

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>5 October 2021</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/1410
Planning proposal:	Erection of 2 Bungalows and Acoustic Fence

## 1 Summary application information

- Application type: Detailed planning application
- Applicant: Mr Matt McDonald
- Location: Land 36M West of 53 Mill Road  
Mill Road  
Thankerton  
Biggar

## 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: James Baird
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): Adopted SLDP2: Policy 3 General Urban Areas  
Adopted SLDP2: Policy 4 Green Belt and Rural Area  
Adopted SLDP2: Policy 5 Development Management and Placemaking  
Adopted SLDP2: Policy 14 Natural and Historic Environment  
Adopted SLDP2: Policy 2 Climate change  
Adopted SLDP2: Policy DM1 New Development Design  
Adopted SLDP2: Policy GBRA7 Small Scale Settlement Extensions  
Adopted SLDP2: Policy GBRA1 - SDLP2 Rural Design and Development  
Adopted SLDP2: Policy NHE16 Landscape

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Flood Risk Management

Roads Development Management Team

Environmental Services

Scottish Water

Network Rail

Quothquan and Thankerton Community Council

## **Planning Application Report**

### **1 Application Site**

- 1.1 The site is located at the rear of the public house and shop unit fronting Mill Road, Thankerton and is bounded to the south by private garden space, to the east by the pub car park, further to the east and north by agricultural land (subject of a Planning Application for 34 dwellings which has Committee approval, however, is awaiting the conclusion of a section 75 agreement before a Decision can be issued) and by the main West Coast Railway to the west. It is a vacant brownfield site which historically was used as a railway yard. The site lies partly within the settlement boundary of Thankerton whilst the northern section, triangular in shape, narrowing to a corner, falls within the designated rural area. There are piles of excavated material in the corner area. Vehicular access is taken through the adjoining car park area for the public house, an area of land in separate ownership that the applicant has a right of access over.

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

- 2.1 The application seeks permission for two single storey detached dwellings with simple proportions, a rectangular footprint and a front porch and rear extension containing a utility room. The porch and extension have pitched roofs at a lower height than the principle ridgeline which project out at right angles from the main roof plain. The design has simple proportions, steep roof pitches and the fenestration has a vertical emphasis in line with the Rural Design Guidance.
- 2.2 Plot 1 will be located to the rear of the pub and orientated on an east/west axis while Plot 2 is situated in the northern half on a north/south axis. Both plots will be accessed from the pub via a single access with driveways diverting on either side to their respective plots. Two parking spaces have been allocated to each plot.
- 2.3 Landscaping is proposed in the northern triangular area and in the south west and south east corners. The proposal involves the reinstatement of an earth mound along the railway boundary and to the front of the mound an acoustic fence will be installed.

### **3 Background**

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

- 3.1.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan 2 (SLLDP2) and its impact on residential amenity, traffic safety, environmental matters and infrastructure issues.
- 3.1.2 For the purposes of determining planning applications, the Council will assess proposals against the policies contained within the adopted SLLDP2 which was formally adopted in April 2021. The site partly falls within the settlement boundary of Thankerton and partly within a designated rural area where the relevant land use Policies are 3 – General Urban Areas and 4 – Green Belt and Rural Area. In addition to these land use designations, Policies 2 – Climate Change, 5 – Development Management and Place Making, 14 - Natural and Historic, DM1 New Development Design, GBRA7 - Small Scale Settlement Extensions, GBRA1 - Rural Design and Development and NHE16 - Landscape are of relevance to the determination of this application.

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

- 3.2.1 In terms of residential development, Scottish Planning Policy (SPP) advises that the planning system should identify a generous supply of land to support the achievement of housing land requirements and maintaining at least a 5 year supply of land at all times. It should also enable the development of well designed, energy efficient, good

quality housing in sustainable locations and focus on the delivery of allocated sites. Consideration should be given to the re-use or re-development of brownfield land before development takes place on greenfield sites.

### 3.3 **Planning Background**

- 3.3.1 The original outline planning consent for residential use on the site was granted in January 2005, (ref: CL/04/0696). A subsequent detailed application for 2 semi-detached dwellinghouses and 2 domestic garages on the site was approved in May 2014 (ref: CL/13/0458). The design was traditional in style. These dwellings were located within the settlement boundary, however, the garages and associated garden areas were positioned outwith. Planning Permission CL/17/0204 to renew CL/13/0485 was granted in September 2017 and would have expired last year prior to the submission of the current application. However, the Coronavirus (Scotland) Act 2020 and the subsequent Coronavirus (Scotland) (No. 2) Act 2020 included the extension of planning permissions which would otherwise have lapsed during the emergency, extending the period to April 2021. The associated Town and Country Planning (Emergency Period and Extended Period (Coronavirus) (Scotland) Regulations 2021 has extended that period further to March 2022, keeping Planning Permission CL/17/0204 live. Further, the neighbouring agricultural field has Committee approval P/19/0405 for 34 dwellings although the issuing of a Decision has been delayed because a section 75 agreement covering contributions has still to be finalised.

## 4 **Consultation(s)**

- 4.1 **Roads and Transportation Services** – No objection as the applicant has shown adequate parking and turning spaces within the plots. The applicant should demonstrate that they would have a right of way through the public house car park.  
**Response:** Noted. The applicant has submitted title deeds confirming legal right of access through the carpark.
- 4.2 **Flood Unit** – No objection subject to conditions covering SUDS and confirmation from Scottish Water that they will accept drainage discharge.  
**Response:** Noted. Appropriate conditions have been attached.
- 4.3 **Environmental Services** – No objection subject to conditions on a noise assessment on the impact of railway noise, a scheme of noise mitigation and a vibration survey.  
**Response:** Noted. Appropriate conditions have been attached.
- 4.4 **Scottish Water** - There is sufficient capacity at the Coulter Water Treatment Works and the Thankerton Waste Water Treatment Works. For reasons of sustainability and to protect their customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into their combined sewer system. There may be limited exceptional circumstances where they would allow such a connection for brownfield sites only, however, this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges. In order to avoid costs and delays where a surface water discharge to their combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. They will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.  
**Response:** Noted. If permission is granted conditions will be applied requiring confirmation from Scottish Water that the proposed dwellings can be connected into the public water supply and sewerage networks and that Scottish Water are prepared to accept a drainage discharge into their system.

- 4.5 **Network Rail** – No objection, however, informatives should be attached requiring prior approval from Network Rail for any proposed work on their land and the work must be undertaken safely in a manner which does not disturb railway operations.

**Response:** Noted. If permission is granted the recommended informative note will be attached to the Decision Notice.

- 4.6 **Quothquan and Thankerton Community Council** – They advise that there have been disputes concerning boundaries on neighbouring properties and that they do not match those held at the Land Register. The developer has not participated in those resolution discussions. They also consider that two bungalows on a tight plot appear excessive and could result in a public safety hazard. In addition, they also raise the following concerns:-

- ◆ The site should be used for a use involving no vehicular travel through the pub car park. Suggestions have included a children's play area and allotments
- ◆ Plot 1 will be overlooked by the garden of no 49B Mill Road and appears to be too close to the village shop and village inn
- ◆ Noise from village events at the pub could disturb the residents
- ◆ The plan suggests the right of access from the car park extends across the full boundary, however, access is only through the gates on the right hand side. Potentially this could result in a loss of car parking spaces and result in offsite parking on the public road
- ◆ Spoil heaps in the triangular corner should be removed and levels brought back to the original levels. Water is ponding as a result of the railway being at a higher level than the site
- ◆ The wooden gates providing access to the car park from Mill Road are kept closed when the village inn is not open resulting in vehicles standing on a busy road near a junction with a high accident level
- ◆ Visibility looking northwards along Mill road is restricted by a hedgeline and southward by a wooden fence and there is a lack of a continuous footpath
- ◆ Removal of trees has seen a reduction in the number of visits from owls and bats have disappeared from the area. The tree was felled in 2020 before the application was submitted
- ◆ The carpark is formed with gravel and could be compacted causing height difference between the car park and the road kerbside resulting in vehicles emerging being faced with a slope approaching the road which in snowy, icy conditions will hamper movement

**Response:** Title deeds have been submitted demonstrating that the applicant's legal boundaries reflect the application site boundaries. Each plot has sufficient garden space, parking, turning areas and sufficient distance between the dwellings and boundaries with neighbouring properties in compliance with guidance in the Residential Development Guide. The principle of the acceptability of residential development on the site has been established by planning permissions, in the recent past. Any alternative use such as play area or allotments would require the co-operation of the landowner which is unlikely to be forthcoming. An application for dwellings has been submitted and Planning is responsible for assessing it on its individual merits - consideration of alternative uses does not form part of this assessment.

Existing embankments along the southern and eastern boundaries facilitates screening and privacy protection for Plot 1. The presence of the embankment will prevent direct overlooking from the garden of no. 49B other than from the top of an embankment, accessed by steps, along the boundary with the railway to the rear of the garden, where a degree of limited overlooking will be possible. However, this is

considered commensurate with urban areas in general and will not compromise privacy to any significant degree.

There are already existing residential properties in close proximity to the pub – any noise nuisance from the pub affecting existing or future residents can be investigated by Environmental Health and redressed through their legislative powers and procedures.

Plans have been revised showing access from the existing gates on the right hand side rather than across the full boundary. Also, these plans detail parking spaces situated along the southern boundary of the car park. If permission is granted a condition will be attached to ensure the removal of the spoil heaps and the installation of an appropriate drainage system. Roads and Transportation Services in their consultation response have not raised any issues concerning public or road safety hazards or indicated that they have records showing a high accident rate along this section of road. A small scale development will not generate a significant increase in traffic accessing and egressing the car park. The gates and boundary fence of the car park sit back from the road edge. There is a road verge to the north and footways on the east side of Mill Road. The site access falls within a 30mph speed zone, the alignment of Mill Road, is straight with relatively good visibility along it. During site visits it was observed that Mill Road in terms of traffic is generally quiet.

The tree which was removed was not protected. Also, in the surrounding area there are a range of habitats, woodlands and trees where any displaced owl could revert to. It is unlikely that the removal of a tree or small number of trees within a small site would have resulted in the disappearance of bats from the area – this could be influenced by other factors.

There is little evidence that the surface of the car park has been compacted despite being used over a long period of time by pub customers, therefore, a minor increase in traffic to access two dwellings is unlikely to cause compaction to such a degree that a level difference between the carpark surface and the roadside is created. As in the case of any private access, responsibility for clearing snow rests with the owner. Negotiations between the applicant and the owner of the neighbouring land to lay services over the land in question has proved unsuccessful. The agent has advised that the applicant has laid service ducts through the carpark but could not advise on whether there is legal entitlement to do so or whether agreement has been obtained from the affected owner.

## **5 Representation(s)**

5.1 In response to the carrying out of neighbour notification and the advertisement of the application in the local press due to Development Contrary to the Development Plan and non-notification of neighbours, 16 letters of objection and 1 comment letter have been received. The issues raised are summarised below:-

### **a) Impact upon events held in the pub car park.**

**Response:** Irrespective of any planned event, the applicant already has a legal right of access through the car park.

### **b) Repeated accidents at the Mill Road/ Millands Road junction. Cars entering or leaving the pub car park will have to stop on the road to open or close gates causing additional traffic danger. Visibility blocked by hedgerow or fence.**

**Response:** Roads and Transportation Services in their consultation response have not raised any issues concerning public or road safety hazards or indicated

that they have records showing a high accident rate along this section of road. A small scale development will not generate a significant increase in traffic accessing and egressing the car park.

- c) Plans show the entire end of the car park being turned into a driveway access impacting upon customer parking.**

**Response:** Plans have been revised showing only one access into the site via the existing gates on the right hand side. Customer parking has been delineated along the southern boundary of the car parking thereby indicating a clear route from the car park entrance to the site access gates.

- d) Mounding along the railway needs to be reinstated to protect residents from noise.**

**Response:** The site plan indicates the reinstatement of the mound and if permission is granted a condition will require that this reinstatement shall be completed prior to commencement of any work on the dwellings.

- e) Tree removal and owls and bats that used the trees have not been seen since.**

**Response:** The trees were not formally protected, therefore, prior permission was not required to remove them. There is sufficient suitable habitat, woodlands and trees in the surrounding area which can be used by owls and bats which may have been displaced by the removal of these trees.

- f) Flooding from the railway.**

**Response:** The Flood Unit in their consultation response did not object subject to a condition covering the installation of appropriate drainage to deal with surface water run-off.

- g) Massive heaps of rubble have been dumped creating a blot on the landscape.**

**Response:** If Planning Permission is granted a condition will be attached requiring the removal of the spoil heaps prior to commencement of work on the proposed dwellings.

- h) Do the title deeds reflect the application site boundary?**

**Response:** The copy of the title deeds submitted by the applicant does correspond with the application site boundary.

- i) The proposal will impact badly upon the pub business.**

**Response:** This claim has not been substantiated, however, if it relates to a potential reduction in parking spaces, the applicant does have a legal right of access through the car park and the revised plans have delineated available parking spaces. The pub is also within easy walking distance for most customers who are Thankerton residents.

- j) What action will be taken to secure garden boundary from the removal of the previously existing sound bund. The height difference is large and the ground is beginning to slip with all the wet weather.**

**Response:** If Planning Permission is granted a condition will be attached requiring the construction of a retaining wall to stabilise the earth embankment.

- k) How are the services likely to be applied to the site? There are no service rights contained within the title deeds. The owner of the neighbouring land will not allow access through their land for a mains service to the development. There have been prior attempts to install illegal access to the mains through the site.**

**Response:** At present there does appear to be legal impediment to the linkage of services across third party land, outwith the applicant's control, into the site. Without appropriate services the proposed dwellings could not be occupied or marketed for sale. Nonetheless, the recent planning permissions have established the acceptability of a residential development on the site and the proposal itself is assessed to be compliant with local plan policies. Planning Permission runs for three years before expiring if work has not commenced and pre-start conditions been discharged – during that three year period an agreement between the affected landowners and the applicant or successor could be negotiated before planning permission expires. Any attempt to lay services without the approval of the landowners is regrettable. The Planning process is confined to considering the acceptability of the proposal in the context of the site and surroundings – a positive outcome in the planning assessment does not in any way condone unauthorised encroachment onto private land which is a matter for separate legal action to be pursued by the affected landowners.

**l) Overlooking from neighbouring garden.**

**Response:** The presence of the embankment will prevent direct overlooking from the garden of no 49B other than from the top of an embankment, accessed by steps, along the boundary with the railway to the rear of the garden where a degree of limited overlooking will be possible, however, this level of overlooking is similar to that experienced within urban areas in general.

**m) The site does not form any reasonable access to the road. Access through the car park will be refused.**

**Response:** The applicant has a legal right of access from the road to the site and Roads and Transportation Services have not raised concerns about the nature of the access.

**n) Just how would a fire engine reach a burning house through a pub car park full of cars?**

**Response:** If the applicant has a legal right of access through the car park that implies the access should be kept free of obstruction.

**o) It is more suited to a children's play area or allotments. The Council should buy the land and gift it to the Community Council to set up something suitable for the community.**

**Response:** If the land is for sale then the Community Council could make representation to the Council to purchase the land on their behalf. However, it is not the remit of planning to consider such a proposition or alternative uses for the site.

**p) The plot is not large enough for two bungalows.**

**Response:** The dwellings have sufficient garden space, parking, turning areas and sufficient distance between the dwellings and boundaries with neighbouring properties in compliance with guidance in the Residential Development Guide.

**q) The removal of the bund has been carried out on land which does not belong to the applicant.**

**Response:** The bund fell within land owned by Network Rail who have been owner notified and consulted about the application and in response they have not objected. The proposal involves the reinstatement of the bund/sound embankment along the railway boundary.



**r) Will trees felled be replaced?**

**Response:** If Planning Permission is granted a condition will be applied requiring the implementation of a tree planting scheme.

**s) A fence is no replacement for the lost sound protection banking.**

**Response:** The sound banking will be reinstated and positioned behind an acoustic fence.

**t) Who will be required to plough snow?**

**Response:** As in the case of all private accesses the responsibility rests with the owner and associated users.

**u) Any plant machinery or service vehicles should not park within the car park. The car park is privately owned and any damage caused would be the sole responsibility of the developer.**

**Response:** Noted. If Planning Permission is granted a condition will be attached to ensure no construction traffic/plant is parked in the pub car park or on the public road.

**v) There is no agreement in place to allow any alteration to the car park layout in anyway.**

**Response:** No alteration to the car park layout is proposed.

**w) Building work has already started on the plot behind the pub. A trench has been dug and filled with a cement mix. Are there any changes to the original application as this would be some way closer to the railway than was expected?**

**Response:** The agent for the applicant has advised that a trench has been prepared in anticipation of an acoustic fence being installed.

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

## **6 Assessment and Conclusions**

6.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Plan 2 (SLLDP2).

6.2 Policy 2 Climate Change seeks to minimise and mitigate against the effects of climate change by considering various criteria including: being sustainably located; reuse of vacant and derelict land; avoidance of flood risk areas; incorporating low and zero carbon generating technologies; opportunities for active travel routes and trips by public transport; electrical vehicle recharging infrastructure and; where appropriate connection to heat networks. The site is partly located within the settlement boundary of Thankerton whilst the rest of the site is confined to a small area bounded on three sides by the settlement edge. There are a number of services and facilities in the village which are within easy walking distance. The proposal will redevelop a brownfield site and will not encroach onto greenfield land. The site is not at risk of flooding subject to the installation of suitable drainage to contain surface water flow into the site from neighbouring land. Conditions have been attached requiring the submission and approval of details for low carbon technology and for a tree planting scheme. Electrical vehicle recharging can be obtained from the electrical supply servicing the houses. In consideration, the proposals would not undermine the objectives of policy 2.

6.3 The part of the site where Plot 1 will be built is identified in the adopted South Lanarkshire Local Development Plan 2 as being within the settlement boundary of

Thankerton. Policy 3 - General Urban Areas and Settlements states that residential developments on appropriate sites will generally be acceptable provided they do not have a significant adverse impact on the amenity and character of the area. The proposed dwelling being in an established residential area can be integrated into its setting without any amenity impacts. Therefore, that element of the proposal complies with Policy 3.

- 6.4 Policy 4 'Green Belt and Rural Area' of the adopted South Lanarkshire Local Development Plan 2 specifies that within the Rural Area the aim is to protect the amenity of the countryside while at the same time, supporting small scale development in the right places that is appropriate in land use terms and is of a high environmental quality that will support the needs of communities. It functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not need to be located in the countryside will be expected to be accommodated within the settlements identified on the proposals map. Isolated and sporadic development will not be supported. The dwelling proposed for Plot 2 is located within a designated rural area.
- 6.5 Policy 'GBRA7 Small Scale Settlement Extensions' which states within the Rural Area proposals for new houses on sites adjoining existing settlements will be required to meet the following criteria:
1. The development shall round off the existing built form of the settlement and maintain a defensible settlement boundary. This should be achieved through the retention or enhancement of existing features or by additional structural planting.
  2. The proposals shall respect the specific local character and the existing pattern of development within the settlement. The development should be of a scale proportionate to the size of the existing settlement.
  3. The location, siting and design of the new house(s) shall meet existing rural design policy and guidance as set out in Policy GBRA1 and in supporting planning guidance.
- 6.6 The area of the application site, where Plot 2 is located, falls outwith the settlement edge. It is a narrow strip of brownfield land closely bounded by the settlement edge to the north, east and south and by the physical barrier of the railway to the west. It makes logical sense to incorporate it within the settlement. Further the field to the north and east which falls within the settlement boundary is identified within the adopted South Lanarkshire Local Development Plan 2 as being a Housing Land Supply site which has Planning Approval (P/19/0405) for 34 dwellings subject to the conclusion of a section 75 agreement for contributions. To help with integration, tree planting is proposed in the northern, south eastern and south western corners. Previous Planning Permissions CL/13/0458 and CL/17/0204 had a site layout with the garages and associated gardens of the approved semi-detached dwellings being located within the area in question, therefore, the acceptability of residential development has already been established. Following a detailed assessment of the application it is concluded that the proposal represents a proportionate and appropriate small scale expansion of the existing settlement as it will round off and consolidate the boundary edge and the scale, design and siting of the proposed dwelling will have no adverse impact on either residential or visual amenity in compliance with Policy GBRA1 (this is further considered in paragraphs 6.8 and 6.9 below). In consideration the proposed development complies with Policies 4 and GBRA7.

- 6.7 Policy 5 - Development Management and Place Making, together with the Development Management and Placemaking Supplementary Guidance supports residential developments where they do not have a significant adverse effect on the amenity of the area. In addition, any new development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use. The character and amenity of the area must not be impaired by reason of traffic generation, parking, overshadowing, overlooking or visual intrusion. Policy DM1 - New Development Design reiterates these points and adds that modern innovative design can reflect local tradition through scale, massing, siting and colour rather than replicating existing building form. New houses should be designed in such a way as to incorporate high speed broadband connection.
- 6.8 Policy GBRA1 – Rural Design and Development advises that proposed developments within the Green Belt and Rural Area will require to adhere to listed criteria; the salient points of which are summarised below:
1. Developments shall be sited in a manner that respects existing built form, land form and local landscape character and setting.
  2. Proposed developments shall be well related to locally traditional patterns of scale and shall avoid the introduction of suburban-style developments into the rural environment.
  3. Proposals shall be of a high quality, of either traditional or contemporary innovative design which interprets and adapts traditional principles and features.
  4. Proposals shall make use of appropriate materials which respect and reinforce local character and identity.
  5. Developments shall have no unacceptable adverse impacts on existing residential amenity, particularly in terms of overlooking or overshadowing of existing residential properties.
  6. Development proposals shall incorporate suitable boundary treatment and landscaping proposals to minimise the visual impact of the development on the surrounding landscape. Existing trees, woodland and boundary features such as beech and hawthorn hedgerows and stone dykes, shall be retained on site.
  7. Proposals shall be readily served by all necessary infrastructure including water, sewerage and electricity as required to accommodate the development.
  8. Proposals shall comply with all required parking and access standards and have no adverse impact in terms of road or public safety.
  9. Proposals shall have no unacceptable significant adverse impact on the natural and historic environment and no adverse effect on the integrity of any Natura 2000 sites.
- 6.9 The size, scale and design of the dwellings are in keeping with the established character of the area, will not adversely affect residential amenity and comply with guidance in the Residential and Rural Design Guides. The proposal will not have a significant impact upon landscape features, protected habitats or species. Service provision will require linkages over third party land and if agreement with affected landowners to lay service ducts over their land can be reached that will enable service and infrastructure provision. At present such an agreement remains under question,

however, the current legal difficulties could not in itself justify refusal of the application as all other policy considerations have been addressed and there is still time left to negotiate agreements if relations between the applicant and the landowners improve. An acoustic fence and a sound banking will be erected along the boundary with the railway to reduce noise levels from the trains affecting residents. Also, conditions have been attached requiring noise and vibration assessments along with any necessary mitigation measures recommended by these assessments. Roads and Transportation Services have not raised any traffic or public safety issues in their consultation response. Adequate parking, turning areas and access can be provided. A condition has been attached requiring approval of measures to facilitate the provision of full fibre broadband. In view of the above, it is considered that the proposal would relate satisfactorily to adjacent development, and the character and amenity of the residential area would not be impaired by reason of traffic generation, parking, visual intrusion or physical impact. The proposal is therefore satisfactory in terms of Policies 5, GBRA1 and DM1 of the adopted Local Plan.

6.10 Policy 14 – Natural and Historic Environment states that the Council will assess all development proposals in terms of their impact on the natural and historic environment, including landscape. The Council will seek to protect important natural and historic sites and features from adverse impacts resulting from development, including cumulative impacts. Category 3 areas include Special Landscape Areas where development which would have a significant adverse impact following the implementation of mitigation measures will only be permitted where the effects are outweighed by significant social or economic benefits. Policy NHE16 – Landscape advises that development proposals within Special Landscape Areas will only be permitted where they can be accommodated without having an unacceptable significant adverse effect on the landscape character, scenic interest and special qualities and features for which the area has been designated. All proposed development should take into account the detailed guidance contained in the South Lanarkshire Landscape Character Assessment 2010. The northern half of the site falls within the Broad Valley Upland landscape type where consolidation of smaller settlement is favoured. No landscape or built heritage features which contributes to landscape quality will be affected and new tree planting will help integrate the development into its setting. The site is visually contained by existing buildings and the railway line. The proposal represents a logical infill development of brownfield land which will consolidate the settlement edge. In considering the above, the proposal complies with policies 14 and NHE16.

6.11 In conclusion, although part of the proposed site is clearly outwith the existing settlement boundary identified within the current adopted local plan, it represents a logical small scale extension to Thankerton Village. The proximity of the site to the adjoining railway line is also noted - an appropriate type of acoustic fence and sound banking along the edge of the affected site boundary will provide adequate mitigation. In view of all of the above, the proposal represents an appropriate form of development for the site and therefore it is recommended that detailed planning permission is granted.

## **7 Reasons for Decision**

7.1 The proposals are acceptable and consistent with Policies 2, 3, 4, 5, 14, DM1, GBRA1, GBRA7 and NHE16 of the adopted South Lanarkshire Local Development Local Plan2 (2021). The proposals are an appropriate form of development on this vacant brownfield land.

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

Date: 15 September 2021

**Previous references**

- ◆ CL/04/0696
- ◆ CL/13/0458
- ◆ CL/17/0204

**List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 16 December 2020
  
- ▶ Consultations
  - Roads Flood Risk Management 12.05.2021
  - Roads Development Management Team 09.04.2021
  - Environmental Services 17.05.2021
  - Scottish Water 17.12.2020
  - Network Rail 19.01.2021
  - Quothquan and Thankerton Community Council 12.01.2021
- ▶ Representations
  - Dated:
    - Laura And Barry Knock, 49B Mill Road, Thankerton, Biggar, South Lanarkshire, ML12 6NY 23.12.2020
    - Chloe Aitcheson, By Email 23.12.2020
    - Christine Stokes, By Email 23.12.2020
    - Alice K Thompson, Received Via E-mail 31.12.2020
    - Peter Forkes, Station Road, Thankerton 24.12.2020
    - Mr John McLean, T, 51 MILL Road, Thankerton, ML12 6NY 25.12.2020
    - Mr Barry Knock, 49b Mill Road, Thankerton, ML12 6NY 22.12.2020
    - Kevin, Received Via Email 04.02.2021
    - Mr John McLean, Thankerton Stores, 12 Demoray Court, Stirling, FK9 5GP 25.12.2020
    - Nikki, Received Via E-mail 29.12.2020
    - Peter William McCarthy, Received Via E-mail 29.12.2020
    - William Charles Cummings, Received Via E-mail 29.12.2020

Michelle Arthur, Thankerton	29.12.2020
Barry Knock, Via Email	30.12.2020
Mrs Michelle Lyon, Sherifflats Road, Thankerton, Biggar, ML12 6PA	07.03.2021
Barry Knock, Received Via Email	07.06.2021

**Contact for further information**

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

Ian Hamilton, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455174

Email: [ian.hamilton@southlanarkshire.gov.uk](mailto:ian.hamilton@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 in writing 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 the roof of the dwellings hereby approved shall be clad externally in natural slate or a slate substitute which closely resembles slate.

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

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

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

04. That prior to commencement of work on the approved dwellings details of a retaining wall to stabilise the earth embankment along the southern boundary shall be submitted to and approved by the Council as Planning Authority.

Reason: To stabilise an existing embankment and to prevent slippage from the embankment and a neighbouring garden into the site.

05. That prior to commencement of work on the approved dwellings, the mound to be reinstated and the acoustic fence, as detailed on the Block and Location Plans (Dr. no: 01D) shall be constructed and installed and thereafter maintained to the entire satisfaction of the Council as Planning Authority .

Reason: To reduce the impact of railway noise affecting existing and future residents.

06. Prior to the occupation of the dwellinghouses hereby approved, the fencing and walls, including the retaining wall along the southern boundary, for which the permission of the Council as Planning Authority has been obtained under the terms of Conditions 03 & 04, 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.

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

principles of sustainable urban drainage systems and with the Council's Developer Design Guidance (May 2020) and shall include the following signed appendices: C 'Sustainable Drainage Design Compliance certificate' and E 'Confirmation of Future Maintenance of Sustainable Drainage Apparatus'. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved in writing by the Council as Planning Authority.

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

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

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

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

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

10. Prior to completion or first occupation of the dwellinghouses hereby approved, whichever is the sooner; full details of a tree planting scheme, in the area shaded green on the Block Plan 01D, shall be submitted to and approved in writing by the Council as Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works or five years of the carrying out of the tree planting scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To enhance the natural heritage of the area.

11. That the approved tree planting shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the dwelling or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

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

12. The applicant shall undertake a noise assessment to determine the impact of railway noise on the proposed development using the principles set out in "Calculation of Railway Noise" (DoT/Welsh Office, HMSO, 1995) or by a method to be agreed by the Planning Authority such as the evaluation of the cumulative levels based on Single Event Levels (SEL). For night time the LAmax shall be provided.



The survey shall take cognisance of the Scottish Government Document: Technical Advice Note Assessment of Noise. The survey shall be submitted to and approved in writing by the Planning Authority and where potential noise disturbance is identified, it shall include a scheme for protecting the proposed dwellings from rail 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.

Reason: To minimise noise disturbance to residents.

13. 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 residents.

14. That prior to works commencing on site the applicant shall undertake a vibration survey to determine the vibration dose value for properties within 30 metres of the running track. The applicant shall thereafter submit details of the mitigation measures which will be incorporated into the building to protect future residents against vibration from the rail line. This will include a prediction of the Vibration Dose Values which will affect residents after mitigation measures are installed in the building. A verification vibration survey must be carried out after mitigation measures have been installed to demonstrate their effectiveness.  
No dwelling shall be completed or occupied where the applicant cannot demonstrate that there is a low probability of adverse impacts from vibration, as prescribed in the relevant British Standards.

Reason: To minimise vibration disturbance to residents.

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

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

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

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

- BRE 376 Radon: Guidance on protective measures for new dwellings in Scotland (1999), with supplementary guidance given in:

- BRE 211 (2007) Radon: Guidance on protective measures for new buildings (including supplementary advice for extensions, conversions and refurbishment). (England & Wales).

Reason: To ensure that risks from the development being adversely affected by an elevated risk of naturally occurring radon are minimised.

16. That before the dwellinghouses hereby approved are occupied, a turning space shall be provided within each plot to enable vehicles to enter and leave the application site in forward gears at all times.

Reason: In the interests of traffic and public safety.

17. That before the development 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.

18. 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.

19. Prior to the commencement of development on site, an energy statement covering the new build element of the approved development which demonstrates that on-site zero and low carbon energy technologies contribute at least an extra 10% reduction in CO<sub>2</sub> emissions beyond the 2007 building regulations carbon dioxide emissions standard, shall be submitted to and approved in writing by the Council as Planning Authority. The statement shall include:

a) the total predicted energy requirements and CO<sub>2</sub> emissions of the development, clearly illustrating the additional 10% reduction beyond the 2007 building regulations CO<sub>2</sub> standard;

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

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

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

Reason: To secure a reduction in carbon dioxide emissions.

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

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

21. Prior to the commencement of work on the approved dwellings, the spoil heaps in the northern corner shall be removed from the site and the original ground levels

reinstated to the satisfaction of the Council as Planning Authority unless otherwise agreed in writing by the Council.

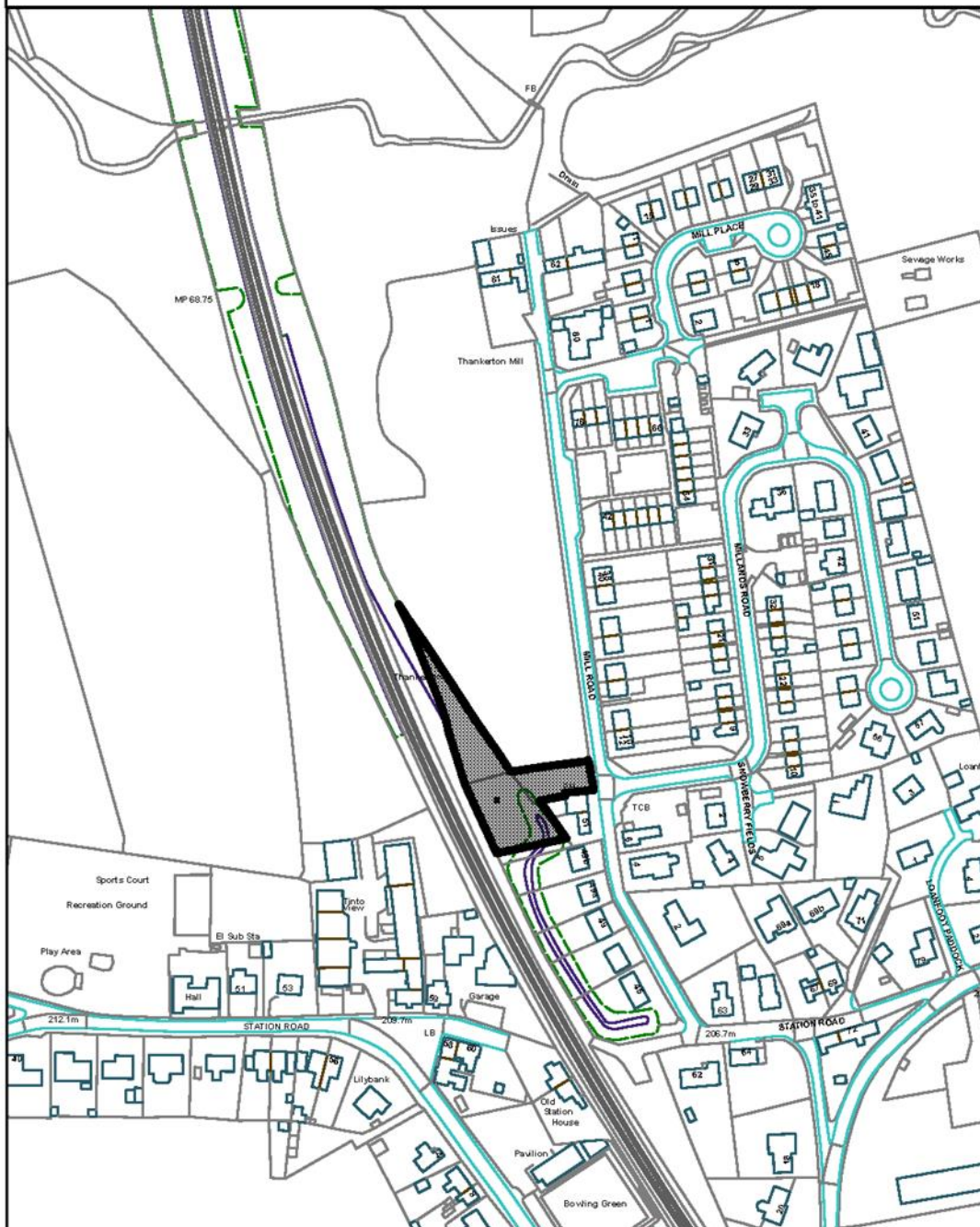
Reason: In the interests of amenity.

22. No construction traffic or plant associated with the approved development shall park in the pub carpark or on the public road.

Reason: To ensure adequate parking is available to the customers of the pub and to prevent any disruption to the flow of traffic along the public road.

P/20/1410

Land 36M West of 53 Mill Road, Mill Road, Thankerton



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Scale:  
1:2,500  
Date:  
10/09/2021



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