



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 15 June 2020

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, 23 June 2020
Time: 10:00
Venue: By Microsoft Teams,

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

Yours sincerely

Cleland Sneddon
Chief Executive

Members

Isobel Dorman (Chair), Mark Horsham (Depute Chair), John Ross (ex officio), Alex Allison, John Bradley, Archie Buchanan, Jackie Burns, Stephanie Callaghan, Margaret Cowie, Peter Craig, Maureen Devlin, Mary Donnelly, Fiona Dryburgh, Lynsey Hamilton, Ann Le Blond, Martin Lennon, Richard Lockhart, Kenny McCreary, Davie McLachlan, Lynne Nailon, Carol Nugent, Graham Scott, David Shearer, Collette Stevenson, Bert Thomson, Jim Wardhaugh

Substitutes

John Anderson, Walter Brogan, Janine Calikes, Gerry Convery, Margaret Cooper, Allan Falconer, Ian Harrow, Ian McAllan, Catherine McClymont, Colin McGavigan, Mark McGeever, Richard Nelson, Jared Wark, Josh Wilson

BUSINESS

1 Declaration of Interests

2 Previous Meeting

5 - 6

Note of Delegated Decisions taken by the Chief Executive, in consultation with the Group Leaders, on items of business relating to the Planning Committee on 26 May 2020, submitted for information. (Copy attached)

Item(s) for Decision

- | | | |
|----------|---|----------|
| 3 | Application P/19/1283 for Conversion and Extension of Midden to Form Garage/Store Building (Retrospective) at Brae Farm, A726 from Strathaven to Chapelton, Chapelton, Strathaven
Report dated 28 May 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 7 - 16 |
| 4 | Application P/19/1539 for Erection of Detached Building for Use as Ancillary Residential Accommodation/Granny Flat Associated with Brae Farm with Associated Decking and Fencing (Retrospective) at Brae Farm, A726 from Strathaven to Chapelton, Chapelton, Strathaven
Report dated 28 May 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 17 - 28 |
| 5 | Application P/18/0602 for a Residential Development of up to 185 Units Comprising a Mix of Cottage Flats, Colony Flats, Semi Detached Houses and Apartments with Access, Associated Open Space and Landscaping (Planning Permission in Principle) at Speyside Distillery, Duchess Road, Rutherglen
Report dated 28 May 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 29 - 46 |
| 6 | Application P/19/1665 for Demolition of 2 Houses and Erection of 21 Unit Residential Development with Associated Works, Parking and Landscaping at 21 Douglas Street, Hamilton
Report dated 4 June 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 47 - 62 |
| 7 | Application P/19/1544 for Conversion of Existing Public House to Form One Class 1 (Food and Drink) Unit, One Hot Food Takeaway (Sui Generis) and One Class 1 (Retail) Unit with Associated Alterations to the Structure of the Building and Formation of New Car Park and Access at Burnhill Bar, 18 Chapel Street, Rutherglen
Report dated 1 June 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 63 - 76 |
| 8 | Application P/19/1050 for Erection of Single Storey Extension to Side of Public House Premises, Associated Raised Decking Areas and Alterations to Existing Car Park at The Tillietudlem Inn, 14 Lanark Road, Crossford, Carluke
Report dated 1 June 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 77 - 88 |
| 9 | Application P/19/1712 for Erection of Three Wind Turbines, 100 Metres in Height to Blade Tip, and Associated Crane Pads, Equipment Housings and Access Track at Land 575 Metres South Southeast of Dykecroft, B7086 from Boghead Kirkmuirhill to Deadwaters Bridge, Boghead, Lanark
Report dated 1 June 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 89 - 112 |

- 10 Application P/20/0027 for Erection of 110 Houses with Associated Works (Approval of Matters Specified in Conditions of Planning Consent CR/09/0139) at Newton POD 2H, Newton Avenue, Cambuslang** 113 - 124
Report dated 26 May 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)

Urgent Business

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

Planning Committee Agenda of 26 May 2020 – Delegated Decisions taken by the Chief Executive, in consultation with Group Leaders

1 Declaration of Interests

No interests were declared.

2 Previous Meeting

Decided: that the delegated decisions taken by the Chief Executive, in consultation with Group Leaders, in relation to the previous agenda of 5 May 2020, be noted as a correct record.

3 Application P/20/0252 for Construction of Park and Ride Facility Including Carriageway Widening, Lighting, Drainage, CCTV and Electric Vehicle Community Charging Hub at Site of Former Rosebank Service Station, Bridge Street, Cambuslang

Decided: that planning application P/20/0252 by South Lanarkshire Council for the construction of a park and ride facility including carriageway widening, lighting, drainage, CCTV and electric vehicle community charging hub at the site of the former Rosebank Service Station, Bridge Street, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

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

4 Application P/19/0969 for Erection of Single Storey Dog Boarding Kennels and Formation of Associated External Dog Walking Area, Landscaping and Car Parking at Crooklands Farm, Haywood Road, Forth

Decided: that planning application P/19/0969 by D and K Munro for the erection of single storey dog boarding kennels and formation of associated external dog walking area, landscaping and car parking at Crooklands Farm, Haywood Road, Forth be granted subject to the conditions specified in the Executive Director's report.

5 Application P/19/1544 for Conversion of Existing Public House to Form One Class 3 (Food and Drink) Unit, One Hot Food Takeaway (Sui Generis) and One Class 1 (Retail) Unit, with Associated Alterations to the Structure of the Building and Formation of New Car Park Access at Burnhill Bar, 18 Chapel Street, Rutherglen

Decided: that consideration of planning application P/19/1544 by N Tariq for the conversion of an existing public house to form one Class 3 (Food and Drink) unit, one hot food takeaway (Sui Generis) and one Class 1 (Retail) unit, with associated alterations to the structure of the building and formation of new car park access at Burnhill Bar, 18 Chapel Street, Rutherglen be deferred to a later date.

6 Application P/20/0156 for Erection of Single Storey House with Attic Accommodation, Formation of Two House Plots and Re-siting of Existing Access at Norwood, Craigenhill Road, Kilncadzow

Decided: that planning application P/20/0156 by G and G Whitefield for the erection of a single storey house with attic accommodation, formation of two house plots and re-siting of the existing access at Norwood, Craigenhill Road, Kilncadzow be granted subject to the conditions specified in the Executive Director's report.

7 Urgent Business

There were no items of urgent business.

Report

3

Report to:	Planning Committee
Date of Meeting:	23 June 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1283
Planning proposal:	Conversion and extension of midden to form garage/store building (retrospective)

1 Summary application information

Application type:	Householder
Applicant:	Mr Adam Simpson and Scott Bennett
Location:	Brae Farm A726 From Strathaven To Chapelton Chapelton Strathaven ML10 6RR

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) This application is one that would usually be determined under delegated powers. However, due to a request from an elected member, the application has been referred to the Planning Committee for determination.

3 Other information

- ♦ Applicant's Agent: William Findlater
- ♦ Council Area/Ward: 05 Avondale And Stonehouse
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 3 - Green Belt and rural area
Policy 4 - Development management and placemaking
Policy 15 - Natural and historic environment

Development management, placemaking and design supplementary guidance (2015)

**Natural and historic environment
supplementary guidance (2015)**

Policy NHE3 - Listed buildings

**Green Belt and rural area supplementary
Guidance (2015)**

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

Policy 4 - Green Belt and Rural Area

Policy 5 - Development Management and
Placemaking

Policy 14 - Natural and Historic Environment

Policy GBRA1 - Rural Design and Development

Policy NHE3 - Listed Buildings

◆ **Representation(s):**

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

◆ **Consultation(s):**

None

Planning Application Report

1 Application Site

- 1.1 The application relates to Brae Farm, a steading located between Strathaven and Chapelton. The property is a Category C listed building. In addition to the main farmhouse, the original farm buildings within the property have been subdivided and converted to form two additional residential properties. The application site in this instance relates to an area of ground associated with the main farmhouse, including the access to the property from the Strathaven to Chapelton road. The application site measures approximately 0.1 hectares in size.
- 1.2 The application site is bounded to the north, south and east by land associated with Brae Farm and to the west by land associated with the adjacent residential property at Burn View. The application site is relatively flat throughout, although it is noted that it slopes gently upwards from the location of the building that has been constructed to the main road, from where access to the site is taken.

2 Proposal(s)

- 2.1 The application relates to the conversion of an open midden on site to form a single storey detached building for use as an ancillary domestic building associated with the property at Brae Farm. The application is retrospective as the building has already been constructed on site. In order to convert the building, the walls of the midden have been increased in height and a roof and garage door have been put in place. The building measures 26 square metres in area.

3 Background

3.1 Local Plan Status

- 3.1.1 With regard to the South Lanarkshire Local Development Plan (adopted 2015), the site is located within the Green Belt as designated by Policy 3. Policy 4 – Development Management and Placemaking and its associated supplementary guidance are also of relevance to the proposed development. In addition, as the property is a Category C listed building, Policy 15 – Natural and Historic Environment and its associated supplementary guidance are of relevance in this instance.
- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policies 4 – Green Belt and Rural Area, 5 – Development Management and Placemaking, 14 – Natural and Historic Environment, GBRA1 – Rural Design and Development and NHE3 Listed Buildings are considered to be of relevance to the application.

3.2 Planning Background

- 3.2.1 Planning permission was granted for the conversion of agricultural buildings associated with the main dwellinghouse on site to form two additional dwellinghouses in 2004 (Planning Ref: EK/04/0219). These conversions have been undertaken and the properties are now occupied. Retrospective applications for the

erection of domestic stable buildings and the formation of a new access road (Planning Ref: P/18/0849) and for a tool shed and children's play house (Planning Ref: P/18/1308) have previously been consented by the Council. A retrospective application for the erection of a kennel and cattery building on site was refused planning consent by the Planning Committee in September 2019 (Planning Ref: P/19/1298). However, this decision was subsequently overturned by the Scottish Government on appeal and planning permission has, therefore, now been granted for the building. In addition, an application for the erection of a detached building for use as a granny flat/ancillary residential accommodation is under Council consideration at this time (Planning Ref: P/19/1539).

4 Consultation(s)

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

5 Representation(s)

- 5.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the East Kilbride News due to the location of the development within the curtilage of a listed building. In response, two letters of representation were received in respect of the proposals, the points of which are summarised below:

a) Planning permission should be refused as the development relates to the erection of a building on Green Belt land.

Response: While Council policy relating to development in Green Belt areas is more restrictive than within designated settlements, the policy states that the extension and development of existing properties can be considered appropriate provided that it is of an acceptable scale and design. In this case, the development relates to the conversion of an existing structure within the curtilage of a residential property to form a small scale ancillary garage/storage building. As such, there is not considered to be any adverse impact on the Green Belt or any conflict with Green Belt policy in this instance.

b) There is no justification for this building as Brae Farm is not a working farm. In addition, it has been suggested that this building may be used for business purposes as a vehicle repair garage.

Response: Council planning policy relating to Green Belt areas does not restrict additional development to working farms only. Provided that developments are of an acceptable design and scale and are justifiable in terms of Council planning policy, development within other existing properties in the Green Belt can also be considered to be acceptable. With regard to the concerns raised relating to the potential use of the building for business purposes, the applicants have advised that, in this instance, the building in question is utilised for ancillary domestic purposes only and no evidence has been provided by any other parties to suggest that this is not the case. For the avoidance of any doubt, a planning condition would be attached to any consent issued restricting the use of the building to domestic purposes only.

c) Given that the building may be used as a commercial garage, planning permission should not be granted for the development as the driveway

to the property is shared with a neighbouring property and the neighbouring property has not consented the use of the driveway for commercial purposes.

Response: As set out in b) above, the applicants have advised that the building to which the application relates is utilised for ancillary domestic purposes only and it is noted that no evidence has been provided by any other parties to suggest that this is not the case. A planning condition would be attached to any consent issued restricting the use of the building to domestic purposes only. As such, the existing access to the property is considered appropriate in terms of the development under consideration. It should be noted that the issue of shared ownership of the driveway is a civil matter that requires to be resolved separately by the parties involved, outside of the planning process.

- d) The building represents further unauthorised development within the property at Brae Farm. Given the repeated breaches of planning regulations an enforcement order should be put in place to have this building, as well as all other unauthorised buildings, removed from the site.**

Response: The Council is required to consider each planning application on its own merits and the retrospective nature of an application cannot be taken into account when assessing its merits in planning terms. In this instance, the application has been fully assessed and the view is taken that it is fully compliant with Council planning policy. It is, therefore, recommended that planning permission is granted for the development.

- e) It should be ensured that no protected species or other wildlife are harmed as a result of the development.**

Response: It is noted that, in this instance, the works relate to the conversion of an existing midden to form a small detached building. As such, it is considered extremely unlikely that there would have been any impact on protected species as a result of the development undertaken by the applicants.

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

6 Assessment and Conclusions

6.1 The applicants seek planning permission for the conversion of an open midden on site to form a single storey detached building for use as an ancillary domestic building associated with the property at Brae Farm. The application is retrospective as the building has already been constructed on site. In order to convert the building, the walls of the midden have been increased in height and a roof and garage door has been put in place. The building measures 26 square metres in area.

6.2 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) and its associated

supplementary guidance. The Proposed South Lanarkshire Local Development Plan 2 is also a material consideration in this instance.

- 6.3 In terms of the adopted local development plan it is noted that the site is located in an area which is designated as Green Belt under Policy 3 and its associated supplementary guidance. The Green Belt functions primarily for agriculture, forestry, recreation and other appropriate uses. Other uses can also be considered appropriate, but only in specific circumstances such as where there is a locational need, where the proposal relates to the rehabilitation of redundant land or buildings or where the proposal relates to the extension of an existing property or premises or to development within an existing building group.
- 6.4 With regard to the specific design and layout of the proposed development, Policy 4 – Development Management and Placemaking requires all proposals to take account of and be integrated with the local context and built form. The policy states that development proposals should have no significant adverse impacts on amenity or the local environment in planning terms. These requirements are further supported by the associated supplementary guidance relating to development management, placemaking and design.
- 6.5 In this instance it is noted that the development relates to the conversion of a former midden to form a detached garage/store building to be utilised for purposes ancillary to the residential property on site. As the building in question is a small scale domestic building that has been developed from an existing structure, it is not considered that the development has any adverse impact on the character or function of the Green Belt. Similarly, given the small scale of the building and its location within the curtilage of the existing residential property at Brae Farm, it is not considered that it has any adverse impact on surrounding amenity or the local environment. However, in order to ensure the continued protection of local amenity, a condition would be attached to any consent issued restricting the use of the building to ancillary domestic purposes associated with Brae Farm only. Subject to this condition the development is considered to be compliant with Policies 3 and 4 and their associated supplementary guidance documents.
- 6.6 Policy 15 – Natural and Historic Environment and its associated supplementary guidance seeks to protect designated natural and historic features of interest from inappropriate development. In this instance, it is noted that the main steading at Brae Farm is designated as a Category C listed building. Policy NHE3 of the Council's Natural and Historic Environment Supplementary Guidance seeks to retain the character and appearance of listed buildings and seeks to restrict inappropriate alterations to such buildings. In this instance, it is noted that no alterations to the listed building itself are proposed to be carried out. Furthermore, it is noted that the building to which the application relates is of a small scale and is significantly removed from the main dwellinghouse. As such, it is not considered that there is any adverse impact on the listed building resulting from the development and the development is considered to be compliant with Policy 15 and its associated supplementary guidance, with particular regard to Policy NHE3.
- 6.7 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The submission 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 submission generally accords with Policies 4, 5, 14, GBRA1 and NHE3 in the proposed plan.

- 6.8 In addition to the standard neighbour notification procedure carried out by the Council, the application was also advertised in the local press. One letter of objection and one letter of comment have been received in relation to the application. The points raised are addressed in detail in Section 5 above. It is not considered appropriate for the application to be refused planning consent based on the points of objection raised.
- 6.9 In conclusion, it is considered that the development is appropriate to the site in question in terms of design and layout, does not have any significant adverse impact on surrounding amenity, the adjacent listed building or the surrounding countryside and is fully compliant with the provisions of the relevant policies of the South Lanarkshire Local Development Plan and its associated supplementary guidance as well as the Proposed South Lanarkshire Local Development Plan 2. I would, therefore, recommend that planning permission is granted for the development subject to the attached condition.

7 Reasons for Decision

- 7.1 The development has no significant adverse impact on amenity and complies with the relevant policies of the adopted South Lanarkshire Local Development Plan and Supplementary Guidance (Policies 3, 4, 15 and NHE3) and the Proposed South Lanarkshire Local Development Plan 2 (Policies 4, 5, 14, NHE3 and GBRA1). There are no additional material considerations which would justify refusing to grant consent.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 28 May 2020

Previous references

- ◆ EK/04/0219
- ◆ P/18/0849
- ◆ P/18/1298
- ◆ P/18/1308
- ◆ P/19/1539

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 25 November 2019
- ▶ Representations

Dated:

Joe Allan, 94 Franklin Place, East Kilbride, G75 8LS

31.12.2019

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

Detailed planning application

Paper apart – Application number: P/19/1283

Conditions and reasons

01. That the building hereby approved shall be used for domestic or ancillary purposes associated with the main dwellinghouse on site at Brae Farm only and no business or commercial activity shall be carried out in or from the building.

Reason: To safeguard the amenity of the area and in order to retain effective planning control.

P/19/1283

Brae Farm, A726 from Strathaven to Chapelton, Chapelton



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Scale:
1:2,500
Date:
01/04/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

4

Report to:	Planning Committee
Date of Meeting:	23 June 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1539
Planning proposal:	Erection of detached building for use as ancillary residential accommodation/granny flat associated with Brae Farm with associated decking and fencing (retrospective)

1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr Adam Simpson and Scott Bennett
Location:	Brae Farm A726 From Strathaven To Chapelton Chapelton Strathaven ML10 6RR

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) This application is one that would usually be determined under delegated powers. However, due to a request from an elected member, the application has been referred to the Planning Committee for determination.

3 Other information

- ◆ Applicant's Agent: William Findlater
- ◆ Council Area/Ward: 05 Avondale And Stonehouse
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 3 - Green Belt and rural area
Policy 4 - Development management and placemaking
Policy 15 - Natural and historic environment

Development management, placemaking and design supplementary guidance (2015)

Policy DM5 – Extended family accommodation

Natural and Historic Environment

Supplementary Guidance (2015)

Policy NHE3 - Listed buildings

**Green belt and rural area supplementary
Guidance (2015)**

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

Policy 4 - Green Belt and Rural Area

Policy 5 - Development Management and Placemaking
Placemaking

Policy 14 - Natural and Historic Environment

Policy GBRA1 - Rural Design and Development

Policy NHE3 - Listed Buildings

Policy DM5 – Extended Family Accommodation

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads and Transportation Services (Development Management Team)

Planning Application Report

1 Application Site

- 1.1 The application relates to Brae Farm, a steading located between Strathaven and Chapelton. The property is a Category C listed building. In addition to the main farmhouse, the original farm buildings within the property have been subdivided and converted to form two additional residential properties. The application site in this instance relates to the main house at Brae Farm, an area of ground located in front of the main house and the access to the property from the Strathaven to Chapelton road. The application site measures approximately 0.15 hectares in size.
- 1.2 The application site is bounded to the north, south and east by land associated with Brae Farm and to the west by land associated with the adjacent residential properties at Burn View and Bridge View. The application site is relatively flat throughout, although it is noted that it slopes gently upwards from the location of the building that has been constructed to the main road, from where access to the site is taken.

2 Proposal(s)

- 2.1 The application relates to the erection of a detached building for use as ancillary residential accommodation associated with the main dwellinghouse at Brae Farm. The application is retrospective as the building has already been constructed on site. The building comprises living and kitchen facilities, a toilet and two bedrooms as well as a store room and has a total floor area of 84 square metres. An area of timber decking has been constructed at the front of the building which is enclosed by a timber fence.
- 2.2 The applicants have advised that the building is required to accommodate the parents of a resident of the main house. Supporting information has been provided as part of the application detailing the need for the residents of the building to be accommodated on the property.

3 Background

3.1 Local Plan Status

- 3.1.1 With regard to the South Lanarkshire Local Development Plan (adopted 2015) the site is located within the Green Belt as designated by Policy 3. Policy 4 – Development Management and Placemaking and its associated supplementary guidance are also of relevance to the proposed development. In particular, Policy DM5 – Extended Family Accommodation is of relevance in this case. In addition, as the property is a Category C listed building, Policy 15 – Natural and Historic Environment and its associated supplementary guidance are of relevance in this instance.
- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policies

4 – Green Belt and Rural Area, 5 – Development Management and Placemaking, 14 – Natural and Historic Environment, DM5 – Extended Family Accommodation, GBRA1 – Rural Design and Development and NHE3 Listed Buildings are considered to be of relevance to the application.

3.2 **Planning Background**

3.2.1 Planning permission was previously sought in respect of this building as a change of use from an outbuilding to the current use (Planning Ref: P/18/0868). However, the applicants were unable to provide sufficient justification to demonstrate that the building had been in situ for at least four years prior to its use as residential accommodation, which would be the minimum permissible time period to allow a change of use application to be submitted in respect of the development. The applicants, therefore, withdrew that application and submitted the current application in its place.

3.2.2 With regard to other developments within the property, planning permission was granted for the conversion of agricultural buildings associated with the main dwellinghouse on site to form two additional dwellinghouses in 2004 (Planning Ref: EK/04/0219). These conversions have been undertaken and the properties are now occupied. Retrospective applications for the erection of domestic stable buildings and the formation of a new access road (Planning Ref: P/18/0849) and for a tool shed and children's play house (Planning Ref: P/18/1308) have previously been consented by the Council. A retrospective application for the erection of a kennel and cattery building on site was refused planning consent by the Planning Committee in September 2019 (Planning Ref: P/19/1298). However, this decision was subsequently overturned by the Scottish Government on appeal and planning permission has therefore now been granted for the building. In addition, an application for the conversion and extension of a midden to form a garage/store building is under Council consideration at this time (Planning Ref: P/19/1283).

4 **Consultation(s)**

4.1 **Roads and Transportation Services (Development Management Team)** – offered no objections subject to the provision of two parking spaces on site to serve the development.

Response: Noted. Any consent issued would be appropriately conditioned in this regard.

5 **Representation(s)**

5.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the East Kilbride News for neighbour notification purposes and due to the location of the development within the curtilage of a listed building. In response, three letters of representation were received in respect of the proposals, the points of which are summarised below:

a) **Planning permission should be refused as the development relates to the erection of a building on Green Belt land and the granting of planning consent would be inconsistent with previous decisions to refuse planning permission for residential developments in Green Belt areas. As such, the development fails to comply with Policy 3 of the adopted Local Development Plan.**

Response: While Council policy relating to development in Green Belt areas is more restrictive than within designated settlements, the policy states that

the extension and development of existing properties can be considered appropriate provided that it is of an acceptable scale and design. In addition, when assessed against Policy 3, it is noted that the proposal relates to limited development within an existing building group and that there is a specific locational requirement for the development. As such, there is not considered to be any adverse impact on the Green Belt or any conflict with Green Belt policy in this instance.

- b) There is no justification for this building as Brae Farm is not a working farm. In addition, the approval of the development would set an undesirable precedent in the area.**

Response: Council planning policy relating to Green Belt areas does not restrict additional development to working farms only. Provided that developments are of an acceptable design and scale and are justifiable in terms of Council planning policy, development within other existing properties in the Green Belt can also be considered to be acceptable. With regard to the issue of precedent, the Council is required to consider each application on its own merits. As such, the granting of permission for a development does not set a precedent for other future developments in the Green Belt.

- c) The development is out of character with and has an adverse impact on the setting of the listed building that is situated on site and restricts the view of the building from the public road. As such, the development fails to comply with Policies 15 and NHE3 of the adopted Local Development Plan and associated supplementary guidance.**

Response: It is noted that the building is relatively small in terms of scale and massing, is detached from the main dwellinghouse and that no alterations to the main house itself are proposed in this instance. It is also noted that, as part of the Scottish Government appeal decision in respect of the adjacent kennel and cattery building, the Reporter noted that the view of the main house from the public road is not a significant viewpoint, as only a momentary glimpse of the farmhouse would have been provided to passing traffic and no pedestrian footpath is in place at this location. As such, there is not considered to be any significant impact on the listed building, its setting or on a significant viewpoint and the proposal is, therefore, considered to be compliant with Policies 15 and NHE3.

- d) The development does not comply with the Council's policy relating to development of gap sites in Green Belt areas.**

Response: As the development does not relate to a gap site, there is no requirement for it to comply with the Council's planning policy relating to gap sites. However, the application has been assessed against the relevant Council planning policy and the view is taken that it complies with all relevant policies in this instance.

- e) The building represents further unauthorised development within the property at Brae Farm. Given the repeated breaches of planning regulations an enforcement order should be put in place to have this building, as well as all other unauthorised buildings, removed from the site.**

Response: The Council is required to consider each planning application on its own merits and the retrospective nature of an application cannot be taken into account when assessing its merits in planning terms. In this instance the application has been fully assessed and the view is taken that it is fully compliant with Council planning policy. It is therefore recommended that planning permission be granted for the development.

f) The building was erected more recently than has been claimed by the applicants.

Response: It is noted that the applicants originally sought change of use planning consent for the development on the basis that the building was originally used as a storage unit and was constructed more than four years before a planning application was sought by the Council. However, the applicants were unable to provide sufficient evidence to back up their position in this regard and, therefore, the Council required the submission of a retrospective planning application for the erection of the building. This application has now been submitted to the Council and is being considered as a new build development on site, rather than a change of use. As such, the exact date of construction of the building is no longer relevant to the assessment of the planning application.

g) It should be ensured that no protected species or other wildlife are harmed as a result of the development.

Response: It is noted that, in this instance, the works relate to the construction of a relatively small scale detached building on a hardstanding and grassed area adjacent to Brae Farm. As the application is retrospective in nature it is not possible to further manage the protection of species, however it is considered unlikely that there would have been any impact on protected species as a result of the development undertaken by the applicants.

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

6 Assessment and Conclusions

6.1 The applicants seek planning permission for the erection of a detached building for use as ancillary residential accommodation associated with the main dwellinghouse at Brae Farm. The application is retrospective as the building has already been constructed on site. The building comprises living and kitchen facilities, a toilet and two bedrooms as well as a store room and has a total floor area of 84 square metres. An area of timber decking has been constructed at the front of the building which is enclosed by a timber fence.

6.2 The applicants have advised that the building is required to accommodate the parents of a resident of the main house. Supporting information has been provided as part of the application detailing the need for the residents of the building to be accommodated on the property.

6.3 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) and its associated supplementary guidance. The Proposed South Lanarkshire Local Development Plan 2 is also a material consideration in this instance.

- 6.4 In terms of the adopted local development plan, it is noted that the site is located in an area which is designated as Green Belt under Policy 3 and its associated supplementary guidance. The Green Belt functions primarily for agriculture, forestry, recreation and other appropriate uses. Other uses can also be considered appropriate, but only in specific circumstances such as where there is a locational need, where the proposal relates to the rehabilitation of redundant land or buildings or where the proposal relates to the extension of an existing property or premises or to development within an existing building group.
- 6.5 With regard to the specific design and layout of the proposed development, Policy 4 – Development Management and Placemaking requires all proposals to take account of and be integrated with the local context and built form. The policy states that development proposals should have no significant adverse impact on amenity or the local environment in planning terms. These requirements are further supported by the associated supplementary guidance relating to development management, placemaking and design. In particular, Policy DM5 of this document provides policy and guidance with regard to the provision of extended family accommodation such as granny flats and other ancillary accommodation. This policy advises that such proposals can be supported in instances where a social need can be demonstrated, there is no significant amenity impact and all roads and transportation related requirements can be met on site to the Council's satisfaction.
- 6.6 In this instance, it is noted that the building forms part of an existing building group at Brae Farm. The building is of a relatively small scale, does not appear out of character in the context of the building group and does not have an overbearing effect on the remainder of the building group. It is not considered that, by virtue of its appearance or scale, the building has any adverse impact on the surrounding Green Belt or on local residential amenity.
- 6.7 The applicants have advised that the building is required to accommodate the parents of a resident of the main house. Additional supporting justification has been provided in this regard and this information is considered acceptable to the Planning Service in terms of justifying the requirement for the building. A condition would be attached to any consent issued restricting the use of the building to purposes ancillary to the main dwellinghouse on site. It is further noted that the development does not raise any issues in terms of roads and transportation issues, subject to a condition relating to car parking provision which would also be attached to any consent issued. Taking all of the above into account, the view is taken that the development is compliant with the relevant provisions of Policies 3 and 4 of the adopted local plan as well as with all relevant policy and guidance contained within their associated supplementary guidance documents, with particular regard to Policy DM5.
- 6.8 Policy 15 – Natural and Historic Environment and its associated supplementary guidance seeks to protect designated natural and historic features of interest from inappropriate development. In this instance it is noted that the main steading at Brae

Farm is designated as a Category C listed building. Policy NHE3 of the Council's Natural and Historic Environment Supplementary Guidance seeks to retain the character and appearance of listed buildings and seeks to restrict inappropriate alterations to such buildings.

- 6.9 In this instance, it is noted that no alterations to the listed building itself are proposed to be carried out. Furthermore, it is noted that the building to which the application relates is of a relatively small scale and is detached from the main dwellinghouse. It is also noted that, as part of the Scottish Government appeal decision in respect of the kennel and cattery building located adjacent to the building, the Reporter noted that the view of the main house from the public road is not a significant viewpoint, as only a momentary glimpse of the farmhouse would have been provided to passing traffic and no pedestrian footpath is in place at this location. As such, taking account of the Reporter's decision, it is not considered that there would be any adverse impact on any significant views of the listed building as a result of this development. As such, there is not considered to be any significant impact on the listed building, its setting or on a significant viewpoint in this instance and the development is, therefore, considered to be compliant with Policies 15 and NHE3.
- 6.10 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 submission 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 submission generally accords with Policies 4, 5, 14, DM5, GBRA1 and NHE3 in the proposed plan.
- 6.11 In addition to the standard neighbour notification procedure carried out by the Council, the application was also advertised in the local press. Two letters of objection and one letter of comment have been received in relation to the application. The points raised are addressed in detail in Section 5 above. It is not considered appropriate for the application to be refused planning consent based on the points of objection raised.
- 6.12 In conclusion, it is considered that the development is appropriate to the site in question in terms of design and layout, does not have any significant adverse impact on surrounding amenity, the adjacent listed building or the surrounding countryside and is fully compliant with the provisions of the relevant policies of the South Lanarkshire Local Development Plan and its associated supplementary guidance as well as the Proposed South Lanarkshire Local Development Plan 2. I would, therefore, recommend that planning permission is granted for the development subject to the attached conditions.

7 Reasons for Decision

- 7.1 The development has no significant adverse impact on amenity and complies with the relevant policies of the adopted South Lanarkshire Local Development Plan and Supplementary Guidance (Policies 3, 4, 15, DM5 and NHE3) and the Proposed South Lanarkshire Local Development Plan 2 (Policies 4, 5, 14, DM5, NHE3 and GBRA1). There are no additional material considerations which would justify refusing to grant consent.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 28 May 2020

Previous references

- ◆ EK/04/0219
- ◆ P/18/0849
- ◆ P/18/0868
- ◆ P/18/1298
- ◆ P/18/1308
- ◆ P/19/1283

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 November 2019
- ▶ Consultations
 - Roads and Transportation Services (Development Management Team) 13.01.2020
- ▶ Representations Dated:
 - Joe Allan, 94 Franklin Place, East Kilbride, G75 8LS 31.12.2019
 - John Jackson And Dick, Received Via Email 18.12.2019
 - Councillor Graeme Campbell, By Email 17.12.2019

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

Conditions and reasons

01. That the granny annex hereby approved shall be used solely as accommodation ancillary to the main dwellinghouse, shall not be occupied, let or sold as a separate dwelling unit and no business or commercial activity shall be carried out in or from the building.

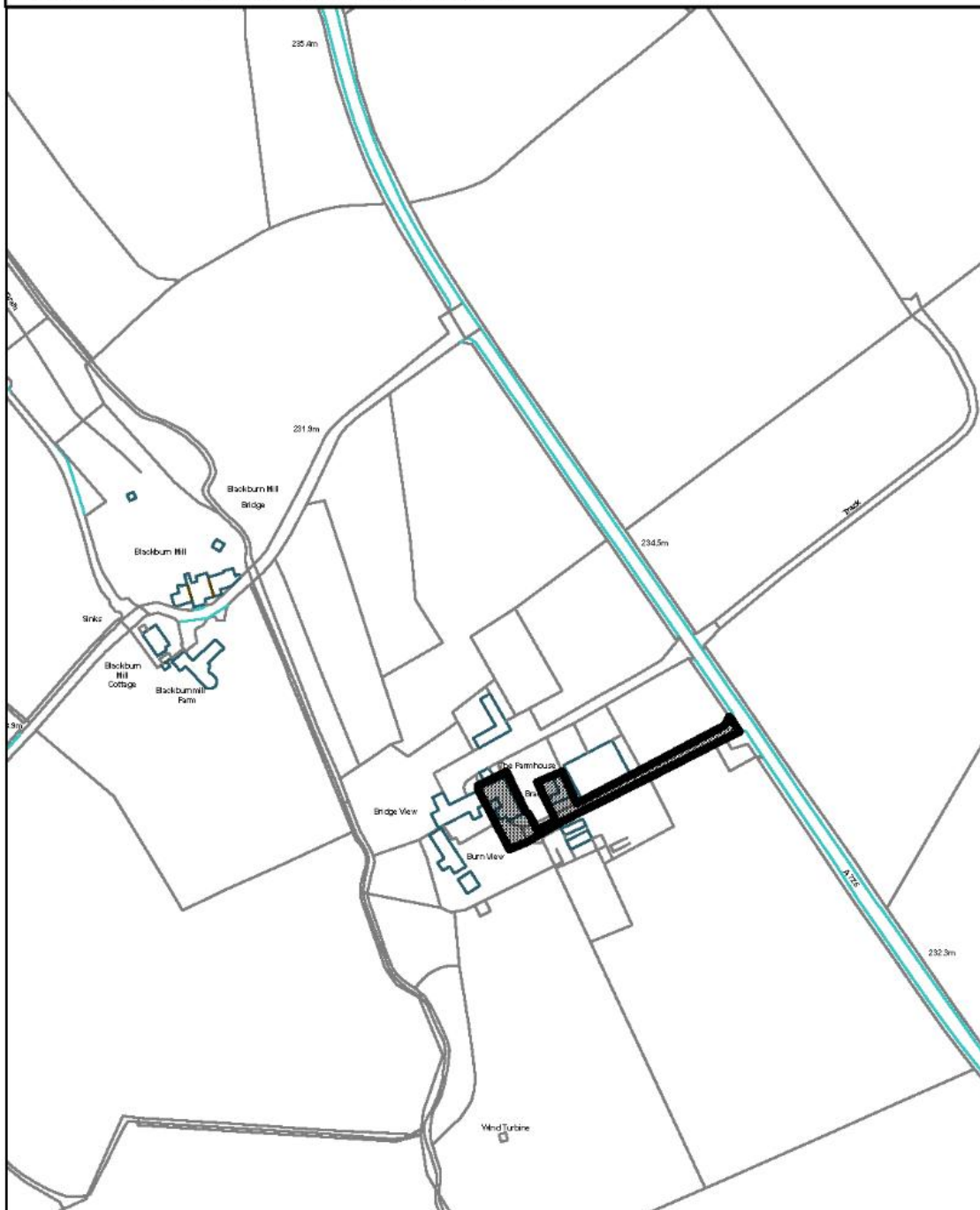
Reason: To safeguard the amenity of the area and in order to retain effective planning control.

02. That, within two months of the date of this permission, a plan shall be submitted detailing the provision of two parking spaces, each measuring a minimum of 6m x 3m, to serve the development, to the satisfaction of the Council as Roads and Planning Authority. The parking spaces shall be put in place within six months of the date of this consent and shall thereafter be maintained to the satisfaction of the Council as Roads and Planning Authority.

Reason: To ensure the provision of adequate parking space to serve the development.

P/19/1539

Brae Farm, A726 from Strathaven to Chapelton, Chapelton



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Scale:
1:2,500
Date:
01/04/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

5

Report to:	Planning Committee
Date of Meeting:	23 June 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/0602
Planning proposal:	Residential development for up to 185 units comprising a mix of cottage flats, colony flats, semi-detached housing, apartments, access, associated open space and landscaping. (Planning Permission in Principle)

1 Summary application information

Application type:	Permission in principle
Applicant:	Heron Property Limited c/o agent
Location:	Speyside Distillery Duchess Road Rutherglen Glasgow G73 1AU

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) If planning consent is granted, the decision notice should be withheld until a Planning Obligation in respect of a financial contribution for the improvement/upgrading of educational, community facilities and on-site/off-site affordable housing provision the area. This obligation will also detail an area of land within the site to allow for an upgrade of Mathieson Road/Cunninghame Road by the Council's Roads and Transportation Services.

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.

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

2.2 Other actions/notes

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

3 Other information

- ♦ Applicant's Agent: Scott Hobbs Planning
- ♦ Council Area/Ward: 12 Rutherglen Central and North
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan 2015**
 - Policy 4 - Development management and placemaking
 - Policy 5 - Community infrastructure assessment
 - Policy 6 - General urban area/settlements
 - Policy 7 - Employment
 - Policy 12 - Housing land
 - Policy 13 - Affordable housing and housing choice
 - Policy 16 - Travel and transport
 - Policy 17 - Water environment and flooding

Supplementary Guidance 5: Industrial and Commercial Development

Policy ICD1 – Non-conforming uses in core industrial/business areas

Proposed South Lanarkshire Development Plan 2

Policy 1 - Spatial Strategy
Policy 3 - General Urban Areas
Policy 5 - Development Management and Placemaking
Policy 7 - Community Infrastructure Assessment
Policy 11 - Housing
Policy 12 - Affordable Housing
Policy 15 - Travel and Transport
Policy 16 - Water Environment and Flooding

♦ Representation(s):

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

♦ Consultation(s):

School Modernisation Team

Housing Planning Consultations

Rutherglen Community Council

Community Services

WOSAS

SPT

Transport Scotland

SEPA Flooding

Roads Flood Risk Management

Environmental Services

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site relates to an area of land formerly housed by Speyside Distillers on Duchess Road, Rutherglen which was used to produce whisky and covers an area of approximately 2 hectares (20,000sq metres). All buildings were demolished some time ago and the site is now vacant with the exception of a 2-metre-high fence around the perimeter. The site is generally flat and sits between Duchess Road to the west and Mathieson Road to the north and is approximately one kilometre from Rutherglen town centre.
- 1.2 The site can currently be accessed from Duchess Road to the west. Further to the west is a residential area built in 2000. To the south-east and north are existing industrial units and beyond to the south-east is the M74 motorway which is approximately 400 metres away. To the east is another vacant site which currently has planning permission for a mixed use and is currently under construction.

2 Proposal(s)

- 2.1 The applicant, Heron Property Limited has applied for Planning Permission in Principle (PPP) for the erection of 185 houses of mixed sizes and house types. The breakdown of the housing provision covers a mix of three storey apartments, two storey cottage flats, two storey terrace houses and two storey semi-detached houses. The site will be accessible via Duchess Road. As the proposal is a PPP application, a further application will be required for the detailed plans.
- 2.2 The development is classified as a 'Major' development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and was the subject of pre-application consultation, including a public exhibition held in Rutherglen Town Hall on 13 March 2018. A number of documents have been provided in support of the application, namely a Pre-application Consultation Report, Flood Risk Assessment, Transport Assessment, Phase 1 Habitat Survey, Site Investigation Report and a Design and Access Statement.

3 Background

3.1 Local Plan Status

- 3.1.1 With regard to the South Lanarkshire Local Development Plan (adopted 2015), the site is currently zoned for industrial use. There is currently a good supply of industrial land within the Cambuslang/Rutherglen area and, for that reason, the site has been earmarked for housing in the Proposed Local Development Plan 2 which is now a material consideration.
- 3.1.2 In terms of this application the following policies are relevant:

Policy 4 – Development Management and Placemaking
Policy 5 – Community Infrastructure Assessment
Policy 6 – General Urban Area/Settlements
Policy 7 – Employment

Policy 12 – Housing Land
Policy 13 - Affordable Housing and Housing Choice
Policy 16 – Travel and Transport
Policy 17 – Water environment and Flooding

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

Policy 1 – Spatial Strategy
Policy 3 – General Urban Area/Settlements
Policy 5 – Development Management and Placemaking
Policy 7 – Community Infrastructure Assessment
Policy 11 - Housing
Policy 12 – Affordable Housing
Policy 15 – Travel and Transport
Policy 16 – Water environment and Flooding

3.2 Relevant Government Advice/Policy

- 3.2.1 Relevant Government guidance is set out within the Scottish Planning Policy (SPP) which confirms the requirement for the Council to maintain a five-year supply of effective housing land. Planning authorities are required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, to make effective use of existing infrastructure and service capacity.

3.3 Planning Background

- 3.3.1 There have been no recent planning applications for the site. The site has been subject to a Pre-Application Notice (CR/17/X0262/NEW). Under the regulatory framework following from the Planning etc. (Scotland) Act 2006, applicants lodging a major planning application are required to undertake pre-consultation with the community and stakeholders 12 weeks in advance of lodging the formal planning application. The applicant has followed this procedure as referred to in paragraph 2.2 and has submitted a Report of Consultation with the current planning application.

4 Consultation(s)

- 4.1 **Environmental Services** – advise that the applicants should submit noise surveys and contaminated land surveys.
Response: Noted. These details have been conditioned and will form part of the matters specified in condition application.
- 4.2 **Transport Scotland** – no objections subject to a Travel Plan being implemented and the development being limited to 185 dwellings.
Response: Noted, this has been conditioned.

- 4.3 **Community Resources** – the proposal is acceptable in principle in terms of community/play provision. A commuted sum will be sought from Community Resources towards facilities at Cuningar Loop Park which is located close to the site and for the potential development of a riverside path along the south bank of the Clyde. In addition, the application site should include provision of a play area.
Response: Noted. The applicant has agreed these payments and they will be written into the Section 75 Legal Agreement. The need for a play area has been conditioned.
- 4.4 **Roads and Transportation Services (Flood Risk Management)** – following submission of further details have confirmed they have no objections subject to the provisions of SUDs drainage.
Response: Noted. These details have been conditioned.
- 4.5 **Roads and Transportation Services (Development Management)** – no objections subject to the provision of an area of land to be reserved on the north-western corner to provide an improved link road for the Clyde Gateway.
Response: Noted, this area has been identified on the drawings and the legal agreement will reflect this.
- 4.6 **Housing Services** – advise that they wish to seek a serviced site for the provision of affordable housing representing 25% of the site. If this is not possible, then they may consider a commuted sum or a mixture of both.
Response: Noted. The applicants have agreed to this and the legal agreement associated with the proposal will be outlined to ensure that a commuted sum will be paid if on-site provision is not possible. This will be written into the legal agreement.
- 4.7 **Education Resources** – request a contribution towards the provision of education services in the locality based on the number of units proposed.
Response: Noted. The applicant has agreed a figure with the Council, and this will be written into the Section 75 legal agreement.
- 4.8 **SEPA (West Flooding)** – following the submission of further information have confirmed they have no objections subject to the provision of SUDs drainage facilities.
Response: Noted.
- 4.9 **Rutherglen Community Council** – no response to date
Response: Noted.
- 4.10 **SPT** - no response to date.
Response: Noted
- 5 Representation(s)**
- 5.1 Following statutory neighbour notification and advertisement in the Rutherglen as Development Contrary to the Development Plan, one letter of representation has been received the points of which are summarised below:
- a) **The dwellings proposed adjacent to the eastern boundary are sited close to the approved family restaurant which forms part of an adjacent development with planning permission in principle and there is potential for these dwellings to experience a degree of loss of amenity if appropriate mitigation measures are not included within their design.**

Response: The applicant is aware of this. The housing shown on the drawings is indicative only and the final layout which will form the detailed layout will reflect the land use surrounding the site.

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

6 Assessment and Conclusions

- 6.1 Planning consent is sought by Heron Property for a residential development of 185 dwellings with associated access, parking and landscaping at the former Speyside Distillery site in Rutherglen. The proposed development will be accessed from Duchess Road to the west.
- 6.2 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 (as amended), all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan framework against which the proposal requires to be assessed comprises the South Lanarkshire Local Development Plan (adopted 2015) and its associated supplementary guidance and the Proposed South Lanarkshire Local Development Plan 2.
- 6.3 In terms of the adopted local development plan, the site is in an area which is zoned for industrial use as per Policy 7. Policy 7 states that the Council shall maintain sites for industrial and business use. Any proposal which does not conform to this policy requires to be assessed against Policy ICD1 - Non-conforming uses in core industrial/business areas. This policy states that all proposals shall ensure marketability and continuity of business use, shall not be for residential use, shall not undermine vitality and viability, will not affect industrial generation, shall have been unsuccessfully marketed, be easily accessed with no infrastructure implications. The proposal, clearly, fails to comply with both policies 7 and ICD1 on the basis that the proposal is for residential use.
- 6.4 With regard to the specific design and layout of the proposed development, Policy 4 – Development Management and Placemaking, Policy 6 – General Urban Area/Settlements, Policy DM1 Design require all proposals to take account of and be integrated with the local context and built form. The policy states that development proposals should have no significant adverse impacts on the local community and, where appropriate, should include measures to enhance the environment and the quality of placemaking. These requirements are further supported by Policy DM13 of the associated supplementary guidance relating to development management, placemaking and design.
- 6.5 It is considered that the site can be suitably designed as required by policies 4, 6, DM1 and DM13. The proposed development would be appropriate to the site in question in terms of design and layout and could be designed to comply with the standards set out in the Council's Residential Development Guide, particularly in relation to road layout, the density of the development, car parking provision and provision of amenity space. Whilst the site is located within an industrial area and previously operated as a distillery, it is bounded to the west and north-west by established residential properties and a mixed-use development is currently under construction to the east. Industrial use largely

stopped in the locality several years ago and there is little or no industrial traffic in the area. Much of the industrial use is located within the Clyde Gateway to the north-west.

- 6.6 The proposed development of modern flats would be in keeping with the settlement pattern of development in the surrounding area. This specific area of Rutherglen is characterised by high density flatted dwellings. The applicant has submitted an indicative drawing showing the potential for a mix of house type reflecting the locality. Furthermore, the site is sustainable with good links to Rutherglen town centre, Dalmarnock and public transport links. I am, therefore, satisfied that the proposal can comply with policies 4, 6, DM1 and DM13.
- 6.7 Policy 5 – Community Infrastructure relates to the provision of education, transport, affordable housing and community facilities through the development process. The provision of this infrastructure can be in the form of physical buildings and improvements or a financial contribution. The contributions are generally written into a legal agreement which will ensure provision at the appropriate times they are required. All contributions should serve a planning purpose, be necessary, be directly related to the site and be fair and reasonable. In this instance, the applicant has agreed to make financial contributions towards education facilities and community facilities. In addition, land will be set aside for roads improvements and on-site affordable housing will be provided. Should it not be possible to provide on-site affordable housing then a financial contribution will be made. I am, therefore, satisfied that the proposal complies with Policy 5 of the adopted local development plan.
- 6.8 Policies 12 and 13 are for Housing and Affordable Housing, respectively. Policy 12 states that the Council will maintain an effective five-year supply of housing. If a five-year effective supply cannot be maintained then the Council will look at urban capacity sites, additional brownfield sites and sustainable greenfield sites. Policy 13 states that all housing sites over 20 units should provide a maximum of 25% of affordable housing. The site is clearly a brownfield site and the applicants will provide 25% affordable housing either by on-site, off-site or a mixture of the two. The redevelopment of this site will mean that a suitable supply of housing land is maintained and that there is a reduced need to release greenfield sites. I am, therefore, satisfied that the proposal complies with policies 12 and 13 of the adopted local development plan.
- 6.9 Policy 16 relates to Transport and policy 17 to Water environment and flooding. Policy 16 requires developments to be sustainable and have good links to public transport. The site is approximately 600 metres from Rutherglen train station and is close to a number bus links. In addition, the applicants have agreed to reserve an area of land to the north to provide an improved arterial road from Cambuslang Road to the Clyde Gateway. In terms of flooding, a Flood Risk Assessment was submitted and assessed by both SEPA and the Council's Roads Flood Risk Management team. Following submission of appropriate information, both consultees have confirmed they are satisfied with the proposals. I am satisfied, therefore, that the proposals comply with policies 16 and 17 of the adopted local development plan.
- 6.10 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 industrial zoning has been removed from the site and it is now zoned as a Development Framework site in the new plan as part of Policy 1 – Spatial Strategy. As part of this proposal, housing is deemed a suitable type

of development. Further to that, the previously identified policies pertaining to development management, community infrastructure, housing and affordable housing, transport and flooding are still relevant. It is considered that the proposals accord with Policies 1, 3, 5, 7, 11, 12, 15 and 16 in the proposed plan.

- 6.11 As outlined above, the proposal consists of a type and layout which is characterised by its locality. The proposed development will result in the redevelopment of a vacant brownfield site. The site is sustainable and is close to Rutherglen town centre, a more localised supermarket and an individual row of shops. Moreover, it is also close to good transport links including train, bus and motorway.
- 6.12 The Council's Roads and Transportation Services have advised that, subject to conditions relating to access, parking and provision of visibility splays, they have no objections to the proposed development. Subject to the required conditions, it is considered that the proposal would have no adverse amenity impact and would comply with Policy 4 of the adopted local development plan and with all relevant policy and guidance as set out in associated supplementary guidance.
- 6.13 In addition to the standard neighbour notification procedure carried out by the Council, the application was also advertised in the Rutherglen Reformer as Development Contrary to the Development Plan (DCDP). The points raised are addressed in detail in Section 5 above. It is not considered appropriate for the application to be refused planning consent based on the points of objection raised.
- 6.14 The application is considered as a departure from local plan policy on the basis that it does not comply with current local development plan policy. This departure can be justified and approval of Planning Permission in Principle for the following reasons:
- The proposal complies with the Proposed South Lanarkshire Local Development Plan 2;
 - The proposal complies with policies 4, 5, 6, 12, 13, 16, and 17 of the adopted South Lanarkshire Local Development Plan 2015;
 - The proposal will result in the redevelopment of a brownfield site;
 - There are no infrastructure implications.

7 Reasons for Decision

- 7.1 The proposal is a justifiable departure from policy 7 of adopted South Lanarkshire Local Development Plan 2015, will have no adverse amenity impact and is compliant with policies 4, 5, 6, 7, 12, 13, 16, 17, DM1 and DM13 of the adopted development plans and policies 1, 3, 5, 7, 11, 12, 15 and 16 of the Proposed South Lanarkshire Local Development Plan 2 (2018) and with all relevant associated supplementary guidance. However, consent should be withheld until the conclusion of the Section 75 Obligation, or other appropriate means, to ensure the appropriate obligations are fulfilled towards education, roads and public transport infrastructure, affordable housing provision and community facilities.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 28 May 2020

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2 2018
- ▶ Neighbour notification letter dated 16 May 2018
- ▶ Consultations
 - School Modernisation Team 28.06.2018
 - Housing Planning Consultations 05.06.2018
 - Community Contributions 05.06.2018
 - WOSAS 24.05.2018
 - Transport Scotland 07.01.2019
 - SEPA Flooding 28.05.2018
 - Roads Flood Risk Management 22.04.2020
 - Environmental Services 01.08.2018
 - Roads Development Management Team 03.04.2019
- ▶ Representations
 - Turley, 115 George Street, Edinburgh, EH2 4JN Dated: 03.07.2018

Contact for further information

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

Iain Morton, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Phone: 01698 455048
Email: iain.morton@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 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) the means of drainage and sewage disposal.
 - (g) 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. Unless development commences, planning permission in principle expires 2 years from approval of the specified matters being granted, or if different matters are approved on different dates, then 2 years from the date of the last approval.

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

03. The application(s) for approval of these further matters must be made to the Council as Planning Authority before whichever is the latest of the following:

- (a) expiry of 3 years from when permission in principle was granted
- (b) expiry of 6 months from date when an earlier application for approval was refused, and
- (c) expiry of 6 months from date on which an appeal against the refusal was dismissed or, where the earlier application is the subject of a review by virtue of section 43A(8) of the Town and Country Planning (Scotland) Act 1997 ("the Act"), the expiration of 6 months from the date of the notice of the decision to uphold the determination given by virtue of section 43A(11)(e) for the Act.

Approval of the further specified matters can be made for -

- (i) different matters, and
- (ii) different parts of the development at different times.

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

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

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

05. That the further application(s) required under the terms of Condition 1 above, shall make reference to and incorporate the criteria specified within the approved South Lanarkshire Council 'Residential Development Guide'.

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

06. 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.

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

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

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

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

09. That notwithstanding the requirements of condition 1 above, a Landscape Plan shall be submitted to the Council as Planning Authority for written approval and it shall include:
- (i) 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;
 - (ii) 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;
 - (iii) details and specification of all trees, shrubs, grass mix, etc.;
 - (iv) details of any top-soiling or other treatment to the ground;
 - (v) sections and other necessary details of any mounding, earthworks and hard landscaping;
 - (vi) proposals for the initial and future maintenance of the landscaped areas;
 - (vii) details of the phasing of these works;
 - (viii) detailed specifications for all soft and hard landscape features including new trees and shrub planting, hard and soft surface treatments, other amenity features (seating, lighting, sculpture, water features etc);

- (ix) arrangements for structural landscape area (existing and proposed woodland, new site boundaries, public open space/buffer zones);
- (x) proposals for the maintenance of all areas of open space within the development.

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

10. That the landscaping scheme required by condition 9 above shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or the completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

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

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

(i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);

(ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;

(iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.

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

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

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

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

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

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

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

13. The applicant shall undertake a noise assessment to determine the impact of road traffic noise on the proposed development using the principles set out in "Calculation of Road Traffic Noise" (DoT/Welsh Office, HMSO, 1988) or by a method to be agreed by the Planning Authority such as the shortened daytime measurement method. The survey shall take cognisance of the Scottish Government Document: Technical Advice Note Assessment of Noise. The survey shall be submitted to and approved by the Planning Authority and where potential noise disturbance is identified, it shall include a scheme for protecting the proposed dwellings from road traffic noise.

The scheme shall ensure that the internal levels with windows open (or under exceptional circumstances closed) do not exceed an LAeq,16hr of 40dB daytime and an LAeq,8hr of 30dB night-time. The external levels shall not exceed an LAeq,16hr of 50dB daytime in any rear garden areas, when measured free-field. The approved scheme for the mitigation of noise shall be implemented prior to the development being brought into use and where appropriate, shall be retained in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.

Reason: To minimise noise disturbance to occupants.

14. The applicant shall undertake a noise assessment to determine the impact of noise from surrounding commercial/industrial units on the proposed development, using the principles set out in British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound, or a method agreed by the Planning Authority. The assessment shall be submitted to and approved by the Planning Authority and shall identify-

1- the maximum Rating Levels (Including penalties either subjective or objective as appropriate)

2- the statistical average Background Noise Level to which any part of the development will be exposed.

3-Details of uncertainty shall be provided accompanied with meteorological data for the measurement period

Where the Level of Significance as described within the Scottish Government Document: Technical Advice Note Assessment of Noise, identifies changes in noise as moderate or greater (assessed with windows open), a scheme for protecting the proposed dwelling(s) from the noise shall be submitted to, and approved by, the Planning Authority. The approved scheme for the mitigation of noise shall be implemented prior to the development being brought into use and where appropriate, shall be retained in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.

(The Background Noise Level for the most sensitive period that the source could operate should be used for this assessment. Any survey submitted should assess the noise effects of commercial vehicle deliveries on adjacent dwellings and noise-sensitive premises).

Reason: Reason: To minimise noise disturbance to occupants.

15. That prior to any works commencing on site detailed plans of the site and junction assessment shall be submitted and approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Road Authority.

Reason: To ensure that the safety of the Trunk Road junction remains unaffected.

16. That the proposed development shall be limited to 185 dwellings.

Reason: To restrict the scale of the development to that suited to the layout of the existing access and minimise interference with the safety and free flow of traffic on the trunk road

17. That no part of the development shall be occupied until a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the planning authority, after consultation with Transport Scotland, as the Trunk Roads Authority. This Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport

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

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

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

19. That prior to the completion or occupation of the 100th; dwellinghouse within the development, all of the works required for the provision of equipped play area(s) included in the scheme approved under the terms of Condition 18 above shall be completed, and thereafter, that area shall not be used for any purpose other than as an equipped play area unless otherwise agreed.

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

20. 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.

21. That before the development hereby approved is completed or brought into use, a visibility splay on Mathieson Road of 4.5 metres by 90; metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

22. That before the development hereby approved is completed or brought into use, a visibility splay from the proposed access onto Duchess Road of 2.5; metres by 43; metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight

line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

23. That a 3m wide footway/cycleway shall be provided along the boundary of the site on Mathieson Road to continue the existing cycle route and the footway on Duchess Road shall be upgraded and reconstructed.

Reason: In the interests of public safety.

24. That the application required by condition 1 above shall adhere to the following car parking requirements:

1 bedroom property - 1 space
2/3 bedroom property - 2 spaces
4 or more bedrooms - 3 spaces.

Reason: In the interests of road safety.

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

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

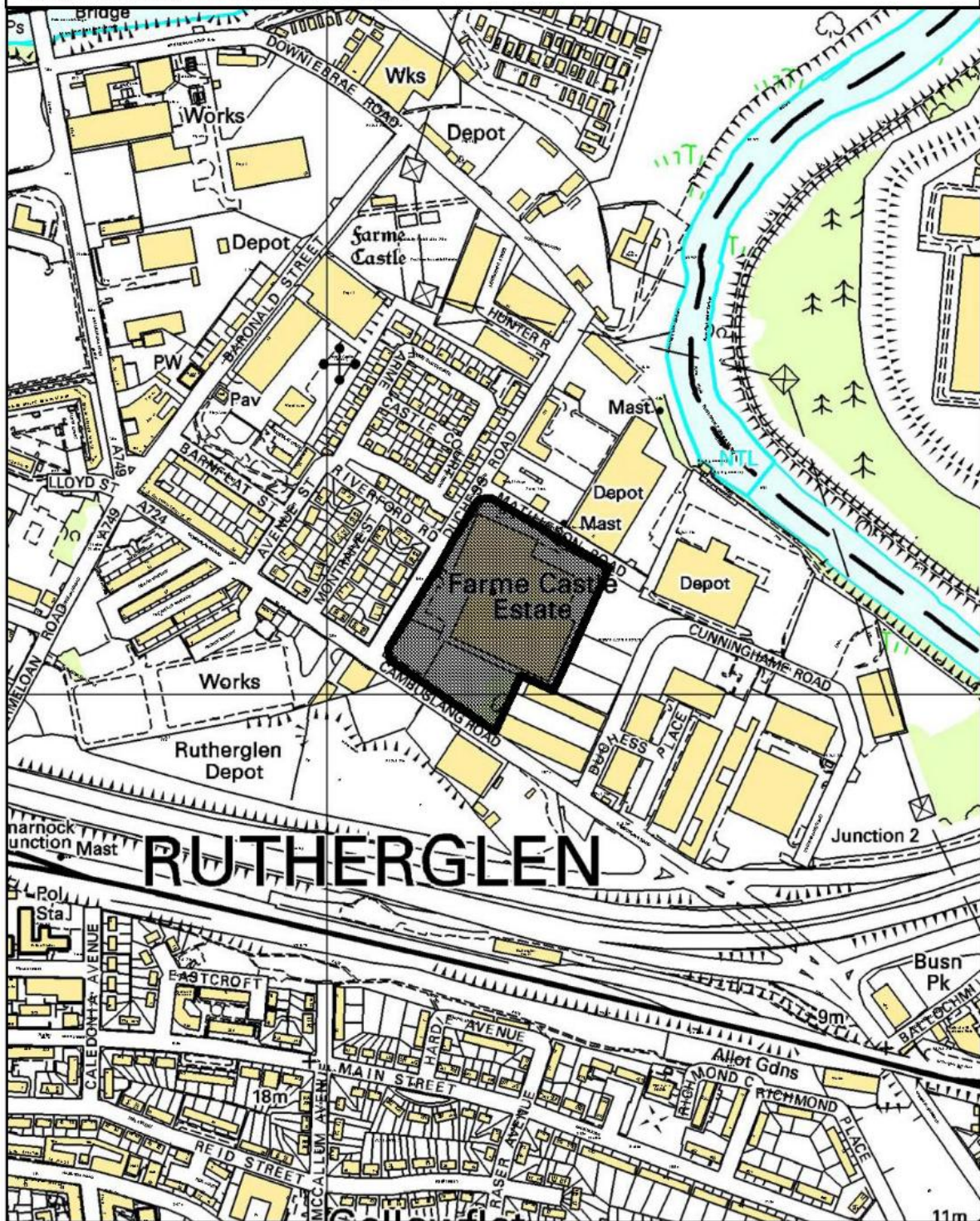
Reason: To ensure the provision of adequate play facilities within the site.

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

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

P/18/0602

Speyside Distillery, Duchess Road, Rutherglen



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Scale:
1:5,000
Date:
28/05/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

6

Report to:	Planning Committee
Date of Meeting:	23 June 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1665
Planning proposal:	Demolition of two houses and erection of 21 unit residential development with associated external works, parking and landscaping

1 Summary application information

Application type:	Detailed planning application
Applicant:	Wilson Developments (Scotland) Ltd
Location:	21 Douglas Street Hamilton ML3 0BP

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: DarntonB3 Architecture Ltd.
- ◆ Council Area/Ward: 17 Hamilton North and East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan**
Policy 1 – Spatial Strategy
Policy 2 – Climate Change
Policy 4 – Development Management and Place Making
Policy 6 – General Urban Area/Settlements
Policy 13 – Affordable Housing and Housing Choice
Policy 16 – Travel and Transport

**South Lanarkshire Local Development Plan:
Supplementary Guidance**

Development Management, Place Making and Design SG

Policy DM1 – Design

Policy DM7 – Demolition and Redevelopment for Residential Use

Policy DM 13 – Development within General Urban Area/Settlements

Sustainable Development and Climate Change SG

Policy SDCC3 – Sustainable Drainage System

Policy SDCC4 – Water Supply

Policy SDCC5 – Foul Drainage and Sewerage

Policy SDCC10 – Sustainable Transport

Residential Design Guide

South Lanarkshire Local Development Plan 2 (proposed)

Policy 1 – Spatial Strategy

Policy 2 – Climate Change

Policy 3 – General Urban Areas/Settlements

Policy 5 – Development Management and Place Making

Policy 15 – Travel and Transport

Policy DM1 – New Development Design

Policy DM7 – Demolition and Redevelopment for Residential Use

Policy DM15 – Water Supply

Policy DM16 – Foul Drainage and Sewerage

Policy SDCC3 – Sustainable Drainage Systems

Policy SDCC4 – Sustainable Transport

◆ Representation(s):

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

◆ Consultation(s):

Roads Development Management Team

Environmental Services

Scottish Water

Housing

Education Resources – School Modernisation Team

Planning Application Report

1 Application Site

- 1.1 The application site is currently occupied by two residential properties located at 21 and 23 Douglas Street, Hamilton and an area of waste land immediate to the north. The existing buildings are traditionally styled single storey properties which sit to the front of the existing curtilages, facing onto Douglas Street, with small front garden areas and larger garden areas to the rear. The adjoining land, which previously provided pedestrian access to the former Hamilton Academicals Football Ground which was located to the rear of the site, is undeveloped and has been left to re-vegetate naturally.
- 1.2 The properties sit within an area containing a mix of uses and property styles including residential units (semi-detached two storey properties, semi-detached bungalows, detached houses and flatted properties). In addition, a number of non-residential uses are also found within the immediate area, including a health centre (immediately adjoining the site to the south), a steel fabrication unit (immediately to the north), commercial offices and a retail park to the rear. A large Council staff car park is located diagonally to the north-east, at the junction of Douglas Street and Bothwell Street.
- 1.3 The application site has good access to public transportation links (Hamilton West Rail Station and bus routes) and public amenity area at Bothwell Road Park.
- 1.4 The applicant has submitted a number of documents in support of their application, namely:
- Design Statement
 - Drainage and Water Management Strategy
 - Civil and Structural Engineering Geotechnical Commentary
 - Noise Impact Assessment
 - Tree Survey/Visual Assessment
 - Phase 1 Habitat Survey

2 Proposal(s)

- 2.1 The applicants propose the demolition of the existing buildings within the site and, thereafter, redevelop the site for residential purposes, in the form of a flatted development, on behalf of Clyde Valley Housing Association.
- 2.2 It was the applicant's initial intention to provide a four storey flatted development comprising 24 units, with parking to the rear. It was initially proposed that the building would sit immediately adjacent to the pavement fronting the site, with no private amenity space to the front, breaching the established building line with adjacent properties. However, following discussions with the Planning Services the proposed scheme has been revised.
- 2.3 The revised scheme re-positions the building back within the site, in line with adjacent buildings, and now provides an area of amenity to the front of the site. In addition, the proposed building has been redesigned in an effort to reduce its visual impact on the streetscape having 3 storeys to the front and a four storey element to the rear. The revised scheme will accommodate 21 units rather than the 24 previously proposed. The re-design solution has also addressed potential

overlooking/privacy issues with neighbouring properties, in particular with the adjoining health centre. This proposed design approach introduces an element of amenity space at roof level. Further amenity space, parking, cycle and bin storage will be accommodated within the rear of the site, access to which will be formed to the north of the site onto Douglas Street. The development will contain 11 one bedroom units and 10 two bedroom units.

- 2.4 The proposed building will be finished externally in a combination of light grey/buff stonework and zinc vertical cladding.
- 2.5 Following further consideration of the parking provision the applicant has revised the scheme and now proposes the provision of 19 on-site spaces, as opposed to the original 17 spaces that were proposed.

3 Background

3.1 Local Plan Policy

- 3.1.1 In determining planning applications, the Council must assess the proposal against the policies contained within the adopted South Lanarkshire Local Development Plan (SLLDP) and associated Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.1.2 Given the nature of the application, it is considered that Policies 1 – Spatial Strategy, 2 – Climate Change, 4 – Development Management and Place Making, 6 – General Urban Area/Settlements, 13 – Affordable Housing and Housing Choice, and 16 – Travel and Transport are appropriate to the determination of this application. In addition, the Policies and Guidance within the Council's adopted Supplementary Guidance are of relevance; namely Development Management, Place Making and Design SG (Policies DM1 – Design, DM7 – Demolition and Redevelopment for Residential Use and DM 13 – Development within General Urban Area/Settlements), Sustainable Development and Climate Change SG (Policies SDCC3 – Sustainable Drainage System, SDCC4 – Water Supply, SDCC5 – Foul Drainage and Sewerage, SDCC4 – Sustainable Transport and SDCC10 – Sustainable Transport) and the Council's approved Residential Design Guide.
- 3.1.3 In addition, on 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) (SLLDP2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the 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 1 – Spatial Strategy, 2 – Climate Change, 3 – General Urban Areas/Settlements, 5 – Development Management and Place Making, 15 – Travel and Transport, DM1 – New Development Design, DM7 – Demolition and Redevelopment for Residential Use, DM15 – Water Supply, DM16 – Foul Drainage and Sewerage, SDCC3 – Sustainable Drainage Systems and SDCC4 – Sustainable Transport are relevant.
- 3.1.4 The aim of the above policies and guidance is to seek a development that is appropriately designed, located, serviced and results in no adverse impact on the surrounding area. The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.2 **Planning Background**

- 3.2.1 There are no recent development proposals relevant to the determination of this current application. However, it is noted that this application was initially presented for consideration to the Planning Committee of 28 April 2020 however it was deferred to enable further consideration of the proposed parking provision.

4 **Consultation(s)**

- 4.1 **Roads (Development Management)** – raised concerns over the initial proposal in terms of the level of parking provision and access standards. However, they have confirmed that they offer no objections to the revised scheme.

Response: - It is noted that the level of parking provision now proposed is above the level required for Housing Association developments in terms of the Council's Residential Design Guide, approved by Committee.

- 4.2 **Environmental Services** – have confirmed that they have no objection to the proposal subject to the inclusion of conditions and informatives relative to noise, contamination, waste control, pest control, demolition works etc.

Response: - Appropriately worded conditions and/or informatives can be attached to any consent to address this matter.

- 4.3 **Scottish Water** – have offered no objections to the proposed development.

Response: - Noted.

- 4.4 **Housing** – have offered no response to date.

Response: - Noted.

- 4.5 **Education Resources (School Modernisation)** – have noted that, due to the impact of the development on existing educational provision, a financial contribution would be expected.

Response: - Whilst noting the above comments, it is confirmed that, as the proposed development is on behalf of a social housing provider, no contributions would be sought in this instance.

5 **Representation(s)**

- 5.1 Neighbour notification procedures were undertaken in respect of the initial submission. Three letters of representation were received and the grounds of objection are summarised as follows:

a) **Density/Layout**

Response: It is considered that the proposed development, as amended, accords with the aims of the relevant policies and guidance of both the adopted and proposed South Lanarkshire Local Development Plans, against which any new development should be considered. As such, it is not considered to result in an overdevelopment of the site. An assessment of the proposal is addressed within Section 6 below.

b) **Overlooking/privacy/loss of daylight/overshadowing concerns**

Response: Given the relationship of the proposed building with existing residential properties, it is considered that any impact in this regard would not

be significant and not to a level that would justify the refusal of the application on these grounds.

In terms of any potential impact on the adjacent medical centre, is it is considered that, through the redesign of the accommodation within the proposed building to reduce any overlooking from habitable rooms, the applicant has minimised any potential for overlooking.

With regard to overshadowing, given the scale of the proposed building it is accepted that there is likely to be a higher potential for overshadowing than currently is the case. With existing established urban areas, such as this, there is a difficult balance to be achieved in this regard. Indeed, it is noted that there is an existing disparity between the existing medical centre and neighbouring residential properties. In addition, the proposed building will be no closer to the medical centre than the existing flats to the south. It is, therefore, considered that any overshadowing of the adjacent building would not be to an unacceptable level which would justify the refusal of the application.

c) Road safety concerns – increased traffic/insufficient parking

Response: It is accepted that there will be an increase in the volume of traffic associated with the site than was previously the case. However, it is noted that Road and Transportation Services have offered no objection to the proposal, as amended, on these grounds and it is therefore considered that there will be no significant impact in terms of road safety as a result of the development. Access/egress arrangements to the site would be in accordance with roads guidance and, as noted above (para 4.1), the proposed parking provision is above the level required for such developments. Furthermore, the site has good access to public transport provision with bus and rail links being within close proximity.

An objection has been submitted in terms of the unauthorised use of a private rear parking area associated with adjacent medical centre which may be exacerbated by the approval of the proposed development having insufficient parking provision. As a private parking facility it is for the land owner/operator to monitor and control. However, as stated above, Road and Transportation Services are satisfied that sufficient parking has been provided to serve the development.

d) Out of character with surrounding properties

Response: It is noted that there is a mix of property types, both commercial and residential which includes flatted units, within the area. As such, it is not considered that the proposed development would have a significant impact on the streetscape. Indeed, it is noted that the building has been redesigned and repositioned within the site to reduce any perceived impact and provide a degree of amenity space along its frontage, which will benefit the surrounding area.

e) Impact on drainage infrastructure

Response: The application site lies within an established urban area where connection to existing water and drainage provision is easily achievable. Furthermore, it is noted that Scottish Water have offered no objection to the proposal and it is, therefore, considered acceptable on these grounds.

f) **Impact on Listed Building (County Buildings)/Conservation Area**

Response: It is noted that the application site, and buildings, are neither within a designated conservation area nor listed structures. Whilst the County Buildings are located nearby, it is considered that the proposed building is neither of a scale or design which would impact adversely on its designation as a listed building.

g) **Loss of trees and nature conservation concerns**

Response: The proposed development will result in the loss of a small linear area containing trees and vegetation. However, the area has been poorly maintained and left largely to reseed. The area has also been the subject of unauthorised dumping and therefore offers little in amenity value. The area is not designated as a tree preservation order area or any other such designation which offers the trees any formal protection. That being said, there would be a requirement, should permission be granted, for the further assessment of this area, prior to any tree removal, to ensure that any habitat interests are appropriately addressed.

In addition, it is noted that the proposed development now incorporates planting, including trees along its frontage which will in some way, compensate for any loss and contribute to an improvement of amenity value at this location.

5.2 In addition to the above objections, the following comments were made:

i) **That the submitted location plan incorrectly designates the adjacent buildings as a government office rather than a medical centre.**

Response: The information provided on these drawings is based on the information provided by third party companies, such as Ordnance Survey and, therefore, generally outwith the developer's control. It is considered that the information provided satisfied current requirements and enables the clear identification of the application site.

ii) **Concerns over the methodology used to establish parking and amenity provision with the submitted information.**

Response: It is advised that general standards for parking provision are set out within the Scots National Guide, however, local authorities can adopt different standards which can result in a minor difference in assessments carried out. Additionally, standards can be relaxed if it is considered justifiable and appropriate to do so.

In terms of amenity space provision, again general guidance is provided within the Council's approved Residential Design Guide. However, these are guidelines and cannot be set in stone as each development is individual, as is the character of the area surrounding it. These standards can, therefore, be the subject to relaxation if it is considered acceptable to do so.

Notwithstanding the above, it should be noted that application proposals should be treated on their individual merits taking into consideration any applicable policies and guidance and other material considerations.

5.3 Following the submission of the revised proposal, neighbour notifications were undertaken again. One letter of objection and one comment letter were received in response.

5.4 The grounds of objection, on behalf of NHS Lanarkshire reiterate the points raised above in terms of Layout/Density, Overlooking/Loss of Privacy, Parking and Noise and Disturbance. It is considered that these matters have been addressed within Section 5.1 above. However, the following additional concerns have been raised:

a) **Overlooking/ Loss of privacy associated with the proposed roof terrace.**

Response: It is confirmed that conditions would be attached to any consent issued, requiring the submission, and approval, of such details such as boundary treatments and safety railings.

b) **That the proposal should not impede the operation of the medical centre; which provides an out of hours service.**

Response: Given the nature of demolition and development works, there is always a potential for some level of disturbance. It considered that, through appropriate on site management during construction, any such issues would be minimised.

In terms of such issues occurring following the occupation of the building, these would be a private matter between the medical centre and neighbouring development to resolve.

5.5 The further letter received, on behalf of a neighbouring resident, considers the scheme to be significantly improved. However, they offered the following comments:

i) **Building still tall and bulky but not as overbearing.**

Response: It is considered that the new design, which incorporates a split level 3 and 4 storey building, reduces any potential impact of the building on the existing streetscape.

ii) **The provision of electric vehicle charging facilities.**

Response: It is confirmed that a condition would be attached to any consent issued, requiring details for the provision of such facilities within the site.

iii) **That the roof terrace be designed to minimise noise and disturbance.**

Response: Please refer to response given at 5.4(a) above.

iv) **Bin storage facilities – That only recycle waste storage be located at the front of site to reduce potential odour issues.**

Response: Appropriate facilities have been provided on site to serve the development. However, it would be for the Council's cleansing Service and developer to agree the location for each type of bin provision.

5.6 These letters are available for inspection on the Planning Portal.

6 Assessment and Conclusions

- 6.1 This application proposes the demolition of a semi-detached residential building and, thereafter, the erection of a flatted residential development, with associated parking and amenity space within an established urban area in Hamilton. The proposed development is being developed on behalf of the Clyde Valley Housing Association. Following discussions on the proposal, the applicants have amended the proposed development, in terms of both the number of units and the scale/design of the proposed building. The proposed building now comprises 21 units, within a split 3 and 4 storey building. The building has been set back within the site, providing amenity space to the front, with the 3 storey element also being located at the street frontage to lessen its impact.
- 6.2 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all planning applications are determined in accordance with the development plan, unless other material considerations indicate otherwise. The main determining issues, therefore, in the assessment of this application are whether the proposed development is in compliance with local plan policy and its impact on the amenity of adjacent properties and on the local road network.
- 6.3 The adopted South Lanarkshire Local Development Plan (SLLDP) seeks to ensure that future development takes place in a sustainable way whilst recognising the need for economic growth and regeneration (Policies 1 – Spatial Strategy and 2 – Climate Change). The proposal accords with these aims as it relates to the redevelopment of a site within an established urban area with good links to public transport; with the site itself providing reduced on-site parking provision, the capability for electrical vehicle charging points and facilities for bicycle storage. Within the adopted plan, the site is designated as within a general residential zoning (Policy 6), the principle of use of the site for residential purposes is therefore acceptable, subject to compliance with normal development management criteria.
- 6.4 The matters considered appropriate in the determination of this application are set out within Section 3.1.3 above. Principally, the stated policies and guidance seek to ensure that any development does not adversely impact on the amenity of such areas, can be adequately serviced and has been designed in a manner which takes cognisance of appropriate guidance and the area within which it is located. Having considered the design and layout of the revised proposal, it is considered that the scheme is capable of being developed, subject to conditions, without conflict with the general requirements of the applicable policies and guidance.
- 6.5 The demolition of the existing buildings within the site raise no significant concerns from a planning perspective. With regard to the detailed design of the proposed development, it is considered that the proposal, as amended, is acceptable and will be in keeping with the existing development in the surrounding area, which contains a mix of building styles. The amendments to the proposal were undertaken, following discussions with the Planning Service, to enable a better integration with the existing streetscape. Given the design and layout of the proposed development, as amended, and its relationship with existing properties adjoining the site, it is also considered that there would be no significant detrimental impact to the amenity or overlooking issues, as a result of the introduction of this development. The proposed external material finishes raise no issues given the current mix of materials within the area. No concerns have been raised by Roads and

Transportation Service and the proposal is, therefore, considered acceptable in road safety terms. No specific concerns, subject to the inclusion of conditions and/or informatives, have been raised by the remaining consultees. Any requirements can be addressed through the use of conditions and/or informatives, where appropriate. The proposal therefore accords with the aims of Policies 4, 16, DM 1, DM7, DM13 of the SLLDP and supporting supplementary guidance.

- 6.6 The development is being undertaken on behalf of Clyde Valley Housing Association and, as such, will assist the Council aim of ensuring the availability of a range of housing types to cater for the increasing number and variety of households.
- 6.7 The application site is within an urban location where sewerage and water infrastructure connections can be easily accessed. In addition, the site will incorporate a suitably designed urban drainage system, to be conditioned should consent be given, to serve the development. On this basis, it is considered that the proposal raises no issues in terms of Policies SDCC3, SDCC 4 and SDCC 5 within the adopted SLLDP's supplementary guidance on Sustainable Development and Climate.
- 6.8 In terms of Policies 16 and SDCC10, which relate to the promotion of sustainable travel, the Council requires that new development schemes recognise the needs of cyclists and incorporate electric vehicle charging points within the development. In this regard it is noted that a storage facility for bicycles has been provided within the revised scheme. The incorporations of vehicle charging points can be addressed through the use of an appropriately worded condition.
- 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. It is considered that the proposal accords with Policies 1, 2, 3, 5, 15, DM1, DM7, DM15, DM16, SDCC3 and SDCC4 contained in the proposed plan.
- 6.10 Whilst third party representations have been received, it is considered that the issues raised are not of sufficient weight or merit, either individually or collectively, to justify the refusal of the application in this instance. In addition, the proposed development has been amended and is considered to satisfactorily address the issues/concerns present within the original proposal.
- 6.11 In conclusion, following assessment of the proposal, it is considered that the proposal accords with the policies contained in both the adopted South Lanarkshire Local Development Plan, and its supplementary guidance, and emerging South Lanarkshire Local Development Plan 2.
- 6.12 On the basis of the above it is recommended that planning permission be granted, subject to the conditions listed.

7 Reasons for Decision

- 7.1 The proposal accords with the policies of the South Lanarkshire Local Development Plan and Supplementary Guidance (namely Policies 1 – Spatial Strategy, 2 – Climate Change, 4 - Development Management and Placemaking, 6 – General Urban Area/Settlements, Land13 – Affordable Housing and Housing Choice, 16 - Travel and Transport, DM1 – Design, DM7 – Demolition and Redevelopment for Residential Use, DM 13 – Development within General Urban Area/Settlements, SDCC3 – Sustainable Drainage System SDCC4 – Water Supply, SDCC5 – Foul Drainage and Sewerage, SDCC10 – Sustainable Transport and Residential Design Guide).

Furthermore, the proposal accords with the requirements of the policies and guidance within the proposed South Lanarkshire Local Development Plan 2 (namely Policies 1 – Spatial Strategy, 2 – Climate Change, 3 - General Urban Areas, 5 - Development Management and Place Making, 15 – Travel and Transport, DM1 – Design, DM7 – Demolition and Redevelopment for Residential Use, DM15 – Water Supply, DM16 – Foul Drainage and Sewerage, SDCC3 – Sustainable Drainage Systems and SDCC4 – Sustainable Transport).

There are no other material considerations that would justify the refusal of consent.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 4 June 2020

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 21.11.2019 and 03.03.2020

- ▶ Consultations
 - Roads Development Management Team
 - 06.02.2020
 - 16.03.2020
 - 07.04.2020
 - 22.05.2020
 - Environmental Services
 - 29.11.2019
 - 09.03.2020
 - Scottish Water
 - 26.11.2019
 - Education Resources – School Modernisation Team
 - 26.11.2019

- ▶ Representations

Dated:

Mr And Mrs Lawson, 18 Douglas Street, Hamilton, South Lanarkshire, ML3 0BP	11.12.2019
Maureen And Ronnie Gibb, 20 Douglas Street, Hamilton, South Lanarkshire, ML3 0BP	10.12.2019 23.03.2020
NHS Lanarkshire, Law House (NHS), Airdrie Road, Carlisle, ML8 5EP	28.11.2019 20.03.2020

Contact for further information

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

James Watters, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
 Phone: 01698 454970
 Email: james.watters@southlanarkshire.gov.uk

Conditions and reasons

01. That before development starts, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.

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

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

Reason: In the interests of traffic and public safety.

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

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

04. That, unless agreed in writing with the Council as Planning Authority, 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.

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

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

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

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

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

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

08. That before any of the flatted properties hereby approved are occupied, unless otherwise agreed in writing with the Council as Planning Authority, details of the cycle storage facility within the development shall be submitted to and approved by the Council as Planning Authority. Thereafter, prior to the occupation of any dwelling, the approved scheme shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of amenity and to ensure that a satisfactory external appearance is achieved.

09. That, unless otherwise agreed in writing with the Council as Planning Authority, the recommendations of the submitted Noise Impact Assessment Rev 00 (New Acoustics dated 29 February 2020) shall be fully implemented and complied with.

Reason: To ensure that the development is in accordance with appropriate legislation

10. That, unless otherwise agreed in writing with the Council as Planning Authority, all work undertaken on site shall be in accordance with the recommendation(s) within the submitted Habitat Survey, Acorna Ecology Ltd. Dated February 2020.

Reason: To ensure that the development is undertaken in a manner which minimises any impact on wildlife or the natural environment.

11. That prior to works commencing on site, unless otherwise agreed in writing with the Council as Planning Authority, details of the screening/barrier to the upper floor garden terrace shall be submitted to, and agreed in writing with the Council as Planning Authority. Thereafter the agreed scheme shall be fully implemented and maintained to the satisfaction of the Council as Planning Authority.

Reason: These detailed have not been submitted or approved.

- 12 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.

- 13 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:

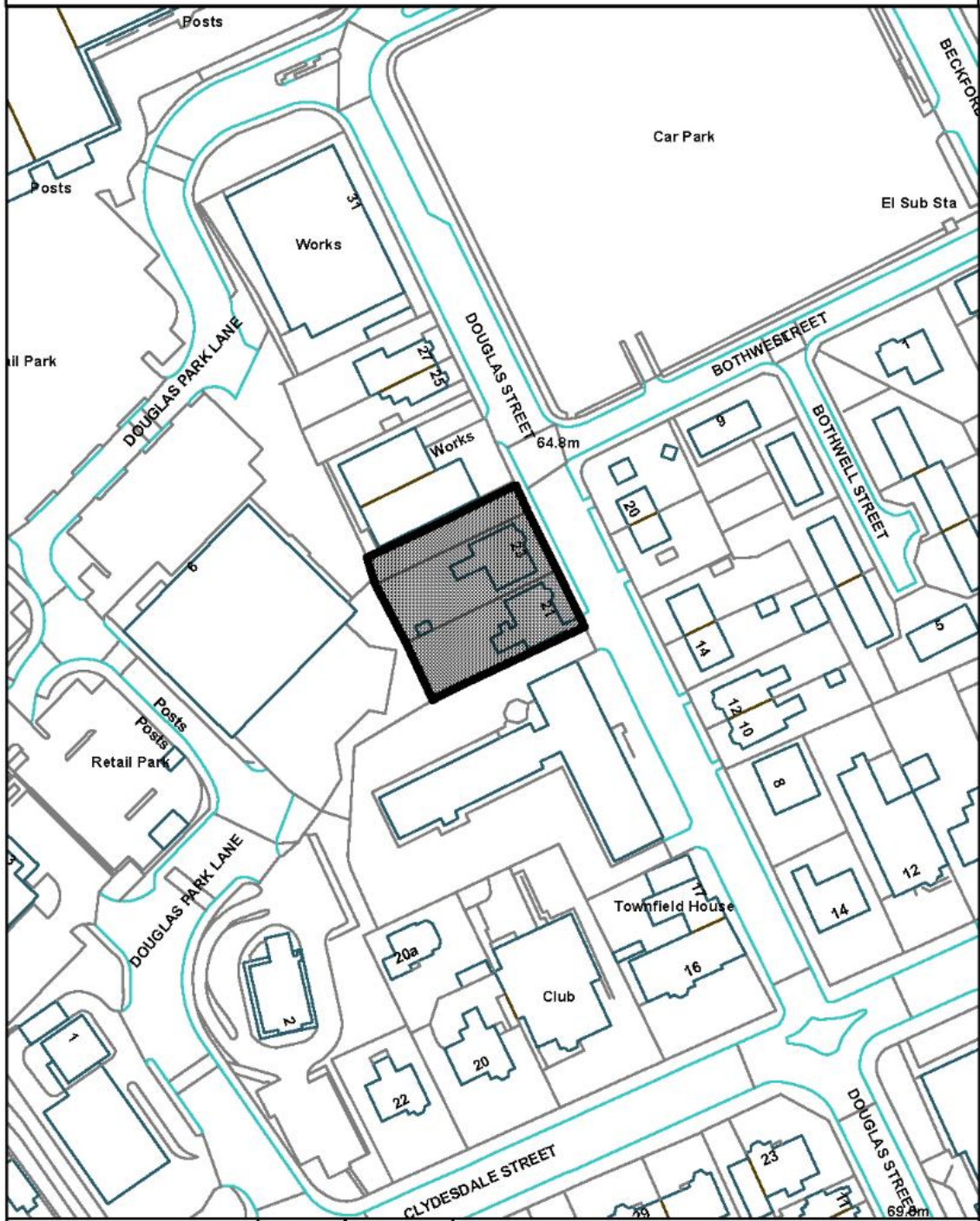
- (a) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees;
- (b) details of any top-soiling or other treatment to the ground;
- (c) proposals for the initial and future maintenance of the landscaped areas;
- (d) details of the 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.

P/19/1665

21 Douglas Street, Hamilton



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Scale:
1:1,250
Date:
01/04/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

7

Report to:	Planning Committee
Date of Meeting:	23 June 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1544
Planning proposal:	Conversion of existing public house to form one Class 3 (Food and drink) unit, one hot food takeaway (Sui Generis) and one Class 1 (Retail) unit, with associated alterations to the structure of the building and formation of new car park and access

1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr Nabeel Tariq
Location:	Burnhill Bar 18 Chapel Street Rutherglen G73 1JE

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: Alyn Walsh
- ♦ Council Area/Ward: 12 Rutherglen Central And North
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (2015)**
Policy 4 -Development management and placemaking
Policy 6 - General urban area/settlements
Policy 10 - New retail/commercial proposals

Supplementary Guidance 3: Development Management, Placemaking and Design

Policy DM1 - Design
Policy DM8 - Hot food shops
Policy 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

Policy 10 - New Retail and Commercial Proposals

Policy DM1 - New Development Design

Policy DM9 – Hot Food Shops

◆ **Representation(s):**

▶	3 (plus 2 petitions containing 35 names)	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Roads and Transportation Services (Development Management Team)

Rutherglen Community Council

Environmental Services

Estates Services - Housing and Technical Resources

Planning Application Report

1 Application Site

- 1.1 The application site is located within the established urban area at 18 Chapel Street, Rutherglen. The site comprises a freestanding vacant public house, with a small car park, servicing and landscaped areas to the front (south) of the site. The existing single storey building, with its shallow roof, has been built on a split level site with a low retaining wall running roughly along the centre of the site. An informal footpath also runs along the eastern edge of the building, linking the site to the wider footpath network and a public car park to the north of the site.
- 1.2 The site is surrounded on all sides by existing residential developments, with four storey blocks of flats in particularly close proximity to the east, west and south of the site. The ground floor of one of these blocks of flats, to the east of the site, contains a number of small commercial units including a Class 1 convenience store. The western edge of Rutherglen Main Street is located approximately 160 metres to the east of the site, on the opposite side of the A730 - Glasgow Road.

2 Proposal(s)

- 2.1 The applicant seeks consent for the change of use and physical conversion of the vacant public house (Sui Generis) to form three separate units; one Class 3 (food and drink) unit, one hot food takeaway (Sui Generis) and one Class 1 (retail) unit. This would involve associated alterations to the structure of the building, including the demolition of a small section of the existing structure. An enlarged car park and revised access to the site are also proposed as part of the application.
- 2.2 In terms of the proposed physical changes on site, the proposal would involve the demolition of a projecting front store and a small section of the existing kitchen. New glazed shopfronts would then be formed to serve the three units. Flues would also be installed towards the rear of the building to serve the proposed food units. Internally, the property would be divided into three units, the largest of which would be a class 3 food/drink use, with a smaller hot food takeaway and retail unit in the recessed section of the building furthest from the front of the site. New rear access doors would be installed to serve these units. No other significant alterations to the building are proposed as part of this application.
- 2.3 The proposal does also involve the formation of a slightly larger car park and delivery area to the front of the property, with a re-designed vehicular access. The site would also be regraded slightly to allow for the removal of the existing retaining wall. Bin stores are proposed to be formed to the front of the building to serve the three units.
- 2.4 The applicant has confirmed that they have ownership over the land containing the existing public house and pedestrian entrance to the building, however a sizeable section of the site containing the existing car park is within the Council's ownership with the applicant having a right of access. In order to alter this section of the site to accommodate the proposed replacement car park, it is understood that the applicant has entered into separate discussions with colleagues in Estates Services over the purchase of this area of land. In addition, the applicant has owner-notified

a number of adjacent flats as a section of land within the red line site boundary at the existing vehicular entrance also appears to be held within common ownership of a number of properties including these flats. This access would be altered and slightly enlarged as part of this proposal. Ultimately land ownership is a civil matter and the applicant would require to resolve these matters before the implementation of any planning consent on this site.

3 Background

3.1 Local Plan Status

- 3.1.1 In determining this planning application, the Council must assess the proposed development against the policies contained within the adopted South Lanarkshire Local Development Plan (2015) (SLLDP) and its associated Supplementary Guidance (SG).
- 3.1.2 In land use terms, the application site is identified within the SLLDP as being within a general residential area. Policy 6 (General Urban Area/Settlements) is applicable and states that residential developments and those of an ancillary nature may be acceptable within urban areas and settlements, provided they do not have a significant adverse impact upon the amenity and character of the area. Developments that will be detrimental to residential amenity will not be permitted.
- 3.1.3 Policy 4 (Development Management and Placemaking) of the SLLDP is also considered to be relevant and requires all development proposals to take account of, and be integrated with, the local context and built form of the area.
- 3.1.4 Policy 10 (New retail/commercial proposals) sets out the criteria that proposals for new retail or commercial development will be assessed against. It also states that major developments should be accompanied by a retail assessment.
- 3.1.5 Policy DM1 (Design) states that the design and layout of all new development will be assessed in relation to policies of the SLLDP as well as the relevant policy guidance contained within the Development Management, Placemaking and Design Supplementary Guidance. Further specific design guidance prepared by the Council is applicable to other forms of development.
- 3.1.6 Policy DM8 (Hot food shops) sets out the criteria that new hot food shops will be assessed against in various settings. There is a general presumption against the granting of new hot food takeaways if residential amenity would be adversely affected to a significant degree or if it was within an industrial area. The applicant will also be required to demonstrate that they have control the implement any ventilation system that may be required.
- 3.1.7 Policy DM13 (Development within general urban area/settlement) states that all development within the general urban area/settlement must satisfy a set criteria. This includes; ensuring that the development relates satisfactorily to adjacent and surrounding development, the character of the area not being impaired, no resultant loss or damage to open spaces or significant landscaping, the site being adequately serviced by multiple transport modes and there being no adverse impact on public safety. Development should also take account of other relevant supplementary guidance prepared by the Council.

3.1.8 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. 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 (SLLDP2) is now a material consideration. In this instance, the following policies are relevant:

- Policy 3 - General Urban Areas and Settlements
- Policy 5 - Development Management and Placemaking
- Policy 10 - New Retail and Commercial Proposals
- Policy DM1 - New Development Design
- Policy DM9 - Hot Food Shops

3.2 Relevant Government Advice/Policy

3.2.1 Given the nature of the proposal, there is no specific government guidance relevant to the determination of this application.

3.3 Planning Background

3.3.1 The site has most recently been used as a public house (Sui Generis). The only recent planning consent relating to the site was for the erection of a timber screen fence in 2009 (CR/09/0134). It is understood that the property has now been vacant for several months.

4 Consultation(s)

4.1 **Roads and Transportation Services (Development Management Team)** - Initially raised some concerns with the design of the proposed vehicular access and requested clarification on a number of matters, including the number of parking spaces and the route for delivery and waste collection vehicles. Following the submission of revised drawings altering the design of the vehicular access and clarifying other matters, they have advised that they have no objections to the proposal.

Response: Noted. If applicable, relevant conditions can be added to the decision notice to ensure that the new access and car park are constructed to the required standards.

4.2 **Environmental Services** - No objections to the proposal, subject to the inclusion of conditions related to noise levels and the ventilation system. They have also requested the inclusion of relevant advisory notes.

Response: Noted. Relevant conditions and advisory notes can be added to the decision notice, if applicable.

4.3 **Estates Services - Housing and Technical Resources** – No formal response received.

Response: Noted. Part of the site is within the Council's ownership and it is understood that the applicant has entered discussions with colleagues in Estates Services regarding the sale of this land. Land ownership is a separate civil matter

and this would require to be finalised prior to the implementation of any planning consent being implemented on the site.

4.4 **Rutherglen Community Council** - No response received.

Response: Noted.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken and the proposal was further advertised in the local press. Three individual letters of objection were received in connection with this proposal, together with two petitions containing the names of 35 objectors.

5.2 The grounds of objection can be summarised as follows: -

a) **There is no need for these types of businesses. There are already a number of retail units, takeaways and licensed premises in the area. A community hall would be a more appropriate use of the site, which would be affordable to the Council and would benefit the area.**

Response: The Planning Service is required to assess planning applications which are submitted for consideration. Whilst there may well be alternative potential uses for the site, this application is limited to the assessment of the proposal that has been submitted by the applicant.

With regards to the concerns regarding the number of similar businesses in the area I would advise that, on a proposal of this scale, these matters are not a material planning consideration. In this respect, the operation of the proposed businesses would not threaten the viability of the town centre, and commercial completion is not a material planning consideration.

b) **Concerns that the proposal would lead to a loss of privacy and allow for overlooking of neighbouring residents' properties, particularly if existing fencing was removed. The use of a smoking area too could lead to a loss of privacy.**

Response: The proposal is for relatively minor demolition and alteration works to the existing commercial building, and, as such, the proposal would not appear to significantly change the levels of privacy in the local area. A condition can be imposed on any consent to control the design and location of fences and landscaping on site to ensure that neighbours are not significantly impacted in terms of overlooking. No dedicated smoking area has been proposed by the applicant.

c) **Concerns that the proposal would adversely impact upon levels of air pollution due to the increased traffic visiting the site. The car park is also still too small, which will lead to parking issues and road safety issues with cars mounting the pavement to get into the car park. Car headlights will also shine into neighbouring flats.**

Response: The existing public house includes a small car park, and this proposal does not significantly change the location of that access. Roads and Transportation Services have advised that the car park design and size is acceptable for this type of proposal, and that the revised access design would not adversely impact upon public safety. It is not considered that this

proposal would lead to a significant increase in traffic which would impact upon air quality, and indeed the site is within walking distance for a large number of nearby residents who would not need to drive.

- d) **Concerns about the noise and disturbance that would result from this proposal. There would be increased activity and traffic visiting the site, and there may be noise from the ventilation units.**

Response: Given that the existing lawful use of the site is a public house, it is not considered that this proposal would result in a significant change in the level of noise or disturbance that residents would be likely to experience. In the event that consent is granted for the development, a condition can be imposed to control the details of the ventilation system and to control the associated noise levels.

- e) **Concerns regarding anti-social behaviour. The proposal would increase activity and may lead to more underage drinking and people loitering in the area. The former public house had issues, but these were limited to two late evenings per week.**

Response: Again, given that the existing lawful use of the site is a public house, it is not considered that this proposal would result in a significant change in terms of the site's potential to attract anti-social behaviour. These matters would, however, be considered as part of any future licensing application for the proposed units, and the police would be able to take action to address any anti-social behaviour that did occur at this location.

- f) **Concerns about the potential odour from the flues associated with the food units and that the flues themselves may not be tall enough to prevent issues to neighbouring residents.**

Response: In the event that consent for the development is granted, a condition can be imposed to control the final design of the ventilation system installed on site. If the final design required a flue height significantly taller than that shown on the drawings, then a further planning application for that work may be required.

- g) **Concerns regarding drainage in the area. There are already drainage issues that impact upon the surrounding residents, and this proposal may exacerbate these.**

Response: The proposal would not seek to significantly change the area of ground covered by buildings or development, and conditions can be added to any consent to control water running onto the road from the car park and to ensure that suitable landscaping is carried out. As such, the proposal should not have a significant impact upon drainage in the area.

- h) **Concerns regarding bin storage. Previously bins were not collected regularly, leading to waste collecting and littering the area. The proposal may also increase littering from the food businesses. These issues may lead to a rat/vermin problem.**

Response: The location of the proposed bin stores has been indicated on the submitted drawings. Details regarding the frequency of waste collections is not generally a matter for the Planning Service, however, it would be in the best interests of operators of food units in particular to ensure that the waste was collected regularly as rats and vermin can impact upon their ability to

trade. Environmental Services have powers in relation to these matters, and they have been consulted on this proposal and have offered no objections.

i) **Concerns that letters of representation are published, together with the names and addresses of those making the comments. This may put people off expressing their views.**

Response: The processes relating to planning applications and how representations are handled is set out in legislation. Personal details (e.g. phone numbers and private email addresses) are redacted from representations, however the legislation requires that the names and addresses are published. In this instance, more than 35 people have formally made their views on the proposal known by submitting a letter of representation or by signing a petition.

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

6 Assessment and Conclusions

6.1 The applicant seeks detailed planning consent for the conversion of existing public house to form one Class 3 (Food and drink) unit, one hot food takeaway (Sui Generis) and one Class 1 (Retail) unit, with associated alterations to the structure of the building and formation of new car park and access. The determining issues in consideration of this application are its compliance with local development plan policy, the acceptability of the proposal in terms of scale, design, impact upon public safety and the potential impacts upon the residential and visual amenity of the surrounding area.

6.2 Within the adopted 2015 South Lanarkshire Local Development Plan, the application site lies within the settlement boundary of Rutherglen. Policy 4 - Development management and placemaking, Policy 6 - General urban area/settlements therefore apply, together with Policy 10 - New retail/commercial proposals. The proposal also requires to be assessed against the guidance contained within the associated supplementary guidance documents, namely that guidance contained within Supplementary Guidance 3: Development Management, Placemaking and Design. These policies seek to protect the character and amenity of the area and require proposals to take account of and be integrated with the local context and built form.

6.3 Policy 1 - Design sets the criteria by which new development design is to be assessed in relation to. In this instance, the policy confirms that there should be no significant adverse impact on adjacent buildings or the streetscape in terms of layout, scale, massing, design, external materials or amenity, as a result of the proposal. Policy DM8 - Hot foods shops sets the criteria that hot food shops will be assessed against in various settings. There is a general presumption against the granting of new hot food takeaways if residential amenity would be adversely affected to a significant degree or if it was within an industrial area. The applicant will also be required to demonstrate that they have control the implement any ventilation system that may be required. Policy DM13 - Development within general urban area/settlement sets out criteria that new developments within the urban area must satisfy. These relate to the proposal taking account of surrounding development in terms of its layout, design, character and scale, and its impact upon existing open spaces, landscaping and public safety. Development must also be

adequately serviced in terms of a number of transport modes, including public transport.

- 6.4 Following a detailed assessment of this proposal, it is considered that it would not have any significant adverse impact upon residential or visual amenity, or upon public safety in the immediate area. It is recognised that the site is located within a predominantly residential area, and that it is in close proximity to a number of 4 storey blocks of flats. It is, however, also noted that the existing building has a lawful use as a public house and that the uses proposed, a Class 1 retail unit, Class 3 food/drink unit and a hot food takeaway, are not uncommon in residential areas. In addition, it is understood that the public house has been vacant for almost a year now and that this proposal is intended to bring the building and the wider site back into use. It is recognised that there is always the potential for new commercial development to lead to unwelcome anti-social behaviour, however, given the history of the site, the proposed uses would not appear to significantly change the character of the area and the new units will bring increased choice to local residents.
- 6.5 In terms of the detailed design of the proposal, the external alterations to the building would not appear to be of a scale that would materially impact upon the residential amenity of neighbouring residents. In addition, the physical changes to the building would improve its appearance, given that the pub has been vacant for almost a year with its condition deteriorating. A condition could be imposed on any consent to control the final choices of external finishing materials, to ensure that they do not appear out of character in the wider area. The proposed enlarged car park and amended access would not materially impact upon public safety, and the work would enable the site to be tidied and upgraded from its current condition, whilst the existing footpath link through the site would remain. The new access would not appear to significantly impact upon residential amenity and sufficient parking spaces would be provided to serve the units, particularly as it seems likely that a large number of customers living locally would be likely able to walk to these businesses.
- 6.6 The impact upon residential amenity can be further controlled by the use of suitably worded planning conditions. These can be used to control the layout and design of fencing and boundary treatments at the site and to ensure that suitable landscaping is undertaken to improve the visual appearance of the area. In addition, given the proposed uses of the units, a condition can be imposed to ensure that full technical details of the ventilation systems are agreed with the Council prior to any of the relevant businesses opening. This will prevent the operation of the food units from significantly impacting neighbours by way of odours, smells or noise from any such system. The applicant has indicated the location of bin storage for the three units on the submitted drawings. Finally, conditions can be included to control the implementation of the new vehicular access arrangements.
- 6.7 No details of the final operators of the units are available at this stage, however it is noted that any licenced premises will require to apply to the Council's Licensing Service who may impose conditions on the hours of operation where there are concerns about the impact of late hour openings on neighbouring residents. Similarly, hot food takeaways and most retail shops that open beyond 11pm require a late hours catering licence, which may not be issued where there are concerns about anti-social behaviour or disturbance to residents. As such, it is not considered reasonable to add any conditions related to hours of operation at this stage.

- 6.8 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. It is, therefore, considered that the proposal also accords with Policies 3, 5, 10, DM1 and DM9 in the proposed plan.
- 6.9 Three individual letters of objection and two petitions containing a further 35 objectors have been received in connection with this proposal. These raise concerns regarding the impact of the proposal upon their general amenity, upon parking and road safety and upon the potential for additional anti-social behaviour. It is, however, not considered that these objections are of sufficient weight or merit, either individually or collectively, to justify the refusal of consent in this instance.
- 6.10 In view of all of the above, and noting that the proposal broadly accords with the policies and guidance of the adopted South Lanarkshire Local Development Plan, its associated supplementary guidance and with the policies of the emerging Proposed South Lanarkshire Development Plan 2, it is recommended that planning permission is granted subject to the attached planning conditions.

7 Reasons for Decision

- 7.1 The proposal will have no significant adverse impact on amenity or public safety, and it complies with the relevant policies of the adopted South Lanarkshire Local Development Plan and Supplementary Guidance (Policies 4, 6, 10, DM1, DM8 and DM13) and the proposed South Lanarkshire Local Development Plan 2 (Policies 3, 5, 10, DM1 and DM9).

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 1 June 2020

Previous references

- ◆ CR/09/0134 - Erection of timber screen fence (Retrospective Application)

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Supplementary Guidance 3: Development Management, Placemaking and Design
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 23 October 2019
- ▶ Newspaper advert, Rutherglen Reformer dated 30 October 2019
- ▶ Correspondence with agent, various dates

- ▶ Consultations

Dated:

Roads and Transportation Services (Development Management Team)	11.11.2019 & 16.01.2020
Environmental Services	01.11.2019

► Representations	Dated:
Adele McIntyre, 2 Gilmour Crescent, Rutherglen, Glasgow, South Lanarkshire, G73 1HR (Petition)	13.11.2019
Megan Ross, 2-4, 3 Liddoch Way, Rutherglen, Glasgow, South Lanarkshire, G73 1JN (Petition)	15.11.2019
Mrs M & Mr C Madden, 0-4, 1 Liddoch Way, Rutherglen, G73 1JN	11.11.2019
J P Morton, 0-3, 1 Liddoch Way, Rutherglen, Glasgow, South Lanarkshire, G73 1JN	12.11.2019
Mr S Smith, Received Via E-mail	12.11.2019

Contact for further information

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

Andrew Muir, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Phone: 01698 455058
Email: andrew.muir2@southlanarkshire.gov.uk

Conditions and reasons

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

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

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

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

03. That before 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 2, shall be erected and thereafter maintained to the satisfaction of the Council.

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

04. That 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.

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

Reason: In the interests of traffic and public safety.

06. That before the development is completed or brought into use, the surface of the vehicular access and car park shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the road.

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

07. Before either the Class 3 unit or the hot food takeaway (Sui Generis) unit that form part of this proposal are brought into use, the proposed method(s) of ventilation shall be operational in accordance with the approved details and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

The ventilation system shall:

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

Reason: To minimise the risk of nuisance from smells, fumes, vapours and noise to nearby occupants.

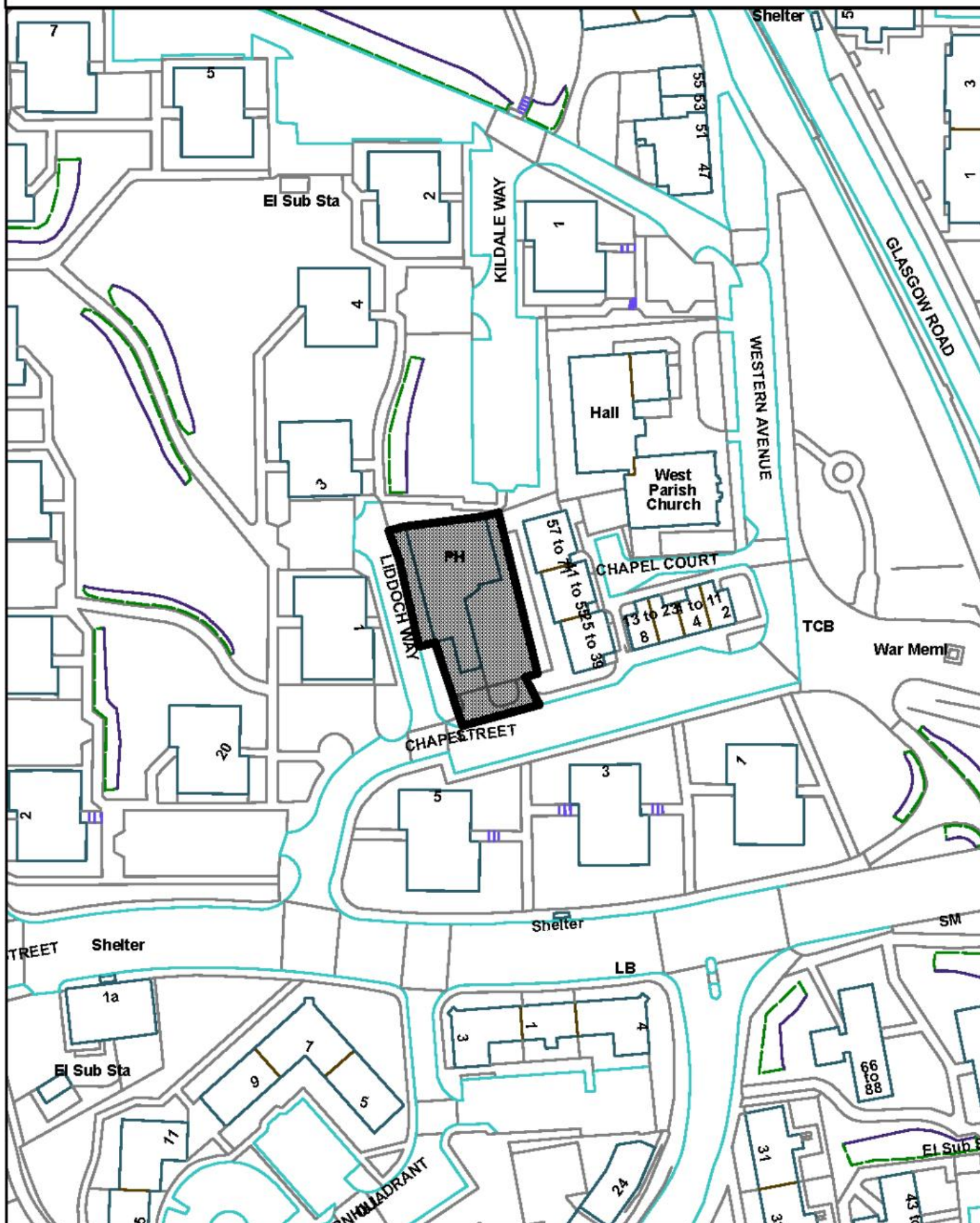
08. Between the hours of 0800 and 2000 the measured noise level emitted from the premises (LAeq (1hour)) shall not exceed the pre-existing background noise level (LA90(1/2hour)) by more than 4dB (A) when measured in accordance with BS4142: 2014 at buildings where people are likely to be affected.

Between the hours of 2000 and 0800 the noise emitted from the premises (LAeq (5mins)) shall not exceed the pre-existing background noise level (L A90 (1/2hour)) by more than 4dB(A) when measured in accordance with BS4142:2014 at buildings where people are likely to be affected.

Reason: To minimise noise disturbance to adjacent occupants.

P/19/1544

Burnhill Bar, 18 Chapel Street, Rutherglen



Report

8

Report to:	Planning Committee
Date of Meeting:	23 June 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1050
Planning proposal:	Erection of single storey extension to side of public house premises, associated raised decking areas and alterations to existing car park

1 Summary application information

Application type: Detailed planning application

Applicant: Mr Colin Smith
Location: The Tillietudlem Inn
14 Lanark Road
Crossford
Carluke
ML8 5RE

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: Derek Hollywood
- ♦ Council Area/Ward: 01 Clydesdale West
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 - Development Management and Placemaking
Policy 6 - General Urban Area/Settlements

Supplementary Guidance 3: Development Management, Placemaking and Design
Policy DM13 - Development within General Urban Area/Settlement

**Proposed South Lanarkshire Development Plan
2**
Policy 3 - General Urban Areas
Policy 5 - Development Management and
Placemaking

♦ **Representation(s):**

▶	6	Objection Letters
▶	0	Support Letters
▶		Comment Letters

♦ **Consultation(s):**

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

Planning Application Report

1 Application Site

- 1.1 The irregular shaped application site consists of part of a former hotel building, The Tillietudlem Inn on Lanark Road, Crossford, which is currently used as a public house on the ground floor, with flats above. The site also includes an associated car park area, and an area of landscaping to the south of the main building. The existing site extends to approximately 0.076 hectare, with vehicular access to the car park taken directly from Lanark Road. Historically, the original Inn premises date from the late 1800's.
- 1.2 The remainder of the two and a half storey, former hotel/restaurant premises, with residential flats above, adjoins the site to the north, whilst further residential properties adjoin the site to the east and west. An area of open space, part of a former orchard, adjoins the site to the south.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the erection of a single storey, 42 square metre extension to the side of the existing public house premises and two associated raised decking areas, measuring 24 square metres around the side and front of the proposed extension and 32 square metres within a separate raised decking beer garden area above the car park. The proposals would create additional seating areas within the public house. Alterations to the layout of the existing car park and the associated vehicular access are also proposed.
- 2.2 The detailed plans indicate that the new extension proposed will be finished externally with a smooth render on the walls and a flat grey roof tile. Internally, the new extension will enable the provision of a further 24 covers/seats for the premises.

3 Background

3.1 Local Plan Status

- 3.1.1 Within the adopted 2015 South Lanarkshire Local Development Plan, the application site lies within the settlement boundary of Crossford. Policies 4 - Development Management and Place Making and Policy 6 - General Urban Area/Settlements, therefore apply. The application also requires to be assessed against the guidance contained within the associated supplementary guidance documents, namely the Development Management, Place Making and Design SG. Collectively, these policies seek to promote the principles of sustainability in development and seek to make a positive contribution to the character and appearance of the environment in which they are located, taking account of and being integrated with the local context and built form. Proposals which integrate successfully with their surroundings and which are well related to existing development, public transport, local services and facilities are also encouraged. Policy DM 13 – Development within general urban area/settlements of the Development Management, Place Making and Design SG provides specific guidance and criteria that any new development must also satisfy.

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 relevant policies in the proposed plan are specifically Policies 3 – General Urban Area / Settlements, and 5 – Development Management and Placemaking. In broad terms, the aims and objectives of these policies are similar to those within the adopted Local Development Plan.

3.2 **Relevant Government Advice/Policy**

3.2.1 Given the scale and nature of the proposals, there is no applicable Scottish Government advice or policy directly relevant.

4 **Consultation(s)**

4.1 **Roads Development Management Team** – No objections to the application. The parking provision shown on the submitted drawings is sufficient to serve the proposed development particularly taking into account that there is an extended area of layby on Lanark Road, adjacent to the existing pub, where vehicles park without causing road safety issues, and car parking facilities nearby within the village. Some minor alterations will be needed to relocate a gully to accommodate the widening of the vehicular access.

Response: Noted, these issues can be covered by suitable conditions and informatives, should the Committee be minded to grant permission for the proposals.

4.2 **Environmental Services** – No objections to the proposals, subject to the attachment of various conditions and informatives to any consent restricting the hours of use and potential noise nuisance issues associated with the beer garden decking areas, and advising that formal action may be taken should nuisance occur.

Response: Noted, these issues can be covered by suitable conditions and informatives should the Committee be minded to grant permission for the proposals.

4.3 **Roads Flood Risk Management** – To date have not responded to the consultation request.

Response: Noted.

5 **Representation(s)**

5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local paper due to the nature of the application and for non-notification of neighbours, following which 6 letters of objection have been received. The issues raised can be summarised as follows;

(a) **Loss of privacy/overlooking to a number of residential properties adjoining the application site. A potential increase in existing noise, nuisance and anti-social behaviour in close proximity to neighbouring properties, adversely impacting upon their amenity.**

Response: These various concerns are noted, however, following a detailed assessment of the application, noting the physical characteristics of the proposed raised beer garden and its relationship with the nearest residential properties, it is considered that the use of the raised decking beer garden element of the proposals

is acceptable, subject to the use of a restrictive planning condition to limit the hours of use to not beyond 21.00 hours. It should also be noted that the existing public house is long established, (nearly 20 years), and that the property has historically operated as a hotel since its original construction in 1879. The applicant is aware of the potential for noise and adverse impacts on adjacent residential properties, however has agreed to the restriction of use to 21.00 hours (and will also be subject to a premises licence), to erect 1.8 metre high screen fencing on the mutual boundaries with the adjoining residential properties, and ensure no live or amplified music is played within the beer garden area. The proposed decking is screened from adjoining properties by existing topography and landscaping so overlooking and loss of privacy would not occur. Accordingly, any impact on residential amenity is likely to be within acceptable limits.

- (b) **There is insufficient car parking within the site for the proposals. This will result in customers parking on the main road, creating traffic congestion and road safety issues.**

Response: The Council's Roads and Transportation Services have been consulted on the application and offer no adverse comments or objections. There is considered to be adequate parking for the premises, both within the application site and locally within the village.

- (c) **The proposed design is not in keeping with the local character of the surrounding area and will detract/ruin the entrance to the village.**

Response: This opinion is noted, however, no specific comments have been submitted to clarify which part of the proposals they are in reference to. The proposed extension is considered to be of an appropriate scale, mass and design that reflects and compliments the traditional design of the existing property. In terms of the decking areas proposed, it is not unusual for licensed premises of this type to have such areas, constructed from timber predominantly. It should also be noted that the elevated, beer garden decking area is to be set back from the principal elevation of the main building, and that the smaller decking area associated with the proposed extension is considered to be of an appropriate scale and design, incorporating a level access ramp. Further, the proposed site is not at the entrance to Crossford, and in view of all of the above, is not considered to detract from the village.

- (d) **The applicant requires the approval of the adjoining neighbour for any new boundary walls or fencing on the mutual boundary.**

Response: These comments are noted, however are a private legal matter between the relevant parties. Notwithstanding this, there are no new walls or fences proposed on the edge/mutual boundary of the applicant's site.

- (e) **The location and block plan are incorrect in terms of the ownership details indicated.**

Response: Noted, the applicant has confirmed that the red line on the original application plans was incorrect and has submitted amended plans that reflect the true position.

- (f) **There is an empty part of the existing building that could be converted and brought into use.**

Response: This comment is noted, however, the current submitted proposals do not include this part of the former hotel and the application requires to be assessed on its own individual merits.

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

6 Assessment and Conclusions

6.1 The applicant seeks detailed planning permission for the erection of a single storey extension to the side of an existing public house premises, associated raised decking areas, and alterations to an existing car park and vehicular access at the Tillietudlem Inn on Lanark Road in Crossford. The main considerations in determining this application are the scale, siting and detailed design of the proposed extension and decking areas, their compliance with local plan policy, and the potential impact on both the visual and residential character of the area, in particular the potential for noise nuisance and disturbance associated with the proposed external beer garden. Impacts on road safety are also a main consideration.

6.2 Within the adopted 2015 South Lanarkshire Local Development Plan, the application site lies within the settlement boundary of Crossford. Policies 4 - Development Management and Place Making and Policy 6 - General Urban Area/Settlements therefore apply. The application must also be assessed against the guidance contained within the associated supplementary guidance documents, namely that within the Development Management, Place Making and Design SG. Collectively, these policies seek to promote the principles of sustainability in development and seek to ensure that all forms of development make a positive contribution to the character and appearance of the environment in which they are located, taking account of and being integrated with the local context and built form. Proposals which integrate successfully with their surroundings and which are well related to existing development, public transport, local services and facilities are also encouraged.

6.3 Policy DM 13 of the Development Management, Placemaking and Design Supplementary Guidance provides specific guidance for development within general urban areas and settlements. In general terms, this guidance aims to ensure that all development respects the context and built environment within which the development is located and resists development that would be out of context, scale and character. Proposed developments must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use. Further, the character and amenity of the area must not be impaired by reason of traffic generation, parking, visual intrusion, noise or emission of gases or particulates, the development must be adequately serviced in terms of access, and there must be no adverse effect on public safety.

6.4 Following a detailed assessment, the proposed built extension to the public house is considered to represent an acceptable form of development for the site, in terms of its overall scale, mass and design. The application site is considered to be of a size that can accommodate the scale of the new extension proposed and, further, the design will not result in any notable issues of overlooking or privacy for any of the existing adjacent dwellings/flats next to the site. In terms of road safety issues, it is considered that whilst the proposed extension will require the removal of 3 parking spaces within the existing car park, adequate parking will remain both within

the site and within the local surrounding area. Consequently, it is considered that the extension element of the proposals does comply with Policies 4 and 6 of the adopted South Lanarkshire Local Development Plan. On this basis, the proposed extension is also considered to comply with the relevant policies and guidance contained in the Development Management, Place Making and Design SG.

- 6.5 The raised external decking area of the proposals, to be utilised as a beer garden, would be set above the existing car park, and will be over 5 metres from the nearest part of the existing public house/flats. Concerns have been raised that the use of this external beer garden will adversely affect the residential amenity of the flats within the former hotel. In this respect, it should be noted that planning permission was previously given for a larger area of timber decking within the area above the car park, for use as a smoking area (planning ref: CL/09/0111). This consent does not appear to have been implemented, however, it was granted consent despite similar objections to those currently lodged. In order to minimise any potential adverse impacts on neighbours from the use of the proposed decking, the applicant is proposing to erect an 1800 mm high timber screen fence to enclose the majority of the structure. He is also in agreement to a planning condition restricting the use of the beer garden to no later than 21.00 hours. The decking itself, with the proposed screen fence mitigation, is considered to be located a sufficient distance from the nearest residential flats within the former hotel. It should also be noted that living above any commercial property of this type is likely to result in more noise and disturbance than that likely to be experienced in a predominantly residential area.
- 6.6 Following a detailed assessment of the decking element of the proposals, including the carrying out of relevant consultations, the proposed decking is considered to be of an acceptable scale, mass and design. The various concerns raised in the letters of objection are noted, however this Service is satisfied that appropriate planning conditions restricting the use and associated noise levels emitted from the decking can adequately mitigate and address the concerns raised. In summary, the proposed beer garden decking does not dominate the surrounding, predominantly residential area to a degree and extent that is physically imposing and/or detrimental to the amenity of the area in general. Consequently, it is considered that, in terms of scale, design and siting, the decking and its resultant use will not have a detrimental impact on the amenity of the adjacent houses. Accordingly, it is once again considered that the proposals do comply with Policies 4 and 6 of the adopted South Lanarkshire Local Development Plan, and the proposals are also considered to comply with the relevant policies and guidance contained in the Development Management, Place Making and Design SG.
- 6.7 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2). 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 adopted South Lanarkshire Local Development Plan. It, therefore, follows that the application accords with Policies 3 and 5 of the proposed plan.
- 6.8 In view of all of the above, as the proposals represent an appropriate form of development for the site, in accordance with the policies and guidance of the adopted South Lanarkshire Local Development Plan and its associated

supplementary guidance, it is recommended that the application be approved by Committee.

7 Reasons for Decision

- 7.1 It is considered that the proposals will not result in a significant or adverse impact on either residential or visual amenity and comply with the provisions of Policies 4 and 6 of the South Lanarkshire Local Development Plan (adopted June 2015) and the associated Supplementary Guidance. The proposals are also considered to comply with Policies 3 and 5 of the proposed South Lanarkshire Local Development Plan 2. Further, there are no additional material considerations which would justify refusing planning permission.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 1 June 2020

Previous references

- ◆ CL/01/0364, CL/02/0261, CL/02/0512, CL/03/0096, CL/09/0111

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Supplementary Guidance 3: Development Management, Placemaking and Design
- ▶ Newspaper advert, Hamilton Advertiser, dated 18.12.2019

- ▶ Neighbour notification letter dated 6 December 2019

- ▶ Consultations
 - Roads Development Management Team 03.02.2020
 - Environmental Services
 - Roads Flood Risk Management

- ▶ Representations Dated:
 - Mark Dewart And Wanda Guarini, 1 Nethan View, Blair Road, Crossford, Carluke, South Lanarkshire, ML8 5RH 24.12.2019
 - M McGarvey, Geannethan, Blair Road, Crossford, Carluke, South Lanarkshire, ML8 5RF 31.12.2019
 - Mr Colin Lamond, Kilmarnock, East Ayrshire, KA1 3AJ 24.12.2019
 - Henry Murdoch, Received By Email 30.12.2019

Will Dewart, Received Via Email

30.12.2019

Laura Neilson, Received Via Email

30.12.2019

Contact for further information

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

Stuart Ramsay, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton,
ML3 6LB

Phone: 01698 453601

Email: stuart.ramsay@southlanarkshire.gov.uk

Conditions and reasons

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

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

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

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

03. That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.

Reason: In the interests of amenity and to ensure the protection and maintenance of the existing trees within the site.

04. That before the development hereby approved is completed or brought into use, the upgraded vehicular access so far as it lies within the boundaries of the road abutting the site, and the amended car parking layout indicated on the approved plans, shall be constructed in accordance with the specification of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

05. The use of the beer garden decking area hereby approved shall not operate after 21.00 hours.

Reason: To minimise noise disturbance and retain effective planning control

06. That no live sound or amplified music equipment shall be installed or used within the beer garden hereby approved.

Reason: To safeguard the amenity of the surrounding area.

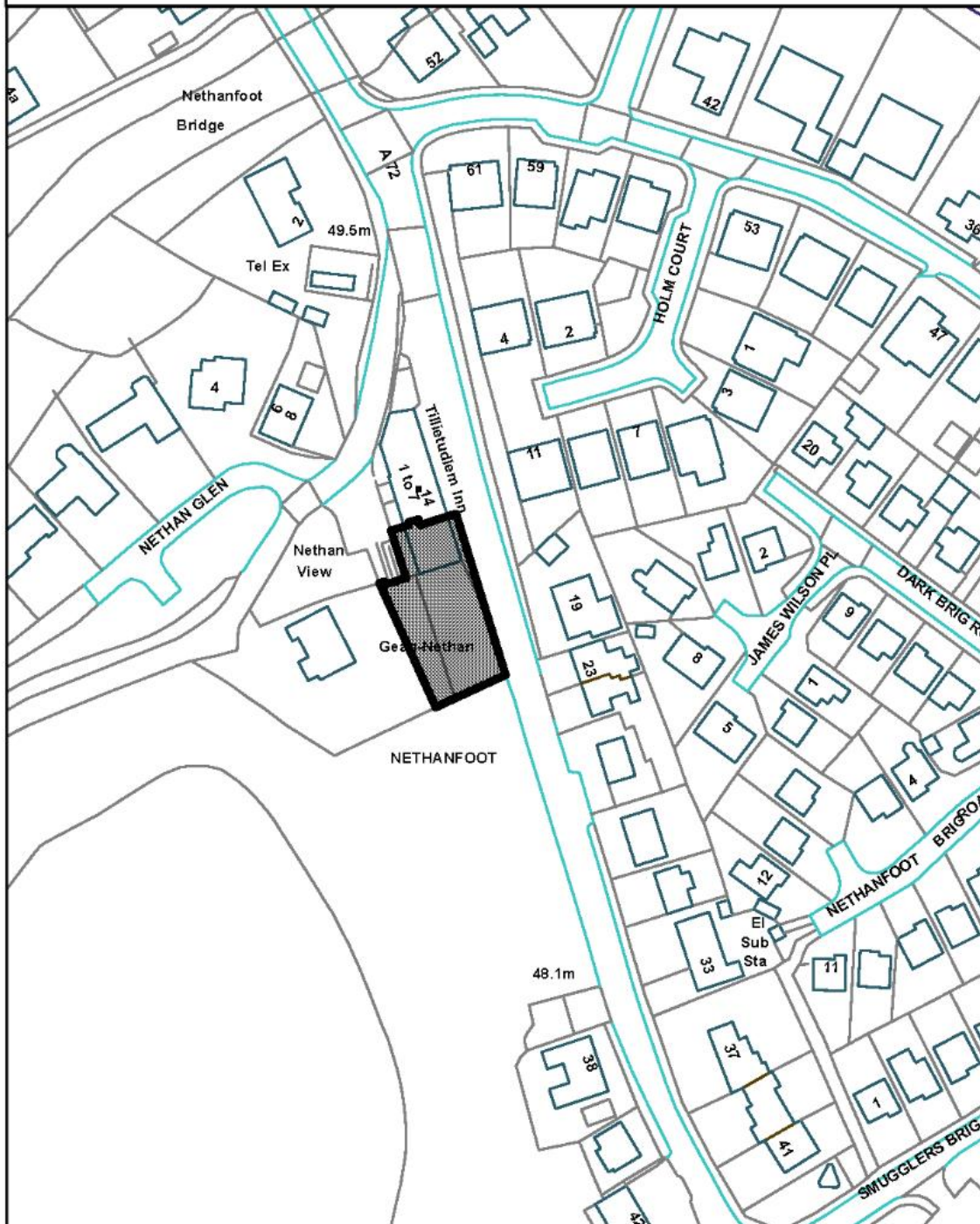
07. Development shall not commence until a noise report examining the design and use of the proposed outdoor facilities has been submitted to and approved by the Council as Planning Authority. The report shall identify any measures required to ensure that there is minimal noise impact on neighbouring properties and shall include issues such as management of the facilities, the use of self-closing doors within the public house and hours of operation. Any measures required to minimise noise shall be implemented prior to the development being brought into use and

shall thereafter be implemented in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.

Reason: To minimise potential noise disturbance to nearby residents.

P/19/1050

The Tillietudlem Inn, 14 Lanark Road, Crossford



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Scale:
1:1,250
Date:
30/03/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

9

Report to:	Planning Committee
Date of Meeting:	23 June 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1712
Planning proposal:	Erection of three 100m wind turbine (height to blade tip) and associated crane pads, equipment housings and access track

1 Summary application information

Application type:	Detailed planning application
Applicant:	HBV 2 Ltd
Location:	Land 575M SSE Of Dykecroft B7086 From Boghead Kirkmuirhill To Deadwaters Bridge Boghead Lanark South Lanarkshire

2 Recommendation(s)

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

- (1) Refuse the application for the reasons attached

2.2 Other actions/notes

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

3 Other information

- ◆ Applicant's Agent: Adele Ellis
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 1 – Spatial Strategy
Policy 2 - Climate Change
Policy 3 - Green Belt and Rural Area
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

Supplementary Guidance 1: Sustainable Development and Climate Change

Policy SDCC2 – Flood Risk
 Policy SDCC3 – Sustainable Drainage Systems

Supplementary Guidance 3: Development Management, Placemaking and Design

Policy DM1 - Design

Supplementary Guidance 10: Renewable Energy

Policy RE1 – Spatial Framework for wind energy
 Policy RE2 – Renewable Energy Developments

Proposed South Lanarkshire Local Development Plan 2 (2018)

Policy 1 - Spatial Strategy
 Policy 2 - Climate Change
 Policy 4 – Green Belt and Rural Area
 Policy 5 - Development Management and Placemaking
 Policy 14 - Natural and Historic Environment
 Policy 15 – Travel and Transport
 Policy 16 - Water Environment and Flooding
 Policy 18 - Renewable Energy
 Policy DM1 - New Development
 Policy SDCC2 - Flood Risk
 Policy SDCC3 - Sustainable Drainage Systems
 Policy RE1 – Renewable Energy

♦ **Representation(s):**

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

♦ **Consultation(s):**

WOSAS

Countryside and Greenspace

Roads Flood Risk Management

Roads Development Management Team

Environmental Services

BAA Glasgow

National Air Traffic Services Ltd

MoD (Windfarms)

Planning Application Report

1 Application Site

- 1.1 The application site is an area of predominantly agricultural grazing land some 0.6 hectares in size. The site is located some 450m to the west of the settlement of Boghead. To the south of the site is Dunduff Quarry, a hard rock quarry that has been in operation for decades. The Quarry operates a one way system with separate access and egress routes from the B7086 public road. The east and north of the site is bounded by open farmland with the woodland separating the site from boghead. The site sits within a large, open landscape sitting at approximately 240m above ordnance datum. The site, therefore, sits on one of the higher points of a relatively flat landscape.
- 1.2 The application site is on land designated as Rural within the approved South Lanarkshire Local Development Plan 2015 (SLLDP) and the surrounding landscape is described as having a landscape character type of Plateau Farmland.

2 Proposal(s)

- 2.1 Planning permission is sought for the installation of 3 No. wind turbines each with a maximum tip height of 100m with an associated substation and ancillary access track. It is proposed to access the site using the Dunduff Quarry haulage road described above.

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 All national policy and advice is considered in detail in section 6 of this report.

3.2 Development Plan Status

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

3.2.2 The 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 1: Spatial Strategy
- 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 13 Green network and greenspace
- Policy 14 Natural and Historic Environment
- Policy 15 Travel and Transport
- Policy 16 Water Environment and Flooding
- Policy 18 Renewable Energy

Volume 2

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

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 There is no relevant planning history for the site.

4 Consultation(s)

4.1 **Roads and Transportation Services (Development Management)** – noted that the Transportation Statement contained conflicting routes regarding the turbine transportation to the site from the M74 and that it was proposed to use the exit only haul road connected to Dunduff Quarry. An amended Transportation Statement correcting these errors has now been submitted with a clearly defined route to site that now also includes the entry only portion of the Dunduff Quarry access road. Roads note that the turbines that were delivered to Kype Muir Wind Farm utilised a route that passes the Dunduff Quarry entrance.

Response: Noted, given larger turbines were able to travel from the M74 to Kype Muir, it is considered that the transportation of turbines would not impact upon road safety in this instance. Conditions regarding Traffic Management and a legal agreement securing a financial guarantee in relation to wear and tear of the public road network would be required to be attached to any permission if granted.

4.2 **West of Scotland Archaeology Service (WOSAS)** – state that whilst they consider the Cultural Appraisal methodology to be insufficient would agree with the conclusion that in general the proposed turbines would not have an impact on any cultural designation. Note that the application site may have some local archaeological significance and therefore have no objections subject to the use of a suitable archaeological condition requiring a programme of archaeological works to be carried out prior to construction.

Response: Noted, should planning permission be granted a condition requiring the further approval of a programme of archaeological works should be attached to any decision issued.

4.3 **Environmental Services** – have no objections to the proposals in relation to noise subject to noise limits being placed on the proposals to protect the amenity of residential properties in the area. Raised concerns in relation to shadow flicker given the application submission did not contain a shadow flicker management plan even though shadow flicker was identified as an issue. Further information has been submitted in the form of a turbine brochure that has a built in shadow flicker detection device to minimise shadow flicker. Environmental Services are not aware of the success of such a system nor is it clear whether it can be fitted to any turbine or if it has to be the one stated in the brochure.

Response: Noted and the recommend noise limits would require to be conditioned to any permission, if approved. In regard to shadow flicker, it is noted that

Environmental Services still have concerns regarding its management and potential impact.

- 4.4 **National Air Traffic Systems Ltd (NATS)** – object on the grounds of aviation safety in regard the turbines impacting upon the aviation RADAR system.

Response: Noted. Following this objection, the applicant has entered into discussions with NATS to try and agree a RADAR mitigation solution in relation to the turbines. NATS have confirmed that they are reviewing potential mitigation submitted by the applicant but have not yet agreed an acceptable solution. The applicant has requested that this application proceed to be reported to committee whilst these discussions are ongoing. At the time of writing, as no solution has been found (or agreed in principle), the objection from NATS has to stand and forms a reason for refusal of the application. It should be noted that planning permission cannot be issued without removal of this objection.

- 4.5 **BAA Glasgow** – have examined the proposals from an aerodrome safeguarding perspective and are content it does not conflict with their safeguarding criteria.

Response: Noted.

- 4.6 **Ministry of Defence (Wind Farms)** – no objections but note that warning lighting will be required due to the height of the proposals.

Response: Noted and a condition requiring warning lighting would be required should planning permission be granted.

- 4.7 **Roads and Transportation Services (Flood Risk)** – have reviewed all available information and have no comments to make in relation to flooding or drainage.

Response: Noted.

- 4.8 **Countryside and Greenspace** – have no comments to make.

Response: Noted.

5 Representation(s)

- 5.1 The proposal was publicised as an application requiring advertisement due to the non-notification of neighbours and as a Schedule 3 (Bad Neighbour) development in the Lanark Gazette on 4 December 2019. Following this advertisement 37 letters of objection have been submitted with the following concerns:-

- a) **Landscape and Visual Impact/ turbines not in-keeping with the area.**

Response: A detailed assessment of the landscape and Visual Impact of the proposals is carried out in 6.24 to 6.31 below.

- b) **Proximity to houses/ within 2km of a settlement**

Response: A detailed assessment of Residential Visual Amenity of the proposals is carried out in 6.27 to 6.31 below.

- c) **Shadow Flicker/ Impact on Health**

Response: Concerns regarding Shadow Flicker shared by the Council and it is considered that the Shadow Flicker Mitigation Strategy has not been properly addressed.

- d) **Cumulative Impact in relation to existing turbines**

Response: Cumulative impact forms part of the detailed landscape and visual assessment carried out in 6.24 to 6.31 below.

- e) **Noise Pollution**
Response: Environmental Services are content that due to the location of the turbines, acceptable noise levels could be achieved. A condition ensuring such levels are maintained would be attached to any permission if issued.
- f) **Light Pollution**
Response: It is considered that the only required lighting of the turbines would be for air traffic safety and would generally, therefore, have limited visual impact. Should permission be granted, a lighting scheme could form a condition on any decision.
- g) **Aviation Safety**
Response: There is currently an objection from NATS on these grounds.
- h) **Ice Throw from turbines**
Response: A scheme for the mitigation of ice throw could form a condition of any permission if approved.
- i) **Set a precedent for 100m tall turbines.**
Response: As set out within Section 6 below, all applications are assessed on their individual merits and any decision taken on these turbines does not necessarily preclude or allow similar turbines in the area without further, detailed assessment.
- j) **Loss of farmland**
Response: The application site does not contain any Prime Agricultural Land and is, therefore, not protected from development subject to suitable proposals.
- k) **Impact on wildlife**
Response: An Ecological appraisal, including Phase 1 Habitat study have been submitted with the planning application. It is considered that given the application site consists of cultivated land, there is little habitat value on the site.
- l) **Impact on walkers, footpaths etc.**
Response: The proposals do not directly affect any footpath or Right of Way. Indirect impacts in Visual Impact terms form part of the detailed Visual Impact assessment in 6.27 to 6.31 below.
- m) **Lack of public consultation**
Response: The application does not involve a major development that would require the applicant to carry out any statutory public consultation.
- n) **Lack of reference to Boghead**
Response: It is considered that given the proximity of the proposals to the settlement of Boghead, the carrying out of a Residential Visual Amenity Study (RVAS), including providing a viewpoint from a prominent point within the settlement would have been best practice as part of the LVIA carried out. Whilst it is disappointing that this has not been carried out and opens up the suggestion that the LVIA is lacking in detail it is accepted that the LVIA does provide viewpoints in all directions around the site.
- o) **Inaccuracies within the planning submission, out of date information**
Response: The application met the minimum criteria required to allow the application to be validated.
- p) **Incorrect landownership**
Response: Issues regarding landownership are civil matters outwith the planning system. The Council, as Planning Authority, are required to take a completed ownership certificate at face value. Should planning permission be granted any applicant must, separately, ensure they have ownership or any right of access required.

- q) **The turbines are spaced too closely together resulting in inefficient energy production**
Response: The layout of the turbines is assessed in detail as part of the Landscape and Visual Impact Assessment in 6.24 to 6.31 below.
- r) **Impact on property values. Impact upon cattle/ livestock**
Response: These are not material considerations to the assessment of any planning application.

5.2 7 letters of representation have been received stating that they are in support of the proposals.

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

6 Assessment and Conclusions

6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GVCSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance.

6.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. For the purposes of this report, SLLDP2 Policies are only referenced where they differ from the aims of SLLDP.

6.3 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 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).

- 6.4 SPP therefore promotes renewable energy projects but only ‘the right development in the right place; it is not to allow development at any cost’. As noted in 6.1, the planning system should be plan led and this is re-enforced as being part of the Core Values of the Planning Service set out in Paragraph 4. It is, therefore, considered that whilst the principle of renewable energy is supported at a National Level, it is only supported if the proposals are deemed to be considered ‘the development in the right place’ and that the primary, determining criteria for this assessment should be the Development Plan.
- 6.5 The proposed development therefore 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. 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. It is, therefore, considered that at a strategic level the Development Plan supports the principle of renewable energy subject to a detailed assessment against the local development plan.
- 6.6 In terms of the adopted South Lanarkshire Local Development Plan, Policy 1 ‘Spatial Strategy’ of the SLLDP states that the SLLDP will encourage sustainable economic growth and regeneration, protect and enhance the built and natural environment and move towards a low carbon economy and that this will be achieved, inter alia, by supporting ‘development that accords with and supports the policies and proposals in the development plan and supplementary guidance. As the site is located within the rural area the application therefore requires to be assessed under the Policy 3 ‘Green Belt and rural area’. This states that support will not be given for development proposals within the Countryside, unless they relate to uses which must have a countryside location. Policy 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. SG 2: Green Belt and Rural Area lists in Appendix 2 renewable energy as an appropriate use within the rural area. It is, therefore, considered that the principle of the development accords with SLLDP Policy 3 in this instance. Again, the overall acceptability of such a development must, however, also meet other Policy and Development Management criteria and these issues are considered in detail further in the report.
- 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. The proposals are for a renewable energy development and, therefore, intrinsically support minimising the effects of climate change through greener energy generation. It is therefore considered that the principle of the development

accords with SLLDP Policy 2 in this instance. Again, the overall acceptability of such a development must however also meet other Policy and Development Management criteria and these issues are considered in detail further in the report.

- 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.
- 6.9 Policy 15: Natural and Historic Environment and the associated Supplementary Guidance provides the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment.
- 6.10 SLLDP Policy 19 'Renewable Energy' states that renewable energy proposals will be assessed against SPP and South Lanarkshire Council's statutory supplementary guidance (SG). 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. Part of this checklist includes an assessment of the criteria referenced in Policies 4 and 15. The assessment below, therefore, also includes the assessment against these policies criteria.
- 6.11 The RE1 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
- 6.12 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.
- 6.13 In terms of 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
- 6.14 The New Lanark World Heritage Site is approximately 8.5km to the east of the application site and it is considered that this distance negates any proposed impact the development may have on the setting of this international designation. In relation to national designations, there are no ecological designations within a 2.5km radius of the site. In relation to historical designations there are no Historic Battlefields or A listed buildings within a 5km radius of the site. There are 19 B Listed buildings within a 5km radius of the application site. The nearest B Listed building (Dovecot, Blackwood House) is approximately 1.9km from the application site and it is considered that this separation distance and intervening topography would minimise any impact the turbines may have on the setting of this or any other B Listed building. The Cultural Appraisal submitted as part of the Planning Application notes

that the Lesmahagow Conservation Area is within 5km of the application site yet does not provide further commentary on any assessment of the proposals in relation to this Conservation Area. It is considered, however, that this Conservation Area is over 2.5km from the application site which would minimise any potential impact upon this national designation. There is only 1 Scheduled Ancient Monument within 5km of the site (Craighead Mill, Lesmahagow) and again the distance between this national designation and the application minimises any potential impact the turbines may have.

- 6.15 It is, therefore, considered that there would be no adverse impacts upon National and international designations, as well as other nationally important mapped environmental interests. 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 community of Boghead is within 2km of the application site, with the nearest turbine being some 450m to the settlement boundary. The application site therefore falls within a Group 2 Area of significant protection. It is noted that being within a Group 2 Area does not automatically preclude wind farm development as the 2km buffer zone around settlements is an indicative area in which potential developers will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. The separation is not a ban on wind energy development in the identified area but does require a full assessment of a wind farms potential impact in relation to the community. This assessment is carried out from paragraph 6.21 onwards.
- 6.16 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 at paragraphs 6.17 to 6.52 below.
- 6.17 Impact on international and national designations.
National and international designations have been previously assessed at paragraphs 6.12 to 6.15 above and it is considered that there are no adverse effects on national and international designations.
- 6.18 Impact on carbon rich soils, deep peat and priority peatland habitat (CPP).
The application site does not have any of these interests.
- 6.19 Community separation for consideration of visual impact.
This is examined in detail in paragraphs 6.31 to 6.35 below.
- 6.20 Economic benefits.
This includes local and community socio-economic benefits such as employment, associated business and supply chain opportunities. No assessment of the socio-economic impact of the proposed development was submitted as part of the application. It is acknowledged that there will be some construction employment related to the development but as the development involves 3 turbines there is unlikely to be other economic opportunities associated with the development. It is, therefore, considered that there is little weight in any consideration of the development in relation to economic benefits.

- 6.21 The scale of contribution to renewable energy generation targets and effects on greenhouse gas emissions.
It is acknowledged that, as with any renewable energy project, that, if developed, the proposals would add to renewable energy targets. It is also acknowledged that renewable energy production is only one material consideration with any planning assessment and is balanced against the suitability of any scheme and its location.
- 6.22 Effect on the natural heritage, including birds - Table 7 criteria 7a) South Lanarkshire Local Biodiversity Strategy, Local nature conservation designations, bird sensitivity, protected species and bats.
This criterion, in line with Policy NHE19 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. An Ecological Appraisal, including a Phase 1 Habitat Survey, has been submitted as part of the application. It concludes that the development would not have a significant impact upon protected species and habitats. It also provides proposed mitigation such as hedge clearance being carried out with the nesting bird season and pre-construction surveys for bats being carried out. It is considered that given the application site is mainly cultivated land the conclusion of the Ecological Appraisal is accepted and that the proposals would not have a significant, adverse impact upon the natural heritage of the area subject to suitable mitigation measures. Whilst the site is relatively small in wind farm terms there is still adequate land within the application site to create new habitats to enhance the existing natural environment. It is considered that whilst not referenced within the planning submission, should approval be given a habitat creation and management plan should be a conditional requirement of the decision to ensure that there is a natural benefit arising from the development. Although again it is noted that this would be imposed by the Planning Authority and has not been suggested by the applicant.
- 6.23 Effect on the natural heritage, including birds – Table 7 criteria 7b) Habitat Management Plans (HMP).
As noted above, it is considered appropriate to require the implementation of habitat creation to improve biodiversity within the site if consent is granted
- 6.24 Landscape and visual impacts including landscape capacity and cumulative developments
It is considered that landscape designations, character and capacity are key considerations in considering the impact of wind farm and wind turbine proposals. The Council's own landscape technical studies provide a comprehensive baseline for the assessment of wind farm and wind turbine proposals in South Lanarkshire. 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. Visual impact is therefore, in essence, a development's impact in relation to how it impacts upon receptors. The assessment takes into account cumulative impacts. A Landscape and Visual Impact Assessment (LVIA) was submitted as part of the application.
- 6.25 The application site is located within the Plateau Farmland Landscape Character Type (LCT), as defined in the South Lanarkshire Landscape Character Assessment

2010 (LCA). The key characteristics of the Plateau Farmland LCT are its extensive, gently rolling undulating landform character, limited and generally declining tree cover, dominance of pastoral farming, visually prominent settlements and activities such as mineral workings. In general terms, its rural character has suffered as tree cover has declined and the visual influence of wind farms, settlements, transport infrastructure and mineral workings has increased. South Lanarkshire's Landscape Capacity for Wind Turbines 2016 (Landscape Capacity Study) provides guidance on the individual and cumulative landscape impact of wind farm and wind turbine developments in the Plateau Farmland. The application site is in an area defined as having 'Low' capacity for turbines with heights between 80m to 120m and states that the landscape is sensitive to wind farm development and has a high value whereby only a slight level of change can be accommodated without significantly affecting the key characteristics of the LCT. The proposals involve turbines with a tip height to 100m and, therefore, fall within this category. The Landscape Capacity Study states that, due to the existing turbines within the Plateau Farmland Area, 'further number of turbines could create areas of wind turbines in Plateau Farmland, which would exceed capacity'. The Landscape Capacity Study therefore notes that the Plateau Farmland is sensitive to change and due to the existing number of turbines in the area has limited capacity for more to be located within the landscape.

- 6.26 The application site is located at one of the higher points in the plateau landscape which enhances its prominence within the landscape. The site has no landscape backdrop which would help minimise the turbines scale within the landscape. The site is also adjacent to an existing hard rock quarry (Dunduff) which is of a large scale and has permission to expand over the next 30 years. Screening bunds are in place to minimise the quarry's visual impact and as the quarry increases in size so will the screening. Whilst the LVIA does not include an assessment of the phasing and restoration of the quarry it is a concern that the proposals are located adjacent to this changing feature. It is considered that the quarry screening is effective in minimising its impact upon the landscape, but additional adjacent development would draw attention to the quarry and further impact upon the landscape. It is, therefore, considered that turbine development in the immediate area is unsuitable given its proximity to a large scale quarry. In broader landscape terms, as noted in the Landscape Capacity Study, there is already extensive turbine development within the landscape. It is noted that within a 5km radius of the application site the majority of turbines are between 50m to 77m which is significantly lower than the 100m proposed as part of this application. There are turbines of similar height, but they are mainly located on the fringes of the 5km radius. There are no large scale wind farms within a 5km radius of the application site and the nearest is Kype Muir which is some 5.3km away. It is therefore considered that the proposed turbines would be out of scale with the majority of turbine development within the landscape and the elevated nature of the site would add to their prominence in the landscape. It is therefore considered that, given there is already limited capacity within the landscape for turbine development, the height of the proposed turbines being at least 20m higher than any existing development on an elevated site within an undulating, plateau landscape adjacent to a large, changing mineral development extenuates any landscape impact the proposals would have. It is therefore considered that the application site and proposals are considered to have a significant impact upon the landscape character that would further undermine the landscape's key characteristics and therefore would not be considered appropriate in this LCT.

- 6.27 In terms of Visual Impact, it is considered that, again, the proposed height of the turbines on an elevated site within an undulating, plateau landscape increases their visual impact for receptors. The LVIA refers to natural landscape screening such as adjacent woodland but it is considered that the height of the turbines minimises any screening that could be achieved by woodland. The turbines layout has 2 of the turbines spaced closer together than the third which results in an uneven appearance. The 2 closer turbines appear bunched together in several viewpoints which enhances their impact as they are consistently read together whereas the third turbine is viewed with a greater separation which further extends the proposals impact. The 2 closer turbines also create visual clutter with their blades over crossing each other which creates visual confusion and enhances their visual impact. The plateau nature of the landscape opens up views of the turbines from a wide area and the height difference to existing turbines within the area increases their visual impact to receptors. It is, therefore, considered that the proposals would have a significantly detrimental Visual Impact upon the area.
- 6.28 As noted above, the application site is considered a Category 2 development as the turbines are within 2km of a settlement/community; in this case within 500m of the settlement of Boghead. Whilst being located within a Category 2 area does not preclude wind farm development it does require the visual impact of the community to be taken into account and developers required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. First of all it is noted that a Residential Visual Amenity Study (RVAS) has not been carried out as part of the LVIA and that there is no viewpoint from the settlement of Boghead. Viewpoint 1 (Woodhead entrance) is close to Boghead but may not be at an angle that would give an approximation of the views experienced by residents within the settlement, but is the nearest viewpoint relating to this community and without further information it is considered appropriate for this to be used as part of the Council's own RVAS. It is noted that the proposed visuals drawn up for viewpoint 1 show the 2 closer turbines dominating the foreground, with their blades overlapping each other. This dominance is considered a significant visual impact upon Boghead which would be further enhanced by the constant crossing of the blades of these 2 turbines which would continue to draw the eye. It is considered that the height of the turbines on higher ground than Boghead, in such close proximity to the settlement, would have an over bearing visual impact and as such it is considered that they are not appropriate at this scale and location.
- 6.29 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. It is considered that residential visual amenity has been assessed in paragraph 6.28 above.
- 6.30 The impact on communities and individual dwellings in respect to shadow flicker and noise require to be assessed. A noise assessment has been submitted as part of the EIA Report. Environmental Services raise no issues with the assessment and recommend that an appropriate condition can be attached which require the noise limits to be validated, if consent is granted to ensure the required levels are met. A Shadow Flicker assessment has been submitted as part of the application

submission. It notes that shadow flicker is a concern to approximately 52 properties but that this could be effectively mitigated for by a planning condition requiring shadow flicker mitigation. It does not suggest a suitable condition, but mitigation is normally in the manner of turbines being shut down when shadow flicker is likely to occur.

- 6.31 Given the number of properties potentially affected by shadow flicker and the lack of proposed shadow flicker mitigation, Environmental Services sought further information was submitted in relation to this. This involves a manufacturer's brochure, advertising a type of wind turbine with in built shadow flicker mitigation, where the turbine would shut down in the event of shadow flicker. The Council has no example of this type of turbine being successful in mitigating against shadow flicker and it appears to relate to a specific turbine rather than being a generic system fitted to any turbine. The turbine within the manufacturer's brochure has not been proposed as part of the application submission and therefore does not alleviate the shadow flicker concerns. A robust, bespoke shadow flicker mitigation scheme would be deemed more appropriate and allow the Council an assessment of how effective it would be, as well as informing a decision on whether it could be considered 'enforceable' and therefore meet one of the required tests for the use of a planning condition. It is, therefore, considered that the issue of shadow flicker has not been appropriately addressed and it is a material consideration to the assessment of the proposals.

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

The application submission did not include a carbon calculation in relation to the development but as noted in 6.18 the proposals do not involve the loss of peat or carbon rich soils.

6.33 Impact on Public Access.

This consideration set out at criteria 12 of Table 7 of the SG Renewable Energy aligns with Policy 15 Natural and Historic Environment of SLLDP and Policy NHE 18 in the SG Natural and Historic Environment which contains guidance on core paths and rights of way. The proposals do not affect any core paths or right of ways during construction or operation. It is, therefore, considered that the proposals are acceptable in relation to public access.

6.34 Impacts on the historic environment.

This consideration set out at criteria 13 of Table 7 of the SG Renewable Energy, in line with the criterion of SLLDP Policy 15, has previously been assessed under National Designations at paragraphs 6.12 to 6.15 with the exception of impact upon C Listed Buildings. With regard to C Listed Buildings, there are 5 within 5km of the application site with Kirkmuirhill Parish Church being the closest at 2.6km. It is considered that this distance is sufficient to minimise any impact upon C Listed Buildings. On the basis of the above assessment it is considered that the proposed development accords with the consideration set out at criteria 13 of Table 7 of the SG Renewable Energy.

6.35 Impacts on tourism and recreation.

As noted in 6.20 above, no assessment of the socio-economic impact of the proposed development was submitted as part of the application. It is considered, however that the proposed turbines would be unlikely to have any direct impact on any tourism and recreational interests within the area given it does not impact upon

any core walking route. The visual impact could be considered to have a detrimental impact upon the aesthetic of the area which could be considered to detract from the potential attractiveness of the area to visit but not in any significant quantifiable means.

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

As noted earlier there is an objection from National Air Traffic Systems Limited in relation to the proposals having a detrimental impact upon their RADAR systems and therefore aviation safety. Mitigation has not agreed.

6.37 Impact on road traffic and on trunk roads.

The criterion of this section of the checklist mirrors SLLDP Policy 16 (Travel and Transport) which requires all new development to conform to South Lanarkshire Council's Road Development Guidelines. In this instance it is considered that the abnormal load route proposed mirrors that of the Kype Muir Wind Farm and therefore the public highway is capable for transporting turbines. The final stage of the route proposes to utilise a haulage road for an active quarry which has specifically designed and constructed for large Heavy Goods Vehicles. If planning permission were to be granted conditions regarding a Traffic Management Plan, Road Safety Audit and Access Management Plan should be imposed on any decision notice as well as the requirement of a legal agreement to provide financial compensation for the repair of any damage to roads arising from extraordinary wear and tear associated with the development.

6.38 Impacts on hydrology, water environment and flood risk

This consideration mirrors SLLDP 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 application site is not identified as being at risk of flooding and it is considered that the proposals would have an additional impact upon the water environment.

6.39 Decommissioning and restoration.

This consideration requires a plan for decommissioning and restoration of the proposed development to be robust. It is noted that the LVIA submitted does not contain any assessment of the decommissioning of the proposals and subsequent restoration. Whilst the application submission is, therefore, lacking, it is considered that a 3 turbine scheme on existing agricultural land is of a scale and nature whereby the Planning Authority could impose a suitable condition ensuring an acceptable decommissioning and restoration scheme would be secured.

6.40 Opportunities for energy storage.

No energy storage is proposed as part of the application, although it is noted that a wind farm of this scale may negate energy storage potential.

6.41 Site decommissioning and restoration bond.

Should planning permission be granted, a condition requiring a bond or other financial mechanism would be required to ensure delivery of any restoration scheme. The bond or guarantee will have to satisfy the Council's criteria.

6.42 Forestry and woodland removal.

Criteria 22 of Table 7 of SG Renewable Energy requires the effect proposals may have on forestry and woodland to be fully assessed. The majority of the site is agriculture so there is no woodland affected by the proposals

6.43 Impact on Prime Agricultural Land.

There is no Prime Agricultural Land within the application site.

6.44 Borrow pits.

There are no borrow pits proposed as part of the application. It is also noted that the application site is adjacent to an active hard rock quarry which would allow material to be sourced easily.

6.45 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. If approval were to be granted, a Construction Environmental Management Plan should form part of any permission to ensure all construction is carried out in line with all required environmental authorisations and licenses.

6.46 Notifiable installations and exclusion zones

There are none within proximity to the application site.

6.47 Mitigation

Criteria 27 of Table 7 of SG Renewable Energy requires the developer to demonstrate that appropriate mitigation measures will be applied. As noted in 6.22 above limited mitigation in relation to ecology is proposed. It is considered that whilst the mitigation does not add benefit in ecological terms it does minimise the proposal's impact on the natural environment. Generic shadow flicker mitigation has been proposed but it is considered that given the relatively high number of properties identified to be affected by shadow flicker and the application site being within 500m from a settlement that it cannot be fully considered as robust mitigation. Shadow flicker mitigation should be bespoke to the identified properties and the times, days of the year it may occur with a practical solution clearly demonstrating who would be responsible for implementing the turbine shut down etc. It is, therefore, considered that this criterion of the checklist has not been effectively met.

6.48 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 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. Whilst not a planning consideration, applicants also enter into a legal agreement to provide community benefits, to the South Lanarkshire Renewable Energy Fund to offset some of the impacts caused by wind farm

development. The application submission does not reference providing any community benefits as part of the proposal.

- 6.49 Overall it is concluded that the proposals do not accord the relevant policies in the adopted South Lanarkshire Local Development Plan that was adopted in 2015. The plan supports meeting renewable energy targets set at the national level however in this case the proposals would have an unacceptable Landscape and Visual Impact and on Residential Amenity.
- 6.50 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 while the Supporting Planning Guidance is similarly consistent with the adopted SG on renewable energy. In view of the assessment of the proposals against policy in the adopted LDP, it is considered that they also fail to comply with the provisions of the Proposed SLLDP2 and the associated supporting planning guidance.
- 6.51 SPP clearly sets out that whilst the principle of sustainable development should be supported, it should only be in relation to the right development in the right place. SPP then reinforces the provisions of the Town and Country Planning Act by supporting a plan led system whereby the Development Plan is the primary consideration for assessing development. A full assessment of the proposals against the development plan has been carried out above. It is considered that the provision of renewable energy alone is not a material consideration in its own right and that renewable energy projects must be considered to meet development plan criteria to be supported. South Lanarkshire Council has, and continues, to support meeting renewable energy targets and has a suite of development plan and strategic documents to ensure the Council area continues to promote suitable, renewable development. In this instance, following the above assessment it is considered that due to an unacceptable Landscape and Visual Impact, the impact on Residential Amenity and an objection of aviation safety the proposals do not comply with policy. The detrimental impact of the proposals outweighs the renewable energy gain and therefore the proposals cannot be supported at this scale and at this location as they do not accord with policy in the adopted SLLDP1 or the proposed SLLDP2 of the associated Supplementary Guidance and supporting planning guidance on renewable energy. It is therefore recommended that planning permission be refused.

7 Reasons for Decision

- 7.1 The proposals are located within a landscape with low capacity for the scale of development proposed and are located within a Category 2 protection area given their proximity to a community. An objection on the grounds of aviation safety has been received from NATS. As such, the proposals are, therefore contrary to SPP (2014), Policy 10 Glasgow and Clyde Valley Strategic Development Plan (2017), Policies 4 and 19 of the South Lanarkshire Local Development Plan (2015) and Policies RE1 and RE2 of Supplementary Guidance 10: Renewable Energy.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 1 June 2020

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 27 November 2019

- ▶ Consultations
 - WOSAS 20.12.2019
 - Roads Flood Risk Management 03.04.2020
 - Roads Development Management Team 22.01.2020
 - Environmental Services 29.01.2020
 - BAA Glasgow 12.12.2019
 - National Air Traffic Services Ltd 17.12.2019
 - MoD (Windfarms) 12.12.2019

- ▶ Representations Dated:
 - Margaret Kennedy, Dunduff Quarry, Bellscroft Road, Boghead, Lanark, South Lanarkshire, ML11 0JQ 23.12.2019
 - Lisa Roberts, 10.02.2020
 - Owner Occupier, Nether Kypeside Cottage, Lanark Road, Lesmahagow, ML11 0JL 04.02.2020
 - Owner Occupier, North Brackenridge, Lesmahagow 04.02.2020
 - Douglas Rush, 10 Priory Place, Lesmahagow, Lanark, South Lanarkshire, ML11 0AB 10.02.2020
 - Margaret Thomson, By Email 11.12.2019
 - M.S Haworth, By Email 11.12.2019
 - Robert Scott, Received Via Email 13.12.2019
 - Janette Scott, Received Via Email 13.12.2019

William Boyle, Robinfield Stables, Blackwood Estates, Boghead, Lesmahagow, ML11 0JG	11.02.2020
Mrs Jacqueline Donaldson, Received Via Email	12.12.2019
Grant Miller, 22 Lesmahagow Road, Boghead, Lanark, South Lanarkshire, ML11 0JA	12.12.2019
Lisa And Andy Malone,	18.12.2019
Jenny Findlay, Received Via Email	16.12.2019
Richard Bell, 16 Lesmahagow Road, Boghead, ML11 0JA	17.12.2019
Mrs Isobel McNally,	20.12.2019
Alan Alexander, 1 Lesmahagow Road, Boghead, Lanark, South Lanarkshire, ML11 0JA	16.12.2019
Amanda McLean, Received Via Email	11.12.2019
Mr Cameron Lister, The Burrow, Lesmahagow Road, Boghead, Lanark, South Lanarkshire, ML11 0JA	11.12.2019
Mr Cameron Lister, The Burrow, Lesmahagow Road, Boghead, Lanark, South Lanarkshire, ML11 0JA	11.12.2019
Mrs Colette Lister, The Burrow, Lesmahagow Road, Boghead, Lanark, South Lanarkshire, ML11 0JA	11.12.2019
Mrs Janice Smith, 55 - 57 Strathaven Road, Boghead, ML11 0GN	11.12.2019
John McLean, Received Via Email	13.12.2019
Ann McGuinness, Received Via Email	10.12.2019
Graham Whiteford, 278 New Trows Road, Lesmahagow, ML11 0JS	17.02.2020
Evelyn Findlay, Received Via Email	13.12.2019
Anne Brown, Received Via Email	13.12.2019
Anne Brown, 51 Strathaven Road	13.12.2019
Frances Alexander, Received Via Email	13.12.2019
Wilie And Margaret Bryson, Dykehead Farm, Boghead, Lesmahagow, ML11 0JQ	13.12.2019
John McLean, 51 Lesmahagow Road, Boghead, ML11 0JA	13.12.2019

June Girdler, 51 Lesmahagow Road, Boghead, ML11 0JA	13.12.2019
Jake Bryson, Received Via E-mail	17.12.2019
George Brown, Millmoor Farm, Sandlilands, Lanark, ML11 9TW	06.02.2020
Mr John Bryson (Snr), Dykeviar, Dykehead Farm, Boghead , Lesmahagow, ML11 OJQ	18.12.2019
Mark Bryson, Dykehead Farm, Boghead, ML11 0JQ	18.12.2019
Chris Ford,	20.01.2020
Marion Bell, 16 Lesmahagow Road, Boghead, ML11 0JA	17.12.2019
Jessie And George Bell, Parklea, Strathaven Road, Boghead, ML11 0GN	23.12.2019
Gavin Findlay, 56 Lesmahagow Road, Boghead, Lanark, South Lanarkshire, ML11 0JA	09.12.2019
Ian W Grant, 10 Lesmahagow Road, Boghead, Lanark, South Lanarkshire, ML11 0JA	09.12.2019
Julie Thomson, Received Via Email	09.12.2019
Angela Duncan, 90 Lesmahagow Road, Boghead, Lanark, ML11 0JA	10.12.2019
Richard Haworth, 65 Strathaven Road, Boghead, Lanark, South Lanarkshire, ML11 0GN	10.12.2019

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

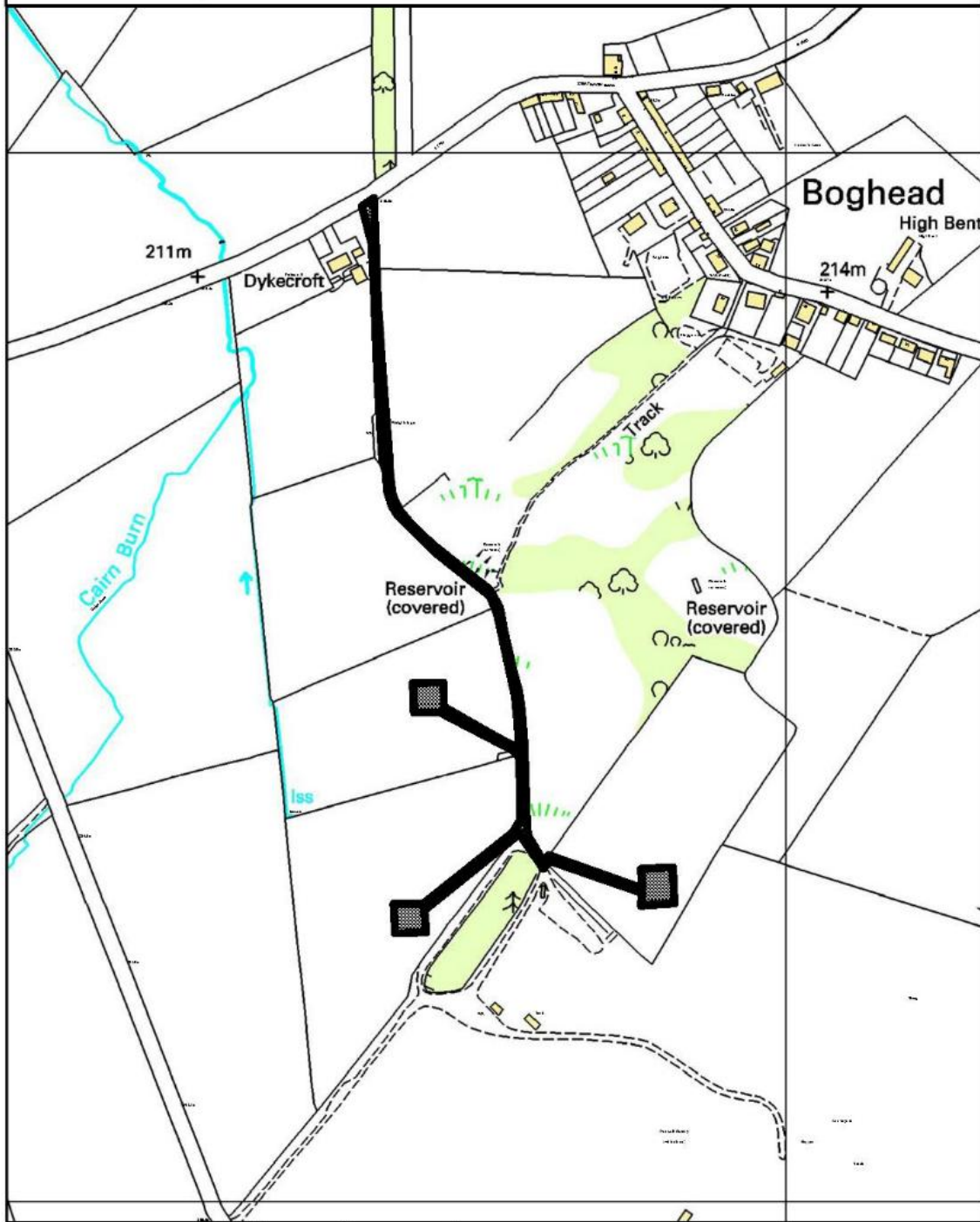
Email: james.wright@southlanarkshire.gov.uk

Reasons for refusal

- 01.** The application site is located on an elevated position within a Plateau Landscape Character Type with limited capacity for further wind turbine development of this scale which would result in an unacceptable visual and cumulative impact on the landscape character and visual amenity of this area. As such the proposals are contrary to
- Scottish Planning Policy (2014),
 - Policy 10 of the Glasgow and Clyde Valley Strategic Development Plan (2017),
 - Policies 4 and 19 of the adopted South Lanarkshire Local Development Plan (2015)
 - Policies RE1 and RE2 of Supplementary Guidance 10.- Renewable Energy
 - Policies 5 and 18 of the Proposed South Lanarkshire Local Development Plan 2
 - Supporting Planning Guidance on Renewable Energy
- 02.** The application site is located within close proximity to the settlement of Boghead such that the proposed turbines would result in an unacceptable impact on visual and residential amenity of residents. In addition the proposals would result in shadow flicker for a significant number of properties in the vicinity of the application site and appropriate mitigation has not been proposed to address this matter. As such the proposals are contrary to
- Scottish Planning Policy (2014),
 - Policy 10 of the Glasgow and Clyde Valley Strategic Development Plan (2017),
 - Policies 4 and 19 of the adopted South Lanarkshire Local Development Plan (2015)
 - Policies RE1 and RE2 of Supplementary Guidance 10.- Renewable Energy
 - Policies 5 and 18 of the Proposed South Lanarkshire Local Development Plan 2
 - Supporting Planning Guidance on Renewable Energy
- 03.** The proposals would have an adverse impact on aviation safety and appropriate mitigation has not been proposed to address this matter. As a result the proposals are contrary to
- Policy 19 of the approved South Lanarkshire Local Development Plan (2015)
 - Policies RE1 and RE2 of Supplementary Guidance 10 – Renewable Energy.
 - Policy 18 of the Proposed South Lanarkshire Local Development Plan 2
 - Supporting Planning Guidance on Renewable Energy

P/19/1712

Land 575m SSE of Dykecroft, B7086 from Boghead Kirkmuirhill to Deadwaters Bridge



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Scale:
1:5,000
Date:
01/04/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

10

Report to:	Planning Committee
Date of Meeting:	23 June 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/0027
Planning proposal:	Erection of 110 dwellings with associated works (Approval of matters specified in conditions of planning application CR/09/0139)

1 Summary application information

Application type:	Detailed planning application
Applicant:	Miller Homes Ltd
Location:	Newton POD 2H Newton Avenue Cambuslang Glasgow South Lanarkshire

2 Recommendation(s)

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

- (1) Grant Approval of Matters Specified in Condition - 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: 14 Cambuslang East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (Adopted 2015)**
Policy 1 – Spatial Strategy
Policy 4 – Development Management and Place Making
Policy 5 – Community Infrastructure Assessment
Policy 6 – General Urban Area/Settlements
Policy 12 – Housing Land

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

Policy 1 – Spatial Strategy

Policy 3 – General Urban Area/Settlements

Policy 5 – Development Management and
Placemaking

Policy 7 – Community Infrastructure Assessment

Policy 11 – Housing

♦ **Representation(s):**

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

♦ **Consultation(s):**

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

Scottish Water

SEPA West Region

SP Energy Network

Halfway Community Council

CER Play Provision Community Contris

Planning Application Report

1 Application Site

- 1.1 The application site extends to approximately 4.9 hectares and is part of Phase 2 of the overall Community Growth Area (CGA) at Newton. This site is bounded to the east by phase 2G, to the south by phase 2I and to the north by phase 2F which are all at varying stages of the construction process.
- 1.2 The site consists of a mostly flat area of land and will be adjacent to the main arterial road serving the CGA which is constructed in part. 905 houses have already been approved as part of Phase 2 of the Newton CGA with approximately 600 having already been constructed. The entire CGA will consist of approximately 2,000 houses (Phase 1 – 600 and Phase 2 – 1400).

2 Proposal(s)

- 2.1 The applicant, Miller Homes Ltd, proposes the erection of 110 dwellinghouses with associated works. As required by the masterplan, the development will incorporate the principles of Sustainable Urban Drainage (SUDs) with drainage ponds located to the north of the site close to the River Clyde, within a proposed riverside park. A number of supporting documents including a Design and Access Statement, Habitat Survey, Dust Management report, Flood Risk Assessment and Ground Survey have previously been submitted as part of the Planning Permission in Principle (PPP) consent granted in 2014. The layout of the site will follow the principles of 'Designing Streets' which gives pedestrians priority over vehicles. The site will be accessed from two separate points off the new arterial road still under construction.

3 Background

3.1 Local Plan Status

- 3.1.1 In determining this planning application, the Council must assess the proposed development against the policies contained within both the adopted South Lanarkshire Local Development Plan (2015) and Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.1.2 In this instance, the relevant policies are 1 – Spatial Strategy, 4 – Development Management and Placemaking, 5 – Community Infrastructure Assessment, 6 – General Urban Area/Settlements and Policy 12 – Housing Land.
- 3.1.3 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policies 1, 3, 5, 7 and 11 are applicable.

3.2 **Relevant Government Advice/Policy**

- 3.2.1 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. The Council must also maintain a five year supply of effective housing land.

3.3 **Planning Background**

- 3.3.1 Planning permission in principle was granted for the site in September 2014 (CR/09/0139). The first 5 phases (2A-E) were granted as per Approval of Matters Specified in Conditions on 28 January 2015 (CR/14/0155) and are currently under construction. Miller Homes have constructed 123 dwellings on Pod 2G as per planning consent CR/17/0165 and Pods 2I and 2J are well under construction as per planning permission P/18/1041.

4 **Consultation(s)**

- 4.1 **Roads and Transportation Services** – no objections subject to the attachment of conditions in relation to parking, gradients and wheel washing facilities.
Response: Noted. Appropriate conditions can be attached to any consent issued.
- 4.2 **Environmental Services** – no objections subject to conditions and advisory notes being attached in respect of contaminated land site investigation, construction noise and dust management and monitoring.
Response: Noted. Appropriate conditions and advisory notes can be attached to any consent issued.
- 4.3 **Roads Flooding** – no objections subject to conditions related to the provision of a SUDs drainage system.
Response: Noted. The site will be designed to incorporate the SUDs scheme designed for the CGA
- 4.4 **Scottish Water** – no objections.
Response: Noted.
- 4.5 **SEPA** – no objections to the proposal, however, provided general advice in relation to drainage and pollution prevention.
Response: Noted.
- 4.6 **SP Energy Networks** – no objections to the proposal.
Response: Noted.
- 4.7 **Halfway Community Council** – no response received to date.
Response: Noted.
- 4.8 **Community Resources** – no contributions as the proposal relates to the CGA.
Response: Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken by the Council and the proposal was also advertised as not all neighbours could be identified; however, no representations have been received from third parties.

6 Assessment and Conclusions

- 6.1 The determining issue in the assessment of this proposal is its compliance with local development plan policy and any other material considerations. In this case, the Adopted South Lanarkshire Local Development Plan (2015) supports the use of the site as a Community Growth Area for residential development. Therefore, in general land use and policy terms, the principle of the development is acceptable.
- 6.2 This application is for the matters specified in condition as per application CR/09/0139. In this regard, the principle of residential development has been firmly established by approval of planning permission in principle (PPP). This was granted in September 2014 following Committee approval in 2010. Consequently, this application deals with the approval of the matters conditioned in the PPP.
- 6.3 The new Community Growth Area (CGA) is based around a new distributor/spine road which forms a loop through the site linking the development to the wider road network. This road has planning permission and has been constructed along to the end where phase 2G meets 2H. As per Policy 5 – Community Infrastructure Assessment, the CGA will deliver a number of improvements through planning obligations. These include affordable housing, open space and road improvements. The relevant Section 75 agreement has already delivered a new primary school and community facility. In addition, the CGA will provide two new roundabouts which will be constructed, one at the junction of Westburn Road and Westburn Drive and the other at the junction of Calder Road and Blantyre Farm Road. The policy, therefore, complies with Policy 5 in relation to Community Infrastructure.
- 6.4 This application is for 110 dwellinghouses and associated works. This will include a mix of 10 different house types consisting of 2,3 and 4 bed detached and semi-detached properties to provide for varying demand. In terms of the Council's Residential Design Guide (2011), each property/plot can meet the requirements in terms of window to window distances, plot ratio and parking requirements. The pods will provide irregular road layouts to increase pedestrian safety. In this regard, I am, therefore, satisfied that the proposal meets the aims of Policies 4, 6 and DM1.
- 6.5 The development will ensure that the Council meets its housing land supply requirements and thus the proposed development will accord with local plan policy 12 – Housing Land. Subsequent applications will follow in the future to deal with the remaining matters such as housing and retail.
- 6.6 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposal

accords with Policy 1 - Spatial Strategy, Policy 3 – General Urban Area/Settlements, Policy 5 - Development Management and Place Making, Policy 7 – Community Infrastructure Assessment and Policy 11 Housing.

- 6.7 As noted above, there are no objections from any of the consultees and any appropriate conditions will be attached should permission be granted.
- 6.8 In conclusion, it is considered that the proposed development accords with the relevant policies of the Adopted South Lanarkshire Local Development Plan (2015) and the Proposed South Lanarkshire Local Development Plan 2 (2018) and, as such, it is recommended that approval of matters specified in condition is granted.

7 Reasons for Decision

- 7.1 The proposed development accords with policies 1, 4, 5, 6 and 12 of the South Lanarkshire Local Development Plan and policies 1, 3, 5, 7 and 11 of the Proposed South Lanarkshire Local Development Plan 2.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 26 May 2020

Previous references

- ◆ CR/09/0139

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 21 February 2020

- ▶ Consultations
 - Roads Development Management Team 29.05.2020
 - Environmental Services 27.05.2020
 - Roads Flood Risk Management 07.04.2020
 - Scottish Water 16.03.2020
 - SEPA West Region 10.03.2020
 - SP Energy Network 24.02.2020
 - Halfway Community Council No response
 - CER Play Provision Community Contribs Judith Gibb 24.01.2020

Contact for further information

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

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

Phone: 01698 455046

Email: julie.pepper@southlanarkshire.gov.uk

Conditions and reasons

01. That all trees to be retained within the site shall be fully protected during the period of construction and prior to any work commencing on the site, written details specifying the nature of such measures shall be submitted to and approved by the Council as Planning Authority.

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

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

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

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

Reason: In the interests of amenity.

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

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

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

Reason: These details have not been submitted or approved.

06. That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 5 above, shall be erected and thereafter maintained to the satisfaction of the Council.

Reason: In order to retain effective planning control.

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

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

08. That before development starts, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.

Reason: These details have not been submitted or approved.

09. 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.

10. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's 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.

11. That no dwellinghouse shall be occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as

approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.

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

12. (a) No works should commence prior to the applicant undertaking a comprehensive site investigation, carried out to the appropriate Phase level, to be submitted to and approved in writing by, the Council as Planning Authority. The investigation shall be completed in accordance with advice given in the following:
- Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995)
 - Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11)' - issued by DEFRA and the Environment Agency
 - BS 10175:2011 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.
- (b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.
- (c) If the risk assessment identifies any unacceptable risks, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.

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

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

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

14. 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.

15. That prior to development commencing, details of the construction phasing and all construction access routes shall be submitted to and approved in writing by the Council as Planning Authority.

Reason: In the interests of road safety.

16. That the construction phasing and access arrangements required by 15 above shall be adhered to at all times unless otherwise agreed in writing by the Council as Planning Authority.

Reason: In the interests of road safety.

17. That the applicant must ensure that all site traffic and deliveries will be accommodated within the confines of the site and no parking will be permitted on the spine road. A drawing showing the facility for staff and all contractors shall be submitted and approved by the Council as Planning Authority prior to development commencing and thereafter adhered to at all times.

Reason: In the interests of road safety.

18. That during construction works, the applicant must provide wheel washing facilities within the site to ensure that no muck, debris or water should discharge onto the public road network.

Reason: In the interests of road safety.

19. The first 12.5 metres of any road shall not exceed a gradient of 2%.

Reason: In the interests of road safety.

20. That prior to works commencing on site, a plan showing the position of grit bins throughout the development shall be submitted to and approved in writing by the Council as Roads and Planning Authority and thereafter implemented to our satisfaction.

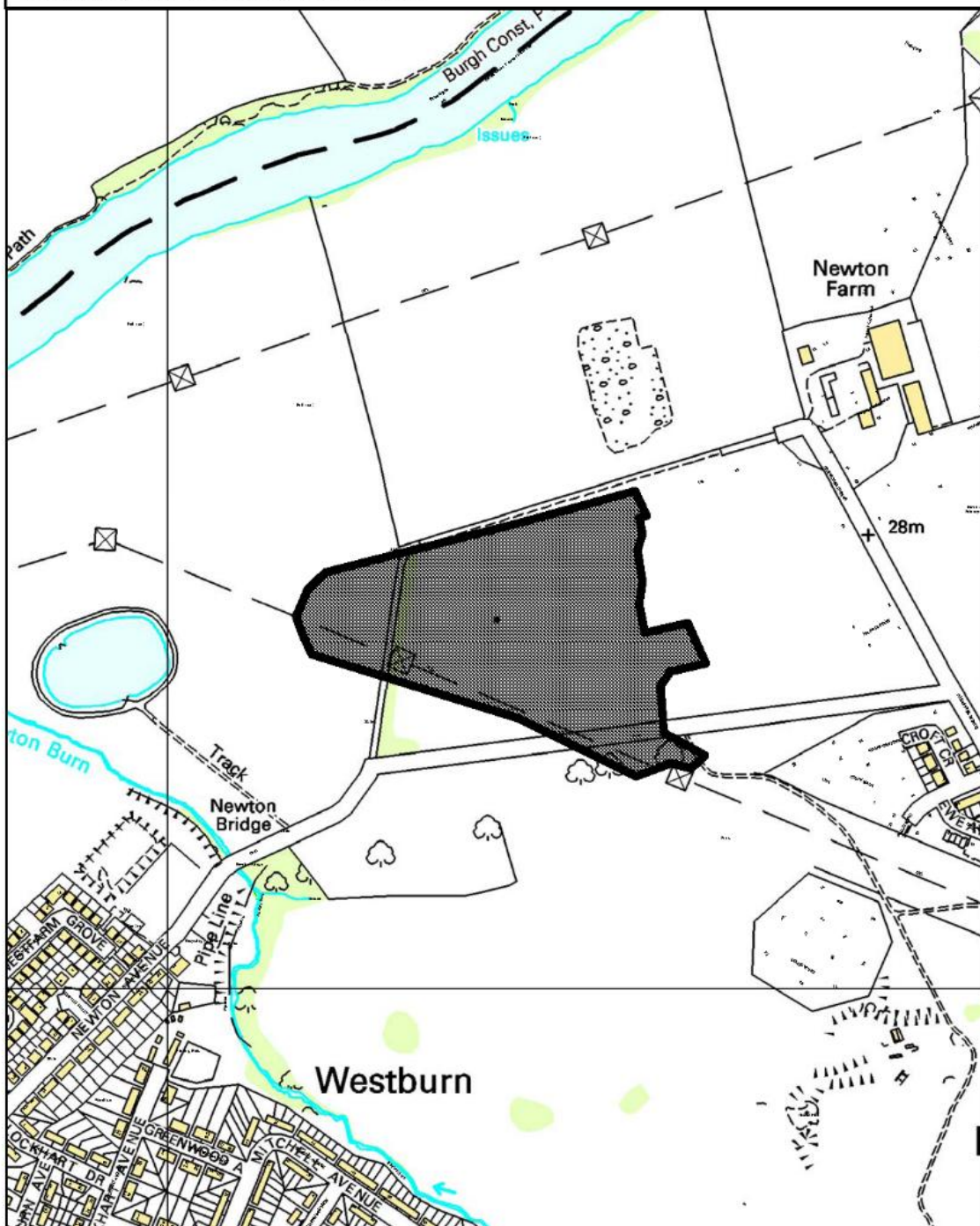
Reason: These details have not been submitted or approved.

21. That all driveways shall be designed to accommodate car parking spaces with minimum dimensions of 3m x 6m each and before the development hereby approved is completed or brought into use, they 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/20/0027

Newton POD 2H, Newton Avenue, Cambuslang



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1:5,000
Date:
02/06/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development