a greater contribution to renewable energy generation than the Original Permission.



#### Effect on the natural heritage, including birds

Table 7 criteria 7a) South Lanarkshire Local Biodiversity Strategy, Local nature conservation designations, bird sensitivity, protected species and bats. This consideration has previously been assessed under Policy 15 Natural and historic environment of SLLDP above and it is considered that subject to replication of the Original Permission's conditions and mitigation measures the proposed amendments to conditions accord with the consideration set out in Table 7.1 criteria 7 a) of the SG and SPP regarding effects on the natural heritage, including birds.

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

The Original Permission required, through a planning condition, the submission of a HMP on the basis that potential impacts on biodiversity over the proposed wind farm's lifetime could be mitigated through the preparation and implementation of an approved HMP. It is considered that this condition would be replicated on any new planning permission if issued.

#### Landscape and visual impacts

It is considered that landscape designations, character and capacity are key considerations in considering the impact of wind farm and wind turbine proposals. The Council's landscape technical studies provide a comprehensive baseline for the assessment of wind farm and wind turbine proposals in South Lanarkshire. First the impact on landscape designation and character, and the capacity of the landscape to accommodate the proposed development is assessed below. Secondly the visual impact is assessed followed by the impact on visual residential amenity. The assessment takes into account cumulative impacts. SPP makes reference to wild land which is a consideration when assessing landscape impacts. There are no areas of designated wild land within South Lanarkshire and there will be no impact on areas of wild land outwith South Lanarkshire from the proposed development. As previously noted, this is a Section 42 application to amend/vary conditions attached to a planning permission. The landscape and visual assessment is therefore not solely related to the impact of a scheme for 9 No. Turbines but is instead an assessment on the impacts the increase in turbine height would have compared to the previously approved Original Permission (maximum height of 125m); and whether the proposed amendments would result in additional significant, adverse visual effects that would not allow an amended permission to be issued.

The impact on the nearest landscape designation, in this case the Douglas Valley SLA, has been assessed above and it concludes the proposed development will not adversely affect the overall quality of the SLA's designated landscape area. Section 3 of the Environmental Report contains a Landscape and Visual Impact Assessment (LVIA) submitted as part of the planning submission. The proposed development is located within Rolling Moorland and Plateau Moorland landscape character types (LCT) with the 6 South Lanarkshire turbines located in the Rolling Moorland LCT. The LVIA finds that the landscape sensitivity for wind turbines is low/medium. South Lanarkshire's Landscape Capacity for Wind Turbines 2016 provides guidance on the individual and cumulative landscape impact of wind farm and wind turbine developments in the moorlands. The Original Development (and therefore this application) is located within an area that is currently identified to be of medium sensitivity and medium landscape value in relation to wind turbine development. A cumulative visual assessment of wind farms in the surrounding area has been carried out within the LVIA but again in the context solely in relation to the increase in height of the turbines given an approval already exists for the development.

The 6 turbines within South /Lanarkshire are located on undulating ground between approximately 380m and 440m above Ordnance datum (AOD) and therefore comparative heights of the turbines are not easily recognised or appreciated. The rolling aspect of the landscape does not provide natural features on which turbine heights can be compared to and therefore it is considered that the increase in height of turbines will not be perceptible within the wider landscape. This and the low/medium sensitivity for wind development in the landscape therefore leads to the consideration that the increase in turbine height shall not have any additional adverse landscape and visual impact upon the landscape than that already approved. SNH advise that in their view the increase in height of the turbines would not have any additional landscape and visual impact. There are no communities within 2km of the proposals and therefore the increase in height of the turbines will not introduce any residential visual impact issues.

In addition, the proposed windfarm at Kennoxhead to the east of the site which was granted by the Scottish Government Energy Consents Unit comprised turbines with a maximum height to blade tip of 145m. This sets the context for the capacity of the landscape in this part of the Council's area to accommodate windfarm developments. Taking into account the above assessment, the assessment in the Environmental Report, SNH comments and the existing operational and consented developments, as well as the context of the impact of the Original Permission, it is considered that in terms of landscape and visual and cumulative effects the amendments to conditions are acceptable.

Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker.

The impact of the proposed development on communities and individual dwellings requires to be assessed in relation to criteria 10 of Table 7 of SG. Criteria 10 contains 3 considerations which are; residential visual amenity, noise and shadow flicker. A noise assessment has been submitted as part of the planning submission. The assessment demonstrates that acceptable noise emission limits can be met. Environmental Services raise no issues with the assessment and consider appropriate conditions can be attached which require the noise limits to be validated, if consent is granted to ensure the required levels are met. In addition a suitable condition will be attached, if approval is granted, to address the required procedure in the event of there being a noise complaint from the proposed development. Due to the application site being 3.2km away from the nearest residential property, shadow flicker is assessed as not being a concern with the increased height of the turbines. Environmental Services have no issues regarding this approach. Therefore it is considered that individual properties would have no adverse significant effects and it is concluded that the proposed development complies with criteria regarding the impact on communities and individual dwellings.

Impacts on carbon rich soils and peat, using the carbon calculator.

This has previously been assessed in paragraph 6.17 above.

Impact on Public Access.

As assessed earlier in this section it is considered that the increase in turbine height would not impact on public access.

Impacts on the historic environment.

A detailed assessment of the impact of the increase in turbine height on the historic environment is set out above. On the basis of the above assessment it is considered that subject to conditions the proposed development accords with the consideration set out at criteria 13 of Table 7 of the SG Renewable Energy.

#### Impacts on tourism and recreation.

It is considered that an increase in turbine height would not have any additional impact upon tourism or recreation within the local area.

#### Impacts on aviation and defence.

NATS Safeguarding has no objections to the proposed amendments to conditions subject to the replication of their conditions from the Original Permission. The Ministry of Defence (MOD) does not object to the proposals subject to the replication of their conditions from the Original Permission. On this basis it is considered that a technical solution is established with NATS and MOD and appropriate conditions can be attached if planning consent is granted.

#### Impacts on transmitting or receiving systems.

Adverse effects with regard to television and radio interference, as a direct effect of the proposed development, can be resolved through technical solutions. Appropriate conditions shall be attached if consent is granted.

#### Impact on road traffic and on trunk roads.

The Original Permission was subject to a legal agreement to account for the route and any potential damage to public roads and structures the abnormal loads transporting the turbines to site may have created. The increase in turbine height results in their still being a requirement for abnormal load transportation of turbines and therefore the requirement for a new legal agreement for these issues forms part of the recommendation.

#### Impacts on hydrology, water environment and flood risk

On the basis of the assessment of the impact of the proposals on these features it is considered that subject to conditions and mitigation measures the proposed development accords with the consideration of effects on hydrology, the water environment and flood risk.

#### Decommissioning and restoration.

This consideration requires a plan for decommissioning and restoration of the proposed development to be robust; and any consent granted will require a decommissioning and restoration condition attached. The Original Permission had conditions requiring a decommissioning and restoration plan to be submitted to the Council no later than 5 years prior to the end of consent and a condition to secure a decommissioning bond that satisfies the Council's requirements. On the basis the above requirements can again be secured through conditions if consent is granted, the proposed development complies with criteria 19 and 21 of Table 7 of the SG Renewable Energy.

#### Opportunities for energy storage.

The proposed development does not include opportunities for energy storage and therefore is not assessed.

#### Site decommissioning and restoration bond.

As noted above there is a requirement for decommissioning and restoration bond or financial guarantee to be put in place to meet all the expected costs of the proposed decommissioning and restoration phase. The bond or guarantee will have to satisfy the Council's criteria.

#### Forestry and woodland removal.

The increase in turbine height does not affect the approved forestry/ woodland plan and therefore replication of this condition results in compliance with this criteria.

#### Impact on Prime Agricultural Land.

There is no Prime Agricultural Land within the application site.

#### Borrow pits.

Criteria 24 of Table 7 of SG Renewable Energy requires borrow pits associated with windfarms to comply with the requirements in paragraph 243 of SPP. No additional borrow pits are proposed as part of these proposals.

#### Environmental Protection

Criteria 25 of Table 7 of SG Renewable Energy requires that all appropriate authorisations or licenses under current environmental protection regimes must be obtained. Developers are required to ensure there is no impact on waste water and/or water assets which are above and/or underground in the area that may be affected by the proposed development. A condition requiring the submission and approval by the Planning Authority in consultation with SEPA and SNH of a Construction Environmental Management Plan (CEMP) including site specific Construction Method Statement, Site Waste Management Plan (SWMP), Pollution Prevention Plan and surface water management plan therefore requires to be attached to the consent if granted.

#### Notifiable installations and exclusion zones

There are no notifiable installations and exclusion zones in or adjacent to the site.

#### Mitigation

Criteria 27 of Table 7 of SG Renewable Energy requires the developer to demonstrate that appropriate mitigation measures will be applied. As referenced throughout the report the application was submitted with a robust ES containing appropriate mitigation measures which have been conditioned as part of the recommendation where required.

#### Legal agreement

Criteria 28 of Table 7 of SG Renewable Energy requires, where appropriate the Council to enter into a legal agreement to address matters that cannot be controlled by planning condition. In this instance a legal agreement to secure a community benefit payment, a Planning Monitoring Officer, Ecological Clerk of Works and for control over turbine transportation, and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements will be required to be entered into if planning permission is granted.

#### Environmental Impact Assessment (EIA)

Criteria 29 of Table 7 of SG Renewable Energy requires all applications for all renewable energy developments which fall within the scope of the Environmental Assessment Legislation to be accompanied by an Environmental Statement. As noted in paragraph 3.3.2 the proposals constitute development that falls within the scope of the Environmental Assessment Legislation and as referenced throughout Section 6 of this report an Environmental Statement accompanied the planning application submission.

## **6.6 Conclusion**

- 6.6.1 The key issue in determining this application is whether the increase in the maximum turbine height from 125m as per the original consent to 145m now proposed is acceptable. A detailed assessment against development plan policy and supplementary guidance has been carried and it is concluded overall that the increase in height would accord with the assessment criteria and would not have any significant, additional impact on the landscape and environment subject to the

replication of the Original Permission's mitigation conditions. The minor changes to other conditions proposed in the application also raise no issues. It is, therefore, recommended that the section 42 application be granted subject to the conclusion of a legal agreement to address the issues set out on the front page of the report.

## **7 Reasons for Decision**

- 7.1 The proposals to vary conditions 1, 8, 9, 17, 18, 20, 32, 35, 36 and 45 of planning permission Ref: CL/08/0727 are considered acceptable and the updated suite of approved documents appropriate. The increase in turbine height is considered to not have any significant, adverse impact in relation to the previous planning approval and accord with National Policy and the relevant provisions of the Development Plan subject to the imposition of the attached environmental conditions as allowed under Section 42 of the Town and Country Planning Act (Scotland) 1997 as amended.

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

Date: 12 November 2018

### **Previous references**

- ◆ None

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 26 April 2018
  
- ▶ Consultations
  - Roads Transportation Services Bridges Structures Section
  - Douglas CC
  - Roads Flood Risk Management 10.05.2018
  - CAA
  - Scot Wildlife Trust
  - Countryside And Greenspace
  - Env Services Econsult
  - RSPB Scotland
  - MoD (Windfarms) 04.05.2018
  - Arquiva
  - Transport Scotland 17.05.2018
  - Scottish Water 01.05.2018
  - West Of Scotland Archaeology Service
  - SP Energy Network 08.05.2018

NATS	03.05.2018
Roads Development Management Team	
SGN	30.04.2018
BAA Glasgow	21.05.2018
SEPA West Region	
Ofcom	
Forestry Commission Central Scotland Conservancy	10.05.2018
HES	21.05.2018
Prestwick Airport	14.05.2018
SNH	
East Ayrshire Council	24.05.2018

#### **Contact for further information**

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

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Phone: 01698 455903

Email: [james.wright@southlanarkshire.gov.uk](mailto:james.wright@southlanarkshire.gov.uk)

**Conditions and reasons**

01. That the development is carried out strictly in accordance with the terms of the application and the Environmental Report (March 2018) and approved Environmental Statement and Supplementary Environmental Information associated with Ref: CL/08/0727, including all mitigation and monitoring measures stated in all said documents, subject to any requirements set out in these conditions. Any proposed deviation from the detail provided within these documents, must be submitted to and approved in writing by the Planning Authority before the works described therein are undertaken.

Reason: To ensure compliance with all commitments made in the Environmental Report (March 2018).

02. That consent is granted for a period from the date of this consent until 25 years from the date of final commissioning of the development. No later than 5 years prior to the end of said 25 year period, the decommissioning scheme referred to in condition 31 of this consent shall be submitted to and approved in writing by the planning authority. Written confirmation of the date of commencement of Phase 1 felling and thereafter the date of commencement of development shall be supplied in writing to the Planning Authority and the date of commencement of the development shall be no later than 5 years from the date of this consent.

Reason: In order to define the terms of the permission and retain effective planning control.

03. At least one month prior to the commencement of the development, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the planning authority. Such guarantee must:-
- i. be granted in favour of the planning authority
  - ii. be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
  - iii. be for an amount which covers the value of all site restoration and aftercare liabilities as determined by the planning authority at the commencement of development
  - iv. contain provisions so that all the site restoration and aftercare liabilities as determined at the commencement of development shall be increased on each fifth anniversary of the date of this consent.
  - v. come into effect on or before the date of commencement of development, and expire no earlier than 24 months after the end of the aftercare period.

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

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

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

04. A minimum of 2 months prior to the commencement of the development a Desk Study of the whole site, including the confirmed Borrow Pit location, shall be undertaken to confirm that there has been no previously potentially contaminating use of land. If any such previous usage is confirmed then a Phase 2 intrusive investigation and risk assessment is required. This shall detail any methods of proposed remediation required. This shall be submitted to the Planning Authority for prior approval and thereafter implemented within the timescales set out. The developer shall undertake intrusive site investigations to identify the availability of suitable stone material from the proposed borrow pit on site and submit this information to the planning authority. All imported material that is required to be brought onto site shall be accompanied by certification from a suitably U.K.A.S accredited laboratory to confirm that it is free from contamination. If any off-site borrow pit(s) are proposed, information relating to the quantities, proposed vehicle trips and delivery routes between the proposed borrow pit site(s) and the wind farm site shall be submitted to the Planning Authority. Should these routes not be covered by the abnormal load route assessment approved for this application the developer will be required to provide an amended abnormal load route assessment to reflect any changes. Thereafter the changes require to be adhered to and implemented.

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

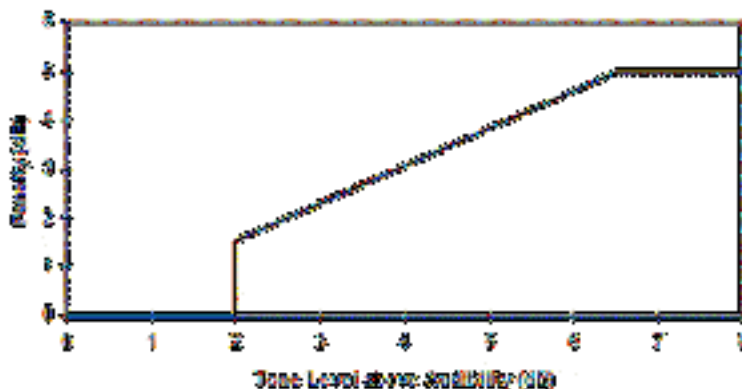
05. Noise Immission

The noise from the wind turbines must not exceed a noise level of 35dB measured as an LA90,10 min or background Level measured as an 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 10 metres per second as measured within the site.

The emissions from the development shall not contribute to the cumulative noise levels at any receptor (<0.3dB) as detailed within section 1.4 of document 3055-N02-EXT3, 20th December 2017 submitted in support of the application.

Reason: In order to retain effective planning control and to safeguard the noise amenity of local residents in accordance with ETSU-R-97

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



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.



Reason: In order to retain effective planning control and to safeguard the noise amenity of local residents in accordance with ETSU-R-97

07. At the reasonable request of the Planning Authority and following a complaint to it relating to noise imissions arising from the operation of the wind turbine or wind farm, the wind turbine operator shall appoint an independent noise consultant, whose appointment shall require to be approved by the Planning Authority, to measure the level of noise imission 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 turbine 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, is found to be in breach of the noise limits the wind turbine operator shall carry out mitigation measures to remediate the breach so caused. Details of any such mitigation measures required are to be submitted to the Planning Authority for prior approval. In the event of amplitude modulation being established, the wind turbine operator shall implement suitable mitigation consistent with best available technology to the satisfaction of the Planning Authority. At this time this would be in keeping with the Institute of Acoustics, IOA Noise Working Group (Wind Turbine Noise) Final Report, A Method for Rating Amplitude Modulation in Wind Turbine Noise, 9 August 2016, Version 1. Thereafter the approved mitigation measures require to be implemented within the timescales agreed.

Reason: In order to retain effective planning control and to safeguard the noise amenity of local residents in accordance with ETSU-R-97

08. Construction Works

All construction work associated with the development must be carried out in accordance with the current BS 5228, 'Noise control on construction and open sites' and all audible construction activities shall be limited to:

Monday to Friday 7.00am to 7.00pm,

Saturday 7.00am to 4.00pm;

With no audible activity taking place on Sunday, local and national bank holiday. Outwith these periods, works at the site shall be limited to emergency works and dust suppression, unless otherwise approved in writing by the local planning authority. The local planning authority shall be informed in writing of emergency works within three working days of occurrence.

b) Subject to condition 5, any noise solely attributable to construction noise (where borrow pits are not operational) should not exceed 65dB(A) LAeq to include both stationary and mobile plant as described within Annex F- Code of practice for noise and vibration control on construction and open sites - Part 1: Noise (BS 5228-1:2009)

Reason: To minimise disturbance to residents in the vicinity of the wind farm.

09. Blasting

No blasting shall take place until such time as a blasting method statement has been submitted to and approved in writing by the Planning Authority.

The method statement shall include details of measures required to minimise the impact of blasting on residential and other noise-sensitive properties in the vicinity of the site. It shall also include the following measures:

- Blasting shall be carried out using the best practicable means of ensuring that the resultant noise, vibration and air overpressure are minimised;
- Blasting techniques and instantaneous charge levels shall be employed such that the predicted peak particle velocity shall not exceed 6 mm/s in any plane in 95% of all blasts, and no individual blast shall exceed a peak particle velocity of 12 mm/s as would be measured on the ground adjacent to any vibration-sensitive building;
- Under normal atmospheric conditions, the peak linear overpressure level shall not exceed 120dB as measured from any neighbouring noise sensitive premises;
- Within the constraints of safe practice, blasting shall be avoided under weather conditions which are likely to direct or focus the blast air overpressure towards neighbouring noise sensitive properties
- Blasting shall thereafter be carried out in accordance with the approved method statement, unless otherwise agreed in writing with the Planning Authority.

No blasting shall take place except between the following times:-

10.00 - 16.00-Mondays to Fridays and;

10.00- 12.00 Saturdays, with no blasting taking place on a Sunday or on national public holidays, unless otherwise agreed in advance in writing by the Planning Authority.

Reason: To minimise disturbance to residents in the vicinity of the wind farm.

10. That at times during which the Borrow Pit is operational, then the noise levels at the nearest noise sensitive properties shall be restricted to 65dB LAeg (1hr) or background LA90 (1hr) + 10dBA, whichever is the greater, and any general construction noise, which is ongoing simultaneously with the Borrow Pit operation, shall be considered as Borrow Pit noise.

Reason: In order to retain effective planning control and to safeguard the noise amenity of local residents

11. Prior to commencement of development details of the following items should be submitted to and agreed in detail with the Council as Roads Authority [also in conjunction with Transport Scotland, as Trunk Roads Authority, regarding item a)], and implemented on site as required in accordance with the approved drawings and programme.
- a) Junction alteration work at A70 to site access entrance (former coal access)
  - b) At the site access visibility splays of 4.5m by 215m be provided with the A70.
  - c) Site compound to provide sufficient parking and a turning area to ensure all vehicles exit in a forward gear.

Reason: In the interests of road safety

12. Prior to commencement of development works the developer shall submit a detailed Traffic Management Plan (TMP) for the written approval of the Council as Roads

Authority, and thereafter adhere to and implement the TMP within the timescales set out. The TMP shall be produced in consultation with Roads & Transportation Services and Police Scotland and include a programme indicating phasing of construction of the project. The developer shall also submit a Travel Plan as part of their TMP, to encourage less reliance on individual private car trips to the site for those personnel involved in construction activities on a routine basis and also for those attending through the course of site inspections and site meetings. No works shall commence on site until such times as the TMP has been approved in writing by the Council as Roads Authority.

Reason: In the interests of road safety and in order to retain effective planning control

13. The developer shall notify the Council in writing, as soon as reasonably practical, of any changes in construction and decommissioning related activities where these will have an impact on the approved TMP. The developer will consult with the Council and Police Scotland to agree in writing any changes to the TMP, and thereafter adhere to and implement the agreed changes within the timescale set out.

Reason: In the interests of road safety and in order to retain effective planning control

14. The developer shall undertake all work associated with the approved planning consent and any subsequent amendments in accordance with the approved TMP. All specialist wind turbine components shall be delivered to site in accordance with the approved TMP and Abnormal Load Route Assessment.

Reason: In the interests of road safety and in order to retain effective planning control

15. At least 3 months prior to the delivery of abnormal loads the developer will undertake an Abnormal Load Route Assessment (ALRA) which shall include a test run and submit a report describing the outcome of the ALRA together with any recommendations for the written approval of the Council as Roads Authority and in consultation with Transport Scotland. The ALRA shall include details of a public relation strategy to inform the relevant communities of the programme of abnormal deliveries. The recommendations shall thereafter be implemented in accordance with a programme to be approved by the Planning Authority and shall be implemented prior to the delivery of the abnormal loads.

Reason: In the interests of road safety and in order to retain effective planning control

16. That prior to commencement of internal wind farm works a full Safety Audit for all infrastructure to be constructed and adopted, or altered, on the public road, undertaken in accordance with the Institute of Highways and Transportation Guidelines, shall be submitted to and approved by the Planning Authority in consultation with the Roads Authority.

Reason: In the interests of road safety and in order to retain effective planning control

17. No later than 2 months prior to commencement of development a Construction Environmental Management Plan (CEMP) including Peat Management Plan, Peat Slide Risk Assessment, Site Waste Management Plan and Ground Water and Surface Water Management Plan shall be submitted to and approved by the Planning Authority in consultation with SEPA and SNH. 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 ES and SEI supporting the application. Thereafter, all the measures described in the approved CEMP shall be implemented within the timescales set out.

If, during construction works, the CEMP requires to be modified this shall be agreed in writing with the Planning Authority, SEPA and SNH, and thereafter implemented within the timescales set out.

The CEMP 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 SNH and SEPA guidance.
- j) A management plan for minimizing the emission of dust from the construction and operation of the development.
- k) 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.
- l) A scheme of working for the borrow pit including method of works, drainage, implementation and restoration and aftercare.
- m) Compliance with the Council's Sustainable Drainage Systems 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 4.
- n) 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.
- o) Peat Management Plan (PMP) - a PMP shall be submitted to and approved by the Planning Authority in consultation with SEPA and SNH and thereafter all work will be carried out in accordance with the plan within the required timescales. The PMP shall be in accordance with SEPA current guidance on development on peat.
- p) Peat Slide Risk Assessment (PSRA) - a PSRA that describes how important areas of peat will be protected during construction and thereafter the approved measures shall be undertaken in accordance with the terms of the approved assessment. The assessment should be carried out in accordance with current best practice.

Reason: To minimise environmental impact and in order to retain effective planning control.

18. Continuation of condition 17. The CEMP shall include the following:

- q) Site Waste Management Plan (SWMP) that sets out the management of waste from the site in accordance with SEPA guidelines and sets out timescales for implementation.

- r) A description of and measures to mitigate impact on surface water courses and the hydrology.
- s) 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. SEPA's current guidance on construction of river crossings and good practice advice for selecting and installing watercourse crossings shall be adhered to.
- t) 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 high periods of high rainfall.
- u) Timing and extent of any necessary re-instatement.
- v) 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 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.
- w) Best practice mitigation for pollution prevention and Forest and Water Guidelines published by the Forestry Commission.
- x) Ground Water and Surface Water Management Plan shall be submitted to and approved by the Planning Authority in consultation with SEPA. The Management Plan is to include a risk assessment and provisions for monitoring as required. The scope of groundwater monitorings shall be informed, but not limited to, by the results of ground investigation works. All works require to be carried out by component qualified professional. The methodology of such monitoring including locations frequency, gathering of information baselines 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.
- y) A monitoring plan shall be submitted to the Planning Authority setting out steps that shall be taken to monitor 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 frequency, gathering of information on background levels, etc shall be submitted to the Planning Authority for approval 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 a 6 monthly basis, or on request.
- z) Private Water Supplies (PWS) - all PWS to be identified within 1km radius of the site and shall be appropriately assessed in terms of the likely impact on the PWS from construction work.

Reason: To minimise environmental impact and in order to retain effective planning control.

19. A minimum of 2 months prior to the construction of the borrow pit and once ground investigation is complete, hydrology and hydrogeology information requires to be submitted to and approved by the Planning Authority in consultation with SEPA. Thereafter any required works will be carried out strictly in accordance with the approved mitigation measures and timescales set out.

Reason: In order to retain effective planning control.

20. Each turbine shall be erected in the position indicated (CL/08/0727 ES Amendment - Figure 1.2 Site Layout). A variation of the indicated position of any turbine or other development infrastructure detailed on the approved drawing shall be notified on the following basis: (a) if the variation is less than 25 metres it shall only be permitted following the approval of the Ecological Clerk of Works (ECoW) in consultation with the Council, as Planning Authority (b) if the variation is of between 25 metres and 50 metres it shall only be permitted following written approval of the Planning Authority in consultation with the Council's Environmental Services, SEPA and West of Scotland Archaeology Service. The said provisions relating to variation shall not have the effect such that any variation will:
- bring a turbine any closer to an uninvolved property than is already approved
  - bring a turbine outwith the planning application boundary.
  - breach the 50m water buffer zones

Reason: In order to retain effective planning control.

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

Reason: In the interests of retaining effective planning control.

22. That during the construction of the development:-
- a) All works shall be carried out in a manner consistent with The Water Environment (Controlled Activities) (Scotland) Regulations 2005
  - b) No work shall be undertaken within a 20 m buffer zone surrounding all watercourses and known functioning drains, with the exception of access route crossings, unless otherwise agreed in writing with the Planning Authority.
  - c) Track layout shall minimise disruption to water courses
  - d) Existing drainage routes shall be maintained through sensitive placement of soil heaps and where necessary temporary drains.
  - e) Silt traps shall be provided on all existing drainage routes affected by site works.
  - f) Bridge crossings across watercourses should, where possible, be used instead of culvert designs where existing culverts do not already exist or require to be upgraded; and/or where CAR authorization cannot be achieved for new culverts. Bridge crossings and culvert design shall be put forward and agreed in writing with the planning authority in consultation with SEPA.
  - g) Any disturbance of watercourses shall be minimised utilising cofferdam temporary works.
  - h) Cable trenches shall only be constructed in limited sections to reduce drainage of groundwater and prevent additional drainage routes being created.
  - i) Cable trenches shall be plugged to prevent the creation of new drainage paths.
  - j) The scheduling of works shall minimise disruption and working within wet weather
  - k) Temporary works interception drains shall be constructed to prevent potential contamination of runoff and groundwater
  - l) Stockpiling of materials on wet ground and near drainage channels shall not take place, unless agreed in writing with the Planning Authority
  - m) Backfilled trenches shall be re-vegetated
  - n) Temporary silt traps shall be constructed to treat runoff
  - o) Sulphate resistant concrete shall be used to prevent leaching of chemicals.

Reason: In the interests of the water environment.

23. No part of any turbine shall be erected above ground until a Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and approved in writing by

South Lanarkshire Council in order to avoid the impact of the development on the Primary Radar of the Operator located at Lowther Hill and associated air traffic management operations.

Reason: In the interests of aviation safety.

24. No blades shall be fitted unless and until the approved Primary Radar Mitigation Scheme has been implemented and the development shall thereafter be operated fully in accordance with such approved Scheme.

For the purpose of conditions 23 and 24 above;

"Operator" means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act).

"Primary Radar Mitigation Scheme" or "Scheme" means a detailed scheme agreed with the Operator which sets out the measures to be taken to avoid at all times the impact of the development on the Lowther Hill primary radar and air traffic management operations of the Operator.

Reason: In the interests of aviation safety.

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

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

26. Prior to delivery of turbines details of the confirmed turbine layout height and manufacture, including illustrations as well as details of size, shall be submitted to, and approved in writing by, the Planning Authority. The turbines:

- i) Shall have a light grey colour with a semi matt finish as stated in the ES.
- ii) Shall have blades that rotate in the same direction.
- iii) Shall have no large 'logos' or other symbols or writing unless for reasons of health and safety or as agreed in writing by the Planning Authority.

Only the approved type shall be installed.

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

27. The development site shall not be illuminated by lighting unless:
- a) the Planning Authority has given prior written approval
  - b) lighting is required during working hours which has been approved by the Planning Authority; or
  - c) an emergency requires the provision of lighting

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

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

Reason: In the interests of environmental impact and controlling the use of salts and chemicals.

29. One month prior to Phase 1 felling and three months prior to the commencement of the development, an Ecological Clerk of Works (ECoW) shall be in place. The Planning Authority shall approve the ECoW for the period from prior to commencement of development to final commissioning of the development. The scope of work of the ECoW shall include:
- Monitoring compliance with the ecological mitigation works that have been approved in this consent, including the mitigation measures identified in the ES and SEI and the Habitat Management Plan;
  - Advising the developer on adequate protection of nature conservation interests on the site;
  - Directing the micro-siting and placement of the turbines, borrow pits, bridges compounds and tracks and,
  - Monitoring compliance with the Construction Environmental Management Plan and Method Statement required by condition 17 and 18.

Reason: In the interests of habitat management and protected species.

30. A minimum of 6 months prior to the commencement of decommissioning an Ecological Clerk of Works (ECoW) shall be appointed by the Company and approved by the Planning Authority after consultation with SNH until the completion of aftercare or such earlier date as may be agreed in writing by the Planning Authority. The scope of work of the ECoW shall include those elements identified in condition 29 with the exception of the third and fourth bullet points of that condition.

Reason: In the interests of environmental management.

31. 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 farm and the restoration of the application site for the approval of the Planning Authority in consultation with SEPA and SNH. Additional consultation will be carried out to ensure that it takes into account changes in the environmental conditions, laws and techniques over the anticipated 25 year operational period. 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. The approved Decommissioning Plan and Method Statement shall be implemented and the works monitored by an ECoW.

Reason: In the interests of restoration.

32. No fixed or mobile plant used within the site during the construction period shall incorporate bleeping type warning devices that are audible at any noise sensitive receptor, unless agreed in advance and in writing by the Council, as Planning Authority. Details of alternative warning devices shall be submitted to and approved in writing by the Council as Planning Authority prior to development starting on site.



Efficient silencers shall be fitted to, used and maintained in accordance with manufacturers' instructions on all vehicles, plant and machinery used on the development site.

Reason: To minimise adverse impacts on any noise sensitive receptors in the vicinity of the site.

33. At least one month prior to the commencement of development the developer shall submit for the Council's approval in consultation with West of Scotland Archaeology Service an archaeological mitigation strategy. Thereafter the developer shall ensure that the approved strategy is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In the interests of archaeology.

34. No later than 12 months after Phase 1 felling and three months prior to the commencement of the development is started the Habitat Management Plan shall be prepared in consultation with the Council's Local Biodiversity Officer, RSPB, SEPA, SNH and FCS, and submitted to the Planning Authority for approval. Thereafter all works shall be implemented strictly in accordance with the terms of the approved HMP within the timescales set out in the approved HMP. The finalised HMP is required:
- to support and commit to the restoration objectives in the HMP
  - to ensure that the use of forestry wastes at the site take due cognisance of the 'Joint Position Statement and Guidance' document for the use of trees cleared to facilitate development on afforested land
  - to set out monitoring of ornithological and habitat
  - to set out long term management for the HMP area relating to the positive habitat management for upland moorland species including the restoration/enhancement of heathland, establishment of areas of native broadleaved woodland, including riparian woodland, and restoration woodland edge.

Reason: In the interests of habitat management.

35. The Company shall within one month following the date of Commissioning invite the Planning Authority, SNH and RSPB to participate with them in a Habitat Management Group (HMG). The purpose of the HMG will be to oversee the delivery of the HMP and to review and assess the results from on-going monitoring. The HMG shall have the power to review the terms of the HMP but changes to the HMP shall only take effect once approved in writing by the Planning Authority. 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 mitigation 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 impacts on species and maintain effective planning control.

36. That no part of any turbine blade shall be closer than a minimum of 50m from the nearest woodland (forest edges) unless otherwise agreed in writing with the Council,

as Planning Authority in consultation with SNH and that a European Protected Species licence has been obtained from SNH if required.

Reason: To safeguard impacts on species and maintain effective planning control.

37. Prior to commencement of development (including the felling of timber) a pre-construction survey for red squirrel shall be submitted to and approved by the Planning Authority in consultation with SNH. Thereafter any required works will be carried out in accordance with the approved mitigation measures and timescales set out. Should any red squirrels dreys be recorded within the trees to be felled, a licence shall be obtained from SNH prior to felling taking place.

Reason: In the interests of habitat management.

38. Not more than 3 months prior to commencement of development a pre-construction survey for otter, badger and water vole shall be submitted to and approved by the Planning Authority in consultation with SNH. Thereafter any required works will be carried out in accordance with the approved mitigation measures and timescales set out. Should any otter, badger and/or water vole be recorded a licence shall be obtained from SNH prior to works commencing.

Reason: In the interests of habitat management and protected species protection.

39. Prior to commencement of development a Deer Management Plan shall be submitted to and approved by the Planning Authority in consultation with SNH. Thereafter any required works will be carried out in accordance with the approved mitigation measures and timescales set out.

Reason: In the interests of species protection.

40. Prior to development commencing on-site, details of materials, external finishes and colours for all ancillary elements (including access tracks, transformers, switchgear/metering building, compound, and fencing) shall be submitted to and approved in writing by the Planning Authority. If required by the Planning Authority, samples of materials shall be provided and only materials approved by the Planning Authority shall be used.

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

41. Prior to commencement of development unless otherwise agreed by the Planning Authority detailed plans a method statement, including a timetable for restoration of the borrow pit, construction compound and hard standing areas shall be submitted to, and approved in writing by the Planning Authority, in consultation with SNH. The approved plans shall be implemented in accordance with the approved timetable within 6 months of final commissioning of the development unless otherwise agreed by the Planning Authority to the satisfaction of the Planning Authority.

Reason: In order to retain effective planning control.

42. Within 24 months of the end of the period of this consent (unless a further consent is granted) all wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site and the land shall be restored and subject to aftercare, in accordance with the Restoration Plan and Aftercare Scheme referred to in Condition 31.

Reason: In the interests of restoration.

43. Prior to the erection of any turbines, the requirement to meet MOD aviation lighting shall be submitted to, and approved in writing by the Planning Authority, in consultation with MOD, thereafter implemented and maintained over the life of the wind farm. Turbines are to be fitted with 25 candela omni-directional red lighting or infrared aviation lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point or as agreed in writing with MoD. The developer shall provide the MoD with the 'as built' turbine locations.

Reason: In the interests of aviation safety.

44. Where a complaint of deterioration in television signal is received by the Local Authority or applicant the wind farm operator shall undertake appropriate investigations as agreed in writing with the Local Planning Authority to confirm the deterioration and occurrence within 1 month of the complaint or otherwise agreed in writing with the Local Planning Authority. If the applicant's wind turbines are deemed to be the cause of the deterioration of television signal the applicant will implement within 2 months of the complaint or otherwise agreed with the Local Planning Authority, an agreed technical mitigation measure with the Local Planning Authority to prevent any re-occurrence.

Reason: In order to retain effective planning control.

45. The developer shall be responsible for any alterations required to statutory undertaker's apparatus solely in relation to the construction, operation or decommissioning of the development, hereby approved.

Reason: To safeguard impacts on species and maintain effective planning control.

46. Prior to the commencement of the development Bridge Assessments require to be submitted to and approved by South Lanarkshire Council for the bridges on the approved route and any remedial works implemented in accordance with a programme, to be approved by the Planning Authority prior to work commencing on site (with the exception of Phase 1 tree felling). These assessments shall be in accordance with the Design Manual for Roads and Bridges and shall include the full Technical Approval process, the assessment, the assessment check appropriate to the category of structure, assessment certificate, assessment check certificate appropriate to the category of structure and preparation of the assessment report. Preliminary results shall be submitted to South Lanarkshire Council for approval before finalising the report.

Reason: In the interests of road safety.

47. Prior to commencement on site, if a bridge has been assessed as not capable of carrying the proposed loads then these loads shall not cross the bridge until remedial measures have been approved by the Council and completed.

All remedial measures will be carried out in accordance with the Design Manual for Roads and Bridges and the relevant Eurocodes. This will include the full Technical Approval process, the design, the design check appropriate to the category of structure, design certificate, the design check certificate appropriate to the category of structure and the procurement of the physical works through to completion on site. South Lanarkshire Council will be the Technical Approval Authority.

Reason: In the interests of road safety.

48. All of the bridges on the approved route will be monitored for defects during the period that the loads are transported in accordance with the Design Manual for Roads and Bridges with Principal Inspections being carried out jointly between the applicant and South Lanarkshire Council on the occasions detailed below;-
- (i) Prior to the transportation of the first load
  - (ii) At four weekly intervals for the duration of the contract
  - (iii) After the transportation of the last load

Following the first inspection a report will be prepared by the applicant for each bridge and will include a full description of the condition of all the bridge elements. The type and extent of any defects will be clearly marked on drawings and supported by photographs. This report will form the basis for the defects monitoring regime and will be updated after every inspection.

If, during an inspection, a defect is observed that gives the Council cause for concern no further loads will be permitted to cross the bridge until the issue has been resolved by the applicant to the satisfaction of South Lanarkshire Council.

Reason: In the interests of road safety.

49. Any proposals, including calculations, for a bridge requiring to be overlaid with a steel plate or similar to ensure that the load exerted on the structure does not exceed that from normal Construction and Use Vehicles will be forwarded by the applicant to the Council for approval prior to loads being transported over the bridge.

These loads must cross the bridge at a maximum speed of 5mph. No braking, gear changing or manual steering of the rear trailer is permitted on the bridge. Only one load will be permitted on the bridge at any one time. No other vehicle will be permitted on the bridge at the same time as the load.

Reason: In the interests of road safety.

50. Prior to commencement on site the developer shall inform MOD the estimated construction start date and the maximum height of construction equipment. Prior to the installation of turbines the latitude and longitude of every turbine shall be submitted to MOD.

Reason: In the interests of aviation safety.

51. Prior to the commencement of any deforestation associated with the construction of the development a Long Term Forest Management Plan (LTFMP) must be prepared in consultation with Forestry Commission, SNH and RSPB which will distribute the lost planting ground across the woodland as a whole and result in no net loss of woodland cover. LTFMP must be submitted for the written approval of the Planning Authority, in consultation with Forestry Commission Scotland, SNH and RSPB and the approved plan must thereafter be implemented.

Reason: In the interest of forest management.

52. No development shall commence unless and until such time as the Planning Authority receives confirmation from the Airport Operator that: (a) a Radar Mitigation Scheme has been identified; and (b) the Radar Mitigation Scheme can be implemented and maintained for the lifetime of the development.

Reason: In the interests of aviation safety.

53. No blade shall be fitted to any turbine or turbines forming part of the development and no such turbine shall operate, save as provided for and in accordance with the Testing Protocol, unless and until such time as the Planning Authority receives confirmation from the Airport Operator that: (a) all measures required by the Radar Mitigation Scheme prior to operation of any turbine have been implemented; and (b) the Civil Aviation Authority has evidenced its approval to the Airport Operator that the Radar Mitigation Scheme is acceptable mitigation for the development and has been satisfactorily implemented by the Airport Operator.

Reason: In the interests of aviation safety.

54. No turbine shall operate other than in accordance with the terms of the Radar Mitigation Scheme approved under the terms of condition 52 and 53.

Definitions:

"Airport Operator" means Glasgow Prestwick Airport Limited or any successor as holder of a licence under the Air Navigation Order 2000 from the Civil Aviation Authority to operate Glasgow Prestwick Airport.

"Radar Mitigation Scheme" means such equipment, procedural or technological measures, as the Airport Operator identifies as necessary and sufficient to prevent the operation of the development or of any turbines forming part of the development impacting adversely on radar performance or on the performance of other navigational aids at Glasgow Prestwick Airport or on maintaining safe and efficient air traffic control services or procedures or airspace and which the Airport Operator is willing and able to implement and maintain for the lifetime of the development or for such shorter period as may be agreed in consultation with the Airport Operator as necessary to mitigate any such adverse impact.

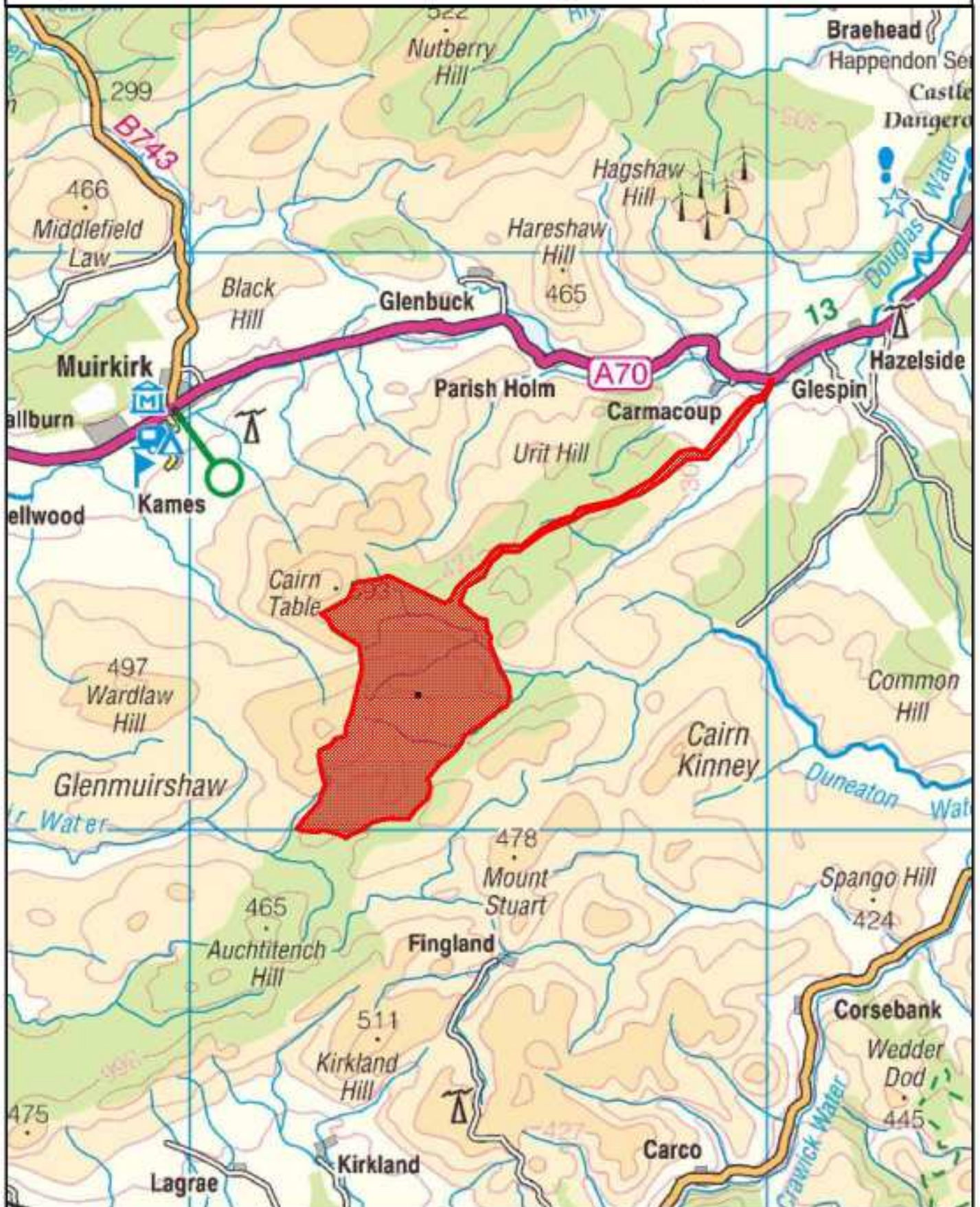
"Testing Protocol" means the protocol to control the operation of any turbine or turbines forming part of the development for the purposes of testing of the Radar Mitigation Solution.

Reason: In the interests of aviation safety.



P/18/0072

Proposed Wind Farm at Penbreck and Carmacoup Forest, Glentaggart Road, Glespin, Lanark



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Scale:  
1:80,000  
Date:  
08/11/2018



South Lanarkshire Council  
Community and Enterprise Resources  
Planning and Economic Development

# Report

6

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>4 December 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/18/1145
Planning proposal:	Installation of access track, including upgrading of existing track.

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Brookfield Renewable UK Limited
Location:	Proposed Windfarm At Penbreck & Carmacoup Forest Glentaggart Road Glespin Lanark South Lanarkshire

## 2 Recommendation(s)

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

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

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application
- (2) Detailed planning permission should not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council, the applicants and the site owner(s). This planning obligation should ensure the following issues are addressed:
  - The provision of an Ecological Clerk of Works
  - Control over turbine transportation and the repair of any damage to 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 SLC'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.

### 3 Other information

- ◆ Applicant's Agent: Jo Cottin
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**

Policy 2 - Climate Change

Policy 3 - Green Belt and Rural Area

Policy 4 - Development management and placemaking

Policy 15 - Natural and Historic Environment

Policy 17 - Water Environment and Flooding

Policy 19 - Renewable Energy

#### **Supplementary Guidance 1: Sustainable Development and Climate Change**

SDCC2 – Flood Risk

SDCC3 – Sustainable Drainage Systems

#### **Supplementary Guidance 3: Development management, Placemaking and Design**

DM1 - Design

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

Policy 1 Spatial Strategy

Policy 2 Climate Change

Policy 5 Development Management and Placemaking

Policy 13 Green network and greenspace

Policy 14 Natural and Historic Environment

Policy 15 Travel and Transport

Policy 16 Water Environment and Flooding

DM1 New Development

SDCC2 Flood Risk

SDCC3 Sustainable Drainage Systems

#### ◆ **Representation(s):**

- |   |   |                   |
|---|---|-------------------|
| ▶ | 0 | Objection Letters |
| ▶ | 0 | Support Letters   |
| ▶ | 0 | Comment Letters   |

#### ◆ **Consultation(s):**

Roads Development Management Team



Environmental Services

Roads Flood Risk Management

WOSAS

SEPA West Region

Countryside and Greenspace

SNH

Douglas Community Council

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site is located approximately 3.1km south-west of Glespin and 6.5km south-west of Douglas. The application boundary is an approximately 106m wide strip of land that starts from the existing Mid Rigg access off the B7078 and then follows the route of an old opencast coal conveyor to join the Glentaggart public road. The boundary then follows the full extent of this public road as it goes west past Glentaggart Farm until its termination. At the end of the public road, the application boundary continues north west and ends within a forestry plantation adjacent to Wedder Hill. The land cover within the application boundary comprises part of the upland river valley and rolling moorland with mature commercial forestry plantation present to the north/north west of the application site. In the wider area, land cover comprises rolling moorland and commercial forestry with the restored Glentaggart Opencast located to the north.

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

- 2.1 Planning permission is sought for the installation of a 14km access track to allow the transportation of turbine components in association with the proposed wind farm at Penbreck. Planning permission was originally granted (Ref: CL/08/0727) for the erection of 9 wind turbines (with a maximum blade tip height of 125m) at Penbreck in 2014. This approval included proposals for the abnormal load route for the turbines via the M74 and A70 with a new access track being formed with direct access off the A70 to the north of Penbreck WF. This route would involve travelling through Douglas and Glespin.
- 2.2 A Section 42 application (Ref: P/18/0072) has been submitted to increase the height of 6 of the 9 turbines at Penbreck to 145m. This application is the subject of a separate report on the agenda for this Committee. If consent is granted for the increased turbine height, modelling work carried out by the applicant shows that it will not be possible for the larger turbine blades to be transported along this route without considerable modifications to the public road and other existing nearby infrastructure within Douglas Village. The applicant is, therefore, seeking consent for an alternative access route involving abnormal loads going south on the M74 to junction 13, turning right onto A702 and then right onto B7078 before heading north to turn left at Mid Rigg to enter the site access. The 14km access track comprises the following components:
- Access from the B7078 via the Mid Rigg access and then using 2.5km of existing access track (constructed as part of the now complete Andershaw Wind Farm)
  - Upgrade 3km of existing forestry tracks running to the Glespin Burn with a new crossing over the burn
  - Upgrading of approximately 4.5km of the Glentaggart public road
  - Upgrading of 4km of existing forestry track north of Auchendaff Hill and into Carmacoup Forest (Penbreck Wind Farm Site)
- 2.2 It is proposed that the width of the whole track is 5.5m with passing places measuring 45m x 5m provided at regular intervals. The application boundary has been extended to a width of approximately 106m to allow a micro siting tolerance of 50m on either side of the track to accommodate any unforeseen ground conditions.

### **3 Background**

### **3.1 National Policy**

- 3.1.1 National Planning Framework 3 (NPF3) June 2014 sets out the long term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3 also notes in paragraph 3.8 “We want to meet at least 30% of overall energy demand from renewables by 2020 - this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015”.
- 3.1.2 Scottish Planning Policy (SPP) June 2014 aligns itself with NPF3 and one of its policy principles states that there will be “a presumption in favour of development that contributes to sustainable development” (page 9). At paragraph 28, SPP states that “the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.” The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).

### **3.2 Development Plan Status**

- 3.2.1 The proposed development requires to be considered against the Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions. Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. Policy 10 Onshore Energy requires proposals to accord with local development plans.
- 3.2.2 The South Lanarkshire Local Development Plan (SLLDP) was adopted in 29 June 2015 and contains the following policies against which the proposal should be assessed:
- Policy 2: Climate change
  - Policy 3: Green belt and rural areas
  - Policy 4: Development management and placemaking
  - Policy 15: Natural and historic environment
  - Policy 16: Travel and Transport
  - Policy 17: Water environment and flooding
  - Policy 19: Renewable energy
- 3.2.3 The following approved Supplementary Guidance documents support the policies in the SLLDP and also require assessment:
- Supplementary Guidance 1: Sustainable Development and Climate Change
  - Supplementary Guidance 2: Green Belt and Rural Area
  - Supplementary Guidance 3: Development Management, Placemaking and Design
  - Supplementary Guidance 9: Natural and Historic Environment
  - Supplementary Guidance 10: Renewable Energy

- 3.2.4 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance the following policies are relevant:

Volume 1

- Policy 1 Spatial Strategy
- Policy 2 Climate Change
- Policy 5 Development Management and Placemaking
- Policy 14 Natural and Historic Environment
- Policy 15 Travel and Transport
- Policy 16 Water Environment and Flooding

Volume 2

- DM1 New Development
- SDCC2 Flood Risk
- SDCC3 Sustainable Drainage Systems

**3.3 Planning Background**

- 3.3.1 Planning permission for Penbreck windfarm was originally granted in June 2014 (Ref: CL/08/0727) for the erection of 9 wind turbines (with a maximum blade tip height of 125m) and associated infrastructure, including 4 borrow pits and new access track (hereon referred to as Penbreck WF). The abnormal load route for the components of these 125m turbines involved access into the Penbreck WF site via direct access off the A70 to the north of Penbreck WF.
- 3.3.2 The Scottish Government Energy Consents Unit granted planning permission for a 19 turbine wind farm (hereon referred to as Kennoxhead WF) on neighbouring land to the east of Penbreck WF. The approval includes the transport of the Kennoxhead WF turbine components to site via an access track from the Mid Rigg Access. The Kennoxhead turbines are each 145m in height. The approved access track for the Kennoxhead WF mirrors the access track that is subject to this current planning application and is for the transportation of turbines of the same height (145m).
- 3.3.3 Due to its size (being over 2 hectares), the current planning application falls within that defined as a 'Major' planning application as set out within the hierarchy of development in The Planning etc. (Scotland) Act 2006 and the applicant has carried out the statutory Pre-Application Consultation (PAC) with the local community. In support of the planning application, the applicant has submitted a Pre-Application Consultation Report, which sets out the community consultation exercise undertaken to comply with the statutory requirement of PAC. The applicant has therefore met the statutory, legislative requirements for pre-application consultation with the community.
- 3.3.4 The application by nature of its scale and type falls within the threshold of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (10. Infrastructure projects (f) construction of new roads). A request for an Environmental Impact Assessment (EIA) Screening Opinion was carried out for the proposals. Due to the existing permission for the access track to serve Kennoxhead WF and that the works mainly involved upgrading existing tracks, it was confirmed that the proposals the subject of this application did not constitute an EIA development and, as such, an Environmental Report was not required as part of the planning submission. The planning submission does, however, include an

Environmental Appraisal detailing the potential environmental effects of the proposals and proposed mitigation measures.

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

- 4.1 **Roads Development Management Team** - no objection to the proposal subject to the requirement of a Section 96 legal agreement and conditions relating to abnormal loads and a Traffic Management Plan. The site will be accessed from Mid Rig at the B7078, an access road that has previously been constructed for open cast coal extraction and other wind farm developments as well the route already being approved for a neighbouring wind Farm (Kennoxhead WF) transporting the same sized turbines.

**Response:** Noted. The conditions and legal agreement form part of this recommendation.

- 4.2 **Environmental Services** – No comments to make

**Response:** Noted. Construction operating hours and noise levels were attached to the Kennoxhead WF application and these have been replicated in the recommendation.

- 4.3 **Roads Flood Risk Management** – no objection subject to replication of previous conditions to comply with the Council's Design Criteria and to complete the necessary forms and provide required information prior to commencement on site.

**Response:** Noted. The previous conditions relating to water management and drainage form part of this recommendation to be incorporated into planning conditions if planning permission is granted.

- 4.4 **West of Scotland Archaeology Service (WOSAS)** – no objections to the proposals. Note that the route goes through a potentially archaeologically sensitive area and therefore any works on fresh ground outwith the existing access tracks and public road should require archaeological works to be carried out.

**Response:** Noted. An archaeological condition forms part of this recommendation.

- 4.5 **SEPA**– no objections to the proposals subject to the mitigation measures within the Environmental Appraisal being implemented.

**Response:** Noted. The mitigation measure implementation forms part of the recommendation.

- 4.6 **Scottish Natural Heritage (SNH)** – no objection. SNH provide comments on protected species and habitat management. Subject to mitigation and enhancement measures set out in the Environmental Appraisal which include the preparation of a protected species plan and a habitat management plan, SNH conclude there will be no additional adverse impacts on ecological and natural heritage interests. SNH also advise there is no significant impact on any specially protected bird species.

**Response:** Noted. All mitigation measures within the Environmental Appraisal form part of this recommendation and would be attached to any permission if granted.

- 4.6 The following consultees had no comments to make in relation to the proposed development:

Countryside And Greenspace  
Douglas Community Council

#### **5 Representation(s)**

- 5.1 Neighbour notification was carried out on 27 August 2018. The proposal was publicised as an application requiring advertisement due to the non-notification of neighbours in the Lanark Gazette on 5 September 2018. No representations have been made in relation to this application.

## **6 Assessment and Conclusions**

- 6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GVCSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance.
- 6.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. For the purposes of this report SLLDP2 Policies are only referenced where they differ from the aims of SLLDP.
- 6.3 As a starting point in the assessment of the proposals, the route of the proposed access does have planning permission through the consent granted in July 2015 by the Scottish Government Energy Consents Unit for the nearby Kennoxhead WF. In effect, this means the proposed route has been deemed suitable for the transportation of 145m turbines which is the same height as the proposals in the related section 42 application the subject of the separate report on the agenda for this committee (P/18/1145). This approval from the Government is, however, attached to Kennoxhead WF and, therefore, can currently only be constructed and used in relation to this wind farm. To allow track to be used in relation to Penbreck WF, a further planning permission that is not connected to Kennoxhead WF is required and that is the purpose of this current planning application.
- 6.4 National Planning Framework 3 (NPF3) sets out the long term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3 also notes in paragraph 3.8 “We want to meet at least 30% of overall energy demand from renewables by 2020 - this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015”. Scottish Planning Policy (SPP) June 2014 aligns itself with NPF3 and one of its policy principles states that there will be “a presumption in favour of development that contributes to sustainable development” (page 9). At paragraph 28, SPP states that “the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term.” The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169). It is considered that, given the proposals are to enable a wind farm to be constructed with large turbines for renewable electricity generation, the proposals accord with National

Policy. This is further strengthened by the Energy Consents Unit having granted permission for the access track the subject of the consent for Kennoxhead WF.

- 6.5 The proposed development requires to be considered against the Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions; Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. The methodology used in devising the Onshore Wind Spatial Framework is set out in Part Two of Background Report 10 Low and Zero Carbon Generating Technologies. At section 15.10, the background report acknowledges that wind turbine development is likely to be acceptable subject to detailed consideration against local policy criteria and that potential wind farm development should not be viewed in isolation. It goes on to state that developers and interested parties must refer to any local guidance made available by the local planning authority including local development plans and supplementary guidance, and landscape capacity studies. Policy 10 Onshore Energy requires proposals to accord with local development plans. With regard to this proposal, it is noted that the Penbreck windfarm site, including these access proposals, is located within the Areas with Potential for Wind Farm Development identified in Diagram 6 of Clydeplan. The overall Penbreck WF development by its nature contributes to developing low carbon energy. The visual, landscape and cumulative impact of the new route is assessed below in Section 6.4 below. Consequently it is considered that the proposal accords with Policy 10 of Clydeplan, and is subject to detailed consideration against the terms of the Local Development Plan. This is dealt with in the following section.
- 6.6 In terms of the adopted South Lanarkshire Local Development Plan the site is located within the rural area where SLLDP Policy 3 ‘Green Belt and Rural Area’ 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 3 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. In this case the proposals have previously been deemed to be acceptable in principle as a result of the Kennoxhead WF decision and would be required in association with the proposals to increase the height of the turbines at Penbreck WF if they are given planning permission. It is, therefore, considered the proposals can demonstrate a required need at this specific location.
- 6.7 Policy 2 ‘Climate Change’ of the SLLDP states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. Given the proposed development is ancillary development for the operation of a wind farm and, therefore, benefits carbon reduction, the proposed development is considered to be in accordance with the aims of this Policy.
- 6.8 Policy 4 ‘Development Management and Placemaking’ states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design. The proposals benefit from an existing permission for Kennoxhead WF which establishes the principle of the development. The majority of the proposed access track consists of upgrading existing tracks and a public road it is therefore considered that the proposals would be in keeping with the context of the site.
- 6.9 Policy 15 ‘Natural and Historic Environment’ sets out a 3 tier category of protected natural and historic designations. There are no natural or historic designations within

the application site. The Muirkirk and North Lowther Uplands Special Protection Area (SPA) is within 2.4km of the application site. This SPA is designated for breeding and wintering birds. The planning application included an Environmental Appraisal as part of the documents submitted which assessed the impact of the proposals on habitats, protected species and the SPA and concluded the proposals would not have any significant impact on habitats or wildlife subject to appropriate mitigation measures being employed. SNH agree with the Environmental Appraisal subject to all proposed mitigation measures being carried out. SNH state that the Red Moss Special Area of Conservation (SAC) whilst not within the application site is located within the drainage path of the Mid Rigg access. SNH note that the Kennoxhead WF proposals were subject of a condition to implement a Construction Environment Management Plan that would mitigate any potential issues the Mid Rigg drainage could have on Red Moss SAC, which is an active raised bog. SNH therefore advise that a similar CEMP should form part of any new consent. A CEMP condition forms part of the recommendation should planning permission be granted. It is, therefore, considered that, subject to a CEMP and all mitigation measures with the Environmental Appraisal being implemented the proposals accord with this policy.

- 6.10 Whilst there are no nationally designated sites within the application boundary, the proposals are located in proximity to the Red Moss Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) and the Muirkirk and North Lowther Uplands Special Protection Area (SPA). Therefore, under the Habitats Regulations 2010, the Council has a duty as the determining authority to carry out an appropriate assessment of the proposals with specific regard to the impact the development may have on the qualifying interests of these sites.
- 6.11 The qualifying interests of the Muirkirk and North Lowther Uplands SPA are breeding and wintering hen harriers and breeding populations of merlin, peregrine, short-eared owl and golden plover. The applicant has provided data on the likely impacts of the development on the qualifying interests of the SPA as part of the planning submission and SNH are content with the information provided on the assessment of this impact. It is considered that the proposals would not affect the integrity or qualifying interests of this SPA. It is, therefore, considered that the Council has carried out an appropriate assessment of the proposals in relation to the qualifying interests of the SPA. Red Moss SAC and SSSI is an active raised bog habitat and, therefore, an appropriate assessment is required to be carried out where a development may have hydrological impacts on this active bog. The proposed access at Mid Rigg shares drainage connectivity with Red Moss and the planning submission contains mitigation measures to ensure that the proposals do not impact upon the bog land. SNH are content with the proposed mitigation in relation to the Habitats Regulations. It is considered that the proposals would not affect the integrity or qualifying interests of this SAC if all the proposed mitigation with the planning submission is implemented. It is, therefore, considered that the Council has carried out an appropriate assessment of the proposals in relation to the qualifying interests of the SAC and SPA.
- 6.12 Policy 16 'Travel and Transport' states that new development must conform to South Lanarkshire's Guidelines for Development Roads. The proposals follow a route that has previously been considered acceptable for transportation of 145m turbines subject to conditions relating to abnormal loads, travel plans and a legal agreement to ensure any damage to the public road caused by the vehicles involved with the turbine transport is covered by the applicant. It is, therefore, considered that subject to replicating these roads requirements as part of the recommendation the proposals accord with the Development Plan in this respect. Further the proposals will remove the need for abnormal loads to be transported through settlements along the A70.



- 6.13 Policy 17 'Water Environment and Flooding' states that on sites where flooding or surface water may be an issue, development shall be the subject of a local flood risk management assessment. Development will only be supported if suitable flood management can be achieved. Further guidance on flood management and sustainable drainage is also provided within Supplementary Guidance Sustainable Development and Climate Change in Policies SDCC2 – Flood Risk and SDCC 3 – Sustainable Drainage Systems. South Lanarkshire Council's Flooding Team has no objections to the proposals subject to the use and maintenance of sustainable drainage of surface water from the access tracks and that the Council's documentation required under the terms of design criteria guidance is completed and submitted. It is considered that these requirements can be incorporated within the required CEMP. SEPA have no objections to the proposals and provide further advice on the detail of the mitigation measures within the Environmental Appraisal and any CEMP. It is, therefore, considered that subject to conditions requiring a CEMP and the mitigation measures within the Environmental Appraisal being carried out fully the proposals comply with the relevant criteria of the Development Plan in this respect.
- 6.14 Policy 19: Renewable Energy states applications for renewable energy infrastructure developments will be supported subject to an assessment against the principles set out in the 2014 SPP, in particular the considerations set out at paragraph 169 and additionally for onshore wind developments the terms of Table 1: Spatial Frameworks. The proposals are required to facilitate a large scale renewable energy development (Penbreck WF) and are in line with the aims of Policy 19. The proposals are solely for works to create an access track and do not include any wind turbines and therefore do not need to be further assessed against the specific wind turbine criteria. The previous permission for the route also negates the need for any other assessment under the Policy 19 criteria.
- 6.15 In conclusion, the principle of the proposals has been established through the Kennoxhead WF consent which has also provided a baseline of environmental issues that are required to be mitigated. The proposals have been assessed again to ensure they accord with the development plan and would not have any adverse effects in terms of landscape and visual impact, road safety and other environmental considerations. This concludes that subject to ensuring mitigation and the implementation of a CEMP the proposals would not have an adverse impact upon the surrounding area. It is, therefore, recommended that planning permission be granted subject to the conclusion of a legal agreement covering the aspects described on the front page of the report.

## **7 Reasons for Decision**

- 7.1 The proposal is considered to be acceptable and would not be detrimental to the environment or road safety subject to the attached conditions. It complies with Policies 1, 2, 3, 4, 15, 16, 17 and 19 of the adopted South Lanarkshire Local Development Plan 2015 and Policy DM1 of Supplementary Guidance 3: Development Management, Placemaking and Design and Policies SDCC2 and SDCC3 of Supplementary Guidance 1: Sustainable Development and Climate Change.

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

Date: 12 November 2018

### **Previous references**

- ♦ CL/08/0727

**List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 27 August 2018
  
- ▶ Consultations
  - Roads Development Management Team
  - Environmental Services
  - Roads Flood Risk Management 10.09.2018
  - WOSAS 03.09.2018
  - SNH 04.10.2018

**Contact for further information**

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

James Wright, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Phone: 01698 455903  
Email: [james.wright@southlanarkshire.gov.uk](mailto:james.wright@southlanarkshire.gov.uk)

### Conditions and reasons

01. That the development is carried out strictly in accordance with the terms of the application and the accompanying Environmental Appraisal (August 2018) and Design and Access Statement (August 2018), including all mitigation and monitoring measures contained within, subject to any requirements set out in these conditions. Any proposed deviation from the detail provided within these documents, must be submitted to and approved in writing by the Planning Authority before the works described therein are undertaken.

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

02. Construction Works

All construction work associated with the development must be carried out in accordance with the current BS 5228, 'Noise control on construction and open sites' and all audible construction activities shall be limited to:

Monday to Friday 7.00am to 7.00pm,

Saturday 7.00am to 1.00pm;

With no audible activity taking place on Sunday, local and national bank holiday. Outwith these periods, works at the site shall be limited to emergency works and dust suppression, unless otherwise approved in writing by the planning authority. The planning authority shall be informed in writing of emergency works within three working days of occurrence.

Subject to condition 3, any noise solely attributable to construction noise (where borrow pits are not operational) shall not exceed 65dB(A) LAeq to include both stationary and mobile plant as described within Annex F- Code of practice for noise and vibration control on construction and open sites - Part 1: Noise (BS 5228-1:2009)

Reason: In the interests of controlling construction noise

03. That at times during which Borrow Pits are operational, then the noise levels shall be restricted to 55dB LA eq (1hr) or background LA90 (1hr) + 10dBA, whichever is the lesser and any general construction noise, which is ongoing simultaneously with the Borrow Pit operation, shall be considered as Borrow Pit noise. Details of any blasting at borrow pits should be included with relevant reports as necessary.

Reason: In the interests of controlling noise

04. That prior to commencement of development works the developer shall submit a detailed Traffic Management Plan (TMP) for the written approval of the Council as Roads Authority, and thereafter adhere to and implement the TMP within the timescales set out. The TMP shall be produced in consultation with Roads & Transportation Services, Police Scotland and the Council's Access Officer and include a programme indicating phasing of construction of the project. Proposals shall include signage at conflicts with the Council's Core Path and Wider Network and arrangements for such signage. The developer shall also submit a Travel Plan as

part of their TMP, to encourage less reliance on individual private car trips to the site for those personnel involved in construction activities on a routine basis and also for those attending through the course of site inspections and site meetings. No works shall commence on site until such times as the TMP has been submitted to and approved by the Planning Authority in consultation with the Roads Authority

Reason: In the interests of road safety

05. That the developer shall notify the Council in writing, as soon as reasonably practical, of any changes in construction and decommissioning related activities where these will have an impact on the approved TMP. The developer will consult with the Council and Police Scotland to agree in writing any changes to the TMP, and thereafter adhere to and implement the agreed changes within the timescale set out.

Reason: In the interests of road safety.

06. That the developer shall undertake all work associated with the approved planning permission and any subsequent amendments in accordance with the approved TMP. All specialist wind turbine components shall be delivered to site in accordance with the approved TMP and Abnormal Load Route Assessment. The developer shall notify the Planning Authority in writing should they propose to remove any excess material from site. Any such notification shall include details of proposed traffic routes and phasing of such operations all for the approval of the Planning Authority in consultation with the Roads Authority.

Reason: In the interests of road safety.

07. At least 3 months prior to the delivery of abnormal loads the developer will undertake an Abnormal Load Route Assessment (ALRA) which shall include a test run and submit a report describing the outcome of the ALRA together with any recommendations for the written approval of the Council as Roads Authority and in consultation with Transport Scotland. The ALRA shall include details of a public relation strategy to inform the relevant communities of the programme of abnormal deliveries. The recommendations shall thereafter be implemented in accordance with a programme to be approved by the Planning Authority and shall be implemented prior to the delivery of the abnormal loads. Should the Abnormal Load route include any bridge crossings, prior to the commencement of the development clarification on the Bridge Assessments require to be submitted to and approved by the Planning Authority in consultation with the Roads Authority

Reason: In the interests of road safety

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

Reason: In the interests of road safety.

09. No development work shall commence until a Construction Environmental Management Plan (CEMP) including Peat Management Plan and Ground Water and Surface Water Management Plan has been submitted to and approved by the Planning Authority in consultation with SEPA and SNH. Thereafter, all the measures described in the approved CEMP shall be implemented within the timescales set out. For the avoidance of doubt the CEMP shall take account of all information, advice and

mitigation measures provided within the approved Environmental Appraisal (August 2018), conditions attached to this permission and advice and actions contained within the consultation responses from SEPA (dated 17.9.2018), South Lanarkshire Council's Roads - Flood Risk Team (dated 10.9.2018) and SNH (dated 28.9.2018)

Reason: In the interests of protecting the environment

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

Reason: In the interests of controlling noise.

11. 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, RSPB and SWT and shall have powers to make 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 mitigation 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: In the interests of habitat management

12. That the developer shall be responsible for any alterations required to statutory undertaker's apparatus solely affected by the development, hereby approved.
13. That no development hereby approved shall commence until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service. For the avoidance of doubt the archaeological works are only in relation to breaking new ground through track widening or other requirements and the existing access tracks and roads would not be included in any programme.

Reason: In the interests of archaeology.





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08/11/2018



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

# Report

7

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>4 December 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/18/0782
Planning proposal:	Partial change of use of dwellinghouse to boarding kennels; erection of 1.2 m high timber fence and gates to front of property; and erection of timber stable block

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Ms Dorota Sitek
Location:	65 Wilsontown Road Wilsontown Lanark ML11 8ER

## 2 Recommendation(s)

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

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

### 2.2 Other actions/notes

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

## 3 Other information

- ♦ Applicant's Agent:
- ♦ Council Area/Ward: 02 Clydesdale North
- ♦ Policy Reference(s): South Lanarkshire Local Development Plan: Policy 4 Development management and placemaking  
South Lanarkshire Local Development Plan: Policy 6 General urban area/settlements  
Supplementary Guidance 3: Development Management, Placemaking and Design Policy  
DM11 Working from home

Proposed SLDP2: Policy 3 General Urban Areas  
Proposed SLDP2: Policy 5 Development Management and Placemaking  
Placemaking  
Proposed SLDP2: Policy DM12 Working from

◆ **Representation(s):**

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

◆ **Consultation(s):**

Environmental Services

Roads Development Management Team



## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site at 65 Wilsontown Road lies within the small settlement of Wilsontown and comprises a bungalow, its garden and adjoining ground to the rear. The property is bordered on the north and south by other private residences with other houses lying on the opposite side of the public road, while at the rear there are the applicant's stable and storage buildings, with a riding arena positioned in the applicant's grazing fields. A portion of the application site adjoins the rear garden of 67 Wilsontown Road. This boundary is formed by a 1.8 metre timber fence.
- 1.2 There are currently two accesses into the application site. The northernmost is a gravel driveway in front of the dwellinghouse and provides space for parking and turning within its front garden area. The garden is separated from the public road by a knee high stone wall. Between the garden and the carriageway of the road there is a 2.5 metre wide service strip which is covered with a mixture of gravel and grit. The second access is a loose surfaced track between the applicant's house and 67 Wilsontown Road which leads down to the existing stables, yard and turning area, as well as providing access to the applicant's fields. The northern edge of the access, where it forms the garden boundary of the applicant's house is a dry-stone dyke with a timber palisade fence on top, and there are solid 1.8 metre timber security gates at the entrance to the yard. The applicant also owns a field to the rear of the property which is used for exercising the dogs.

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

- 2.1 The applicant seeks detailed planning permission to use part of her dwellinghouse to provide a boarding facility for dogs. The applicant intends to operate a boarding kennel where the visiting dogs will stay in the dwelling rather than in external kennels. The applicant seeks to provide an alternative to the standard kennel facilities where owners can leave their dogs within a "family" setting. The applicant also intends to erect 1.2 metre high fencing and gates at the front of the property. It is still proposed to erect 2m high fencing behind the building line of the house but this does not require planning permission. In addition, a further stable block 11 metres by 3.7 metres by 3.2 metres high is proposed within the land owned by the applicant which lies to the rear of 67 Wilsontown Road.
- 2.2 The boarding reception would be open for clients between 09:00 and 11:00, and 16:00 and 18:00. The maximum day boarders that can be in the property at one time would be five. The applicant has stated that the demand for the service is largely during the summer months around holiday periods.

### **3 Background**

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

- 3.1.1 The adopted South Lanarkshire Local Development Plan identifies the house and garden ground of the application site as falling within the settlement of Wilsontown where Policy 6 - General Urban Areas/Settlements apply. In addition, Policy 4 - Development Management and Place Making is relevant. Finally, Supplementary Guidance on Development Management, Place Making & Design applies, with guidance is provided in Policy DM 11 – Working from Home.

- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development requires to be considered against the relevant policies in the proposed plan, namely Policy 3: General Urban Area and Policy 5 – Development Management and Placemaking.

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

- 3.2.1 None

### 3.3 **Planning Background**

- 3.3.1 In 2012, retrospective planning consent was granted for the erection of a timber storage shed and formation of a riding arena.

## 4 **Consultation(s)**

- 4.1 **Roads and Transportation Services** advise that they have no objection to the proposal due to the low vehicle movements associated with it and the rural nature of Wilsontown Road.

**Response:** Noted.

- 4.2 **Environmental Services** – advise that they are in receipt of an application in terms of the Animal Boarding Establishments 1963 in relation to the home boarding of dogs and have carried out inspections of the property. Whilst they have no objection to the planning application, they do advise that the Licence will set the maximum number of dogs to be boarded at any one time at 5.

**Response:** Noted. Appropriate conditions will be attached to any planning consent issued.

## 5 **Representation(s)**

- 5.1 Statutory neighbour notification was undertaken and the application advertised in the Lanark Gazette. The proposal received 10 letters of objection and 1 letter of comment. (It should be noted that reference is made in some of these letters to dog breeding facilities. This was initially included in the proposal description in error as it did not form part of the proposal applied for by the applicant). The issues raised are summarised below:

- a) **The visual impact of 2 metre high fences around the front of the house would be very unsightly and not in keeping with the rest of Wilsontown. Cars exiting the lane from the rear of the site would have their view limited.**

**Response:** The applicant has been advised that 2 metre high fences at the front of the property are not appropriate for visual and road safety reasons. For this reason the fencing at the front of the house has been reduced to 1.2m in height. Adequate visibility would be available over the road verge in front of the fence and Roads and Transportation are satisfied with the access and parking arrangements associated with the proposal.

- b) **There is currently a problem with customers of 65 Wilsontown Road parking on the roadside, and as there is no pavement pedestrians have to walk onto the road. The road provides essential access for residents and farm vehicles and on-street parking could affect safety. Any customer parking at the rear of the property would impinge on the privacy of neighbouring dwellings.**

**Response:** It is proposed that customers of the boarding kennels use the existing access in front of the dwellinghouse. Roads and Transportation note that there is sufficient space within the site for parking and as an alternative the 2.5 metre service strip could be utilised without impeding traffic movement or safety on Wilsontown Road.

- c) **The hardstanding where the stables are to be erected frequently floods after heavy rain. The drainage from 65 Wilsontown Road runs through an adjacent field not owned by the applicant, and the drains are already running to capacity. The applicant should clarify how they propose to drain and dispose of all associated waters.**

**Response:** Drainage matters within private sites or fields are a private civil matter between the relevant landowners. Advice on Reducing Pollution Risks in Stable Yards is available on SEPA's website and the applicant has been directed to this advice.

- d) **The applicant already has a large number of dogs and their barking disturbs neighbours. If further dogs were allowed in boarding kennels and associated "play areas" the disturbance will be even greater.**

**Response:** It is understood that, under an Animal Boarding Licence, the business owner's dogs and boarding dogs must be kept separate at all times. The proposed internal alterations to the dwellinghouse and the layout of the rear garden ground will facilitate this. Management of the site through such separation and following best practice procedures will all assist in reducing events or noises which may trigger barking. The applicant will be with the boarding dogs as they will live as "family pets" within the dwelling and will therefore be able to quickly settle any barking dogs.

- e) **The application includes the erection of fences but it is unclear how the dogs will be exercised. At present the applicant's dogs have the free run of her fields or they are exercised along the former railway line. There is a concern that due to past damage to the boundary field fences, the dogs may stray onto neighbouring land and perhaps worry livestock.**

**Response:** The maintenance of the boundary fences is a private legal matter for the landowners.

- f) **The layout of the application site will result in a high density of animals, their feed stuff, and waste storage. This may lead to an issue with odour and vermin if not properly managed.**

**Response:** Noted. If odours and vermin become a cause for concern, the matter should be highlighted directly with Environmental Services.

- g) **The plans submitted by the applicant include ground which is not within her ownership and the objector submits Title Deeds that show ground outwith the application site to the north-east being incorrectly included within her ownership.**

**Response:** The applicant has declared in the application form, that the red line application boundary as denoted on the submitted plans is not solely within her ownership, and that the necessary ownership notification was carried out. The objector highlights an ownership discrepancy on land which does not physically form part of the development site. The Council does not get involved in private land ownership issues, however, the disputed land has no bearing on the proposal.

## **6 Assessment and Conclusions**

- 6.1 The applicant seeks detailed planning permission to provide boarding kennels within her own dwellinghouse and for the erection of 1.2 metre high fences at the front of the house. The applicant also wishes to erect a timber stable for personal use on land behind Wilsontown Road. The boarding kennels will require a licence from Environmental Services and it will stipulate that the number of dogs using the facility will be limited to five dogs at any one time, over and above the applicant's own dogs. In addition, boarding dogs and the applicant's own must be segregated at all times as this will minimise stress and therefore noise. The applicant has confirmed that times when clients can drop-off or pick up their dogs will be limited to 09:00 – 11:00 and 16:00 to 18:00, and only from the front of the property.
- 6.2 The application requires to be considered against the policies of the adopted South Lanarkshire Local Development Plan, and its impact on the residential amenity of the area considered. As the application site is located within the settlement of Wilsontown Policy 6 applies, and this advises that development which may be construed as being a "bad neighbour" by virtue of visual impact, noise, smell, air pollution, disturbance, or traffic will not be permitted if they are detrimental to the amenity of residents, though each proposal will be considered on their own merits. Particular attention will be given to the amenity of the area, proposed servicing and parking arrangements. In light of this, care has been taken, through discussions with both Planning and Environmental Services to ensure that the applicants own dogs and any boarding dogs have their own space and disturbance to either is minimised. The proposal offers an alternative service to dog owners who require kennel accommodation for their dogs. The boarding dogs will live as family pets, much as they do at home with the applicant in the dwelling with them to observe and settle them at all times. No dogs will be accommodated in external kennels which will therefore minimise any noise.
- 6.3 Policy 4 - Development Management and Place Making along with supplementary guidance on Development Management, Place Making & Design requires the Council to seek well designed proposals which do not adversely impact on adjacent buildings or the streetscape in terms of scale, design and external materials nor on amenity as a result of light, noise, odours, dust or particulates. No issues are raised in respect of this policy.
- 6.4 Policy DM 11 - Working from Home advises that planning permission is not normally required where an owner or occupier wishes to use part of a dwellinghouse for business purposes without changing the overall residential character of the dwelling. However once the business activity increases and the non-residential use of the property cease to be ancillary to its use as a single dwelling, a material change of use has taken place and planning permission is required. In such instances the proposal will have to comply with the following:
- There will be no adverse impact on the residential amenity of neighbouring properties in terms of noise, disturbance, smell and dirt generated by the business or members of the public visiting the premises.
  - There will be no adverse impact on traffic or public safety resulting from traffic generated by the use.
  - There is provision for satisfactory car-parking and servicing facilities.
  - There will be no adverse impact on neighbours caused by activities taking place outside normal working hours and at weekends.
  - Any required storage of materials/vehicles is satisfactorily accommodated on the site without any adverse impact on neighbouring properties.

The need for planning permission will be assessed on a site-by-site basis in light of the site's context and on the individual merits of the case. In this case, given that the proposed business model is to have dogs staying within the dwelling, it was considered that planning consent would be sought.

- 6.5 Following several visits to the application site, it is considered that the internal adaptations to the dwellinghouse for dog boarding will not have any impact on the streetscape of Wilsontown, and that there is sufficient ground within the rear curtilage to provide the necessary outdoor space whilst maintaining separation between boarding dogs and the applicant's own dogs. The proposed stable will be for personal use only and will be positioned on the applicant's land to the rear of 67 Wilsontown Road, where it will be partially screened by an existing 1.8 metre timber fence and a domestic garage. It is considered that the stables are an appropriate use and will not affect the visual amenity of the area. Roads and Transportation Services are satisfied that there is adequate parking within the curtilage of the application site, and, in addition, there is a 2.5 metre wide service strip in front of the property which is wide enough to provide further parking whilst not impeding the two way traffic flow along Wilsontown Road.
- 6.6 While the applicant's dwelling and garden ground is considered capable of physically accommodating the boarding dogs, their proximity to other residential properties requires assessment in terms of the proposal's impact on residential amenity. Environmental Services were formally consulted on the planning application and advised that an Animal Boarding Licence is necessary and a requirement of that licence would be for the boarding dogs to be kept separate from the applicant's own dogs, with the drop-off and collection of the boarders occurring at the front of the house as these occasions can give rise to noise from barking dogs. Environmental Services have not objected to the planning application as the number of boarders is limited, and they will be kept within the applicant's house. Given that the dogs will be accommodated within the applicant's house, this gives a high degree of supervision of the dogs and any situations which cause dogs to bark can be minimised and dogs can be settled quickly. Similarly, as no dogs will be kept in external kennels, there was no requirement for a Noise Impact Assessment and Environmental Services have advised that, through the licensing process, the applicant will require to adopt best practice in relation to the control of noise. The licence requires to be renewed annually and, at this stage, any issues which may have arisen would be addressed.
- 6.7 In light of the scale of the proposed boarding kennels, their situation within the applicant's house and the operational standards to be adhered to in the Animal Boarding Licence, it is concluded that noise emitting from the dog boarding business will not have an adverse impact on the amenity of neighbouring properties. Roads and Transportation have also confirmed that they have no objections to the proposals. Ten letters of objection have been received which raise concerns about noise, parking, drainage and privacy. These comments have been taken into account in the assessment of the proposal and it is considered that the concerns raised can be addressed by the use of planning conditions and by the terms of any Licence issued by Environmental Services. Whilst the Animal Boarding Licence restricts the number of dogs boarding to five at any one time, an additional condition will be added to restrict the total number of adult dogs within the property to 12. This restriction to the total number of dogs has been discussed and agreed with Environmental Services who will monitor the operation through the Animal Boarding Licence and any other contact and will further safeguard residential amenity in the area. It is, therefore, considered that the proposals accord with local development plan policy and recommended that planning consent be granted.

- 6.8 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and therefore it is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposals accords with Policies 3, 5 and DM12 in the proposed plan.

## **7 Reasons for Decision**

- 7.1 The scale and overall context of the proposal means that it will not adversely impact on the established amenity of the area and that it complies with Policies 4 and 6 of the adopted South Lanarkshire Local Development Plan (2015), as well as with the guidance contained in the SG on Development Management, Place Making & Design. In addition, the proposals are consistent with the relevant policies of the proposed South Lanarkshire Local Development Plan 2.

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

Date: 16 November 2018

### **Previous references**

- ◆ CL/12/0303

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated
  
- ▶ Consultations
  - Environmental Services 04.10.2018
  - Roads Development Management Team
  
- ▶ Representations Dated:
  - Mr Wallace Somerville, 67 Wilsontown Road, Wilsontown, Lanark, ML11 8ER 04.07.2018
  - James Geddes, 4 Wilsontown Road, Wilsontown, Lanark, ML11 8ER 18.07.2018
  - Mrs Margaret Fowler, Glen Cottage, 69 Wilsontown Road, Wilsontown, Lanark, ML11 8ER 17.07.2018
  - Elaine Somerville, 67 Wilsontown Road, Wilsontown, Lanark, ML11 8ER 04.07.2018
  - Alexander And Doreen Kerr, 63 Wilsontown Road, Wilsontown, Lanark, ML11 8ER 03.07.2018

C And A Bothwell, Received Via E-mail	19.07.2018
Mrs Elizabeth Thomson, 51 Wilsontown Road , Wilsontown , Forth , ML11 8ER	19.07.2018
William And Agnes Thomson, 61 Wilsontown Road, Wilsontown, Lanark, South Lanarkshire, ML11 8ER	17.07.2018
Maxine Ross, 4 Arnton Grove, Airdrie , ML6 8GZ	23.08.2018
Anne Geddes, Mousebank, Wilsontown Road, Forth, ML11 8ER	18.07.2018
Mr Sandy Fowler, Glen Cottage, 69 Wilsontown Road, Forth, Lanark, ML11 8ER	23.07.2018

**Contact for further information**

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

Ailsa Shearer, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
 Phone: 01698 455273  
 Email: [ailsa.shearer@southlanarkshire.gov.uk](mailto:ailsa.shearer@southlanarkshire.gov.uk)

**Conditions and reasons**

01. That the total number of clients' dogs utilising the boarding facility shall not exceed 5 at any one time unless otherwise agreed in writing with the Council as Planning Authority.

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

02. That the reception hours of the boarding kennels premises for drop off and pick up, shall be between 09:00 and 11:00, and 16:00 and 18:00 unless otherwise agreed in writing with the Council as Planning Authority.

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

03. That the use of the stables hereby permitted shall be restricted to private use incidental to the enjoyment of the dwellinghouse on the application site and no commercial activity shall be carried out in or from the stables.

Reason: To safeguard the residential amenity of the area.

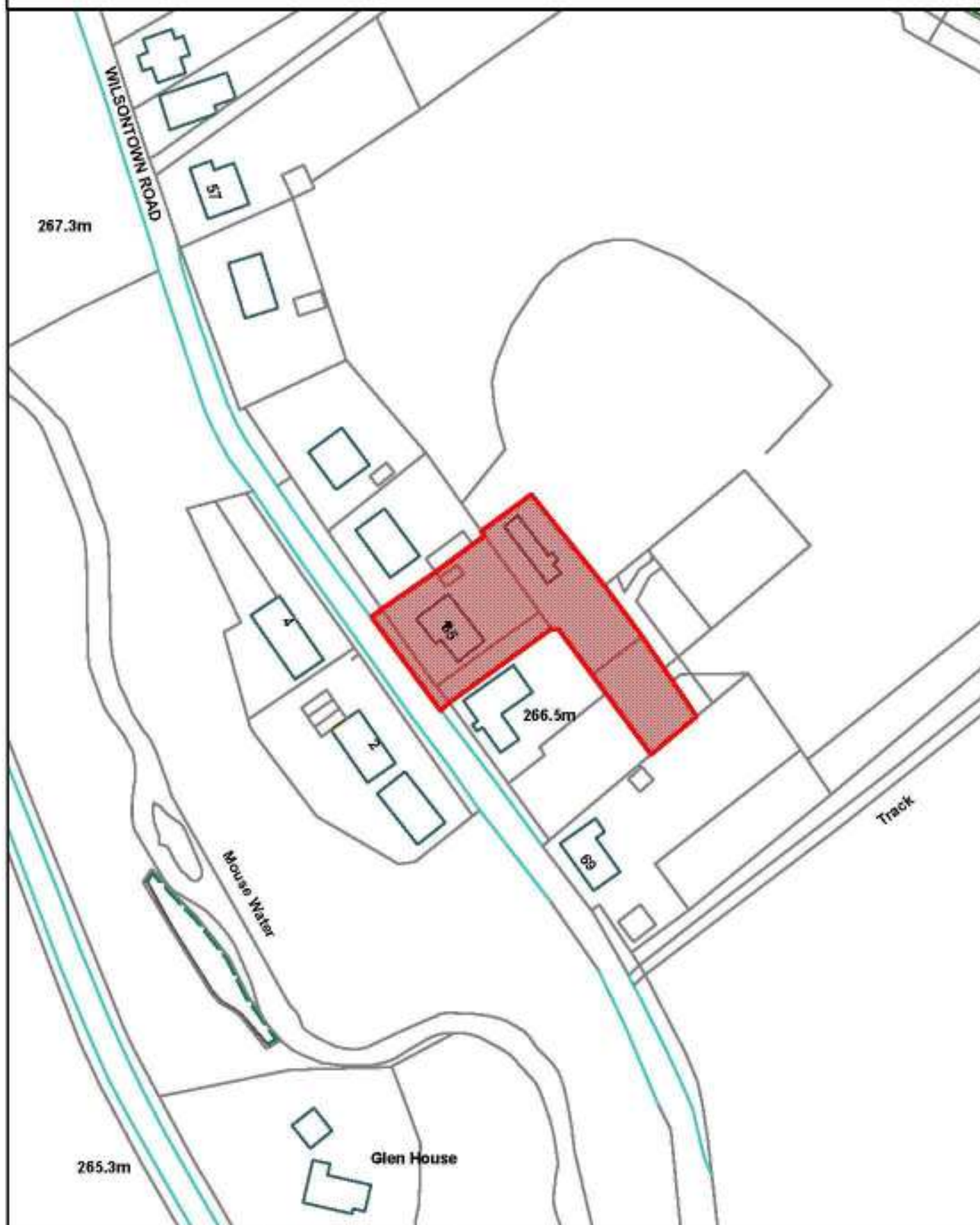
04. That the total number of adult dogs, including the client's own dogs and boarding dogs, residing overnight within the property shall not exceed 12 at any one time unless otherwise agreed in writing with the Council as Planning Authority.

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



P/18/0782

65 Wilsontown Road, Lanark



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Scale:  
1:1,250  
Date:  
10/10/2018



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



# Report

8

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>4 December 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/18/0847
Planning proposal:	Erection of single storey side and rear extension and formation of front and rear dormer windows

## 1 Summary application information

Application type:	Householder
Applicant:	Mr Steven Cullie
Location:	12 Stephenson Terrace East Kilbride G75 0AN

## 2 Recommendation(s)

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

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

### 2.2 Other actions/notes

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

## 3 Other information

- ♦ Applicant's Agent: Brian McAteer
- ♦ Council Area/Ward: 07 East Kilbride Central South
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**  
Policy 4 - Development management and placemaking  
Policy 6 - General urban area/settlements

**Development management, placemaking and design supplementary guidance (2015)**  
Policy DM2 - House extensions and alterations

**Proposed South Lanarkshire Local Development Plan 2**  
Policy 3 - General Urban Areas and Settlements  
Policy 5 - Development Management and Placemaking  
Policy DM2 - House Extensions and Alterations

- ♦ **Representation(s):**

▶ 6  
▶ 1  
▶ 2

Objection Letters  
Support Letter  
Comment Letters

◆ **Consultation(s):**

None

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site relates to the semi-detached residential property at 12 Stephenson Terrace, East Kilbride and its associated garden and parking areas. The site, which extends to approximately 0.025 hectares in size, is bounded to the north-west and north-east by residential properties, to the south-west by Carnegie Hill with residential properties opposite and to the south-east by Stephenson Terrace with an area of green space opposite.
- 1.2 The site is predominantly flat throughout, however, there is a general upward slope towards the adjacent dwellinghouse to the north-west. Access to the site is taken from Stephenson Terrace.

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

- 2.1 The applicant proposes to erect a single storey extension to the rear and side of the existing dwellinghouse and proposes to convert the existing roof space to form a dormer extension. The proposed extensions would be finished in materials to match the existing dwellinghouse. Additional parking space is proposed to be provided at the front of the property to facilitate the enlarged dwellinghouse.

### **3 Background**

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

- 3.1.1 With regard to the South Lanarkshire Local Development Plan (adopted 2015), the site falls within the general urban area where Policy 6 – General urban area/settlements applies. Policy 4 – Development Management and Placemaking is also of relevance to the proposal. In addition, the guidance contained within the supplementary guidance document relating to development management, placemaking and design is of relevance to the proposed development.
- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policy 3 - General urban areas and settlements, Policy 5 - Development management and placemaking and Policy DM2 – House extensions and alterations are relevant to the proposal.

#### **3.2 Planning Background**

- 3.2.1 The applicant previously submitted a planning application in November 2017 seeking permission to erect a two storey side extension, a single storey rear extension and a dormer extension to the dwellinghouse (Planning Ref: EK/18/0028). However, this application was subsequently withdrawn and the current application was submitted in its place. The plans initially submitted as part of this application showed the provision of a two storey and single storey side extension to the existing dwellinghouse. However, following discussions with the Planning Service, the plans were amended to the current proposal which is of a significantly reduced scale.

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

- 4.1 No consultations were required to be undertaken in respect of this planning application.

## **5 Representation(s)**

- 5.1 Statutory neighbour notification procedures were undertaken in respect of the application. In response, six letters of objection, two letters of comment and one letter of support were received in respect of the proposals, the points of which are summarised below:

- a) **The proposed development could cause a loss of privacy to adjacent properties, particularly as a result of overlooking from the proposed rear facing dormer window.**

**Response:** It is not considered that the single storey elements of the proposed extension would have any adverse impact on surrounding properties in terms of overlooking. In addition, it is noted that the front facing dormer window would not front onto any residential properties as there is an area of greenspace located directly opposite the front of the dwellinghouse. While the rear facing dormer would front towards the adjacent property at 111 Carnegie Hill, it is noted that the window is proposed to be finished in opaque glazing to ensure that no overlooking issues occur. A condition would be attached to any consent issued requiring the window to be finished in opaque glazing and maintained as opaque glazing thereafter, to the satisfaction of the Council. Subject to this condition, it is considered that no loss of privacy would occur as a result of the proposed development.

- b) **The proposed development may create parking issues in the surrounding area, particularly due to the loss of on street parking resulting from the formation of a dropped kerb.**

**Response:** It is noted that three off street car parking spaces would be provided within the curtilage of the dwellinghouse to facilitate the extended property. This is considered to be sufficient to cater for the needs of a single dwellinghouse. It is considered that sufficient on street car parking space would remain available to serve the needs of the area.

- c) **The extension could cause a road safety issue in terms of visibility at the adjacent street corner.**

**Response:** The proposed extension would be located a significant distance from the junction of Stephenson Place and Carnegie Hill and would not interfere with any vehicular or pedestrian visibility splays. There are, therefore, no concerns in this regard.

- d) **The proposed development could create noise, parking and road safety issues during the construction phase. The writer also requests clarification regarding who would be liable if a parked car is damaged during the construction works.**

**Response:** While it is likely that some disruption would occur during the construction phase associated with the proposed development, this is the case with all development proposals. Any disruption would be expected to occur for a temporary period only and any specific issues relating to noise, parking or road safety could be raised with the Council's Environmental Services and Roads and Transportation Services, as appropriate. Any damage to personal property arising from the development would be a civil matter which would require to be resolved outside the planning process.

- e) **The proposal amounts to overdevelopment of the existing dwellinghouse, which would be out of keeping with surrounding properties.**  
**Response:** Concerns were raised by the Council with regard to the original proposal to erect a two storey extension which was considered to be out of keeping with the existing dwellinghouse and its surroundings. However, the revised proposal currently under consideration, which comprises the erection of a single storey and dormer extension to the property, is considered to be compatible with the dwelling and its surroundings. There are, therefore, no concerns in this regard.
- f) **The proposed development could create issues in terms of Building Standards regulations, particularly with regard to head heights in the proposed dormer extension.**  
**Response:** Any specific issues with regard to Building Standards regulations would require to be considered as part of the building warrant application for the development rather than as part of the planning process. However, it is not considered likely that there would be any significant issues in this regard and it is noted that similar developments have been successfully undertaken at other properties nearby.
- g) **The proposed extension would reduce the provision of light and would cast a shadow over nearby properties.**  
**Response:** Concerns were raised with regard to the originally submitted proposal for the erection of a two storey extension in terms of the potential impact on the adjacent property to the north-west in terms of loss of light. However, following discussions with the Planning Service, the proposed extension was significantly reduced in scale. It is not considered that the amended proposal, which comprises the erection of a single storey and dormer extension to the property, would have any significant impact on any adjacent properties in terms of loss of daylight or sunlight.
- h) **The proposed extension could adversely affect the boundary hedge located adjacent to the proposed extension. The writer also requests clarification as to whether the Council would provide compensation in the event that the hedge is damaged as a result of the development.**  
**Response:** It is noted that the proposed extension would be set back from the property boundary on which the hedge is located. As such, it is unlikely that there would be any impact on the hedge in question in this instance. Any disputes which arise relating to damage to private property are not a planning matter. These are civil matters to be resolved privately between the parties involved.
- i) **The writer requests clarification as to whether local councillors have been advised of the concerns of local residents and also whether the Council will accept responsibility for any road traffic accidents that occur as a result of the proposed development.**  
**Response:** All representations received have been made available to elected representatives in the usual manner and on the planning portal. As previously noted, it is not considered that the proposed development would have any impact in terms of road safety issues.
- j) **The proposed extension would impinge on the open plan nature of the street corner where the development is proposed to be undertaken.**  
**Response:** The proposed extension would be located a significant distance from the junction of Stephenson Place and Carnegie Hill and would not have

any adverse impact on the local streetscape. There are, therefore, no concerns in this regard.

**k) The proposal may cause drainage issues to surrounding properties.**

**Response:** It is not considered that this relatively small scale householder development would have any significant impact in this regard.

**l) The extension could be utilised as a separate dwellinghouse.**

**Response:** Given the layout of the proposed development, it is extremely unlikely that the extended development could be utilised as a separate dwellinghouse to the existing property. In any case, planning consent would be granted for a house extension only and any future proposals to sub-divide the property would require separate planning permission to be obtained from the Council.

**m) The proposed extension could allow up to eight people to live in the dwellinghouse as the proposed new rooms could be converted to bedrooms.**

**Response:** The scale of the proposed development would be consistent with that of a large family sized dwellinghouse. As such, there are no specific planning concerns with regard to the scale of the development proposed in this instance.

**n) The proposed extension reduces the available rear garden space associated with the property.**

**Response:** Although the rear garden would be reduced in size as a result of the proposed extension it is considered that there would be ample garden and amenity space provided at the rear and the side of the property to serve the dwellinghouse in this instance.

**o) The proposal could result in additional monoblocking work being undertaken within the property in future.**

**Response:** The plans submitted show the provision of a driveway to facilitate three car parking spaces to the front of the property with the remainder of the external areas retained as grass. Any future changes to the external layout of the property would require to be assessed against relevant planning policy or householder permitted development rights at that time, as appropriate.

**p) The proposed development will make a positive contribution to the local area by modernising a dwellinghouse that currently has a very dated appearance. The available space to the side of the dwellinghouse would allow the proposed improvement works to be carried out without adversely affecting surrounding properties.**

**Response:** The writer's comments are noted. Concerns were raised by the Council with regard to the originally proposed extension which was considered to be out of keeping with the existing dwellinghouse and its surroundings. However, the amended proposal currently under consideration is considered to be acceptable in planning terms.

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

## **6 Assessment and Conclusions**

6.1 Planning consent is sought to erect a single storey extension to the rear and side of the existing dwellinghouse and to convert the existing roof space to form a dormer



extension at 12 Stephenson Terrace, East Kilbride. The determining issues in the assessment of this application are its compliance with local development plan policy as well as its impact on surrounding amenity. Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan framework against which the proposal requires to be assessed comprises the South Lanarkshire Local Development Plan (adopted 2015), its associated supplementary guidance and the Proposed South Lanarkshire Local Development Plan 2 (2018).

- 6.2 With regard to adopted planning policy as set out in the South Lanarkshire Local Development Plan (adopted 2015), Policy 4 – Development management and placemaking requires all proposals to take account of and be integrated with the local context and built form. The policy advises that proposed developments should not have any significant adverse impact on adjacent buildings or the surrounding streetscape in terms of layout, scale, massing, design, materials or amenity. Policy DM2 - House extensions and alterations of the associated supplementary guidance relating to development management, placemaking and design expands on Policy 4 and, in particular, advises that proposals should have no significant amenity impact in terms of overlooking or loss of privacy, daylight or sunlight. In addition, Policy 6 – General urban area/settlements is also of relevance and states that, while the principle of residential developments will be supported within the general urban area, ‘bad neighbour’ developments will not be permitted if they are detrimental to the amenity of existing residents.
- 6.3 The applicant originally sought planning permission to erect a large two storey side extension to the dwellinghouse, with a single storey rear extension and a dormer extension also proposed to be constructed (Planning Ref: EK/18/0028). This application was subsequently withdrawn and an alternative proposal was submitted seeking to erect a two storey and single storey side extension to the dwellinghouse. The Planning Service raised significant concerns with regard to both of these proposals relating to the likely impact of the developments on the streetscape and on surrounding amenity. Following discussions between the applicant and the Planning Service a further revised submission was made for the currently proposed development, which involved a significant reduction to the proposed extension. The current proposal relates to the erection of a single storey and dormer extension only, with the two storey element of the proposal removed entirely from the submission.
- 6.4 In this instance, following a detailed assessment of the application, the view is taken that the revised proposal would not have a significant adverse impact on the surrounding streetscape or on local residential amenity. It is noted that the proposed side and rear extension would be single storey in height, would be constructed at a lower level than the adjacent property to the north-west and would be finished in materials to match the existing dwellinghouse. It is noted that the proposed dormer extension would involve the formation of two dormer windows, one on the front elevation and one on the rear elevation. The proposed dormer extension is therefore relatively small in terms of scale. While the front facing dormer window would not create any adverse amenity impact, it is noted that the rear facing dormer window could potentially overlook the adjacent property to the north-west. However, the applicants have advised that the proposed rear facing dormer window would be finished in opaque glazing and would be retained in this form thereafter. A condition would be attached to any consent issued to ensure the use of opaque glazing on this window at all times. Subject to this condition the view is taken that the proposed extension would not have any significant adverse impact on adjacent properties in terms of overlooking or any other amenity issues. As such, the view is taken that the

proposed extension would be fully compliant with the relevant provisions of the South Lanarkshire Local Development Plan, with specific regard to Policies 4, 6 and DM2.

- 6.5 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. It is considered that the proposal accords with Policies 3, 5 and DM2 in the proposed plan.
- 6.6 Statutory neighbour notification was undertaken in respect of the application, following which nine letters of representation were received. The points raised have been addressed in Section 5 above. It is not considered that the application should be refused consent based on the points of objection raised.
- 6.7 In conclusion, following detailed consideration of the proposed extension as set out above, it has been determined that the proposal is fully compliant with Policies 4 and 6 of the South Lanarkshire Local Development Plan (adopted 2015) and with Policy DM2 of the associated supplementary guidance relating to development management, placemaking and design. The proposal is also considered to be compliant with the relevant policies of the Proposed South Lanarkshire Local Development Plan 2, specifically Policies 3, 5 and DM2. It is, therefore, recommended that planning permission is granted for the proposed extension in this instance.

## **7 Reasons for Decision**

- 7.1 The proposal will have no significant adverse impact on amenity and complies with the relevant policies of the adopted South Lanarkshire Local Development Plan and Supplementary Guidance (Policies 4, 6 and DM2) and the proposed South Lanarkshire Local Development Plan 2 (Policies 3, 5 and DM2).

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

Date: 9 November 2018

### **Previous references**

- ◆ EK/18/0028

### **List of background papers**

- ▶ Application form
  - ▶ Application plans
  - ▶ South Lanarkshire Local Development Plan 2015 (adopted)
  - ▶ Proposed South Lanarkshire Development Plan 2
  - ▶ Neighbour notification letter dated 29 June 2018
  - ▶ Neighbour notification letter dated 25 September 2018
  - ▶ Representations
- |   |                      |
|---|----------------------|
| Terry McGeary, 108 Carnegie Hill, The Murray, East Kilbride,<br>G75 0AE | Dated:<br>30.07.2018 |
| Alex And Joan McLean, 111 Carnegie Hill, East Kilbride, G75<br>0AQ      | 25.07.2018           |

Mr David Cullie, 8 Stephenson Terrace, East Kilbride, Glasgow, South Lanarkshire, G75 0AN	19.07.2018
Mrs Michelle Bingham	03.07.2018
Alexandrina Hay, Via Email	26.07.2018
Terry McGeary, 108 Carnegie Hill, East Kilbride, Glasgow, South Lanarkshire, G75 0AE	13.10.2018
Alex And Joan McLean, Received Via E-mail	08.10.2018
Alex And Joan McLean, Received Via E-mail	09.10.2018
Alex And Joan McLean, Received Via E-mail	12.10.2018

**Contact for further information**

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

Declan King, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Phone: 01698 455049  
Email: [declan.king@southlanarkshire.gov.uk](mailto:declan.king@southlanarkshire.gov.uk)

**Conditions and reasons**

01. That the facing materials to be used for the external walls and roof of the extension hereby approved shall match in colour and texture those of the existing dwellinghouse on the site to the satisfaction of the Council as Planning Authority.

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

02. That the windows of the rear facing dormer window hereby approved shall be finished in opaque glazing and shall be maintained in opaque glazing thereafter, to the satisfaction of the Council as Planning Authority.

Reason: To safeguard the residential amenity of the area.

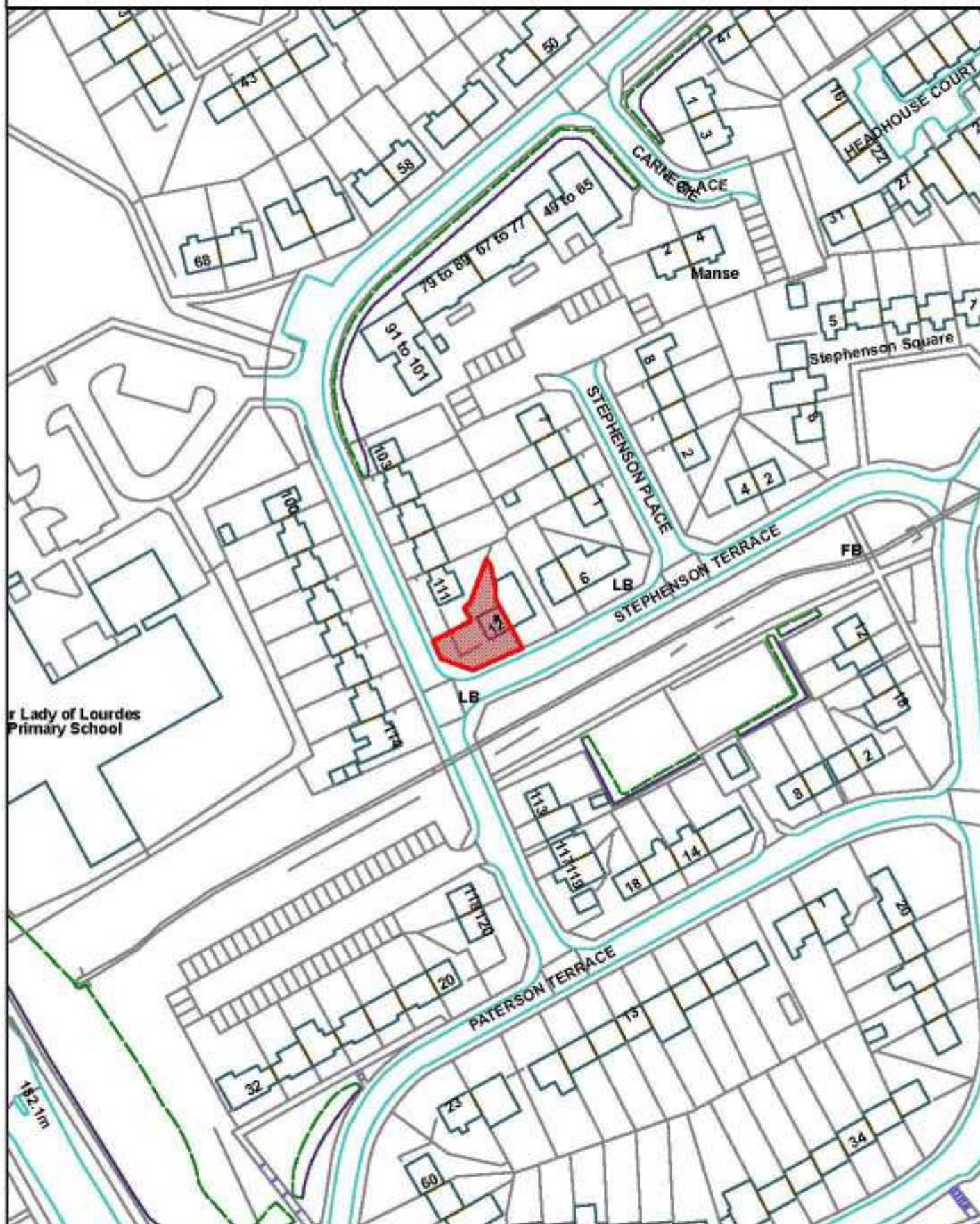
03. That, before the development hereby approved is completed or brought into use, all of the off street car parking spaces shown on Drawing 3 Revision A of the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

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



P/18/0847

12 Stephenson Terrace, East Kilbride



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1:1,250  
Date:  
08/11/2018



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



# Report

9

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>4 December 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Subject:	<b>New Lanark and Falls of Clyde Conservation Area Appraisal</b>
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## 1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ Update Committee on the preparation of the Conservation Area Appraisal for New Lanark and the Falls of Clyde and seek approval for its publication and adoption as non-statutory planning guidance.

## 2. Recommendation(s)

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

- (1) Approve the Conservation Area Appraisal for New Lanark and Falls of Clyde (subject to the Head of Planning and Economic Development being authorised to modify the document to take account of minor drafting changes and technical matters) and adopt it as non-statutory planning guidance.

## 3. Background

3.1. A Conservation Area Appraisal is a document which identifies the key elements of a conservation area, guides the Development Management Process and identifies opportunities for its improvement and enhancement. A Conservation Area Appraisal (CAA) for New Lanark and Falls of Clyde was previously prepared and consulted upon in 2011. As a result of the public consultation exercise, no objections to the draft document were received and a number of issues that were raised resulted in revisions to it. Subsequently, the Planning Committee, on 23 August 2011, agreed to approve the CAA and adopt it as supplementary guidance. However, for the reasons set out below, the appraisal was not published in 2011 and, given the passage of time, it is appropriate to report the CAA back to Committee prior to publication.

## 4. Current Proposal

4.1 The CAA, approved by Committee in 2011, comprised five sections.

- Part 1 provides a summary of the legislative background to conservation areas and the purpose of carrying out a Conservation Area Appraisal
- Part 2 outlines the historical development of New Lanark from the medieval period to the 20<sup>th</sup> century
- Part 3 provides an assessment of the significance of the key characteristics of historical and cultural value
- Part 4 contains an analysis of key townscape characteristics including topography, setting, views and vistas, building materials and architectural character

- Part 5 outlines the Council's existing policies and proposals for preservation and enhancement, including a new Article 4 Direction.

One of the proposals in part 5 of the document identified an opportunity to protect the New Lanark and Falls of Clyde Conservation Area from proliferation of minor alterations to buildings, which cumulatively can lead to the erosion of the character of the area, by restricting permitted development rights which existed at that time. The legislative vehicle to restrict permitted development rights is an Article 4 Direction under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. The CAA approved at the time included a list of classes of development that an Article 4 direction could control.

- 4.2 In 2011, the Scottish Government reviewed and altered many of the householder permitted development rights which had the effect of proposals for minor alterations and extensions to houses in conservation areas requiring planning permission. Since then, there have been further changes across a range of classes and new classes to reflect new micro-renewable technologies have been added. Consequently, the classes of development previously identified in the CAA to be restricted have been removed or altered and new classes have been introduced. As a result, the publication of the CAA has been delayed.
- 4.2 Despite the passage of time, the contents of the CAA approved in 2011 and, in particular, the proposals for preservation and enhancement, remain relevant and fit for purpose. The use of an Article 4 Direction to control development is still considered to be appropriate within a suite of intentions for protection and enhancement. As such, it is proposed the CAA, as previously approved, is published subject to some minor changes to reflect the current position on permitted development rights and the continuing need for an Article 4 Direction. The outcome of any public consultation on an Article 4 Direction would be reported to Committee, prior to any submission to the Scottish Government for their approval. A copy of the document which members are being asked to approve is available in the respective members' areas.

## **5 The Next Steps**

- 5.1 Following Committee approval, the New Lanark and Falls of Clyde Conservation Area Appraisal will be made available on the Council's website and be adopted as non-statutory planning guidance and a material consideration in the determination of applications affecting New Lanark and Falls of Clyde Conservation Area. In addition, it will be used to assist in:-
- the preparation and assessment of development applications
  - planning briefs and other area based proposals
  - promoting the special qualities and distinctiveness of New Lanark and Falls of Clyde built environment
  - setting out the parameters and implications of an Article 4 Direction

## **5. Employee Implications**

- 5.1. There are no employee implications. Any work undertaken in connection with the Appraisal can be met from existing resources.

## **6. Financial Implications**

- 6.1. There are no budgetary implications at this stage. Any publishing costs can be met from existing revenue budgets

## **7. Other Implications**

- 7.1. There are no implications for risk or sustainability in terms of the information contained in this report.



## **8. Equality Impact Arrangements and Consultation Arrangements**

- 8.1. This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and therefore, no impact assessment is required. The CAA has been the subject of public consultation.

**Michael McGlynn**

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

Date: 14 November 2018

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

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

### **Previous References**

Report to Planning Committee, 23 August 2011, New Lanark and Falls of Clyde Conservation Area Character Appraisal

### **List of Background Papers**

- New Lanark and Falls of Clyde Conservation Area Appraisal

### **Contact for Further Information**

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

Ext: (Tel: 01698 455271)

E-mail: [fiona.bailie@southlanarkshire.gov.uk](mailto:fiona.bailie@southlanarkshire.gov.uk)



# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>4 December 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Subject:	<b>Tree Preservation Order – Beechwood Avenue, Rutherglen</b>
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## 1. Purpose of Report

1.1. The purpose of the report is to:-

- ♦ Seek approval for the making of a Tree Preservation Order (TPO) on the trees at Beechwood Avenue, Cambuslang which fall within the boundary shown on the accompanying plan.

## 2. Recommendation(s)

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

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

## 3. Background

3.1 The trees that are subject to the proposed TPO are a group of mature beech trees located along the southern side of Beechwood Avenue, Rutherglen near its junction with Calderwood Road. The trees are considered to contribute to the character, amenity and sense of place of Beechwood Avenue, Stonelaw High School and surrounding area. Branches of each tree overhang the front boundaries of several houses along the road, and, as such, there is the potential that certain works could be undertaken to the trees by all the householders. The promotion of a TPO would not stop maintenance works being undertaken to the trees, but it would require such works to be agreed in advance with the Council to ensure that no inappropriate work takes place.

## 4 Policy History

4.1 The site is identified in the adopted South Lanarkshire Local Development Plan as being within a designed residential area. The surrounding land uses are predominantly residential, with Stonelaw High School and its playfields to the east and north, Calderwood Primary to the south and Templeton Bowling Club to the west.

## **5 Grounds for Making the TPO**

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

## **6 Employee Implications**

- 6.1 None.

## **7 Financial Implications**

- 7.1 None.

## **8 Other Implications**

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

## **9 Equality Impact and Consultation Arrangement**

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

**Michael McGlynn**

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

16 November 2018

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

- Work with communities and partners to promote high quality, thriving and sustainable communities (Source: Connect)

## **Previous References**

None

## **List of Background Papers**

None

## **Contact for Further Information**

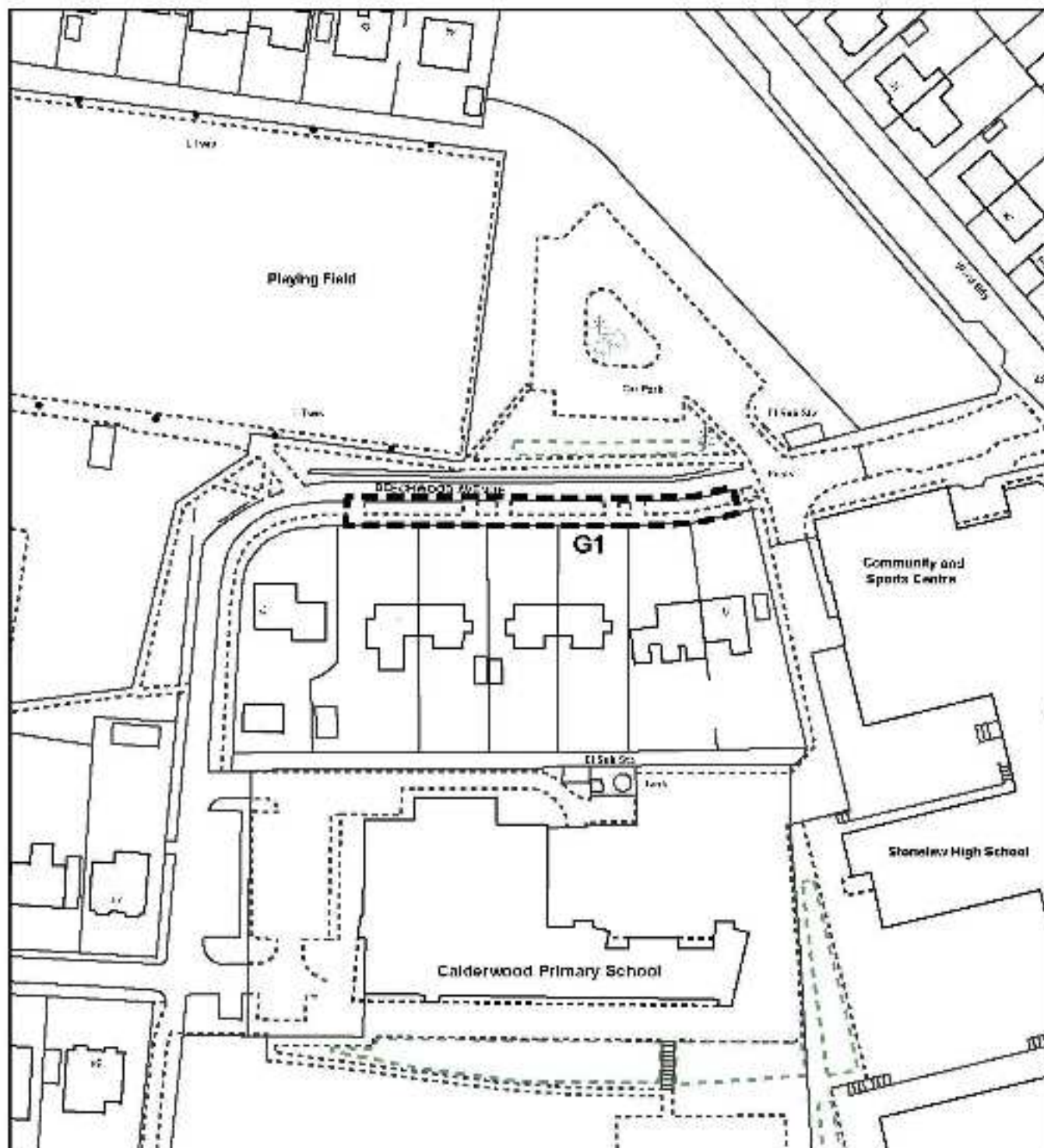
If you would like to inspect the background papers or want further information, please contact:-

Iain Morton, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton

Ext: 5058 (Tel: 01698 455048)

E-mail: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

**Tree Preservation Order - No SL54**  
**Beechwood Avenue, Cambuslang**



**This is the plan referred to in the foregoing Tree Preservation Order**

Schedule 1: 9 Mature Beech trees standing within the area marked G1 on the map

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

Date: November 2019

Scale: 1:1,200



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