



Council Offices, Almada Street  
Hamilton, ML3 0AA

Monday, 15 March 2021

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 March 2021  
**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, Stephanie Callaghan, Margaret Cowie, Peter Craig, Maureen Devlin, Mary Donnelly, Fiona Dryburgh, Lynsey Hamilton, Ian Harrow, Ann Le Blond, Martin Lennon, Richard Lockhart, Joe Lowe, 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, Martin Grant Hose, Ian McAllan, Catherine McClymont, Kenny McCreary, Mark McGeever, Richard Nelson, Jared Wark, Josh Wilson

## BUSINESS

### 1 Declaration of Interests

- 2 Minutes of Previous Meeting** 5 - 8  
Minutes of the meeting of the Planning Committee held on 23 February 2021 submitted for approval as a correct record. (Copy attached)

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### Item(s) for Decision

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- |           |  |           |
|-----------|--|-----------|
| <b>3</b>  | <b>Application Hearing P/20/1365 for Erection of Child Care Nursery (113 Children), Associated Car Parking, Drop-off/Pick-up Facilities, External Play Area, 2.4 Metre High Weld Mesh Fencing and Relocation of Electrical Substation at Land 30 Metres North of 21 Clyde Terrace, Bothwell</b>      | 9 - 30    |
|           | Report dated 12 March 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)   |           |
| <b>4</b>  | <b>Application P/20/1578 for Replacement of Existing Sign to LED Sign at Advertising Station, 99 Glasgow Road, Cambuslang</b>  | 31 - 40   |
|           | Report dated 24 February 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)  |           |
| <b>5</b>  | <b>Application P/20/1751 for Partial Demolition of B-Listed Annex Building and Conversion of Retained Element to Form 8 Flats and Construction of 31 New Houses in the Cleared Area and Adjacent Playground Along with Associated Ancillary Works at Lanark Grammar Annex, Hyndford Road, Lanark</b> | 41 - 66   |
|           | Report dated 12 March 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)   |           |
| <b>6</b>  | <b>Application P/20/1752 for Partial Demolition of Annex Building and Conversion of Retained Element to Form 8 Flats (Listed Building Consent) at Lanark Grammar Annex, Hyndford Road, Lanark</b>  | 67 - 78   |
|           | Report dated 12 March 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)   |           |
| <b>7</b>  | <b>Application P/20/1661 for Change of Use of Agricultural Land to Form Additional Garden Ground (Retrospective), Erection of Rear Extension and Side Extension to Form Garage at 16 Southend Court, Strathaven</b>  | 79 - 88   |
|           | Report dated 5 March 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)  |           |
| <b>8</b>  | <b>Application P/20/1730 for Erection and Operation of Windfarm Consisting of 21 Turbines, up to a Maximum Height to Blade Tip of 200 Metres (Consultation from Scottish Ministers Under S36 of the Electricity Act 1989) at Cumberhead West Wind Farm, Cumberhead Forest, Near Coalburn</b>         | 89 - 126  |
|           | Report dated 2 March 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)  |           |
| <b>9</b>  | <b>Application P/20/1838 for Change of Use from Public House to Retail Unit and External Alterations to Existing Building at The Old Original Bar, 285 Glasgow Road, Blantyre</b>  | 127 - 138 |
|           | Report dated 12 March 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)   |           |
| <b>10</b> | <b>Application P/20/1665 for Change of Use from Dry Cleaners (Class 1) to Hot Food Takeaway (Sui Generis) at 36 Kirkton Park, East Kilbride</b>  | 139 - 152 |
|           | Report dated 12 March 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)   |           |

- 11 Planning Enforcement Charter** 153 - 174  
Report dated 3 March 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 12 Tree Preservation Order – Cityford Drive and Kingsbridge Drive, Rutherglen** 175 - 178  
Report dated 2 March 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)

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**Urgent Business**

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- 13 Urgent Business**  
Any other items of business which the Chair decides are urgent.

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

Clerk Name: Stuart McLeod

Clerk Telephone: 01698 454815

Clerk Email: [stuart.mcleod@southlanarkshire.gov.uk](mailto:stuart.mcleod@southlanarkshire.gov.uk)



## PLANNING COMMITTEE

2

Minutes of meeting held via Microsoft Teams on 23 February 2021

### Chair:

Councillor Isobel Dorman

### Councillors Present:

Councillor Alex Allison, Councillor John Bradley, Councillor Archie Buchanan, Councillor Stephanie Callaghan, Councillor Margaret Cowie, Councillor Peter Craig, Councillor Maureen Devlin, Councillor Mary Donnelly, Councillor Fiona Dryburgh, Councillor Lynsey Hamilton, Councillor Mark Horsham (Depute), Councillor Ann Le Blond, Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Joe Lowe, Councillor Kenny McCreary (*substitute for Councillor Ian Harrow*), Councillor Davie McLachlan, Councillor Lynne Nailon, Councillor Carol Nugent, Councillor Graham Scott, Councillor David Shearer, Councillor Collette Stevenson, Councillor Bert Thomson, Councillor Jim Wardhaugh

### Councillors' Apologies:

Councillor Ian Harrow, Councillor John Ross (ex officio)

### Attending:

#### Community and Enterprise Resources

B Darroch, Planning and Building Standards Manager (East); P Elliott, Head of Planning and Economic Development; T Finn, Planning and Building Standards Manager (Headquarters); F Jack, Team Leader, Development Management Team, Roads and Transportation Services; T Meikle, Planning and Building Standards Manager (West)

#### Finance and Corporate Resources

J Davitt, Public Relations Officer; N Docherty, Administration Assistant; S McLeod, Administration Officer; G Stewart, Solicitor

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### 1 Declaration of Interests

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No interests were declared.

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### 2 Minutes of Previous Meeting

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The minutes of the meeting of the Planning Committee held on 26 January 2021 were submitted for approval as a correct record.

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

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### 3 Application P/20/1006 for Change of Use of Agricultural Land (Sui Generis) to Form an Outdoor Children's Nursery (Class 10), Associated Access and Parking at Land 100 Metres North of 1 Blueknowes Road, Law

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A report dated 12 February 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1006 by Mr J Hendrie for the change of use of agricultural land (sui generis) to form an outdoor children's nursery, associated access and parking at land 100 metres north of 1 Blueknowes Road, Law.

**The Committee decided:**

that planning application P/20/1006 by Mr J Hendrie for the change of use of agricultural land (sui generis) to form an outdoor children's nursery, associated access and parking at land 100 metres north of 1 Blueknowes Road, Law be granted subject to the conditions specified in the Executive Director's report with a revised Condition 8 as follows:-

- ◆ "That, before any works commence on site, a dilapidation survey shall be undertaken by the applicants, in accordance with the requirements of the Council's Roads and Transportation Services, along the length of Blueknowes Road, unless otherwise agreed in writing with the Council as Roads and Planning Authority. Thereafter, any subsequent repair works to the road in question shall be undertaken by the applicants and maintained in this condition, to the satisfaction of the Council's Roads and Transportation Services, before the development is brought in to use, unless otherwise agreed in writing with the Council as Planning Authority."
- ◆ Reason: In the interests of road safety."

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**4 Application P/20/1728 for Siting of Temporary Accommodation Associated with an Outdoor Children's Nursery at Land 100 Metres North of 1 Blueknowes Road, Law**

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A report dated 3 February 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1728 by Mr J Hendrie for the siting of temporary accommodation associated with an outdoor children's nursery at land 100 metres north of 1 Blueknowes Road, Law.

**The Committee decided:**

that planning application P/20/1728 by Mr J Hendrie for the siting of temporary accommodation associated with an outdoor children's nursery at land 100 metres north of 1 Blueknowes Road, Law be granted subject to the conditions specified in the Executive Director's report.

*Councillors Donnelly and McLachlan entered the meeting during consideration of the above 2 related items of business*

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**5 Application P/20/1857 for Erection of 120 Metre Wind Monitoring Mast and Associated Measuring Equipment for a Temporary 3 Year Period at Scaur Hill, Bodinglee Road, Wiston, Biggar**

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A report dated 3 February 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1857 by Banks Renewables for the erection of a 120 metre wind monitoring mast and associated measuring equipment for a temporary 3 year period at Scaur Hill, Bodinglee Road, Wiston, Biggar.

A request for a hearing in respect of the application had been received, however, the application did not meet the criteria for a hearing.

Points raised in 8 late letters of representation were referred to at the meeting and addressed by officers.

**The Committee decided:**

that planning application P/20/1857 by Banks Renewables for the erection of a 120 metre wind monitoring mast and associated measuring equipment for a temporary 3 year period at Scaur Hill, Bodinglee Road, Wiston, Biggar be granted subject to the conditions specified in the Executive Director's report.

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**6 Application P/20/1148 for Demolition of Derelict House and Erection of Licensed Hotel, Spa, Restaurant and 4 Lodges with Associated Landscaping, Parking and Access Improvements at Land 160 Metres East North East of Crossbasket Castle, Stoneymeadow Road, Blantyre**

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A report dated 10 February 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1148 by Crossbasket Castle Holdings Limited for the demolition of a derelict house and erection of a licensed hotel, spa, restaurant and 4 lodges with associated landscaping, parking and access improvements at land 160 metres east north east of Crossbasket Castle, Stoneymeadow Road, Blantyre.

**The Committee decided:**

that planning application P/20/1148 for the demolition of a derelict house and erection of a licensed hotel, spa, restaurant and 4 lodges with associated landscaping, parking and access improvements at land 160 metres east north east of Crossbasket Castle, Stoneymeadow Road, Blantyre be granted subject to the conditions specified in the Executive Director's report.

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**7 Application P/20/1168 for Change of Use of Vacant Office to Licensed Restaurant, Bar with Associated Take-Away Facility and Installation of Extraction System at 115 Cadzow Street, Hamilton**

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A report dated 12 February 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1168 by SALT Hamilton Limited for a change of use of a vacant office to a licensed restaurant, bar with associated take-away facility and the installation of an extraction system at 115 Cadzow Street, Hamilton.

**The Committee decided:**

that planning application P/20/1168 by SALT Hamilton Limited for a change of use of a vacant office to a licensed restaurant, bar with associated take-away facility and the installation of an extraction system at 115 Cadzow Street, Hamilton be granted subject to the conditions specified in the Executive Director's report.

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**8 Item of Urgent Business – Update on Proposed Energy Recovery Facility at Overwood Farm, Larkhall**

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The Planning and Building Standards Manager (Headquarters) provided members with an update regarding the proposed energy recovery facility at Overwood Farm, Larkhall. The proposal, which constituted a major development, was at the Proposal of Application Notice stage, and the applicant, Viridor, was conducting statutory pre-application consultation prior to submitting a planning application.

The public consultation included a dedicated website, digital exhibition display boards, an interactive questionnaire and virtual public exhibitions. Concerns had been raised by members of the public regarding the consultation being conducted during the COVID-19 pandemic, however, the Scottish Government had issued temporary guidance which allowed for on-line events instead of public events and the Council was satisfied that the consultation arrangements complied with the guidance.

Approximately 750 letters of representation had been received which the Council was not able to consider at this stage, however, the letters had been forwarded to the applicant for its consideration when preparing its pre-application consultation report.

A request for a scoping opinion in relation to an environmental impact assessment had sought the views of the Council and other statutory consultees in terms of the methodology to be used, including the agreement of appropriate viewing and vantage points.

The Council had received comments from a local action group and the relevant points raised would be included in the Council's response to the applicant.

The Planning and Building Standards Manager advised that it was anticipated that the planning application and environmental impact assessment would be submitted in May 2021, following which the Council would carry out statutory consultation, neighbourhood notification and the associated publicity of the planning application to provide the local community with the opportunity to make representations to the Council for its consideration when assessing the application.

**The Committee decided:** that the position be noted.



# Report

3

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>23 March 2021</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/1365
Planning proposal:	Erection of child care nursery (113 children), associated car parking, drop-off/pick-up facilities, external play area, 2.4 metre high weld mesh fencing and relocation of electrical substation

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	South Lanarkshire Council
Location:	Land 30 metres north of 21 Clyde Terrace Clyde Terrace Bothwell

## 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 application has attracted a substantial body of objections and the recommendation is to grant planning consent subject to conditions. In accordance with Council procedures and following a request for a hearing, it has been agreed that a hearing will be granted prior to determining the application.
- (2) The Planning Committee has delegated powers to determine this application.

## 3 Other information

- ◆ Applicant's Agent: Lorna Carmichael
- ◆ Council Area/Ward: 16 Bothwell And Uddingston
- ◆ 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 14 – Green Network and Greenspace  
Policy 15 – Natural and Historic Environment  
Policy 16 – Travel and Transport  
Policy 17 – Water Environment and Flooding

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

**Development Management, Place Making and  
Design SG**

Policy DM1 – Design

Policy DM13 – Development within General Urban  
Area/Settlements

**Natural and Historic Environment SG**

Policy NHE19 – Protected Species

**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

**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 13 – Green Network and Greenspace

Policy 14 – Natural and Historic Environment

Policy 15 – Travel and Transport

Policy DM1 – New Development Design

Policy DM15 – Water Supply

Policy DM16 – Foul Drainage and Sewerage

Policy SDCC3 – Sustainable Drainage Systems

Policy SDCC4 – Sustainable Transport

Policy NHE9 – Protected Species

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team

Roads Flood Risk Management

Environmental Services

Arboricultural Services

Scottish Water

Bothwell Community Council

Housing Planning Consultations

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site relates to an area of vacant land (1,674 square metres in area) located on the west side of Clyde Terrace, Bothwell. It is located between residential properties and is opposite an area of public open space. The area is residential in character with two storey residential properties being located along the western side of Clyde Terrace, beyond which Wooddean Park is located. A footpath link into Wooddean Park from Clyde Terrace is situated immediately to the south of the application site. A further area of public open space which was a former railway line, is found along the eastern side of Clyde Terrace. This area forms part of the Brighter Bothwell Nature Trail and provides pedestrian links through to Main Street, and beyond, with an access point being located opposite the proposed nursery site.
- 1.2 The application site was formerly utilised for garages/lock-ups which have long since been demolished, and now consists of an area of hardstanding, with access directly onto Clyde Terrace. There are areas of grass/scrub within the site, with the western boundary being formed by mature trees adjoining Wooddean Park. An electricity substation is currently located within this area.

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

- 2.1 This application, on behalf of South Lanarkshire Council, proposes the erection of a nursery school and the formation of on-street parking on Clyde Terrace and the relocation of the electricity substation to the eastern side of Clyde Terrace. The proposed building, which is of a modern design combining single and two storey elements, would occupy a large portion of the site, however, external play space would also be accommodated within the site. The design of the building is relatively typical of a modern nursery development and would be finished externally in a combination of brick (Raeburn Bothwell Castle), smooth render and zinc cladding.
- 2.2 In terms of accommodation, the proposed building would provide a 2-3 year play room, a 3-5 year playroom (both with cloakroom, toy store and toilet facilities), entrance lobby, main office, visiting services room, hygiene room, kitchen, laundry and drying rooms, server room, switch room, plant room and external toilet within the ground floor. Staff facilities (management room, multi-purpose room, staffroom and toilets) would be provided at first floor level.
- 2.3 It is anticipated that the nursery would be capable of accommodating 113 children, operating between 08:00am to 6:00pm and employ 25 staff.
- 2.4 Following concerns raised in terms of the proposed parking provision associated with the nursery, the proposal was amended to provide 32 on-street parking spaces on Clyde Terrace. Six spaces would be located immediately to the front of the proposed nursery entrance, with the remaining 26 spaces being located on the opposite side of Clyde Terrace. In addition, the entrance to Wooddean Park would be enhanced as part of the proposed works.
- 2.5 To accommodate the redevelopment of the site for the proposed nursery, it would be necessary to relocate the existing electricity substation. It is proposed that this would be located adjacent to the existing pavement on the east side of Clyde Terrace. The proposed location of the substation was revised to be immediately adjacent to Clyde Terrace rather than within the nature trail.
- 2.6 The applicant has submitted a number of documents in support of their application, namely:-

- Design Statement
- Transport Assessment
- Surface Water Discharge Options Report
- Preliminary Ecology Appraisal Report
- Tree Survey Report
- Ground Investigation Report and Geotechnical Design Report

### **3 Background**

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

3.1.1 In determining planning applications, the Council must assess the proposal against the policies contained within both the adopted South Lanarkshire Local Development Plan (SLLDP) and associated Supplementary Guidance (SG) produced in support of the SLLDP, and the proposed South Lanarkshire Local Development Plan 2 (SLLDP2).

#### **3.1.2 Adopted South Lanarkshire Local Development Plan (SLLDP)**

The application site is on land identified as residential within the adopted SLLDP. 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, 14 – Green Network and Greenspace, Policy 15 – Natural and Historic Environment, 16 – Travel and Transport and Policy 17 – Water Environment and Flooding 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 and DM 13 – Development within General Urban Area/Settlements), Natural and Historic Environment SG (Policy NHE19 – Protected Species) and Sustainable Development and Climate Change SG (Policies SDCC3 – Sustainable Drainage System, SDCC4 – Water Supply, SDCC5 – Foul Drainage and Sewerage and SDCC10 – Sustainable Transport).

#### **3.1.3 South Lanarkshire Local Development Plan2 (SLLDP2)**

On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2 (SLLDP2); a number of modifications to the proposed Plan were recommended. At the Planning Committee on 1 December 2020, members agreed to the approval of all of the modifications in the examination report; the publication and public deposit of the Plan, as modified; and the submission of the Plan to Scottish Ministers.

3.1.4 The application site is on land identified as residential within the modified SLLDP2. In this instance, the proposed development requires to be assessed against Policies 1 – Spatial Strategy, 2 – Climate Change, 3 – General Urban Areas/Settlements, 5 – Development Management and Place Making, 13 – Green Network and Greenspace, 14 - Natural and Historic Environment, 15 – Travel and Transport, DM1 – New Development Design, DM15 – Water Supply, DM16 – Foul Drainage and Sewerage, SDCC3 – Sustainable Drainage Systems, SDCC4 – Sustainable Transport and Policy and NHE9 – Protected Species are relevant.

3.1.5 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 is no planning history relevant to the determination of this application.

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

- 4.1 Roads (Development Management Team)** – following amendments to the proposal, including works to provide 32 on-street parking spaces and the analysis of submitted traffic assessment/parking surveys, they have confirmed that they offer no objections to the proposal. They have recommended that conditions should be included, should consent be granted, relative to the completion of the identified parking spaces, pedestrian crossing details, the submission of a Traffic Management Plan and Nursery Travel Plan etc.

**Response:** Appropriately worded conditions can be attached to any consent issued to address these points.

- 4.2 Roads (Flood Risk Management)** – have no objections to the application subject to the undertaking of a Flood Risk/Drainage Assessment in accordance with the latest industry guidance listed within the Council's Developer Design Guidance Note dated May 2020 and the provision of a sustainable urban drainage system (SUDS) within the site.

**Response:** Appropriately worded conditions can be attached to any consent issued to address these points.

- 4.3 Environmental Services** – have advised that they have no objection to the proposal, subject to conditions relative to noise control.

**Response:** Appropriately worded conditions can be attached to any consent issued to address these points.

- 4.4 Arboricultural Services** – Recommend that any decision be deferred until the impact of the development on existing trees within the site had been assessed.

**Response:** It is noted that there are no proposals to remove the existing trees within the site. It is also noted that a tree survey has been undertaken which advised that the trees within the site offer no issue, subject to minor works, in terms of their proximity to the proposed building. It further advised that during the construction phase of the development, appropriate measures should be put in place to protect the trees on site. Appropriately worded conditions can be attached to any consent issued to address these matters.

- 4.5 Scottish Water** – have advised that they have no objection to the proposal. They highlight that they will not accept any surface water connection into their combined sewer systems except in limited exceptional circumstances.

**Response:** The applicant is aware of the above comments and confirmed that surface water will be treated in an appropriate manner. Appropriately worded conditions can be attached to any consent issued to address these matters.

- 4.6 Bothwell Community Council** – whilst offering no formal objection to the proposal have noted the objections/concerns from local residents and hope that these are taken into consideration in the determination of the application.

**Response:** The comments made by the Community Council are noted. The representations received in respect of the development have been considered within Section 5 below.

- 4.7 Housing Planning** – have offered no objections.

**Response:** Noted.

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

- 5.1** Statutory neighbour notification procedures were undertaken in respect of the development and an advert placed in the local press. Further neighbour notifications were undertaken following the amendment of the application site to include provision

for formalised on-street parking provision. In response, a total of 161 letters of representation objecting to the proposal were received, which include representations from Margaret Mitchell MSP and Councillor Kenny McCreary. In addition, a request for a hearing has been received by the Head of Planning and Economic Development. Following consultation with the Chair, it has been agreed that a hearing will be heard by the Planning Committee.

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

a) **Concerns over increased traffic, traffic congestion and public safety**

**Response:** It is acknowledged that there is potential for increased traffic within the surrounding area as a result of the introduction of a nursery at this location. However, it is considered that this would not result in an unacceptable impact in terms of the concerns raised. Given the nature of the proposed use, any traffic associated with the development will be largely spread out over short periods of time in the morning, evening and potentially lunchtimes when children are dropped off and picked up. The proposals have been amended to include the provision of formalised on-street parking for staff and visitors. These spaces will also be available for residents. It is also noted that the site is well located in terms of pedestrian links through Bothwell, and beyond, which could potentially reduce car usage associated with the proposed nursery.

It is further noted that Roads Development Management Team (DMT) have, following an assessment of the application, traffic assessment and operational characteristics of the proposed facility, offered no objection in terms of the concerns raised.

b) **Concerns over the lack of parking for both the nursery and residents**

**Response:** As noted above, the proposal was amended to provide improved on-street parking provision. These spaces would be unrestricted and be available for both the residents and the nursery. Roads (DMT) are satisfied that the level of parking proposed is sufficient for the proposed operation.

c) **Concerns over the impact of the relocated substation on the nature trail**

**Response:** It was originally proposed to relocate the electricity substation to an area within the nature trail, close to the access onto Clyde Terrace. The scheme has, however, been amended to reposition it on the edge of the nature trail park immediately adjacent to Clyde Terrace. The proposed location for the electricity substation is considered to be acceptable.

e) **Concerns over the impact of the proposal on Wooddean Park, including the loss of the pedestrian access lane**

**Response:** It is confirmed that the proposed development will not impact adversely on Wooddean Park or its operation. An area of mature trees along the rear of the site for the nursery would be retained. Furthermore, the existing pedestrian access to the park from Clyde Terrace would be retained, and enhanced, as part of the proposed works.

f) **Concerns in terms of the adverse impact on the character and amenity of the area due to the proposed building's design, including perimeter fencing and noise associated with such uses.**

**Response:** Educational facilities are considered appropriate uses within residential areas and, as such, are found in many residential areas in South Lanarkshire. Notwithstanding this fact, it is considered that the proposed nursery, whilst modern in its design, would not adversely impact on the amenity

of the area or surrounding properties in this instance. The design of the proposed building, and perimeter fencing, are fairly common for such educational facilities and will not be out of scale with adjacent properties.

**g) Concerns in terms of additional noise, dirt, air-pollution and increased danger (ongoing residential development/sewer works)**

**Response:** Whilst there is potential for increased noise etc. during the construction phase of the development, it is not considered this would be to a level which would merit the refusal of the application. Through appropriate on-site management, such matters should be properly controlled. Furthermore, appropriately worded conditions and/or informatives can be added to any consent to address such matters.

It is not considered that upon its completion the operation of the nursery would raise significant concerns with regards to the concerns raised.

**h) Overdevelopment of the site in terms of the lack of outdoor facilities for children**

**Response:** The proposed development has been designed in accordance with the relevant standards and the Council's Education Resources is satisfied with the proposals and that they are fit for purpose. In addition, there are public amenity spaces in close proximity to the application site which could compliment the resources within the proposed development.

**i) Concerns over the potential impact on wildlife habitats**

**Response:** It is confirmed that an Ecological Appraisal Report was prepared in respect of the proposed development and no significant issues were raised. The proposal is, therefore, considered acceptable in terms of any potential impact on wildlife habitats.

**j) Concerns raised about the impact on the designation of Bothwell as a Conservation Area due to increased traffic associated with the development.**

**Response:** The application site is located outwith the designated Conservation Area and would, therefore, have no adverse impact on this designation. It is considered that any traffic movements through the village, whether associated with the proposed development or not, would not have a significant effect on the Conservation Area. In addition, the Council's Roads (DMT) are satisfied with the proposals and any associated impacts.

**k) Concerns over the lack of consultation with local residents**

**Response:** In terms of the processing of the planning application, it is confirmed that statutory neighbour notification was undertaken on two separate occasions and the application advertised in the local press. It is confirmed that there are no other requirements within current planning legislation to undertake further public consultation in this instance. It is also noted that Education Resources held a public event within a local primary school which was in addition to any requirements under planning legislation.

**l) Concerns over lack of consideration of alternative sites, including the site at Appledore Crescent where a previous application was withdrawn and vacant sites within industrial estates**

**Response:** Under current legislative requirements, the Council as Planning Authority, must process applications on the basis of the application submission, taking into consideration local planning policies and other material

considerations, to determine their acceptability or otherwise. There is no requirement to consider alternative sites as part of this process.

**m) Concerns over the impact on property values**

**Response:** This is not a material planning consideration.

**n) Concerns that site works had already started on site**

**Response:** This relates to the existence of storage cabins, fencing and workers on site. However, it is advised that the site was being used as a compound in connection with works being undertaken within Wooddean Park and not associated with the proposed development.

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

## **6 Assessment and Conclusions**

6.1 This application proposes the erection of a nursery, with associated on-street parking and the relocation of an electricity substation within an established urban area of Bothwell.

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 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 and footpath networks. The adopted plan designates the site as being within a general residential area (Policy 6). Educational facilities are acceptable uses within such areas and the proposal is, therefore, acceptable, subject to compliance with other development management criteria.

6.4 The matters considered appropriate in the determination of this application are set out within Section 3.1 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. 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 With regard to the detailed design of the proposed development, it is of a modern design, typical of such educational facilities and is considered acceptable at this location. Given the design and layout of the proposed development and its relationship with existing properties adjoining the site, it is also considered that there would be no significant detrimental impact on the amenity or overlooking issues, as a result of the introduction of this development. Whilst the surrounding properties are traditional styled former local authority properties, the proposed external material finishes raise no issues at this location.



- 6.6 In terms of road safety consideration, it is noted that the application submission is supported by a Traffic Assessment and supporting parking assessments and analysis of the operation of similar facilities with South Lanarkshire. These demonstrate that the proposed nursery is unlikely to have an adverse impact on available parking within the immediate area or wider road network. Furthermore, it is also noted that Education Resources have amended their initial proposal to include the provision of formal parking spaces within Clyde Terrace, for the benefit of both existing residents and the users of the proposed nursery. No concerns have been raised by Roads and Transportation Services in this regard and the proposal is, therefore, considered acceptable in road safety terms.
- 6.7 No specific concerns, subject to the inclusion of conditions and/or informatives, have been raised by the remaining consultees. The proposal, therefore, accords with the aims of Policies 4, 16, DM 1, DM13 of the SLLDP and supporting supplementary guidance.
- 6.8 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.
- 6.9 In terms of Policies 16 and SDCC10, which relate to the promotion of sustainable travel, it is proposed to provide facilities for on-street parking to serve the development. However, the site is located within easy reach of public transport links and a network of public footpaths and can, therefore, be considered to accord with these policies. In addition, there is scope for the incorporation of facilities for vehicle charging points, which can be addressed through the use of an appropriately worded condition.
- 6.10 Section 3 of the report explains that the proposed South Lanarkshire Local Development Plan 2 (SLLDP2) as modified (in accordance with the modifications recommended in the Examination report) was approved by the Planning Committee on 1 December 2020. Notice has now been given by the Council of the Intention to Adopt the Plan. The weight attached to SLLDP2 as a material consideration in determining this application is, therefore, significant since it reflects the most up to date views of the Council. The proposed development has been considered against the relevant policies in the Plan described in Section 3 above. The applicable policies, as noted within Section 3, are broadly similar to those of the adopted Local Development Plan, given the above assessment, the proposal is considered to accord with the policies within the South Lanarkshire Local Development Plan 2.
- 6.11 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.
- 6.12 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 proposed South Lanarkshire Local Development Plan 2.
- 6.13 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, 14 – Green Network and Greenspace, 15 – Natural and Historic Environment, Policy 16 – Travel and Transport and 17 – Water Environment and Flooding, DM1 – Design, DM 13 – Development within General Urban Area/Settlements, NHE19 – Protected Species,SDCC3 – Sustainable Drainage System SDCC4 – Water Supply and SDCC5 – Foul Drainage and Sewerage).

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, 13 - Green Network and Greenspace, 14 – Natural and Historic Environment, 15 – Travel and Transport, DM1 – Design, DM15 – Water Supply, DM16 – Foul Drainage and Sewerage, SDCC3 – Sustainable Drainage Systems SDCC4 – Sustainable Transport and NHE9 – Protected Species).

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

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

12 March 2021

### **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 21/10/2020 and 23.12.2020
- ▶ Press advert, dated 29.10.2020
- ▶ Design Statement
- ▶ Transport Assessment
- ▶ Surface Water Discharge Options Report
- ▶ Preliminary Ecology Appraisal Report
- ▶ Tree Survey Report
- ▶ Ground Investigation Report and Geotechnical Design Report
  
- ▶ Consultations
  - Roads Flood Risk Management 10.12.2020
  - Roads Development Management Team 11/11/2020
  - Environmental Services 28.10.2020
  - Scottish Water 27.10.2020
  - Arboricultural Services 20.11.2020
  - Bothwell Community Council 05.11.2020
  - Housing Planning Consultations

► Representations	Dated:
Walter Watson, 8 Clyde Terrace, Bothwell, G71 8DX	13.01.2021
Mr Gordon Roberts, 15 Douglas Drive, Bothwell, G71 8DH	11.11.2020
Stephen Reilly, 18 Clyde Terrace, Bothwell, G71 8DX	03.11.2020
A Ogston, 20 Clyde Terrace, Bothwell, G71 8DX	13.01.2021
Lisa Callahan, No Address Provided	03.11.2020
Craig Tarnawski, Received via Email	03.11.2020
Laura O'Donnell, Received via Email	04.11.2020
Audrey Samwells, Received via E-mail	30.10.2020
Mr David Budge, 2 Dunclutha Drive, Bothwell, G71 8SQ	03.11.2020
Mr Gerard Lee, 8 Carnoustie Court, Bothwell, G71 8UB	03.11.2020
Mrs Christine Cumming, 2 St Andrews Avenue, Bothwell, G71 8DL	09.11.2020
Mrs Karen McLean, 4 Carnoustie Court, Bothwell, G71 8UB	27.10.2020
Mr Graham Maxwell, 10 Douglas Drive, Bothwell, G71 8DH	06.11.2020
Mr Derek Robson, Sent via Email	11.11.2020
Mr Tom Paterson, 24 Silverwells Crescent Bothwell, G71 8DP	26.10.2020
Mrs Corinne Paterson, 24 Silverwells Crescent Bothwell, G71 8DP	26.10.2020
Mr John Murphy, 15A Lady Jane Gate, Bothwell, G71 8BW	30.10.2020
Elsie Forrest, 10 St Andrews Avenue, Bothwell, G71 8DN	04.12.2020
Joanna Pugh, No Address Provided	26.10.2020
Lesley Tait, 27 Clyde Avenue, Bothwell, G71 8DT	26.10.2020
Margaret Daly, 30 Royal Gardens, Bothwell, G71 8SY	26.10.2020
Robert Daly, 30 Royal Gardens, Bothwell, G71 8SY	26.10.2020
Mr Barry Clarkson, 20 Grieve Croft, Bothwell, G71 8LU	27.10.2020
Mrs Christine Budge, 2 Dunclutha Drive, Bothwell, G71 8SQ	03.11.2020
Michael Purdo, via Email	04.11.2020

Mr Derek Ferguson, 1 Barassie Court, Bothwell, G71 8UH	26.10.2020
Mrs Jill Capaldi, 8 Orchard Avenue Bothwell, G71 8NF	31.10.2020
Mr Martin Pugh, 1 Clyde Terrace, Bothwell, G718DX	29.10.2020
Emma Robson, via Email	10.11.2020
Carol Lane, 38 Silvertrees's Wynd, Bothwell , G718FH	29.10.2020
Tom Henderson, 38 Silvertrees's Wynd, Bothwell , G718FH	29.10.2020
Martin Pugh, via email	29.10.2020
Lesley Tait, 27 Clyde Avenue, Bothwell, , G71 8DT	29.10.2020
Dennis Walker, Brighter Bothwell, 5 North Deanpark Ave, Bothwell, G71 8HH	12.11.2020
Lesley Tait, Via Email	12.11.2020
Amanda Gilfedder, 3 Douglas Drive, Bothwell, G71 8DH	05.11.2020
Andrew and Janice Lawrie, 27 Grieve Croft, Bothwell, G71 8LU	02.11.2020
Mrs Marion Stewart, 43 Grieve Croft, Bothwell, G71 8LU	02.11.2020
E McDowall, 9 The Lindens, Bothwell, G71 8LS	02.11.2020
Ailsa Calla, 86 Clyde Avenue, Bothwell, G71 8DU	02.11.2020
Hammad Jahanzeb, 1 Grieve Croft, Bothwell, G71 8LU	02.11.2020
Rhona Boyd, 10 Grieve Croft, Bothwell, G71 8LU	02.11.2020
Martin Herdman, 61 Clyde Avenue, Bothwell, 71 8DT	02.11.2020
Thomas Tait, 1 Dunclutha Drive, Bothwell, G71 8SQ	02.11.2020
Colin McQueen, 67 Clyde Avenue, Bothwell, G71 8DT	02.11.2020
Jean McCullagh, 11 The Lindens, Bothwell, G71 8LS	02.11.2020
Walter Watson, 8 Clyde Terrace, Bothwell, G71 8DX	02.11.2020
Lorna Murray, 9 Blantyre Mill Road, Bothwell, G71 8DF	02.11.2020
Lesley Tait, via Email	16.11.2020
Frances Cameron, No Address Provided	29.10.2020
S Hannaway, No Address Provided	04.11.2020
Robert and Elizabeth A Boyle, By Email	02.11.2020

Mr Gerald Capaldi, 8 Orchard Avenue Bothwell, G71 8NF	31.10.2020
Mrs Fiona Macintyre, 7 Grieve Croft, Bothwell, G71 8LU	15.11.2020
Mrs Margaret Daly, 30 Royal Gardens, Bothwell, G71 8 SY	29.10.2020
Mrs Diane Mccrory, 36 Blairston Avenue, Bothwell, G71 8SA	31.10.2020
Mr Michael McLaughlin, Elmwood Lodge, Bothwell, G71 8EA	04.11.2020
Miss Alexandra Budge, 2 Dunclutha Drive, Bothwell, G71 8SQ	12.01.2021
Mrs Evelyn Cole, 36 Main Street, Bothwell, G72 9bx	03.11.2020
Mrs Carol Lee, 8 Carnoustie Court, Bothwell, G71 8UB	13.01.2021
Mrs Teresa Ross, 70 Silvertrees Wynd, Bothwell, G71 8FH	20.11.2020
Mrs Marjory Robertson, 42 Old Station Court, Bothwell, G71 8PE	11.11.2020
Mrs Sandra Jones, 11 Croftbank Avenue, Bothwell, G71 8RT	11.11.2020
Arrin Coughlan, 21 Eden Park, Bothwell, G71 8SL	12.11.2020
Mrs Lisa McCann, 6 Douglas Drive, Bothwell, G718DH	02.11.2020
Mrs L Gray, 21 Fairyknowe Court, Bothwell, G71 8SZ	03.11.2020
Gerry and Madeline McMahon, 1 Silverwells Crescent, Bothwell, G71 8SE	24.11.2020
Dr Jemma Callahan, Elmwood Lodge, Bothwell, G71 8EA	04.11.2020
Dr Mary Church, 9 Carnoustie Court, Bothwell, G71 8UB	14.12.2020
Sofia Sansovini, 27 Clyde Avenue, Bothwell, G71 8DT	02.11.2020
Mr William Findlay, 35 Silvertrees Gardens, Bothwell, G71 8FJ	02.11.2020
Mr Eric Gunn, 64 Clyde Avenue, Bothwell, G71 8DU	04.11.2020
Mrs M Coakley, 21 Clyde Avenue, Bothwell, G71 8DT	04.11.2020
Mr Simon Mousley, 11 Gales Park, Bothwell, G71 8TS	27.10.2020
Mr John Reid, 40 Grieve Croft, Bothwell, G718LU	10.01.2021
Gillian Sinclair, Received Via Email	02.11.2020
Allan Winning, 29 Elmwood Court, Bothwell, G71 8SW	02.11.2020
Karin McAfee, 30 Castle Wynd, Bothwell, G71 8TQ	02.11.2020

Mr Alan McLean, 4 Carnoustie Court, Bothwell, G71 8UB	27.10.2020
Heather Wallace, Received Via Email	29.10.2020
Hugh Dykes, Bothwell Resident	14.01.2021
Russell Parsons, 30 Clyde Avenue, Bothwell, G71 8DU	14.01.2021
Jean Myra Parsons, 30 Clyde Avenue, Bothwell, G71 8DU	14.01.2021
James McCunnie, 23 The Fairways, Bothwell, G71 8PB	14.01.2021
Jacqueline McCunnie, 23 The Fairways, Bothwell, G71 8PB	14.01.2021
John Roberts, 83 The Fairways, Bothwell, G71 8PB	13.01.2021
Mrs Carol Lee, 8 Carnoustie Court, Bothwell, G71 8UB	14.01.2021
Margaret Mitchell MSP, Room M2.11, The Scottish Parliament, Edinburgh, EH99 1SP	18.01.2021
John McAfee, 30 Castle Wynd, Bothwell, G71 8TQ	11.01.2021
Alan Street, 83 The Fairways, Bothwell, G71 8PB	13.01.2021
Mrs D McCarte, 30 Silverwells Crescent, Bothwell, G71 8DS	13.01.2021
Ranitha Kumar, 33 Grieve Croft, Bothwell, G71 8LU	13.01.2021
Kumar Periasamy, 33 Grieve Croft, Bothwell, G71 8LU	13.01.2021
John Kinloch, 42 Grieve Croft, Bothwell, G71 8LU	13.01.2021
Russell Parsons, 30 Clyde Avenue, Bothwell, G71 8DU	13.01.2021
Jean Myra Parsons, 30 Clyde Avenue, Bothwell, G71 8DU	13.01.2021
Joanna Pugh, 1 Clyde Terrace, Bothwell, G71 8DX	11.01.2021
F Lang, 16 Clyde Terrace, Bothwell, G71 8DX	13.01.2021
Gillian Sinclair, 26 Clyde Avenue, Bothwell, G71 8DU	14.01.2021
Mr Peter Mulholland, 4 Clyde Ave, Bothwell, G71 8DU	10.01.2021
Mrs Shirley Chalmers, 6 Mason Gardens, Bothwell, G71 8fn	31.01.2021
Mrs Margaret Mitchell, 119 Cadzow Street, Hamilton, ML3 6JA	14.01.2021
George Wilson, 23 Blantyre Mill Road, Bothwell, G71 8DY	13.01.2021
Elizabeth Martin, 78 The Tait, The Fairways, Bothwell, G71 8PA	13.01.2021

Edgar Martin, 78 The Tait, The Fairways, Bothwell, G71 8PA	13.01.2021
John Gallacher, 98 The Park, The Fairways, Bothwell, G71 8PF	13.01.2021
William Elliott, 2 Arran Way, Bothwell, G71 8TR	13.01.2021
Mrs Marion Stewart, 43 Grieve Croft, Bothwell, G71 8LU	13.01.2021
Jack McAllister, 60 The Herd, The Fairways, Bothwell, G71 8PA	15.01.2021
Dr Julie McFarlane, 77 The Fairways, Bothwell, G71 8PB	
Mrs I Greenshields, 51 Grieve Croft, Bothwell, G71 8LU	15.01.2021
Lynn Hendry, 41 Grieve Croft, Bothwell, G71 8LU	15.01.2021
Amber Beresford and Darrel Markson, 53 Clyde Avenue, Bothwell, G71	18.01.2021
Councillor Kenny McCreary, via Email	08.02.2021
Kieran Gilmurray, 11 Blantyre Mill Road, Bothwell, G71 8DF	19.01.2021
Anne Gilmurray, 11 Blantyre Mill Road, Bothwell, G71 8DF	19.01.2021
Helen E Harris, 1 The Fairways, Bothwell, G71 8PB	12.01.2021
Janet MacIntyre, 3 The Fairways, Bothwell, G71 8PB	12.01.2021
Stephen Reilly, 18 Clyde Terrace, Bothwell, G71 8DX	12.01.2021
Margaret and Nick Maguire, 25 The Fairways, Bothwell, G71 8PB	12.01.2021
Craig Tarnawski, 18 Clyde Terrace, Bothwell G71 8DX	12.01.2021
Mr Michael Pardo, 2 Clyde Terrace, Bothwell, G718DX	13.01.2021
Martin Pugh, 1 Clyde Terrace , Bothwell , G718DX	12.01.2021
Aiden Hill, 51 Blantyre Road, Bothwell, G71 8PJ	12.01.2021
William Hill, 51 Blantyre Road, Bothwell, G71 8PJ	12.01.2021
Rosemary Hill, 51 Blantyre Road, Bothwell, G71 8PJ	12.01.2021
Sarah Jahanzeb, 1 Grieve Croft, Bothwell, G71 8LU	03.02.2021
Mrs Hazel Reid, 40 Grieve Croft, Bothwell, G718LU	10.01.2021
Martin Kelly, 45 Grieve Croft, Bothwell, G71 8LU	21.01.2021
Patricia Kelly, 45 Grieve Croft, Bothwell, G71 8LU	21.01.2021

Mrs M H Deacon, 51 The Fairways, Bothwell, G71 8PB	21.01.2021
Cindy Denholm, 26 Silverwells Crescent, Bothwell, G71 8DP	21.01.2021
Sue Taylor, 53 Clyde Avenue, Bothwell, G71 8DT	21.01.2021
Emma Toner, 68 The Fairways, Bothwell, G71 8PB,	21.01.2021
Ms Lynn Hendry, 41 Grieve Croft Bothwell, G71 8LU	12.01.2021
Mrs Kim Hamilton, 7 Wellsgreen Garden, G71 7WT	31.01.2021
Miss Kim Armstrong, 15 Marguerite Gardens, Bothwell, G71 8LD	01.02.2021
Janice Lawrie, 27 Grieve Croft, Bothwell G71 8LU	14.01.2021
Andrew Lawrie, 27 Grieve Croft, Bothwell, G71 8LU	14.01.2021
Thomas Walters, 2 Barrie Avenue, Bothwell, G71 8FA	14.01.2021
John McCaveny, Received via Email	14.01.2021
Miss Anya Barsauckas, 22 Grieve Croft, Bothwell, G71 8LU	30.01.2021
Miss Heather Wallace, 2 Clyde Terrace, Bothwell, G71 8DX	06.01.2021
Mrs Valeri Mulholland, 4 Clyde Ave, Bothwell, G71 8DU	10.01.2021
Ms Carolyn MacBride, 36 Grieve Croft, Bothwell, G71 8LU	28.01.2021
Gordon Morris, 8 Barrie Avenue, Bothwell, G71 8FA	11.01.2021
Alice Paterson, 3 Clyde Avenue, Bothwell, G71 8DT	11.01.2021
Eric Ginn, 64 Clyde Avenue, Bothwell, G71 8DU	11.01.2021
Anne Ginn, 64 Clyde Avenue, Bothwell, G71 8DU	11.01.2021
Margaret Rose Gartshore, 90 Clyde Avenue, Bothwell, G71 8DU	11.01.2021
Martin Super, 23 Grieve Croft, Bothwell, G71 8LU	11.01.2021
Mrs Hazel Reid, 40 Grieve Croft, Bothwell, G71 8LU	11.01.2021
Charlotte Deans, 4B Mill Road, Bothwell, G71 8DQ	11.01.2021
Eileen Deans, 3 Morag Riva Court, Uddingston, G71 7BF	11.01.2021
David Deans, 3 Morag Riva Court, Uddingston, G71 7BF	11.01.2021
Roslyn O'Callaghan, 57 Silverwells Crescent, Bothwell, G71 8DP	11.01.2021



Kendal Morris, 8 Barrie Avenue, Bothwell, G71 8FA	11.01.2021
Debra Campaigne, 5 Silverwells Drive, Bothwell, G71 8FF	15.01.2021
Angelina Franchitti-Murray, 33 Silverwells Crescent , Bothwell, G71 8RF	22.02.2021
Agnes McIver, 9 The Fairways, Bothwell, G71 8PB	22.02.2021

**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 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.

02. That, unless otherwise agreed in writing with the Council as Planning Authority, all trees to be retained within the site shall be fully protected during the period of construction and prior to any work commencing on the site, written details specifying the nature of such measures shall be submitted to and approved by the Council as Planning Authority. Existing trees to be retained must be protected in accordance with methods as set out in BS5837/2012 during and until completion of all site operations and building works.

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

03. That, unless otherwise agreed in writing with the Council as Planning Authority, 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 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 the development hereby approved is brought into use, details of the storage and collection of waste arising from the development shall be submitted to and approved by the Council as Planning Authority. The storage and waste collection scheme shall be implemented before the development is brought into use and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: To minimise nuisance, littering and pest problems to nearby occupants.

05. 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.

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

07. 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, 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 prior to works commencing on site, unless otherwise agreed in writing with the Council as Planning Authority, a Flood Risk/Drainage Assessment is to be carried out in accordance with the latest industry guidance listed within the Council's Developer Design Guidance Note dated May 2020 (attached). This assessment should also give consideration to surface water management during the construction period to reduce any risk of flooding to and from the site.

Reason: To ensure that the proposal does not give any flood risk concerns.

09. That prior to works commencing on site the applicant shall submit a Traffic Management Plan (TMP) to the Council as Planning and Roads Authority for written approval. This should provide details of access and parking provision for staff and visitors, intended working hours, how deliveries of materials will be managed and stored arrangements for road cleaning. The plan should also detail how any of these measures may change as the site is developed. Once approved the development shall proceed at all times in accordance with the approved TMP.

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

10. That prior to works commencing on site, the applicant shall undertake a joint dilapidation survey of the construction traffic route identified and agreed through the Traffic Management Plan and submit to the Council a record of the survey, together with arrangements for subsequent inspection and repair during the construction phase; for the written approval of the Council as Roads Authority.

Reason: In the interests of road and public safety.

11. That prior to commencing on site the applicant shall submit, for the written approval of the Council as Roads Authority, details of pedestrian crossing locations, speed reduction measures and associated traffic signage. Thereafter, the approved measures shall be implemented on site to the satisfaction of the Council as Roads Authority.

Reason: These details have not been submitted or approved.

12. That before the development hereby approved is brought into use the applicant shall produce a Nursery Travel Plan (NTP) to encourage greater use of sustainable travel and reduce reliance on private car trips for nursery children and staff.

Reasons: These details have not been submitted or approved.

13. That, unless otherwise agreed in writing with the Council as Planning Authority, facilities shall be made for the future provision of electrical charging points adjacent to the proposed parking spaces. 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.

P/20/1365

Land 30M North of 21 Clyde Terrace



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Scale:  
1:3,500  
Date:  
26/02/2021



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



# Report

4

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>23 March 2021</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/1578
Planning proposal:	Replacement of existing sign to LED sign

## 1 Summary application information

Application type: Advertisement application

Applicant: Global  
Location: Advertising Station  
99 Glasgow Road  
Cambuslang  
Glasgow  
South Lanarkshire

## 2 Recommendation(s)

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

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

## 2.2 Other actions/notes

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

## 3 Other information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 13 Cambuslang West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan:**  
Policy 4: Development management and placemaking  
Policy 6: General Urban Area/Settlements  
**Development Management, Placemaking and Design**  
Policy DM9 : Advertisement displays

**Proposed South Lanarkshire Local  
Development Plan 2**

Policy 3: General Urban Area/Settlements

Policy 5: Development Management and  
Placemaking

Policy DM10: Advertisements Displays

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services



## **Planning Application Report**

### **1 Application Site**

- 1.1 The application relates to the 48 sheet, externally illuminated, advertisement LED hoarding within the site of a car wash at 99 Glasgow Road, Cambuslang. The site is adjacent to the Glasgow-Motherwell/Hamilton railway line on Glasgow Road. The site is primarily used as a hand carwash and valet centre. To the south-east of the site is a car dealership with open forecourt. To the north-west is a railway embankment which contains a billboard poster panel. On the opposite side of Glasgow Road, set back from the road, are several blocks of flats. At the north-western end of the car wash forecourt are two poster panels, perpendicular to the road. It is these poster panels that would be upgraded through the application. There are several other advertising panels in the near vicinity both to the Northwest and Southeast along Glasgow Road.

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

- 2.1 Advertisement consent is sought for the replacement of an existing externally lit sign with an LED sign. The application relates to the replacement of a 48 sheet, externally illuminated, advertisement hoarding to a 48 sheet LED hoarding within the site of a car wash at 99 Glasgow Road, Cambuslang.
- 2.2 It is proposed to upgrade the two poster panels at the north-western end of the site to a modern, digital poster format. This will enable the posters to be changed remotely without the need to visit the site. The use of digital LED displays is increasingly commonplace in the advertising industry for this reason. The screens would mimic the traditional paper posters, with only static, poster images being used as at present. The new technology does, however, bring several benefits over the current method:-
- ◆ reduction in vehicle trips to the site
  - ◆ consolidation and overall reduction in the number of billboards in the network
  - ◆ removing the use of single use posters with the associated printing and disposal waste
  - ◆ the facility to broadcast emergency messages at very short notice

### **3 Background**

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

- 3.1.1 In determining the application the Council must assess the proposed development against the policies contained both within the adopted South Lanarkshire Development Plan (SLLDP) (2015) and associated supplementary guidance produced in support of the SLLDP.
- 3.1.2 In land use terms the site lies within an urban area where Policy 6 – General Urban Area/Settlements applies. The policy states developments by virtue of visual impact, noise, smell, disturbance, traffic or public safety will not be permitted if they are detrimental to the amenity of the residents. In addition, Policy 4 – Development Management and Placemaking of the adopted South Lanarkshire Local Development Plan (adopted) applies. This policy states that all planning applications will require to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. Policy DM9 – Advertisement Hoardings of the Supplementary Guidance requires applications for hoardings to comply with a number of criteria in respect of impact on amenity and public safety. In particular, the policy states that it will be particularly important to maintain the visual amenity and character of sensitive locations such as residential areas, areas where the site is overlooked by a number of residential properties and also along principal traffic corridors.

3.1.3 Within the Proposed South Lanarkshire Local Development Plan 2 (SLLDP2), the application site is identified as being located within an urban area. On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of SLLDP2 and a number of modifications to the Plan were recommended. At the Planning Committee on 1 December 2020, members agreed to the approval of all of the modifications, the publication and public deposit of the Plan, as modified, and the submission of the Plan to Scottish Ministers. For the purposes of determining planning applications the Council will, therefore, assess these against the policies contained within the adopted South Lanarkshire Local Plan and those within the proposed South Lanarkshire Local Development Plan 2. In this regard, the application site and associated proposal is affected by Policy 3 General Urban Area/Settlements, Policy 5 Development Management and Placemaking, and Policy DM10 Advertisement Displays. As SLLDP2 is now approved for adoption, when considering planning applications, greater weight should be given to the policies and guidance contained in this Plan.

## 3.2 Relevant Government Advice/Policy

3.2.1 Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 - Regulation 4(1) limits the exercise of powers of control of advertisements solely to the interests of amenity and public safety. In terms of amenity, the local planning authority is obliged to take into account the general characteristics of the area, particularly any feature of architectural, historic, cultural, or civic interest. In terms of public safety, the local planning authority must have regards to the potential effect of the proposed advertisement on road traffic signs, railway signs or any aid to navigation by water or air.

## 3.3 Planning Background

3.3.1 In terms of planning history, in 2005 outline planning permission was granted for 3 and 4 storey residential flatted development with associated landscaping. In 2008, detailed planning permission was approved for Change of use of yard to display and sale of cars. In 2009, a change of use to form an MOT station with associated erection of steel shed (demolition of existing timber shed) was approved.

## 4 Consultation(s)

4.1 **Roads Development Management Team** - no objections to this application. The general impact of development is suitable at this location.  
**Response:** Noted.

4.2 **Environmental Services** - no objections to the proposal subject to a condition relating to the luminance level.  
**Response:** Noted. Any consent would have a luminance condition attached.

## 5 Representation(s)

5.1 Statutory neighbour notification was undertaken and the proposal was advertised on 18 November 2020. 7 letters of representation were received including objections received from Margaret Ferrier MP and Clare Haughey MSP.

a) **The proposed advertisement hoarding is contrary to Policy 4 and of the adopted South Lanarkshire Local Development Plan in that the development, by virtue of its size and visual prominence, represents an incongruous and overpowering form of development to the detriment of the character and amenity of the area in general.**

**Response:** The application relates to the replacement of a 48 sheet, externally illuminated advertisement hoarding to a 48 sheet LED hoarding. The dimensions of the structure including the plinth, supports and the location will

remain the same. In principle, it is like for like replacement of the current hoarding and therefore is not contrary to Policy 4.

- b) **The proposed advertisement hoarding is contrary to Policy DM9 - Advertisement Displays of the Development Management Placemaking and Design Supplementary Guidance in that the size, scale, position and design of the hoardings have an adverse impact on the general character of the area. In addition, they result in clutter, which has an adverse impact on amenity by creating a proliferation of adverts in a sensitive location, which is overlooked by a number of residential properties and along a principal traffic corridor.**

**Response:** As noted above, the proposal is an LED replacement of the current hoarding. The dimensions and location of the proposed advertising hoarding is similar to what is currently there and not considered to be contrary to Policy DM9. The character of the area on Glasgow Road is defined by the uses in the proximity of the site. The application site sits within a commercial context. This includes a car wash and several other advertising panels which have been in situ for many years. In addition, as this is not an additional hoarding, the proposal does not contribute to a proliferation of adverts.

- c) **Planning application CR/16/0141 was refused by South Lanarkshire Council on similar grounds. Upon an appeal by the applicant, the Council's decision was upheld by Scottish Government, Planning and Environmental Appeals Division.**

**Response:** Advertisement application CR/16/0141 was for retrospective erection of 2no. freestanding, 48 sheet, externally illuminated advertisement hoardings at land adjacent to 99-101 Glasgow Road. It should be noted the advertising hoardings were erected without advertising consent and were of a scale and massing which did not relate to the surrounding locality. The hoardings covered a large area of greenspace and were prominent in the landscape, to the detriment of visual amenity, particularly to the residents opposite. However, the current proposal is to replace a 48 poster hoarding with a 48 LED hoarding of similar size and within the site of a commercial business.

- d) **The replacement of the current static hoarding with regularly revolving and refreshing digital content will cause a considerable nuisance to residents whose windows and balconies would face the proposed structure. I would need to keep my blinds closed even during daylight hours. It will be impossible for me to relax within my home with the blinds open as the billboards are constantly lit up day and night and will be a significant distraction, especially as they are directly within my line of vision due to the position of my flat. Clearly there will be a negative environmental impact of these billboards due to the light pollution caused.**

**Response:** The proposed replacement poster panels face along the road and do not face directly onto the flats opposite. The positioning of the flats' balconies and window structure overlook a section of Glasgow Road and some trees act as a buffer between the road and railway line. The application site is set back from the direct line of sight from these balconies, as well as being on the opposite side of Glasgow Road, a busy main transport link. The deliberate positioning of the advertising panel minimises the impact on the amenity residential flats. Therefore, there will be no substantial harm to the amenity of the flats on Silverbanks Road. The current hoarding panels are already illuminated externally and the proposed illumination levels would remain in accordance with the guidance levels set out by the Institution of Lighting

Professionals in the Professional Lighting Guide 05. The applicant has used the professional guidance to offer a fair and reasoned approach to controlling the luminance levels to ensure road safety and amenity. The Council's Environmental Services have examined the proposal and have no objection to the proposal subject to a luminance condition.

- e) **The installation of a significant sized Billboard adjacent to a primary main route of vehicular travel – with changing imagery – could pose a danger to car drivers and others on and around the road. Therefore, I consider it to be not only imposing but potentially hazardous to highway safety.**

**Response:** The use of digital LED displays is increasingly commonplace in the advertising industry. If approved, conditions will be attached in consultation with Environmental Services regarding the luminance and duration each advertisement is displayed. The Council's Road and Transportation Services have no objections to the proposal regarding road safety of drivers.

- f) **I consider that the installation of an LED Billboard could result in a loss of daylight or overshadowing at my property and that further the Billboard will be sufficiently imposing that it will overlook or draw attention to my property.**

**Response:** It is noted that the proposed hoarding is approx. 40m from the residential flats and, therefore, we are satisfied that the position of the advertising panel can have no impact on overshadowing or loss of daylight to the flats opposite.

- g) **I suffer from migraines which I take prescription medication for. These migraines are triggered by lighting issues. I am deeply concerned that the lighting emitted by these proposed billboards day and night will have a negative effect.**

**Response:** Noted. This is not a planning matter, however, we are satisfied that given the location and orientation of the proposed sign, there will be no adverse amenity issue.

- h) **The proposal is going to affect the valuation of my property as it could possibly put off potential buyers as it is positioned below the bedroom.**

**Response:** The loss of value to property is not a material consideration. It should be noted that the proposed LED hoarding is approximately 40 metres from the flatted dwellings.

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

## **6 Assessment and Conclusions**

6.1 Advertisement consent is sought for the replacement of an existing externally lit sign to an LED sign. The application relates to the replacement of a 48 sheet, externally illuminated, advertisement hoarding to a 48 sheet LED hoarding within the site of a car wash at 99 Glasgow Road, Cambuslang.

6.2 In determining the application, the Council must assess the proposed development against the policies (Policy 4: Development Management and Placemaking, Policy 6: General Urban Area/Settlement and Policy DM9: Advertisement Displays) contained within the adopted South Lanarkshire Development Plan 2015 (SLLDP). In terms of the principle of the development, Policy 4 of the South Lanarkshire Local Development Plan (adopted) relates to matters such as local context, scale, massing, surrounding streetscape, accessibility, safety, layout and form, materials and landscape treatment. The dimensions of the structure including the plinth, supports and the location will

remain the same. The use of digital LED displays is increasingly commonplace in the advertising industry for this reason. The screens would mimic the traditional paper posters, with only static, poster images being used as at present. In principle, it is like for like replacement of the current hoarding and, therefore, complies with Policy 4.

- 6.3 The proposed hoarding is in the same position as the current hoarding and does not face directly onto the flats which are on the opposite side of the road, approximately 40 metres from the current sign. The current hoarding is externally illuminated. The agent has submitted a light statement which is acceptable to the Council's Environmental Services and a condition regarding the luminance is attached. The Council's Road and Transportation Services has no objection to the proposal. Therefore, the proposal by virtue of visual impact disturbance, traffic or public safety is no different to what is currently present and not detrimental to the amenity of the residents. It is, therefore, considered the proposal accords with Policy 6 and Policy DM9 of the South Lanarkshire Local Development Plan.
- 6.4 Section 3.1.3 of the report explains that the proposed South Lanarkshire Local Development Plan 2 (SLLDP2) as modified (in accordance with the modifications recommended in the Examination report) was approved by the Planning Committee on 1 December 2020. Notice has now been given by the Council of the intention to adopt the Plan. The weight attached to SLLDP2 as a material consideration in determining this application is, therefore, significant. 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, therefore, considered that the proposal accords with Policies 3, 5 and DM10 in the proposed Plan.
- 6.5 In view of the above, it is considered that the proposal for replacement of the externally illuminated sign to an LED sign will have no detrimental impact on the amenity of the neighbouring properties or road safety. It is, therefore, recommended that planning permission is granted.

## **7 Reasons for Decision**

- 7.1 The proposal will have no adverse impact on amenity or the road safety of the neighbouring properties and is, therefore, in compliance with Policies 4, 6 and DM9 of the adopted South Lanarkshire Local Development Plan (2015) and Policies 3, 5 and DM10 of the proposed South Lanarkshire Local Development Plan 2.

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

24 February 2021

## **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 18 November 2020

►	Consultations	
	Roads Development Management Team	15.02.2021
	Environmental Services	22.12.2020
►	Representations	Dated:
	Mr M Swan, 85 Silverbanks Road, Cambuslang, Glasgow, South Lanarkshire, G72 7FJ	09.12.2020
	Susan Hearty, 61 Silverbanks Road, Cambuslang, Glasgow, South Lanarkshire, G72 7FJ	09.12.2020
	Mr Ryan J Duffy, 63 Silverbanks Road, Cambuslang, Glasgow, South Lanarkshire, G72 7FJ	04.12.2020
	Clare Haughey MSP, 85 Main Street, Rutherglen, G73 2JQ	08.12.2020
	Graham McCamley, via Email	10.12.2020
	Mr James Bilsland, 69 Silverbanks Road, Glasgow, G72 7FJ	09.12.2020
	Margaret Ferrier MP via Email	07.12.2020

### **Contact for further information**

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

Mohammed Hussain, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455269

Email: [mohammed.hussain@southlanarkshire.gov.uk](mailto:mohammed.hussain@southlanarkshire.gov.uk)

### Conditions and reasons

01. a) All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Council as Planning Authority;
- b) any hoarding or similar structure, or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Council as Planning Authority;
- c) where any advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Council as Planning Authority;
- d) Before an advertisement is displayed on land, the permission of the owner of that land or other person entitled to grant permission shall be obtained.

Reason: To comply with the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

02. That permission is granted for a period of 5 years from the date of this consent and following expiry of this consent, the advertisement(s) shall be fully removed and any reinstatement of the site shall be carried out to a standard to be agreed with the Council as Planning Authority, within three months of the expiry date.

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

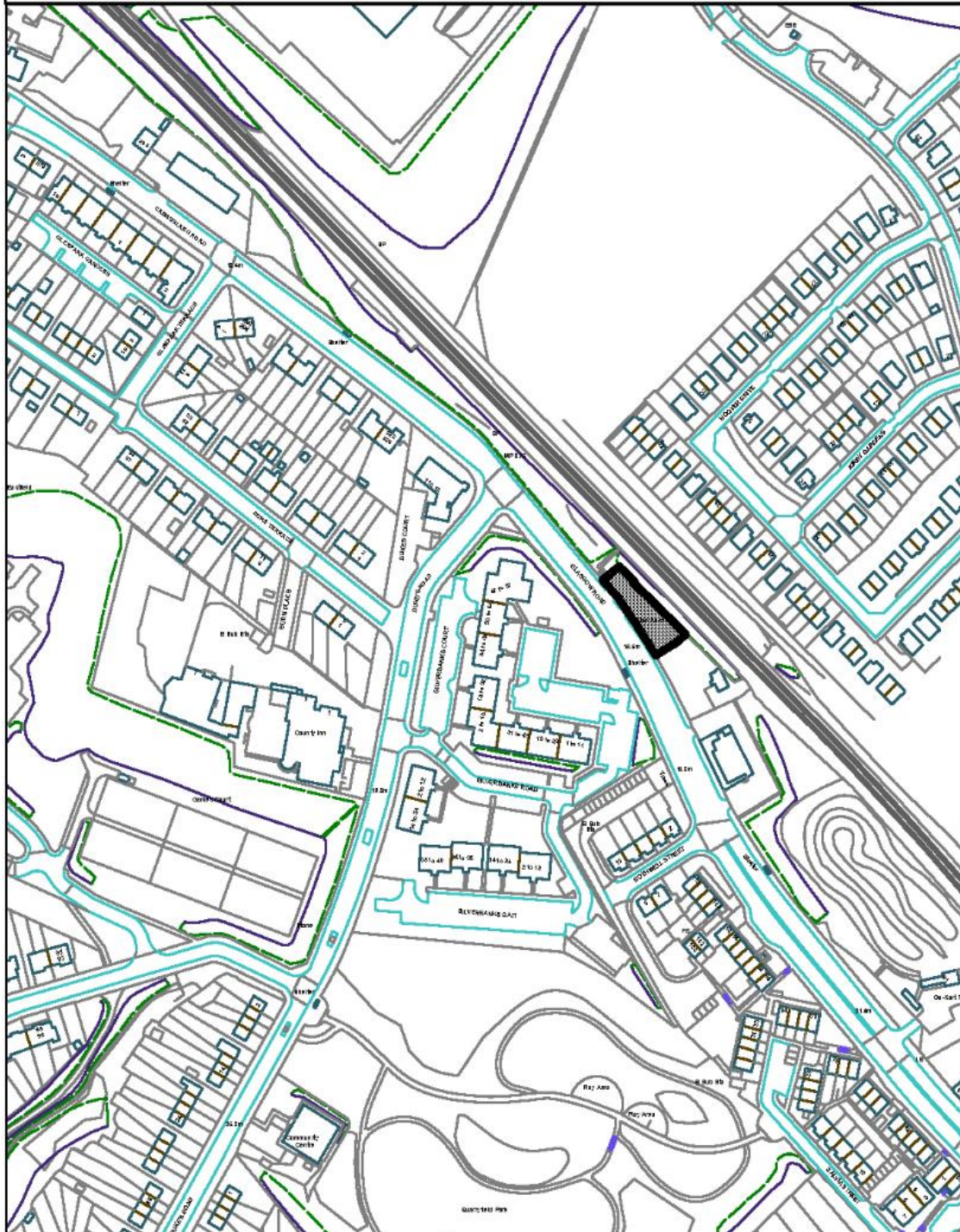
03. That in relation to the advertising sign hereby approved:
- a) the maximum level of illumination shall be no more than 300cd/m<sup>2</sup> (as recommended by the Institution of Lighting Engineers Technical Report No 5.);
- b) the luminance level of the display shall be controlled to track the light level changes in the environment throughout the day to ensure that the perceived brightness of the display is maintained at no more than 300c/m<sup>2</sup> above ambient level;
- c) the approved display shall contain at all times a feature that will turn the screen off (i.e. shows a black screen) in the event that the display experiences a malfunction or error;
- d) no individual advertisement displayed on the LED screen shall contain moving images, animation, intermittent or full motion video images, or any images that resemble road signs or traffic signals;
- e) there shall be a smooth, uninterrupted transition from one image to another. Transitions shall be of not less than one second between static images. No individual advertisement shall be displayed for a duration of less than 10 seconds.

Reason: In order to retain effective planning control.



P/20/1578

Advertisiting Station, 99 Glasgow Road, Cambuslang



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Scale:  
1:2,500  
Date:  
28/02/2021



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



# Report

5

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>23 March 2021</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/1751
Planning proposal:	Partial demolition of B-Listed annex building and conversion of retained element to form 8 flats and construction of 31 new dwellings in the cleared area and adjacent playground along with associated ancillary works

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Wilson Developments and Clyde Valley Housing Association
Location:	Lanark Grammar Annex Hyndford Road Lanark ML11 9AQ

## 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: Teri Porter
- ◆ Council Area/Ward: 02 Clydesdale North
- ◆ Policy Reference(s): Proposed South Lanarkshire Local Development Plan 2 (SLLDP2): Policy 2 Climate change  
Proposed SLLDP2: Policy 3 General Urban Areas  
Proposed SLLDP2: Policy 5 Development Management and Placemaking  
Proposed SLLDP2: Policy 11 Housing  
Proposed SLLDP2: Policy 12 Affordable Housing  
Proposed SLLDP2: Policy 14 Natural and Historic Environment

Proposed SLLDP2: Policy DM7 Demolition and  
 Redevelopment for Residential Use  
 Proposed SLLDP2: Policy DM8 Enabling  
 Development  
 Proposed SLLDP2: Policy NHE6 Conservation  
 Areas  
 Proposed SLLDP2: Policy NHE9 Protected  
 Species  
 South Lanarkshire Local Development Plan: Policy  
 2 Climate change  
 South Lanarkshire Local Development Plan: Policy  
 4 Development management and placemaking  
 South Lanarkshire Local Development Plan: Policy  
 6 General urban area/settlements  
 South Lanarkshire Local Development Plan: Policy  
 12 Housing land  
 South Lanarkshire Local Development Plan:  
 Policy13 Affordable housing and housing choice  
 South Lanarkshire Local Development Plan: Policy  
 15 Natural and historic environment  
 Supplementary Guidance 3: Development  
 Management, Placemaking and Design Policy  
 DM7 Demolition and redevelopment for residential  
 use  
 Supplementary Guidance 9: Natural and historic  
 environment Policy NHE7 Conservation areas  
 Supplementary Guidance 9: Natural and historic  
 environment Policy NHE19 Protected species

♦ **Representation(s):**

▶	17	Objection Letters
▶	1	Support Letters
▶	2	Comment Letters

♦ **Consultation(s):**

Housing Planning Consultations  
 Housing and Technical Resources  
 Community and Enterprise Resources Biodiversity Officer  
 Nature.Scot  
 Scottish Water  
 Roads Flood Risk Management  
 Environmental Services  
 Historic Environment Scotland  
 Roads Development Management Team  
 The Royal Burgh of Lanark Community Council  
 New Lanark Conservation Trust  
 West of Scotland Archaeology Service

## Planning Application Report

### 1. Application Site

- 1.1 The application site (0.75ha) is situated within a predominantly residential area, close to Lanark town centre and relates to the vacant B-Listed Lanark Grammar Annexe. It is a single-story building, in neo gothic style with slate roof, ancillary hardstanding playground, boundary walls and railings and two outbuildings. The building has been vacant since 2003 and is in a dilapidated condition.
- 1.2 To the north the site is bounded by Hyndford Road and beyond by a mixture of terraced, semi-detached and detached residential properties; to the south is the former janitor's lodge house, Albany Drive and Braxfield Road and detached dwellings beyond; to the west are two storey residential flats and to the east one and a half storey detached and semi-detached dwellings of the Victorian/Edwardian era which front Hyndford Road and Albany Drive respectively. Vehicular access is taken from Braxfield Road and there is a pedestrian gated access taken from Hyndford Road via steps because of level differences between the street and the playground. The playground sits at a higher level and is fronted by a natural stone retaining wall.
- 1.3 The category B-Listed building is single storey with a raised basement to the rear and is laid out on an H plan featuring 3 and 5 gabled ends with 'Neo Gothic' fenestration and light lancets. Other features include ashlar quoins, decorative drip moulds, iron finials, straight skews and a prominent octagonal lead bellcote topped by a weathervane. This is an early school board building with the original section including bellcote being built in 1883. After fire damage, a first extension was built in 1888 and a second prior to 1911; there are minor late 20th century additions to the rear. The first and second extensions reflect the gothic styling of the original building. The building has been listed as an example of an early school board building with distinguishing architectural detailing in contrast to the simpler, plainer school board buildings found in most Scottish towns outwith the larger cities.

### 2. Proposal(s)

- 2.1 After extensive marketing it has been established that retention of the entire building is not viable. The current proposal involves the selective demolition of the first and second extensions and later additions to facilitate a new housing development in the cleared area and remaining playground. The new element will cross fund the restoration and conversion of the original 1883 building to form 8 two and three bedroom flats. The interior will be reconfigured to create new apartments over two floors retaining original subdividing walls where practical – 1st floor rooms will be accommodated within the existing roofspace. Heritage rooflights will be introduced to provide daylight to the upper floor. Internally, due to water penetration damage and other factors, ceilings and floors will have to be removed allowing the development of sustainable and insulated residential units. The majority of the flats will be entered from a central atrium that will allow natural light from roof glazing. Where possible, the creation of the 1st floor will be undertaken sensitively to minimise intrusion on the existing windows. The semi derelict condition of the structure shall necessitate extensive restoration, repairs and reinstatement of the original exterior fabric, detailing and features including stonework, roof, guttering, downpipes and flashings. Following demolition, a new eastern gable on the retained building will have to be constructed using salvaged stones and window dressings from the demolished sections, with care taken to ensure that the new gable matches the existing stonework and detailing. To enable a wider vehicle access with appropriate visibility, part of the boundary wall and the easternmost outbuilding will be removed whilst the western outbuilding will be adapted for cycle storage, with the remaining boundary walls and railings being maintained.

- 2.2 The new build element in the eastern section shall comprise 16 two bedroom cottage flats and 3 three bedroom terraced dwellings contained in three two-storey blocks situated in tandem alignment between the Hyndford Road and Albany Drive frontages. Also, a three-storey building containing 12 two bedroom flats between the rear of the retained annexe and the Braxfield Drive frontage will be developed. The flats consist of two blocks, one taller and wider than the other, aligned alongside with a stairwell physically connecting the blocks. The frontage and rear elevation of the new build will be finished in facing brick, whilst the roof and part of the side elevations will be finished in zinc, with the lower half finished in facing brick to match the front and rear. The conversion of the retained building along with the new build will allow the formation of 39 residential units for affordable tenancies managed by Clyde Valley Housing Association. In addition, 42 parking spaces will be provided within the site to serve the residents.
- 2.3 A Listed Building Consent application P/20/1752 covering the conversion and selective demolition of the B-Listed annexe is subject of a separate report which will also be reported to the Planning Committee at its meeting on 23 March 2021.
- 2.4 The submission includes a Planning Statement, Design Statement, Site Investigation, Bat Roost Survey, Heritage Statement, a Visual Inspection Report and a copy of the Strategic Housing Investment Programme.

### **3. Background**

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

3.1.1 On 17 August 2020 the Directorate for Planning and Environmental Appeals issued its report of the Examination of SLLDP2 and a number of modifications to the Plan were recommended. At the Planning Committee on 1 December 2020, members agreed to the approval of all of the modifications; the publication and public deposit of the Plan, as modified; and the submission of the Plan to Scottish Ministers. For the purposes of determining planning applications the Council will, therefore, assess proposals against the policies contained within the adopted South Lanarkshire Local Plan and those within the proposed SLLDP2. In this regard the application site and associated proposal is affected by the following policies contained in SLLDP2: Policies 2 – Climate Change, 3 General Urban Areas, Policy 5 – Development Management and Platemaking, 11 – Housing, 12 – Affordable Housing, 14 Natural and Historic Environment, DM7 Demolition and Redevelopment for Residential Use, NHE6 Conservation Areas and NHE9 Protected Species. As SLLDP2 is now approved for adoption, when considering planning applications, greater weight should be given to the policies and guidance contained in this Plan.

3.1.2 In the adopted South Lanarkshire Local Development Plan (soon to be superseded by SLLDP2) it is considered that Policies 2 – Climate Change, 4 – Development Management and Place Making, 6 – General Urban Area/Settlements, 12 Housing land, 13 Affordable housing and housing choice and 15 – Natural and Historic Environment, 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 (Policy DM7 Demolition and redevelopment for residential use) and Natural and Historic Environment SG (Policies NHE7 Conservation Areas and NHE19 – Protected Species).

#### **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.

- 3.2.2 Scottish Planning Policy advises that changes to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future.

### 3.3 **Planning Background**

- 3.3.1 After being declared surplus to educational requirements in 2003, Listed Building Consent CL/04/0485 and Planning Permission CL/04/0506 to convert the Lanark Grammar Annexe into 14 residential flats was granted in November 2004. The approvals were not implemented and expired in 2009 and the site was sold on to Muse development. In 2015, Muse entered into negotiations with a national food retailer seeking to relocate their local outlet to the site, however, after feasibility studies indicated that the Listed Building would have to be removed, interest was withdrawn.

- 3.3.2 Planning Permission CL/07/0106 was granted for temporary classroom accommodation in March 2009 whilst the replacement Lanark Grammar School was being built.

- 3.3.3 Lanark Grammar Annexe has been on the Buildings at Risk Register since 2004.

- 3.3.4 An unsuccessful application was made to Historic Environment Scotland to remove the building from the statutory list in February 2020.

- 3.3.5 The site is included in the Strategic Investment Housing Programme (SHIP) 2021-2026 as a housing development priority supporting a total of 49 units (Appendix 20 – item 11).

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

- 4.1 **Scottish Water**– There is sufficient capacity at the Coulter Water Treatment and the Lanark 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:** The applicant is fully aware of the need to supply supporting information to justify the connection of surface water flow into the combined sewer and will be making early contact with Scottish Water. The site which currently comprises buildings and hard standing already connects into the system. In respect of the proposed development, surface water flow is expected to be less than current because of a reduction in overall hard standing and the installation of SUDS. A condition has been

attached which requires confirmation from Scottish Water that they will accept drainage discharge into their system prior to the commencement of development.

- 4.2 **Housing**– Housing and Technical Resources confirmed that this site is identified in the Councils Strategic Housing Investment Plan 2021-2026 and is prioritised for Scottish Government grant funding for social rented housing. Wilson Development is building on behalf of Clyde Valley Housing Association and the new social rented housing provided will be let through the common housing register HomeFinder.

**Response:** The importance of this site for the provision of affordable housing is noted.

- 4.3 **Royal Burgh of Lanark Community Council** – there are very few available spaces in the streets adjacent to the development and so the potential for illegal or irresponsible parking is significant. The Community Council would hope that as many as possible of the original features of the site can be retained, particularly the bell tower in the retained part of the building and the railings which form the boundary to the development. The retained building once contained wall murals by the renowned artist Jessie M King. The Community Council has asked that the applicant make reference to this in the development.

**Response:** A survey undertaken by Clyde Valley Housing Association has previously established that car ownership amongst their tenants was 61%. This application exceeds this total and proposes to provide 107% parking provision within the development. It is therefore unlikely that parking issues will arise on nearby streets as a consequence of this development. The belltower and most of the railings will be retained other than the section which will have to be removed to allow the widening of the access. The applicant has suggested the street serving the development should be named after Jessie M King.

- 4.4 **West of Scotland Archaeology Service (WOSAS)** – Due to the historic nature of the locality and the potential for archaeological finds, it is recommended that a condition be attached covering the requirement for a programme of archaeological investigation.

**Response:** Noted. An appropriate condition has been attached.

- 4.5 **NatureScotland** – Do not intend providing tailored advice on protected species, reference should be made on their standing advice on their portal. A species licence may be required.

**Response:** A bat survey has identified 4 bat roosts in the roof of the existing building. Once Planning Permission has been granted the applicant will submit a species licence to NatureScotland.

- 4.6 **Environmental Services** - No objection subject to conditions covering internal noise levels, sound insulation, construction noise, piling and residential waste.

**Response:** Appropriate conditions have been attached.

- 4.7 **Flood Unit** – No objection subject to conditions covering Flood Risk Assessment, SUDS and confirmation from Scottish Water that they will accept drainage discharge. An updated drainage strategy will have to provide details of the design and location of the filter and an assessment on the viability of infiltration at the site.

**Response:** Noted. Appropriate conditions have been attached.

- 4.8 **New Lanark Conservation Trust** – No response received to date.

**Response:** Noted.

- 4.9 **Historic Environment Scotland** - Although not wishing to comment, other than the proposal should be assessed under relevant national and local policies, they did suggest that it could potentially affect the New Lanark World Heritage Site buffer zone.

**Response:** Although adjoining, the site nevertheless falls outwith the buffer zone – the purpose of the buffer zone is to protect the setting of the World Heritage Site. In considering the nature and scale of the proposal along with intervening buildings, topography and woodland, it is unlikely to impact upon the setting of the World Heritage Site. It is recognised that the principal route for visitors down to New Lanark does pass the site which is derelict and the annexe building is dilapidated and continues to deteriorate. Therefore, this redevelopment including the retention and conservation of the original school building represents a positive opportunity to improve the perception of visitors to Lanark and New Lanark.

- 4.10 **Roads and Transportation Services** - previously highlighted concerns that the proposed 42 parking spaces were below that required by the SCOTS National Roads Development Guide (NRDG). The application is now in the joint names of Wilson Developments and Clyde Valley Housing Association (CVHA) with the latter providing supporting information on the provision of 107% parking being in excess of their general 61% parking requirement for CVHA sites. On this basis, they have no further comments in relation to parking provision. They have recommended conditions regarding access, visibility, wall maintenance, traffic management and a dilapidation survey.

**Response:** Noted. Appropriate conditions have been attached.

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

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local press as development affecting the character of the conservation area and listed buildings following which 17 letters of objection, 2 letters of comment and one in support have been received. The issues raised are summarised below:

**a) Road safety, traffic generation, insufficient parking and impact upon traffic flow.**

**Response:** Roads in their consultation response have not raised concerns about vehicular generation and impact upon traffic flow. In terms of road safety, a condition on traffic management of construction traffic has been attached. The applicant, Clyde Valley Housing Association, has provided survey information demonstrating that only 61% of their tenants own a car whilst parking within the site will be at 107%.

**b) Overlooking/loss of privacy**

**Response:** The proposed new build has been orientated and laid out in a manner which minimises overlooking of neighbouring properties and in accordance with privacy standards. The three terrace dwellings will have views over the rear garden of the janitor lodge house from 1<sup>st</sup> floor windows. However, at ground floor any overlooking can be addressed by boundary fencing. Within densely built-up areas there will always be some degree of overlooking.

**c) Drainage/infrastructure – concerned existing drainage will be affected by new system being put.**

**Response:** It is anticipated that with the installation of a Sustainable Drainage System, designed in accordance with current standards and a reduction in the overall hardstanding area that there will be no unacceptable impact upon the drainage system serving the neighbourhood.

**d) Noise and disturbance**

**Response:** A number of conditions have been attached covering noise mitigation measures.

- e) **Odour/ dust in the air.**  
**Response:** Odour is unlikely to be an issue associated with a residential development and a condition has been attached covering dust suppression.
- f) **Boundary wall is in need of repair**  
**Response:** For boundary walls on mutual boundaries responsibility rests with the applicant. In terms of the front retaining wall, conditions have been attached requiring a structural survey and any necessary remedial repairs.
- g) **Listed Building should be retained in its entirety.**  
**Response:** After 15 years of marketing it has not been possible to find a viable scheme which involves the retention of the whole building.
- h) **The number and size of the proposed blocks would overpower a residential area of mainly low level housing and would look totally out of character with the area especially the three storey block which would totally dominate the area and take away privacy from existing houses.**  
**Response:** This is an appropriate scale of proposal for the bespoke redevelopment of a brownfield site, close to the town centre. The site sits very close to the town centre, characterised by high density and flatted developments three/four storeys in height. Cross sections and contextual illustrations have been submitted which show that the height of the new build is not significantly higher than neighbouring properties or the retained school building on site. The three storey building has been orientated in a manner which avoids direct overlooking of neighbouring properties.
- i) **The proposal is overdevelopment with a lack of amenity space, little garden space, no play areas for children and an overall impression of crammed housing blocking views to the historic building.**  
**Response:** Although amenity space is limited, the site is within easy walking distance of Castlebank Park on the edge of town. The new build blocks have been positioned to enable visual and physical permeability through the site. Views towards the Listed Building from the rear and front of the site will remain largely unobstructed.
- j) **The terraced housing lacks design vision and is not in keeping with sandstone residences which surround the development. This detracts from the historic housing and buildings especially when visitors to the town and New Lanark will be unable to view the frontage of the Grammar annexe building. It will be blocked from view by the housing right in front of it. The terraced block does not pay regard to the buildings on Hyndford Road.**  
**Response:** Attempts to provide pastiche solutions in replication of an older style can often prove to be second rate. The terraced housing is a bespoke contemporary design providing contrast with neighbouring older properties which allows the evolution of the site to be clearly read. Juxtaposition of old and new can be successful as long as the new is an appropriate scale and makes references to the characteristics of the site and surroundings. The multi gable terrace makes reference to the existing school building and the sandstone terraces to the east. The development will also run parallel to the alignment of Hyndford Road, respecting the flow and rhythm of the street. The mass and scale is appropriate. Views of the annexe building from the front boundary will remain open. Rather than detract from, the redevelopment of a derelict site and restoration of the original school building will enhance the visitor experience and amenity of the surrounding area.



- k) **Opening the stairs at the junction of Albany Drive and Braxfield Road will create a shortcut from Hyndford Road to Albany Drive impacting upon the privacy of the Janitor's house which is now a private residence.**  
**Response:** The through route will encourage walking which is an important means of sustainable travel. In most situations, houses front public footpaths where pedestrian passage is transitory and, therefore, does not impact upon privacy.
- l) **Litter thrown into the property.**  
**Response:** This is a public enforcement issue outwith the planning remit.
- m) **There are mature trees along the objector's boundary.**  
**Response:** These trees fall outwith the application boundary, however, the nearest building will be set back from the boundary. Also, if the root system of these trees has encroached into the site it's likely to have grown under the existing hard standing.
- n) **There is a colony of bats resident in the school building and a family of foxes have reared cubs there every year.**  
**Response:** The bat survey has identified 4 bat roosts in the roof area used by three bats. The applicant will apply to NatureScotland for a licence to remove these roosts. Foxes do not have protected status and are likely to adapt to changes by finding new locations to rear cubs in the locality.
- o) **Damage to common boundary should be avoided and repaired where necessary.**  
**Response:** Noted.
- p) **Precedence of three storey buildings**  
**Response:** Each proposal is assessed on its individual merits.
- q) **Increased anti-social problem.**  
**Response:** There is no evidence to substantiate this claim.
- r) **The three-storey flatted block is excessive, out of character and is poorly positioned in such close proximity to the established residential properties on Braxfield Road.**  
**Response:** Cross sections and plans show that the height is not significantly higher than surrounding buildings, is a reasonable distance back from and does not directly face towards the nearest dwellings. Visual impact of massing from public road and private roads has been minimised by the layout and orientation whereby the narrowest elevation faces to the street and the widest into the site.
- s) **The maintenance/upkeep and repair of said boundary wall lies entirely with the owners of school (as was) and now with the developers and their successors as owners of the development site. Therefore, seeking reassurance that this established liability will not be devolved to the capricious consent of 39 owners but will be appropriately devolved in order that the wall can be maintained in good order in perpetuity.**  
**Response:** The applicant has advised 'There is reference in the relevant conveyance to the School Board of Lanark dating from 1896 to a stone and lime boundary wall already being erected on the subjects and states for the avoidance of doubt that the owner of the relevant subjects ( ie the school) would be responsible for its maintenance and repair. It is reasonable to assume if the wall the objection refers to is of stone and lime then it is the wall referred to in

the 1896 deed.' Ultimately this is a legal matter outwith the planning remit. All the residents will be tenants not owners and any responsibility for boundary walls, whether full or jointly, rests with Clyde Valley Housing Association.

- t) **Noise and carbon emissions generated from cars.**  
**Response:** Housing Association tenants have low car ownership and the site is within a short walking distance of the town centre and other services negating the need for car journeys. It is not anticipated that a residential development would result in excessive noise.
- u) **The three terraced houses are very close to the former schoolhouse.**  
**Response:** In considering established average distances between existing dwellings in the neighbourhood, the terraced dwellings are a reasonable distance back from the Janitor's House (school house), however, it is recognised there will be a degree of overlooking (see point b above).
- v) **Blocking of the driveway at the bottom of Albany Drive. More vehicles will exacerbate this issue.**  
**Response:** Sufficient on-site parking will be provided.
- w) **Road at the bottom of Albany Drive would have to be upgraded to an appropriate standard if any construction vehicles needed to use it.**  
**Response:** A Traffic Management Plan and dilapidation survey will ensure measures are in place to inspect and repair the construction traffic route during the construction phase.
- x) **Design of the new buildings are not sympathetic to the existing building.**  
**Response:** The design does not replicate the original building (see point j above), however, in terms of scale, mass and position it does respect the setting of the retained B-Listed Building.
- y) **Dispute the case for partial demolition especially as the developer proposes to demolish the most attractive element of the Hyndford Road elevation (the ornate marbling above the double mullioned windows).**  
**Response:** A heritage assessment has concluded that the most important and architectural distinctive part of the annexe relates to the original school building with its bellcote centre piece. The elements to be demolished reflect the styling and ornamentation of the original building, therefore, there is little to differentiate in respect of moulded stonework above the windows.
- z) **It is not the job of a Planning Authority to evaluate the commercial viability of a development only whether or not the proposed development accords with established policy.**  
**Response:** Planning policies and Historic Environment Scotland guidance set out circumstances and criteria for justifying partial demolition whereby retention of a Listed Building is economically unviable. Part of the process involves submission of supporting documentation including marketing evidence which clearly demonstrates that complete retention is not viable – so in this case evaluating viability falls within the Planning remit.
- aa) **Not enough exploratory work has been done to rediscover the murals Jessie M King painted in the school.**  
**Response:** Despite internal inspection and surveys these murals have not been found.

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

## **6. Assessment and Conclusions**

6.1 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.

6.2 Section 3 of the report explains that the proposed South Lanarkshire Local Development Plan 2 (SLLDP2) as modified (in accordance with the modifications recommended in the Examination report) was approved by the Planning Committee on 1 December 2020. Notice has now been given by the Council of the Intention to Adopt the Plan. The weight attached to SLLDP2 as a material consideration in determining this application is, therefore, significant. For the purposes of determining planning applications the Council will, therefore, assess these against the policies contained within the adopted South Lanarkshire Local Plan and those within the proposed South Lanarkshire Local Development Plan. The modified SLLDP2 and associated documents were approved by the Planning Committee on 1 December 2020. The Council has now advised the Scottish Ministers of its intention to adopt the Plan. Local Development Plan 2 is, therefore, the Council's most up to date policy position and is afforded significant weight in the assessment and determination of planning applications. SLLDP2 policies are assessed as follows.

6.3 Under Policy 11 - Housing, the application site is identified as part of the housing land supply in the proposed SLLDP2 proposal's map and is included within the settlement boundary of Lanark where Policy 3 – General Urban Areas and Settlements advises that residential developments on appropriate sites will generally be acceptable. The residential development of the site positively contributes towards the Council's requirement to maintain a five year effective supply of housing land provision. Furthermore, effective housing land within the settlement of Lanark meets the aims of Scottish Planning Policy by providing a sufficient and sustainable supply of housing within an existing residential area with access to services nearby. Policy 11 encourages a range of house size and types to give greater choice in meeting the needs of the local community whilst recognising demands of the wider housing market area. In that respect the proposal includes two bedroom cottage flats, two bedroom conventional flats, 3 bedroom terraced housing and two - three bedroom flats within the converted annexe thereby providing a reasonable range of styles and housing types. The proposal satisfactorily complies with aims of Policies 3 – General Urban Areas and settlements and 11 - Housing of the proposed Local Development Plan and, therefore, the principle of the proposed development is acceptable.

6.4 Policy 12 – Affordable Housing expects developers to contribute to meeting affordable housing needs across South Lanarkshire by providing, on sites of 20 units or more, up to 25% of the site's capacity as serviced land for the provision of affordable housing. The applicant is Clyde Valley Housing Association and the proposal involves 100% affordable housing for rent. Furthermore, the site is identified in the Strategic Housing Investment Programme and has the full support of the Council's Housing Department.

- 6.5 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.
- 6.6 In choosing an appropriate layout, the applicant has carefully assessed the constraints of the site and the surrounding locality. This is a bespoke development of a former school annexe whereby the plan involves retention of part of a B-Listed Building. This is a high-density development which is commensurate with other flatted developments within or close to the town centre. Although the new flats will be higher than the existing annexe and neighbouring properties, cross sections and illustrations demonstrate that the height difference is not significant. Rather than attempt a pastiche replication of the past, the new build uses modern materials in the form of brick and zinc. The overall massing and space between buildings is appropriate, thereby allowing successful integration. The multi gables on the cottage flats reflect the existing building and the traditional villas to the east, whilst the parallel alignment with Hyndford Road respects the rhythm and flow of the street. The buildings have been orientated to minimise overlooking albeit within existing residential areas some degree of overlooking is inevitable. A daylight analysis undertaken by the applicant shows that overshadowing of neighbouring properties is not significant or unacceptable. The proposed access arrangement off Braxfield Road has been carefully assessed and is considered acceptable by Roads and Transportation Services. Satisfactory car parking and cycle storage provision can be accommodated on site.
- 6.7 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 Policy 5 - Development Management and Place Making of the proposed Local Development Plan.
- 6.8 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 sustainably located within the settlement boundary of Lanark and is within easy walking distance of town centre shops, services, and bus and train stations. The proposal will redevelop a vacant/derelict site and find a suitable use through the sensitive conversion of the original school building. The site is not at risk of flooding and there are no infrastructure constraints. A footpath route through the site will be facilitated. Conditions have been attached requiring the submission and approval of details for low carbon technology and electrical vehicle recharging infrastructure. In consideration the proposals would not undermine the objectives of the policy.
- 6.9 Policy DM7 sets out that residential redevelopment proposals involving demolition of existing properties will require to comply with the following:-
- ◆ Demolition and redevelopment of a listed building or a building within a conservation area will be assessed against Policies NHE3 and NHE7

- ◆ The scale and design of development should be sympathetic to the scale / mass / height and materials of adjacent buildings and to development in the immediate area. It should not significantly breach any existing layout convention such as an established building line or height of adjacent buildings
- ◆ Redevelopment proposals should not be cramped or out of keeping with, or occupy a significant greater footprint than the demolished building or of those flanking the site, where this is to the detriment of the visual character of the area or results in other criteria of this policy being unable to be met
- ◆ Redevelopment shall not result in increased overlooking of adjoining property or garden ground, either through the formation of habitable windows or by the virtue of the new development extending deep into a site beyond the footprint of the demolished building
- ◆ Redevelopment shall not be detrimental to the amenity of adjacent properties or garden ground in terms of overshadowing, visual impact or noise and disturbance. Assessment of the impact of the new development shall have regard to orientation, height, proximity to boundaries and adjacent buildings
- ◆ Vehicular access and off-street parking must be satisfactorily achieved and must not present a traffic hazard or create amenity problems for neighbours. Parking provision in front or rear gardens should not adversely affect the appearance or character of the street, and the major part of the surface area of the front or rear gardens should remain in use as garden ground

6.10 The partial demolition of a B-Listed Building has been assessed under the terms of Policy NHE3 – Listed Buildings in a separate report for Listed Building Consent P/20/1752 which is also being considered by this Committee. The demolition will facilitate new build development and although the new build footprint will be greater than the demolished area, the difference is not significant nor overly noticeable when account is taken of the reasonable separation between buildings that is proposed. Being a derelict brownfield site, there are opportunities to reduce the total hard standing on site and create garden and amenity space. The mass and scale of the development is appropriate to its setting and although modern materials will be used on the new build, the contrast with the old will create interest whilst still being in keeping due to the appropriateness of the scale and massing. The building line along Braxfield Road is not infringed upon and the retention of the boundary wall and one of the outbuildings will help integrate the new development into the street scene. Along the Hyndford Road frontage the cottage flats shall sit marginally to the front of the villas to the east whilst being slightly behind the flats to the west. There will be no significant overshadowing or overlooking. Whilst the 1<sup>st</sup> floor bedrooms on the terrace housing will overlook the rear garden of the former Janitor's Lodge house, this arrangement is not considered to be unacceptable or uncommon within an urban residential area. In conclusion, the proposal is largely compliant with the objectives of this policy.

6.11 Policy DM8 - Enabling Development advises that proposals for single houses or small-scale housing shall be considered where it is required to fund works to a Listed Building or other significant historical asset. Proposals will be required to meet the following criteria:-

- ◆ It requires to be demonstrated that this is the only means to prevent the loss of the asset and secure its long-term future. Consequently, this policy shall be applicable only once in relation to that asset
- ◆ Evidence is required in all cases to demonstrate that other sources of funding have been pursued and why these are unavailable or unable to fully fund the project
- ◆ Any new development shall be the minimum necessary to bridge any gap in funding to achieve the works required

- ◆ A business plan will be required. The expected demand and sale price of the proposed dwelling(s) shall be evidenced and based on a local market assessment
- ◆ The development shall be designed and sited carefully to preserve and enhance the character and setting of the historical asset and the surrounding landscape or townscape, and must comply with the relevant historic environment policies in Chapter 7
- ◆ The location, siting and design of the new house(s) shall meet existing design policy and guidance as set out in LDP2 and supporting planning guidance

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

- 6.12 The case for justifying partial demolition to facilitate new build to cross fund the restoration and conversion of the original Lanark Grammar Building has been set out in the separate report for Listed Building Consent P/20/1752. To reiterate, the building has been marketed for over 15 years without finding a viable proposal which ensures the conservation and retention of the complete building. It has been on the Buildings at Risk Register since 2004 and in that time there has been significant physical deterioration to the structure and fabric both internally and externally. This is having a negative impact upon a heritage asset and the surrounding locality. An inspection report in 2010 estimated repair costs of £340,000 – further surveys in 2015 and, more recently, A Visual Inspection Report in December 2020 have identified continuing deterioration. Areas of concern include erosion of stonework, repointing, faulty rainwater goods, subsidence, failed ceilings, rotten trusses, asbestos, failing lintols, rotten door surrounds, flooring and joists, missing slates, roof sections, skew stones, windowpanes and flashing allowing water penetration and deterioration of stonework. Conversion of an old building is significantly more costly per square metre of liveable floorspace compared to complete demolition and new build. The developer has carried out a feasibility study to consider options A-D, 3 of which (A-C) include the retention of the original 1883 building and parts of the first and second extensions along with new build whilst option D involves the conversion of the original building and complete demolition of the first and second extensions to facilitate new build. Options A-C were unviable because development costs exceeded net profit by a significant margin – losses ranged from £866,505 to £124,844. Option D is deemed to be profitable and the only viable scheme after 15 years of marketing which offers the original school building, the most important component, from a historical and heritage perspective, a long and sustainable future. Also, it is included within the Strategic Housing Investment Programme (SHIP) for South Lanarkshire 2021-2026 and is, therefore, eligible for funding from the Scottish Government. A condition has been attached to control the Phasing of the development. In consideration the proposal complies with policy DM8.
- 6.13 The application site in this case is dominated by the category B-Listed building and it also adjoins the Lanark Conservation Area and potentially could affect the setting of the A Listed St Mary's RC Church to the north and the B-Listed numbers 3 to 5 Hyndford Road situated across the road from the site. 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 biodiversity and townscape. In category 2 areas (which includes the setting of A-Listed Buildings) development proposals will only be permitted where the objectives of the designation and overall integrity of the area can be shown not to be compromised. Further guidance is found in Policy NHE3 – Listed Buildings. Category 3 areas includes the setting of conservation areas and category B and C listed buildings within which development which would affect them will only be permitted where there is no significant adverse impact on the protected resource. Policies NHE3 – Listed Buildings

and NHE6 – Conservation Areas note the importance of the setting of listed buildings and conservation areas. In the separate report relating to planning application P/20/1752 for listed building consent, it was concluded that the setting of St Mary's and numbers 3 to 5 Hyndford Road would not be affected unacceptably. That report also considered the partial demolition of the existing B-Listed building on site to be justified, therefore, the objectives of Policy NHE3 have not in this instance been compromised. Assessment of Policy NHE6 – Conservation Areas in respect of the impact upon the setting of the Conservation Area will be outlined below. Development affecting protected species will not be permitted unless it can be justified in accordance with the relevant protected species legislation. Since bat roosts were identified in the roof area this matter will be considered further under the terms of Policy NHE9 – Protected Species.

- 6.14 Policy NHE7 – Conservation Areas states that development within a Conservation Area or affecting its setting, shall preserve or enhance its character. The design, materials, scale and siting of any development shall be appropriate to the character of the conservation area and its setting. The site is currently derelict, the annexe building is dilapidated and generally it has an untidy, neglected appearance which detracts from its surroundings and the setting of the Conservation Area. Although the designs of the new buildings are modern in appearance and do not reflect historic local architecture, the size, mass and scale of the development is proportionate to the allocated curtilage and its setting alongside the most important part of the B-Listed building which will be subject to a high quality restoration. Overall, in the context of its setting, the development will be visually contained by neighbouring buildings ensuring impacts beyond the site boundary are minimised. Removing a sense of dereliction, redeveloping the site and retaining part of the annexe building will have a positive impact upon the townscape character benefitting the setting of the Conservation Area. In consideration the proposal complies with policies 15 and NHE6.
- 6.15 Policy NHE9 – Protected Species states all development that would impact on a European Protected Species will not be permitted unless it can be shown that:-
- ◆ The development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment
  - ◆ There is no satisfactory alternative
  - ◆ The development would not be detrimental to the maintenance of the population of the species at a favourable conservation status in its natural range
- 6.16 The site is currently derelict and the B-Listed Building is in a dilapidated condition and continues to deteriorate. The proposal affords an opportunity to retain and conserve the most important part of the building. The redeveloped site will result in environmental improvements, of benefit to the historic and townscape character of the area. The proposed housing will also help meet demand for affordable housing within a sustainable location. The Government will provide grant funding for affordable housing on this specific site, however, to be eligible, Planning Permission must be granted before the end of March 2021. The economic viability of this development is dependent upon Government funding. There are no suitable, alternative sites. This proposal is considered of importance for economic, social and heritage reasons. A bat survey was carried out in October 2020 which identified 4 bat roosts within the roof area of the Annexe building used by solitary Soprano Pipistrelle bats as transient, non-breeding roosts. The Ecologist who carried out the survey is of the view that the loss of non-breeding roosts used by a small number of Soprano Pipistrelles will not have a significant impact upon the national, regional or local conservation status of the

species. A Bat Protection Plan will be implemented to ensure these roosts are removed in accordance with current standards. Also, further surveys will be carried out in May/June 2021 to establish whether other roosts are present. The applicant will be required to apply for a Licence to Nature Scotland to remove these roosts should Planning Permission be granted. It is considered that the proposal will not adversely affect bats and complies with the requirements of Policy NHE9.

- 6.17 The Policies of SLLDP2, as outlined above, now take precedence over policies contained in the adopted SLLDP and once formally adopted in the near future will supersede the current Local Plan. Notwithstanding, until that time the adopted Local Plan policies are still materially relevant. The wording and criteria of the adopted Local Plan policies are similar to their equivalent in the proposed Local Plan other than there now being more emphasis on climate change and sustainability. Therefore, there is little merit in repeating an assessment for each individual adopted Local Plan policy as that effectively duplicates the above assessment. However, in summary, it is considered that the proposal complies with Policies 2 – Climate Change, 4 – Development Management and Place Making, 6 – General Urban Area/Settlements, 12 Housing land, 13 Affordable housing and housing choice, 15 – Natural and Historic Environment, DM7 Demolition and redevelopment for residential use, NHE7 Conservation areas and NHE19 – Protected Species of the adopted Local Plan and associated guidance.
- 6.18 The proposal will result in the redevelopment of a derelict site with the purpose of providing and meeting demand for affordable rented housing in Lanark. Although partial demolition of the B- Listed Annexe is regrettable, the retention of the building in its entirety is not economically viable and the option under consideration would allow the preservation of the historically and architectural impressive original Lanark Grammar School which will be converted into flats. In view of all of the above and taking into account the current and proposed local development plan context, the proposal represents an appropriate form of residential development for the application site, and it is, therefore, recommended that detailed planning consent be granted subject to the conditions listed.

## **7. Reasons for Decision**

- 7.1 The proposal will not adversely impact on residential or visual amenity, raises no road safety concerns, conserves the most important part of a B-Listed Building and reuses a brownfield site to meet demand for affordable housing. The proposal accords with the requirements of the policies and guidance within the proposed South Lanarkshire Local Development Plan 2 (namely Policies 2 - Climate Change, 3 - General Urban Areas, 5 - Development Management and Place Making, 11- Housing, 12 - Affordable Housing, 14 - Natural and Historic Environment, DM7 -Demolition and Redevelopment for Residential Use, DM8 - Enabling Development, NHE6 - Conservation Areas and NHE9 - Protected Species). The development also complies with Policies 2 - Climate Change, 4 - Development Management and Placemaking, 6 - General Urban Area/settlements, 12 - Housing - Housing Land, 13 - Affordable housing and housing choice, 15 Natural and historic environment, DM7 - Demolition and redevelopment for residential use, NHE7 - Conservation Areas and NHE19 - Protected species of the adopted South Lanarkshire Local Development Plan and relevant Supplementary Guidance.

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

12 March 2021



## Previous References

- ◆ CL/04/0485
- ◆ CL/04/0506
- ◆ Planning Committee – 20 March 2007 - CL/07/0106

## 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 23 December 2020
  
- ▶ Consultations
  - Housing Planning Consultations 19.02.2021
  - Housing and Technical Resources
  - Community and Enterprise Resources Biodiversity Officer
  - Nature.Scot 08/02/2021
  - Scottish Water 29.12.2020
  - Roads Flood Risk Management 12.02.2021
  - Environmental Services 08.02.2021
  - Historic Environment Scotland 14.01.2021
  - Roads Development Management Team 23.02.2021
  - The Royal Burgh of Lanark Community Council 06.01.2021
  - New Lanark Conservation Trust
  - West of Scotland Archaeology Service 06.01.2021
  - Environmental Services 04/02/2021
  
- ▶ Representations Dated:
  - Mr John Patrick, 8 Braxfield Road, Lanark, South Lanarkshire, ML11 9AB 12.01.2021
  - Ann Doherty, 1A Hyndford Road, Lanark, South Lanarkshire, ML11 9AE 21.01.2021
  - Ann Doherty, 1 Albany Drive, Lanark, ML11 9AG
  - Ms Jean Clayton, 3 Albany Drive, Lanark, South Lanarkshire, ML11 9AG 12.01.2021  
12.01.2021
  - Margaret Steele, 9 Guschet Place, Lanark, South Lanarkshire, ML11 9DN 07.01.2021
  - Mrs Maureen Craig, 45 Albany Drive, LANARK, ML11 9AF 04.02.2021  
04.02.2021

Mr Martin Travers, 26 Braxfield Road, Lanark, ML11 9AH	15.01.2021
Mr Andrew Smith, 13 Braxfield Road, Lanark, ML11 9AH	12.01.2021
Miss Linda Nisbet, 31 Albany Drive, Lanark, ML11 9AG	01.02.2021
Mr William Findlater, 5 and 7 Hyndford Road, Lanark, ML11 9AE	01.02.2021
Mrs Nicola Odonnell, 21 Albany Drive, Lanark, ML11 9AG	01.02.2021
Miss Kim Green, 25 Albany Drive, Lanark, ML11 9AG	09.02.2021
Miss Susan Tait, 12 Braxfield Road, Lanark, ML11 9AB	12.01.2021
Mrs Anne Smith, 13 Braxfield Road, Lanark, ML11 9AH	12.01.2021
Dr John Copland, 41 Albany Drive, Lanark, ML11 9AF	28.01.2021
Ms Linda Nisbet, 31 Albany Drive, Lanark, ML11 9AG	01.02.2021
Mr Crawford Fulton, 10 Braxfield Road, Lanark, ML11 9AB	12.01.2021
Mr Andrew Robertson, 42 Albany Drive, Lanark, ML11 9AF	01.02.2021
N/A Royal Burgh of Lanark Community Council, 34 Albany Drive, Lanark, ML11 9AG	01.02.2021 05.01.2021
Mrs Jane Nicholson, 8, Alder Tree Road, Banchory, AB31 4FW	07.01.2021

### **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 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.

03. 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 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 the open space relating to the development shall be laid out simultaneously with the development or each phase thereof, and shall be completed to the satisfaction of the Council as Planning Authority.

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

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

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

06. 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.

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

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

08. 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.

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

Reason: In order to ensure a properly programmed development.

10. That none of the new build dwellings shall be occupied until the retained part of the B-Listed Lanark Grammar annexe has been fully restored and converted for residential use to the satisfaction of the Council as Planning Authority.

Reason: In the interests of the heritage and townscape character of Lanark.

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

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

Reason: To secure a reduction in carbon dioxide emissions.

12. 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.

13. That prior to the commencement of works, details and locations of charging point(s) for electrical cars shall be submitted for the written approval of the Council as Planning Authority. Prior to the completion of the development the approved charging points shall be installed, available for use and thereafter maintained and replaced where necessary to the satisfaction of the Council.

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

14. That prior to commencement on site, the roads, footpaths/footways, and parking areas, shall be designed taking account of the requirements of Inclusive Mobility.

Reason: In the interests of mobility.

15. That before the development hereby approved is completed or brought into use, a visibility splay of 2.5m by 43m measured from the road channel shall be provided on both sides of the vehicular access onto Braxfield Road and everything exceeding 0.9 metres in height above the road channel level shall be removed from the visibility splay area and thereafter nothing exceeding 0.9 metres in height shall be planted, allowed to grow, be placed, or erected within these sight lines.

Reason: In the interests of traffic and public safety.

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

Reason: In the interests of traffic and public safety.

17. That prior to commencing works on site the applicant shall submit details of the proposed footway infill works on Braxfield Road adjacent to the western boundary as indicated on the site layout for the written approval of the Council as Planning Authority and thereafter implement the works to the agreed specification and to the satisfaction of the Council as Planning and Roads Authority prior to occupation of the first property.

Reason: To retain effective planning control and safeguard the adjacent footway.

18. That prior to works commencing on site the applicant shall submit a structural survey and condition report of the existing retaining wall on Hyndford Road to the sites northern site boundary to include proposals to address any defects, all for the written approval of the Council as Planning Authority.

Reason: To ensure the structural stability of the existing retaining wall.

19. That any works to the retaining wall identified through the structural and condition survey and agreed with the Council as Roads Authority shall be implemented on site to the satisfaction of the Council as Planning and Roads Authority prior to the formation of the adjacent parking bays unless otherwise agreed in writing.

Reason: To ensure the stability of the existing retaining wall.

20. That prior to works commencing on site the applicant shall demonstrate that the proposed works adjacent to the existing retaining wall, including the introduction of car parking spaces will not impact upon its structural stability or result in any increased loading to the retaining wall, all for the written approval of the Council as Planning and Roads Authority.

Reason: To ensure the structural stability of the existing retaining wall.

21. That prior to commencing on site the applicant shall submit a Traffic Management Plan (TMP), to include proposals for a dedicated delivery route and delivery times to avoid school 'am' and 'pm' peak periods all for the written approval of the Council as Planning and Roads Authority. Once approved the development shall proceed in accordance with the approved TMP.

Reason: Reasons: In the interests of public and road safety.

22. During the construction phase the applicant shall ensure they have arrangements in place for appropriate cleaning systems within the site to ensure mud and debris are not deposited on the public road, to the satisfaction of the Council as Planning and Roads Authority.

Reason: In the interests of road safety.

23. That prior to commencing on site the applicant shall undertake a joint dilapidation survey of the construction traffic route identified and agreed through the Traffic Management Plan and submit to the Council a record of the survey, together with arrangements for subsequent inspection and repair during the construction phase; for the written approval of the Council as Planning and Roads Authority.

Reason: In the interests of road safety.

24. That a Residential Travel Plan for the development be prepared and thereafter maintained by Clyde Valley Housing Association as part of their ongoing management arrangements and that a copy of Residential Travel Plan shall be made available to all residents.

Reason: In the interests of sustainable travel.

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

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

26. Prior to the commencement of works on site, the applicant shall provide a sustainable drainage strategy for the approval of the Council. Copies of the self-certification and independent checks contained within Appendices C and D (refer to the Council's developer design guidance May 2020) duly signed by the relevant parties are to be submitted.

Reason: To ensure the drainage designs are acceptable to the Council.

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

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

28. 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.

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

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

30. Prior to development the applicant shall submit a construction noise assessment demonstrating that all works will be carried out in accordance with the current BS5228:2009, 'Noise control on construction and open sites'. The detailed report identifying the projected noise impact at the nearest noise sensitive receptors shall be provided in accordance with the standard. The emissions at the Noise Sensitive Receptor adjacent to the site shall be cumulative and shall include mobile and stationary plant and equipment. The noise from any haul roads on site shall also be included. Corrections shall be made for variables such as the operating time and the relative cumulative impact value. This shall be corrected for attenuation and shall be provided as an LAeq,1hr to be compared with either the pre-existing background level or using the ABC table within the British Standard.

Reason: To minimise noise disturbance to adjacent occupants.

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

- a) The internal levels with windows open shall not exceed an LAeq,16hr of 40dB daytime (07:00 - 23:00)
- b) The internal levels with windows shall not exceed an LAeq,8hr of 35dB night-time (23:00 - 07:00).

- c) The internal levels with windows open shall not exceed an LA<sub>max</sub> of 45dB night-time (23:00 - 07:00).

The external noise levels, within any amenity space, shall not exceed an LA<sub>eq</sub>,16hr of 55dB daytime in any garden amenity areas, when measured free-field.

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

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

Reason: To minimise noise disturbance to residents.

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

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

33. On completion dwellings shall be tested based on the recommended ratios for sampling given in the Building (Scotland) Regulations 2004 Technical handbook. This shall ensure the following:-

The Airborne Minimum Values of Weighted Standardised Level Difference D<sub>nT,w</sub>

- For new build and conversions not including traditional buildings (Walls and Floors): The minimum attenuation shall be 56dB
- For conversion of traditional buildings (Walls and Floors): The minimum attenuation shall be 53dB

This shall use a method as described within BS EN ISO 16283-1:2014+A1:2017

The Impact Maximum Values of Weighted Standardised Impact Sound Pressure Level L'<sub>nT,w</sub>

- For new build and conversions not including traditional buildings (Floors). The maximum transmission shall not exceed 56dB
- For conversion of traditional buildings (Floors). The maximum transmission shall not exceed 58dB

This shall use a method as described within BS EN ISO 16283-2:2020

Reason: To minimise noise disturbance to adjacent occupants.



34. 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.

35. That the development shall be carried out in accordance with the measures and method statement set down in the Appendix 1 'Bat Protection Plan' of the Bat Roost Potential Survey & Subsequent Bat Presence/Absence Survey (Acorna Ecology Ltd, October 2020) including further bat surveys in May and June and the installation of bat boxes prior to the completion of the development.

Reason: In the interests of wildlife.

36. 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.

37. That before any of the dwellings are occupied, all of the parking spaces shown on the approved plans shall be laid out, constructed and available for use. Thereafter they shall be maintained to the specification of the Council as Roads and Planning Authority at all times.

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

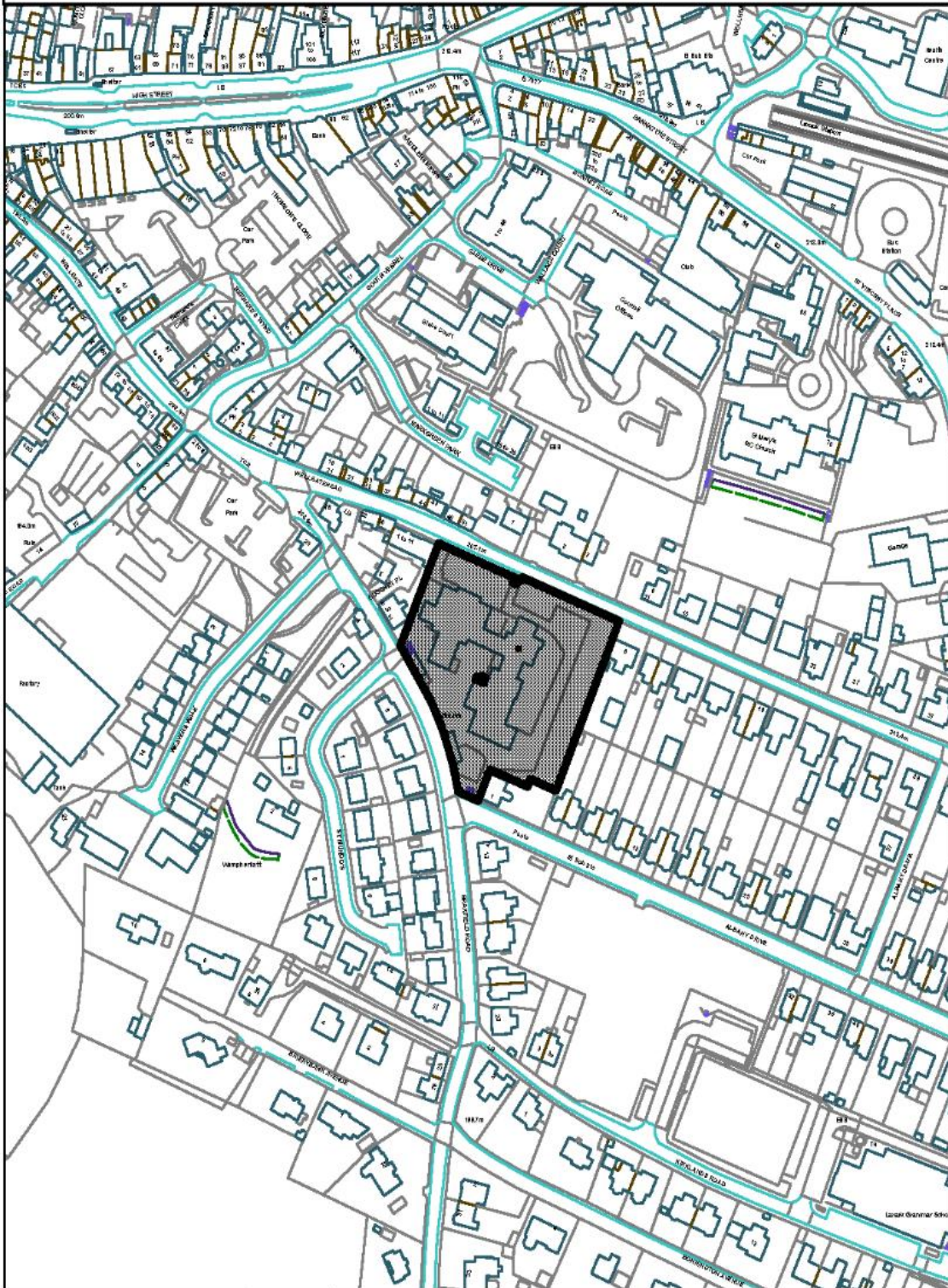
38. Prior to development commencing on site, details of external lighting together with a lighting assessment shall be submitted. The scheme shall include, where appropriate, details of all aspects of the installation including specific luminaire and lamp type; beam control; wattage; use of reflectors; baffles; louvres; cowling; lux contours/distribution diagrams and column type.

The approved scheme shall be implemented prior to the completion of the development and shall thereafter be operated in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.

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

P/20/1751

Lanark Grammar Annex, Hyndford Road, Lanark



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Scale:  
1:2,500  
Date:  
25/02/2021



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

# Report

6

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>23 March 2021</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/1752
Planning proposal:	Partial demolition of annex building and conversion of retained element to form 8 flats (Listed Building Consent)

## 1 Summary application information

Application type:	Listed building application
Applicant:	Wilson Developments and Clyde Valley Housing Association
Location:	Lanark Grammar Annex Hyndford Road Lanark ML11 9AQ

## 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: Teri Porter
- ◆ Council Area/Ward: 02 Clydesdale North
- ◆ Policy Reference(s): South Lanarkshire Local Development Plan: Policy 15 Natural and historic environment  
Supplementary Guidance 9: Natural and historic environment Policy NHE3 Listed buildings  
Proposed SLDP2: Policy 14 Natural and Historic Environment  
Proposed South Lanarkshire Local Development Plan 2: Policy NHE3 Listed Buildings

◆ **Representation(s):**

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

◆ **Consultation(s):**

Historic Environment Scotland

West of Scotland Archaeology Service

## Planning Application Report

### 1 Application Site

- 1.1 The application site (0.75ha) is situated within a predominantly residential area, close to Lanark town centre and relates to the vacant B-Listed Lanark Grammar Annexe. It is a single-story building, in neo gothic style with slate roof, ancillary hardstanding playground, boundary walls and railings and two outbuildings. The building has been vacant since 2003 and is in a dilapidated condition.
- 1.2 To the north the site is bounded by Hyndford Road and beyond by a mixture of terraced, semi-detached and detached residential properties; to the south is the former janitor's lodge house, Albany Drive and Braxfield Road with detached dwellings beyond; to the west are two storey residential flats and to the east one and a half storey detached and semi-detached dwellings of the Victorian/Edwardian era which front Hyndford Road and Albany Drive respectively. Vehicular access is taken from Braxfield Road and there is a pedestrian gated access taken from Hyndford Road via steps because of level differences between the street and the playground, which sits at a higher level and is fronted by a natural stone retaining wall.
- 1.3 The category B-Listed building is single storey with raised basement to the rear and is laid out on an H plan featuring 3 and 5 gabled ends with 'Neo Gothic' fenestration and light lancets. Other features include ashlar quoins, decorative drip moulds, iron finials, straight skews and a prominent octagonal lead bellcote topped by a weathervane. This is an early school board building with the original section including bellcote being built in 1883. After fire damage, a first extension was built in 1888 and a second prior to 1911; there are minor late 20<sup>th</sup> century additions to the rear. The first and second extensions reflect the gothic styling of the original buildings. The building has been listed as an example of an early school board building with distinguishing architectural detailing in contrast to the simpler, plainer school board buildings found in most Scottish towns outwith the larger cities.

### 2 Proposal(s)

- 2.1 After extensive marketing it has been proven that retention of the entire building is unviable. The current proposal involves the selective demolition of the first and second extensions and later additions to facilitate a new housing development in the cleared area and remaining playground. The new element will cross fund the restoration and conversion of the original 1883 building to form 8 two and three, bedrooms flats. The interior will be reconfigured to create new apartments over two floors retaining original subdividing walls where practical – 1<sup>st</sup> floor rooms will be accommodated within the existing roofspace. Heritage rooflights will be introduced to provide daylight to the upper floors. Internally, due to water penetration damage and other factors, ceilings and floors will have to be removed allowing the development of sustainable and insulated residential units. The majority of the flats will be entered from a central atrium that will allow natural light from roof glazing. Where possible the creation of the 1<sup>st</sup> floor will be undertaken sensitively to minimise intrusion on the existing windows. The semi derelict condition of the structure shall necessitate extensive restoration, repairs and reinstatement of the original exterior fabric, detailing and features including stonework, roof, guttering, downpipes and flashings. Following demolition, a new eastern gable on the retained building will have to be constructed using salvaged stones and window dressings from the demolished sections, with care taken to ensure that the new gable matches the existing stonework and detailing. To enable a wider vehicle access with appropriate visibility, part of the boundary wall and the easternmost outbuilding will be removed whilst the western outbuilding will be adapted for cycle storage and the remaining boundary walls and railings maintained.



- 2.2 The new build element in the eastern section shall comprise 16 flats and 3 terraced dwellings contained in three two storey blocks situated in tandem alignment between the Hyndford Road and Albany Drive frontages. Also, a three storey building containing 12 flats between the rear of the retained annexe and the Braxfield Drive frontage will be developed. The conversion of the retained building along with the new build element will allow the formation of 39 residential units for affordable tenancies managed by the Clyde Valley Housing Association.
- 2.3 Planning Application P/20/1751 covering the conversion and new build element is subject of a separate report which will also be determined by the Planning Committee at its meeting on 23 March 2021.
- 2.4 The submission includes a Heritage Statement and a Visual Inspection Report.

### **3 Background**

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

- 3.1.1 The adopted South Lanarkshire Local Development Plan identifies the site as being located within the settlement boundary of Lanark. Policy 15: Natural and Historic Environment of the adopted Plan and Policy NHE3: Listed Buildings of the associated Supplementary Guidance 9: Natural and Historic Environment apply.

- 3.1.2 On 17 August 2020 the Directorate for Planning and Environmental Appeals issued its report of the Examination of SLLDP2 and a number of modifications to the Plan were recommended. At the Planning Committee on 1 December 2020 members agreed to the approval of all of the modifications; the publication and public deposit of the Plan, as modified; and the submission of the Plan to Scottish Ministers. For the purposes of determining planning applications the Council will, therefore, assess proposals against the policies contained within the adopted South Lanarkshire Local Plan and those within the proposed LDP2. In this regard the application site and associated proposal is affected by Policies 14 Natural and Historic Environment and NHE3 Listed Buildings of LDP2.

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

- 3.2.1 Scottish Planning Policy advises that changes to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future.
- 3.2.2 Demolition of Listed Buildings also requires to be assessed against national policy set out in the Historic Environment Policy for Scotland (HEPS), and the Managing Change guidance on the demolition of listed buildings. This policy and guidance states that every effort should be made to retain a listed building and it is expected that an application for demolition demonstrates that one of the following 4 tests can be satisfied:-
- a. The building is not of special interest; or
  - b. The building is incapable of repair; or
  - c. The demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
  - d. The repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

### **3.3 Planning Background**

- 3.3.1 After being declared surplus to educational requirement in 2003, Listed Building Consent CL/04/0485 and Planning Permission CL/04/0506 to convert the Lanark Grammar Annexe into 14 residential flats was granted in November 2004. The approvals were not implemented and expired in 2009 and the site was sold on to Muse development. In 2015, Muse entered into negotiations with a national food retailer seeking to relocate their local outlet to the site, however, after feasibility studies indicated that the Listed Building would have to be removed, interest was withdrawn.
- 3.3.2 A Listed Building Consent application P/20/0365 to demolish the building to enable the development of a 70 bedroom nursing home was submitted in March 2020 and subsequently withdrawn in June 2020 because of a failure to provide supporting information justifying demolition.
- 3.3.3 Lanark Grammar Annexe has been on the Buildings at Risk Register since 2004.
- 3.3.4 An unsuccessful application was made to Historic Environment Scotland to remove the building from the statutory list in February 2020.

## **4 Consultation(s)**

- 4.1 **Historic Environment Scotland (HES)** – It is proposed to convert the original 1883 building to 8 flatted dwellings, the later extensions would be removed to enable a further 31 dwellings on the site at large. To support the removal of the later extensions the applicant has submitted a detailed Heritage Statement prepared by Hurd and Rolland. It notes that against the backdrop of the perceivable inherent lack of economic viability of bringing all of the component elements of the former Lanark Grammar School into sustainable alternative use, the proposal has been developed on the basis that the restoration and adaptation of the most important element(s) of the former school might reasonably be cross funded by new development on the wider site, enabled in part by the selective demolition of less important elements.

The Historic Environment Policy for Scotland (HEPS) sets out a series of principles and policies for the recognition, care and sustainable management of the historic environment. HEP4 is most relevant in this context and sets out that changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate. If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.

Managing Change in the Historic Environment; Use and Adaption of Listed Buildings notes that for a building to stay in use over the long-term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect of them. This should always be considered carefully and avoid harming the building's special interest. A building's long-term future is at risk when it becomes hard to alter and adapt it when needed. Proposals that keep buildings in use, or bring them back into use, should be supported as long as they do the least possible harm. Alterations to a building, even if they are extensive, will be better than losing the building entirely. If the only way to save a building is a radical intervention, we have to avoid being too cautious when we look at the options. If a building might be totally lost, we should be open to all the options to save it.

Whilst it is regrettable to consider the loss of the later parts of the school, they are mindful of the continued worsening condition of the site. Alterations to a building, even if they are extensive, will be better than losing the building entirely. They believe this

proposal would offer the original 1883 a sustainable new use, retaining its strong townscape/landmark value to Hyndford Road.

In principle they welcome the reuse of this site and accept that it may be necessary to remove less significant parts of the building to allow this. The application doesn't provide detailed information regarding conservation repairs to the 1883 block, any works should safeguard the historic interest and special character of the building. They would be happy to comment on any forthcoming new information. In summary, their view is that the proposals do not raise historic environment issues of national significance and, therefore, they do not object.

**Response:** Noted. Conditions have been attached requiring the approval of details and repairs to the building fabric prior to the commencement of work. The views of HES will be sought again once this information has been submitted.

- 4.2 **WOSAS** – Due to the historic nature of the locality and the potential for archaeological finds it is recommended that a condition be attached covering the requirement for a programme of archaeological investigation.

**Response:** Noted. An appropriate condition has been attached.

## **5 Representation(s)**

- 5.1 Following advertisements of the proposal in the Lanark and Edinburgh Gazette and attachment of a site notice to the front railings of the annexe no letters of representation have been received.

## **6 Assessment and Conclusions**

- 6.1 The applicant seeks listed building consent to convert the original 1883 annexe building into 8 flats and demolish the first and second extensions to enable a new build residential development comprising 31 dwellings (16 flats contained in two 2 storey blocks, 3 two storey terraced dwellings and 12 flats contained in a 3 storey building). The application requires to be assessed against the policies of the adopted South Lanarkshire Local Development Plan, Policy 15: Natural and Historic Environment, the associated supplementary guidance 9: Natural and Historic Environment, and the policies of the South Lanarkshire Local Development Plan 2, policies 14 and NHE3.
- 6.2 Policy 15 of SLLDP states that the Council will assess all development proposals in terms of their effect on the character and amenity of the natural and built environment. Further development which would affect listed buildings and their setting, following the implementation of any mitigation measures, will only be permitted where there is no significant adverse impact on the protected resource. Policy NHE3: Listed Buildings of the associated Natural and Historic Environment supplementary guidance states that development affecting a listed building or its setting shall, as a first principle, seek to preserve the building and its setting, and any features of special architectural interest which it has. Proposals for the total or substantial demolition of a listed building will only be supported, where it is demonstrated to the satisfaction of the Council, that every effort has been exerted by all concerned to find practical ways of keeping it. This will include the provision of evidence to the Council that the building is incapable of physical repair and re-use, through the submission and verification of a thorough structural report.
- 6.3 The proposed demolition also requires to be assessed against national policy set out in the Historic Environment Policy for Scotland (HEPS), and the Managing Change guidance on the demolition of listed buildings. This policy and guidance states that every effort should be made to retain a listed building and it is expected that an application for demolition demonstrates that one of the following 4 tests can be satisfied:-



- a. The building is not of special interest; or
- b. The building is incapable of repair; or
- c. The demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
- d. The repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

6.4 Due to the continuing deterioration of the building, HES accept that significant alterations and partial demolition is preferable to losing the Lanark Grammar Annexe in its entirety especially as the proposal involves the retention of historically the most important element, the original 1883 building, thereby still retaining a strong townscape presence and landmark along Hyndford Road.

6.5 The building has been marketed for over 15 years without finding a viable proposal which ensures the conservation and retention of the complete building. It has been on the Buildings at Risk Register since 2004 and in that time there has been significant physical deterioration to the structure and fabric both internally and externally. This is having a negative impact upon a heritage asset and the surrounding locality. An inspection report in 2010 estimated repair costs of £340,000 – further surveys in 2015 and, more recently, A Visual Inspection Report in December 2020 have identified continuing deterioration. Areas of concern include erosion of stonework, repointing, faulty rainwater goods, subsidence, failed ceilings, rotten trusses, asbestos, failing lintols, rotten door surrounds, flooring and joists, missing slates, roof sections, skew stones, windowpanes and flashing allowing water penetration and deterioration of stonework. Conversion of an old building is significantly more costly per square metre of liveable floorspace compared to complete demolition and new build. The developer has carried out a feasibility study to consider options A-D, 3 of which (A-C) include the retention of the original 1883 building and parts of the first and second extensions along with new build whilst option D involves the conversion of the original building and complete demolition of the first and second extensions to facilitate new build. Options A-C were unviable because development costs exceeded net profit by a significant margin – losses ranged from £866,505 to £124,844. Option D is deemed to be profitable and the only viable scheme after 15 years of marketing which offers the original school building, the most important component, from a historical and heritage perspective, a long and sustainable future. The site is identified in the Local Plan proposals map and the housing supply audit as a suitable housing site. Also, it is included within the Strategic Housing Investment Programme (SHIP) for South Lanarkshire 2021-2026 and is, therefore, eligible for funding from the Scottish Government. A quality restoration of the retained building along with a well designed new build housing development will remove the sense of dereliction which is currently having a negative impact upon the townscape character.

6.6 The proposal could be construed as affecting the setting of the A-Listed St Mary's RC Church to the north, however, as there are intervening dwellings and mature trees which provide a degree of screening, such impacts are considered insignificant. Across the road the setting of 5 and 7 Hyndford Road, a B-Listed residential property is more directly affected. The semi derelict nature of the application site is already having an adverse impact upon its setting. The proposed redevelopment will preserve the most important part of the school building and the new build alongside has been designed in a sensitive and complementary manner, also boundary walls and set back distances between building frontages on both sides of Hyndford Road will be maintained; together these factors will result in significant visual and townscape improvements benefitting the setting of the neighbouring B-Listed Building.

- 6.7 In summary, and in view of all of the above, the Council is satisfied that all reasonable efforts have been made to find an acceptable redevelopment proposal for the site and that the repair and reuse of the complete building is not economically viable. As outlined above, the most important part of the Lanark Grammar Annexe, the original 1883 building will, in terms of its exterior, be restored to a high quality and converted into 8 residential flats for affordable rent. The new build element, facilitated by the selective demolition of the 1st and 2nd extensions, is required to cross fund the restoration which is an expensive undertaking. Although any demolition is regrettable, this is the only viable option for securing the future of the original school building which will continue, in a better condition, to be an impressive landmark contributing to the historic character of Lanark. It is, therefore, considered that given the poor condition of the existing structure, the proposal would maintain the character and setting of the listed building as much as possible and is, therefore, considered to comply with Policy 15: Natural and Historic Environment of the adopted South Lanarkshire Local Development Plan, Policy NHE3: Listed Buildings of the associated supplementary guidance: Natural and Historic Environment, and with Policies 14: Natural and Historic Environment and Policy NHE3: Listed Buildings of the proposed South Lanarkshire Local Development Plan 2. The proposals are also considered to comply with national policy on the demolition of listed buildings, contained in the Historic Environment Policy for Scotland (HEPS) and the Managing Change guidance on the demolition of listed buildings.
- 6.8 In view of all of the above it is, therefore, recommended that Listed Building Consent be granted for partial demolition and the conversion of the retained building to form 8 residential flats.

## **7 Reasons for Decision**

- 7.1 The proposals are considered to comply with Policy 15 of the adopted South Lanarkshire Local Development Plan and with Policy NHE 3 of the Natural and Historic Environment supplementary guidance as the Council is satisfied that it has been adequately demonstrated that the majority of the building is incapable of physical repair and re-use. The proposals are also consistent with the relevant policies of the Proposed South Lanarkshire Local Development Plan 2, namely Policies 14 and NHE 3. Further, there are no additional material considerations which would justify refusing Listed Building Consent.

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

12 March 2021

### **Previous References**

- ◆ CL/04/0485
- ◆ CL/04/0506
- ◆ Planning Committee – 20 March 2007 - CL/07/0106
- ◆ P/20/0365

### **List of Background Papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated

- |   |                                      |            |
|---|--------------------------------------|------------|
| ▶ | Consultations                        |            |
|   | Historic Environment Scotland        | 23.12.2020 |
|   | West of Scotland Archaeology Service | 17.12.2020 |
| ▶ | Representations                      |            |
|   | None                                 |            |

**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 commencement of the demolition works, further details/plans shall be submitted which illustrate measures to protect the areas of the building it is proposed to retain. These measures shall include details of any infill and repair works required to the remaining structure, together with details of an appropriate secure boundary fence to prevent unauthorised access to the premises. No work shall commence on this part of the demolition until these details have been agreed in writing with the Council as Planning Authority, and the works shall thereafter be implemented in accordance with the approved further details/plans, under the supervision of a suitably qualified structural engineer.

Reason: In order to retain effective planning control

02. That prior to the commencement of any demolition works, a method statement detailing the process of the demolition and dismantling of the areas of the building it is proposed to remove (including phasing) shall be submitted to and approved in writing by the Council as Planning Authority. The approved method statement shall thereafter be implemented and overseen by a suitably qualified structural engineer, all to the satisfaction of the Council as Planning Authority.

Reason: In order to retain effective planning control.

03. On completion of the works referred to under the terms of condition 1 above, further details of measures to secure the long term retention and ongoing maintenance of the remaining parts of the original listed building shall be submitted for the written approval of the Council as Planning Authority, in consultation with Historic Environment Scotland.

Reason: To ensure the remaining parts of the building are adequately retained and protected.

04. Details of the extent of stonework repairs and details of the treatment required shall be agreed in writing with the Council as Planning Authority once the condition of stone is known and prior to the commencement of works on this aspect.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the retained building and surrounding area.

05. 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 on all 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 Listed Building and Conservation Area.

06. That prior to the construction phase of the development starting on site further details of the construction methods and finishes proposed on the exterior of the building shall be submitted to the Planning Authority for written approval; this shall include 1 to 20 construction detail drawings showing but not limited to cill details, window and door construction and fixing details, roof trim, all material transition trim details, water goods design/materials & fixings, dormer roof construction, skew details, curtain wall glazing details & fixing details, lead standing seam roof details, entrance door canopy details etc.

Reason: These details have not been submitted or approved.

07. 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.

08. Repairs to the slated roof areas shall be undertaken in natural slate to match existing.

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

09. That after the partial demolition, the roof and walls of the remaining building shall be satisfactorily reinstated to match the existing exterior.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the retained building and surrounding area.

10. That any external alterations required for a building warrant not already shown on the approved plans shall be subject of a further application to amend the Listed Building Consent.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the retained building and surrounding area.

11. That before any works hereby approved are started, Historic Environment Scotland shall be notified of the proposed works and thereafter allowed a period of up to 3 months to record the buildings during which time no demolition shall be undertaken.

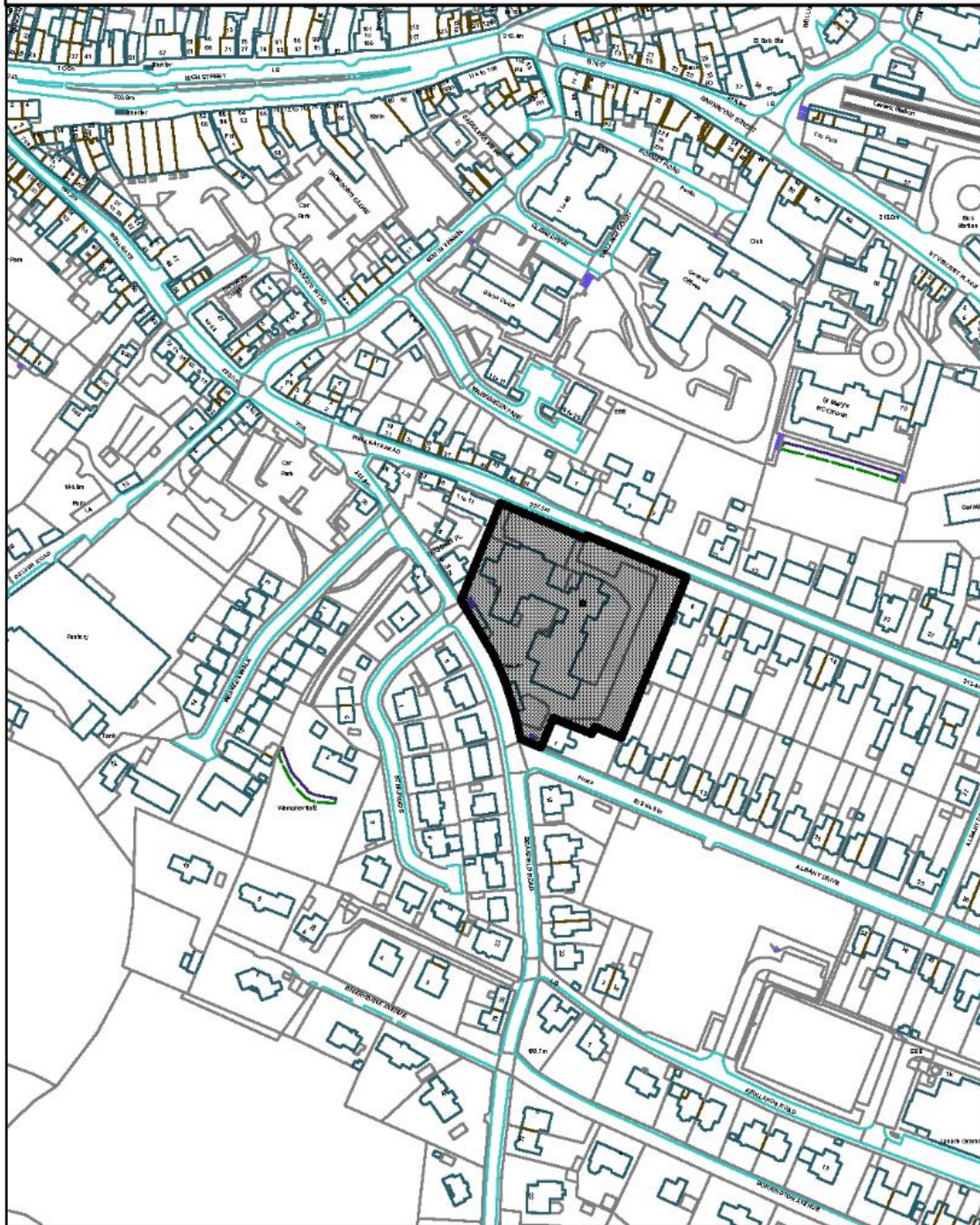
Reason: To comply with the provisions of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

12. That no development shall take place within the development site as outline in red on the approved plans until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation, this scheme shall be submitted for written approval by the Council as Planning Authority following consultation and agreement with West of Scotland Archaeology Service. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

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

P/20/1752

Lanark Grammar Annex, Hyndford Road, Lanark



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Scale:  
1:2,500  
Date:  
25/02/2021



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



# Report

7

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>23 March 2021</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/1661
Planning proposal:	Change of use of agricultural land to form additional garden ground, erection of rear extension and side extension to form garage

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr Alan Bulloch
Location:	16 Southend Court Strathaven ML10 6QU

## 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: Stuart Sandilands
- ◆ Council Area/Ward: 05 Avondale And Stonehouse
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**  
Policy 2 – Climate Change  
Policy 3 - Green belt and rural area  
Policy 4 - Development management and placemaking  
Policy 6 - General urban area/settlements  
DM2 - House extensions and alterations

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

Policy 2 – Climate Change

Policy 3 - General Urban Areas

Policy 4 - Green Belt and Rural Area

Policy 5 - Development Management and  
Placemaking

Policy DM2 - House Extensions and Alterations

♦ **Representation(s):**

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

♦ **Consultation(s):**

None required



## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site relates to the existing property at 16 Southend Court, Strathaven and a strip of agricultural land adjacent to the property extending to approximately 85 square metres. The existing dwelling and garden are located within the settlement boundary and, therefore, have a residential zoning, however, the adjacent land, which is the subject of the proposed change of use, is within the Green belt as designated in the Adopted South Lanarkshire Local Development Plan (2015).

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

- 2.1 The proposal is a detailed planning application for the change of use of agricultural land to form additional garden ground and the erection of a rear extension and side extension to form garage. As noted above, the proposed change of use would provide approximately 85 square metres of additional garden ground and would result in the land being redesignated as residential from its current agricultural land use. The change of use would also provide the additional land required for the proposed garage.
- 2.2 The proposed rear extension would create 30 square metres of additional floor space providing a new family room and the internal reconfiguration of the ground floor. This extension would be of a contemporary design with a mono-pitch roof with a facing brick and render finish. The proposed side extension to form a garage would have a floorspace of approximately 32 square metres. The garage would have a pitch to match the existing dwelling and would also be finished in matching materials.

### **3 Background**

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

##### **3.1.1 Adopted South Lanarkshire Local Development Plan (SLLDP) 2015**

In terms of land use the application site has a split zoning. The existing property at 16 Southend Court is designated as residential where Policy 6 (General urban area/settlement) applies. The proposed land subject of the change of use has an agricultural land use where Policy 3 (Green belt and rural area) applies. In addition, Policy 2 (Climate Change), Policy 4 (Development management and placemaking) and Policy DM2 (House extensions and alterations) are also relevant to the proposal.

##### **3.1.2 South Lanarkshire Local Development Plan 2 (SLLDP2)**

On 17 August 2020 the Directorate for Planning and Environmental Appeals issued its report of the Examination of the Proposed South Lanarkshire Local Development Plan 2 (SLLDP2) and a number of modifications to the Plan were recommended. At the Planning Committee on 1 December 2020, members agreed to the approval of all of the modifications in the examination report; the publication and public deposit of the Plan, as modified; and the submission of the Plan to Scottish Ministers.

- 3.1.3 In this case, as the application site also has a split zoning of residential and green belt under the proposed Plan, Policy 3 (General urban areas) and Policy 4 (Green belt and rural area) are applicable. In addition, Policy 2 (Climate Change), Policy 5 (Development management and placemaking) and Policy DM2 (House extensions and alterations) are also all relevant.

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

- 3.2.1 None relevant.

#### **3.3 Planning Background**

- 3.3.1 None relevant.

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

4.1.1 None required.

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

5.1 In addition to the statutory neighbour notification undertaken by the Council, the application was also advertised in East Kilbride News as Development Contrary to the Development Plan and as not all neighbours could be identified. Four representations were received, the points of which are summarised below:-

- a) **Using agricultural land to build a garage is an inappropriate use of land.**  
**Response:** This proposal has been assessed in terms of planning policy and whilst the proposal is not in full accordance with the Local Plan, I am satisfied the change of use of this land will have no adverse impact in terms of visual or residential amenity and is, therefore, acceptable in this case.
- b) **The layout and density of the proposed buildings will remove elements that contribute to the overall enjoyment of the area. It is overdevelopment and an inappropriate design.**  
**Response:** The proposed extensions have been assessed in terms of Local Plan policies for house extensions and it is considered they are both of an acceptable size, scale and design and finished in appropriate materials that will integrate with the existing and adjacent properties.
- c) **The proposal may result in overshadowing.**  
**Response:** Due to the property's position at the end of a cul-de-sac and located to the north east of the closest residential property, it is not considered there will be any significant overshadowing of adjacent properties.
- d) **The applicant should ensure that all wildlife, flora and fauna that may be on the site are given full protection.**  
**Response:** Given the nature of this proposal, a wildlife survey is not required in this instance.
- e) **The proposed rear extension is very large and will obscure the outlook and view from the garden at 12 Southend Court.**  
**Response:** Whilst the proposed rear extension has a projection of 6 metres, due to the orientation of the property it is not considered it will have an adverse impact on adjacent properties. However, loss of view is not a valid planning consideration.

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

#### **6 Assessment and Conclusions**

6.1 Planning permission is sought for a change of use of agricultural land to form additional garden ground, erection of rear extension and side extension to form garage. 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 (GCVSDP), the Adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance. Other material considerations to be taken into account include the Proposed South Lanarkshire Local Development Plan 2 (SLLDP2) and its associated supplementary guidance.

- 6.2 In this regard, Policy 3 - Green belt and rural area of the adopted Plan is applicable which advises that such areas should be reserved as an area for agriculture, forestry, recreation and other appropriate uses. It also notes that urban expansion in the green belt will generally be resisted. Policy 2 - Climate Change seeks to minimise and mitigate against the effects of climate change. In this case, the area of land being changed is required in order to provide a larger garden area and provide adequate space for the proposed garage. It is also noted that the change of use works have already been undertaken and the land resurfaced. Whilst the proposal being retrospective is not justification for a change of use from agricultural land to garden ground, in this case it is noted that the existing property does have a much smaller garden in relation to surrounding properties. Therefore, in this case I am satisfied that the area of land being changed will not detrimentally affect the surrounding green belt area or nearby residential properties and is an acceptable form of development in this instance. I am also satisfied this proposal will have no adverse environmental impacts in terms of biodiversity, landscape or views and, therefore, has no impact on climate change.
- 6.3 In terms of the proposed extensions, these require to be assessed under Policies 4, 6 and DM2. Policy 4 – Development Management states that all development proposals will require to take account of and be integrated with the local context and built form. Policy 6 – General Urban Area/Settlements is also relevant and states that within residential areas, development will not be permitted if it is detrimental to the amenity of residents in terms of visual impact, noise, smell, air pollution, disturbance, traffic or public safety.
- 6.4 Supplementary Guidance DM2 – House extensions and alterations expands on Policy 4 advising that all planning applications will require to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. Development should enhance the quality and appearance of the local environment and take account of environmental, accessibility and sustainability issues.
- 6.5 In this case the proposal also includes the erection of side and rear extensions. The proposed rear extension does have a significant projection at 6 metres with a mono-pitch roof, however, as it is single storey and of an appropriate design and materials, and given its orientation in relation to other properties, it is considered that it will have no adverse impact on adjacent properties and is, therefore, acceptable. As noted above, the proposed side extension is to form a garage. Whilst also a sizeable extension, this will also have no adverse impact on adjacent properties and will be of a design and materials to match the existing dwelling. As such, I am satisfied that the proposed extensions are also acceptable and these aspects of the proposal comply with Policies 4, 6 and DM2. It is noted that a condition has been attached for full details of the proposed boundary treatment to be submitted and approved by the Council given that the site is adjacent to agricultural land.
- 6.6 The modified SLLDP2 and associated documents were approved by the Planning Committee on 1 December 2020. The Council has now advised the Scottish Ministers of its intention to adopt the Plan. Local Development Plan 2 is, therefore, the Council's most up to date policy position and is afforded significant weight in the assessment and determination of planning applications. As such, the proposed development has been considered against the relevant policies and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is, therefore, considered that the proposal also accords with Policies 2, 3, 5 and DM2 in the proposed Plan.

- 6.7 Following neighbour notification and advertisement, four letters of representation were received, the points of which are summarised above. It is not considered that the points raised merit refusal of the application. No consultations were required as part of this application.
- 6.8 The application was advertised as Development Contrary to the Development Plan in the East Kilbride News as it constitutes a change of use from an area designated as Green belt in the Adopted South Lanarkshire Local Development Plan (2015). The proposal has been fully assessed and I recommend planning permission is granted contrary to the adopted Local Plan for the following reasons:-
1. The proposal complies with policies 2, 4, 6 and DM2 of the Adopted South Lanarkshire Local Plan.
  2. The proposal complies with policies 2, 3, 5 and DM2 of the Proposed South Lanarkshire Local Development Plan 2.
  3. The proposal will have no adverse impact on residential or visual amenity.
  4. The proposal is an extension to an existing residential property.

## **7 Reasons for Decision**

- 7.1 The proposal will have no adverse impact on amenity and complies with Policies 2, 4, 6 and DM2 of the Adopted South Lanarkshire Local Development Plan and Policies 2, 3, 5 and DM2 of the Proposed South Lanarkshire Local Development Plan 2.

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

5 March 2021

## **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 – 04.12.2020
- ▶ Representations
 

Mr Christopher Tomlinson, 37 Kingsheath Avenue, Kings Park, Rutherglen, G73 2DG	Dated: 07.12.2020
Mr Joe Allan, 94 Franklin Place, East Kilbride, G75 8LS	11.01.2021
Margaret Kennedy, Received Via E-mail	31.12.2020
Mrs Diane Paterson, 12 Southend Court, Strathaven, ML10 6QU	30.12.2020

**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](mailto:julie.pepper@southlanarkshire.gov.uk)

**Conditions and reasons**

01. That before the approved use is implemented, 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 garden area hereby approved being occupied or brought into use. New boundary treatments to be appropriate to the rural area.

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

02. That unless otherwise agreed, the facing materials to be used for the external walls and roof of the extensions hereby approved shall match in colour and texture those of the existing adjoining building on the site to the satisfaction of the Council as Planning Authority.

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

P/20/1661

16 Southend Court, Strathaven



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





# Report

**8**

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>23 March 2021</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/1730
Planning proposal:	Erection and operation of windfarm consisting of 21 turbines up to a maximum height to blade tip of 200m (Consultation from Scottish Ministers under S36 of the Electricity Act 1989)

## 1 Summary application information

Application type:	Electricity notification S36 application
Applicant:	Cumberhead West Wind Farm Ltd
Location:	Cumberhead West Wind Farm Cumberhead Forest Near Coalburn Lanark South Lanarkshire

## 2 Recommendation(s)

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

- (1) that the Scottish Government be informed that South Lanarkshire Council has no objection to the proposed erection of 21 wind turbines (up to 200 metres in height) and associated infrastructure under Section 36 of the Electricity Act 1989; and
- (2) that the Head of Planning and Economic Development be authorised to undertake any discussions in relation to further agreements of conditions and planning obligations if required, with the Scottish Government.

## 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) The Scottish Government is also advised that approval should be subject to the conclusion of a legal agreement(s) covering:-
  - Community Contribution Payments
  - The funding of a Planning Monitoring Officer

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

### 3 Other information

- ◆ Applicant's Agent: ITP Energised
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**  
Policy 2 - Climate Change  
Policy 3 - Green Belt and Rural Area  
Policy 4 - Development management and placemaking  
Policy 15 - Natural and Historic Environment  
Policy 17 - Water Environment and Flooding  
Policy 19 - Renewable Energy

#### **Supplementary Guidance**

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

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

- Policy 1 Spatial Strategy
- Policy 2 Climate Change
- Policy 14 Natural and Historic Environment
- Policy 15 Travel and Transport
- Policy 16 Water Environment and Flooding
- Policy 18 Renewable Energy

- SDCC2 Flood Risk
- NHE2 Archaeological Sites and Monuments
- NHE3 Listed Buildings
- NHE4 Gardens and Designed Landscapes
- NHE5 Historic Battlefields
- NHE6 Conservation Areas
- NHE8 National Nature Reserves and Sites of Special Scientific Interests
- NHE9 Protected Species
- NHE11 Peatland and Carbon Rich Soils
- NHE12 Water Environment and Biodiversity
- NHE16 Landscape
- NHE18 Walking, Cycling and Riding Routes
- NHE20 Biodiversity
- RE1 Renewable Energy

#### **Supporting Planning Guidance**

- Renewable Energy

◆	<b>Representation(s):</b>	
	▶	0
	▶	0
	▶	0
		Objection Letters
		Support Letters
		Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

West of Scotland Archaeology Service

Countryside and Greenspace

Douglas Community Council

Lesmahagow Community Council

Roads Transportation Services Bridges Structures Section

Coalburn Community Council

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site is an approximate 1,050ha area of land mainly comprising the western portion of Cumberhead Forest, approximately 4.3km east of the settlement of Coalburn. The majority of the site comprises this portion of the forest with a thin ribbon then extending east through the restored Poneil opencast coal mine, past the John Dewar complex to the public road that abuts the M74 motorway. A further thin strip runs south of the forest, following an existing timber haulage route that joins Station Road at Douglas West Farm.
- 1.2 The application site is located approximately 1.56km to the south of Coalburn and 2.68km to the north west of Douglas. The site is located within an area where there are several wind farms, either in operation, under construction or consented. The current application site is immediately north of the consented Cumberhead Wind Farm, while to the south east are the operational Nutberry Wind Farm and consented Dalquhandy Wind Farm. The operational wind farms of Galawhistle and Hagshaw Hill (and extension) sit further south and south east respectively in the immediate area. Collectively, the wind farms comprise what is known as the 'Hagshaw Cluster'.
- 1.3 Vehicular access to the site is proposed from an existing private access road which extends from the public road network at the roundabout at Junction 11 of the M74 and runs past the John Dewar bonded warehouse site onto an existing private haul road. A new link is proposed to join from the existing haul road into an existing network of access tracks through Cumberhead Forest. The access tracks would require upgrading but it should be noted that the majority of these works are shared between other windfarm developments with only a small, final portion of new access required to connect the turbine area of the site into this existing network.

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

- 2.1 An application has been made to the Scottish Government under Section 36 of the Electricity Act 1989 for the erection of 21 wind turbines (up to 200m in height to blade tip) and associated infrastructure with a 30 year operating lifespan. The proposals comprise the following components:-
- Twenty-one, 200m tall (to blade tip) wind turbines and their foundations
  - Crane hardstanding areas adjacent to each turbine
  - On site access tracks between turbines
  - Substation
  - Welfare Facilities and Maintenance Room
  - On site energy/ battery storage facility (approximate capacity of 40 Mega Watt (MW))
- 2.2 The installed turbine generation capacity of the proposals would be approximately 126MW with an additional potential on-site battery storage capacity of 40MW. It should be noted that battery technology has greatly increased over a very short period in recent times and is expected to continue to evolve rapidly. Whilst currently the average achievable battery storage capacity is 5MW it is hoped that, given the long term nature (30 years) of these proposals, if successful, battery storage of 40MW is achievable.
- 2.3 As the proposals relate to a wind farm with an electrical generating capacity of over 50MW the application is made under Section 36 of the Electricity Act, 1989. Unlike an application for planning permission, the S36 application is made to the Scottish Government who are the Consenting Authority with South Lanarkshire Council being a Statutory Consultee as part of the assessment process.

### **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".

3.1.2 Scottish Planning Policy (SPP) December 2020 aligns itself with NPF3 and one of its policy principles states that "This SPP introduces a presumption in favour of sustainable development". At paragraph 28, SPP states that "the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost." The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).

3.1.3 The Scottish Government's Onshore Wind Policy Statement (Dec 2017) sets out the considered views of Scottish Ministers, following consultation, with regard to onshore wind energy and how renewable technology continues to evolve. Paragraph 25 acknowledges "the way in which wind turbine technology and design is evolving, and fully supports the delivery of large wind turbines in landscapes judged to be capable of accommodating them without significant adverse impacts".

3.1.4 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 on 29 June 2015 and contains the following policies against which the proposal should be assessed:-

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

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

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

3.2.4 On 17 August 2020 the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2 (SLLDP2); a number of modifications to the proposed Plan were recommended. At the Planning Committee on 1 December 2020 members agreed to the approval of all of the modifications in the examination report; the publication and public deposit of the Plan, as modified; and the submission of the Plan to Scottish Ministers. The Council has now advised the Scottish Ministers of its intention to adopt the Plan. Local Development Plan 2 is, therefore, the Council's most up to date policy position and is afforded significant weight in the assessment and determination of planning applications. In this instance the following policies are relevant:-

#### Volume 1

- Policy 1 Spatial Strategy
- Policy 2 Climate Change
- Policy 14 Natural and Historic Environment
- Policy 15 Travel and Transport
- Policy 16 Water Environment and Flooding
- Policy 18 Renewable Energy

#### Volume 2

- SDCC2 Flood Risk
- NHE2 Archaeological Sites and Monuments
- NHE3 Listed Buildings
- NHE4 Gardens and Designed Landscapes
- NHE5 Historic Battlefields
- NHE6 Conservation Areas
- NHE8 National Nature Reserves and Sites of Special Scientific Interests
- NHE9 Protected Species
- NHE11 Peatland and Carbon Rich Soils
- NHE12 Water Environment and Biodiversity
- NHE16 Landscape
- NHE18 Walking, Cycling and Riding Routes
- NHE20 Biodiversity
- RE1 Renewable Energy

#### Supporting Planning Guidance: Renewable Energy

3.2.5 All these policies and guidance are examined in the assessment and conclusions section of this report. It should be noted that, given SLLDP2 is now the Council's most up to date policy position, it is the principle material consideration when assessing applications of this nature (Section 36 of the Electricity Act) and therefore SLLDP policies are only referenced if they do not accord with the policy context in SLLDP2.

### 3.3 Planning Background

3.3.1 There is no relevant planning history on the site itself, but as stated previously in 1.2 above, there are several wind farms, either operational or consented surrounding the site forming what is known as the Hagshaw Cluster. The following is a summary of these developments:-

- Hagshaw Wind Farm (operational) 26 turbines at 55 metres to hub
- An application to replace this windfarm with 14 turbines at 200 metres to tip height was granted by the Scottish Government in 2020
- Hagshaw Hill Extension (operational) 20 turbines at 80 metres to tip height
- Galawhistle Wind Farm (operational) 22 turbines, 18 at 110.2 metres to tip and 4 at 121.2 metres to tip
- Nutberry Wind Farm (operational) 6 turbines at 125 metres to tip height
- Cumberhead Wind Farm (consented) 11 turbines at 126.5 metres to tip height
- A planning application to increase the number of turbines at this site to 14 at a height of 149.9 metres to tip height (12 turbines) and 180 metres to tip height (2 turbines) was granted by the Planning Committee on 25 August 2020 subject to the completion of a legal agreement
- Dalquhandy Wind Farm (consented) 11 turbines at 149.9 metres to tip height and 4 at 131 metres to tip
- Douglas West (consented) 13 turbines at 149.9 metres to tip height
- Douglas West Extension (pending consideration with the Energy Consents Unit) for 13 turbines at 200 metres to tip height

3.3.2 The above applications have either been approved planning permission by the Council or the Council have issued consultation responses of no objection through the Section 36 consenting process.

3.3.3 Immediately west of the current proposals is an application for 8 turbines at 230 metres to tip (proposed Hare Craig Wind Farm). This planning application is within the Administrative Boundary of East Ayrshire and is pending consideration.

## 4 Consultation(s)

4.1 **Roads and Transportation Services (Development Management)** – no objection subject to conditions requiring the further approval of an Abnormal Load Route Assessment including any works required to the public road network, crossing arrangements through any public paths, a Road Safety Audit, a Timber Transport Plan with the route of timber extraction being through the proposed wind farm access route only and a Traffic Management Plan. The Traffic Management Plan is to include, but not be limited to, proposals for the routing of all traffic and measures to monitor route use, required signage, provisions for emergency vehicles, wheel washing, staff car parking, a nominated road safety officer, access routes for turbine carnage and monthly reporting of vehicle movements.

**Response:** Noted, any consultation response to the Scottish Government stating no objection would recommend the above conditions to be attached to any consent, if issued.

4.2 **Roads and Transportation Services (Flood Prevention)** - no objections subject to design criteria certificates relating to drainage being submitted.

**Response:** Noted and the relevant certificates form part of the recommended construction environmental management plan (CEMP) condition requirements.

- 4.3 **Roads and Transportation Services (Structures Team)** – note that the proposed abnormal load route from Junction 11 of the M74 does not cross any roads structures which are owned or maintained by South Lanarkshire Council.

**Response:** Noted.

- 4.4 **Countryside and Greenspace** – content with the proposed mitigation measures and environmental commitments in relation to biodiversity, landscape and public access. Request a public access plan to be agreed for the site.

**Response:** Noted and an access management plan forms a condition within the recommendation made as part of the response to the Scottish Government.

- 4.5 **West of Scotland Archaeology Service (WOSAS)** – agree in the main with the archaeological assessment within the Environmental Impact Assessment (EIA) Report but note the lack of a field survey to physically investigate archaeological heritage on site. Given the lack of a field survey a condition is recommended requiring implementation of a programme of archaeological works prior to any construction works taking place.

**Response:** Noted, any consultation response to the Scottish Government stating no objection would be predicated on the basis of a condition requiring the further approval of archaeological works.

- 4.6 **Environmental Services** – have no objections to the proposals subject to noise limits being placed on the proposals to protect the amenity of residential properties in the area. The limits are based on the Noise Assessment carried out within the applicant's EIA Report and are, therefore, considered achievable throughout the lifetime of the wind farm. The shadow flicker assessment and conclusions is also acceptable.

**Response:** Noted and the recommended conditions relating to noise levels form part of the recommendation to the Scottish Government.

- 4.7 The following consultees had no comments to make on the proposals:-

Coalburn Community Council  
Douglas Community Council  
Lesmahagow Community Council

## **5 Representation(s)**

- 5.1 Statutory advertisement of the application was undertaken by the applicant in December 2020.

- 5.2 No letters of representation have been received following this advertisement.

## **6 Assessment and Conclusions**

- 6.1 This application has been submitted to the Scottish Government under Section 36 of the Electricity Act 1989 as it is development comprising a wind farm with a generating capacity of over 50MW. In this instance, South Lanarkshire Council is a Consultee to the application process and is not the Consenting Authority. 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 instance, the application is made under the Electricity Act 1989 and not the Planning Act and, therefore, the Development Plan does not have the primacy it normally would for planning decisions but it is still an important material consideration in this instance. Given the Development Plan does not have primacy in this instance, it is appropriate to base any assessment of the application in relation to the Council's most up to date policy position which, as outlined in 3.2 above, is the



proposed South Lanarkshire Local Development Plan 2 (LDP2). Reference will still be made to SLLDP (2015) but only if there is a conflict with LDP2.

- 6.2 In terms of National Planning Policy and Guidance, NPF 3 notes in paragraph 3.8 that the Government seeks to meet at least 30% of overall energy demand from renewables by 2020.
- 6.3 The Scottish Government's Onshore Wind Policy Statement (December 2017) sets out the considered views of Scottish Ministers, following consultation, with regard to onshore wind energy and how renewable technology continues to evolve. Paragraph 25 acknowledges "the way in which wind turbine technology and design is evolving, and fully supports the delivery of large wind turbines in landscapes judged to be capable of accommodating them without significant adverse impacts".
- 6.4 SPP Policy Principles (page 9) states that "This SPP introduces a presumption in favour of sustainable development". At paragraph 28, SPP states that "the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost." The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).
- 6.5 It is considered appropriate to set out an assessment of the proposal against the current SPP. The preparation of a Spatial Framework requires the approach set out in Table 1 of the SPP to be followed. This categorises areas into their distinct groups. In Group 1 areas (National Parks and National Scenic Areas), wind farms will not be acceptable. Group 2 is used to identify areas of significant protection. This includes areas described as 'community separation for consideration of visual impact' and is relevant to this proposal. SPP indicates that this represents an area not exceeding 2km around settlements. This distance, however, is to be determined by the planning authority based on landform and other features which restrict views out from the settlement. It is noted that in this instance there are no communities within 2km of the turbines. Group 3 identifies 'areas with potential for wind farm development'. These are described as locations in which the acceptability of wind farms is subject to detailed consideration against criteria and SPP sets out 19 considerations to be taken into account when assessing wind farm developments. These include landscape and visual impact, cumulative impact, net economic impact and contribution of the development to renewable energy generation targets. These considerations are fully assessed below at sections 6.6 onwards of this report. Paragraph 170 of SPP states that "Areas identified for wind farms should be suitable for use in perpetuity. Consents may be time-limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities." Taking into account the above and for the reasons set out in sections 6.6 onwards, it is considered the proposed development accords with SPP.
- 6.6 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions; Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. The methodology used in devising the Onshore Wind Spatial Framework is set out in Part Two of Background Report 10 Low and Zero Carbon

Generating Technologies. At section 15.10, the background report acknowledges that wind turbine development is likely to be acceptable subject to detailed consideration against local policy criteria and that potential wind farm development should not be viewed in isolation. It goes on to state that developers and interested parties must refer to any local guidance made available by the local planning authority including local development plans and supplementary guidance, and landscape capacity studies. Policy 10 Onshore Energy of GCVSDP requires proposals to accord with local development plans. With regard to this proposal, it is noted that the majority of the site is located within the Areas with Potential for Wind Farm Development identified in Diagram 6 of Clydeplan. The proposed development by its nature contributes to developing low carbon energy. The visual, landscape and cumulative impact of the proposal is assessed below and concludes that there would not be an adverse effect. Consequently, it is considered that the proposal accords with Policy 10 of Clydeplan.

- 6.7 Turning to local planning policy in the proposed South Lanarkshire Local Development Plan 2 (LDP2), the overall strategic vision is 'to promote the continued growth and regeneration of South Lanarkshire by seeking sustainable economic and social development within a low carbon economy whilst protecting and enhancing the environment.' Policy 1 Spatial Strategy states, inter alia, that supporting renewable energy developments in appropriate locations is one of a number of ways the strategic vision of the Plan will be met. It is considered that, in principle, a scheme of 21 turbines with a capacity of 126MW accords with this strategic vision subject to a detailed assessment of the proposal in relation to policy specific criteria as carried out below.
- 6.8 Policy 2: Climate Change, seeks to minimise and mitigate against the effects of climate change by a number of criteria. Not all of the criteria are relevant and those that are include (3) utilising renewable energy sources; (6) having no significant adverse impacts on the water and soils environment, air quality, biodiversity (including Natura 2000 sites and protected species), blue/ green networks and identify opportunities for enhancement of the natural heritage; and (13) avoid or minimise disturbance of carbon-rich soils. The proposed wind farm proposals would have a generating capacity of some 126MW together with the potential for additional battery storage capacity of up to 40 MW and, therefore, in line with Government targets on renewable energy generation, it is considered that the proposal complies with Policy 2 subject to a detailed assessment of the proposals in relation to the specific criteria (6 and 13). This is addressed further under the criteria specific policies as below.
- 6.9 Policy 4: Green Belt and Rural Area states that the Green Belt and rural area functions primarily for agricultural, forestry, recreation and other uses appropriate for the countryside. Policy 4 does not specify renewable energy as a specific use in the countryside but supports development that cannot be accommodated within an urban settlement. It is considered that this scale of renewable energy would be a form of development that could not be accommodated within an urban settlement and is, therefore, an appropriate rural use. Policy 4 further states that the scale of renewable energy will be governed by considerations set out in Policy 18 – Renewable Energy. It is, therefore, considered that, subject to a successful assessment against Policy 18, the proposals are not contrary to the strategic aims of Policy 4.
- 6.10 Policy 18: Renewable Energy states applications for renewable energy infrastructure developments will be supported subject to an assessment against the principles set out in the 2014 SPP, in particular, the considerations set out at paragraph 169 and additionally for onshore wind developments of 15 metres or greater in height, the terms of Table 7.2 of LDP2. Table 7.2 sets out the Spatial Framework for Wind Energy and applies to all wind energy developments of 15 metres or greater in height. The spatial framework identifies those areas that are likely to be most appropriate for onshore

wind farms as a guide for developers and communities. It 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

6.11 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 and, therefore, the proposals are not located within a group 1 area.

6.12 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

6.13 Group 2 area interests also apply to other policy criteria in relation to the natural and built environment. In relation to this, a full assessment of all international, national and local designated assets is, therefore, carried out in relation to Policy 14 below and includes assets such as listed buildings and the water environment which are not classed as Group 2 Areas of significant protection in the spatial framework for onshore wind but are, however, detailed policy considerations.

6.14 Policy 14: Natural and Historic Environment and its associated LDP2 Volume 2 Natural and Historic Environment (NHE) policies provide the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment. It seeks to protect important natural and historic sites and features as listed in Table 6.1 of the SLLDP from adverse impacts resulting from development, including cumulative impacts. The policy categorises each of the natural and historic environment designations within three distinct groups and are assessed in turn below.

6.15 Category 1 areas are international designations and include Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) (Natura 2000 sites). Policy 14 states that development will only be permitted where an appropriate assessment of the proposal demonstrates that it will not adversely affect the integrity of the site following the implementation of any mitigation measures. The application site is not located within any SPA or SACs but is located adjacent to the Muirkirk and North Lowther Uplands SPA. This SPA is designated for its population of hen harriers, merlin, peregrine, golden plover and short-eared owls. Whilst not within the SPA it is considered that the application site lies within the core foraging ranges of the site's qualifying interests (the aforementioned bird species) and, therefore, there is potential for an impact on this SPA. In their consultation response to the Scottish Ministers, NatureScot note that there is potential for the proposals to have an impact upon the qualifying interests of the SPA but that it would not have an impact upon the integrity of the site in relation to its qualifying interests. In short, NatureScot do not consider that the proposals would have an impact on the conservation objectives of the SPA (protection of the qualifying species) but that they may have an impact on the species themselves in relation to foraging and habitat.

NatureScot, therefore, suggest that a Habitat Management Plan (HMP) should be created to reduce the attractiveness of the site to the qualifying species to discourage them from the wind farm area. The qualifying species do not normally use commercial

forestry for habitat and foraging due to its dense, closed canopy cover. Therefore, the gaps left from felling for the turbines should be closed again through new tree planting and management of grasslands (swards) which in turn would limit the potential attractiveness of the site to these species and discourage them migrating into the wind farm area. It is considered that whilst an HMP would effect mitigation, a Habitat Management Group (HMG) should also be set up to ensure implementation and monitoring of the HMP is carried out throughout the lifetime of the turbines. The HMG should comprise the developer and relevant professionals from the Council, NatureScot and the RSPB. Conditions requiring an HMG and HMP form part of the recommendation to the Scottish Government and, subject to their implementation, it is considered that the proposals shall not have a detrimental impact upon these national designations.

6.16 Policy 14 states that in Category 2 (National Designation) areas, development will be permitted where the objectives of the designation and the overall integrity of the area can be shown not to be compromised following the implementation of any mitigation measures. Any significant adverse effects must be clearly outweighed by social or economic benefits of national importance. The Category 2 national designations are considered in turn below taking account of further policy criteria provided in the NHE Policies within LDP2 Volume 2.

6.17 National Designations include several historical assets and they are set out below in relation to their own specific policy:-

- Policy NHE 2 Archaeological Sites and Monuments states that developments which have an adverse effect on scheduled monuments or their settings shall not be permitted unless there are exceptional circumstances
- Policy NHE 3 Listed buildings requires that development affecting a listed building or its setting must seek to prevent unnecessary loss or damage to its historic structure and not diminish its interest
- Policy NHE 4 Gardens and designed landscapes aims to protect the quality and historic integrity of designed landscapes and avoid damage to their special character
- Policy NHE 5 Historic battlefields requires development to take cognisance of the battlefield and demonstrate how the development will protect, conserve or, where appropriate, enhance the key landscape characteristics and special qualities of the site

6.18 There are no scheduled monuments, listed buildings, Inventory Gardens and Designed Landscapes (GDL) or Historic Battlefields within the application site. There are six Scheduled Monuments within 10km of the proposed development but only one (Glenbuck Ironworks) is within 5km of the proposed development. There is one A Listed Building within 10km of the proposed development at St Bride's Chapel, Douglas. There are no other designated national historic assets within a 10km radius of the proposed development. It is considered that the proposals are located on rising land that separates and, therefore, differentiates them from the setting of any of these historic assets. This separation, therefore, does not lead to a view where they would be seen in the foreground and, therefore, have a direct visual impact on their setting. It is, therefore, considered that the proposals accord with the relevant policy criteria in policies NHE 2 - 5 in this instance. It should be noted that Historic Environment Scotland are also a consultee to this application and will be providing further detailed comments to the Scottish Government in relation to the proposals impact in relation to national, historic assets.

- 6.19 The remaining, relevant national designations within Policy 14 Category 2 are Sites of Special Scientific Interest (SSSI), priority peatland and the Water Environment.
- 6.20 Policy NHE 8 states that development which affects a Site of Special Scientific Interest (SSSI)/National Nature Reserve will only be permitted where an appraisal has demonstrated a) the objectives of designation and the overall integrity of the area will not be compromised; or b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.
- 6.21 Birkenhead Burn SSSI is approximately 75 metres from the application site. This SSSI is notified for its fossil interest and, therefore, it is considered that the proposals would have no impact upon this interest given it is geological in nature. There is a proposed turbine (No. 19) located within 100 metres of this SSSI. Normally a micro-siting tolerance of 100 metres is permitted for turbines but it is considered that in relation to this turbine there should be no tolerance allowed and the final position of this turbine should be agreed in advance with no deviation then allowed. A condition removing the standard micro-siting tolerance from this turbine, therefore, forms part of the recommendation to ensure there is no impact on the SSSI.
- 6.22 Birk Knowes SSSI is located approximately 500 metres from the site and again the notified interest of this site is for fossil interests and rock sequence. It is therefore considered that the proposals would have no impact upon this geological interest.
- 6.23 Muirkirk Uplands SSSI which is designated for its geological features and upland habitats as well as for populations of hen harriers and short-eared owls sits adjacent to the site. As noted in 6.14 there is potential impact upon the ornithological interests of the site but it is considered that there would not be any impact upon the geological features. As referenced in 6.15, appropriate mitigation is proposed in respect of the ornithological interests.
- 6.24 Policy NHE11 Peatland and Carbon Rich Soils seeks to protect peatland from adverse impacts resulting from development. Whilst not on the majority of the site, there are areas of the development that may have an impact on priority peatland. These areas are the access track between turbines 2 and 3, turbine 3 itself and the proposed met mast. As part of the EIA Report, an Outline Peat Management Plan is proposed with the restoration of approximately 26ha of forested peat to blanket bog and the enhancement of a further area of blanket bog currently suffering from impacts from forestry. It is considered that the principle of this peat management is satisfactory. This will require active management of the peatland and it is considered that this aim could fall within the remit of the proposed Habitat Management Group. It should be noted that both SEPA and Nature Scot are separate consultees to this Section 36 application and as part of their responses to the Scottish Government, peat management would be addressed.
- 6.25 Policy NHE12 Water Environment and Biodiversity states development proposals should protect and where possible, enhance the water environment. This Policy should also be read in tandem with Policy 16 Water Environment and Flooding and Volume 2 Policy SDCC2 Flood Risk. These Policies state 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 EIA Report contains a chapter on hydrology, hydrogeology and geology that concludes that the proposals will have a minimal impact upon the water environment. Mitigation measures are proposed to further minimise the development's impact and this includes following a CEMP to ensure no oils or other potential pollutants during the

construction phase are spilled and enter watercourses. Other mitigation includes surface draining for the areas of hardstanding to direct surface water into the surrounding water table. The application area is not identified as being at the risk of flooding. It is considered that the proposals will have a limited impact upon the water environment and that the mitigation measures proposed are suitable. Roads and Transportation Services (Flood Risk Management) have no objections to the proposals. It should also be noted that separately, SEPA will be providing further detailed advice on the water environment to the Scottish Government in their consultation response.

6.26 In terms of category 3 areas, Policy 14 sets out natural and historic assets at a local level and these are taken in turn below.

6.27 In relation to Non-Scheduled archaeological sites, Category B and C Listed Buildings and Conservation Areas, the relevant policy criteria is as follows:-

- Policy NHE 2 in relation to non-scheduled archaeological sites and monuments requires these assets to be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications.
- Policy NHE 3 Listed buildings requires that development affecting a listed building or its setting must seek to prevent unnecessary loss or damage to its historic structure and ensure that proposals will not diminish its interest.
- Policy NHE 6 Conservation Areas requires proposals to be considered in light of their effect on the character and appearance of the conservation area.

6.28 As noted in 6.17 and 6.18, it is considered that the proposals would not have any impact on A listed buildings. In relation to B and C category listed buildings, again there are none within the application site. There is one B listed building (Auchlochan Bridge) and one C listed building (Covenanters' Monument) within 5km of the proposed development. Auchlochan Bridge is located to the east of the development and is located on the 5km radius from the development. This distance and the location of the bridge at a lower level from the proposed turbines is considered adequate in ensuring that this historic asset and its setting is not adversely affected by the proposals. The Covenanters' Monument lies some 1.5km west of the proposals and it is considered that this and the intervening topography is adequate in ensuring that the setting of this historic asset is also not adversely affected by the proposals. It should also be noted that Penbreck Wind Farm will also be in the foreground from this asset when looking eastwards and, therefore, it is considered that this negates any impact on setting of the proposed turbines behind. The Douglas Conservation Area is approximately 7km from the site, however, it is considered that this distance and the fact that the Conservation Area is located at a lower level within the urban heart of the settlement, it will be shielded from view of the turbines.

6.29 In relation to non-scheduled archaeological sites, a desk-based assessment has been carried out which identifies 14 cultural heritage features within the boundary of the application site and a further 14 within a 1km radius of the site boundary. The majority of these relate to past agricultural activity within the area or some limited industrial use relating to lead mining. WoSAS state, however, that there is potential for the area to produce archaeological material relating to earlier phases of occupation including records of a possible burial cairn, standing stone and cists as well as prior evidence of the recovery of an Early Bronze Age axe. Whilst there is no direct impact of any known historical features on site, it is considered that there is archaeological potential given these records. WoSAS have, therefore, requested that a written scheme of

investigation and a programme of archaeological works are implemented as part of any approval. A suitable suspensive archaeological condition forms part of the recommended response to the Scottish Government.

- 6.30 Policy 14 includes Special Landscape Areas within its category 3 (Local designations). Volume 2 Policy NHE16 Landscape requires development to maintain and enhance SLAs and the wider landscape. The Douglas Valley SLA is the nearest to the application site and lies approximately 3.5km to the south-east of the site boundary. Further afield are the Middle Clyde Valley SLA, the Upper Clyde Valley and Tinto SLA and the Leadhills and Lowther Hills SLA all located between 5 and 15km from the application site. A Landscape and Visual Impact Assessment (LVIA) was carried out for the proposals and formed part of the EIA Report. The SLAs have been recognised in the LVIA and taken into consideration when assessing the sensitivity of the landscape character and visual amenity. Of the four SLAs, three are considered not to experience significant effects due to a combination of distance, limited opportunities to view the proposed development from the area as a whole, as well as the existence of existing wind farms and wind turbines in closer proximity to these SLAs. In regard to the remaining SLA (Douglas Valley SLA), it is considered that this SLA's designation relates to the broad, open valley floor whilst the proposals are located on the northern edge of the valley and in the rising slopes and hills of the northern side of the valley. It is, therefore, considered that the integrity of the SLA's character is not compromised by the wind farm developments and the special nature of the valley is maintained. Further landscape and visual impact assessment is carried out in further detail below.
- 6.31 The remaining relevant category 3 interests are core paths and Rights of Way. Policy NHE18 Walking, Cycling and Riding Routes requires the safeguarding of existing and proposed routes within the Council's Core Paths Plan. The EIA Report states that developing a public access strategy for the site to allow recreational access through the site is one of the environmental commitments of the scheme. 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. A condition requiring approval of an Access Management Plan forms part of the recommended response to the Scottish Government.
- 6.32 Whilst not specifically included in categories 1, 2 or 3, protected species are a natural asset within the Policy 14 criteria. Policy NHE9 further supports Policy 14 by stating that new development must demonstrate that it would not have an adverse impact upon protected species. Policy NHE20 expands on this theme by expecting new development to not have an adverse impact upon the biodiversity of an area and should consider opportunities to contribute positively to biodiversity conservation and enhancement.
- 6.33 Protected species surveys have been carried out as part of the EIA Report which state that the development would not have a significant impact upon protected species and habitats. The majority of the habitat is commercial forestry and is, therefore, considered to be of low conservation value. It is considered that whilst the habitat within the application site is relatively poor in ecological terms, there are always potential habitat enhancement measures that can be implemented as part of the scheme and it is expected that these would form part of any subsequent Habitat Management Plan.
- 6.34 It is therefore considered that, following the above consideration in relation to designations, that the proposals meet the relevant policy criteria in this instance. As noted at 6.10 above, Policy 18 Renewable Energy sets out a spatial framework for Wind Energy. In this instance, in view of the assessment from 6.12 onwards in relation

to national and international designations (SPA, SSSI, Inventory of Gardens and Designed Landscapes, Inventory of Historic Battlefields and Priority Peatland) it is considered that, whilst located in proximity to these designations, they are not considered to have a detrimental impact upon them. Overall, therefore, it is concluded the aims of Policy 14 are met.

- 6.35 The final qualifying criteria of being located within a Group 2 categorisation (Areas of Significant Protection) is applicable only if proposals are located within 2km of any city, town or village. Whilst the settlement of Coalburn is within 2km of the application boundary this relates to the red line boundary for the access tracks. In reality, Coalburn is 4.3km to the east of the nearest proposed turbine which ensures a buffer of over 2km from the turbines is achieved. It is therefore considered that the application site is located within a Group 3 (Areas with potential for wind farm development) categorisation that the spatial framework states wind farms are likely to be acceptable subject to detailed consideration against identified policy criteria.
- 6.36 Policy 18 is an overarching renewable policy and, therefore, defers the detailed, development management consideration to the Assessment Checklist for Renewable Energy Proposals contained within LDP2 Volume 2. Volume 2 Policy RE1 Renewable Energy outlines the considerations, criteria and guidance that must be taken into account for all renewable energy proposals. These are the Assessment Checklist contained with Appendix 1 of LDP 2, Volume 2, the Supporting Planning Guidance on Renewable Energy, the South Lanarkshire Landscape capacity for wind energy 2016 (as amended by the Tall Wind Turbines Guidance 2019) and other relevant LDP2 Policies. All the RE1 above referenced criteria and guidance have been included in the following Assessment Checklist and are referenced where appropriate. As previously noted, the Council is only a consultee in the assessment of this application and, therefore, only the relevant criteria is assessed. Other criteria that relate to the remit of other consultees such as the Civil Aviation Authority, Ministry of Defence etc, therefore, do not form part of this assessment as they will be providing their own responses to the Scottish Government.
- 6.37 The relevant LDP2 Volume 2 Appendix criteria are taken in turn as follows:-
- 6.38 Impact on international and national designations.  
National and international designations have been previously assessed at paragraphs 6.12 to 6.34 and it is considered that there are no adverse effects on national and international designations.
- 6.39 Impact on carbon rich soils, deep peat and priority peatland habitat (CPP).  
This has previously been assessed in paragraph 6.24.
- 6.40 Community separation for consideration of visual impact.  
As noted in 6.35 there are no communities within 2km of the proposed turbines.
- 6.41 Economic benefits.  
This includes local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Section 13 of the EIA Report presents an assessment of the socio-economic impact of the proposed development. It concludes that the proposed development represents a major investment in South Lanarkshire and has the opportunity to deliver a range of positive economic impacts through construction and operation. Reference is also made to the making of community benefit payments based on electricity generated if the wind farm becomes operational.



- 6.42 The scale of contribution to renewable energy generation targets and effects on greenhouse gas emissions.  
It is considered that the generating capacity of the proposed wind farm (126MW) with a potential additional battery storage of 40MW represents a significant renewable energy project which would contribute to Scotland's renewable energy targets.
- 6.43 Effect on the natural heritage, including birds - Table 7 criteria 7a) South Lanarkshire Local Biodiversity Strategy, Local nature conservation designations, bird sensitivity, protected species and bats.  
This consideration has been carried out at 6.15 and again at 6.32 to 6.33 above. It is considered that subject to the mitigation described in the EIA and the setting up of a HMG the proposed development accords with the consideration set out in Table 7.1 criteria 7 a) of the SG and SPP regarding effects on the natural heritage, including birds. Nature Scot's consultation response to the Scottish Government agrees that the proposed mitigation and an HMG are acceptable in relation to ecology and the natural environment.
- 6.44 Effect on the natural heritage, including birds – Table 7 criteria 7b) Habitat Management Plans (HMP).  
As noted above, it is considered appropriate to recommend the implementation of a HMP as part of any consent.
- 6.45 Landscape and visual impacts  
It is considered that landscape designations, character and capacity are key considerations in considering the impact of wind farm and wind turbine proposals. The Council's landscape technical studies provide a comprehensive baseline for the assessment of wind farm and wind turbine proposals in South Lanarkshire. First, the impact on landscape designation and character, and the capacity of the landscape to accommodate the proposed development is assessed below. Landscape impact is in essence an assessment of whether a landscape and its character is susceptible to development or not. 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 landscape and visual assessment takes into account cumulative impacts. SPP makes reference to wild land which is a consideration when assessing landscape impacts. There are no areas of designated wild land within South Lanarkshire and there will be no impact on areas of wild land outwith South Lanarkshire from the proposed development.
- 6.46 The application site is located within the Rolling Moorland Landscape Character Type (LCT) and Rolling Moorland with Forestry, LCT subtype, as defined in the South Lanarkshire Landscape Character Assessment 2010 (LCA). 19 of the turbines are located within the Rolling Moorland with Forestry LCT subtype with only 2 turbines in the south east corner falling within the Rolling Moorland LCT, although noting that these turbines are located in a small corner of this LCT on the boundary with the Rolling Moorland with Forestry LCT subtype. The proposed access track also falls within this Rolling Moorland LCT. The key characteristics of the Rolling Moorland LCT are its distinctive upland character created by elevation and the rolling or undulating landform, the predominant lack of modern development, as well as a sense of apparent wildness and remoteness that separates the LCT from the lower lying farmed and settled lowlands. The Rolling Moorland with Forestry subtype's key characteristic in relation to its distinction from Rolling Moorland is that it is a landscape influenced by the presence of forestry. South Lanarkshire's Landscape Capacity for Wind Turbines 2016 provides guidance on the individual and cumulative landscape impact of wind farm and wind turbine developments in the moorlands.

- 6.47 With regard to the access tracks it is considered that the section leading from Station Road follows an existing timber route and, therefore, would have no further significant landscape or visual impact. The other access track in part follows the existing former Poneil/Dalquhandy coal haulage route that is still in place within the landscape. Several of the surrounding wind farms have permission to utilise this track for their construction and, therefore, it is considered that these proposals would not have any additional landscape or visual impact. It is further considered that the large, rolling and undulating landscape is of a scale that the 2 access tracks would not physically change its nature or cause a detrimental visual impact. With regard the infrastructure associated with the turbines (sub-station, battery storage building etc.), it is again considered that their small scale in relation to the large scale of the landscape would minimise their impact and that, due to their location, they would also be screened from most views by the existing forestry. It is therefore considered that no further assessment of these tracks and the associated infrastructure is required and, therefore, the remaining assessment relates solely to the wind turbines.
- 6.48 As noted previously, the immediate landscape surrounding the application site has several operational and consented wind farms. The landscape and visual impact assessment, therefore, does not concentrate solely on the proposals impact upon the landscape but also its cumulative impact in relation to other existing and consented wind farms. As noted in 3.3.1, there are several wind farms operational and consented within the immediate locale leading the area to be named the Hagshaw Cluster. This cluster is identified in Figure 5.2 Significant Cumulative Development of the Supporting Planning Guidance: Renewable Energy (SPG). This is identified as an area where there are existing multiple developments. Figure 5.2 illustrates, at a regional level, 8 areas of multiple developments and their separation from each other. This figure is included to demonstrate the need to ensure that none of these 8 areas are significantly extended in order to prevent potential coalescence between groups. In this instance, the current cluster (multiple developments 7) is to be protected from extending too far north to avoid visual creep with another area of multiple development (multiple developments 6). It is considered in this instance that whilst the application site is on the north west edge of this cluster, it would instead distinctly relate to the Hagshaw Cluster and be associated with the forestry surrounding Nutberry Hill which is a characteristic in common with several of the wind farms in the cluster, therefore, ensuring that it reads visually as a part of this cluster. The northern edge of the proposals are in line with the existing northern edge of the cluster and would maintain adequate separation from the Kype Muir Clusters (Multiple developments 6) as it would not extend into the rolling moorland on this northern side but stay tight along the forestry LCT subtype to ensure there is no creep into the land form that stretches to these Kype developments. It is therefore considered that, in cumulative terms, the proposals do not lead to coalescence between multiple development areas.
- 6.49 The application site is located within an area that is identified as having medium capacity for wind turbines at a scale of 150 metres to 250 metres within the finalised Tall Turbine Addendum, 2017 to the South Lanarkshire Landscape Capacity Study 2016 (hereon referred to as the Addendum). This Addendum seeks to inform developers of areas within South Lanarkshire where turbines over 150 metres may be appropriate. It identifies areas into 4 categories of capacity, High, Medium, Low and None. It should be noted that the majority of South Lanarkshire is identified as None in relation to capacity. The capacity study is a high level, strategic document and whilst trying to inform developers of the more suitable locations, each site's context and the nature of the proposals have to be fully taken into account when making assessments. The Addendum also contains furthermore, LCT specific advice to again help inform developers in relation to siting tall turbines. The Addendum provides guidance for siting turbines of 150 to 200 metres in rolling moorland LCT (and its forestry subtype). It

states that due to the modest scale of landforms in this LCT, taller turbines might have adverse visual or adverse scale effects if not carefully sited. It does note that most of the areas where turbines could be most comfortably sited already have wind farm development leaving little capacity for further development in this LCT. It continues to note that, in association with the windfarms whose turbine heights vary from 55 metres to 149.9 metres in height, the addition of the proposed larger turbines could, therefore, be perceived as an extension to an operational or consented wind farm.

- 6.50 In terms of the landscape capacity of the area, as previously noted, the application site is effectively a gap within an area characterised by wind farm development. The rolling nature of the landscape also provides a background and backcloth in which to frame turbines within the application site. In landscape terms, in a landscape of this scale and taking account of the heights and topography of the surrounding wind farms, the erection of 21 turbines at 200 metres to tip height would not appear incongruous within this landscape which is already characterised by wind farms as they are located within this perceived gap on the western edge of the established cluster. It is also considered that the turbines would rise out of the existing forestry which would initially soften their appearance on the landscape. Whilst the current forestry is not permanent as it will mature and be felled, it is unlikely that the land would be used for anything other than forestry and, therefore, another cycle of trees would be planted which would again start to provide this softening effect over the long term.
- 6.51 Due to height and siting, 17 of the 21 turbines would require aviation lighting. An assessment of the lighting was included as part of the LVIA which takes into account the required lighting for the Hagshaw repowering turbines. It concludes this would minimise the visual impact of the current proposals. Whilst it is considered that given the required lighting for the Hagshaw turbines, the current proposals are not introducing night time lighting into the area, they are not immediately adjacent to these turbines and, therefore, there may be a perceptible gap between lighting schemes. This gap is not considered to have a significantly, detrimental visual impact but is one that should be taken account of. The landscape is not designated as being a 'dark sky' and the John Dewar complex has night time lighting that is visible within the wider area while the lighting required by other turbines. Therefore, it is considered that, to ensure that the design of the lighting scheme takes account of the current lighting within the cluster and is designed in tandem with other developments, a condition requiring further approval of the lighting scheme forms part of the recommendation to the Scottish Government.
- 6.52 In terms of other cumulative visual impacts, it is considered that the design of the proposals and the scale of the turbines would minimise them looking out of place in relation to the other turbine proposals in the area and, again it's considered that they would be read as part of a larger scheme on the landscape.
- 6.53 As part of the LVIA carried out within the EIA Report, a Residential Visual Amenity Study (RVAS) was included. The RVAS identified 12 individual properties within 2km of a proposed turbine. None of these properties are located nearer than 1.3km from a turbine. It should be noted that there are some properties nearer than 1.3km to a turbine but these properties have an interest or connection with the proposals and are, therefore, not taken into account. The nearest individual properties to a turbine are 2 properties at Dunside Waterworks being 1.38km from the site. The remaining 10 properties are located further from a turbine with the next distance being 1.47km away and the remaining 9 all over 1.5km away. The RVAS was carried out at all 12 properties and it was concluded that whilst there would be visual impact, it was not of the significance to render any property to be considered 'an unattractive place to live' or have an 'overbearing' visual impact but noted that their outlook would change by

the addition of turbines. It is considered that the distance from the turbines to the properties, with the shortest distance being 1.38km, still helps minimise the visual impact of the turbines as does the rolling topography and forestry that softens the turbines impact on the landscape. The turbines would be located within other wind farm development and would, therefore, not involve the introduction of this form of development on the visual landscape. The spacing of the turbines also ensures that they do not form a visual barrier. It is, therefore, considered that the distance between communities is acceptable in this instance and that, whilst the turbines would have a visual impact, it is one that is not of a significance to be considered detrimental to the visual amenity of the area.

6.54 Impacts on communities and individual dwellings, including visual impact, 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 the Assessment Checklist. 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 6.45 to 6.53 above.

6.55 The impact on communities and individual dwellings in respect to shadow flicker and noise require to be assessed. A full noise assessment has been submitted as part of the EIA Report (Chapter 9). The assessment demonstrates that acceptable noise emission limits can be met. 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. In addition, Environmental Services recommend as part of this condition a requirement of a procedure in the event of there being a noise complaint from the proposed development that requires addressing. Shadow flicker is assessed at section 15 of the EIA Report. The shadow flicker analysis within this Chapter of the EIA report modelled potential shadow flicker based on 10 rotor diameters from each of the proposed turbines and within 130 degrees either side of north. The results of the flicker analysis showed there was potential for ten receptors to encounter shadow flicker. 7 of these properties were assessed as likely to experience a worst case scenario of shadow flicker less than the 30 hours per year threshold that is considered significant. The remaining 3 properties were assessed as breaching the 30 hour a year threshold but it is noted that all 3 properties are connected and involved with the proposed wind farm and as such are not taken into account. Environmental Services have not raised any concerns in relation to the shadow flicker assessment. It is, therefore, considered that there are no receptors affected to a detrimental degree by potential shadow flicker from the proposals.

6.56 Impact on Public Access.

This consideration has been assessed in 6.31 above.

6.57 Impacts on the historic environment.

This consideration has been assessed in 6.17 to 6.18 and 6.26 to 6.29 above.

6.58 Impacts on tourism and recreation.

The EIA Report assesses the likely effects of the proposals on tourism and recreation in Chapter 13. The assessment in the EIA Report concludes the proposed development would not generate any significant adverse effect on any of the tourist and recreational assets. The New Lanark World Heritage Site and Falls of Clyde Visitor Centre and Wildlife Reserve are national and regional attractions located over 10km from the application site. It is considered that the overall effect of the proposals on these attractions would not be significant. There are a number of walking routes

within the area, however, it is considered that due to the existing wind farms in the area that there is already a high expectancy for walkers or cyclists visiting the area to see a wind farm. Therefore, the proposals are not considered to be significant in this respect. Overall, the effects are considered not to be significant on tourism and recreation.

6.59 Impact on road traffic and on trunk roads.

The EIA Report in Chapter 12 provides an analysis of the proposals with respect to the potential impact it may have on the road network. The proposed route for turbine delivery is to use the M74 motorway, exiting at junction 11, then exiting the Poniel interchange western roundabout on to the existing Dalquhandy private access road leading to the existing wind farm site. Roads and Transportation Services have no objections to the proposals subject to conditions as outlined within 4.1 above. These conditions form part of the recommended response to the Scottish Government.

6.60 Impacts on hydrology, water environment and flood risk

These considerations have been assessed in 6.25 above.

6.61 Decommissioning and restoration.

This consideration requires a plan for decommissioning and restoration of the proposed development to be robust, and any consent granted will require a decommissioning and restoration condition attached. The EIA Report sets out a brief summary of the decommissioning proposals which includes all components being removed from site and disposed of and/or recycled as appropriate, and in accordance with regulations in place at that time. If required, exposed parts of the concrete turbine foundations would be ground down to below sub-soil level with the remaining volume of the foundations left in situ. The turbine base area and crane pads would be returned to their original appearances unless further consents were granted. It is, therefore, considered as part of any response to the Scottish Government that, if consent is granted, conditions shall be attached requiring that a decommissioning and restoration plan and to secure a decommissioning bond that satisfies the Council's requirements.

6.62 Energy storage.

The proposed development contains on site battery storage of up to 40MW as part of the scheme which would allow for energy generation by the wind farm even when the grid has no capacity.

6.63 Site decommissioning and restoration bond.

As noted at paragraph 6.61 above, it would be a requirement of any consent that decommissioning and a restoration bond or financial guarantee should be put in place to meet all the expected costs of the proposed decommissioning and restoration phase. The bond or guarantee will have to satisfy the Council's criteria.

6.64 Forestry and woodland removal.

The majority of the site is a commercial forest that, therefore, has only a certain lifespan until being felled. To accommodate the turbines and their bases approximately 59.38ha of forestry will require to be felled however, 61.96h of offsite compensatory planting is proposed as part of the scheme. It is considered that the commercial nature of the forestry proposals are acceptable in this instance. It is also noted that Scottish Forestry will also be consulted by the Scottish Government as part of the proposals.

6.65 Impact on Prime Agricultural Land.

There is no Prime Agricultural Land within the application site.

6.66 Borrow pits.

Assessment Checklist Criteria 24 requires borrow pits associated with windfarms to comply with the requirements in paragraph 243 of SPP. Paragraph 243 of SPP states that borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries and that if they are acceptable, they should be restored following the construction period of the wind farm. Borrow pits are proposed for the construction of the wind farm. In this instance, the remoteness of the application site does add an economic and environmental cost to the project in terms of lorry distances. It is, therefore, considered that borrow pits would be acceptable in this instance. A condition requiring a restoration plan for any borrow pit would form part of any response to the Scottish Government.

6.67 Environmental Protection

Assessment Checklist Criteria 25 requires that all appropriate authorisations or licences 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. It is noted that SEPA will be providing a detailed consultation response to the Scottish Government including comments on Environmental Protection. The Council will, however, be responding requesting that a condition requiring the submission and approval by the Planning Authority, in consultation with SEPA and NatureScot, of a Construction Environmental Management Plan (CEMP) which includes a site specific Construction Method Statement, Site Waste Management Plan (SWMP), Pollution Prevention Plan and surface water management plan be attached to the consent, if granted.

6.68 Mitigation

Assessment Checklist Criteria 27 requires the developer to demonstrate that appropriate mitigation measures will be applied. As referenced throughout the report, the application was submitted with a robust EIA Report containing appropriate mitigation measures and environmental commitments (Chapter 18). The response to the Scottish Government will recommend the implementation of all the mitigation measures as outlined within Chapter 18 of the EIA.

6.69 Legal agreement

Assessment Checklist Criteria 28 requires, where appropriate, the Council to enter into a legal agreement to address matters that cannot be controlled by planning condition. In this instance, a legal agreement to secure a community benefit payment (as discussed in paragraph 6.72 below) and the financial provision for a Planning Monitoring Officer will be required to be entered into if consent is granted.

6.70 Environmental Impact Assessment (EIA)

Assessment Checklist Criteria 29 requires all applications for all renewable energy developments which fall within the scope of the Environmental Assessment Legislation to be accompanied by an Environmental Statement. As noted throughout Section 6 of this report, an Environmental Impact Assessment Report accompanied the Section 36 application submission.

6.71 It is, therefore, considered that the proposals meet the relevant Assessment Checklist Criteria and the relevant Policies of LDP2 where appropriate.

6.72 SPP states that, where a proposal is acceptable in land use terms, and consent is being granted, local authorities may wish to engage in negotiations to secure community benefit. The applicant has confirmed that, should consent for the proposed development be granted and implemented, the applicant would provide a package of

community benefit. The level of contribution is not a material consideration in the assessment of the application.

### **Conclusion**

- 6.73 The proposals are for the erection of twenty one wind turbines at a height of 200 metres to tip and associated infrastructure including battery storage with an electricity generating capacity of over 50MW and, therefore, the application has been made to the Scottish Government under Section 36 of the Electricity Act 1989. South Lanarkshire Council is a statutory consultee as part of a Section 36 application.
- 6.74 Due to the surrounding wind farm developments, either operational or consented, within the immediate area the application site is effectively a 'gap' site within a larger wind farm area. The proposed turbines are considered suitable in terms of scale and siting and that, if constructed, they would be read as part of a larger wind farm group on the landscape. The design and layout of the turbines and the separation distance and scale of the landscape minimise the visual impact the proposals may have on surrounding settlements and individual receptors. The proposed mitigation measures are considered appropriate subject to being conditioned to any permission. No objections have been received from consultees.
- 6.75 In view of the above, it is considered that the proposals accord with national, strategic and local planning policy on renewable energy development. It is, therefore, recommended that the Council in its consultation response does not object to the application subject to the conditions listed in the paper apart and the conclusion of a legal agreement to address the matters described on the front page of the report.

## **7 Reasons for Decision**

- 7.1 The proposed 21, two hundred metres to tip height turbines and associated infrastructure are considered acceptable; are not considered to have any significant, adverse impact within the surrounding area; and accord with National Policy and the relevant provisions of the Development Plan and allow a consultation response of no objection being made to the Scottish Government subject to the imposition of the attached, recommended environmental and transportation conditions.

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

2 March 2021

### **Previous References**

- ◆ None

### **List of Background Papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2

► Consultations	
Roads Development Management Team	28.02.2021
Environmental Services	28.02.2021
Roads Flood Risk Management	28.02.2021
West of Scotland Archaeology Service	28.02.2021
Countryside and Greenspace	28.02.2021
Roads Transportation Services Bridges Structures Section	28.02.2021

### **Contact for further information**

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

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## Conditions and reasons

01. Except as otherwise required by the terms of the section 36 consent and deemed planning permission, the Development shall be undertaken in accordance with the application and the accompanying Environmental Impact Assessment (EIA) Report including all Appendices, dated November 2020, including all mitigation and monitoring measures stated in it, and other documentation lodged in support of the application.

Reason: to ensure that the Development is carried out in accordance with the approved details.

02. No development shall commence unless and until full details of the proposed wind turbines (including, but not limited to, the power rating and sound power levels, the size, type, external finish and colour), any anemometry masts and all associated apparatus have been submitted to and approved in writing by the Planning Authority. The wind turbines shall be constructed and operated in accordance with the approved details and maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned. All wind turbine blades shall rotate in the same direction.

Reason: To ensure that the environmental impacts of the turbines forming part of the Development conform to the impacts assessed in the environmental statement and in the interests of the visual amenity of the area.

03. No wind turbine, anemometer, power performance mast, switching station, transformer building or enclosure, ancillary building or above ground fixed plant shall display any name, logo, sign or advertisement (other than health and safety signage) unless and until otherwise approved in writing by the Planning Authority.

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

04. Prior to the commencement of works in respect of each or any of;
- control building;
  - substation;
  - battery storage building;
  - associated compounds;
  - any construction compound boundary fencing;
  - external lighting; and
  - parking areas.

Final details of the external appearance, dimensions, and surface materials of the relevant element shall be submitted to and approved in writing by the Planning Authority. The substation building, associated compounds, fencing, external lighting and parking areas approved shall be constructed in accordance with the approved details and maintained as such for the lifetime of the development, hereby approved, unless otherwise agreed in writing by the Council, as Planning Authority.

Reason: To ensure that the environmental impacts of the sub-station and ancillary development forming part of the Development conform to the impacts assessed in the EIA Report and in the interests of the visual amenity of the area.

05. Each turbine, buildings, compounds, areas of hardstanding, tracks and watercourse crossings shall be erected in the position indicated upon Figure 3.1 (Site Layout Plan) within the Environmental Impact Assessment Report, dated April 2019. With the exception of Turbine 19, a variation of the indicated position of any turbine or other development infrastructure detailed on the approved drawing shall be notified on the following basis:

- (a) if the micro-sited position is less than 50 metres it shall only be permitted following the approval of the Ecological Clerk of Works (ECoW) in consultation with SEPA and West of Scotland Archaeology Service
- (b) if the micro-sited position is of between 50 metres and 100 metres it shall only be permitted following written approval of the Planning Authority in consultation with SEPA and West of Scotland Archaeology Service. Unless otherwise agreed in writing by the Council, as Planning Authority the said provisions relating to micro-sited position shall not have the effect such that any micro-sited position will:
  - bring a turbine any closer to an uninvolved property than is already approved
  - bring a turbine outwith the planning application boundary
  - breach the 50m water buffer zones
  - take place within areas of peat of greater depth than the original location.

It should be noted that this condition does not allow any micro-siting provision for Turbine 19 and any change from its position as approved will require the written approval of the Council, as Planning Authority in consultation with NatureScot.

Reason: to control environmental impacts while taking account of local ground conditions.

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

Reason: In order to retain effective planning control

07. No development shall commence unless and until a scheme for the working and restoration of each borrow pit has been submitted to, and approved in writing by, the Planning Authority. The scheme shall include:

- (a) a detailed working method statement based on site survey information and ground investigations;
- (b) details of the handling of any overburden (including peat, soil and rock);
- (c) drainage measures, including measures to prevent surrounding areas of peatland, water dependant sensitive habitats and Ground Water Dependent Terrestrial Ecosystems (GWDTE) from drying out;
- (d) a programme of implementation of the works described in the scheme; and
- (e) details of the reinstatement, restoration and aftercare of the borrow pit(s) to be undertaken at the end of the construction period, including topographic surveys of pre-construction profiles and details of topographical surveys to be undertaken of the restored borrow pit profiles.

The approved scheme shall be implemented in full.

Reason: To ensure that excavation of materials from the borrow pit(s) is carried out in a manner that minimises the impact on road safety, amenity and the environment, and to secure the restoration of borrow pit(s) at the end of the construction period.

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

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

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

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

10.00 - 12.00 and 14.00 - 16.00-Mondays to Fridays and;  
10.00 - 12.00 Saturdays.

For the avoidance of doubt, in any instance where a charge is set and it is expedient under HSE regulations to carry out the blast outwith these times the Council shall be alerted via email no later than 2 hours after the blast.

Reason: To ensure that blasting activity is carried out within defined timescales to control impact on amenity.

09. At least one month prior to the commencement of the development, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the planning authority. Such guarantee must:-
- i. be granted in favour of the planning authority
  - ii. be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
  - iii. be for an amount which covers the value of all site restoration and aftercare liabilities as determined by the planning authority at the commencement of development.

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

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

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

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

10. No development shall commence unless and until the terms of appointment of an independent Environmental Clerk of Works ("ECoW") by the Company have been submitted to, and approved in writing by the Planning Authority.. The terms of appointment shall:
- (a) impose a duty to monitor compliance with the ecological and hydrological commitments and mitigations measures provided in the EIA Report and other information lodged in support of the application, the Construction and Environmental Management Plan, the Habitat Management Plan approved;
  - (b) require the ECoW to report to the nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
  - (c) require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site;
  - (d) require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
  - (e) Advising the Company on adequate protection of nature conservation interests on the site; and
  - (f) Directing the micro-siting and placement of the turbines and infrastructure.

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

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

11. No later than eighteen months prior to decommissioning of the Development or the expiry of the section 36 consent (whichever is the earlier), details of the terms of appointment of an ECoW by the Company throughout the decommissioning, restoration and aftercare phases of the Development shall be submitted for the written approval of the Planning Authority.

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

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

12. No development work shall commence until a Construction Environmental Management Plan (CEMP) including Peat Management Plan and Ground Water and Surface Water Monitoring Plan has been submitted to and approved by the Planning Authority in consultation with SEPA and NatureScot. The CEMP shall be submitted a minimum of 2 months prior to works commencing on site and shall incorporate "good practice" methods from the Scottish UK wind farm industry to ensure that environmental impacts are reduced and incorporate all the mitigation measures identified in the EIA Report and Appendices dated November 2020. Thereafter, all the measures described in the approved CEMP shall be implemented within the timescales set out. The method statement shall include the following:
- a) A plan of the construction operations at an appropriate scale;
  - b) A plan to an appropriate scale showing the location of any contractor's site compound and laydown areas required temporarily in connection with the construction of the development.
  - c) Method of defining track route and location (track corridors should be pegged out 500 - 1000m in advance of operations);
  - d) Track design approach
  - e) Maps of tracks indicating double and single tracks and position of passing places.
  - f) The full extent of anticipated track 'footprint(s)' including extent of supporting 'geogrid' below roadstone and cabling at the edges of the track
  - g) Track construction: Floating track construction over peat >1m deep and gradients of 1:10 or less. Track construction for peat <1m deep, or on gradients of >1:10, cross slopes or other ground unsuitable for floating roads.
  - h) Procedures to be followed when, during track construction, it becomes apparent that the chosen route is more unstable or sensitive than was previously concluded, including ceasing work until a solution is identified, informed with reference to advice from ECoW.
  - i) Details of peat/soil stripping, storage and re-use. All soils stored on site shall be in accordance with BS3882 and SNH and SEPA guidance.
  - j) A management plan for minimising the emission of dust from the construction and operation of the development.
  - k) Specifying the means by which material to be used for the development is brought on site unless it has certification from a suitably UKAS accredited laboratory to confirm that the material is not contaminated.
  - l) Compliance with the Council's Sustainable Drainage Systems (SuDs) design criteria guidance and inclusive sign off by the relevant parties carrying out the elements of work associated with the design criteria appendices 1 to 4.
  - m) A coloured plan showing the sustainable drainage apparatus serving the application site together with the contact name and emergency telephone number of the party responsible for its future maintenance. Details of the future maintenance regime in accordance with the latest Construction Design and Management (CDM) Regulations is to be provided on this drawing.
  - n) Peat Management Plan (PMP) - a PMP shall be submitted to and approved by the Planning Authority in consultation with SEPA and NatureScot and thereafter all work will be carried out in accordance with the plan within the required timescales.
  - o) A description of and measures to mitigate impact on surface water courses, hydrology, and private water supplies.

- p) Watercourse crossings should be kept to a minimum to ensure they do not adversely impact on natural flow pathways. These crossings shall be appropriately sized and overland flow routes shall be provided in the event of culvert blockage.
- q) Watercourse crossings should be kept to a minimum to ensure they do not adversely impact on natural flow pathways. These crossings shall be appropriately sized and overland flow routes shall be provided in the event of culvert blockage.
- r) Measures to be taken to ensure that the work does not cause mud, silt, or concrete to be washed away either during the construction stage or as a result of subsequent erosion. Where possible construction works shall avoid road construction during high periods of high rainfall.
- s) Timing and extent of any necessary re-instatement.
- t) Details of the site security gate, wheel wash facility and site entrance hard standing for the written approval of the Planning Authority. All work associated with construction of the access gate, access bell mouth (with associated abnormal load over run area) and wheel wash facility, vehicle parking on site for staff, visitors and deliveries to ensure that all vehicles can manoeuvre within the site and exit in forward gear shall be implemented on site prior to commencement of any internal site works. Details for wheel wash facility to maintain the public road network clear of any mineral/soils throughout the construction period.
- u) Best practice mitigation for pollution prevention and Forest and Water Guidelines published by the Forestry Commission.
- v) Ground Water and Surface Water Monitoring Plan shall be submitted to and approved by the Planning Authority in consultation with SEPA. All works require to be carried out by component qualified professional. The methodology of such monitoring including locations frequency, gathering of information of baseline levels, etc shall be submitted to the planning authority for approval prior to the commencement of works on site. Thereafter, the plan shall be implemented within the timescales set out to the satisfaction of the Planning Authority and the results of such monitoring shall be submitted to the planning authority on a 6 monthly basis, or on request.
- w) A monitoring plan shall be submitted to the planning authority setting out the steps that shall be taken to monitor the environmental effects of the development, including the effects on noise and dust, during the construction phase and the operational phase. The methodology of such monitoring including locations frequency, gathering of information on background levels, etc shall be submitted to the planning authority for approval prior to the commencement of works on site. Thereafter, the plan shall be implemented to the satisfaction of the Planning Authority and the results of such monitoring shall be submitted to the planning authority on a 6 monthly basis, or on request.
- x) a site waste management plan

Reason: To ensure compliance with all commitments made in the Environmental Statement and Supplementary Environmental Information and in order to retain effective planning control.

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

Monday to Friday 7.00am to 7.00pm,  
Saturday 7.00am to 1.00pm;

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

In relation to when borrow pits are operational as approved by condition 7, then the noise levels shall be restricted to 55dB LA eq (1hr) or background LA90 (1hr) + 10dBA, whichever is the lesser and any general construction noise, which is ongoing simultaneously with the Borrow Pit operation, shall be considered as Borrow Pit noise.

Reason: In the interests of local amenity.

14. No work shall start on site until a Traffic Management Plan (TMP) and Timber Transport Plan (TTP) have been submitted for the written approval of the Council, as Planning and Roads Authority. The plans shall be produced in consultation with Roads and Transportation Services, Police Scotland and the Council's Access Officer. Proposals shall include signage at conflicts with the Council's Core Path and Wider Network and arrangements for maintenance of such signage. The plans shall also include:
- a. The routing of all traffic associated with each phase of the Development (construction, operational and decommissioning) on the local road network generally in accordance with the phasing and vehicle movements as set out in Table 12.10 of the EIA Report dated November 2020. This shall provide the date when the access is no longer required other than for occasional intermittent use by light vans and cars.
  - b. Measures to ensure that the specified routes are adhered to, including monitoring procedures;
  - c. Details of all signage and lining arrangements to be put in place;
  - d. Provisions for emergency vehicle access;
  - e. Wheel washing facilities;
  - f. Site staff car parking;
  - e. Identification of a nominated person to whom any road safety issues can be referred;
  - f. access routes for any turbine erection crane; and
  - g. Details of monitoring and recording the vehicle movements and tonnage to and from site require to be submitted to the Planning Authority monthly or on request.

Following approval, the TMP and TTP shall be implemented as approved for the lifetime of the consent, hereby approved, unless otherwise agreed in writing by the Council.

Reason: In the interests of road safety.

15. That prior to commencement of works on site the applicant shall submit, for the written approval of the Council as Planning Authority, an Abnormal Load Route Assessment taking account of the works undertaken at Junction 11 associated with Douglas West Windfarm. Details of all works and modifications to the Council's local road network associated with this Abnormal Local Route Assessment shall also be submitted for the written approval of the Council as Planning Authority.

Following approval of the Abnormal Load Route Assessment and details of any required, associated works, these shall be implemented as approved and maintained as such until all abnormal loads have delivered to the site.

Reason: In the interests of road safety and to ensure that abnormal loads access the site in a safe manner.

16. That all timber extraction vehicle movements onto the public road shall be via the proposed windfarm construction route onto the western roundabout of the B7078 at Junction 11.
17. That no development shall commence until a Road Safety Audit (Stage 2) for all infrastructure to be constructed and adopted, or altered, on any public road, undertaken in accordance with the Institute of Highways and Transportation Guidelines, is approved by the Planning Authority in consultation with the Roads Authority.

Reason: In the interest of road safety

18. Prior to commencement of works on site the applicant shall submit, for the written approval of the Council as Roads Authority, details showing safe crossing arrangements where the proposed construction access meets the Council's core path CL/5735/3 and connecting wider network path CL/5157/1 along with arrangements where other paths are encountered. Once approved the safe crossings shall be implemented and maintained for the lifetime of the construction period.

Reason: In the interests of road safety and access

19. That prior to commencement of any works on site the applicant shall submit to the Council as Planning Authority a copy of their communication strategy to inform the local community of the construction programme and ongoing works to include developer contact points.

Reason: In the interests of road safety

20. Prior to commencement of development the developer shall submit a detailed Access Management Plan (AMP) for the written approval of the Planning Authority, and thereafter adhere to and implement the AMP within the timescales set out. The AMP shall be produced in consultation with the Council's Countryside and Greenspace Services and a programme of community consultation shall be undertaken on a draft AMP. Proposals shall incorporate and identify the Council's Core Path and Wider Network and provide signage where the network identifies links. No works shall commence on site until such times as the AMP has been approved in writing by the Planning Authority.

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

21. No development shall commence unless and until a Habitat Management Plan (HMP) has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot.

The HMP shall set out proposed habitat management of the site during the period of construction, operation, decommissioning, restoration and aftercare, and shall provide for the maintenance, monitoring and reporting of habitat improvements and creation of new habitats to aid biodiversity on site.



The HMP shall include provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the habitat plan objectives. In particular, the approved HMP shall be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Commissioning and submitted for the written approval of the Planning Authority in consultation with NatureScot.

The HMP shall set out details of the implementation of a Habitat Management Group.

Unless and until otherwise agreed in advance in writing with the Planning Authority, the approved HMP (as amended from time to time) shall be implemented in full and within the timescales set out in the approved HMP.

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

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

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

23. No development shall commence unless and until the Company has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation, including archaeological walkover survey which has been submitted by the applicant, agreed by West of Scotland Archaeology Service and approved by the Council, as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Council, as Planning Authority in agreement with the Wets of Scotland Archaeology Service. The approved programme of archaeological works shall be implemented in full.

Reason: To ensure the protection or recording of archaeological features on the site.

24. No development shall commence unless and until a method statement and monitoring plan has been submitted to, and approved in writing by, the Planning Authority. for the avoidance of doubt this shall:-
- detail all mitigation measures to be taken to secure the quality, quantity and continuity of water supplies to properties which are served by private water supplies at the date of the section 36 consent and which may be affected by the Development.

- include water quality sampling methods and shall specify abstraction points.
- be implemented in full.

And monitoring results shall be submitted to the Planning Authority on a quarterly basis or on request during the approved programme of monitoring.

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

25. Unless otherwise agreed in writing by the Planning Authority, if one or more wind turbines fails to generate electricity for a continuous period of twelve months a scheme setting out how the relevant wind turbine(s) and associated infrastructure will be removed from the site and the ground restored shall be submitted for the written approval of the Planning Authority no later than one month after the date of expiry of the twelve month period.

The approved scheme shall be implemented within six months of the date of its approval, to the satisfaction of the Planning Authority.

Reason: To ensure that any redundant wind turbine(s) are removed from Site, in the interests of safety, amenity and environmental protection.

26. No wind turbines shall be erected unless and until a scheme for aviation lighting for the Development has been submitted to, and approved by, the Planning Authority. The scheme shall include details of any aviation lighting required by Civil Aviation Authority and Ministry of Defence which is to be applied.

No lighting other than that described in the scheme shall be applied, other than that required for health and safety purposes, unless otherwise agreed in writing by the Planning Authority.

The required aviation lighting shall thereafter be maintained as approved for the lifetime of the Development.

The Development shall be operated in accordance with the approved scheme.

Reason: In the interests of aviation safety and visual amenity.

27. No development shall commence unless and until a decommissioning, restoration and aftercare strategy has been submitted to, and approved in writing by, the Planning Authority (in consultation with NatureScot and SEPA). The strategy shall outline measures for the decommissioning of the Development and restoration and aftercare of the site and shall include proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions.

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

28. The wind turbines shall be decommissioned and cease to generate electricity by no later than the date falling thirty years from the date of Final Commissioning. The total period for restoration of the Site in accordance with this condition shall not exceed three years from the date of Final Commissioning without the prior written approval of the Scottish Ministers in consultation with the Planning Authority.

No later than five years prior to decommissioning of the Development or the expiry of the section 36 consent (whichever is the earlier) a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy (condition 27), shall be submitted for the written approval of the Planning Authority in consultation with NatureScot and SEPA. The detailed decommissioning, restoration and aftercare plan shall provide updated and detailed proposals, in accordance with relevant guidance at that time, for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include (but is not limited to):

- (a) a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
- (b) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- (c) a dust management plan;
- (d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- (e) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
- (f) details of measures for soil storage and management;
- (g) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- (h) details of measures for sewage disposal and treatment;
- (i) temporary site illumination;
- (j) the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;
- (k) details of watercourse crossings; and
- (l) a species protection plan based on surveys for protected species (including birds) carried out no longer than eighteen months prior to submission of the plan.

The Development shall be decommissioned, the site restored and aftercare undertaken in accordance with the approved plan, unless and until otherwise agreed in writing in advance with the Planning Authority in consultation with NatureScot and SEPA.

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

29. In respect of noise, the following shall apply:

#### 1.0 Operational Noise from Wind Farm ETSU-R-97

In keeping with the data submitted within Chapter 9 of the Environmental Impact Assessment Report, November 2020, the following noise limits shall be adhered to-

The cumulative day time noise (7am to 11pm) from the wind turbines must not exceed a noise level of 40dB LA90 (10 min) or background LA90 (10 min) +5dB, whichever is the greater, at the boundary of the curtilage of any noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site.

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

The cumulative noise (at any time) from the wind turbines must not exceed a noise level of 45dB LA90 (10 min) or background LA90 (10 min) +5dB, whichever is the greater, at the boundary of the curtilage of any financially involved noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site.

Should the permitted ETSU-R-97 conditions above be apportioned within the format of the IOA Good Practice Guide Example- the proposed noise limits for the receptors shown shall be reduced in following number of Decibels at the standardised wind speeds shown-

Receptor	7m/s	8m/s	9m/s
Dunside W'ks Cottage	-1	-2	-1
Dunside	-2	-3	-2

## 2.0 Tonal Contribution

Where the tonal noise emitted by the development exceeds the threshold of audibility by between 2dB and 6.5dB or greater, then the acceptable noise specified in condition 38 shall be reduced by the penalty level identified within section 28 of 'The Assessment and Rating of Noise from Wind Farms- ETSU-R-97. The definition of audibility for the purposes of this condition shall be as described in ETSU-R-97. The penalty shall only apply at properties where the tonal noise is measured and shall only relate to the wind speeds at which the tonal noise occurs at.

## 3.0 Investigation of Complaints

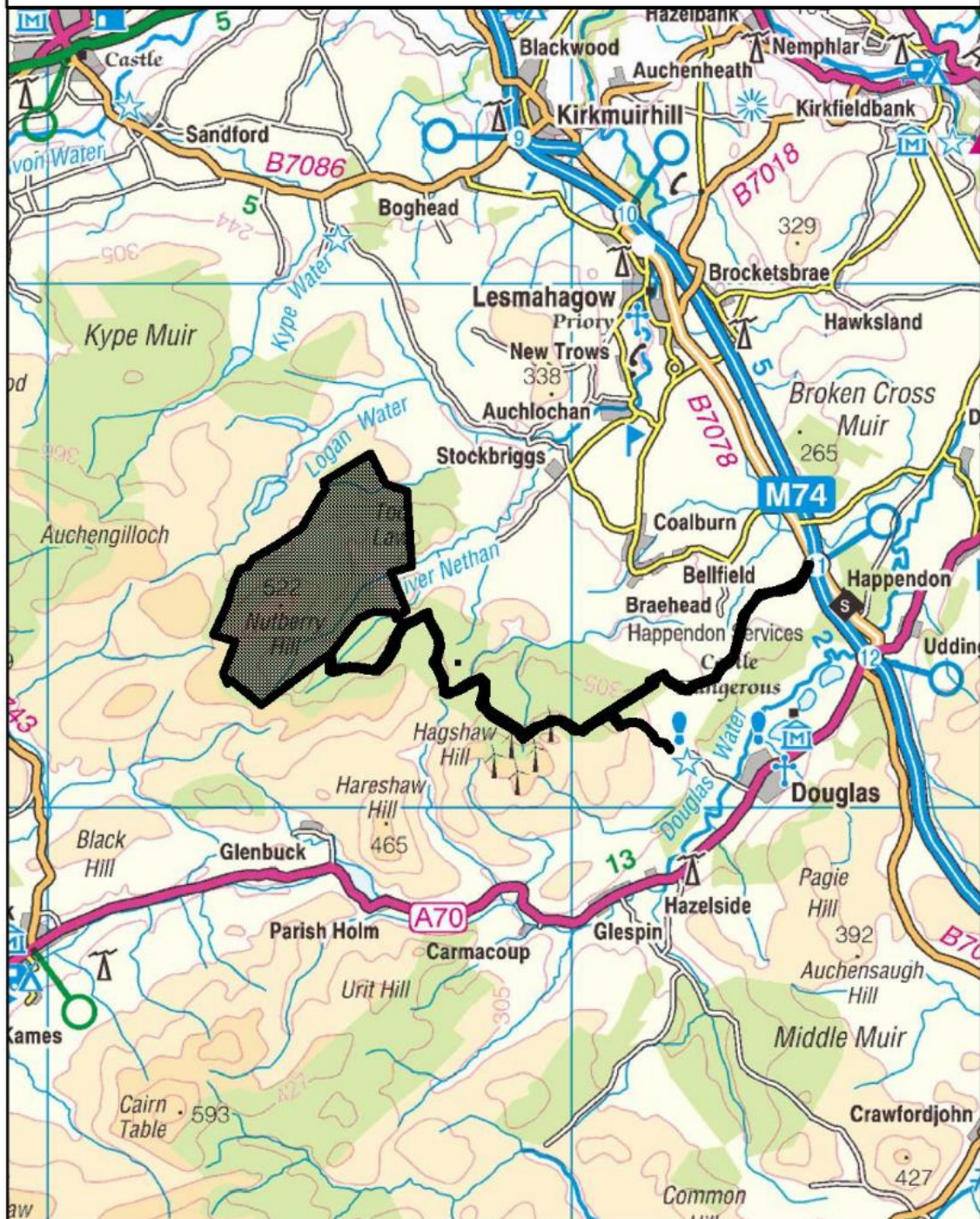
At the reasonable request of the Planning Authority and following a complaint to it relating to noise emissions arising from the operation of the wind farm, the wind farm operator shall appoint an independent noise consultant, whose appointment shall require to be approved by the Planning Authority,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

Where an assessment of any noise impact is, in the opinion of the Planning Authority acting reasonably, found to be in breach of the noise limits the developer shall carry out mitigation measures to remediate the breach so caused. Details of any such mitigation measures required are to be submitted to the Planning Authority for prior approval. Within 21 days of a written request by the Local Planning Authority, following a complaint to it from a resident alleging noise disturbance at the dwelling at which they reside and where Excess Amplitude Modulation is considered by the Local Planning Authority to be present in the noise immissions at the complainant's property, the wind farm operator shall submit a scheme, for the approval of the local planning authority, providing for the further investigation and, as necessary, control of Excess AM. The scheme shall be based on best available techniques and shall be implemented as approved.

Reason: In the interests of residential amenity

P/20/1730

Cumberhead West Wind Farm



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Scale:  
1:100,000  
Date:  
26/02/2021



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



# Report

9

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>23 March 2021</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/1838
Planning proposal:	Change of use from public house to retail unit and external alterations to existing building

## 1 Summary application information

Application type: Detailed planning application

Applicant: GHSL Limited  
 Location: The Old Original Bar  
 285 Glasgow Road  
 Blantyre  
 Glasgow  
 South Lanarkshire  
 G72 9HJ

## 2 Recommendation(s)

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

(1) Grant detailed planning permission.

## 2.2 Other actions/notes

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

## 3 Other information

- ◆ Applicant's Agent: Sandy McAllister
- ◆ Council Area/Ward: 15 Blantyre
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**  
 Policy 2 - Climate Change  
 Policy 4 - Development Management and Place Making  
 Policy 6 - General Urban Area/Settlements

**Proposed South Lanarkshire Local  
Development Plan 2**  
Policy 2 - Climate Change  
Policy 3 - General Urban Areas  
Policy 5 - Development Management and Place  
Making

◆ **Representation(s):**

▶	61	Objection Letters
▶	0	Support Letters
▶	1	Comment Letter

◆ **Consultation(s):**

None



## **Planning Application Report**

### **1 Application Site**

- 1.1 The planning application site relates to a traditional two storey building which is situated on a prominent corner location between Glasgow Road and Stonefield Road, Blantyre. The site comprises the ground floor of the existing sandstone property, which was constructed in 1903.
- 1.2 The site is situated within the general urban area, within close proximity to Blantyre town centre.
- 1.3 The site relates to the ground floor of the building, with the upper level of the property being occupied by residential units. The site is enclosed to the north by Glasgow Road (A724), a busy main route through Blantyre and further by St Joseph's Church. The site is bound to the east by Stonefield Road and further by residential accommodation. In addition, the site is bound to the south by an area of garden ground and is enclosed by adjacent existing commercial premises at ground floor level and residential units at first floor level. To the west, the site is enclosed by the access area to the flatted residential units and the garden ground associated with those properties.
- 1.4 The applicant has submitted information (letter dated 5 February 2021) which identifies that the existing unit has been marketed for re-occupation since January 2019 as the public house was considered to be an 'under performing asset.' The correspondence establishes that within the last two years there have been nine viewings of the property. However, the unit was not progressed by any of the parties as a public house as it was considered that there was no financial future in such a use at the site. Subsequently, the letter identifies that the only interest has been for a change of use of the unit.

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

- 2.1 The applicant seeks detailed planning consent for the change of use from a public house to a retail unit and associated external alterations to the existing building at The Old Original Bar, 285 Glasgow Road, Blantyre.
- 2.2 The proposal is for the unit to accommodate a Class 1 retail use which will include the sale of fresh cold food, such as sandwiches, and a dessert bar for consumption off the premises. The proposed development will accommodate a retail area, 'back of house' area, manager's office, staff area and toilet facilities. The proposed external alterations include the replacement of the existing main access door to the retail unit and the existing windows with an aluminium powder coated framed glazing system. In addition, the proposal includes the closure of two of the entrances to the existing public house.

### **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 and its impact on residential amenity and the visual impact on the streetscape. In addition, the proposed South Lanarkshire Local Development Plan 2 (SLLDP2) (Volumes 1 and 2) and Supporting Planning Guidance are now a significant material consideration in the determination of planning applications.
- 3.1.2 On 17 August 2020 the Directorate for Planning and Environmental Appeals issued its report of the Examination of SLLDP2 and a number of modifications to the Plan were recommended. At the Planning Committee on 1 December 2020 members agreed to

the approval of all of the modifications, the publication and public deposit of the Plan (as modified) and the submission of the Plan to Scottish Ministers. For the purposes of determining planning applications the Council will, therefore, assess these against the policies contained within the adopted South Lanarkshire Local Plan and those within the proposed South Lanarkshire Local Development Plan. As SLLDP2 is now approved for adoption, when considering planning applications, greater weight should be given to the policies and guidance contained in this Plan.

- 3.1.3 The planning application site is designated as part of the general urban area in both the adopted and proposed Local Development Plan. The site is affected by Policy 2 'Climate Change,' Policy 4 'Development Management and Place Making' and Policy 6 'General Urban Area/Settlements,' of the adopted Local Development Plan. In addition, Policy 2 'Climate Change,' Policy 3 'General Urban Areas' and Policy 5 'Development Management and Place Making' of the proposed Local Development Plan are also relevant to the assessment of this planning application.

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

- 3.2.1 Given the nature and scale of the proposal there is no specific Government guidance directly relevant to the proposed development.

### 3.3 **Planning Background**

- 3.3.1 There is no recent planning history relative to this planning application site.

## 4 **Consultation(s)**

- 4.1 There were no consultations undertaken in relation to the submitted planning application.

## 5 **Representation(s)**

- 5.1 Statutory neighbour notification was undertaken in respect of the proposal and following this publicity, 61 letters of representation and 1 letter of comment were received in relation to the application. The grounds of objection are summarised below:-

- a) **This establishment is a big part of our local community, especially for older generations, and the loss of the pub will be devastating.**

**Response:** It is noted that the public house plays an important role for the local community. However, it is well established that the use of a site is determined by market forces and the agent has identified that the public house is commercially unviable in the longer term and an alternative use has been sought.

- b) **There are already enough shops in the Blantyre area and a change of use would be welcomed if the proposal was for a café.**

**Response:** The submission of a planning application for a retail unit rather than a café at the site is outwith the control of the Planning Service. The planning system does not regulate the supply and demand for a proposed use, however, as an application has been submitted for a retail use the Planning Service is required to assess and determine the proposal.

- c) **The submission of this application is disappointing.**

**Response:** Noted.

- d) **This building has historic value as a pub and is part of the history of Blantyre.**

**Response:** It is noted that the proposal relates to a change to the existing public house use. However, importantly, the existing building will be retained and the proposal only relates to very minor external alterations to the property. In future there is the option for the property to be utilised again as a public house or an alternative use, subject to the relevant consents and appropriate demand.

**e) Concern about the loss of jobs for those who work in the public house.**

**Response:** Whilst any loss of jobs is regrettable, this matter is an issue which is outwith the remit of the Planning Service in the assessment of the planning application.

**f) Concern regarding the parking associated with the retail use as the unit is situated at a very busy junction.**

**Response:** There is no parking provision associated with the site, however, there is off-street parking available near-by in an established car park which is accessed via Stonefield Road.

**g) Too many public houses are disappearing from our towns.**

**Response:** Noted.

**h) A retail unit at this location will increase the traffic in an already busy area.**

**Response:** It is noted that this site is situated at a busy junction. However, the property is located in close proximity to the designated Blantyre town centre and established residential development. It is anticipated that most users of the proposed retail use would walk, rather than drive, to the unit and, therefore, it is considered that any potential increase in traffic would be minimal.

**i) This building should be listed and the pub gantry is an original feature which should be protected for future generations.**

**Response:** The property is not currently a designated Listed Building and, therefore, the proposed development cannot be assessed within this context. Without the protection of Listed Building status the future of any internal original features are for the owner to determine.

**j) There is a petition on Facebook regarding this application and 177 people have objected.**

**Response:** Noted.

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

## **6 Assessment and Conclusions**

6.1 The applicant seeks detailed planning consent for the change of use from a public house to a retail unit and external alterations to the existing building at The Old Original Bar, 285 Glasgow Road, Blantyre.

6.2 The determining issues in the consideration of this application are its compliance with the adopted and proposed Local Development Plan policies and its impact on residential amenity and the visual impact on the streetscape.

6.3 With regards to Government guidance and advice, as detailed in section 3.2, it is considered that there are no significant issues raised by the proposal in this regard.

6.4 In terms of Local Plan policy, the site is affected by Policy 2 of both the adopted Local Development Plan and the emerging Local Development Plan. These policies seek to minimise and mitigate against the effects of climate change. The proposed

development relates to the re-use of an existing property, which is highly assessable, and is located within an established urban area. Therefore, it is considered that the proposal accords with the provisions of Policy 2 of both the adopted and emerging Local Development Plan.

- 6.5 The site is affected by Policy 6 of the adopted Local Development Plan and Policy 3 of the emerging Local Development Plan. These policies establish that within general urban areas residential developments, and those of an ancillary nature, may be considered acceptable provided that they do not have a significant adverse impact on the amenity and character of the area. It is generally acknowledged that land uses such as retail units are acceptable within residential areas. Therefore, it is considered that the proposed development does not raise any issues within the context of Policy 6 of the adopted Local Development Plan and Policy 3 of the emerging Local Development Plan.
- 6.6 Policy 4 of the adopted Local Development Plan and Policy 5 of the emerging Local Development Plan identify that all development proposals will require to take account of and be integrated with the local context and built form. The proposed alterations to the property are such that it is considered that the development will not result in a significant material impact on the streetscape or any nearby properties. Therefore, the proposal raises no issues within the context of Policy 4 of the adopted Local Development Plan and Policy 5 of the emerging Local Development Plan.
- 6.7 The issues raised by the third party representations received are not, in this instance, significant enough in terms of substance or weight to warrant the refusal of the proposal.
- 6.8 In conclusion, the public house at the site has historically played a role within the Blantyre community, however, the agent has advised that the existing use is considered unviable in the longer term. Subsequently, the proposal would ensure the occupation of the existing building for a retail use, in close proximity to Blantyre town centre. The proposed retail use and associated external alterations are acceptable at this location and will not detract from the amenity of the surrounding area. The proposals comply with the relevant policies contained in both the adopted and proposed Local Development Plans. Consequently, it is recommended that planning consent is granted.

## **7 Reasons for Decision**

- 7.1 The proposal will not result in a significant adverse impact on the residential or visual amenity and the proposal raises no issues within the context of Policies 2, 4 and 6 of the adopted South Lanarkshire Local Development Plan. In addition, the proposal raises no issues within the context of Policies 2, 3 and 5 of the proposed Local Development Plan 2. There are no other material considerations which would justify the refusal of planning permission.

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

12 March 2021

## **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 6 January 2021
- ▶ Design and Access Statement, prepared by Agent, received 5 January 2021
- ▶ Letter, prepared by Agent, dated 5 February 2021
  
- ▶ Consultations
  - None
  
- ▶ Representations
 

	Dated:
Mr John McMillan, 91 Buller Crescent, Blantyre, G72 9JF	11.01.2021
Mrs Irene Stewart, 78 Estate Rd, Carmyle, Glasgow, G32 8BU	12.01.2021
Miss Nicola Roagan, 18 Victoria Street et, Blantyre, G72 0EA	11.01.2021
Mr Jamie Duffy, 495 Glasgow Road, Blantyre, Glasgow, G72 9HP	17.01.2021
Ms Angela Magowan, 34 Boswell Dr, Blantyre, Glasgow, G72 0BL	10.01.2021
Miss Stephanie Barclay, 1114, Blantyre, G72 0EF	11.01.2021
Mr Barry Bryson, 67 Waverley Terrace, High Blantyre, Glasgow, G72 0HW	10.01.2021
Mrs Gillian Kelly, 7 Dechmont Gardens, Blantyre, G72 9LP	10.01.2021
Mr William Kelly, 7 Dechmont Gardens, Blantyre, Glasgow, G72 9LP	10.01.2021
Mrs Mary Smith, 7 Berkley Drive, Blantyre, G72 9ET	10.01.2021
Mr John Wales, 59, Heaton terrace, North shields, NE29 7HG	11.01.2021
Mr Charlie McGuigan, 47 Heathcliffe Ave, Blantyre, G72 9ER	10.01.2021
Mr James Gebbie, 123 Dalcraig Crescent, Blantyre, Glasgow, G72 9LZ	10.01.2021
Mr Alan Anderson, 14 Dalcraig Crescent, Blantyre, Glasgow, G72 9LW	17.01.2021
Miss Caron Shiels, 21 Acredyke Crescent Glasgow, Glasgow, G21 3QJ	10.01.2021
Ms Kirsty Hartley, 3 Coldstream Street, Blantyre, Glasgow, G72 0SR	10.01.2021

Mr Robert MacGregor, Stonefield Crescent, Blantyre, Glasgow, G72 9TF	02.02.2021
Mr James Thomson, 6 Strachan Place, Blantyre, G72 0TD	11.01.2021
Mrs Ann Watson, 44 Fernslea Ave, Blantyre, G72 9PW	13.01.2021
Mr Robert Smith, 124, Broompark Road, BLANTYRE, G72 9RN	10.01.2021
Mr James Clark, 46 Poplar Place, Blantyre, Glasgow, G72 9QB	11.01.2021
Mr Gregor Lamberton, 1114, Blantyre, G72 0EF	11.01.2021
Miss Lisa McSkimming, 1 Morris Crescent, Blantyre, G72 0BY	10.01.2021
Mr Owen Davidson, 106 Roseberry Place, Hamilton, Glasgow, ML3 9EN	12.01.2021
Miss FalCarrágh O' Donnell, 21 Acredyke Crescent, Glasgow, G21 3QJ	10.01.2021
Mr Stevie Park, 19, Morven Avenue, Blantyre, G72 9EH	10.01.2021
Miss Lauren Mcdermott, 106, Roseberry Place, Hamilton, ML3 9EN	10.01.2021
Mr Ben McMaster, 16 Walnut Close, East Kilbride, G75 9EY	10.01.2021
Mrs Bridget Shiels, 27 Acredyke Crescent, Glasgow, G21 3QJ	15.01.2021
Mr Paul Houston, 10 Sandhead Terrace, Blantyre, G72 0JH	16.01.2021
Mr Alan Anderson, 14 Dalcraig Crescent, Blantyre, Glasgow, G72 9LW	17.01.2021
Miss Erin Traynor, 27 Lamont Road, Glasgow, G21 3PN	10.01.2021
Miss Amanda Skelton, 1 Morris Crescent, Blantyre, G72 0	10.01.2021
Mr Gerry Skelton Skelton, 1 Morris Crescent, Blantyre, G72 0BY	10.01.2021
Mrs Patricia Mckay, 17 Belvoir Place, Blantyre, G72 9DP	10.01.2021
Mr John Mckay, 17 Belvoir Place, Blantyre, G72 9DP	10.01.2021
Mrs Geraldine Mccalkister, 1 Morris Crescent, Blantyre, G72 0BY	11.01.2021
Miss Rhianna Murray, 5 Wallace Wynd, Kirkmuirhill, ML11 9PF	11.01.2021

Mr Michael O'Shea, 33 Kippford Terrace, Fernhill, Glasgow, G73 4FL	15.01.2021
Mr Frank Allan, 27 Broompark Road, Blantyre, G72 0NP	16.01.2021
Mr Kenneth Thomson, 6 Anford Place, Blantyre, G72 0NR	09.01.2021
Kenny Thomson, By Email	02.02.2021
Miss Michelle McGrane, 9 Strathmore Avenue Blantyre, Glasgow, G72 9JZ	10.01.2021
Mrs Ashley McNally, 122 Fir Drive, Eastkilbride, G75 9HB	10.01.2021
Mrs Agnes Neilson, 27 Broompark Road, Blantyre, G72 0NP	16.01.2021
Mr Nathan Cornish, 34 Holmswood Avenue, Blantyre, G72 9EL	27.01.2021
Mr Gary Skelton, 1 Morris Crescent, Blantyre, G72 0BY	10.01.2021
Mrs Geraldine Skelton, 1 Morris Crescent, Blantyre, G72 0BY	10.01.2021
Miss Laine Fitzgerald, 41 Millands Avenue, Blantyre, G72 9JA	10.01.2021
Mrs Elaine Oneil, 109 Hillview Drive, Blantyre, G729JE	10.01.2021
Mrs Joanne Swan, 30 Acredyke Crescent, Balornock, Glasgow, G21 3QH	10.01.2021
Miss Angela Gearing, 39 Victoria street, Blantyre, G72 0BT	10.01.2021
Miss Caron Shiels, 21 Acredyke Crescent Glasgow G21 3QJ	11.01.2021
Mr D McCalliater, 19 Victoria Street, Blantyre, G72 0BY	11.01.2021
Mr James Watson, 44 Fernslea Avenue, Blantyre, Glasgow, G72 9PW	11.01.2021
Mr Wilma Kane, 30 John Street, Blantyre, G72 0YS	23.02.2021
Mr Robert MacGregor, 43 Stonefield Crescent, Blantyre, G72 9TF	15.02.2021
Mr Charlie Palamer, 4 Kinoule Place, Blantyre, G72 9HJ	23.02.2021
Kenny Thomson, Sent By Email	19.02.2021
Mr Charlie McGuigan, 47 Heathcliff Avenue, Blantyre, G72 4ER	23.02.2021
Miss Caron Shields, 21 Acredyke Crescent, Glasgow, G21 3QJ	08.03.2021

**Contact for further information**

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

Gail Neely, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455932

Email: [gail.neely@southlanarkshire.gov.uk](mailto:gail.neely@southlanarkshire.gov.uk)



Detailed planning application

Paper apart – Application number: P/20/1838

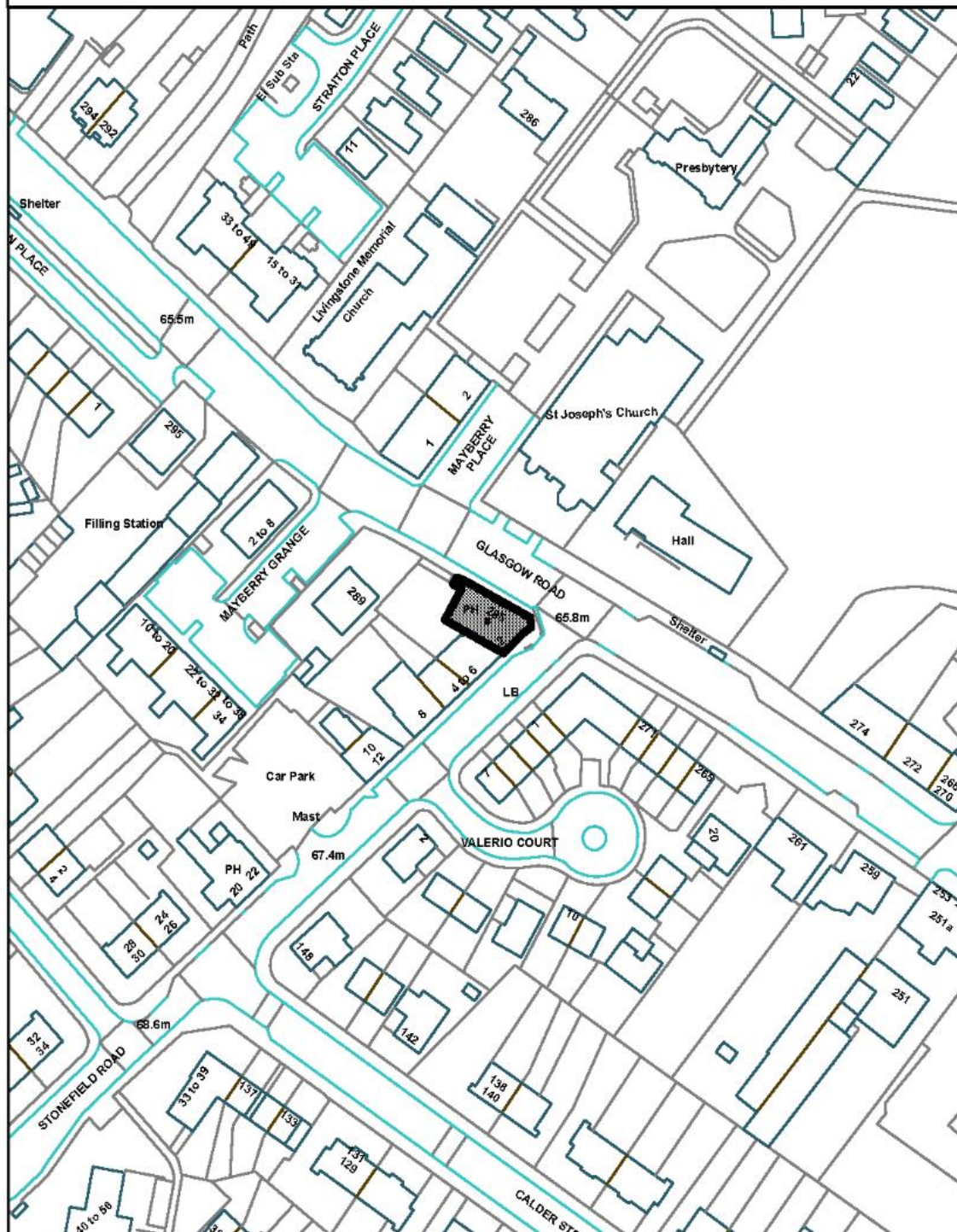
**Conditions and reasons**

01. No conditions to be attached.

Reason: Planning permission is granted unconditionally.

P/20/1838

The Old Original Bar, 285 Glasgow Road, Blantyre



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1:1,250  
Date:  
26/02/2021



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

# Report

10

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>23 March 2021</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/1665
Planning proposal:	Change of use from dry cleaners (Class 1) to hot food takeaway (Sui generis)

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Mayfair Cleaners
Location:	36 Kirkton Park East Kilbride G74 4HX

## 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: Stephen Govan
- ◆ Council Area/Ward: 08 East Kilbride Central North
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (2015)**  
Policy 2: Climate Change  
Policy 4: Development management and placemaking  
Policy 9: Neighbourhood centres  
Policy 15: Natural and historic environment  
**Supplementary Guidance 3**  
Development Management, Placemaking and Design Policy  
DM1: Design  
DM8: Hot food shops  
**Supplementary Guidance 9**  
NHE7: Conservation Areas

## **Proposed South Lanarkshire Local Development Plan 2**

Policy 2: Climate Change

Policy 5: Development Management and  
Placemaking

Policy 9: Network of Centres and Retailing

Policy 14: Nature and Historic Environment

Policy DM9: Hot Food Shops

Policy NHE6: Conservation Areas

### **◆ Representation(s):**

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

### **◆ Consultation(s):**

Roads Development Management Team

Environmental Services

East Mains Community Council

## Planning Application Report

### 1 Application Site

- 1.1 The application site relates to a single storey retail shop, currently a dry cleaners, at 36 Kirkton Park, The Village, East Kilbride. The site is the end unit within a single storey, terraced row of six units. To the east is located an access road, Lindsay Grove which leads to the rear service yard area of this row of shops as well as accessing some elderly persons' housing beyond. To the front and south is located a row of chevron parking associated with the parade of shops and beyond to dwellinghouses in Kirkton Park with Lindsay Road lying to the south east. Directly to the rear of the unit is a communal service yard area with common space for car parking. The application site is located within a local neighbourhood centre (East Kilbride Village). The unit also falls within East Kilbride Village Conservation Area. Within the terraced row of shops there exists an Indian restaurant, a Greggs bakery, a delicatessen, a laundrette, a bar and grill together with the dry cleaners.

### 2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for a change of use from Class 1 (dry cleaners) to a hot food takeaway shop (sui generis). A new shop front is proposed with new window and aluminium framed door in a similar breakdown to the existing. An upgraded flue on the rear roof of the unit, in the same position as the existing dry cleaners flue, is also proposed.
- 2.2 The current use of the unit is as a dry cleaners, known as Mayfair Cleaners, who are the applicants in this instance. At time of visiting the site, the dry cleaners was trading.
- 2.3 The applicant proposes to open between the hours of 12:00 noon and 00:00 midnight, seven days per week. The business will potentially provide 6 full time and 4 part time jobs, including serving staff, kitchen staff and delivery drivers. The unit will contain counter services, kitchen, washing and preparation area and a staff toilet.

### 3 Background

#### 3.1 Local Development Plan Status

##### 3.1.1 Adopted South Lanarkshire Local Development Plan (SLLDP) 2015

The application site is on land identified as lying within the East Kilbride Village Local Neighbourhood Centre and the Conservation Area within the adopted South Lanarkshire Local Development Plan (SLLDP) 2015 and contains the following policies against which the proposal should be assessed:-

- ◆ Policy 2: Climate change
- ◆ Policy 4: Development management and placemaking
- ◆ Policy 9: Neighbourhood centres
- ◆ Policy 15: Natural and historic environment

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

- ◆ Supplementary Guidance 3: Development Management, Placemaking and Design Policy - Policy DM8 – Hot food shops
- ◆ Supplementary Guidance 9: Natural and historic environment- Policy NHE7 – Conservation Areas

### 3.1.3 South Lanarkshire Local Development Plan 2 (SLLDP2)

On 17 August 2020 the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2 (SLLDP2); a number of modifications to the proposed Plan were recommended. At the Planning Committee on 1 December 2020 members agreed to the approval all of the modifications in the examination report; the publication and public deposit of the Plan, as modified; and the submission of the Plan to Scottish Ministers.

3.1.4 The application site is on land identified as lying within East Kilbride Village Local Neighbourhood Centre as well as the Conservation Area within the proposed South Lanarkshire Local Development Plan (SLLDP2) 2018. The proposed development requires to be assessed against the following policies:-

- ◆ Policy 2: Climate change
- ◆ Policy 5: Development Management and Placemaking
- ◆ Policy 9: Hot food shops
- ◆ Policy 14: Natural and historic environment
- ◆ Policy DM 9: Hot food shops
- ◆ Policy NHE 6: Conservation Areas

## 3.2 **Planning Background**

3.2.1 There is no recent planning history pertaining to this site.

## 4 **Consultation(s)**

4.1 **Roads Development Management Team** – has no objections having considered the proposal in detail and has stated that there is parking available to the front and rear of the row of shops and additional parking available within a relatively short walk (approximately 120 metres away in Stuart Street). In addition, it is evident that this row of shops hosts several premises providing takeaway food including a Greggs bakery, local deli and Indian restaurant. The introduction of another hot food shop will provide a further alternative to potential customers arriving and would not necessarily result in any significant additional vehicle trips to this location. Furthermore, it is stated that from available survey information, the busiest period would generally be between 7pm and 8pm when shops such as Greggs bakery, the deli and laundrette would be closed. Thus, potentially there would be a reduction in competing parking demand at Kirkton Park shops.

**Response:** Noted and agreed. Should the application be approved an informative would be added to encourage the applicant to publicise the additional car parking to the rear of the premises, e.g. by means of a location plan printed on the back of the takeaway menu; signage for customers displayed within the shop etc.

4.2 **Environmental Services** – has no objections subject to a standard condition and informatives relating to the control of odour, through a suitable ventilation system being installed, and noise.

**Response:** Noted. Any consent would have an appropriately worded condition and informatives attached.

4.3 **East Mains Community Council** – Objects to the proposal on the basis that the concentration of traffic for the hot food take away would overwhelm an area that already has severe problems with double parking and pavement parking. This concentration would be focused at peak times and would, therefore, cause safety

concerns for motorists and pedestrians alike. Also, there are no indication of hours of operation, in terms of noise and nuisance. The unit is closest to the residential area.

**Response:** Whilst these points are noted, the observations of both the Council's Environmental Services and Roads and Transportation Services which address these issues, are detailed above and in the representations Section 5 and the assessment and conclusions Section 6 of this report. As detailed, neither of these Services has objected to this proposal.

## **5 Representation(s)**

5.1 Statutory neighbour notification was carried out and the application was advertised in the local press in terms of Non-Notification of Neighbours and as a Bad Neighbour development. Following this, 32 letters of objection were received. The issues raised in these representations can be summarised as follows:-

- a) **Congestion and parking is already a problem and potential hazard outside this row of shops particularly during peak times. Yet another food outlet would further exacerbate the problem of parking of cars, vans and lorries on double yellow lines and pavements.**

**Response:** The Council's Roads and Transportation Services were consulted as part of this application and noted that the premises are within East Kilbride Village with similar uses and shops in the vicinity and there is parking available to the front of the unit and to the rear. Also, additional parking is available within a relatively short walking distance of this row of shops in Kirkton Park at Stuart Street, approximately 120 metres away. Roads and Transportation Services has concluded that the introduction of an additional food outlet would not necessarily result in any significant additional vehicle trips to this location.

- b) **The character of the Village, which is enhanced by its variety of shops, will be reduced by the loss of another shop to a food outlet.**

**Response:** it is considered that a variety of shops still remain within the Village and that this proposal would not reduce the character of East Kilbride Village.

- c) **A hazard is created to pedestrians and motorists alike due to vehicles double parking, turning at the junction with Lindsay Road and the blocking of driveways and access to lock-ups.**

**Response:** There are various restrictions already in place on Kirkton Park and Lindsay Grove. A parking permit also operates along Kirkton Park, commencing east of Lindsay Grove, and extends into Lindsay Road. As detailed in point (a) above, it is considered that there is parking available in the vicinity and, in addition, there are communal spaces within the yard area to the rear of the unit.

- d) **If the premises are opened late at night this would result in noise and disturbance and may result in anti-social behaviour.**

**Response:** The applicant has confirmed the opening hours proposed are 12 noon to 12pm. The premises are located within a commercial area and form part of a row of shop units. Hours of opening would be controlled under the operating licence.

- e) **There are only a small number of car parking spaces, including an inadequate disabled bay, to serve this row of shops and it can get quite chaotic and congested.**

**Response:** As stated above under point (a), in addition to the car parking spaces to the front there are some communal spaces within the rear yard area associated with the row of shops and other general parking in the local vicinity.

- f) **There is a problem with illegal parking because of the takeaway food outlets, parents dropping off/picking up school children and Lidl customers using the underpass instead of the supermarket car park.**  
**Response:** As mentioned under point (c), various parking restrictions already exist. Illegal parking is against the law and falls to the Police or traffic wardens to enforce.
- g) **Increase in air pollution from cooking, litter and environmental risk from waste due to rodents.**  
**Response:** It is noted that the location of the flue on the flat rear roof section of the unit is the same position as the existing flue associated with the dry cleaning business, currently operating from the unit. The proposed flue would be designed to a modern standard to ensure minimal noise, odours etc. As such, Environmental Services have raised no objection to the proposal provided the ventilation system operates in accordance with their guidelines and is maintained as such. An appropriate condition and informatives would be attached to any planning consent.
- h) **There are six sheltered houses at the back of the shop which would be affected by anti-social behaviour and smell from the premises.**  
**Response:** The sheltered houses in Lindsay Grove are located some 36 metres to the north of the application site. As Lindsay Grove is a cul-de-sac, there will be no through movement of customers using the hot food shop and, therefore, it is considered that the occupiers of the sheltered houses will not be adversely affected by the proposed hot food takeaway.
- i) **Could the new owner combat the parking issues by encouraging parking and collection from the rear of the premises?**  
**Response:** Any planning consent would have an informative to encourage the applicant to publicise the availability of parking to the rear of the unit.
- j) **This end unit is directly beside and opposite several residences and evening opening would be very disruptive.**  
**Response:** It is recognised that this is the end unit in the row of shops and, therefore, is the closest to the residences located to the east within Kirkton Park. However, there exists the road, Lindsay Grove, between the row of shops and the first house, No. 22 Kirkton Park and the application site lies within a commercial zoning.
- k) **Large lorries making deliveries early in the morning or taking away crates and glass cause disturbance, this proposal would add to this problem.**  
**Response:** This is an established shop unit in a terraced row of shops. It is considered that the use of this unit as a hot food takeaway will not exacerbate existing disturbance associated with shops within a local neighbourhood centre.
- l) **The Mayfair Dry Cleaners is a valued business in the community and would be a loss to everyone.**  
**Response:** While it is accepted that the local community may miss the dry cleaning facility, Mayfair Cleaners is the applicant in this instance. The circumstances are not known why they wish to terminate the dry cleaning business at this property, however, this is not a planning matter.

5.2 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 adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance. Other material considerations to be taken into account include the proposed South Lanarkshire Local Development Plan 2 (SLLDP2) (2018).
- 6.2 In the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) the application site is located within the East Kilbride Village Local Neighbourhood Centre and the Conservation Area.
- 6.3 Policy 2: Climate Change seeks to minimise and mitigate against the effects of climate change. The proposals entails a change of use from a dry cleaners to a hot food takeaway. The proposal would involve minimal change to an existing shop unit with the applicant utilising the existing extract flue position which is located to the rear of the unit on a flat roofed section of the building. A modern extract system to the satisfaction of the Council's environmental Services would be installed. The proposals do not involve any large scale construction and, therefore, would not have a detrimental impact upon the local environment nor biodiversity and air quality.
- 6.4 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.
- 6.5 Policy 9: Neighbourhood Centres advises any proposals for changes of use within neighbourhood centres will be assessed with regard to the need to have an appropriate mix of use with a retail element retained to serve the needs of the local community. Policy DM8 – Hot food shops of the supplementary guidance is also relevant. This advises in relation to retail/commercial areas, there will be a general presumption in favour of granting planning permission subject to compliance with the following criteria:-
- ◆ An adequate level of shopping provision is maintained and the viability of the centre and its retail function is not adversely affected
  - ◆ A satisfactory balance is retained between retailing and non-retailing uses
- The proposal does not have a significant impact in terms of environmental, traffic, public safety and amenity considerations, particularly in relation to residential properties near the site.
- 6.6 Policy 15: Natural and Historic Environment provides the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment. In this instance, the site is located within the East Kilbride Village Conservation Area. As it is an existing shop unit with minimal external change to its appearance, the Conservation area would not be detrimentally impacted upon in this instance. This advice is supported within Natural and Historic Environment Supplementary Guidance under Policy NHE6- Conservation Areas.
- 6.7 The modified SLLDP2 and associated documents were approved by the Planning Committee on 1 December 2020. The Council has now advised the Scottish Ministers of its intention to adopt the Plan. Local Development Plan 2 is, therefore, the Council's

most up to date policy position and is afforded significant weight in the assessment and determination of planning applications.

- 6.8 Within the modified SLLDP2, the application site is located within the East Kilbride Village Local Neighbourhood Centre and the Conservation Area.
- 6.9 The applicant proposes to change the use of this end terraced unit from a dry cleaners (class 1) to a hot food takeaway (sui generis) at 26 Kirkton Park, East Kilbride Village. The main determining issues in assessing this proposal are whether it accords with local development plan policy and its impact on amenity and road safety matters.
- 6.10 Within SLLDP2 Policy 2 (Climate change), similar to the adopted Plan, seeks to minimise and mitigate against the effects of climate change. The proposal entails a change of use from a dry cleaners to a hot food takeaway. The proposal would involve minimal change to an existing shop unit with the applicant utilising the existing extract flue position which is located to the rear of the unit on a flat roofed section of the building. A modern extract system to the satisfaction of the Council's environmental Services would be installed. The proposals do not involve any large scale construction and, therefore, would not have a detrimental impact upon the local environment nor biodiversity and air quality.
- 6.11 Policy 5 (Development Management and Placemaking) of the adopted South Lanarkshire Local Development Plan and associated supplementary guidance seek to ensure that development takes account of and is integrated within the local context and built form. Proposals should have no significant adverse impacts on the local community and include where appropriate measures to enhance the environment.
- 6.12 Policy 9 (Network of Centres and Retailing) recognises the need to retain a retail element in neighbourhood centres whilst having regard to the impact of any proposals on the role and function of the centre. Furthermore, Policy DM9 (Hot food shops) is relevant and has a general presumption in favour of granting planning permission in town centre locations, for hot food shops, subject to compliance with a number of criteria.
- 6.13 As the application site is also located within East Kilbride Conservation Area, Policy 14 – Natural and Historic Environment is also applicable and assesses all development proposals in terms of their effect on the character and amenity of the natural and built environment. Policy NHE6 – Conservation Areas advises that development and demolition within a conservation area affecting its setting shall preserve or enhance its character. The design, materials, scale and siting of any development shall be appropriate to the character of the conservation area and its setting.
- 6.14 The hot food takeaway use is considered to be an appropriate use in the neighbourhood centre and is considered to be compatible with the existing use as a neighbourhood centre. The proposal is not considered to have a significant adverse impact on residential amenity given that there are no residential properties immediately adjacent to or above the premises. A condition has been attached in respect of waste storage and collection. The location benefits from the provision of communal parking to the front of the unit and the availability of car parking within the rear yard area off Lindsay Grove. Sufficient off street parking is located within walking distance within East Kilbride Village itself and Roads and Transportation Services had no objections to the proposed change of use. Environmental Services raised no objections to the proposed hot food takeaway.

- 6.15 In terms of policies 5, 14 and NHE6, there are some alterations to the front of the building by way of new glazing and entrance door. The applicant is aware that any proposed signage will be subject to a separate application for Advertisement Consent. The installation of the flue within the roof space on the rear of the building is to be in the same position as the existing one associated with the dry cleaning business. As this is on a flat roofed section of the building and not on a public elevation, it will sit below the ridgeline of the building and is not visible from the public street. I am satisfied it will have no adverse impact on the character of the conservation area.

The proposal is, therefore, considered to be in accordance with Policies 2, 5, 9, 14, DM9 and NHE6 of the adopted South Lanarkshire Local Development Plan 2 and associated Supplementary Guidance.

- 6.16 In summary, following a full and detailed assessment of the proposed development, it is considered that the proposed development is in accordance with the adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance and the modified South Lanarkshire Local Development Plan 2 and for the above reasons, planning permission can be granted.

## **7 Reasons for Decision**

- 7.1 The proposal will not have a significant adverse impact on amenity or public safety and complies with Policies 2, 4, 9, DM8 and NHE7 of the Adopted South Lanarkshire Local Development Plan and Supplementary Guidance. The proposal also complies with Policies 2, 5, 9, 14, DM9 and NHE6 of the Modified South Lanarkshire Local Development Plan 2. There are no other material considerations that would outweigh the policy position.

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

12 March 2021

### **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
  
- ▶ Consultations
  - Roads Development Management Team 04.02.2021
  - Environmental Services 10.12.2020
  - East Mains Community Council 02.12.2020
- ▶ Representations
  - Mr Paul Meechan, 1 Lindsay Road, East Kilbride, G74 4HZ Dated: 01.12.2020
  - Mrs Claire Paterson, 28 Kirkton Park, East Kilbride, G74 4HT 02.12.2020  
02.12.2020

Mr Leon Paterson, 28 Kirkton Park, The Village, East Kilbride, Glasgow, G74 4HT	02.12.2020
Mr John Farrell, 2 Lindsay Road, East Kilbride, G74 4JA	02.12.2020
Miss Vivien Jarvie, 16 Kirkton Park, East Kilbride, Glasgow, G74 4HT	02.12.2020
Mr Philip Collins, 26, Lindsay Road, East Kilbride, G74 4JA	02.12.2020
Ms Norma Churchill, 17 Melrose Terrace, East Kilbride, East Kilbride, Glasgow, G74 4EQ	02.12.2020
Mr Michael Mcateer, 32 Kirkton Park, GLASGOW, G74 4HT	02.12.2020
Mr Alastair Gunning, 27 Kirkton Park, East Kilbride, G74 4HU	05.12.2020
Mr Nigel Heath, 25 Kirkton Park, East Kilbride, G74 4HU	30.11.2020
Mr Phillip Clark, 30 Lindsay Road, East Kilbride, G74 4JA	08.12.2020
Mrs Christine Garcia, 48 Lindsay Road, East Kilbride, G74 4JA	09.12.2020
Isobel Desport, 2 Kirkton Park, East Kilbride, Glasgow, South Lanarkshire, G74 4HT	10.12.2020
Donna Love, 3 Whitemoss Road, East Kilbride, Glasgow, South Lanarkshire, G74 4JB	10.12.2020
Peter Pang, 3A Whitemoss Road, East Kilbride, Glasgow, South Lanarkshire, G74 4JB	10.12.2020
Fong Dong, 30 Kirkton Park, East Kilbride, Glasgow, South Lanarkshire, G74 4HT	10.12.2020
Kenneth MacBeen, 16 Maxwell Drive, East Kilbride, Glasgow, South Lanarkshire, G74 4HG	10.12.2020
Anne Cropp, 18 Maxwell Drive, East Kilbride, Glasgow, South Lanarkshire, G74 4HG	10.12.2020
Mr Billy Allan, 33 Kirkton Park, East Kilbride, Glasgow, G74 4HX	07.12.2020
Mr James Docherty, 4 Lindsay Road, East Kilbride, Glasgow, G74 4JA	02.12.2020
Mandy Penman, 9 Lindsay Road, East Kilbride, G74 4HZ	10.12.2020
Mr William Arthur, 11 Threshold, Whitemoss, East Kilbride, G74 4HN	02.12.2020
Mr James Marshall, 4 Kirkton Place, Village, East Kilbride, G74 4HR	02.12.2020

Mrs Sandra Allan, 33 Kirkton Park, East Kilbride, Glasgow, G74 4HX	03.12.2020
Mr David Blake, 21 Lindsay Road, East Kilbride, G74 4HZ	07.12.2020
Mrs Patricia Whelan, 8 Lindsay Road, East Kilbride, G74 8JA	07.12.2020
	09.12.2020
Margaret Duffy, By Email	04.12.2020
Miss Elizabeth Farrell, 43 Lindsay Road, East Kilbride, G74 4HZ	09.12.2020
Ms Joan Mallan, 18 Kirkton Park, Village, East Kilbride, G74 4HT	03.12.2020
Ross Ditchburn, Received Via Email	16.12.2020
Lesley Cunningham, 42 Lindsay Road, East Kilbride, G74 4JA	16.12.2020
Mrs Kay Stanton, 9 Kirkton Park, East Mains, East Kilbride, G74 4HT	16.12.2020

**Contact for further information**

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

Maud McIntyre, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
 Phone: 01698 455043  
 Email: [maud.mcintyre@southlanarkshire.gov.uk](mailto:maud.mcintyre@southlanarkshire.gov.uk)

### Conditions and reasons

01. That before the development hereby approved is brought into use, details of the storage and collection of waste arising from the development shall be submitted to and approved by the Council as Planning Authority. The storage and waste collection scheme shall be implemented before the development is brought into use and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: To minimise nuisance, littering and pest problems to nearby occupants.

02. That no consent is hereby granted for any of signage, for which a separate advertisement consent will be required.

Reason: In order to retain effective planning control.

03. 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 by employing 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 open, 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.
- d) The discharge stack shall:
  - ◆ Discharge the extracted air not less than 1m above the roof ridge of any building within 20m of the building housing the commercial kitchen.
  - or
  - ◆ The extracted air shall be discharged not less than 1m above the roof eaves or dormer window of the building housing the commercial kitchen. Additional control measures may be required.
  - or
  - ◆ Reiterate the proposed mitigation scheme as part of the condition.

Reason: In the interests of amenity.

P/20/1665

36 Kirkton Park, East Kilbride G74 4HX



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Scale:  
1:1,150  
Date:  
25/02/2021



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





# Report

11

Report to: **Planning Committee**  
 Date of Meeting: **23 March 2021**  
 Report by: **Executive Director (Community and Enterprise Resources)**

**Subject: Planning Enforcement Charter**

## 1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ seek Committee approval to revise the Council's Planning Enforcement Charter

## 2. Recommendation(s)

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

- (1) Approve the amendments to the Council's Planning Enforcement Charter set out in the appendix to this report, subject to the Head of Planning and Economic Development being authorised to modify the document to take account of drafting, presentational and technical matters, prior to publication.

## 3. Background

- 3.1. Section 158A of the Town and Country Planning (Scotland) Act 1997 requires a planning authority to prepare an enforcement charter. It should contain the Council's policies for taking enforcement action; how members of the public can report breaches of planning control; and information on how the enforcement system works. The charter must be kept under review and be updated and re-published at least every 2 years.
- 3.2. The current version of the charter includes a priority system to ensure that officers prioritise their responses to potential breaches. This established hierarchy gives priority to cases that have the most serious potential effects and which may affect important or sensitive sites. They include those where the unauthorised works are causing an immediate threat to public safety or significant and immediate harm to the amenity of an area (due to the impact for example of additional noise and pollution or the visual impact). Cases involving damage to listed buildings, designated natural or historic sites and conservation areas also fall into this high priority category. These require a response immediately, or within one working day.
- 3.3. Cases which are of a medium priority, require a response within 5 working days. This can include ongoing building operations or the change of use of land or buildings which are not significantly harming amenity and non-compliance with drawings approved by a planning permission or any conditions attached to the consent. Finally, a lower priority is given to cases where the unauthorised development reported is likely to be small scale in nature and unlikely to have a major effect on amenity or public safety. Circumstances where the complaint is anonymous was added to this category at the last review. They should be responded to within 10 working days.

- 3.4 The charter highlights that formal enforcement action will only be considered where it is in the public interest to do so which reflects national policy on planning enforcement. For example, taking action is not appropriate in order to resolve a neighbour dispute. The most recent update, approved by Committee in February 2019, clarifies when enforcement action will be taken, how unauthorised works to protect trees would be dealt with, how breaches can be reported, who a notice would be served on and how a retrospective planning application will be assessed.

#### **4. Review of the Planning Enforcement Charter**

- 4.1 The following table shows that the number of enforcement cases investigated by the service has increased significantly in the period since 1 April 2020 compared to previous years.

<b>2017/2018</b>	<b>2018/2019</b>	<b>2019/2020</b>	<b>2020/2021</b>
194	187	188	280

A key part of the review of the current charter was to consider whether the system for the prioritisation of enforcement cases remains appropriate in view of the current workload. Overall, it is considered that the existing hierarchy is relevant as are the timescales for investigating each type of priority. The addition of anonymous complaints as a low priority has been reviewed and it is noted that these have often related to more minor matters that have resulted from neighbour disputes or private legal matters. Given the upsurge of unauthorised works that are being reported, it is not considered an efficient use of resources to continue to investigate anonymous complaints unless the alleged unauthorised works relate to a case which would cause a significant level of harm (ie are in the high priority category).

- 4.2 It is therefore proposed that anonymous complaints no longer be investigated. It is expected that, if the complaint is valid, the complainant would be willing to provide their details. It is always preferable that a complainant provides these as it allows officers to put their location and relationship to the alleged breach into context. The Service always respects requests for confidentiality and treats personal data in accordance with the data protection legislation. However, the Council is subject to information requests and there may be limited circumstances where the identity of those reporting breaches has to be released. This is made clear in the charter. Notwithstanding this, should an anonymous complaint be received that relates to a case which would cause a significant level of harm, it is proposed that this would continue to be investigated.
- 4.3 Additional changes to the charter are also proposed as a consequence of the legislative requirements set out in the Planning (Scotland) Act 2019. Section 42 of the Act increases the penalties for non-compliance with notices served by the Council. Should an enforcement notice not be complied with, the maximum fine that can be issued by the Sherriff Court on conviction has been increased from £20,000 to £50,000 and, for a breach of condition notice, from £1,000 to £5,000. In addition, section 44 states that the charter should also contain a statement in relation to the planning authority's monitoring of compliance with planning permissions which have been granted in respect of major developments including how the authority will monitor compliance with such planning permissions, record its findings, and how the authority will make such records available to the public. The enforcement charter has, therefore, been updated to reflect these changes in legislation when they come into effect. In addition to these changes, other minor wording changes are included to clarify how to contact the Enforcement Team and on legislative powers available to the Service.

## **5. Next Steps and Timescale**

- 5.1. Following Committee approval, it is intended that the revised charter, attached as an appendix to the report, would be published on the Council's website and form the basis for guiding the Service's approach to the application of its enforcement powers. In addition, in accordance with legislation, 2 copies will be sent to Scottish Ministers and a copy placed in each public library once they are open again to the public.

## **6. Employee Implications**

- 6.1. There are no employee implications.

## **7. Financial Implications**

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

## **8. Climate Change, Sustainability and Environmental Implications**

- 8.1. There are no implications for climate change, sustainability or the environment in terms of the information contained in this report.

## **9. Other Implications**

- 9.1 There would be a reputational risk if the Council did not provide an updated Planning Enforcement Charter.

## **10. Equality Impact Assessment and Consultation Arrangements**

- 10.1 This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and therefore, no impact assessment is required.
- 10.2 There is also no requirement to undertake any consultation in terms of the information contained in this report.

**Michael McGlynn**

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

3 March 2021

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

- ◆ Improve the quality of life of everyone in South Lanarkshire
- ◆ Accountable, effective, efficient and transparent
- ◆ Make communities safer, stronger and sustainable

## **Previous References**

- ◆ Report to Planning Committee 26 February 2019 - Planning Enforcement Charter

## **List of Background Papers**

- ◆ South Lanarkshire Planning Enforcement Charter

## **Contact for Further Information**

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

Gwen McCracken, Planning Team Leader, Montrose House, Hamilton

Ext: 4672 (Tel: 01698 454672)

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



Planning and Economic Development Services

# Planning enforcement charter

*A guide to enforcing planning controls*

# Contents

- 1 Introduction
- 2 The main points on planning enforcement
- 3 Informing us about a possible breach of planning control
- 4 Identifying possible situations where planning control has been broken
- 5 Our policy on enforcement and monitoring
- 6 Investigating possible situations where planning control has been broken
- 7 Not keeping to statutory notices
- 8 Appeals against notices
- 9 Enforcement and advertising
- 10 Protected trees
- 11 Enforcement powers
- 12 Making a suggestion or complaint
- 13 Enforcement contacts

# 1 Introduction

- a You need planning permission for most types of development, including new buildings and change of use of land or buildings. However, some minor work (known as permitted development) can be carried out without applying for permission. People sometimes carry out work without planning permission because they are unaware that permission is needed. Developers may fail to keep to the permission they have been given.
- b We have legal powers to enforce planning controls if we think that it is in the public interest to do so. As well as investigating work that may have been carried out without permission, we also monitor developments that have been given permission to make sure that they are built in line with approved drawings and keep to planning conditions attached to the permission.
- c This charter explains:
  - how the enforcement process works;
  - our role;
  - what happens at each stage of what can be a lengthy process; and
  - the service standards we have set.
- d Enforcement is one of the most complicated parts of the planning system. The aim of this charter is to make sure that our procedures are fair and reasonable and that we keep everyone involved informed when enforcement issues arise.
- e There is also a role for the public in letting us know when planning controls may have been broken. Enforcing planning controls interests many members of the public. We hope you will find this charter useful. Let us know how you think we could further improve the service. Our contact details are in section 13.

This charter sets out the current powers available to planning authorities. These powers are set out in the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 and the Planning (Scotland) Act 2019.

## 2 The main points on planning enforcement

- a Breaking planning control is not in itself a criminal offence. This only applies when a notice served by the Council has not been complied with in the timescale required.
- b When dealing with planning enforcement we seek to deal with a problem rather than to punish what is often a mistake. Any action that we take has to be appropriate to the scale of the problem and the harm that it may be causing. It is a last resort when other ways of resolving the problem have been exhausted.
- c We have legal powers to investigate cases where planning control has been broken and to take formal action if we cannot negotiate a satisfactory solution to any problems that have arisen. However, it is important to remember that enforcement is a discretionary power. This means that we have to decide whether it is in the public interest to take

enforcement action. We do not have to take action when planning control has been broken and, if we have good reason to do so, we may decide that no action is needed.

- d You can find more information on using enforcement powers in the Scottish Government Planning circular 10/2009: Planning Enforcement. You can see this online at: <https://www.gov.scot/publications/planning-circular-10-2009-planning-enforcement/>
- e Planning enforcement also covers displaying advertisements such as signs, billboards and advertisement hoardings, although slightly different procedures apply. These procedures are set out in section 10 of this charter – Enforcement and advertising. The actual content of an advertisement is not covered by planning control. If you have a complaint about this, you should contact the Advertising Standards Authority. You will find their contact details at the end of section 13.
- f We also have powers to intervene when trees that are protected by a Tree Preservation Order or trees within a conservation area are under threat. There may be also be a condition on a planning permission that prevents work to trees.

## Service standard

By publishing our standards and targets, we aim to improve our enforcement service so we respond to the needs of our customers. We will monitor this charter to make sure that we are meeting standards and targets.

# 3 Informing us about a possible breach of planning control

- a Members of the public have a vital role in reporting situations where control has been broken. If you are concerned that someone is carrying out work without permission or not keeping to planning permission they have been given, please contact the Planning Enforcement team. You can phone or e-mail them or call in person at Planning and Economic Development, Montrose House, 154 Montrose Crescent, Hamilton. You can also report a breach using an online form. Contact details can be found in section 13 of the charter.
- b The following information is important and helpful to us when you report a suspected case where planning control has been broken.
  - The address or location of the property or land involved.
  - Full details of the suspected problem (for example, details of the building work or activities being carried out, or the particular condition on a planning permission which you think may not be being kept to).
  - Dates and times when the activity is carried out or when the building work began, if this applies.
  - Details of any problems caused by breaking the planning controls.



Details of your name, phone number, address and e-mail address, if you have one are helpful if you want to know the outcome of an investigation into your enquiry.

- c We will do our best to honour requests for confidentiality and treat personal data in accordance with data protection legislation. We are however subject to information requests and we may have to release personal information in some limited circumstances. Requests for total confidentiality may also limit our ability to take formal action and we cannot guarantee this if the case leads to court proceedings.
- d Members of the public also have an important role in monitoring the conditions that are placed on most planning permissions. Anyone applying for permission must keep to any conditions attached to the decision notice which is issued when planning permission is granted. You can see decision notices at Planning and Economic Development, Montrose House, Montrose Crescent, Hamilton or online at [www.southlanarkshire.gov.uk](http://www.southlanarkshire.gov.uk). Planning permissions are monitored by our Planning and Economic Development Service. However, we grant permission to a large number of applications each year and it is not practical for us to monitor all conditions at all times. In some cases, the developer has to put up a notice at the development site showing information that might help you when you contact us. It will have the name of the developer, the date when planning permission was granted, and details of how to contact us.
- e We check any information we receive from the public to see if it involves a possible problem and to make sure that all the details that we need to carry out an investigation have been provided. After our first checks, we will log the enquiry. We will then send a written or e-mail acknowledgement to the person who made the enquiry which will include details of the case reference number, details of the officer dealing with the enquiry and other contact details.
- f We recognise that delays can be frustrating to people sending us information about situations where planning control has been broken, particularly if you consider that you are affected. We will try to keep you informed about significant stages in the progress of a case. However, if you want regular updates, you should contact the case officer direct. You will be informed of the outcome of the case in writing.

## 4 Identifying possible situations where planning control has been broken

- a Situations where planning control may have been broken include:
  - work being carried out without planning permission or other types of permission (for example, listed building consent or advertisement consent);
  - an unauthorised change of use of land or buildings;
  - people using their home to run a business;
  - not keeping to conditions attached to any permission;
  - carrying out work which does not keep to approved plans which have been given planning permission; or
  - carrying out work to trees that are protected by a planning condition or a tree preservation order.

There will be cases where the work that has been carried out is permitted development because of its size and position and does not require planning permission in the first place. It is not always the case that works to a listed building need consent if that work does not affect its character. In addition, there are many situations where running a business from a house does not require permission. You can get further guidance on these matters by contacting the Planning Service.

- b Our ability to take enforcement action is restricted by when the unauthorised development or change of use originally took place. We have to take enforcement action within the following strict time limits.
  - A four-year limit – applies to ‘unauthorised operational development’ (carrying out building, engineering, mining or other operations in, on, over or under land) and the change of use of a building to a single home. Four years after the planning control has been broken, the development becomes lawful and we cannot take any enforcement action.
  - A ten-year limit – applies to all other development including a change of use (other than to a single home) and breaching any condition. After ten years, the development becomes lawful if we have not taken any enforcement action.
- c In many circumstances, we receive enquiries which do not relate to planning matters. For example we cannot become involved in boundary disputes and legal issues are matters that are dealt with under other legislation.

If this is the case, we will tell you that we cannot take action and if appropriate, we will refer you to the council service or other agency which can help you with your concern.

## 5 Our policy on enforcement and monitoring

- a When we conclude that planning control has been broken, we have to decide what action, if any, is needed. These situations can sometimes have a serious effect on an area and the local environment, but equally, some are less harmful.
- b When considering whether to take formal enforcement action, our main concern is whether the unauthorised development or activity has a harmful effect on an area (for example, through noise, visual impact (what it looks like), smell, dust, fumes or traffic safety).

### General enforcement policy

We will take enforcement action against any unauthorised development that unacceptably harms public amenity, public safety or the existing use of land and buildings which need protecting in the public interest.

In considering whether to take enforcement action, we will assess the situation against:

- the local development plan and enforcement policies;
- the effect on residential amenity (for example whether a development would result in a loss of privacy, overlooking or overshadowing or whether it would affect the overall character and its enjoyment by residents or visitors);
- the effect on road safety;
- the scale of the problem;
- how sensitive the area is to the harmful effects of noise, visual effect, smell, dust, fumes and so on; and
- how much harm will be done to the environment – this can include landscape character, listed buildings, archaeology and habitats.

## Justification

Scottish Planning Policy states that the Scottish Government's confidence in the planning system depends on reliably enforcing the law and planning decisions. The policy also says that the controls and requirements involved in the planning process must be in proportion to how serious the situation is. We will not take action against trivial or technical breaks that cause no harm to amenity or safety. We will try to persuade an owner or occupier of land to voluntarily put right any harmful effects of unauthorised development. However, any negotiations will not delay formal enforcement action that we may need to take to either stop the activity or make the development acceptable for planning reasons.

## General monitoring policy

We will monitor a development to make sure it is carried out in line with planning laws and approved plans and conditions. We will give priority for monitoring to those developments which are most likely to have an effect on the environment or residents or on public safety. We will also monitor and record the compliance with planning permissions which have been granted in respect of major developments.

The progress of works on sites where mineral extraction or renewable energy development is taking place will also be monitored and the council, where appropriate, will appoint at the expense of the developer a suitably qualified independent assessor. The role of the assessor will be to verify that the works being carried out match the earthmoving, phasing and restoration works shown on the approved planning permission.

## Justification

We need effective controls to make sure development is carried out strictly in line with planning laws and planning permission. Problems may arise if a development is not carried out in line with the planning permission which has been granted. For example:

- building in the wrong place;
- not providing enough protection to existing trees and hedgerows;
- using inappropriate materials;
- not doing the right kind of hard and soft landscaping; or
- problems with boundaries.

We may also add conditions to planning permission to tackle possible problems arising from a development. As a result we need effective monitoring to make sure that development takes place in line with approved plans and conditions.

## Service standard

A priority system is used to investigate the complaints and information that we receive about cases where planning control may have been broken. We will give greater priority to those cases that have the most serious potential effects and which may affect important or sensitive sites. Although a case may not fall within the 'high priority' category, it may be that the level of harm being caused by it is high. If this is the case, we will consider that the case is high priority and will take appropriate action. Therefore, the level of harm caused by the case will always be considered, as well as which priority category it belongs to.

Malicious or hoax complaints use up valuable resources. Therefore we will not investigate anonymous complaints unless it is considered that the level of harm that may be being caused by the case is high.

Complaints will be prioritised as set out in the following table.

High priority: Investigation - immediate or within 1 working day of notification	Comments
Unauthorised works causing an immediate threat to public safety	
Unauthorised works to, or demolition of, a listed building	Full/partial demolition or significant alteration of a listed building
Unauthorised works which are adversely affecting or likely to adversely affect a designated natural or historical site of international or national importance	Includes for example, New Lanark World Heritage site, Scheduled Monuments, SSSIs, National Nature Reserves, Special Protection Areas and Special Areas of Conservation
Unauthorised works to protected trees where the tree is under threat and likely to be lost or damaged	Felling or lopping of trees covered by TPO or within a conservation area or trees protected by a planning condition
Unauthorised works likely to cause significant or irreparable damage to the character of a conservation area, including demolition	Demolition of unlisted buildings
Any unauthorised development, including a breach of planning conditions, which causes significant and immediate harm to the amenity of a locality (in terms of visual impact, noise, traffic, smell, pollution, loss of privacy or light)	

Medium priority: Investigation - within 5 working days	Comments
Unauthorised ongoing building operations or changes of use which are not significantly impacting on amenity	
Harmful breaches of planning control that are nearing immunity from enforcement action by virtue of the 4 or 10 year immunity rule	

Medium priority: Investigation - within 5 working days	Comments
Works where significant and rapidly ongoing building works or engineering operations are ongoing	
Unauthorised minor development in conservation areas or unauthorised minor works to listed buildings	
Non-compliance with approved plans or conditions	
Low priority: Investigation - within 10 working days	Comments
Unauthorised development that has no significant impact on visual or other amenity	
Unauthorised advertisements	Unless creating a public safety issue
Unauthorised minor or small scale developments which, if retrospective planning permission was applied for, would comply with development plan policy and would be likely to be approved	Including the erection of domestic outbuildings, boundary fences and walls, decking, satellite dishes.

## 6 Investigating possible situations where planning control has been broken

- a An investigation begins with an enforcement officer visiting the site. In some cases, we may need to do more investigation. This can involve serving a Planning Contravention Notice to gather information.
- b We will then let you know if we plan to take no further action because:
  - there has not been a breach of planning control
  - we cannot prove that planning control has been broken;
  - the problem is minor and causes no harm; or
  - there is not enough evidence to take the matter further.

- c If we do find that a breach has occurred, there are three main courses of action which we may take.

d **Negotiate a solution**

We will usually try to sort out the situation by negotiating with the person who is responsible for breaking planning control, rather than immediately taking enforcement action against them. In many cases, we can sort the situation out through discussion and negotiation. We will take this approach when we consider that it is the most reasonable way of dealing with a problem.

This will normally mean the person responsible being asked to stop the activity and get them to carry out work to put right any harm that it has caused; or so that the development does not require planning permission.

We will give the person responsible a specific amount of time to meet either of these requirements. The length of time will depend on how serious the problem is and any harm it is causing.

e **Make a retrospective application**

In some cases it may be appropriate to ask the person responsible to send us a retrospective planning application. Until we make a decision on the retrospective application, we will not take formal action. We will only encourage or ask for a retrospective application if we consider that the situation has no negative effects or if the operations or work could be made acceptable by placing conditions on the planning permission. The person applying would then have to keep to these conditions. This does not prevent the developer submitting an application where they are advised it is unlikely it will be granted.

An owner or developer should never rely on 'retrospective permission' to get permission for unauthorised work. Anyone doing this is taking a considerable risk and may face formal enforcement action if planning permission is refused

If we do receive a retrospective planning application the normal neighbour notification and publicity will be carried out and we will fully consider any comments made before we make a decision. Retrospective planning applications are dealt with like any others and we will take into account the Local Development Plan, responses from consultees and the impact on the area and public safety. The application cannot be refused simply because it is retrospective.

If we grant planning permission or if the unauthorised activity stops and any harmful effects are put right, we will not take any enforcement action. We will let you know this if you previously asked about the problem.

**Take formal enforcement action**

- f If the problem continues beyond the timescale that we give to put right any harmful effects or to send a planning application, we will consider what formal enforcement action we should take to deal with the matter. We will normally take formal action if a situation where planning control has been broken is causing harm to an area and where negotiations have failed to deal with the matter. We may also take action if we have

received a retrospective application which is unacceptable on its planning merits and cannot be made acceptable by placing conditions on it.

We will only take formal enforcement action if we consider that the problem is having an unacceptable or harmful effect on an area. Taking action has to be in the public interest. We will not take action simply because someone does not have planning permission or refuses to send us a retrospective planning application.

Only a relatively small number of cases result in us taking formal enforcement action. This usually involves either an 'enforcement' or 'breach of condition' notice being served on the owner and occupier of the land and other persons with an interest in the development – this can include those with a financial interest in the land such as a lender. (See section 11 of the charter - 'Enforcement powers' for more details on all types of notice and powers available to us). Serving a notice can have severe repercussions for a property and can for example impact on the ability of the owner to sell it or seek further lending.

Most notices include:

- a description of the problem;
- the steps that should be taken to put the situation right;
- the timescale for taking these steps;
- the consequences of not taking these steps; and
- where appropriate, any rights of appeal that the person has and how to make an appeal.

- g We keep an online enforcement register with details of enforcement notices, breach of condition notices, notices which will need an application to be provided to us, temporary stop notices and stop notices. Details of monitoring and recording of compliance with planning permissions for major developments and other developments will also be recorded within the planning application register once the relevant legislation takes effect. You can inspect these documents at Planning and Economic Development, Montrose House, Hamilton . You can see details of notices which have been served since 1st September 2012 online at [www.southlanarkshire.gov.uk](http://www.southlanarkshire.gov.uk).

## Service standard

If we cannot sort out a situation and action is justified, we will serve a formal notice. This will usually be either an enforcement notice or a breach of condition notice.

The notice will explain what is needed to be done to remedy the breach, the timescales involved and the available options to deal with the issue.

## 7 Not keeping to legal notices

- a It is only when someone who has been served with a notice does not comply with its requirements that an offence is committed. If this is the case the options available to us include
- carrying out work to put the problem right and charging the person for the costs involved;
  - getting a court order to stop or prevent someone from breaking planning controls;
  - referring the case to the Procurator Fiscal for possible prosecution; and
  - serving a fixed-penalty notice.

- b In the first instance, we will do everything possible to make sure that the person responsible for the problem carries out any action or work needed by the notice. This may mean that, if necessary, we give more time to the person to carry out the work and keep to the notice.
- c We may consider whether we could carry out the work ourselves (although only a very limited number of cases are likely to involve direct action due to the nature of the problem, the costs involved and the problems of recovering the costs from the person responsible).
- d We may also decide to seek prosecution. This involves reporting the case to the Procurator Fiscal. If the Fiscal accepts a case, the matter is referred to the Sheriff Court and a date is set for a trial. If the case is not accepted, we will not continue with enforcement action unless a revised notice is served based on new evidence. We would usually only make a report to the Fiscal as a last resort and if the problem is causing serious harm.

## 8 Appeals against notices

- a Anybody served with an enforcement notice has a right of appeal to Scottish Ministers. Appeals are dealt with, in most cases, by the Planning and Environmental appeals Division. We will let anyone know about the appeal if they have sent us information on breaking planning controls.
- b If an appeal is made, the notice will have no effect until the Scottish Ministers make a decision on it. This may take a number of months from when the appeal is made. During this time, the unauthorised activity may continue. If the Scottish Ministers agree with us and decide that the person responsible should keep to the notice, they may give them extra time for this to be done. Or, the Scottish Ministers may cancel the notice.
- c There is no right of appeal against a breach of condition notice, a stop notice, a temporary stop notice or a fixed-penalty notice.

### Service standard

If someone does not keep to the terms of any enforcement notice, we will make every effort to sort the case out satisfactorily. Options include:

- direct action by the council;
- getting a court order;
- referring the matter to the Procurator Fiscal for possible prosecution; or
- serving a fixed-penalty notice.



## 9 Enforcement and advertising

- a The display of advertisements is covered by the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. Many advertisements are displayed with what is called 'deemed consent'. This means that they do not need advertisement consent if they meet the conditions set out in the regulations. One of these conditions is that the landowner has given permission for the advertisement to be displayed on their land. Where an advertisement benefits from deemed consent but we require its removal, a discontinuance notice may be served. This can be appealed to the Directorate for Planning and Environmental Appeals. Whilst there are no penalty provisions for failing to comply with this notice it constitutes enforcement action and allows us to pursue further action in terms of an enforcement notice should this be necessary.
- b Displaying an advertisement against the regulations is an offence and, if convicted in court, an offender can be fined. The court can impose further fines for each day the regulations are still broken.
- c We have the power to serve an enforcement notice if we think the advert is affecting the amenity of an area or public safety. This gives a time period (normally 28 days) for a person to keep to the notice. However, we can reduce this period to seven days if we believe there is an urgent need for the advertisement to be removed or altered in the interests of public safety, or if the advertisement can be removed without any other work being needed.
- d An enforcement notice can also say that a particular piece of land should not be used to display advertisements. This will stay in force even if the original advertisement is removed. Any advertising on this site after this would amount to breaching the notice.
- e We also have powers to remove or destroy placards and posters that do not have planning permission or 'deemed consent'. If we can identify the person who put up the poster, we have to give them at least two days' notice that we plan to take the poster down. If we cannot easily identify them, we can remove the advert immediately.
- f Our officials can enter unoccupied land if we need to remove an advertisement. If we do so we will store the advert and let the person affected know how to collect it. If it is not collected within a reasonable time it will be discarded. However, we have no powers to remove advertisements displayed within a building if there is no public access to it.

## 10 Trees

- a We have powers to make Tree Preservation Orders where the trees make a positive contribution to the amenity of an area. When a TPO is in place it is an offence to cut down, lop, top or willfully damage a protected tree without our consent. The same restrictions apply to trees within a conservation area. Any person who is responsible for unauthorised works to trees is guilty of an offence and may be prosecuted.
- b Owners of trees that are protected should make an application to us before carrying out any work. When we grant consent it will normally be a requirement to plant a replacement tree(s).

- c When granting planning permission for new development we may add a condition to prevent the removal of trees as well as making sure trees that are to be retained are protected during the development. Failure to adhere to this type of condition can result in the serving of a breach of condition notice.
- d Where a tree protected by a tree preservation order is removed, uprooted or destroyed in contravention of the order or any conditions of a consent given under a tree preservation order requiring the replacement of trees is not complied with, the council can issue a replacement tree notice requiring the owner of the land to plant a tree or trees. Any notice served can be appealed to the Directorate for Planning and Environmental Appeals.

## 11 Enforcement powers

- a Our planning enforcement powers are set out in Part VI of the Town and Country Planning (Scotland) Act 1997, Part IV of the Planning etc. (Scotland) Act 2006, Part 4 Sections 42 to 44 Planning (Scotland) Act 2019, Part VII of the Town and Country Planning (Control of Advertisements)(Scotland)Regulations 1984 and in Chapter IV of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Part 3, Sections 22 and 26 of the Historic Environment (Amendment)(Scotland) Act 2011. You can get copies of the acts from the Glasgow agent for The Stationery Office (TSO), John Smith's Bookshop, Cowcaddens Road, Glasgow G4 0BA, and at [www.opsi.gov.uk/legislation/scotland/about.htm](http://www.opsi.gov.uk/legislation/scotland/about.htm).
- b Government policy on planning enforcement is set out in Circular 10/2009, 'Planning Enforcement'. The circular is published on the Scottish Government website and can be viewed at: [www.scotland.gov.uk/Topics/Built-Environment/planning/publications/circulars](http://www.scotland.gov.uk/Topics/Built-Environment/planning/publications/circulars)
- c We have a range of enforcement powers available and will need to decide, in each case, which power is best suited to dealing with a particular situation. If we need to take formal enforcement action, we will usually serve an enforcement notice, a breach of condition notice or, in urgent or very serious cases, a temporary stop notice or a stop notice, on the person responsible for breaking the condition as well as the landowner.
- d Types of notice
  - **Breach of condition notice** – this is used to enforce the conditions applied to any planning permission. It applies from the date it is served. We may use this instead of an enforcement notice (see below), and we can serve it on any person carrying out the development or any person who controls the land. There is no right of appeal. Not keeping to a breach of condition notice is an offence and can result in us deciding to prosecute, with a fine of up to £5000. Or, we can serve a fixed-penalty notice for each step that has not been taken, with a fine of up to £300 for each notice.
  - **Enforcement notice** – this must be served on the current owner, occupier and anyone else with an interest in the property. This is generally used to deal with unauthorised development, but can also apply to breaking planning conditions. There are similar notices and powers to deal with listed buildings (see below), and advertisements.

An enforcement notice will say:

  - how long you have to appeal (at least 28 days);
  - what steps must be taken to sort out the problem; and
  - when they have to be completed. This amount of time has to be reasonable and will depend on the amount of work that needs to be carried out.

- There is a right of appeal and the notice is suspended until a decision is reached by the Planning and Environmental Appeals Division. If you do not keep to an enforcement notice within the time shown, it is an offence, and may lead to a fine of up to £50,000 in the Sheriff Court. Or, we can serve a fixed-penalty notice for each step that has not been taken, with a fine of up to £2000 for each notice. If you fail to do what the notice asks we may also take 'Direct Action' to correct the problem (see other powers below), even if the fixed penalty has been paid.
- **Listed building enforcement notice** – this must be served on the current owner, occupier and anyone else with an interest in the property. The procedures are similar to those outlined above. The notice must describe the steps to be taken to sort the problem out and a final date for doing so. If you do not do what the notices asks by the date shown, it is an offence. There is the right of appeal to Scottish Ministers against the notice. Breaking listed building control is a serious matter. It is a criminal offence to carry out unauthorised work to demolish, significantly alter, or extend a listed building. In certain circumstances, this can lead either to an unlimited fine or imprisonment.
- **Stop notice** – this is used in urgent or serious cases where unauthorised activity must be stopped, usually because of public safety. When we serve a stop notice, we must also issue an enforcement notice at the same time. There is no right of appeal against a stop notice and if you do not keep to the notice, it is an offence. You can though appeal against the enforcement notice. If a stop notice is served without a good reason, or an appeal against the enforcement notice is successful, we may face claims for compensation. As a result, we need to carefully assess when to use stop notices.
- **Temporary stop notice** – we can use this to stop an activity that will damage the environment or local amenity and there is a clear and immediate need to stop it. It can only be used to stop the activity for up to 28 days. If the activity is to be stopped for longer, we will have to serve some other form of notice. We do not need to serve an enforcement notice at the same time and there is no right of appeal. If you do not keep to the notice, it is an offence. If we serve a temporary stop notice without a good reason, we may face claims for compensation. As a result, we need to carefully assess when to use a temporary stop notice.

#### e Other powers

- **Planning contravention notice** – this is used to gather information about activities on land where we suspect that planning control has been broken and is normally served at the beginning of the enforcement process. It is served on the owner or occupier, on a person with any other interest in the land or anyone who is carrying out operations on the land. That person will have to provide information about operations being carried out on the land and any conditions or limits applying to any planning permission already granted. If you do not keep to the notice within 21 days of it being served, it is an offence and can lead to a fine in the courts.
- **Notice under section 272 (of the Town and Country Planning (Scotland) Act 1997)** – this provides limited powers to gather information on interests in land and how land is used. If you do not provide the necessary information it is an offence.
- **Amenity Notice** under section 179 (of the Town and Country Planning (Scotland) Act 1997) – this allows planning authorities to serve a notice on the owner, lessee or occupier of land which is negatively affecting the area. The notice sets out the action that needs to be taken to sort the problem out within a certain period.
- **Notice under section 33A (of the Town and Country Planning (Scotland) Act – introduced by section 9 of the 2006 Act)** – this allows us to serve a notice saying someone needs to make a planning application for a development that has already taken place. We can use this to encourage you to send us an application that we think might be granted with some conditions that would make the development acceptable.

- **Order and interim order** – this is an order made by the courts and is used to stop or prevent a problem with planning control. Court proceedings can be expensive and we normally only apply for orders in serious cases or where enforcement notices have been ignored in the past. However, we can get an order in relation to any situation where control has been broken without having to use other powers first. Breaking an order is treated as a contempt of court and carries heavy penalties.
- **Direct action** – if you fail to keep to the terms of an enforcement notice within the time given, this can result in us carrying out the specified work. We will take action to recover any costs involved from the landowner.
- **Powers to enter land** - we have powers to enter land to:
  - see if planning control has been broken;
  - check if you have kept to a formal notice; and
  - check if a problem has been dealt with satisfactorily.

This power applies to any land and may involve our officers entering land next to the site where the problem took place.

Other notices - these notices help us to monitor a new development to make sure it is carried out in line with planning laws and approved plans and conditions.

- Notification of initiation of development – for all development that has been given planning permission, we will need a notification of initiation of development to let us know the date that work will begin. It must be provided after planning permission has been granted and before the development begins. If you start your development without giving us notice, you will be breaking planning control and we may consider taking enforcement action.
- Notification of completion of development – you need to send us a notice as soon as possible after the development has finished. This lets us check the development to make sure it has been carried out in line with approved plans and conditions.
- Display of notices while development is carried out – if you are carrying out a development that is large or is of a particular type, you may also have to put up notices while the development is taking place. These notices give information about the development that is being carried out. They also provide contact details where members of the public may find out more information or report suspected cases of where planning control may have been broken. If a notice has to be put up and you do not do so, you will be breaking planning control.

## 12 Making a suggestion or complaint

- a We hope you will be satisfied with the planning enforcement service. However, if you have any suggestions, concerns or difficulties, we want to hear from you. We are committed to improving our service and dealing promptly with any failures.
- b We will consider all complaints made about the way an enforcement enquiry was dealt with. Some people may disagree with the outcome of an investigation but that in itself is not grounds for a complaint. There is a separate appeals procedure for you to use if you receive an enforcement notice.

c Guide to our complaints procedure

You can make your complaint in person, by phone, by email, using our comments and complaints form on our website at [www.southlanarkshire.gov.uk](http://www.southlanarkshire.gov.uk) or in writing. We have a two-stage complaints procedure. We will always try to deal with your complaint quickly. But if it is clear that the matter will need a detailed investigation, we will tell you and keep you updated on our progress.

Stage 1: frontline resolution

We will always try to deal with your complaint quickly, within five working days if we can.

If you are not satisfied with our response, you can ask us to consider your complaint again.

Stage 2: investigation

We will look at your complaint at this stage if you are not satisfied with our first response. We may also look at your complaint immediately at this stage, if it is clear that it is complicated or needs detailed investigation.

We will acknowledge your complaint within three working days. We will give you our decision as soon as possible. This will be after no more than 20 working days unless there is clearly a good reason for needing more time.

**The Scottish Public Services Ombudsman (SPSO)**

If, after receiving our final decision on your complaint, you are still not satisfied with our decision on the way we handled your complaint, you can ask the SPSO to consider it.

We will tell you how to do this when we send you our final decision.

The SPSO offers a range of fact sheets designed to give advice on some common topics of complaint that members of the public ask about. They outline what the SPSO can and cannot do about a specific complaint and provide details of other organisations that might be able to offer help or support to customers. You can find details on the SPSO website at [www.spsso.org.uk](http://www.spsso.org.uk)

## Service standard

We will acknowledge your complaint within three working days. We aim to provide a full written reply within five working days (20 working days for stage 2) of receiving a complaint. If we cannot issue full replies within the agreed timescale, we will provide an update.

We will monitor all complaints made and use them to review and improve the service we provide.

## 13 Enforcement contacts

You can let us know about suspected breaches of planning control by submitting an online form. This can be found at

[https://www.southlanarkshire.gov.uk/forms/form/100/en/planning\\_enforcement](https://www.southlanarkshire.gov.uk/forms/form/100/en/planning_enforcement)

You can also call in to our offices between 8.45am to 4.45pm Monday to Thursday, and from 8.45am to 4.15pm on Fridays at:

Planning and Economic Development Headquarters

Montrose House, Montrose Crescent, Hamilton, ML3 6LB

Planning and Building Standards can be contacted via the emails below:

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

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

For general enquiries please phone 0303 123 1015.

These lines are open between 8am and 6pm, Monday to Friday.

If you are not happy with any part of our service, please let us know so that we can look into it and improve our service if we need to. You can contact us in person, by phoning, by sending us a letter or by using our comments, compliments and complaints cards. You can get these from any council office or library and on our website [www.southlanarkshire.gov.uk](http://www.southlanarkshire.gov.uk). The website also contains general information on comments, compliments and complaints under the Customer Services section.

### Other Useful Contacts

Advertising Standards Authority

Mid City Place

71 High Holborn

London WC1V 6QT

Phone: 020 7492 2222

Website: [www.asa.org.uk](http://www.asa.org.uk)

If you need this information in another language or format, please contact us to discuss how we can best meet your needs.

Phone: 0303 123 1015

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

[www.southlanarkshire.gov.uk](http://www.southlanarkshire.gov.uk)

# Report

**12**

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>23 March 2021</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Subject:	<b>Tree Preservation Order – Cityford Drive and Kingsbridge Drive, Rutherglen</b>
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## **1. Purpose of Report**

1.1. The purpose of the report is to:-

- ♦ seek approval for the making of a Tree Preservation Order (TPO) on the trees between Cityford Drive and Kingsbridge Drive, Rutherglen which fall within the boundary shown on the accompanying plan

## **2. Recommendation(s)**

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

- (1) that a Provisional Tree Preservation Order be promoted under the terms of Section 163 (Provisional Tree Preservation Order) of the Town and Country Planning (Scotland) Act 1997 on the areas identified on the attached plan; and
- (2) that the Provisional Tree Preservation Order be confirmed within 6 months from the date of this Order, should there be no objections.

## **3. Background**

3.1 The trees that are subject to the proposed TPO relate to 2 areas. Firstly, along the dividing boundary between properties at 39 to 49 Cityford Drive and 393 to 403 Kingsbridge Drive, Rutherglen and, secondly, an area of amenity open space to the rear of 27 to 33 Cityford Drive, 208 to 214 Landemer Drive, 407 to 411 Kingsbridge Drive and 29 to 39 Watt Low Avenue, Rutherglen. The trees are considered to contribute to the character, amenity and sense of place of that locality and the surrounding area of Bankhead, Rutherglen. The trees are of notable visibility by virtue of their positioning within the landscape. The land to the rear of Cityford Drive sits at a higher level to the properties to the rear and the collective value and size of the trees that sit between these properties makes a significant contribution to the amenity of the area and the wider green infrastructure and network. It is considered that the trees are at risk as a result of trees that have been removed and also inappropriate tree pruning that has been carried out to the detriment of the trees safe useful life expectancy, amenity and green value within the area. The promotion of a TPO would not stop maintenance works being undertaken to the trees, but it would require such works to be agreed in advance with the Council to ensure that no inappropriate work takes place.

## **4. Policy History**

4.1 The area covered by the proposed TPO is identified in both the adopted South Lanarkshire Local Development Plan and Proposed South Lanarkshire Local Development Plan 2 as being within a designated residential area and, as such, are highly residential in nature. The area of woodland to the rear of 27 to 33 Cityford Drive, 208 to 214 Landemer Drive, 407 to 411 Kingsbridge Drive and 29 to 39 Watt Low

Avenue is also designated as priority greenspace and as part of the green network in both Plans. Therefore, the protection of these trees through the promotion of a TPO would not be contrary to the Development Plan as it would safeguard the green network as well as ensuring the residential amenity of the area is protected.

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

- 5.1 The reason for making the TPO is that the group of trees and woodland feature identified within the proposed order contribute to the character, amenity and sense of place at Cityford Drive, Kingsbridge Drive and Low Watt Avenue and surrounding area of Bankhead, Rutherglen. The trees are of notable visibility by virtue of their collective value, size, and elevated location and contribute to the wider green infrastructure and network. In order to ensure that only appropriate maintenance is undertaken and prevent the indiscriminate removal of the trees and future retention of the trees, the promotion of a TPO is considered necessary.

## **6. Employee Implications**

- 6.1 None.

## **7. Financial Implications**

- 7.1 None.

## **8. Climate Change, Sustainability and Environmental Implications**

- 8.1. There are no significant implications for climate change, sustainability or the environment in terms of the information contained in this report.

## **9. Other Implications**

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

## **10. Equality Impact and Consultation Arrangement**

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

**Michael McGlynn**

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

2 March 2021

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

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

## **Previous References**

- ◆ None

## **List of Background Papers**

- ◆ None



**Contact for Further Information**

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

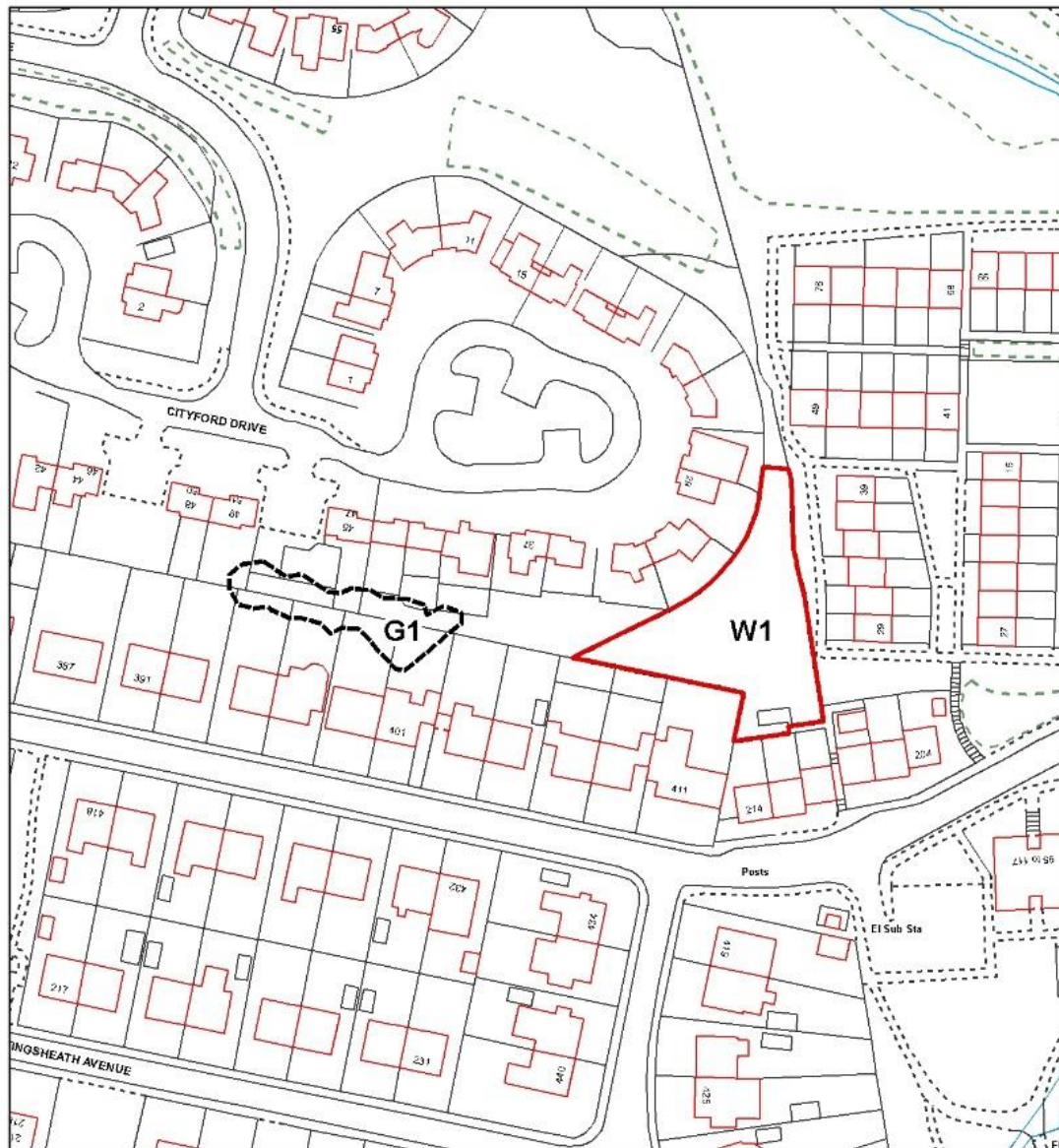
Gwen McCracken, Planning Team Leader, Montrose House, 154 Montrose Crescent, Hamilton

Ext: 4672 (Tel: 01698 454672)

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

## Tree Preservation Order - No SL58

### Areas between Cityford Drive and Kingsbridge Drive, Rutherglen



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

#### Schedule :

T1: None

A1: None

G1: 8 trees of whatever species (including sycamore, hawthorn, and ash trees) standing within the area G1 on the map

W1: Whatever species (including Alder, hawthorn, ash, cherry, oak and birch trees) within the area marked W1 on the map

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

Date: 2nd March 2021

Scale: 1:1,250



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