

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>11 October 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/22/0471
Planning proposal:	Erection of domestic wind turbine

## 1 Summary application information

Application type:	Householder
Applicant:	Mr Balhar Singh Sander
Location:	1 Fernhill Grange Bothwell G71 8SH

## 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: Ian Denney
- ◆ Council Area/Ward: 16 Bothwell and Uddingston
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2**  
Policy 2 - Climate Change  
Policy 3 - General Urban Areas  
Policy 5 - Development Management and Placemaking  
Policy 14 – Natural and Historic Environment  
Policy 18 – Renewable Energy  
Policy NHE6 – Conservation Areas  
Policy RE1 -Renewable Energy

◆ **Representation(s):**

▶ 23  
▶ 0  
▶ 0

Objection Letters  
Support Letters  
Comment Letters

◆ **Consultation(s):**

Environmental Services

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site is located at 1 Fernhill Grange and is roughly rectangular in shape, with a long, narrow driveway projecting to the south-west, connecting the site to Fernhill Grange. The site extends to approximately 1,680 square metres in total area. Although not located within the Conservation Area itself, the application site is bounded to its north and east by the Bothwell Conservation Area.
- 1.2 The site is located within an existing residential area and is bounded by 3 and 5 Fernhill Grange to the south, 5 Silverwells to the east, 15 to 19 Silverwells Crescent to the north, and the Silverwells Court flatted development to the west. These are all residential properties.
- 1.3 The topography of the site is largely flat although from Fernhill Grange, the driveway slopes gradually north before levelling out for most of the lower (south) half of the garden. The remainder of the garden, between the rear elevation of the dwelling and the boundary shared with 15 to 19 Silverwells Crescent, slopes sharply upwards from south to north.
- 1.4 The dwellinghouse is located approximately within the centre of the site, with the garden surrounding it. The site is bounded on all sides by a mixture of hedgerows and greenery that provide a substantial amount of screening for the property. Indeed, largely only the roofs of neighbouring properties are visible from within the site, apart from some windows on the Silverwells Court flatted development which are visible when looking towards the west.

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

- 2.1 The applicant seeks permission for the erection of a domestic wind turbine within the garden of 1 Fernhill Grange, Bothwell. The proposed turbine will be located in the south-east corner of the application site, adjacent to the boundary with 5 Fernhill Grange to the south, and an area of open/green space (*Rumbolds Acre*) adjacent to Silverwells to the east.
- 2.2 The mast of the proposed turbine will measure 6 metres in height, and the total height of the turbine to the tip of its blades will be 7.5 metres. The turbine will feature three blades.

### **3 Background**

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

- 3.1.1 In terms of the adopted South Lanarkshire Local Development Plan 2, the application site is covered by Policy 3 – General Urban Areas. This policy considers likely impacts upon amenity stemming from proposed developments. Generally, development detrimental to the amenity of residents and the wider community, or to the character of the surrounding area, is not permitted. Policy 5 – Development Management and Placemaking – is also applicable. This policy aims to consider the principles of sustainable development, by ensuring that proposals are well designed and integrate well with the local area, avoiding any significant adverse impact upon the local community and environment.
- 3.1.2 Although not located within the Bothwell Conservation Area, the application site is located adjacent to it and therefore it remains a material consideration. Policy 14 - Natural and Historic Environment – and Policy NHE6 – Conservation Areas – are therefore also applicable to this application. Collectively, these policies seek to protect

important natural and historic sites from adverse impacts from development. Development affecting a Conservation Area should preserve or enhance the unique character of that Conservation Area and the siting/scale of any development should be appropriate to the Conservation Area also.

- 3.1.3 Policy 2 – Climate Change – is also applicable to the application, and states that new development proposals should utilise renewable energy sources where possible. This policy reflects the need to support developments that will help meet the Scottish Government's target of having 50% of Scotland's energy consumption coming from renewable sources by 2030 (Scottish Government's Energy Strategy, 2017). In this respect, Policy 18 – Renewable Energy – and Policy RE1 – Renewable Energy – are both also applicable and collectively seek to support applications for renewable energy developments, subject to their assessment against the principles of Scottish Planning Policy (SPP). South Lanarkshire Council also has guidance on such developments included within the Renewable Energy Supporting Planning Guidance, which is a material consideration.

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

- 3.2.1 The Scottish Government aims to encourage sustainable development and the use of renewable energy sources is key to that aim. Scottish Planning Policy supports the development of renewable energy and states that Planning Authorities should support the development of a diverse range of renewable energy technologies. Development Plans should support the wider application of medium and smaller scale renewable technologies such as decentralised energy supply systems, community, and household projects. Development Plans should also encourage micro generation projects including those associated with or attached to existing buildings.
- 3.2.2 Further advice from the Scottish Government is provided by Planning Advice Note 45 – Renewable Energy Technologies with additional information provided within PAN45 Annex – planning for micro renewables. The Annex to PAN45 states that the Government is committed to increasing the amount of renewable energy generated and used in Scotland. Increased use of renewable energy, including micro-renewables, can make an important contribution to efforts to reduce carbon emissions in support of climate change and renewable energy targets. The Annex provides further support for the use of micro-renewables and provides several examples of the kinds which can be used. The examples which are provided at a domestic level are wind, solar thermal, photovoltaic, heat pumps and biomass technologies.
- 3.2.3 In relation to domestic wind turbines, the Annex to PAN45 states that they have been used for several years to provide electricity in both domestic and commercial locations. The power generated and associated carbon emission reductions per turbine are relatively small, but cumulative benefits could be significant. The use of domestic wind turbines is to be encouraged by the Scottish Government given that Scotland has the best wind resource in Europe. In relation to siting and design, the visual impact of the micro wind turbine depends on how they are seen both in terms of the image they convey and their siting and composition. Micro-wind turbines can be seen as symbols of positive action to address climate change and promote sustainability. The erection of a turbine must be undertaken in a manner that keeps the environmental impact to a minimum whilst still ensuring they provide sufficient power. Sensitive siting and design in both urban and rural areas can reduce visual intrusion and play a part in making these installations an accepted feature.
- 3.2.4 The siting and design of micro-wind systems should aim to minimise the contrast with the surroundings. This can be achieved by using simple shapes with clean lines, developing a balanced composition in proportion to the surrounding environment; and

using regularity, order, and symmetry wherever possible. In relation to historic environments, the Annex states that there are opportunities for wind turbines in conservation areas or within the curtilage of listed buildings. Care should be taken to ensure that the turbine respects the site and area.

- 3.2.5 The impact on amenity, as stated in the Annex, should be considered when siting a turbine. In terms of noise from micro-wind turbines, it will generally be of an acceptable level, with newer turbines having greatly reduced noise levels due to improved blade design and reduced mechanical noise. In terms of shadow flicker, this is unlikely to occur due to the small scale of a domestic wind turbine.

### **3.3 Planning Background**

- 3.3.1 A previous application for the erection of a wind turbine at 1 Fernhill Grange was submitted in 2009 (Reference HM/09/0589) and was approved by the Hamilton Area Committee, subject to several conditions. Should consent be granted, many of these same conditions would be imposed on the consent.
- 3.3.2 The current application is identical to that approved in 2009, both in terms of the positioning of the turbine and its height. The 2009 application received a total of 11 objections, compared to the 23 objections submitted for the current application.
- 3.3.3 A prior application for the erection of a wind turbine within the site (HM/09/0384) was withdrawn by the applicant. This turbine was proposed for a different location within the site, to the rear of the dwellinghouse.
- 3.3.4 There have been no significant changes to policy within the last 13 years that would justify the reversal of the previous decision to approve the application. Indeed, given the Local Development Plan 2's focus on sustainability and climate change, there is arguably more precedent for such an application now than when it was first proposed and approved in 2009.

## **4 Consultation(s)**

### **4.1 Consult – Environmental Services**

**Response:** Offered no objections to the proposal, subject to the attachment of two conditions and two advisory notes. The conditions relate to limiting noise generation and minimising the potential for shadow flicker respectively. Both conditions require the submission of further information to the Planning Authority for their consideration.

## **5 Representation(s)**

- 5.1 Statutory neighbour notification was undertaken and an advert for non-notification of neighbours was displayed/published in the Hamilton Advertiser. In response, 23 letters of objection were received from 23 neighbouring proprietors. The grounds of the objections are summarised as follows:-

- a) **The size of the proposal will negatively impact upon views from surrounding/nearby residential properties.**

**Response:** Residents are not afforded the right to any view and as such, any impact upon/loss of a view is not a material planning consideration and is not a sufficient ground to warrant the refusal of an application.

- b) **The proposed wind turbine will have an unacceptable impact in terms of noise, with noise levels likely exceeding that acceptable within a residential area during both the day and night.**

**Response:** The Council's Environmental Services department were consulted on the application in this regard and offered no adverse comments. However, they advised that should consent be granted, a condition should be imposed ensuring that noise generated by the proposal does not exceed acceptable levels within a residential area. The condition would further require that information confirming the compliance with the noise control levels be submitted to the Council for consideration/approval.

- c) **The proposal will negatively impact upon house prices/the value of adjacent and nearby properties.**

**Response:** Impact upon property values/house prices is not a material planning consideration and as such, does not constitute sufficient grounds to warrant a refusal of the application.

- d) **How will the proposal benefit the applicant and what will happen in the future when the applicant no longer owns/resides at the dwellinghouse?**

**Response:** There is no requirement for the proposal to benefit anyone other than the applicant. It will be the responsibility of the applicant and of any future owner of the site to maintain the proposed wind turbine to a satisfactory degree, or to remove it at their own discretion.

- e) **What benefit will the proposal bring to the neighbouring properties and to the local area as a whole?**

**Response:** There is no requirement for a domestic wind turbine such as the one proposed to provide any benefit to the neighbouring properties or to the local area. The application is only assessed to ensure no significant adverse impacts result from the proposal, and to ensure that the proposal preserves the character and amenity of the urban/natural/historic environment.

- f) **A nearby area of land (*Rumbolds Acre*) is joint owned by numerous nearby residents, many of whom were not notified as part of the Neighbour Notification process.**

**Response:** The Neighbour Notification process ensures that all properties within 20 metres of the boundary of the application site are issued letters informing them of the proposal. If a property/area of land does not have an address, or the owners of the property/land are not known/cannot be identified, an advert for the Non-Notification of Neighbours will also be published in the local newspaper.

An advert for the Non-Notification of Neighbours in relation to the proposal was published in the Hamilton Advertiser on 28 April 2022. As such, the Council has taken the appropriate action to ensure all relevant stakeholders have been notified of the proposal and allowed time to make comments/submit objections.

- g) **The proposal may impact upon the feasibility/possibility of future developments or proposals upon the land at *Rumbolds Acre*.**

**Response:** The application must be assessed on its own merits within the existing context and not against potential impacts in terms of restricting future proposals on nearby sites.

- h) **I was not notified of the proposal despite my property being within the Conservation Area and within 25 metres of the proposal site.**

**Response:** The Neighbour Notification process, as undertaken by the Council, issues letters to all properties within 20 metres of the boundary of the application site. If a property is more than 20 metres from the application site boundary, no notification letter would have been issued.

- i) **The application does not include details of the proposed design, materials, or general appearance of the wind turbine.**

**Response:** Should consent be granted a standard condition will be attached ensuring that, before any development commences, details and samples of all colours to be used as external finishes on the turbine and mast shall be submitted to and approved by the Council as Planning Authority.

- j) **No assessment has been made/submitted alongside the application with regards to the potential impact of shadow flicker upon neighbouring properties.**

**Response:** Whilst the above is noted, the Council's Environmental Services department were consulted on the application in this regard. Whilst they have offered no objections to the application, they have advised a condition be attached ensuring an assessment of the impact of shadow flicker on properties in the vicinity of the site is undertaken by the applicant and submitted to the Council for approval, prior to the proposal being brought into use.

- k) **The siting of the turbine so close to the boundary may result in its blades intruding upon/overhanging the boundary into the Conservation Area, depending on the orientation of the turbine, as determined by wind direction.**

**Response:** The site of the proposed turbine is such that, regardless of its orientation, at no point would its blades overhang the boundary of the application site or cross over into the Conservation Area.

- l) **The proposal will have a strong adverse impact upon the character of the Bothwell Conservation Area by way of its appearance/prominence.**

**Response:** Whilst the application site and the location of the proposal are not within the Conservation Area, it is noted that the proposal will be located adjacent to and will be visible from the Conservation Area. However, it is considered that due to the positioning of the turbine within the site, the level of screening provided by surrounding trees and hedgerows, and the height of the turbine relative to the height of the dwellinghouse within the application site, the proposal will have a minimal impact upon the distinct character of the Conservation Area. The turbine will not be located so prominently as to have any significant adverse impact on the character or appearance of the Conservation Area.

- m) **The proposal will negatively impact upon wildlife and biodiversity within the area; therefore a survey should be completed and the proposal should be located away from hedgerows/trees.**

**Response:** Whilst the potential for adverse impact upon wildlife stemming from wind turbines is noted, a domestic turbine of this scale does not present an unacceptable level of threat to any such wildlife or biodiversity.

Indeed, as the proposal relates to an established developed area, the proposed turbine would likely have no greater degree of impact upon wildlife in the area than other aspects of developed areas, such as traffic, traffic noise and associated exhaust fumes.

- n) **The proposal will impact upon burrowing animals because of the generation, storage and transportation of electricity stemming from the proposal.**

**Response:** Similar to point m) above, a domestic turbine of this scale is unlikely to present an unacceptable level of threat to any such burrowing animals. Given that the application site is within an established residential area, it is fair to assume that the erection of houses and their associated foundations within the vicinity would likely have had some degree of impact upon any burrowing animals within the area.

Given the developed nature of the area, it is not considered that this reason for objection would hold sufficient justification to prevent any other development, of any type, within the locale.

- o) **The proposal may impact upon/cause disruption to TV, radio and internet signals for surrounding properties.**

**Response:** It is considered that the siting and scale of the turbine, given that it will be screened by large trees and will be lower in height than the existing dwellinghouse on site, will minimise any potential disruption to telecommunication signals or similar, within the immediate area. The proposal will be situated a sufficient distance away from all the neighbouring dwellings to minimise any such adverse impacts.

- p) **The proposal will have significant adverse impact upon the physical and mental health of nearby residents.**

**Response:** It is considered that the impact of a domestic turbine compared to a large-scale wind farm turbine is significantly different. The noise output from a domestic turbine will be significantly less intrusive and its impact will be reduced proportionally. Furthermore, it is considered that there is sufficient distance from the turbine to the nearest dwellings to not have a significant or unacceptable noise impact.

- q) **The proposal will disrupt the local skyline due to its prominent location within the settlement.**

**Response:** Given the proposed turbine is lower in height than the existing dwellinghouse within the application site, it will not appear prominently within the skyline and therefore there will be no adverse impacts in terms of visual prominence.

- r) **Permitted Development Rights only permit such a development if it is located 100m or more away from any neighbouring dwelling, and the proposed turbine is situated much closer than this.**

**Response:** Whilst the above is true, Permitted Development refers to development that is exempt from requiring planning permission. The above distance is not applicable in this instance as the proposal seeks planning permission and is not being erected under Permitted Development legislation.

- s) **All residents living within proximity of the application site should have been issued notification from the Council.**

**Response:** As previously stated, all neighbours living within 20 metres of the boundary of the application site were issued a Neighbour Notification letter by the Council. Furthermore, an advert for the Non-Notification of Neighbours was published in the Hamilton Advertiser on 28 April 2022.



Appropriate procedures were undertaken by the Council to ensure all relevant neighbours and stakeholders were notified/made aware of the proposal and that an advert was placed in the local press.

- t) **No technical data about the proposed wind turbine has been submitted/is available on the Portal.**

**Response:** Whilst the above is noted, the Council's Environmental Services were consulted on the application to provide comments in terms of noise, shadow flicker, etc. They required no further information/technical data to provide a response in this regard and therefore such information was not considered necessary in the determination/assessment of the application.

- u) **The proposal is in too close proximity to neighbouring dwellings.**

**Response:** There is no current minimum distance between residential properties and wind turbines specified within Scottish Government guidance. It is considered that the location of the turbine within the site is appropriate to ensure it is a sufficient distance from the surrounding neighbouring properties.

- v) **The proposal will be an eyesore due to minimal screening from trees, etc.**

**Response:** It is considered that there is sufficient screening from trees/hedges afforded to the application site, and that the height of the proposed turbine is minimal, thereby limiting any potential for it being an eyesore within the local area.

- w) **There are alternative methods of electricity generation better suited to a domestic setting, such as solar panels and heat exchanges.**

**Response:** Whilst the above is noted, it is the role of the Planning Authority to assess the application as presented and not to advise/speculate on whether alternative proposals would be more appropriate.

- x) **The height and width of the proposed turbine are surely too large to truly be considered domestic.**

**Response:** The term "domestic" in this instance largely refers to the fact that the turbine would generate electricity solely for the dwellinghouse within the application site, and not on a larger scale. Regardless, the size of the turbine is considered appropriate within a domestic setting, given that it measures 7.5 metres high, and this is lower than the height of the existing dwellinghouse within the site.

- y) **The timing of the submission and the associated Neighbour Notification was over a holiday period, giving neighbours little or no time to respond which may have been purposeful/deliberate on behalf of the applicant to avoid reaction/objections from neighbours.**

**Response:** Given that the application was received and validated on 25 March 2022, it is considered that the application has been under the consideration of the Council for a sufficient time to allow all interested parties to make comments or submit objections. All relevant neighbours were notified, and further notification was made via an advert published in the Hamilton Advertiser in relation to the proposal.

- z) **Local residents pay high Council Tax and as such should be entitled to have a say in what development occurs within the neighbourhood.**

**Response:** All residents across South Lanarkshire Council, and Scotland overall, are entitled to the same level of representation in relation to developments occurring within their local area regardless of their Council Tax band. The appropriate notification and advertisement processes have been undertaken by the Council to ensure all relevant stakeholders have been made aware of the proposal and given the opportunity to make comments and/or objections to it.

- aa) **All properties within 100 metres of the proposal should have the right to be notified of the proposal by law.**

**Response:** Planning legislation within Scotland requires that all properties within 20 metres of the application boundary be notified. There is no law stipulating that all properties within 100 metres of the site should be notified.

- bb) **The application, if approved, could set a precedent for similar proposals within the area.**

**Response:** It is a well-established principle that each planning application must be assessed on its own merits, taking account of the provisions of the Development Plan and all other material considerations. Indeed, in this regard applications will only be approved where they comply with Local Plan policy and do not have an adverse impact upon the amenity of the area.

- cc) **The proposal is not an appropriate form of development within an established residential area.**

**Response:** Whilst it is accepted that currently such a form of development is not common within developed or residential areas, consent has previously been approved for a turbine at this location. It is considered that the proposed wind turbine is of such a size and positioning to minimise its impact on the wider residential area, and that the application site benefits from a garden of sufficient size and boundary screening to accommodate the proposal.

Within South Lanarkshire, a notable example of a similar form of development was the erection of two wind turbines (slightly larger than the proposed) within the grounds of Blacklaw Primary School, East Kilbride. This application (EK/08/0154) was approved by the Planning Committee in 2009. It is noted that both turbines have since been removed.

- dd) **There is a danger of ice forming on the blades of the turbine during winter then falling and causing damage or injury.**

**Response:** It is considered that due to both the height and the siting of the wind turbine, away from any public footways and not within the immediate vicinity of any neighbouring dwellinghouses, that it sufficiently minimises any risks of such danger. Indeed, the danger of such damage or injuries is likely no greater than that of ice forming on and falling from the roof/soffits of a dwelling.

- ee) **The proposal will result in irritation/annoyance of Council staff by way of the number of complaints the proposal will generate.**

**Response:** The above does not constitute a material planning consideration and is not sufficient grounds to warrant a refusal of the application. It is the role of the Local Authority to receive and handle any complaints received, regardless of volume.

- ff) **Lack of maintenance of the proposed wind turbine may result in parts falling from the turbine and damaging nearby properties – no details of risk mitigation to prevent this have been submitted as part of the application.**  
**Response:** If approved, it is the role of the applicant to ensure proper installation and maintenance of the wind turbine to a satisfactory degree. Any issue or concerns in this regard should be referred to the Health and Safety Executive in the first instance.
- gg) **The appearance of the turbine is more akin to an industrial area than a residential area of a historic village.**  
**Response:** The appearance of the turbine is standard of most wind turbines, albeit on a smaller scale. Whilst it is noted that such a development is not common within a residential area such as the application site, it is considered that sufficient measures have been taken (by way of the size and positioning of the turbine) to limit its visual impact upon the immediate surrounding area and Bothwell as a whole.
- hh) **Solar panels would surely be a more effective means of electricity generation within such a location?**  
**Response:** As previously stated, whilst the above is noted, it is the role of the Planning Authority to assess the application as presented and not to advise/speculate on whether alternative proposals would be more appropriate. The determination of this application would not prevent the applicant from considering installing solar panels either now or at some point in the future.
- ii) **The proposal has not been assessed in terms of the relevant policies of South Lanarkshire Council's Local Development Plan 2.**  
**Response:** All planning applications submitted to South Lanarkshire Council are assessed against the relevant policies of the Local Development Plan 2. Details of which policies this application has been assessed against can be found in Section 3 of this report, while an assessment of the application against these policies can be found in Section 6.
- jj) **The application does not include details of the exact location of the turbine or its location relative to nearby trees.**  
**Response:** The *Block Plan and Section* drawing submitted in support of the application indicate both the location of the proposed turbine within the application site, and its relation to both nearby trees and the adjacent dwellinghouse on site. Photos taken during a site visit on 21 April 2022 further established the location of the proposed turbine in relation to the trees and other greenery within and around the site.
- kk) **The proposal is not a static structure and, because of its moving blades, will have a much higher visual impact than many other forms of static development.**  
**Response:** The kinetic nature of the structure is noted and the potential for greater visual impact has been considered during the assessment of the application.
- ll) **The low aspect and height of the turbine, whilst being camouflaged by the trees, will result in a high visual impact but a low level of electricity generation, and this is in contradiction of the Annex to PAN45**

**Response:** The low aspect and height of the turbine will serve to lower the visual impact of the proposal and reduce any adverse impact upon neighbouring properties. Should this lower aspect/positioning result in a low level of electricity generation, it is not of concern for the consideration of the planning application.

**mm) The Committee Report for the previous wind turbine application at this site referred heavily to the Annex to PAN45 but does not indicate that the drive to use renewables should override the usual planning processes.**

**Response:** The desire/drive to use renewables should not override the usual planning processes. In this instance, an application has been submitted for consideration in the normal manner, allowing an assessment of the proposal to be made and a report to be submitted to the Planning Committee.

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

## **6 Assessment and Conclusions**

6.1 The application relates to the erection of a 7.5m high domestic wind turbine situated on a free-standing mast within the garden ground of an existing dwelling at 1 Fernhill Grange, Bothwell. The main determining issues in this instance are compliance with Local Plan policy and the visual and amenity impact on the surrounding area.

6.2 The turbine is proposed to be located within the southeast corner of 1 Fernhill Grange, situated adjacent to Rumbolds Acre, an area of open space provided for the residents of Silverwells. The nearest residential property to the turbine, other than the dwelling on site, is 5 Fernhill Grange which is situated 20m away. Along the boundary of the site there is a high level of screening, especially along the eastern boundary with Rumbolds Acre which is prominently made up of fir trees. The area surrounding the site is residential in character, with the properties to the north and east being within the Bothwell Conservation Area. The turbine itself and the application site is outwith the Conservation Area but will be visible from it.

6.3 In terms of Local Development Plan policy, the application site falls within the General Urban Area under Policy 3, and is adjacent to the Bothwell Conservation Area, covered by Policies 14 and NHE6. Each of these policies is focused on preserving residential and visual amenity, preserving the distinct local character of the area in general terms resists development which is detrimental to this. Policy 5 – Development Management and Placemaking provides further criteria which are required to be complied with. Development is required to take account of local context and built form and should be compatible with adjacent buildings and the surrounding streetscape. Policies 14 and NHE6 provide a framework to protect and enhance the character and appearance of the Conservation Area and oppose development which will have an adverse impact.

6.4 Taking account of the above policies, it is considered that the proposed wind turbine is acceptable. The turbine will not have a material or adverse impact upon the existing levels of residential amenity. Visually it is not considered to be intrusive and will not represent an over dominant feature within the local environment. The turbine is to have a maximum height of 7.5m to the tip of the blade which is approximately 1.9m lower than the highest point of the existing dwelling on site. Furthermore, the turbine will be well screened from most viewpoints due to the existing fir trees on site. Both factors combined reduce its visual dominance. The wind turbine itself is of a domestic scale and is unlikely to be any more visually intrusive than other development which already exists in the area.

- 6.5 In terms of Government guidance and policy, which has been summarised in section 3.2 of this report, strong support is provided for the development of micro renewables. Due to the wind resource which Scotland has, the development of domestic wind turbines is encouraged. It is considered by the Government that they do not represent an intrusive feature within the built form when sited appropriately and are necessary in reducing carbon output/footprints.
- 6.6 In conclusion, it is considered that the proposed wind turbine is acceptable in relation to the relevant Local Plan policies. The turbine is unlikely to have an adverse impact upon the existing levels of residential amenity. Visually the turbine will not be an overly dominant feature within the area due to the existing built form and the level of natural screening. The turbine itself will be 1.9m lower in height than the existing dwelling on site, and as such remains a subsidiary structure to the house. In terms of noise, it is considered that the turbine will be unlikely to have any significant adverse impact upon amenity. If noise nuisance does occur, Environmental Services can take appropriate action to address the same. In addition, consent has previously been granted for the same domestic turbine at this location and there would be no justification to now recommend refusal of the proposal.
- 6.7 Overall and having due regard to the Development Plan and all other material planning considerations, the recommendation is to approve this application as it complies with Local Plan policy, government guidance and will not have an adverse impact upon amenity.

## **7 Reasons for Decision**

- 7.1 The proposal will have no significant adverse impact on amenity, and it complies with the relevant policies of the adopted Local Development Plan 2 (Policies 2, 3, 5, 14, 18, NHE6 and RE1). There are no other material considerations that would justify refusing planning permission.

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

Date: 29 September 2022

### **Previous references**

- ◆ HM/09/0589 – Erection of wind turbine within garden ground of dwelling, application approved by Hamilton Area Committee – 9 June 2010
- ◆ HM/09/0384 – Erection of wind turbine within rear garden of dwellinghouse, application withdrawn
- ◆ EK/08/0154 – Installation of two 6 kw wind turbines on 15 metre poles (Blacklaw Primary School, East Kilbride), application approved by Planning Committee – 28 April 2009

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ South Lanarkshire Council Supporting Planning Guidance – Renewable Energy
- ▶ Scottish Planning Policy
- ▶ PAN 45 and PAN 45 Annex
- ▶ Neighbour notification letter dated 01.04.2022
- ▶ Non-notification of neighbours (Hamilton Advertiser) published 28.04.2022

► Consultations

Environmental Services 15.08.2022

► Representations	Dated:
Mr David Marshall, 8 Silverwells, Bothwell, Glasgow, G718AZ	11.04.2022
Mrs Anne Maclean, Lyndhurst, 4 Silverwells, Bothwell, G718AZ	21.04.2022
Neil And Georgina Cameron, 14 Old Mill Road, Bothwell, Glasgow, South Lanarkshire, G71 8AY	06.05.2022
Mr David Calder, Received Via Email	27.04.2022
Laura J Murphy, By Email	14.04.2022
Mr Kevin Moore, 9 Old Mill Road, Glasgow, G718AY	21.04.2022
Mrs Anne Crawford, 7 Fernhill Grange, Bothwell, G71 8SH	22.04.2022
John Brogan, 12 Old Mill Road, Bothwell, G71 8AY	22.04.2022
Mrs Alison Robertson, 10 Old Mill Road, Bothwell, G71 8AY	22.04.2022
Dr Laura J Murphy (on behalf of owners of Rumbolds Acre), 6 Silverwells, Bothwell	25.04.2022
Mrs Margaret Butterly, 6A Silverwells, Bothwell, G71 8AZ	17.04.2022
Raymond Murphy, 6 Silverwells, Bothwell, G71 8AZ	21.04.2022
Mrs Anne & David Ellis, 3 Old Mill Road, Bothwell, Glasgow, G71 8AY	18.04.2022
Mr David Maxwell, 12 Old Mill Road, Bothwell, Glasgow, G71 8AY	21.04.2022
Dr Donald Maclean, 4 Silverwells, Bothwell, Glasgow, G71 8AZ	21.04.2022
Mr Frederick Denton, 14b, Fernhill Grange, Bothwell, G718SH	18.04.2022
Miss Elizabeth Creeley, 2 Silverwells Court, Bothwell G71 8LT	30.04.2022
Mr David Barclay, 4 Fernhill Grange, Bothwell, Glasgow, G71 8SH	19.04.2022
David Kennedy, 5 Fernhill Grange, Bothwell, Glasgow, South Lanarkshire, G71 8SH	22.04.2022

Mrs Janice Walker, 15 Silverwells Crescent, Bothwell, G71 8DR 22.04.2022

Bill Copeland, 6 Silverwells Court, Bothwell, Glasgow, South Lanarkshire, G71 8LT 19.05.2022

Mr Stephen Russell, 1 Silverwells Court, Bothwell, G71 8LT 22.04.2022

Mr Adrian Coia, 3 Fernhill Grange, Bothwell, Glasgow, South Lanarkshire, G71 8SH 20.04.2022

**Contact for further information**

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

David Grant, Graduate Planning Officer, Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA

Phone: 07551 841 174

Email: [david.grant@southlanarkshire.gov.uk](mailto:david.grant@southlanarkshire.gov.uk)

### Conditions and reasons

01. In accordance with ETSU- R- 97 (Simplified Method) the noise from the wind turbine must not exceed an LA90,10min of 35dB at the boundary of the curtilage of any noise sensitive premises at all times at wind speeds of up to 10 metres per second at 10m height as measured within the site. Further information confirming the compliance with the requirement shall be submitted to the Planning Authority for their consideration.

A full ETSU-R-97 assessment will be required where cumulative emissions are present and result in an LA90,10min of more than 35dB.

Reason: In the interest of amenity and to limit adverse impact by way of noise within the local area.

02. The proposed layout of the scheme may give rise to potential shadow flicker within sensitive properties. Prior to the proposed development being brought into use, the applicant shall undertake an assessment of the impact of shadow flicker on properties in the vicinity of the site and shall submit the assessment to the Council, as Planning Authority for approval. Where the assessment identifies a property as being affected by shadow flicker then the assessment shall include measures to mitigate this. Cognisance shall be taken of the Department of Energy and Climate Change document 'Update of UK Shadow Flicker Evidence Base' in undertaking the assessment.

Reason: In the interest of amenity and to limit any potential adverse impact stemming from shadow flicker resulting from the development.

03. In the event that turbine becomes obsolete or redundant it must be removed, and the site reinstated to the satisfaction of the Planning Authority within 2 months.

Reason: In the interests of residential and visual amenity.

04. That, for the avoidance of doubt, the mast and turbine hereby approved when measured from ground level to the tip of the blade shall not exceed 7.5 metres.

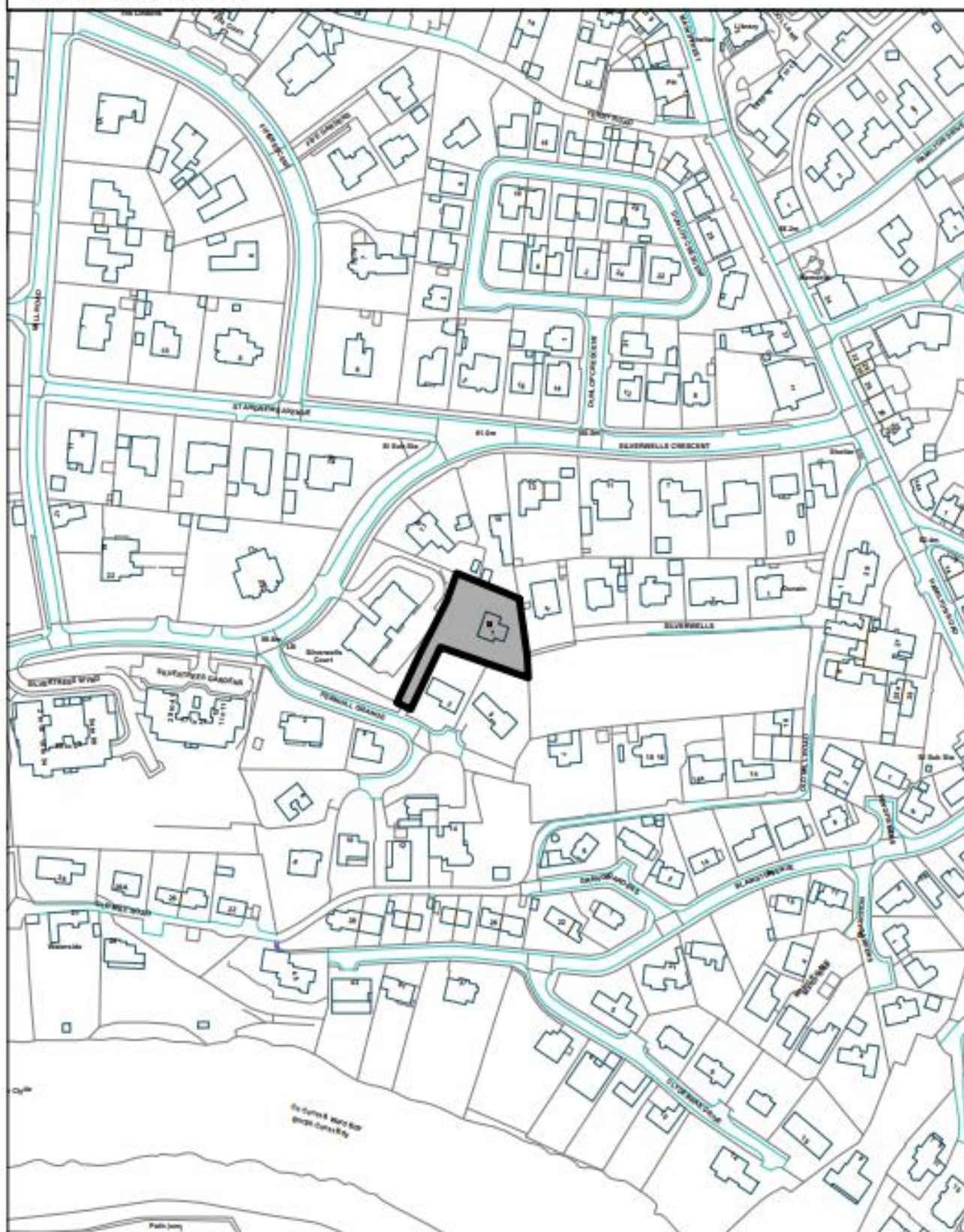
Reason: To retain effective planning control and to minimise any adverse impact upon neighbouring residential properties.

05. That before any development commences on site details and samples of all colours to be used as external finishes on the turbine and mast shall be submitted to and approved by the Council as Planning Authority.

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



1 Fernhill Grange, Bothwell



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**Community and Enterprise Resources**  
Planning and Economic Development