



Council Offices, Almada Street  
Hamilton, ML3 0AA

Friday, 05 November 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, 16 November 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 Anderson, John Bradley, Archie Buchanan, Jackie Burns, Margaret Cowie, Peter Craig, Maureen Devlin, Mary Donnelly, Fiona Dryburgh, Lynsey Hamilton, Ian Harrow, Ann Le Blond, Martin Lennon, Joe Lowe, Ian McAllan, Davie McLachlan, Lynne Nailon, Carol Nugent, Graham Scott, David Shearer, Bert Thomson, Jim Wardhaugh

### **Substitutes**

Walter Brogan, Janine Calikes, Stephanie Callaghan, Gerry Convery, Margaret Cooper, Allan Falconer, Martin Grant Hose, Catherine McClymont, Kenny McCreary, Mark McGeever, Richard Nelson, Collette Stevenson, Jared Wark, Josh Wilson

## BUSINESS

### 1 Declaration of Interests

- 2 **Minutes of Previous Meeting** 5 - 12  
Minutes of the meeting of the Planning Committee held on 5 October 2021 submitted for approval as a correct record. (Copy attached)

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### Item(s) for Decision

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- 3 **Application P/20/1684 for Conversion of Byre to House and Associated External Alterations at South Netherburn Farm, Broomfield Road, Netherburn, Larkhall** 13 - 22  
Report dated 5 November 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 4 **Application P/20/1897 for Demolition of Existing Car Wash and Ancillary Buildings and Erection of Coffee Shop (Class 3) with Drive Thru, Jet Wash Facility, Site Access Reconfiguration, Vehicular Parking and Associated Works at Garage, Bothwell Road, Uddingston** 23 - 54  
Report dated 5 November 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 5 **Application P/21/1107 for Erection and Operation of Extension to Kennoxhead Wind Farm Consisting of 8 Turbines, 7 up to a Maximum Height to Blade Tip of 220 Metres and 1 up to a Maximum Height to Blade Tip of 200 Metres (Consultation from Scottish Ministers under Section 36 of the Electricity Act 1989) at Penbreck Wind Farm, Glentaggart Road, Glespin, Lanark** 55 - 94  
Report dated 4 November 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 6 **Application P/21/0215 for Extension to Chicken Shed and Erection of 2 Feed Bins at Crawhill Wood, C24 from Thankerton to A702, Thankerton, Biggar** 95 - 110  
Report dated 28 October 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 7 **Application P/21/0638 for Change of Use of Communal Open Space to Garden Ground at Land Adjacent to 17-1, Hunthill Road, Blantyre** 111 - 120  
Report dated 5 November 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 8 **Application P/21/1129 for Demolition of Existing Buildings and Erection of 28 Flats with Associated Infrastructure and Landscaping at Former Greenhills Sports Centre, Stroud Road, East Kilbride** 121 - 136  
Report dated 5 November 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 9 **Application P/21/1183 for Substitution of House Types (Amendment to Planning Consent CL/15/0445) at Land 125 Metres East of 15 Lanark Road, Lanark Road, Braidwood, Carlisle** 137 - 154  
Report dated 28 October 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)

- 10 South Lanarkshire Local Development Plan 2 Supporting Planning 155 - 178**  
**Guidance: Carrying Out Development at a Dwellinghouse and Electric**  
**Vehicle Charge Points**  
Report dated 5 November 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)

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## **Urgent Business**

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

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

Clerk Name:	Stuart McLeod
Clerk Telephone:	01698 454815
Clerk Email:	stuart.mcleod@southlanarkshire.gov.uk



## PLANNING COMMITTEE

2

Minutes of meeting held via Microsoft Teams on 5 October 2021

### Chair:

Councillor Isobel Dorman

### Councillors Present:

Councillor Alex Allison, Councillor John Anderson, Councillor John Bradley, Councillor Walter Brogan (substitute for Councillor Lynsey Hamilton), Councillor Archie Buchanan, Councillor Margaret Cowie, Councillor Peter Craig, Councillor Maureen Devlin, Councillor Ian Harrow, Councillor Mark Horsham (Depute), Councillor Ann Le Blond, Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Joe Lowe, Councillor Ian McAllan, Councillor Davie McLachlan, Councillor Lynne Nailon, Councillor Carol Nugent, Councillor Graham Scott, Councillor David Shearer, Councillor Bert Thomson, Councillor Jim Wardhaugh

### Councillors' Apologies:

Councillor Mary Donnelly, Councillor Fiona Dryburgh, Councillor Lynsey Hamilton, 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; I Morton, Planning Team Leader (West)

#### Finance and Corporate Resources

M Cannon, Solicitor; S Jessup, Administration Assistant; A Livingston, Public Relations Officer; K McLeod, Administration Assistant; S McLeod, Administration Officer

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## 1 Declaration of Interests

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The following interests were declared:-

<b>Councillor(s)</b>	<b>Item(s)</b>	<b>Nature of Interest(s)</b>
Dorman	Application P/21/0150 for Erection of Single Storey House and Outbuilding at Avondyke Training Centre, Dykehead Road, Stonehouse	Known to objectors
	Designation of Local Nature Reserves	Member of Friends of Stonehouse Park
Horsham	Application P/21/0849 for Change of Use of Former Horticultural Site to an Eco Storage Facility and the Erection of Building, Storage of Materials, Parking and Alterations to Access (Retrospective) at Hapenton Nursery, 290 Strathaven Road, Limekilnburn, Hamilton	Involvement of close family member, in capacity as elected representative, in relation to proposals at the site

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## **2 Minutes of Previous Meeting**

The minutes of the meeting of the Planning Committee held on 7 September 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/20/1410 for Erection of 2 Bungalows and Acoustic Fence at Land 36 Metres West of 53 Mill Road, Mill Road, Thankerton, Biggar**

A report dated 15 September 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1410 by M McDonald for the erection of 2 bungalows and an acoustic fence at land 36 metres west of 53 Mill Road, Mill Road, Thankerton, Biggar.

**The Committee decided:** that planning application P/20/1410 by M McDonald for the erection of 2 bungalows and an acoustic fence at land 36 metres west of 53 Mill Road, Mill Road, Thankerton, Biggar be granted subject to the conditions specified in the Executive Director's report.

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## **4 Application P/21/0150 for Erection of Single Storey House and Outbuilding at Avondyke Training Centre, Dykehead Road, Stonehouse**

A report dated 15 September 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/0150 by Clyde Scouts for the erection of a single storey house and outbuilding at Avondyke Training Centre, Dykehead Road, Stonehouse.

**The Committee decided:** that planning application P/21/0150 by Clyde Scouts for the erection of a single storey house and outbuilding at Avondyke Training Centre, Dykehead Road, Stonehouse be granted subject to the conditions specified in the Executive Director's report.

*Councillor Dorman, having declared an interest in the above item, withdrew from the meeting during its consideration. Councillor Horsham took the Chair for this item*

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## **5 Application P/21/0730 for Erection of 52 Houses with Associated Infrastructure Including Roads, Drainage, SUDS Pond and Landscaping at Site Next to Hillcrest, Strathaven Road, Hamilton**

A report dated 24 September 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/0730 by Robertson Homes for the erection of 52 houses with associated infrastructure including roads, drainage, SUDS pond and landscaping at site next to Hillcrest, Strathaven Road, Hamilton.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Legal Agreement. If approved, the application would be subject to a Legal Agreement and/or other appropriate mechanism and the approved procedure would apply.

On points raised regarding the increased traffic resulting from the development and proposed traffic measures, officers undertook to provide the members with an update in relation to the transport assessment and proposed traffic measures.

**The Committee decided:**

- (1) that planning application P/21/0730 by Robertson Homes for the erection of 52 houses with associated infrastructure including roads, drainage, SUDS pond and landscaping at site next to Hillcrest, Strathaven Road, Hamilton be granted subject to:-
  - ◆ the conditions specified in the Executive Director's report
  - ◆ prior conclusion of a Section 75 Agreement and/or other appropriate agreement on an equitable financial contribution, on an agreed pro-rata basis, in relation to infrastructure and other costs associated with the Hamilton Community Growth Area, for the improvement/upgrading of roads infrastructure, educational provision, community facilities and affordable housing provision
  - ◆ the applicant meeting the Council's costs associated with the legal agreements
- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards the conclusion of the Legal Agreement within 6 months of the date of the meeting at which the application was considered, the proposed development could be refused on the basis that, without the planning control or developer contribution which could be secured by the Legal Agreement, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Legal Agreement had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Legal Agreement.

*[Reference: Minutes of 7 July 2015 (Paragraph 15)] and 8 October 2019 (Paragraph 13)]*

*Councillor Buchanan left the meeting during this item of business and Councillor Lowe left the meeting after this item of business*

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**6 Application P/20/1777 for Erection of 2 Storey House and Associated Works at Plot 4, Springbank House, West Mains Road, East Kilbride**

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A report dated 15 September 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1777 by S Mohammed for the erection of a 2 storey house and associated works at Plot 4, Springbank House, West Mains Road, East Kilbride.

**The Committee decided:**

that planning application P/20/1777 by S Mohammed for the erection of a 2 storey house and associated works at Plot 4, Springbank House, West Mains Road, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 29 November 2011 (Paragraph 14)]*

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## **7 Application P/21/0849 for Change of Use of Former Horticultural Site to an Eco Storage Facility and the Erection of Building, Storage of Materials, Parking and Alterations to Access (Retrospective) at Hapenton Nursery, 290 Strathaven Road, Limekilnburn, Hamilton**

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A report dated 24 September 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/0849 by Pro-Cast Group for the change of use of a former horticultural site to an eco storage facility and the erection of a building, storage of materials, parking and alterations to access (retrospective) at Hapenton Nursery, 290 Strathaven Road, Limekilnburn, Hamilton.

The application had been assessed against the relevant policies and criteria contained in the Glasgow and the Clyde Valley Strategic Development Plan 2017 and the Adopted South Lanarkshire Local Development Plan 2. Details of the assessment were provided in the report. The development constituted Development Contrary to the Development Plan, however, it was not considered that the proposal was significantly contrary to the Development Plan.

In the view of the Executive Director (Community and Enterprise Resources), a departure from the Development Plan was justified in this case for the following reasons:-

- ◆ that the provision of additional job opportunities within the area would assist the Council in supporting economic growth and regeneration by encouraging the development of business in South Lanarkshire
- ◆ that the expansion of the existing business operation would assist the Council in its aims to minimise and mitigate against the effects of climate change and support renewable energy development
- ◆ that the reuse of the vacant site would assist in the protection and enhancement of the natural environment
- ◆ there were no infrastructure implications associated with the development and there would not be an adverse impact on the built and natural environment

### **The Committee decided:**

that planning application P/21/0849 by Pro-Cast Group for the change of use of a former horticultural site to an eco storage facility and the erection of a building, storage of materials, parking and alterations to access (retrospective) at Hapenton Nursery, 290 Strathaven Road, Limekilnburn, Hamilton be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ a revised Condition 6 as follows:-

"That no development shall commence until details of surface water drainage and sewerage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage and sewerage arrangements will require to comply with the principles of sustainable urban drainage systems and the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. The development shall not be occupied until the surface water drainage and sewerage 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 and sewerage 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 also to alleviate the potential for on-site and off-site flooding."

*Councillor Horsham, having declared an interest in the above item, withdrew from the meeting during its consideration*

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#### **8 Application P/21/0613 for Re-profiling of Existing Ground Levels to Facilitate Future Residential Development, Including Associated Retaining Walls, Construction of New Residential Access Road and SUDS Basin (Approval of Matters Specified in Condition 1 (A, C, F and M) of Planning Application EK/09/0218) at Land 250 Metres East of Easter House, Jackton Road, Jackton, East Kilbride**

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A report dated 15 September 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/0613 by Cala Management Limited and John Lynch (Builders) Limited for the re-profiling of existing ground levels to facilitate future residential development, including associated retaining walls, construction of new residential access road and SUDs basin (approval of matters specified in Condition 1 (a, c, f and m) of planning application EK/09/0218) at land 250 metres east of Easter House, Jackton Road, Jackton, East Kilbride.

**The Committee decided:**

that planning application P/21/0613 by Cala Management Limited and John Lynch (Builders) Limited for the re-profiling of existing ground levels to facilitate future residential development, including associated retaining walls, construction of new residential access road and SUDs basin (approval of matters specified in Condition 1 (a, c, f and m) of planning application EK/09/0218) at land 250 metres east of Easter House, Jackton Road, Jackton, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 26 June 2018 (Paragraph 4) and 11 February 2020 (Paragraph 10)]*

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#### **9 South Lanarkshire Local Development Plan 2 – Legal Challenge**

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A report dated 16 September 2021 by the Executive Director (Community and Enterprise Resources) was submitted:-

- ♦ advising of a legal challenge to part of the adopted South Lanarkshire Local Development Plan 2
- ♦ on Supporting Planning Guidance and an associated Development Brief in relation to a site at Law Place in East Kilbride

The Committee agreed, at its meeting on 1 December 2020, to the necessary steps to adopt the South Lanarkshire Local Development Plan 2 (SLLDP2), including submitting the Plan to Scottish Ministers. Notice was received from Scottish Ministers in March 2021 that adoption could proceed and adverts providing notice of the adoption of the Plan were subsequently placed in local newspapers in April 2021.

The relevant Regulations included provision for a legal challenge in relation to the validity of the Plan to be made to the Court of Session within 6 weeks of the publication of the notice. On 27 May 2021, the Council received notice of an appeal that had been lodged at the Court of Session by Law Place (East Kilbride) Limited (the appellant) against the adoption of SLLDP2. The legal challenge to the procedural aspects of the preparation of the Development Plan related to the designation of part of the former Rolls Royce site, East Kilbride as a Core Industrial and Business Area on the grounds that the relevant parts of the Town and Country Planning (Scotland) Act 1997 had not been complied with. Details of the appellant's position, including the contention that the Plan, or such part of it as the Court of Session saw fit, should be quashed, were provided in the report.

Background details regarding the designation of the Rolls Royce site as a Development Framework Site (DFS) in the South Lanarkshire Local Development Plan 1, adopted in 2015, and the reason for removing this designation from the East Kilbride Settlement Plan during the preparation of the SLLDP2 were provided in the report. Following the decision to remove the DFS designation, the Settlement Plan base map should have been updated to reflect the uses shown on the approved Masterplan, however, due to a technical error, the industrial and retail elements of the Masterplan had not been identified on the Settlement Plan as intended.

Having identified the error, the Council listed the proposed change to the designation of the site as a Core Industrial and Business Area as one of several technical modifications submitted to the Examination. The adopted version of SLLDP2, approved by the Planning Committee in December 2020, incorporated all the modifications required by the Reporter, following the Examination, and the technical changes sought by the Council. The appeal site had, therefore, been shown as a Core Industrial and Business Area on the settlement map for East Kilbride in the adopted Plan.

Following receipt of the notice of the legal challenge and on the basis of consultation with legal Counsel, the Head of Administration and Legal Services had taken the decision to concede the appeal, in terms of the Council's Scheme of Delegation, which covered the discharge of the functions of the Council in relation to any type of judicial or quasi-judicial proceedings.

Subsequently, the Council had agreed a joint minute with the appellants agreeing the reasons for and extent of the quashing of this part of the Plan. By joint motion, the parties agreed that the Council had failed to comply with the terms of Section 18 and 19 of the Town and Country Planning (Scotland) Act 1997 when changing the designation of the site and, thereby, had erred in law. The Court of Session, by court order dated 23 September 2021, quashed the SLLDP2 insofar as part of the former Rolls Royce Site, Mavor Avenue, East Kilbride was designated as a Core Industrial and Business Area.

The Council was required to publicise the decision of the Court and that part of the SLLDP2 was not effective. In terms of addressing the resultant gap in the proposals map relating to the site, circular 6/2013 – Development Planning stated that planning authorities could issue non-statutory planning guidance without having to comply with the procedures involved in the production of statutory Supplementary Guidance (SG). Non-statutory planning guidance could be used to provide detail on a range of subject areas and although it would not form part of the Development Plan, adoption of the guidance would give it formal status, meaning that it would be a material consideration in decision making on planning applications. On that basis, it had been considered appropriate to prepare non-statutory Supporting Planning Guidance (SPG) and an associated Development Brief, attached as Appendix 1 to the report, to establish the Council's position in terms of spatial planning policy for the site.

Notwithstanding the quashing of this part of the Development Plan, it was considered that the intended designation of the land as a Core Industrial and Business Area remained appropriate.

If approved, the proposed (SPG) and associated Development Brief would require to be subject to a public consultation exercise undertaken over a 6 week period. The consultation exercise would include informing the relevant landowners and advertisement in the local press. The outcome of the consultation exercise would be submitted to a future meeting of this Committee.

**The Committee decided:**

- (1) that the implications and outcome of the legal challenge to part of the adopted South Lanarkshire Local Development Plan 2 be noted;
- (2) that the Supporting Planning Guidance and associated Development Brief in relation to the site at Law Place in East Kilbride, attached as Appendix 1 to the report, be approved and a public consultation exercise be undertaken; and
- (3) that the Head of Planning and Economic Development Services be authorised to make drafting and technical changes to the draft document prior to its publication for consultation.

*[Reference: Minutes of 1 December 2020 (Paragraph 4)]*

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## **10 Designation of Local Nature Reserves**

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A report dated 14 September 2021 by the Executive Director (Community and Enterprise Resources) was submitted on the declaration of 16 new Local Nature Reserves (LNRs) and an extension to the existing LNR at Langlands Moss, East Kilbride.

LNRs were areas of natural heritage that were locally important and combined protection of natural heritage with opportunities for people to enjoy, learn about and experience nature close to their communities. Local authorities had powers to select and designate LNRs under Section 21 of the National Parks and Access to the Countryside Act 1949 (as amended).

There were 75 LNRs in Scotland, including 1 in South Lanarkshire at Langlands Moss, East Kilbride. The designation of LNRs had been identified as an action in the Council's Biodiversity Duty Implementation Plan 2018 to 2022. In addition, the South Lanarkshire Biodiversity Strategy 2018 to 2022: Strategic Outcome 2 stated that designated and locally important sites were to be conserved and that LNRs were to be identified and designated.

During the preparation of the South Lanarkshire Local Development Plan 2 (SLLDP2), the provision of 16 new LNRs and an extension to the Langlands Moss LNR, as detailed in the report and indicated in the maps attached as appendices to the report, had been proposed.

Details of the consultation that had been carried out in terms of the process for the adoption of the SLLDP2, which had received responses regarding the proposed LNRs, and consultation with NatureScot regarding the designation of the sites as LNRs were provided in the report.

Draft management statements had been prepared for each site and details of the next steps, including the requirement to prepare a management plan for each site within 3 years of formal designation as LNRs, were contained in the report.

All of the proposed sites were located within and owned by South Lanarkshire Council, with the exception of Fernbrae Meadows in Rutherglen, which included an area that, while within the administrative boundaries of South Lanarkshire Council, was owned and managed by Glasgow City Council and would require an agreement to be entered into with Glasgow City Council to designate the site as an LNR.

Further consultation would also be required prior to designation in relation to the sites at Backmuir Woods and Low Parks in Hamilton, in terms of the Community Empowerment (Scotland) Act 2015, as both sites included Common Good Assets.

A Local Nature Reserve declaration would be published to provide public notification of the existence of the newly declared sites. Once declared, the areas would be managed as nature reserves, as outlined in the draft management statements.

On points raised regarding availability of funding for the sites and the location of all LNRs, including those under private ownership, officers undertook to provide the members with information regarding available funding streams and the locations of all LNRs and Sites of Special Scientific Interest (SSSIs) within South Lanarkshire.

**The Committee decided:** that the designation of 16 new LNRs and an extension to the existing LNR at Langlands Moss, East Kilbride, as detailed in the report and indicated in the maps attached as appendices to the report, be declared under Section 21 of the National Parks and Access to the Countryside Act 1949 (as amended).

*[Reference: Minutes of 1 December 2020 (Paragraph 4)]*

*Councillor Dorman, having declared an interest in the above item, withdrew from the meeting during its consideration*

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## **11 Urgent Business**

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There were no items of urgent business.

# Report

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Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>16 November 2021</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/1684
Planning proposal:	Conversion of Byre to House and Associated External Alterations

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr Andrew King
Location:	South Netherburn Farm Broomfield Road Netherburn Larkhall ML9 3DG

## 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 listed).

### 2.2 Other actions/notes

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

## 3 Other information

- ◆ Applicant's Agent: James Baird
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2021 (SLLDP2):**  
Policy 2: Climate change  
Policy 4 – Green Belt and Rural Area  
Policy 5 – Development Management and Placemaking  
Policy 11 - Housing  
Policy GBRA4 – Conversion and Re-use of Existing Buildings

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Scottish Water

## **Planning Application Report**

### **1 Application Site**

- 1.1 The byre which is proposed to be converted to a house forms part of a courtyard of buildings which were originally associated with South Netherburn farm centred around a u-shaped courtyard with the farmhouse in the centre. The other buildings have already been converted. The site is located to the north of Broomfield Road and sited within a rural setting.

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

- 2.1 The applicant seeks detailed planning consent for the conversion of a byre to a 2 bedroom dwellinghouse and associated external alterations.
- 2.2 The applicant has submitted a structural survey report which comments that the existing structure is capable of being converted and can accommodate the proposed works. A bat survey has also been submitted which concluded that there was no evidence that bats were using the building when it was surveyed.
- 2.3 It should be noted that during the application process, the applicant's agent submitted an amended site plan removing the originally proposed 3 car parking spaces, providing 2 alternative car parking spaces and removing a reference to shared gardens. In addition to the off street parking within the application site, there would be a turning area and small garden. A shared access would permit vehicles to exit on Broomfield Road.

### **3 Background**

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

- 3.1.1 The adopted South Lanarkshire Local Development Plan 2 identifies the site as forming part of the housing land supply. The proposed development therefore requires to be assessed against the following policies:-

- ◆ Policy 2: Climate change
- ◆ Policy 4: Green Belt and Rural Area
- ◆ Policy 5: Development Management and Placemaking
- ◆ Policy 11: Housing
- ◆ Policy GBRA4: Conversion and Re-use of Existing Buildings

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

- 3.2.1 Scottish Planning Policy advises the policy principles of placemaking should take every opportunity to create high quality places by taking a design-led approach. Planning should direct the right development to the right place and support development that is designed to be of high quality and which demonstrates the six qualities of a successful place.

#### **3.3 Planning Background**

- 3.3.1 Planning application reference P/20/0974 was withdrawn for the conversion of a byre to dwellinghouse and associated alterations.
- 3.3.2 Planning application reference P/18/1422 was granted consent in April 2019 for the conversion of a former byre to house.
- 3.3.3 Planning application reference HM/10/0460 was granted in November 2010 for the conversion of farm buildings to five residential dwellings, alterations to the existing farm house and formation of car parking and landscaping, granted November 2010.

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

4.1 **Roads and Transportation Services –** No objection.

**Response:** Noted.

4.2 **Environmental Services –** No objection.

**Response:** Noted.

4.3 **Scottish Water –** No objection.

**Response:** Noted.

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

5.1 Statutory neighbour notification was undertaken. A total of 8 representations have been received.

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

a) **Neighbour notification has not been received.**

**Response:** Statutory neighbour notification procedures were undertaken in December 2020 and 8 letters of objection have been received as a result.

b) **The application forms part of an original application for the development of South Netherburn Farm into five residential dwellings (HM/10/0460). The originally approved application identified access to units 1, 2 and 3 via an access road, created by reducing the length of an existing barn. We note the current application no longer incorporates the reduction of the barn to allow access - the current access has been moved east by circa 6m.**

**Response:** The applicant's agent has advised that the application does not include the reduction of the barn. This work has been carried out as part of the previous approval. The access shown is within the area previously occupied by the removed section of barn.

c) **The new access road passes through ground not owned by the applicant.**

**Response:** The applicant's agent has advised that the access road is shared and not owned by the applicant.

d) **Visibility splays identified as part of application HM/10/0460 will need to be revaluated to ensure the access is achievable.**

**Response:** Roads and Transportation Services have no objection to the proposal.

e) **The blue area outlined on drawing 702\_01 Block and Location Plans, noted as shared gardens is not owned by the applicant**

**Response:** Noted. As detailed previously, the applicant's agent has submitted an amended site plan which removes the reference to the shared gardens.

f) **The ownership certificate submitted indicates the applicant owns all the land concerned – this is not the case as it relies on access through land not fully owned by the applicant.**

**Response:** The applicant's agent has submitted an amended ownership certificate to address this which certifies that the applicant does not own all of the land.



- g) **The application form indicates 3 parking spaces – these have been indicated on drawing 702\_01 Block and Location Plans within land that is not owned by the applicant. Location Plans within land that is not owned by the applicant.**

**Response:** As detailed previously, the applicant's agent has submitted an amended site plan removing the originally proposed 3 spaces and providing 2 car parking spaces which the agent has confirmed is within the applicant's land.

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

## **6 Assessment and Conclusions**

- 6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP), and the adopted South Lanarkshire Local Development Plan 2021 (SLLDP 2).
- 6.2 In the adopted South Lanarkshire Local Development Plan 2021 (SLLDP 2), the application site is identified as land which forms part of the housing land supply. Whilst the site is not located within the settlement of Netherburn, it forms part of the housing land supply and Policy 11: Housing states that the Council will support residential development on sites identified on the proposals map. The principal of residential development at this location is considered to be acceptable and complies with the terms of Policy 11.
- 6.3 Although the site is identified as part of the housing land supply, it is also located within the green belt. Policy 4 establishes that the Green Belt and Rural Area functions primarily for agriculture, forestry, recreation and other appropriate uses in the countryside. It is however recognised that small scale residential development may be appropriate in the green belt and the rural area where it is located in the right place and is of the right quality in terms of siting, scale and design. In this instance it is considered that the principle of a dwelling in the area has already been established by the previous consent (HM/10/0460). In addition the applicant has submitted a structural report which concludes that the redundant barn is capable of conversion, a requirement of Policy GBRA4. It is therefore considered that the proposal raises no issues in respect of Policy 4 or Policy GBRA4.
- 6.4 Policy 2: Climate Change seeks to minimise and mitigate against the effects of climate change. The proposal avoids areas of medium to high flood risk, has no significant adverse impacts on the water and soils environment, air quality, biodiversity and/or green networks. Therefore, taking into account the scale of the proposed development and re-use of an existing building, it is considered the proposal meets the terms of Policy 2 of the adopted SLLDP2.
- 6.5 Policy 5: 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. In this instance, the applicant proposes to convert and restore the existing building to provide residential accommodation. That being the case it is considered that the proposed alterations are in keeping with the character of the surrounding buildings which include conversions and that no further issues are raised in respect of this policy.

6.6 With regard to the objectors' concerns detailed above in section 5, it is considered that the proposal is in accordance with local plan policy and would not be detrimental to the residential amenity of the area. In addition, Roads and Transportation Services, have no objection. The concerns raised in relation to right of access/land ownership are civil issues.

6.7 Overall, the proposal is considered to be an acceptable form of development at this location and it is recommended that planning permission be granted.

## **7 Reasons for Decision**

7.1 The proposal complies with Policies 2, 4, 5 and GBRA 4 of the South Lanarkshire 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)**

Date: 5 November 2021

### **Previous references**

- ◆ P/20/0974 - Conversion of byre to dwellinghouse and associated alterations, withdrawn.
- ◆ P/18/1422 - Conversion of former byre to house, granted April 2019.
- ◆ HM/10/0460 - Conversion of farm buildings to five residential dwellings, alterations to the existing farmhouse and formation of car parking and landscaping, granted November 2010.

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 2 December 2020
- ▶ Ricky Morris Associates LTD Structural Engineers letter dated 23 September 2020
- ▶ Nocturne Environmental Surveyors LTD Bat Survey November 2020

### **▶ Consultations**

Roads Development Management Team	15.02.2021
Environmental Services	10.12.2020
Scottish Water	04.12.2020

### **▶ Representations** Dated:

Chris Cullen, Received Via Email	19.01.2021
Chris Cullen, Received Via Email	19.01.2021
L Winters, Received Via Email	19.01.2021
R Cullen, Received Via Email	25.01.2021
D Cullen, Received Via Email	25.01.2021

Claireanne Winters, Received Via Email	19.01.2021
Ross Thompson, Received Via Email	19.01.2021
Darrell Cullen, Received Via Email	19.01.2021

**Contact for further information**

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

Murray Reid, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 453625

Email: [murray.reid@southlanarkshire.gov.uk](mailto:murray.reid@southlanarkshire.gov.uk)

**Conditions and reasons**

01. That the stone repairs to be carried out to the external walls of the byre conversion hereby approved shall match in colour and texture those of the existing building to the satisfaction of the Council as Planning Authority.

Reason: To ensure the conversion of the byre is in keeping with the existing building both in terms of design and materials.

02. That the roof repairs to the building shall be clad externally in natural slate.

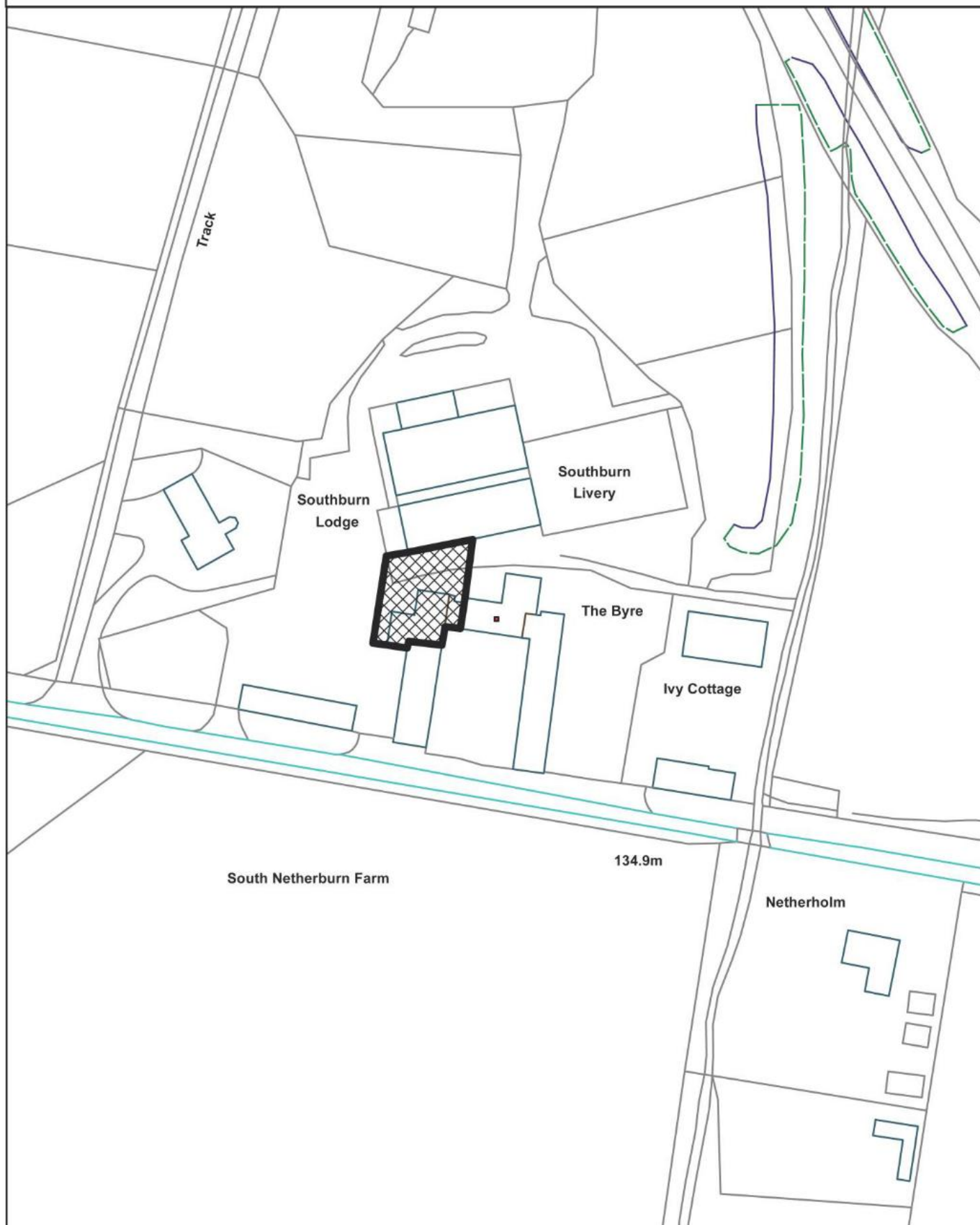
Reason: In the interests of the visual amenity of the area.

03. That before the development hereby approved is completed or brought into use, 2 parking spaces (3.0 m x 6.0 m modules) shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

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

**P/20/1684**

South Netherburn Farm, Broomfield Road, Netherburn





# Report

4

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>16 November 2021</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/1897
Planning proposal:	Demolition of Existing Car Wash and Ancillary Buildings and Erection of Coffee Shop (Class 3) with Drive Thru, a Jet Wash Facility, Site Access Reconfiguration, Vehicular Parking and Associated Works

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Ashley Vintners (Strathclyde) Ltd
Location:	Garage Bothwell Road Uddingston G71 7EU

## 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: Grant Allan
- ◆ Council Area/Ward: 16 Bothwell and Uddingston
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (adopted 2021)**
  - Policy 1 - Spatial Strategy
  - Policy 2 - Climate Change
  - Policy 3 – General Urban Areas and Settlements
  - Policy 5 - Development Management and Place Making
  - Policy 9 - Network of Centres and Retailing
  - Policy 10 – New Retail/Commercial Proposals
  - Policy 14 - Natural and Historic Environment
  - Policy 15 - Travel and Transport
  - Policy 16 - Water Environment and Flooding
  - Policy DM1 - New Development Design
  - Policy DM15 - Water Supply

♦ **Representation(s):**

▶	133	Objection Letters
▶	39	Support Letters
▶	1	Comment Letter

♦ **Consultation(s):**

Roads Development Management Team

Environmental Services

Uddingston Community Council

Scottish Water

Roads Flood Risk Management

Biodiversity Officer

Arboriculture Services



## **Planning Application Report**

### **1 Application Site**

- 1.1 The application relates to an area of land located on Bothwell Road at the southern edge of Uddington. The site is roughly square in shape, mostly flat and it extends to approximately 0.75 hectares. The site is predominantly vacant with a large area of hardstanding in addition to a car wash, a small unit attached to an MOT garage and a small brick building. There are a number of mature trees located within the site and there is a small brick wall located along the eastern boundary of the site. The site is bounded to the north by an existing Tesco retail store, to the south by a wooded area protected by a Tree Preservation Order (TPO), to the east by Bothwell Road and adjacent residential properties, which are located in the Uddington Conservation Area and to the west by residential properties. Access to the site is via Bothwell Road.

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

- 2.1 This is a detailed planning application for the demolition of existing car wash and ancillary buildings and erection of coffee shop (Class 3) with drive thru, a jet wash facility, site access reconfiguration, vehicular parking and associated works. The proposed coffee shop with drive thru would be operated by Starbucks. The coffee shop would feature a glazed entrance onto Bothwell Road and the western elevation would contain the drive thru window/pod. The north and south elevations of the unit would also be partially glazed. New paved landscaped areas would be created around the Starbucks unit to enable movement from Bothwell Road for pedestrians. An enclosed timber bin store would be attached to the southern section of the proposed building. All waste and recycling would be stored and collected from this area.
- 2.2 The jet wash facility would be located to the north of the coffee shop next to the existing petrol filling station (PFS) and MOT Garage. The jet-wash facility would provide two dedicated bays for cars to be cleaned. White UPVC screens would enclose the jet wash area and separate the bays. This facility would be managed by the existing PFS operator. The proposed development would be served by a total of 27 parking spaces (including 3 disabled parking spaces). Dedicated bicycle parking spaces would be provided to the front of the Starbucks unit adjacent to Bothwell Road. The proposal would also incorporate 3 electric vehicle charging spaces. A dedicated delivery bay would be provided adjacent to the proposed car parking. The site currently benefits from an existing access from Bothwell Road serving the PFS and MOT Centre. The existing access would be reconfigured to provide enhanced access arrangements for the existing operators and the proposed coffee shop. A new filter lane to the PFS would be created to allow safe access into the PFS and two exit lanes would be created for exiting to the left and right. The drive-through access to the coffee shop has been designed to provide adequate provision within the site. An existing pedestrian footpath on Bothwell Road would provide access into the site for pedestrians.
- 2.3 As part of the proposal, four mature trees in the middle of the site would have to be removed to facilitate the development. New landscaping and planting would incorporate low-level planting around the Starbucks unit, primarily to the east beside Bothwell Road, with some further landscaping beside the entrance to the jet wash facility. A Noise Impact Assessment, Transport Statement, Arboriculture Report, Bat Survey and Drainage Impact Assessment were submitted with the application as supporting documents.

### **3 Background**

#### **3.1 Local Plan Background**

3.1.1 The majority of the application site is located within the urban area in the adopted South Lanarkshire Local Development Plan 2 with a small part of the site located within the adjacent Local Neighbourhood Centre to the north. The relevant policies in terms of the assessment of the application are Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 3 – General Urban Areas and Settlements, Policy 5 - Development Management and Place Making, Policy 9 - Network of Centres and Retailing, Policy 10 - New Retail/Commercial Proposals, Policy 14 - Natural and Historic Environment, Policy 15 - Travel and Transport, Policy 16 - Water Environment and Flooding, Policy DM1 - New Development Design, Policy DM15 - Water Supply, Policy SDCC2 - Flood Risk and Policy SDCC3 - Sustainable Drainage Systems of the adopted South Lanarkshire Local Development Plan 2. The content of the above policies and documents and how they relate to the proposal is assessed in detail in Section 6 of this report.

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

3.2.1 Scottish Planning Policy (SPP) advises that proposals should be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise and that all developments should contribute to sustainable development. In terms of retail and commercial developments, SPP states that development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities. This requires that locations are considered in the following order of preference: town centres (including city centres and local centres), edge of town centre, other commercial centres identified in the development plan; and out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes. Planning authorities, developers, owners and occupiers should be flexible and realistic in applying the sequential approach, to ensure that different uses are developed in the most appropriate locations. Where development proposals in edge of town centre, commercial centre or out of-town locations are contrary to the development plan, it is for applicants to demonstrate that more central options have been thoroughly assessed and that the impact on existing town centres is acceptable.

#### **3.3 Planning Background**

3.3.1 There is no recent planning history relating to the site.

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

4.1 **Roads Development Management Team** – have no objection to the application. A Transport Statement has been prepared to assess the transportation impact of this development proposal. The Transport Statement has been reviewed in detail and after the submission of additional information it is considered there will not be any issues relating to the proposed access, parking and movement of vehicles. Accordingly, the impact on Bothwell Road and transportation network will be insignificant. A Section 56 Agreement in terms of the applicable Roads legislation will be required prior to works commencing on site and the centre line on Bothwell Road should be relocated slightly to prevent right turning traffic (into the site) blocking traffic.

**Response:** Noted.

4.2 **Environmental Services** – have no objections to the application subject to conditions restricting noise and odour levels at the premises to an acceptable level and acceptable hours for delivery vehicles. Informatives should also be attached advising

the applicant of acceptable noise levels at the site and appropriate guidance relating to health and safety.

**Response:-** Noted. Any consent granted would incorporate appropriately worded conditions and informative to address the above matters.

- 4.3 **Arboriculture Services** – raised concerns about the impact of the proposal on tree canopy loss. If planning consent is granted the consent should include conditions requiring the submission of a scheme for the protection of retained trees, arrangements for pre-commencement site meetings relating to tree protection, site supervision and monitoring of any approved arboriculture protection measures and full details of tree planting within the site.

**Response:-** Noted. Any consent granted would include appropriately worded conditions to address the above matters.

- 4.4 **Roads and Transportation Services (Flood Risk Management Section)** – have no objections to the application subject to the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied through the completion of the standard self-certification document.

**Response:-** Noted. An appropriately worded condition would be attached to any consent granted to address the above matter.

- 4.5 **Scottish Water** – have no objections to the application and have advised that there is currently sufficient capacity to service the proposed development at the CAMPS Water Treatment Works and the Daldowie Waste Water Treatment Works.

**Response:-** Noted.

- 4.6 **Biodiversity Officer** – satisfied that the information submitted completes the ecological bat surveys required and recommend that the mitigation/compensation measures identified in section 5.2 are incorporated in site works/design.

**Response:-** Noted. Any consent granted would incorporate an appropriately worded condition to address the above.

- 4.7 **Uddingston Community Council** – object to the application on the following grounds:

- (a) **Uddingston has high (and growing) levels of traffic congestion in the local area, with traffic from Uddingston cross often queuing up beyond the proposed development. The addition of a high turnover coffee shop with drive through facility and car wash will add yet more traffic to an area that is already of particular concern to the local community. As a community council, we fail to see the need for the 'convenience' of a drive through coffee shop at this location, which is directly between – and only accessible by driving through the centre of – two small towns. The council agrees that we absolutely do not need any extra non-residential traffic on the roads of Uddingston or Bothwell. A notable and useful comparison of the level of traffic generated by drive through coffee shops in South Lanarkshire is that of the Starbucks in Hamilton Palace Grounds. The car park here is often inaccessible due to the volume of traffic waiting to access the drive through. At the currently proposed development in Uddingston there is no provision or space for such traffic to accumulate off road, and thus we believe poses a significant hazard in an already busy single carriageway stretch of road.**

**Response:** Roads and Transportation Services have critically assessed the submitted drawings and Transport Statement and have requested further information, clarification, and revisions as part of this process. Following receipt

of such information/details, they are satisfied that the proposal raises no access, parking or road safety issues.

- (b) **Uddingston already suffers from heavy vehicular air pollution, which is of significant concern on Bothwell Road and particularly at the point of the proposed development. This point of the road is a common walking route around the perimeter of the golf course, and the levels of pollution already result in an unpleasant and dangerous experience for residents and walkers. The provision of a drive through will drive a high turnover of customers likely with engines running for their visit, which will significantly increase the level of pollution relative to other types of development and cannot be tolerated in a residential and well walked area. The proposal is not compatible with Scottish Government's Cleaner Air for Scotland Strategy and as the carbon content of air pollution is the principle driver of climate change it also undermines Scotland's statutory target to reach net-zero national emissions by 2045 (and a 75% reduction by 2030).**

**Response:** Environmental Services were consulted on the application and subject to conditions restricting noise and odour levels at the premises to an acceptable level they raised no adverse comments in this regard. The application site is located directly adjacent to the designated Uddingston Local Neighbourhood Centre, with part of the site located within this Centre. The site is not located in a designated air quality management area. The proposed development also incorporates 3 electric charging bays to provide for customers who use electric vehicles and for other visitors to the town which could encourage linked trips.

- (c) **As a Community Council we strive to encourage community engagement and healthy choices. A drive through will encourage people to take their car which has health implications (both for them and the people inhaling the fumes) and drives disengagement with community. Furthermore, a drive through service will negate any potential local community benefit that could be argued as such a venture could 'bring more business to the village' as people will not be getting out of their cars, therefore not visiting and supporting local businesses. The negative effects of air pollution, congestion and potentially litter (with a huge reliance on single use materials) will instead, we fear, be realised.**

**Response:** As discussed above, Environmental Services were consulted on the application and raised no adverse comments in terms of air pollution. A condition would be attached to any consent granted requiring the submission of details of the storage and collection of waste arising from the development, including the number and location of litter receptacles, for the Council's approval.

- (d) **There are already a significant number of coffee shops, both sit-in and takeaway within both Uddingston and Bothwell. These include a considerable number of local businesses who could well be threatened with closure with a drive through commercial enterprise that will take people away from the core of community. This poses a risk of both Uddingston and Bothwell seeing an increase in vacant commercial property and the initiation of town centre blight.**

**Response:-** Whilst the above points are noted, commercial competition is not a material planning consideration.

## **5 Representation(s)**

5.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the Hamilton Advertiser due to the scale and nature of the proposal and under the heading Non-notification of neighbours. 173 letters of representation were received in relation to the application comprising 133 letters of objection, 39 letters of support and 1 letter of comment. One of the letters of representation was from an MSP.

5.2 The grounds of representation are summarised below:

- (a) **The proposed development will create too much traffic passing through Bothwell and then Uddingston. Traffic is already at a dreadful level creating a lot of noise and making the roads dangerous. Erecting a drive through coffee shop will make things worse. Drive-throughs are best for retail parks, not main roads in small villages. It is also dangerous for pedestrians crossing with sight lines being obscured when you have queuing cars been passed by cars wishing to get past to continue their journey.**

**Response:** Roads and Transportation Services have assessed the submitted drawings and Transport Statement and they are satisfied that the proposal, following the submission of additional information, raises no access, parking or road safety issues that would justify the withholding of consent.

- (b) **Access to the filling station is already an issue with a very poor traffic management system in place. The access/egress arrangements onto Bothwell Road will create significant additional conflict with access to the petrol station relying on users of the coffee shop maintaining clear space across hatched lines. This is likely to occur at busy times and vehicles blocking the hatched areas will cause a build-up of traffic on Bothwell Road and could be an accident risk if vehicles turning in from the westbound direction find they are unable to access the petrol station as they turn across the eastbound lane. I would also state that the access arrangement looks extremely tight for HGV and trailer access and the rear of these vehicles would stick out onto Bothwell Road if access is obstructed.**

**Response:** Roads and Transportation Services have assessed the submitted drawings and Transport Statement and having considered all relevant information submitted, including further details from the applicant, are satisfied that the proposal raises no access, parking or road safety issues.

- (c) **The traffic reports, traffic survey forecasts and associated photographs submitted are not reflective of the high volumes of traffic at weekends and rush hour on the roads.**

**Response:** As highlighted previously Roads and Transportation Services have assessed all material aspects of the Transport Statement and where necessary and appropriate sought additional information/clarification. Following receipt of same, Roads are satisfied with the conclusions of the submitted Transport Statement in that there will not be a significant impact on the road and transportation network as a result of the development.

- (d) **There are already plenty of establishments to acquire quick refreshments in Bothwell and Uddingston and we do not need another. The garage has a takeaway coffee facility, and Costa coffee is just around the corner. There are at least two privately owned coffee businesses in Uddingston**

**Main Street and a Costa takeaway at the Co-op in Old Mill Road. There is absolutely no need for another.**

**Response:** Whilst the above points are noted, commercial competition is not a material planning consideration.

- (e) **There are concerns about the build-up of waste and litter around the site and it's miss-management by a company that has a notorious reputation in this regard. Takeaways produce paper cups, which are discarded. Over lockdown this litter has noticeably been increasing and the Council needs to consider whether this proposed business would help reduce waste, or add to it.**

**Response:** A condition would be attached to any consent granted requiring the submission of details of the storage and collection of waste arising from the development, including the number and location of litter bins, for the Council's approval.

- (f) **The proposal is not compatible with the Scottish Government's Cleaner Air for Scotland Strategy. The Scottish Government also declared a climate emergency meaning that they intend to act to mitigate the worst impacts of climate change. South Lanarkshire Council also passed a motion unanimously at a meeting of the full Council to build on the council's Sustainable Development and Climate Change Strategy. The motion noted that the council 'is recognised for its prominent role in South Lanarkshire to reduce carbon emissions and be more resilient to the impacts of climate change' and has 'a vital role in leading and influencing action on tackling climate change in their local area.' With this in mind, the Council should consider what impact a drive thru will have on the environment. Queuing traffic from the drive-thru will lead to increased emissions from the waiting vehicles and will lead to increased noise pollution due to the amount of traffic to be expected.**

**Response:** As discussed, Environmental Services were consulted on the application and subject to conditions restricting noise and odour levels at the premises to an acceptable level they raised no adverse comments in this regard. The application site is located directly adjacent to the designated Uddingston Local Neighbourhood Centre, with part of the site located within this Centre. The site is not located in a designated air quality management area. The proposed development also incorporates 3 electric charging bays to provide for customers who use electric vehicles and for other visitors to the town which could encourage linked trips.

- (g) **The Active Travel Framework, published by Transport Scotland on behalf of Scottish Government, has a 2030 Vision for Active Travel – that Scotland's communities are shaped around people, with walking or cycling the most popular choice for shorter everyday journeys. A drive thru is at odds with the Council's sustainable transport policies and explicitly encourages people to use cars (in queues giving off fumes) rather than walking.**

**Response:** Whilst the above points are noted, the application site is located directly adjacent to the Uddingston Local Neighbourhood Centre, with the northern part of the site located within the Centre. In terms of permeability and active travel the development would be well integrated into existing walking and cycling networks. As discussed, the site is not located in a designated air quality management area and the proposal incorporates 3 electric charging bays to provide for customers who use electric vehicles and for other visitors to the town which could encourage linked trips.

- (h) **The removal of mature trees with no replacement is not acceptable and is a further erosion of the Council's environmental and sustainability policies for the sake of promoting a drive thru vehicular attraction. This does not help our carbon footprint.**  
**Response:** An Arboriculture Report was submitted with the application which identified four mature beech trees within the site for removal due to their poor condition. This matter is discussed further in Sections 4.3 and 6.11 of this report.
- (i) **The proposed time of operation – 6.00am to midnight, 7 days a week is socially unacceptable and intrusive for local residents. This type of establishment attracts groups who will congregate in cars. I would recommend a condition that limits the hours of operation in the evening for the proposed drive thru cafe to 8pm being in a semi and arguably mainly residential area with houses directly opposite and to the rear of the development. This is a very different situation to the Starbucks at Hamilton Palace and to the Costa off Bothwell Road both in retail/industrial parks.**  
**Response:** Environmental Services were consulted on the application and raised no adverse comments in this regard. However, they have recommended that the hours of operation for deliveries by commercial vehicles should be restricted to between 0800 and 2000 (Monday to Friday); 0800 to 1200 (Saturday).
- (j) **The agent submitting a rebuttal letter is a mark of desperation because not only do they know it is against the wishes of the vast majority of people who live and transit the area daily, they know this plan goes against everything the Council know what this area needs and does not need, and what does and does not meet the objectives set out in Council formal plans for future developments with regards transport, traffic, roads, clean air, public safety, etc .**  
**Response:** The agent is entitled to submit additional supporting information as part of the planning application process. The merits of the application are discussed in detail in Section 6 of this report.
- (k) **There is enormous concern in the community regarding the length of time being taken to make a decision on the application. Why the delay?**  
**Response:** The application has been assessed in the appropriate manner taking all matters into consideration including the content of all consultation responses, all representations submitted in addition to the initial and updated supporting information submitted.
- (l) **Can someone amend the blanked-out pages of the Tree Assessment so that they can be read.**  
**Response:** In line with correct procedures the pages referred to were redacted to ensure the safety of any potential protected species on the site. The Council's Arboriculture and Biodiversity Officers have provided their consultation responses after viewing the reports in full.
- (m) **We would like to see a condition that requires screen planting along the southern boundary of the development to restrict light pollution from car headlights shining into the bedrooms of the houses at the rear of the development namely Moray Gate.**

**Response:** Due to the boundary planting and screening that is currently in place and the distance between the proposed parking area and the neighbouring dwellings it is not considered that the additional screen planting requested is required at the above location.

- (n) **Starbucks are particularly noted for their dubious, unethical employment, tax and environmental practices.**

**Response:** The above points are not material planning considerations.

- (o) **Why are the bulk of albeit limited support comments coming from North Lanarkshire residents. They live in a different council area, don't live near the planned development, and wouldn't have to live with the issues it would cause on a daily and nightly basis.**

**Response:** There are no locational restrictions placed on who can submit representation to a planning application.

- (p) **The environmental impact of the proposal is an issue.**

**Response:** It is considered that the development and re-use of a site which has been lying in an untidy condition for a number of years will have a positive impact on both the built and natural environment. Matters relating to the natural environment are discussed further in Section 6 of this report.

- (q) **There is already lack of parking and the proposal will result in cars parking on both sides of the carriageway causing congestion, impacting on the flow of traffic and creating a potential danger. The limited number of parking spaces will guarantee a significant increase to on street parking at Douglas Gardens with an impact to quality of living for the residents.**

**Response:** Roads and Transportation Services are satisfied that sufficient car parking is being provided for the proposed development.

- (r) **The proposed, presumably lit-up sign, at an elevated height, is intrusive to local residents.**

**Response:** Whilst the signage shown on the submitted plans is generally considered to be acceptable in design terms any illuminated signage would require the submission and assessment of a separate application for advertisement consent.

- (s) **The proposed development is in a conservation area and is not in keeping with the character of the surrounding buildings. The position of the Starbucks building is too far forward in the plot and will dominate the street. The building is too big and its modern design is grossly out of keeping with and will detract from the conservation areas status of the houses of this part of Bothwell Rd, Douglas Gardens and the surrounding area. The building should be set further back in the plot and have its front elevation facing into the garage site so only a smaller unglazed side elevation would be facing onto the street. Living across from the site we have already experienced an increase in light pollution in our front rooms from the redeveloped garage site. This would address some of the light pollution and concerns about being over-looked. This would also encourage people to use the car park and not park on the main road to access the coffee shop. Precedent set by the Marks and Spencer development.**

**Response:** The application site is located outwith the Uddingston Conservation Area. It is considered that the proposed coffee shop would relate satisfactorily



to surrounding development in terms of its scale, design and finish materials and that the character and amenity of the area would not be impaired by reason of traffic generation, parking, light pollution or visual intrusion.

- (t) **Residential properties across the street will be overlooked by customers inside and outside of the premises.**

**Response:** The proposed coffee shop would be located more than 30 metres away from the closest residential property on the other side of Bothwell Road. This is considered to be a sufficient distance to ensure that there would be no adverse impact on residential amenity through overlooking or loss of privacy.

- (u) **Having front door access directly from the street is ill conceived in terms of safety. People will park on the main road to "nip in quickly" to avoid having to find a space in the carpark and then having to exit the carpark on a very busy road, causing traffic issues for main road, the bus stop directly opposite and those already struggling to exit the existing garage site at peak times.**

**Response:** Roads and Transportation Services are satisfied that the proposal raises no access or road safety issues and that sufficient car parking is being provided for the proposed development.

- (v) **Planning should encourage the use of and protect the existing town centres. This development will take trade away from the many existing independently run coffee shops, bars and restaurants that Uddingston is very proud and lucky to have. These small businesses in turn bring passing footfall and trade to those other independent shops on the main street. This development contradicts the Scottish policy of town centre first. Scottish Planning policy no.73 outlines the criteria for which out of town centre sites should be considered. First, they should generate significant footfall. However, Bothwell Road at this point is already over capacity in terms of road usage and as a residential area does not benefit from increased pedestrian footfall. The policy also clearly states that there should be no significant adverse effect on the viability of existing town centres and this proposed site clearly will have a significant detrimental impact on the small locally run food and drinks outlets in the area.**

**Response:** Whilst the above points are noted, commercial competition is not a material planning consideration. It is considered that the sequential assessment undertaken by the applicant has been carried out appropriately and that it has sufficiently demonstrated that there are no other available or suitable sites within the designated Local Centre to accommodate this proposal.

- (w) **Supporters also mention jobs. These jobs are low paid, low skilled jobs that are not necessarily going to be given to locals. Any uplift in job numbers will be netted off by those inevitably lost by the small independent and locally run businesses that will suffer as a result of this development. Businesses that are already suffering due to significantly interrupted trade as a result of Corona Virus lockdowns and trading restrictions. Evidenced by the increasing number of empty business properties in the town.**

**Response:** Whilst the above points are noted, this is not a material planning consideration.

- (x) **Groups loitering outside the premises, encroaching on the highway and making general noise will create a social disturbance.**  
**Response:** Any instances of anti-social behaviour would be matters for Police Scotland to address.
- (y) **The jet washes are another reason I do not want this project to go ahead. I don't think that the sufficient surveys have been taken including a full noise survey as these machines are very loud and they will be available 24/7.**  
**Response:** As part of the application a Noise Impact Assessment was undertaken to assess whether or not there would be any adverse impact on amenity as a result of the operation of the proposed development. In this regard, Environmental Services raised no adverse comments in relation to the proposal subject to the inclusion of appropriately worded conditions restricting noise levels to an acceptable level.
- (z) **There are drainage issues already existing on this site that have caused flooding and related contamination for a number of gardens in Moray Gate. SEPA have been made aware of these issues, and these should be resolved before any further development on this site is even considered.**  
**Response:** Roads and Transportation (Flood Risk Management Section) raised no adverse comments in relation to the above subject to the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied through the completion of the standard self-certification document. Any consent granted would be conditioned to this effect.
- (aa) **I would like to know what relevance there is in the document added on 30 September 2021 to this file about non notification on this application which most objectors believed would be/has been quashed by now because of all the logical and well founded objections, not least of all failures in compliance with government guidelines.**  
**Response:** The application required to be re-advertised under the heading of Non-notification of Neighbours as it was noted that the original press advertisement did not include this heading.
- (bb) **The site is currently a vacant eyesore and has been for a long period of time. Much needed investment and reuse of derelict land. The site in question has not been used for some time and the car wash that will be removed has not been used in many years and is something of an eyesore on the site. The rest of the site has recently had investment in the form of the refurbished fuel station and this would only further enhance the site and the surrounding area.**  
**Response:** Noted.
- (cc) **Over recent years the adjoining garage forecourt has undergone significant improvement in both services and appearance. The vacant area to the side is overdue similar improvement, it is highly visible on entry to the village and readily accessible from Bothwell Road. The proposed plans appear to make good use of the site and continue the excellent developments of this area.**  
**Response:** Noted.
- (dd) **The proposal would bring revenue and jobs to the local area and also increase footfall and custom for the local businesses. The public visiting the drive thru are then brought to the area and can hopefully support local**

**businesses in the Main Street along with boosting the footfall in the community all year round.**

**Response:** Noted.

- (ee) **The addition of the electric car charging facilities is something that is much needed in the area as I have noticed. With the government's aim to stop the sale of petroleum and diesel vehicles by 2030 the requirement for electric charging facilities needs to be implemented now to ensure that this is achievable, the addition of them on this site can only be looked upon as a favourable addition.**

**Response:** Noted.

- (ff) **I personally drive a hybrid car and would like the option of being able to charge my car if need be as well as grabbing a quick coffee.**

**Response:** Noted.

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

## **6 Assessment and Conclusions**

- 6.1 The application is for the demolition of existing car wash and ancillary buildings and erection of coffee shop (Class 3) with drive thru, a jet wash facility, site access reconfiguration, vehicular parking and associated works. The determining issues in consideration of this application are its compliance with national and local plan policy and the proposal's impact on the amenity of adjacent properties and on the local road network.
- 6.2 Scottish Planning Policy (SPP) advises that proposals should be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise and that all developments should contribute to sustainable development. In terms of retail and commercial developments, SPP states that development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities. This requires that locations are considered in the following order of preference: town centres (including city centres and local centres), edge of town centre, other commercial centres identified in the development plan; and out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes. Planning authorities, developers, owners and occupiers should be flexible and realistic in applying the sequential approach, to ensure that different uses are developed in the most appropriate locations. Where development proposals in edge of town centre, commercial centre or out of-town locations are contrary to the development plan, it is for applicants to demonstrate that more central options have been thoroughly assessed and that the impact on existing town centres is acceptable.
- 6.3 In line with the requirements of SPP a sequential assessment has been undertaken by the applicant to demonstrate that there are no other suitable sites available within the Local Centre boundary to accommodate the proposed development and this is discussed in detail in the paragraphs set out below. The proposal involves the re-use of a previously developed site which would have a positive impact on the built and natural environment. Furthermore, the proposal promotes development in a sustainable location which would be accessible by public transport with bus routes located on the adjacent Bothwell Road and in terms of permeability and promotion of active travel the development would be well integrated into existing walking and

cycling networks. It is, therefore, considered that the proposal is in accordance with national planning policy.

- 6.4 In terms of local plan policy, the majority of the application site is located within the urban area in the adopted South Lanarkshire Local Development Plan 2 with a small portion of the site located within the adjacent Local Neighbourhood Centre to the north. The relevant policies in terms of the assessment of the application are Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 3 – General Urban Areas and Settlements, Policy 5 - Development Management and Place Making, Policy 9 - Network of Centres and Retailing, Policy 10 – New Retail/Commercial Proposals, Policy 14 - Natural and Historic Environment, Policy 15 - Travel and Transport, Policy 16 - Water Environment and Flooding, Policy DM1 - New Development Design, Policy DM15 - Water Supply, Policy SDCC2 - Flood Risk and Policy SDCC3 - Sustainable Drainage Systems of the adopted South Lanarkshire Local Development Plan 2.
- 6.5 Policies 1 and 2 encourage sustainable economic growth and regeneration, a move towards a low carbon economy, the protection of the natural and historic environment and mitigation against the impacts of climate change. In line with these policies the proposal involves the redevelopment of a previously developed and predominantly vacant site which is located in a sustainable location within Uddingston. The site benefits from opportunities for trips by public transport with bus routes located on the adjacent Bothwell Road and in terms of permeability and the promotion of active travel the development would be well integrated into existing walking and cycling networks. The development and re-use of a site which has been lying in an untidy condition for a number of years would also have a positive impact on the built and natural environment. Furthermore, the submitted Planning Statement advises that the proposed development would create economic benefits for the area through the creation of approximately 20 employment opportunities. It is, therefore, considered that the proposal meets the terms of the above policies.
- 6.6 The main part of the application site is located within the general urban area. In this regard, Policy 3 states that proposals for uses that are ancillary to residential areas will be assessed on their individual merits, with particular regard to their effect on the amenity and character of the area. Developments which would be detrimental to the amenity of residents and the wider community or to the character of the surrounding area will not be permitted. This particularly applies to 'bad neighbour' uses which can affect neighbours by virtue of visual impact, noise, smell, air pollution, disturbance, traffic or public safety.
- 6.7 In general land use and policy terms, the principle of the proposal at this location is considered to be acceptable. The major part of the site is located within the urban area where existing commercial uses have been operating to an acceptable level within close proximity to residential dwellings. The site is located immediately adjacent to a petrol filling station, a Tesco foodstore and an MOT garage and in this regard it is considered that the proposed coffee shop and jet wash would be equally appropriate forms of development for the area. The proposed jet wash facility would replace the existing car wash on the site and would complement the existing filling station. The filling station and Tesco store operate from the early morning into late evening and are considered to be acceptable within this area with no significant adverse impact on residential amenity. The proposed development would operate under similar hours and subject to the proposal adhering to the conditions recommended by Environmental Services, it is considered that the proposal would have no adverse impact on residential amenity. It is, therefore, considered that the principle of the proposal at this location is acceptable and that it meets the terms of Policy 3.

- 6.8 In terms of the detailed design of the development, Policies 5 and DM1 generally require new development to have due regard to the layout, form, design and local context of the area and to promote quality and sustainability in its design. In this instance, it is considered that the proposed design and layout for the development is acceptable. The site is currently occupied by a car wash facility that is fairly dated in its design and appearance and a small brick building and unit attached to the MOT garage. It is considered that the development has been designed to a sufficiently high standard to ensure it will complement the existing character of the area and will not have any adverse visual impact upon the adjacent Conservation Area or the residential amenity of the nearby residential dwellings. The proposed coffee shop is of modern design with a suitably high standard of finish materials and it is considered that the development will not be out of keeping with the mix of commercial development in the surrounding area. The proposed access arrangements have been assessed and are considered to be acceptable by the Council's Roads and Transportation Service. In view of all of the above, it is considered that the proposal would relate satisfactorily to adjacent development in terms of its scale, design and materials and that the character and amenity of the area would not be impaired by reason of traffic generation, parking or visual intrusion. The proposal represents a sensitive re-use of a largely untidy site and it is considered that the re-development of the site would improve the visual and environmental quality of the area. The proposal is, therefore, considered to be in accordance with the terms of Policies 5 and DM1.
- 6.9 Policy 9 states that the Council seeks to support a network of Strategic, Town and Local Centres to provide retail and other local services to the communities of South Lanarkshire. In addition, the role of existing out of centre retail and commercial locations is recognised. Policy 10 lists the criteria that any proposals for retail or commercial development will be assessed against and notes that they must follow the sequential approach set out within SPP: Town Centre; Edge-of-Centre; Commercial Centres; and Out-of-Centre Locations. In this instance, most of the site is located on the edge of Uddingston Local Centre and, in line with the requirements of SPP and Policy 10, a sequential assessment has been undertaken by the applicant to demonstrate that there are no other suitable sites available within the Local Centre boundary to accommodate the proposed development. In order to identify any other potentially sequentially preferable sites, the applicant has undertaken a review of the Council's planning policies, a search of relevant online property databases and site visits to identify any potential sites within the Local Centre boundary.
- 6.10 The supporting information advises that the key requirements for the proposed development are a site that can accommodate a Starbucks unit with associated drive thru and parking; a site which can allow for the safe manoeuvring of customer and delivery vehicles; a site which is prominent and can attract passing trade; a site that is easily accessible by a choice of means of transport; and a site which will allow the proposal to complement existing surrounding uses and encourage linked trips. The supporting statement advises that the sequential assessment undertaken has identified that no other suitable sites are available within the designated local centre. At the time of the assessment only one potential available existing unit was identified at 125 Main Street. However, online marketing identified that this unit was under offer and may not have been available in the immediate future. In theory, this unit could have accommodated a coffee shop although it was smaller than the size of unit proposed in this application and it could not accommodate the drive-thru element or offer a dedicated parking area. As discussed, the application site is located directly on the edge of the local centre and is well connected and accessible by all forms of transport. The site's location would also promote linked trips into the town centre with associated spending benefits. Based on the information submitted, the sequential assessment undertaken by the applicant has been carried out appropriately and in

accordance with policy and that it has sufficiently demonstrated that there are no available or suitable sites to accommodate the proposed development within the designated Uddingston Local Centre based on the applicant's requirements. In addition to the above, it is worth noting that the site has a commercial history associated with it as it was previously used for car sales under the Wightman Motor Company several years ago. The proposed commercial use of the site for a coffee shop/drive-thru facility located directly adjacent to a number of existing commercial and complementary uses at this edge of centre location is, therefore, considered to be acceptable and in conformity with the requirements of Policy 10.

- 6.11 Policy 14 states that the Council will assess all development proposals in terms of their impact on the natural and historic environment, including biodiversity, geodiversity, landscape and townscape. The policy goes on to say that development affecting protected species will not be permitted unless it can be justified in accordance with the relevant protected species legislation. In this instance, the application site is covered by a tree preservation order (TPO) and as a result an Arboriculture Report was submitted as a supporting document which identified four mature beech trees within the site for removal due to their poor condition. As highlighted in Section 4.3 above, the Council's Arboriculture Officer raised concerns about the impact of the proposal on tree canopy loss. Whilst those concerns have been maintained he has recommended a number of conditions to ensure the protection of retained trees, arrangements for pre-commencement site meetings relating to tree protection, site supervision and monitoring of any approved arboriculture protection measures and full details of tree planting within the site. In terms of protected species, a Bat Survey was undertaken and this recommended that no further survey work or licensing is required as all four trees on site offered negligible Potential Roosting Features (PRFs) suitable to sustain bats for roosting. As highlighted in Section 4.6 above, the submitted information has been assessed and is considered to be acceptable. The information submitted completes the ecological bat surveys required and any consent granted would be conditioned to ensure that the mitigation/compensation measures identified in section 5.2 of the submitted report are incorporated into the proposed site works and design. These measures would ensure that temporary lighting would not illuminate the adjacent woodland or other green habitats, that any proposed landscaping would incorporate native trees and shrubs and for the installation of bat boxes on unshaded south facing aspects of new structures and nearby trees. Given the above, it is considered that the proposal meets the aims of Policy 14.
- 6.12 Policy 15 seeks to ensure that development considers, and where appropriate, mitigates the resulting impacts of traffic growth and encourages sustainable transport options that take account of the need to provide proper provision for walking, cycling and public transport. In this regard, a Transport Statement was undertaken to assess the transportation impact of the proposed development. Roads and Transportation Services are satisfied with the Transport Statement's conclusion that there would be an insignificant impact on the road and transportation network as a result of the development. As discussed, the site is also accessible by public transport with bus routes located on the adjacent Bothwell Road and in terms of permeability and the promotion of active travel, the development would be well integrated into existing walking and cycling networks. In view of the above, Roads and Transportation Services are satisfied that the proposal raises no access, parking or road safety issues. It is, therefore, considered that the proposal complies with Policy 15.
- 6.13 The proposal has been assessed by the relevant consultees in terms of Policies 16, DM15, SDCC2 and SDCC3 relating to flooding and surface water drainage. No adverse comments were raised by Roads and Transportation Services subject to the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied

through the completion of the standard self-certification documents. Scottish Water have also confirmed that they have no objections to the application and any consent granted would include a condition to ensure that the development is not occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards. It is, therefore, considered that the proposal is in accordance with the terms of the above policies.

- 6.14 In summary, it is considered that the application conforms to both national and local plan policy and that the proposal raises no significant environmental or infrastructure issues. Statutory consultees have raised no significant concerns in relation to the proposal and the matters which have been raised can be addressed through the use of conditions where appropriate. In terms of the 173 representations submitted, the grounds of representation have been discussed in detail in Section 5 above. It is considered that the supporting information has adequately demonstrated that there are no other suitable or available sites within the Uddingston Local Centre to accommodate the proposal and that it is an appropriate form of development for this edge of centre location which would complement existing commercial uses and create employment opportunities. The site is accessible by public transport with bus routes located on the adjacent Bothwell Road and in terms of permeability and the promotion of active travel, the development would be well integrated into existing walking and cycling networks. Furthermore, it is considered that the development and the re-use of a site which has been lying in an untidy condition for a number of years would have a positive impact on both the built and natural environment. It is, therefore, recommended that the application be granted subject to the conditions listed.

## **7 Reasons for Decision**

- 7.1 The proposal has no adverse impact on residential or visual amenity nor raises any environmental or infrastructure issues and complies with Policies 1, 2, 3, 5, 9, 10, 14, 15, 16, DM1, DM15, SDCC2 and SDCC3 of the adopted South Lanarkshire Local Development Plan 2 (2021).

**Michael McGlynn**

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

Date: 5 November 2021

### **Previous references**

- ◆ None

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 06.01.2021
- ▶ Press Advertisement, Hamilton Advertiser 14.01.2021 & 23.09.2021
  
- ▶ Consultations
  - Roads Development Management Team 14.01.2021
  - Environmental Services 26.01.2021

Uddingston Community Council	26.01.2021, 02.02.2021 & 13.10.2021
Scottish Water	25.05.2021
Roads Development Management Team	29.01.2021
Roads Flood Risk Management	06.05.2021
Biodiversity Officer	08.03.2021 &
Arboriculture Services	07.01.2021 & 09.07.2021
► Representations	
Mr Brendan Cairns, 61 James Weir Grove, Glasgow, G71 7PL	28.01.2021
Mr Lee Ohare, 34 Croft Head Street, Uddingston, G717JP	12.01.2021
Mr Gavin Keany, 49 Lynnhurst, Glasgow, G71 6SA	19.01.2021
Miss Karha Hughes, 106 Old Edinburgh Road, Uddingston, Glasgow, G71 6BH	27.01.2021
Mr James McIntyre, 4 Market Road, Uddingston, G715AJ	27.01.2021
Mr Paul Devlin, 24 Douglas Gardens, Uddingston, Uddingston, G717HB	10.01.2021
Mrs Carol Farquharson, 6, Mossiel gardens, Uddingston, G716EP	12.01.2021
Mr Matthew Robertson, 9 Crofthill Avenue, Uddingston, G71 7AF	12.01.2021
Mr Jordan Lannigan, 39 Fallside Road, Bothwell, GLASGOW, G71 8BA	11.01.2021
Mr James Crichton, 11 Bothwell Road, Uddingston, G71 7EZ	11.01.2021
Ms Fiona Ballantyne, 3 QUARRY PLACE, Cambuslang, GLASGOW, G72 7AU	10.01.2021
Dr Sam Curran, 8 Church Street, Uddingston, G71 7PT	13.01.2021
Mr George Murphy, 2 Caterpillar, Glasgow, G716UJ	19.01.2021
Mrs Maureen Bonnar, 34, Douglas Gardens, Uddingston, G71 7HB	22.01.2021
Ms Jackie Mcquade, 7 Glengariff Road, Bellshill, M14 1LF	28.01.2021
Miss Sara Lockhart, 1 Lighthlands Road, Bothwell, G71 8AJ	19.01.2021



Mr Peter Kerr, 17 MacCulloch Avenue, Uddingston, Glasgow, G71	01.02.2021
Mr Alexander Robertson, 37, Douglas Gardens, Uddingston, G71 7HB	22.01.2021
Mrs Angela Irvine, 55 Woodlands Gardens, Bothwell, G71 8NU	27.01.2021
Mr Ian and Hooper, 7 Moray Gate, Bothwell, Glasgow, G71 8BY	14.01.2021
Mrs Heather Farrington, 21 Bothwell Rd, Uddingston, G71 7EZ	23.01.2021
Mrs Carly Woods, 27 Douglas Gardens, Glasgow, G71 7HB	26.01.2021
Miss C F, Douglas Gardens, Uddingston, Uddingston, G71 7HB	27.01.2021
Mr Grant Tinney, 8, Old Glasgow Road, Glasgow, G71 7HF	28.01.2021
Mr Meter Milligan, 1a, Kennedy Drive, Airdrie, ML6 9AN	28.01.2021
Mr James Gaul, 21b, Douglas gardens, Uddingston, G71 7HB	28.01.2021
Mr David Molloy, 5 Allan Grove, Bellshill, ML4 1BX	28.01.2021
Miss Yvonne Gallacher, 31 Aitkenhead Avenue, Coatbridge, ML5 5SQ	28.01.2021
Mr Brian Knotts, 74 Kenmore Avenue, Livingston, EH54 8NF	28.01.2021
Mr Peter Hastings, 51 Aikman Place, East Kilbride, G74 3JL	28.01.2021
Mr Stewart Davidson, 18 Kerry place, Glasgow, G15 8BY	28.01.2021
Miss Leanne McCauley, 53 Redlawood Road, Newton, Lanarkshire, G717UX	28.01.2021
Mrs Lea Cahill, 63 Parnell Street, Airdrie, ML6 9EG	28.01.2021
Mr John Burns (trading as Artek), Unit 2 10 Bothwell Road Uddingston, G71 7ET	19.01.2021
Mr David Gormley, 11 Panther Drive, Uddingston, G716UH	26.01.2021
Mr Neil Cauldwell, 110 Kylepark Drive, Glasgow, G71 7DE	29.01.2021
Mrs Christine Phillips, 15 Priory Drive, Uddingston, Glasgow, G717DR	10.01.2021
Mr David Weir, 20 Douglas Gardens, Uddingston, G71 7HB	10.01.2021

Mrs Angela Campbell, 17 Kelvin Road, Uddingston, G71 6BU	11.01.2021
Mr Declan Kerr, 17 McCulloch Avenue, Uddingston, Glasgow, G71	01.02.2021
Mr George White, 56, Old Station Court, Glasgow, G718PE	10.01.2021
Mrs Margaret McFadyen, 4 Sunnyside Avenue, Uddingston, Glasgow, G71 7NB	11.01.2021
Miss Colette Campbell, 67 Main Street, Uddingston, Glasgow, G71 7EP	21.01.2021
Mrs Sandra McMillan, 14 Kingussie Drive, Glasgow, G44 4HY	28.01.2021
Miss Leanne Ferguson, 33 Thomson Drive, Bellshill, ML4 3ND	28.01.2021
Miss Kathleen Houston, 111 Old Mill Road, Uddingston, G71 7JB	19.01.2021
Mr Colin Paterson, 44 Edison court, Motherwell, ML12FY	19.01.2021
Mr Peter Hughes, 106 Old Edinburgh Road, Uddingston, Glasgow, G716BH	27.01.2021
Miss Fawzia Sarwar, 17 Bothwell Road, Uddingston, G717EZ	13.01.2021
Mrs Elizabeth Mackay, 45, Henderson Avenue, Cambuslang, G71 7SB	21.01.2021
Miss Sonia Rehman, 8 Melville Street, Glasgow, G41 2LN	28.01.2021
Mr Brian Cahill, 63 Parnell Street, Airdrie, ML6 9EG	28.01.2021
Mr Vincent Coia, 10 Bothwell Road, Unit F1, Bothwell, G71 7ET	01.02.2021
Mr Ewan Gordon, 4 Sheepburn Road, Uddingston, Glasgow, G71 7DU	09.01.2021
Ms Emma Kelly, 159 Second Avenue, Uddingston, G71 6BD	09.01.2021
Mrs Heather Milligan, 1a, Kennedy Drive, Airdrie, ML6 9AN	28.01.2021
Mr Bruce McDowall, 25 Douglas Gardens, Uddingston, GLASGOW, G71 7HB	10.01.2021
Miss Alish Irvine, 27 Caley Brae, Uddingston, Glasgow, G71 7TA	27.01.2021
Mr Ian Harvie, 32 Douglas Gardens, Uddingston, Glasgow, G71 7HB	10.01.2021

Mr Gus Provan, 8 Marquis Gate, Uddingston Glasgow, G71 7HY	12.01.2021
Mrs Gillian McCartney, 35 Kingsley Court, Uddingston, G71 6QH	09.01.2021
Mr Mohammad Sarwar, 17 Bothwell Road, Glasgow, G717EZ	13.01.2021
Miss Lisa McGraw, 2 Belvidere Road, Bellshill, M14 2DZ	28.01.2021
Mrs L Watson, 13 Caterpillar Lane, Uddingston, G71 6UJ	09.01.2021
Mrs Claire Mackay, 13 Bothwell Road, Uddingston, G71 7EZ	09.01.2021
Mr Andrew Dickson, 131 Parkneuk Street, Motherwell, ML1 1BY	09.01.2021
Miss Federica Scordi, 27 Main Street, Bothwell, G71 8RD	09.01.2021
Ms Sarah Kay, Downfield Gardens, Bothwell, G71 8UW	09.01.2021
Mr Peter Muir, 1 Greenrig, Uddingston, G71 7TD	09.01.2021
Mrs Louise Morrison, 1 Ranco Gardens, Uddingston, G71 6GZ	09.01.2021
Mrs Louise Leggate, 7 Glebe Avenue, Bothwell, G71 8AS	10.01.2021
Miss Fiona Robertson, 37 Douglas Gardens, Uddingston, G71 7HB	10.01.2021
Mrs Fiona Strang, 29 Castle Gate, Uddingston, G71 7HU	13.01.2021
Ms Sarah Gibson, 15 Douglas Gardens, Uddingston, Glasgow, G71 7HB	21.01.2021
Mrs Gayle Moffat, 3 Marquis gate, Uddingston, G71 7HY	10.01.2021
Miss Gillian Crawford, 275, Old Edinburgh Road, GLASGOW, G71 6AS	10.01.2021
Mr Mark Wilson, 33 Bothwell Rd, Hamilton, ML3 0AS	19.01.2021
Mrs Lynn Harvie, 23 Bothwell Road, Uddingston, G71 7EZ	10.01.2021
Miss Deborah Carey, 10 Rosebank Place, Uddingston, G71 7TH	10.01.2021
Mrs Almas Sarwar, 17 Bothwell Road, Uddingston, G71 7EZ	13.01.2021
Mrs Joanne McIntosh, 7 Caeburn Common, Pettinain, Lanark, ML11 8SX	28.01.2021
Miss Billie Anne Kerr, 4 Second Street, Tannochside, G71 6AT	28.01.2021

Mrs Anne Marie Vosilius, 19 Douglas Gardens, Uddingston, Glasgow, G71 7HB	16.01.2021
Mr David Crombie, 12 Dechmont View, Uddingston, G716LP	17.01.2021
Mr Graham Lees, 5 Moray Gate, Bothwell, G71 8BY	18.01.2021
Mr Malcolm McNeil, 78 Silvertrees Wynd, Bothwell, Glasgow, G71 8FH	19.01.2021
Miss Bayley Doherty, 7 Bothwellpark Place, Bellshill, M14 3LL	11.01.2021
Miss Jennifer Adam, 58 Baillie Drive, Bothwell, Glasgow, G71 8JG	11.01.2021
Mr Danny Razzaq, 20 Douglas Gardens, Glasgow, G71GHB	12.01.2021
Miss Alison Clark-Dick, 89 Calderbraes Avenue, Uddingston, Glasgow, G71 6EE	10.01.2021
Mrs Jeanette Rees, 17 Glencroft Avenue, Uddingston, G71 6EG	12.01.2021
Mr David Wishart, 9 Bothwell Road, Uddingston, G71 7EZ	01.02.2021
Miss Zoelisa Harra, 19 Woodneuk Road, Gartcosh, Glasgow, G69 8AG	13.01.2021
Mr John Mulgrew, 18 Douglas Gardens, Uddingston, G71 7HB	13.01.2021
Mrs Lorraine Masterson, 36 Spruce Drive, Cambuslang, G72 7FW	21.01.2021
Mr Brian Devlin, 45, Henderson Avenue, Glasgow, G72 7SB	22.01.2021
Miss Iris Sneddon, Ashton, Bothwell Road, Uddingston, G71 7EZ	11.01.2021
Mr James Clark-Dick, 89 Calderbraes Avenue, Uddingston, G71 6EE	11.01.2021
Mr William Campbell, 17 Kelvin Road, Uddingston, G71 6BU	11.01.2021
Mr William McKay, 13 Bothwell Road, Uddingston, G71 7EZ	21.01.2021
Mr Liam Bryson, 24, McGuire Gate, Bothwell, G71FLI	19.01.2021
Dr Sabahat Maroof, 17 Bothwell Road, Uddingston, G717EZ	12.01.2021
Ms Alison Horn, 15 Bothell Road, Uddingston, G717EZ	22.01.2021
Mr David Todd, 30 Hollandbush Grove, Hamilton, M13 8AL	12.01.2021

Mr Nadeem Sarwar, 17 Bothwell Road, Uddingston, G717EZ	12.01.2021
Mrs Lisa Crombie, 12 Dechmont View, Uddingston, G71 6LP	17.01.2021
Mrs Dawn McKenzie, 2/1 8 Crofthead Street, Uddingston, Glasgow, G71 7JZ	18.01.2021
Mr John Paterson, 79 Heather Gardens, Uddingston, G71 5DF	19.01.2021
Mr Mark Farrington, 21 Bothwell Road, Glasgow, G71 7EZ	08.01.2021
Dr Christabel Boyle, 4 Arran Way, Bothwell, Glasgow, G71 8TR	08.01.2021 09.01.2021
Mr John Robertson, 63 St Brides Way, Bothwell, Glasgow, G71 8QG	09.01.2021
Ms Ailsa Macaulay, 22 Shelley Drive, Bothwell, G71 8TA	09.01.2021
Ms S Rodden, 17, Birdsfield Drive, Blantyre, G72 0XW	29.01.2021
Mr Malcolm McNeil, 6 Hoylake Park, Bothwell, G71 8UX	19.01.2021
Mr Derek Shaw, 68 Pinewood Crescent, Hamilton, Glasgow, ML3 8TZ	26.01.2021
Mrs Ellen Coghlan, 29 Douglas Gardens, Uddingston, Glasgow, G71 7HB	27.01.2021
Mr Grant Fleming, Uddingston Service Centre, 10 Bothwell Road, Uddingston, G71 7ET	27.01.2021
Dr Kenny Pallas, 44 Easter Hawhill Wynd, Uddingston, G71 7TY	29.01.2021
Mrs Elaine Shaw, 68 Pinewood Crescent, Hamilton, ML3 8TZ	26.01.2021 26.01.2021
Mr Dennis Kerr, 740 old Edinburgh Road, Uddingston, Glasgow, G71	01.02.2021 01.02.2021
Mr Malcolm Cannon, 15 Bothwell Road, Uddingston, G71 7EZ	09.01.2021
Mrs Joanne Gillespie, 20 Rosefield Gardens, Uddingston, G71 7AW	09.01.2021
Miss Beth Coghlan, 29 Douglas Gardens, Glasgow, G71 7HB	10.01.2021
Mrs Collette Sherlock, 25 Watson Street, Uddingston, Glasgow, G717JL	10.01.2021
Ms Ann Irvine, 27 Caley Brae, Uddingston, Glasgow, G71 7TA	27.01.2021

Mrs Katrina Copland, 20 Andrew Paton Way, Hamilton, ML3 OGB	28.01.2021
Miss Leanne Cahill, 28 Glebe Crescent, Airdrie, ML6 7DH	28.01.2021
Mr Daniel McKeown, 57 Tamarack Crescent, Uddingston, Glasgow, G71	01.02.2021
Mr Cameron Drummond, 22a Douglas Gardens, Glasgow, G717HB	26.01.2021
Miss Hazel Aird, 25 Kingsmuir Drive, Glasgow, G68 9FB	28.01.2021
Mrs Anne Marie Vosilius, 19 Douglas Gardens, Uddingston, Glasgow, G71 7HB	16.01.2021
Dr Alasdair Purdie, 31 Douglas Gardens, Uddingston, Glasgow, South Lanarkshire, G71 7HB	17.01.2021
Mr Francis Gallagher, 10 Marquis Gate, Uddingston, G71 7HY	21.01.2021 21.01.2021
James and Artemis Curran, 15 Brooklands Avenue, Uddingston, Glasgow, South Lanarkshire, G71 7AT	14.01.2021
Mrs Katie Mulgrew, 20b Douglas Gardens, Uddingston, G717HB	18.01.2021
Mr Gordon Whyte Hood, 62 Bredisholm Crescent, Viewpark, Uddingston, G71 5NL	22.01.2021
Ms Alison Horn, 15 Bothwell Road, Uddingston, G717EZ	23.01.2021
Mr Charles Woods, 27 Douglas Gardens, Uddingston, Glasgow, G71 7HB	27.01.2021
Ian and Elaine Hooper, 7 Moray Gate, Bothwell, G71 8BY	06.04.2021 06.04.2021
Mrs Claire Mackay, 13 Bothwell Road, Uddingston, Glasgow, South Lanarkshire, G71 7EZ	28.01.2021 28.01.2021
Mr Alan Hamilton, 18 Castle Gate, Uddingston, Glasgow, G71 7HU	19.01.2021
Miss Kirsty Mackay, 45 Henderson Avenue, Cambuslang, G72 7SB	21.01.2021
Mr Stewart Masterson, 36 Spruce Drive, Glasgow, G72 7FW	21.01.2021
Dr James McIntyre, 8 Cowan Wynd, Uddingston, G71 6TP	27.01.2021
Mr James Agnew, 10 Limetree Avenue, Uddingston, Glasgow, G715HE	27.01.2021

Mrs Elaine Tougher, 31 Carroll Crescent, Newarthill, Motherwell, ML1 5AT	28.01.2021
Mrs Jane Robson, 177a, Dundyvan Road, Coatbridge, ML5 4AL	28.01.2021
Mr Alisdair Irvine, 321 Burnfield Road, Glasgow, Glasgow, G46 7NA	28.01.2021
Mr Neil Wilson, 2 McGuire Gate, Bothwell, G71 8FL	19.01.2021
Mrs Tricia O'Neill, 20 Waukglen Crescent, Southpark Village, Glasgow, G53 7XH	28.01.2021
Mrs Elizabeth McDowall, 25 Douglas Gardens, Uddingston, Glasgow, G717 HB	10.01.2021
Mrs Ann Irvine, 27 Caley Brae, Uddingston, Uddingston, G71 7TA	27.01.2021
Mrs Gwen Moffat, 57 Tamarack Crescent, Uddingston, Glasgow, G71	01.02.2021
Miss Jodie Lannigan, 39 Fallside Road, Bothwell, G718BA	11.01.2021
Mr Gary Cavin, 3 Millgate Avenue, Uddingston, Glasgow, G715QJ	11.01.2021
Mrs Janice Clark-Dick, 89 Calderbraes Avenue, Uddingston, Glasgow, G71 6EE	11.01.2021
Mr Francis Gallagher, 10 Marquis Gate, Glasgow, G71 7HY	05.02.2021 05.02.2021 05.02.2021 05.02.2021 05.02.2021 05.02.2021 05.02.2021 05.02.2021
Mrs Alexis Robertson, 37, Douglas Gardens, Uddingston, G71 7HB	10.01.2021
Ms Lauren Stirling, 12 Ravel Wynd, Uddingston, G71 6UE	10.01.2021
Mrs Claire Purdie, 31 Douglas Gardens, Uddingston, G71 7HB	10.01.2021
Mr Michael Braceland, 65 Myers Court, Uddingston, Glasgow, G71 7FL	10.01.2021
Dr Desmond Bonnar, 34, Douglas Gardens, Uddingston, G71 7HB	22.01.2021
Mr Stewart Graham, 19 Bothwell Road, Uddingston, G71 7EZ	24.01.2021
Mrs Lynn Clark, Sycamore Gardens, Blackwood, ML119SX	28.01.2021

Mr John McKeown, 16 McCulloch Avenue, Uddingston, Glasgow, G71 6JW	29.01.2021
Ms Niela Sarwar, 9 Mossbeath Crescent, Uddingston, G71 7UY	08.04.2021
Mark Farrington, Received Via Email	12.04.2021
Mrs Fiona Ballantyne, 15 Loancroft Gardens, Uddingston, G71 7HG	08.04.2021
Mr Neil Brown, 15 Oakbank Crescent, Uddingston, G71 7FE	08.04.2021
Mrs Cara Devaney, 27 Oakbank Crescent, Uddingston, G71 7FE	08.04.2021
Mr Malcolm Cannon, 15, Bothwell Road, Uddingston, G71 7EZ	08.07.2021
Sam Curran, Via Email	14.10.2021
MSP Gillian Mackay, Received Via Email	08.10.2021
Claire Mackay, Received Via Email	21.10.2021

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

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

Jim Blake,  
Planning Officer,  
Montrose House,  
154 Montrose Crescent,  
Hamilton, ML3 6LB  
Phone: 01698 453657  
Email: [jim.blake@southlanarkshire.gov.uk](mailto:jim.blake@southlanarkshire.gov.uk)



### **Conditions and reasons**

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

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

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

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

03. That before the development hereby permitted is occupied or brought into use, all the fences or walls for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 2, shall be erected and thereafter maintained to the satisfaction of the Council.

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

04. That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:-

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

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

05. That 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.

06. That between the hours of 08:00 and 20:00 the measured noise rating level emitted from the premises (L<sub>Ar</sub>,1hr) shall not exceed the pre-existing background noise level (L<sub>A90</sub>,30 min) by more than 4dB when measured in accordance with British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound at buildings where people are likely to be affected. Between the hours of 20:00 and 08:00 the noise rating level emitted from the premises (L<sub>Ar</sub>,15min) shall not exceed the pre-existing background noise level (L<sub>A90</sub>,30min) by more than 4dB when measured in accordance with BS4142:2014 at buildings where people are likely to be affected.

Reason: To safeguard the amenity of the area.

07. That 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 Noise Rating Curve 35, between 07:00 and 23:00 hours, and Noise Rating Curve 25 at all other times.
- d) The extracted air shall be discharged not less than 1m above the roof eaves of the building housing the commercial kitchen. Additional control measures may be required.

Reason: To safeguard the amenity of the area.

08. That deliveries by commercial vehicles, shall be restricted to between 0800 and 2000 (Monday to Friday) and between 0800 and 1200 (Saturday).

Reason: To safeguard the amenity of the area.

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

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

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

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal

adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

11. That no further changes in ground levels within the site shall take place without the prior written consent of the Council as Planning Authority.

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

12. 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 Planning and Roads Authority.

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

13. That before the development hereby approved is brought into use, details of the storage and collection of waste arising from the development, (including the number and location of litter receptacles) 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.

14. That other than the trees identified for removal in the submitted Arboricultural Report dated 21 February 2021, no trees within the application site, shall be lopped, topped, pollarded or felled, and no shrubs or hedges shall be removed from the application site 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 and other landscape features within the site.

15. That prior to the commencement of the development hereby approved (including any demolition and all preparatory work), an updated arboricultural method statement (AMS) shall be submitted to and approved in writing by the Council as Planning Authority. The AMS shall be adhered to in full, subject to pre-arranged tree protection monitoring and site supervision by a suitably qualified tree specialist. Thereafter the development shall be implemented in strict accordance with the approved details. Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) A full specification for the installation of boundary treatment works.
- e) A full specification for the construction of any SUDS, water storage tanks, roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads within the RP of retained trees, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.

- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) A specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- k) Boundary treatments within the RPA
- l) Methodology and detailed assessment of root pruning
- m) Arboriculture supervision and inspection by a suitably qualified tree specialist
- n) Methods to improve the rooting environment for retained and proposed trees and landscaping.

The development shall thereafter be implemented in strict accordance with the approved details.

Reason: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.

16. Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboriculture consultant, the site manager/foreman and a representative from the Council as Planning Authority to discuss details of the working procedures and agree all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the Council as Planning Authority.

Reason: To ensure that the Council as Planning Authority are satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details.

17. Prior to any development on site, full details of significant extra heavy standard tree (in accordance with British Standard BS 3936-1) planting shall be submitted to and approved in writing by the Council as Planning Authority. This will include planting and maintenance specifications (including watering), including cross-section drawings, use of guards or other protective measures and confirmation of location, tree pit design including underground modular system (that providing sufficient soil volume) species and sizes (extra heavy standard), nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times. Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To safeguard and enhance the amenity of the area, mitigate canopy cover loss, and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

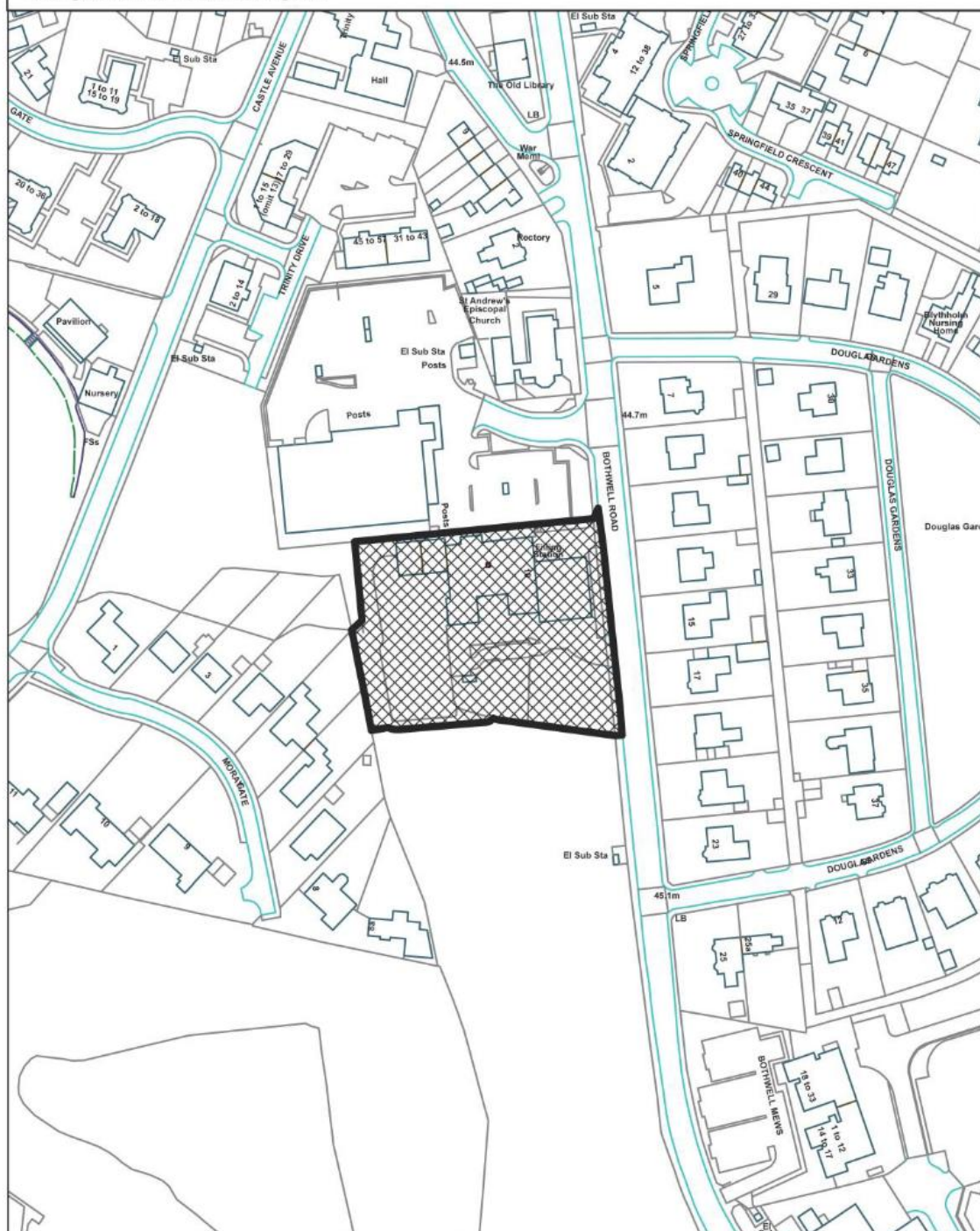
18. That prior to work commencing on site a further drawing(s) indicating the swept path analysis for all anticipated vehicles types and movements shall be lodged for the

written approval of the Council as Planning and Roads Authority and thereafter any revision indicated by the said drawing shall be implemented on site to the satisfaction of the said Authority prior to the development hereby approved being opened to the public. In addition, the centre line markings on Bothwell Road shall be adjusted to accommodate right turning traffic into the site all to the satisfaction of the Council.

Reason: In order to refine the road engineering details within the site and to prevent traffic being blocked on Bothwell Road.

P/20/1897

Garage, Bothwell Road, Uddingston



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Scale:  
1:2,000  
Date:  
22/10/2021



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

# Report

5

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>16 November 2021</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/21/1107
Planning proposal:	Erection and Operation of Extension to Kennoxhead Wind Farm Consisting of 8 Turbines, 7 up to a Maximum Height to Blade Tip of 220m and 1 up to a Maximum Height to Blade Tip of 200 Metres (Consultation from Scottish Ministers Under S36 of The Electricity Act 1989)

## 1 Summary application information

Application type:	Electricity notification S36 application
Applicant:	Kennoxhead Wind Farm Ltd
Location:	Penbreck Wind Farm Glentaggart Road Glespin 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 and operation of an extension to Kennoxhead Wind Farm consisting of 8 turbines, 7 up to a maximum height to blade tip of 220m and 1 up to a maximum height to blade tip of 200m 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:-

1. Community Contribution Payments
2. The funding of a Planning Monitoring Officer
3. Control over turbine transportation, a roads structure assessment regime and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements.

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

### 3 Other information

- ◆ Applicant's Agent: Land Use Consultants Ltd
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **Adopted South Lanarkshire Local Development Plan 2 (2021)**  
 Policy 1 Spatial Strategy  
 Policy 2 Climate Change  
 Policy 4 Green Belt and Rural Area  
 Policy 14 Natural and Historic Environment  
 Policy 15 Travel and Transport  
 Policy 16 Water Environment and Flooding  
 Policy 18 Renewable Energy  
 Policy SDCC2 Flood Risk  
 Policy NHE2 Archaeological Sites and Monuments  
 Policy NHE3 Listed Buildings  
 Policy NHE4 Gardens and Designed Landscapes  
 Policy NHE5 Historic Battlefields  
 Policy NHE6 Conservation Areas  
 Policy NHE8 National Nature Reserves and Sites of Special Scientific Interests  
 Policy NHE9 Protected Species  
 Policy NHE11 Peatland and Carbon Rich Soils  
 Policy NHE12 Water Environment and Biodiversity  
 Policy NHE16 Landscape  
 Policy NHE18 Walking, Cycling and Riding Routes  
 Policy NHE20 Biodiversity  
 Policy RE1 Renewable Energy  
 Policy DM1 New Development Design

**Supporting Planning Guidance**  
 Renewable Energy

**Clydeplan**  
 Policy 10 Onshore Energy



◆ **Representation(s):**

▶	0	Objection Letters
▶	0	Support Letters
▶	0	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

Roads Transportation Services Bridges Structures Section

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site is located approximately 7km south west of Glespin and 11km south west of Douglas. The main body of the site comprises commercial forestry (Carmacoup and Penbreck Forest) with the remainder of the site, two narrow strands, extending to existing accesses onto the A70 and B7078 respectively. The access onto the B7078 serves the established Mid Rig Wind Farm and this access is hereon referred to as the “Mid Rig Access”. The application site is some 1031 hectares in area. The site is located immediately to the west of the Kennoxhead wind farm which is currently under construction and it’s consented extension where construction has not yet started. The current proposals are considered to comprise a second extension to Kennoxhead Wind Farm.
- 1.2 The application site is located on land designated as Rural within the adopted South Lanarkshire Local Development Plan 2 (2021). The majority of the site lies within the Rolling Moorlands Landscape Character Type (LCT) and its sub-type Rolling Moorlands Forestry.

### **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 8 wind turbines (7 with a tip height of 220m and 1 with a tip height of 200m) and associated infrastructure with a 30 year operating lifespan. The proposals comprise the following components:-
1. Seven, 220m tall (to blade tip) wind turbines and their foundations
  2. One, 200m wind turbine and it’s foundation
  3. Crane hardstanding areas adjacent to each turbine
  4. On site access tracks between turbines
  5. Construction compound
  6. 149.9m anemometer mast
  7. Battery storage
- 2.2 The installed turbine generation capacity of the proposals would be approximately 45.6MW. Whilst this is under the 50MW threshold for applications to be made under Section 36 of the Electricity Act 1989 in this instance, as noted in 1.4 above, the proposals relate to the extension of an existing wind farm (Kennoxhead) and therefore the cumulative threshold of these proposals in tandem with Kennoxhead breach the 50MW threshold and, as such, require the application to be made through the Electricity Act. 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.
- 2.3 As the proposals involve an extension to the Kennoxhead Wind Farm, they do not involve a standalone electricity substation or control building and would instead utilise those being constructed for Kennoxhead. The current proposals would also share the majority of the access track and upgrades being used for the construction and turbine transportation associated with Kennoxhead Wind Farm.

### **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) June 2014 aligns itself with NPF3 and one of its policy principles states that “This SPP introduces a presumption in favour of development that contributes to sustainable development”. At paragraph 28, SPP states that “the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.” The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).
- 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 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of South Lanarkshire Local Development Plan 2 2021 (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. SLLDP2 was formally adopted on 9 April 2021 and now supersedes the former Local Development Plan. For the purposes of determining planning applications the Council will, therefore, assess proposals against the policies contained within the newly adopted SLLDP2.

In this regard, the application site and associated proposal is affected by the following policies contained in SLLDP2:-

Volume 1

1. Policy 1 Spatial Strategy
2. Policy 2 Climate Change
3. Policy 4 Green Belt and Rural Area
4. Policy 14 Natural and Historic Environment
5. Policy 15 Travel and Transport
6. Policy 16 Water Environment and Flooding
7. Policy 18 Renewable Energy

Volume 2

1. SDCC2 Flood Risk
2. NHE2 Archaeological Sites and Monuments
3. NHE3 Listed Buildings
4. NHE4 Gardens and Designed Landscapes
5. NHE5 Historic Battlefields
6. NHE6 Conservation Areas
7. NHE8 National Nature Reserves and Sites of Special Scientific Interests
8. NHE9 Protected Species
9. NHE11 Peatland and Carbon Rich Soils
10. NHE12 Water Environment and Biodiversity
11. NHE16 Landscape
12. NHE18 Walking, Cycling and Riding Routes
13. NHE20 Biodiversity
14. DM1 New Development Design
15. RE1 Renewable Energy

Supporting Planning Guidance: Renewable Energy is also relevant.

- 3.2.3 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 for the Council when assessing applications of this nature under Section 36 of the Electricity Act.

### 3.3 Planning Background

- 3.3.1 The current application site currently benefits from an extant planning permission for the erection of six, 125m high wind turbines with a further three, 125m high turbines immediately west of this current application in the Administrative Boundary of East Ayrshire Council. Collectively the nine turbines were called Penbreck Wind Farm which has a cumulative output of 30.8MW. The applicant has stated that the permission relating to Penbreck would be replaced by these proposals.
- 3.3.2 As noted above, the consented Penbreck Wind Farm has a potential output of 30.8MW. The current proposals would replace this wind farm with an output of 45.6MW and therefore there would be an increase of 14.8MW in renewable energy generated. An extension to Kennoxhead comprising eight, 180m high turbines was consented by the Energy Consents Unit in March 2021. The current proposals are considered to represent a second extension to Kennoxhead Wind Farm.

- 3.3.3 Both these developments are located to the east of the current proposals, but will all share the same infrastructure where possible, including access tracks and substation.

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

- 4.1 **Roads and Transportation Services (Development Management)** – no objection subject to conditions requiring the further approval of a Construction Traffic Management Plan (CTMP), 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 an access Management Plan. The CTMP is to include, but not be limited to, proposals for the routing of all construction traffic from the B7078 Mid Rig access, 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 transport and monthly reporting of vehicle movements. A section 96 Legal Agreement is also required in respect of extraordinary wear and tear associated with the development and associated indemnity insurance requirements.

**Response:** Noted, any consultation response to the Scottish Government stating no objection would recommend the above conditions to be attached to any consent and requirement for a Section 96 Agreement

- 4.2 **Roads and Transportation Services (Structures Team)** – notes that there are 9 South Lanarkshire Council (SLC) owned road structures within the proposed abnormal loads route. Have no objections to the proposals subject to an inspection regime being undertaken on all 9 structures and in line with the requirements of a “Principal Inspection” as set out within the Design Manual for Roads and Bridges (DMRB) document CS450 and submitted for the written approval of the Council. In addition, bridge assessment analysis should be carried out on 3 specific structures (Hillfield Burn, Duneaton and Netherton Farm) to ensure these structures can safely accommodate abnormal loads associated with the proposals. All inspections should be detailed within a Section 96 Roads Agreement.

**Response:** Noted any consultation response to the Scottish Government stating no objection would recommend the above conditions to be attached to any consent and requirement for a Section 96 Agreement

- 4.3 **Countryside and Greenspace** – note that 5 turbines are impacting peat and whilst no peat is being removed from site, its extraction will lead to carbon loss if the peat dries out. Require peat management plan to be submitted to ensure it is handled in such a way as to avoid drying out and therefore minimise carbon loss.

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

- 4.4 **West of Scotland Archaeology Service (WOSAS)** – agree in the main with the archaeological assessment within the Environmental Impact Assessment (EIA) Report but disagree that the commercial forestry would have removed any potential for archaeological finds. Therefore request that 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 and implementation of archaeological works.

- 4.5 **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 within the applicant's EIA Report and are, therefore, considered achievable throughout the lifetime of the wind farm.  
**Response:** Noted and the recommended conditions relating to noise levels form part of the recommendation to the Scottish Government.

- 4.6 The following consultees had no comments to make on the proposals:-
- ◆ Roads Flood Risk Management
  - ◆ Douglas Community Council

## **5 Representation(s)**

- 5.1 Statutory advertisement of the application was undertaken by the applicant in May and June 2021.
- 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 and forms the basis for the Council's assessment and consultation response. In addition, the principle of windfarm development in this location has been established by the earlier Penbreck Planning Permission and must also be taken into account as a material consideration.
- 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 development that contributes to sustainable development". At paragraph 28, SPP states that "the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost." The SPP

also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).

- 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 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 adopted South Lanarkshire Local Development Plan 2 (SLLDP2), 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. Given the extant consent for windfarm development at this location it is considered that, in principle, the proposals accord 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 45.6MW which is an increase on the 30.8MW granted through the Penbreck Wind Farm consent 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 onshore wind 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:-
1. Group 1: Areas where wind farms will not be acceptable
  2. Group 2: Areas of significant protection
  3. 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 recognises the need for significant protection of particular areas which include:-
1. National and international designations
  2. Other nationally important mapped environmental interests
  3. 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. These are taken in turn below.
- 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 6.2 of the SLLDP2 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 these 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 wholly within any SPA or SACs but is located adjacent to the Muirkirk and North Lowther Uplands SPA with small areas falling within the application boundary. 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.
- 6.16 NatureScot agree with the suggested Draft Habitat Management Plan (HMP) within the application submission designed 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 be effective 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 a finalised HMP and the establishing of a HMG 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.

- 6.17 Whilst not within the application site, the portion of the application at the Mid Rig Access is some 370m from the Red Moss SAC which is designated for its active, raised bog habitat. Whilst there is no direct connection from the application site to this SAC and therefore no direct impact, there is however, potential for the proposals to have an indirect impact from the construction activities through surface water flow or through the adjacent Black Burn and its tributaries which enter the SAC. It should be noted that as the Mid Rig Access also serves Kennoxhead Wind Farm and the Kennoxhead Extension applications, the potential indirect impacts to this SAC have been previously considered. To mitigate any potential impact on the SAC as a result of these proposals, a Construction Environmental Management Plan (CEMP) to ensure no construction activity affected surface water or adjacent watercourses was required for both sites. It is considered that the replication of a suitable CEMP as part of these proposals would also mitigate for any indirect impact to the SAC. A condition requiring an CEMP form part of the recommendation to the Scottish Government.
- 6.18 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.
- 6.19 National Designations include several historical assets and they are set out below in relation to their own specific policy:-
1. 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
  2. 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
  3. 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
  4. 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

- 6.20 There are no scheduled monuments, listed buildings, Inventory Gardens and Designed Landscapes (GDL) or Historic Battlefields within the application site. There are three Scheduled Monuments within 5km of the proposed development. Scheduled Monument SM4631 (Cairn Table, two Cairns) is the nearest to the site and is some 2.15km from the nearest turbine. It is considered that this distance is adequate in minimising any potential direct impact the proposals may have on this, or the 2 further away, historic assets. A further two Scheduled Monuments are located 6.86km and 8.98km from the nearest turbine respectively and again it is considered that this is an adequate separation distance to ensure there are no direct impacts upon these historic assets. There are no A Listed Buildings and no other designated national historic assets within a 10km radius of the proposed development. It is considered that as well as the distance that separates the proposals from the aforementioned historic assets, the location of the turbines within the forest area provides a visual separation from the Scheduled Monuments which sit outwith the forest areas again further increasing the separation effect created by the distance they are from the proposed turbines. This change in ground cover again differentiates them from the setting of any of these historic assets. 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.
- 6.21 The remaining, relevant national designations within Policy 14 Category 2 are Sites of Special Scientific Interest (SSSI), priority peatland and the Water Environment.
- 6.22 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.
- 6.23 Red Moss SAC as referenced in 6.17 above also has SSSI status for its raised bog habitat. As noted in 6.17, an EMP will mitigate for any impact these proposals may have on this site.
- 6.24 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 6.15 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 6.16, appropriate mitigation is proposed in respect of the ornithological interests.
- 6.25 Kennox Water SSSI lies adjacent to the application site but not within it. This SSSI is designated for its geological interest and it is considered that the proposals would not impinge upon this interest.
- 6.26 Policy NHE11 Peatland and Carbon Rich Soils seeks to protect peatland from adverse impacts resulting from development. Within the application site, between the proposed turbines 3 and 8, there is an area which has been identified as an area of Class 1 Carbon and Peatland which relates to nationally important carbon-rich soils, deep peat

and priority peatland habitat. The proposals have been designed to ensure no infrastructure is located on this area to ensure it is not disturbed. Elsewhere on site there are other, shallower pockets of peat which will require active management during construction such as ensuring peat does not dry out. It is considered that a Peat Management Plan (PMP) should be implemented as part of any consent. It is also noted that as part of the draft HMP, peat management is proposed to fall within the remit of the associated HMG. It is considered that this is suitable mitigation for peat management on site and conditions requiring a PMP form part of the recommendation to the Scottish Government. 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 also be addressed.

- 6.27 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. 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.
- 6.28 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.
- 6.29 In relation to Non-Scheduled archaeological sites, Category B and C Listed Buildings and Conservation Areas, the relevant policy criteria is as follows:-
1. 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.
  2. 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.
  3. Policy NHE 6 Conservation Areas requires proposals to be considered in light of their effect on the character and appearance of the conservation area.
- 6.30 As noted in 6.20, 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 within 10km of the proposed development (Covenanters Monument, Airds Moss) which is some 9.90km from the

nearest, proposed turbine and again it is considered that this distance would result in the proposals having no direct impact upon this historic asset. The Douglas Conservation Area is over 10km from the site and 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, means it will be shielded from view of the turbines.

- 6.31 In relation to non-scheduled archaeological sites, a desk-based assessment has been carried out which identifies 18 cultural heritage features within the boundary of the application site. The majority of these relate to past agricultural activity within the area. WoSAS have no objections to the proposals but state that there is potential for the area to produce archaeological finds of interest, even within a commercial forest. WoSAS are content there is no direct impact of any known historical features on site, yet consider that there is archaeological potential within the application site and 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.
- 6.32 Policy 14 includes Special Landscape Areas (SLAs) 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 2km to the east of the site boundary at the Mid Rig Access, although the nearest turbine would be located some 8km from this SLA. The Leadhills and Lowther Hills SLA is also approximately 8km from the nearest turbine. Further afield are the Middle Clyde Valley SLA and the Upper Clyde Valley and Tinto SLA all located approximately 20km from the nearest turbine. 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 these 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 from the proposed development. It is, therefore, considered that the integrity and character of these four SLAs would not be compromised by the proposed development. Further landscape and visual impact assessment is carried out in further detail below.
- 6.33 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. A Right of Way and several core paths run through the application site. The access tracks proposed as part of the development would be open to the public and connect into the Right of Way and core paths allowing further access and choice through the site. During construction the Right of Way and core paths would be required to be closed under Health and Safety Requirements. Path diversions would be put in place to ensure there was no loss of access but ensuring the paths were not through a construction site. It is, therefore, considered that the proposals are acceptable in relation to public access. A condition requiring approval of an Access Management Plan, which would include the path diversions, forms part of the recommended response to the Scottish Government.

- 6.34 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.
- 6.35 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.
- 6.36 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.
- 6.37 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 identified on the local development plan with an identified settlement envelope or edge. The 2km buffer zone around settlements is an indicative area in which potential developers will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. The separation is not a ban on wind energy development in the identified area. The settlement of Glespin is located within 2km of the application boundary where it joins the A70. However the nearest proposed turbine to Glespin is some 5km away. It is therefore considered that whilst the access track portion of the application boundary may be within 2km of this settlement, all the proposed turbines are over 5km away which is considered an adequate separation distance. The application site can therefore be considered to be within a Group 3 (Areas with potential for wind farm development) categorisation where the spatial framework states wind farms are likely to be acceptable subject to detailed consideration against identified policy criteria.
- 6.38 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 2017) 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.

6.39 The relevant LDP2 Volume 2 Appendix criteria are taken in turn as follows:-

6.40 Impact on international and national designations.

National and international designations have been previously assessed at paragraphs 6.12 to 6.25 and it is considered that there are no adverse effects on national and international designations.

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

This has previously been assessed in paragraph 6.26.

6.42 Community separation for consideration of visual impact.

As noted in 6.37 there are no communities within 2km of the proposed turbines.

6.43 Economic benefits.

This includes local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Chapter 12 of the EIA Report presents an assessment of the socio-economic impact of the proposed development. It concludes that the proposed development will have a range of direct and indirect local economic benefits from the construction, operation and supply chain involved in the project. Reference is also made to the making of community benefit payments based on electricity generated if the wind farm becomes operational.

6.44 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 (45.6MW) with further potential battery storage represents a significant renewable energy project which would contribute to Scotland's renewable energy targets.

6.45 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 assessed at 6.16 and again at 6.35 above. It is considered that subject to the mitigation described in the EIA and the setting up of an 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.

6.46 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.

6.47 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.

6.48 The majority of the application site is located within the Rolling Moorland Landscape Character Type (LCT) and specifically within the LCT subtype, Rolling Moorland with Forestry, as defined in the South Lanarkshire Landscape Character Assessment 2010 (LCA). 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 and its Tall Turbines Addendum (2019) provides guidance on the individual and cumulative landscape impact of wind farm and wind turbine developments in the moorlands.

6.49 The remainder of the application site that is out with the Rolling Moorland Forestry subtype are the two areas for the access tracks into the site from the A70 and Mid Rig Access respectively. It is considered that as both these access tracks already have consent through the Kennoxhead and Kennoxhead Extension application that no further assessment of their landscape or visual impact is needed and, therefore, the remaining assessment relates solely to the wind turbine portion of the site.

6.50 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, these proposals relate to a second extension for Kennoxhead Wind Farm and are also a replacement scheme for the consented Penbreck Wind Farm. Figure 5.2 Significant Cumulative Development of the Supporting Planning Guidance: Renewable Energy (SPG) 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. The application site is not located within any of the 8 identified areas but is located to the south of an area identified as "multiple developments 7" on Figure 5.2. The SPG states that in relation to this area (multiple developments 7), it is to be protected from extending too far north to avoid visual creep with another area of multiple development (multiple developments 6) to the north (Kype Muir Clusters). In this instance, as the



proposals are to the south of Area 7 they would not lead to any further coalescence between Areas 7 and 6. It is therefore considered that, in cumulative terms, the proposals do not lead to coalescence between multiple development areas.

- 6.51 The application site is located within an area that is identified as having low capacity for wind turbines at a scale of 150 metres to 250 metres within the finalised Tall Turbine Addendum, 2019 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 separates 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 LCT specific advice to help inform developers in relation to siting tall turbines. It provides guidance for siting turbines of 150 to 200 metres in rolling moorland LCT (and its forestry subtype) and 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.
- 6.52 In terms of the landscape capacity of the area, the rolling nature of the landscape 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 7 turbines at 220 metres to tip height and one at 200m to tip height, would not appear incongruous within this landscape which is already characterised by wind farms as they would be located directly west of Kennoxhead and Kennoxhead Extension. The proposals are designed to form a further extension to the Kennoxhead and Kennoxhead Extension turbines so they would be read as one development. The existing Penbreck consent also establishes that wind turbine development on the site is acceptable. Whilst those turbines are 75m shorter at 145m, that scheme comprised nine turbines that extend further west into East Ayrshire. The current proposals in comparison to Penbreck involve one less turbine and are designed to be a tighter grouping which reduces the horizontal spread of the development as it does not extend west into East Ayrshire. It is considered that the landscape has the capacity to accommodate the height increase which is more in keeping with Kennoxhead and Kennoxhead Extension as well as reducing the horizontal spread of the development. 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.
- 6.53 Due to the height of the turbines they would require aviation lighting. It is considered that, as both the Kennoxhead and Kennoxhead Extension turbines would also require lighting, these proposals would not be introducing night time lights into this landscape.

The application site is not located within any designated 'Dark Sky' area where lighting would be prohibited and given the remote location of the turbines the lights are not expected to impact upon the visual amenity of the surrounding area. The lighting may also be mitigated by not all turbines needing aviation illumination with only the outer fringe requiring them to direct aircraft away from the development. This mitigation could also be designed as part of the full Kennoxhead and Kennoxhead Extension development to minimise lighting throughout the full development where possible. Therefore, it is considered that, to ensure that the design of the lighting scheme takes account of the current lighting, it is designed in tandem with other the other Kennoxhead developments, a condition requiring further approval of the lighting scheme forms part of the recommendation to the Scottish Government.

6.54 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 it's considered that they would be read as part of a larger scheme on the landscape.

6.55 The LVIA notes that there are no residential properties within 2km of the proposed turbines. It is considered that given this there is no requirement for a Residential Visual Impact Assessment required as the 2km distance ensures that no property would be dominated by the turbines and have their visual amenity impinged upon. It is, therefore, considered that the distance between residential properties and 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.

6.56 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 6.55 above.

6.57 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 addressed within Chapter 13 of the EIA Report. The shadow flicker analysis modelled potential shadow flicker based on 10 rotor diameters from each of the proposed turbines and within 130 degrees either side of north direction. This would result in a distance of 1.5km from each turbine as the potential shadow flicker area. As noted in 6.55 above, there are no residential properties within 2km of the turbines and therefore there would not be any within the potential shadow flicker range. 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.

6.58 Impact on Public Access

This consideration has been assessed in 6.33 above.

6.59 Impacts on the historic environment

This consideration has been assessed in 6.19 to 6.20 and 6.29 to 6.31 above.

6.60 Impacts on tourism and recreation

The EIA Report assesses the likely effects of the proposals on tourism and recreation in Chapter 12. 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 given the relatively remote location of the proposals. 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.

6.61 Impact on road traffic and on trunk roads

The EIA Report in Chapter 11 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 13 to travel to the site along the B7078. It is also noted that this is a replication of the abnormal load route for both Kennoxhead and Kennoxhead Extension. 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.

6.62 Impacts on hydrology, water environment and flood risk

These considerations have been assessed in 6.27 above.

6.63 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 legal agreement to secure a decommissioning bond that satisfies the Council's requirements.

6.64 Energy storage

The Kennoxhead Extension application has consent for a battery storage facility of up to 12 large scale batteries and these current proposals would feed into this facility.

6.65 Site decommissioning and restoration bond

As noted at paragraph 6.63 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.

6.66 Forestry and woodland removal

The majority of the site is a commercial forest that, therefore, has only a certain lifespan until being felled. 89.95ha of forestry is required to be felled as part of the proposals. It is intended to replant 64.04ha of the felled area. This leaves a balance of 25.89ha of forest remaining unplanted. The proposals include making up this balance by carrying out compensatory planting of at least 25.89ha outwith the application site. It is considered that the replanting and compensatory planting 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.

6.67 Impact on Prime Agricultural Land

There is no Prime Agricultural Land within the application site.

6.68 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.

6.69 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.

6.70 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 14). The response to

the Scottish Government will recommend the implementation of all the mitigation measures as outlined within Chapter 18 of the EIA.

**6.71 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 6.74 below), the financial provision for a Planning Monitoring Officer and a Section 96 Roads Agreement will be required to be entered into if consent is granted.

**6.72 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.

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

6.74 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**

6.75 The proposals are for the erection of seven wind turbines at a height of 220 metres to tip, a single 200m to tip height turbine and associated infrastructure. It comprises an extension to a wind farm that already has a generating capacity above 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.

6.76 The site already has planning permission for wind turbines at 145m in height and it is considered that, whilst the proposed turbines are taller at 220m and 200m respectively, their extent is less than the 9 turbine permission which in turn reduces their horizontal, visual impact as well as bringing them in line with the adjacent Kennoxhead and Kennoxhead extension developments. The proposed turbines are considered suitable in terms of scale and siting and would be read as part of this 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.

6.77 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 seven, 220 metres to tip height turbines, a single 200m to tip height turbine 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)**

4 November 2021

### **Previous References**

1. P/18/0072
2. P/19/1145
3. P/20/0495

### **List of Background Papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 2021 (adopted)

### **▶ Consultations**

Environmental Services	23.08.2021
Roads Development Management Team	18.08.2021
West of Scotland Archaeology Service	18.08.2021
Countryside and Greenspace	15.09.2021
Roads and Transportation Services Bridges Structures Section	08.07.2021

### **Contact for further information**

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

James Wright, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455903

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

### Conditions and reasons

01. 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 April 2021, 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. Each turbine, buildings, compounds, areas of hardstanding, tracks and watercourse crossings shall be erected in the position indicated upon Figure 4.1b (Site Layout with Consented Kennoxhead Wind Farm and Proposed Kennoxhead Wind Farm Extension Layouts) within the Environmental Impact Assessment Report, dated April 2021, with the exception of Turbine 8, 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).
  - (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.
  - (c) Unless otherwise agreed in writing by the Council, as Planning Authority in consultation with SEPA 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
- take place within the 50 metre 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 8 and any change from its position as approved will require the written approval of the Council, as Planning Authority in consultation with NatureScot and SEPA.

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

05. 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

06. 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.

07. 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.

08. At times during which Borrow Pits are operational, then the noise levels shall be restricted to 55dB LAeq (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. The level has been derived from PAN 50 Annex A Controlling the Environmental Effects of Surface Mineral Workings Annex A: The Control of Noise at Surface Mineral Workings.

Details of any blasting at borrow pits should be included with a method statement and relevant reports as necessary.

Reason: In the interests of residential amenity

09. The applicant shall ensure that all works carried out on site must be carried out in accordance with the current BS5228, 'Noise control on construction and open sites'. The applicant shall further ensure that audible construction activities shall be limited to, Monday to Friday 7.00am to 7.00pm, Saturday 7.00am to 1.00pm and Sunday - No audible activity with no audible activity taking place on Sunday, local and national bank holiday - without prior written approval of the Planning Authority.

Under exceptional conditions the above time restrictions may be further varied subject to written agreement with the council as Planning Authority.

Reason: In the interests of residential amenity

10. 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 10, Noise, Kennoxhead Wind Farm Extension II (Penbreck) EIA Report, April 2021, as submitted in support of the application, the following noise imissions shall be adhered to-

1.1 Cumulative Day Time

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. This is based on the cumulative projections contained within Chapter 10, Noise, Kennoxhead Wind Farm Extension II (Penbreck) EIA Report, April 2021

1.2 Cumulative Night Time

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. This is based on the cumulative projections contained Chapter 10, Noise, Kennoxhead Wind Farm Extension II (Penbreck) EIA Report, April 2021.

1.3 Cumulative Noise Levels for Financially Involved Receptors

The cumulative day and night time noise from the wind turbines at receptors having a financial involvement with the development 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 noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site. This is based on the cumulative projections contained within Chapter 10, Noise, Kennoxhead Wind Farm Extension II (Penbreck) EIA Report, April 2021

1.4 IOA Good Practice Guide Example Condition.

Should the permitted ETSU-R-97 conditions above be apportioned within the format of the IOA Good Practice Guide Example Condition- the proposed noise limits as detailed within Table 13.15: Proposed Noise Limits for Deemed Planning Permission Condition of Chapter 10, Noise, Kennoxhead Wind Farm Extension II (Penbreck) EIA Report, April 2021. The development specific noise imissions shall be agreed with the Planning Authority.

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

1.0 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

11. 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:
  - (a) be granted in favour of the planning authority
  - (b) be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
  - (c) 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.
  - (d) 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.
  - (e) come into effect on or before the date of commencement of development.

No work shall begin at the site 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: to ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the Company.

12. 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 in consultation. The terms of appointment shall:

1. 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 phase.

13. 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.

14. No development shall commence until a Construction Environmental Management Plan (CEMP) 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 April 2021. Thereafter, all the measures described in the approved CEMP shall be implemented within the timescales set out. The CEMP shall include the following:

- (a) A plan of the construction operations at an appropriate scale;
- (b) A plan to an appropriate scale showing the location of any contractor's site compound and laydown areas required temporarily in connection with the construction of the development.
- (c) Method of defining track route and location (track corridors should be pegged out 500 - 1000m in advance of operations);
- (d) Track design approach
- (e) Maps of tracks indicating double and single tracks and position of passing places.
- (f) The full extent of anticipated track 'footprint(s)' including extent of supporting 'geogrid' below roadstone and cabling at the edges of the track
- (g) Track construction: Floating track construction over peat >1m deep and gradients of 1:10 or less. Track construction for peat 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 Nature Scot 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) A description of and measures to mitigate impact on surface water, watercourses, hydrology, and private water supplies.
- (o) 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.

- (p) 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 periods of high rainfall.
- (q) Timing and extent of any necessary re-instatement.
- (r) 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.
- (s) Best practice mitigation for pollution prevention and Forest and Water Guidelines published by Forestry and Land Scotland.
- (t) 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 competent 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.
- (u) 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.
- (v) a site waste management plan

The development shall be implemented thereafter in accordance with the approved CEMP unless otherwise approved in advance in writing by the Planning Authority in consultation with NatureScot and SEPA.

Reason: To ensure that all works are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the EIA Report accompanying the application, or as otherwise agreed.

15. No development shall commence unless and until a detailed Peat Management Plan (PMP), addressing all areas to be disturbed by construction, has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot and SEPA. The PMP shall be submitted a minimum of 2 months prior to works commencing on site and shall incorporate "good practice" methods from NatureScot and the Scottish UK wind farm industry. The PMP shall include:

- (a) Detail on how the mitigation proposed in the application documents will be incorporated into the construction activities and incorporate relevant best practice on handling and storage of peat and construction methods designed to minimise impacts on peatland habitats.
- (b) Further peat probing information in areas of infrastructure that has not previously been probed;
- (c) Details of layout and management measures taken to reduce the volume of peat disturbance (including final expected volumes, depth and location of any peat disturbed);
- (d) Updated disturbance and re-use calculations within the site (breaking the peat down into acrotelmic and catotelmic), including a plan showing volumes, location and usage; Details of any disposal of peat proposed, including volumes, detailed disposal proposals and details of how peat usage has been limited to undisturbed ground; and;
- (e) Details of storage and handling of excavated peat, including a plan showing proposed storage areas;
- (f) All works on site must be undertaken in accordance with the approved Peat Management Plan unless otherwise agreed in advance in writing by the Planning Authority in consultation with NatureScot and SEPA.

Reason: In the interests of ensuring the conservation of peat resources.

16. No development shall commence unless and until a Traffic Management Plan (TMP) and a Timber Transport Plan (TTP) have been submitted to and approved in writing by the Planning Authority in consultation with Roads and Transportation Services, Transport Scotland, 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 but not be limited to:
- (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. This shall provide the date when the access is no longer required other than for occasional intermittent use.
  - (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;
  - (g) Identification of a nominated person to whom any road safety issues can be referred;
  - (h) access routes for any turbine erection craneage; and
  - (i) 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.
  - (j) A plan for access by vehicles carrying abnormal loads, including the number and timing of deliveries and the length, width and axle configuration of all extraordinary traffic accessing the site.
  - (k) Arrangements for undertaking initial joint road dilapidation surveys with a representative of the Council's Roads Area Office at locations specified by the

Council and for ongoing dilapidation surveys including submission of written reports.

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 Planning Authority.

For the avoidance of doubt, timber shall not be transported using either Andershaw Road or West Glespin Road and unless otherwise agreed in writing, all construction traffic shall enter and exit the site from the B7078 Midrig access via Junction 13 of the M74.

Reason: In the interests of road safety.

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

Reason: In the interests of road safety.

18. No development shall commence until a detailed Access Management Plan (AMP) has been submitted to and approved by the Planning Authority. The approved AMP must thereafter be implemented within the timescales set out. The AMP shall be produced in consultation with the Planning Authority's Countryside and Greenspace Service. The AMP shall incorporate and identify the Planning Authority'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 submitted and approved in writing by the Planning Authority and thereafter implemented in full and maintained as such for the lifetime of the development, hereby approved.

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

19. 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 be based on the Outline Habitat Management Plan dated 31 March 2021 and shall detail restoration and management proposals for Management Unit D



the Forest Design Plan Management Area. The finalised HMP shall include additional measures which would directly benefit the area of Class 1 peat. Consideration should also be given to proactive peatland enhancement measure such as restoration of peatland habitat within the turbine keyhole areas as referenced in the EIA report Nov 2020.

The HMP shall include measures which would reduce the potential future attractiveness of the site to the SPA qualifying species. These measures, which are particular relevant to the Sitka spruce blocks that border or are within the SPA, should include:

- Sward management in the turbine key-hole and open areas created as part of the development; Management of planted areas to facilitate rapid canopy closure as a means of reducing attractiveness to foraging and nesting hen harrier and;
- Other provisions with NatureScot guidance including the NatureScot consultation response dated 5 August 2021 and NatureScot Guidance note - Wind farm proposals on afforested sites advice on reducing suitability for hen harrier, merlin and short-eared owl (January 2016) or as updated).

The HMP shall include methods for monitoring of deer impacts on peatland restoration and enhancement. Deer management should be reviewed and a deer management plan be submitted for the approval of the Habitat Management Group, should monitoring show that deer are having an adverse effect on the HMP aims and objectives.

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, and reduce the attractiveness of the site to SPA qualifying species.

20. 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 propose 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.

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

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

22. If one or more turbine fails to generate electricity for a continuous period of 12 months, then unless otherwise agreed in writing by the Planning Authority, the Company shall by no later than the date of expiration of the 12 month period, submit a scheme to the Planning Authority setting out how the relevant turbine(s) and associated infrastructure will be removed from the site and the ground restored; and implement the approved scheme within six months of the date of its approval, all to the satisfaction of the Planning Authority.

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

23. 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.

24. No development shall commence unless and until an outline 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.

25. The wind turbines shall cease to generate electricity by no later than the date falling thirty years from the date of Final Commissioning and the turbines shall be appropriately decommissioned thereafter. The total period for decommissioning and restoration of the Site in accordance with this condition shall not exceed 33 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 24), 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 (i.e. otter, badger, water vole, red squirrel and pine marten) 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.

26. No development shall commence unless and until the Planning Authority, Ministry of Defence, Defence Geographic Centre and NATS have been provided with the following information, and evidence has been provided to the Planning Authority that this has been done:

- (a) the date of the expected commencement of each stage of construction;
- (b) the height above ground level of the tallest structure forming part of the Development;
- (c) the maximum extension height of any construction equipment; and
- (d) the position of the wind turbines and masts in latitude and longitude.

Reason: In the interests of aviation safety.

27. No development shall commence unless and until a Breeding Bird Protection Plan (BBPP) has been submitted to, and approved in writing by, the Planning Authority in consultation with NatureScot.

The BBPP shall:

- (a) be informed through survey work undertaken in the breeding season prior to construction commencing and further survey work and necessary adjustments to the plan should be carried out in each breeding season during construction period;
- (b) avoid work within 500m of any occupied goshawk nest;
- (c) detail Black grouse mitigation that will be put in place during the construction period, including;
  - 750m buffer around lek sites where no construction activity is permitted (including vehicle movements along tracks) before 9am in the months of April and May;
  - restrictions on the timing of works and measures to minimise disturbance associated with general site access.

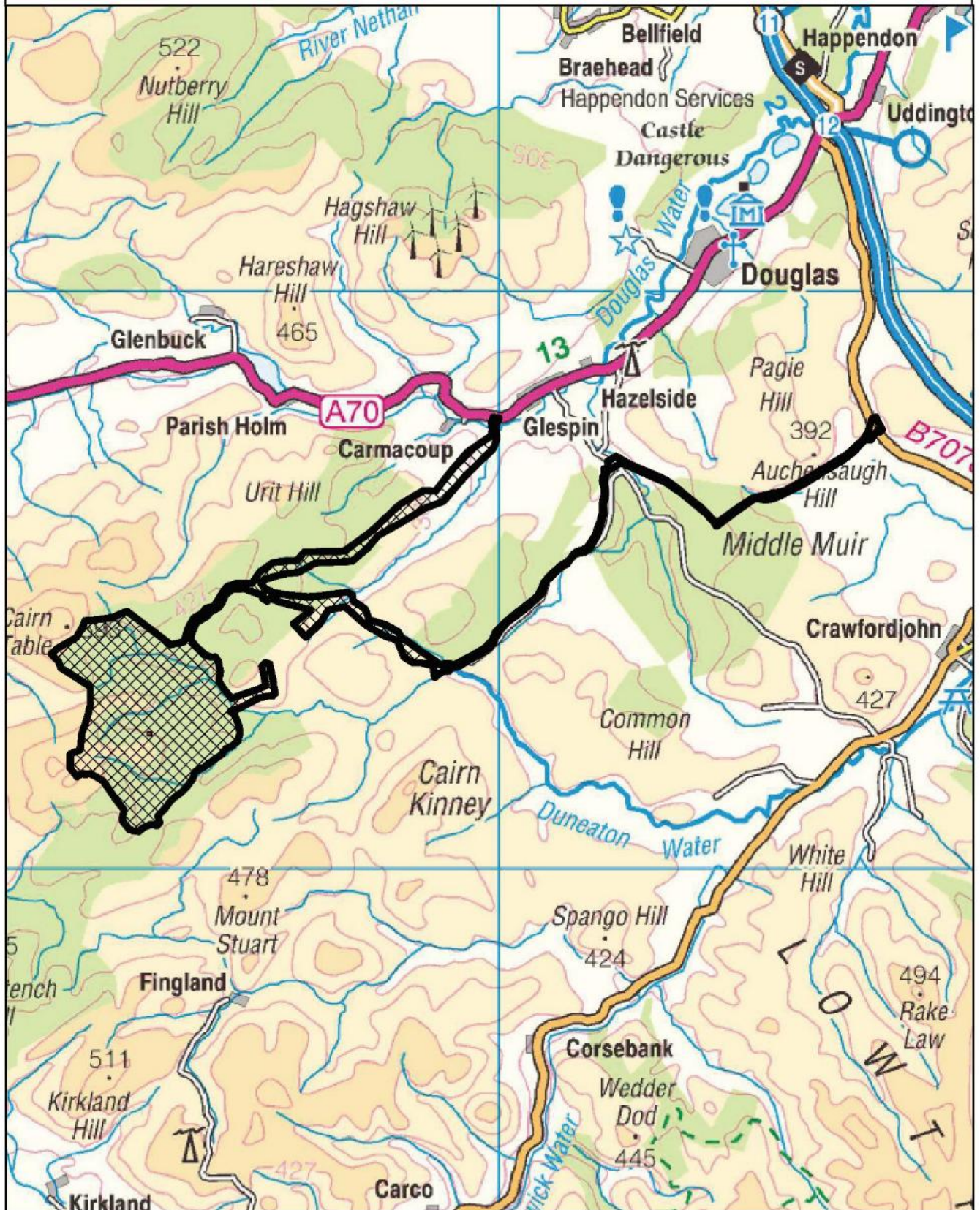
The approved BBPP shall be implemented in Full.

Reason: In the interests of avoiding disturbance during sensitive breeding season and protecting birds and the SPA species.



P/21/1107

Penbreck Wind Farm, Glentaggart Road, Glespin



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Scale:  
1:90,000  
Date:  
21/10/2021



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



# Report

6

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>16 November 2021</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/21/0215
Planning proposal:	Extension to Chicken Shed and Erection of 2 Feed Bins

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	JA Hewitt and Sons
Location:	Crawhill Wood C24 From Thankerton to A702 Thankerton Biggar ML12 6NU

## 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: BHC Ltd
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (adopted 2021)**  
Policy 4 Green Belt and Rural Area  
Policy 5 Development Management and Placemaking  
Policy 14 Natural and Historic Environment  
Policy GBRA1 Rural Design and Development  
Policy GBRA2 Business Proposals within Green Belt and Rural Area  
Policy NHE2 Archaeological Sites and Monuments  
Policy NHE16 Landscape

◆ **Representation(s):**

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

◆ **Consultation(s):**

Historic Environmental Scotland (HES) Ancient Monuments

Historic Environment Scotland

Countryside and Greenspace

West of Scotland Archaeology Service

Roads Development Management Team

SEPA West Region

Roads Flood Risk Management

Arboricultural Services

Scottish Forestry Central Scotland Conservancy

Environmental Services

SEPA Flooding



## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site (1.9693 ha) is situated to the south of the existing Crawhill free range chicken and egg production plant which consists of a long and proportionally narrow modern agricultural building (steel portal building finished in profiled metal cladding), two feed silos and enclosed scratch and range areas for hens. Access is taken from an existing track via the C24 Thankerton and Cormiston Road. To the south, adjacent Crawhill wood, at the access entrance is the location of the farm manager's house. The site slopes downwards and sits at a lower level than the existing shed. The site which comprises a mixture of scrubland, improved grassland and marsh grassland, is currently not actively managed for agriculture. There are minor drains/culverts near the southern boundary. Part of the southern section includes part of Crawhill wood, a semi natural woodland which extends down to Cormiston Road.
- 1.2 The site is bounded by the existing chicken shed to the north, by Crawhill Wood to the south and to the west and east by agricultural land. Further to the north west is Quothquan Law, an iconic landscape feature and site of a hillside fort which is a Scheduled Ancient Monument (SAM). Quothquan village is 1km to the north and Thankerton is 1.5km to the west.

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

- 2.1 The applicant seeks to substantially increase egg production by enlarging the current egg laying flock from 16,000 to 32,000 hens and to accommodate these hens, a larger chicken shed is required. The proposal involves almost doubling the size of the existing shed (length of the existing shed is 91.703m) by extending the length a further 87.5 out from the southern elevation towards the edge of Crawhill Wood. The size, scale, mass, material finish, design and appearance will generally be a replication of the existing shed. However, because of the nature of the topography, other than the first 6.25m section, an extension to the egg store, the proposed shed comprising the automated chicken maintenance zone, will sit at a lower level, 2.5m below the floor level of the existing shed giving a split level appearance. An additional two 7.4m high feed silos are proposed. Ventilation chimneys along the roof ridge and cooling fans on the gable end will also be installed.
- 2.2 Surface water runoff will be directed through underground rainwater drainage passing through gravel strips to provide filtration before discharging into a culvert further to the east. For sewerage disposal a septic tank soakaway arrangement is proposed. A minor water course along the southern boundary will have to be diverted to accommodate the development.
- 2.3 A Flood Risk Assessment and Habitat and Ecology survey has been submitted as supporting information.

### **3 Background**

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

- 3.1.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan 2 and its impact on residential amenity, landscape character and historic and natural environment.
- 3.1.2 For the purposes of determining planning applications, the Council will assess proposals against the policies contained within the adopted SLLDP2 which was formally adopted in April 2021. The site falls within a rural area where Policy 4 – Green Belt and Rural Area applies. In addition to this land use designation, Policies 5 – Development Management and Place Making, 14 - Natural and Historic Environment,

GBRA1 - Rural Design and Development, GBRA2 - Business Proposals within Green Belt and Rural Area, NHE2 - Archaeological Sites and Monuments and NHE16 - Landscape are of relevance to the determination of this application.

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

3.2.1 SPP encourages rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

3.2.2 SPP further advises in respect of the historic environment that planning should promote the care and protection of the designated and non designated historic environment, including related settings and its contribution to sense of place, cultural identity, social wellbeing, economic growth, civic participation and lifelong learning. Planning should enable a positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved, or enhanced.

### 3.3 **Planning Background**

3.3.1 Planning Permission CL/15/0153 was granted in July 2015 for a steel portal building for the housing of poultry together with installation of feed silos. This development has been constructed and a commercial chicken farm for egg production is now being operated from it.

## 4 **Consultation(s)**

4.1 **Historic Environment Scotland (HES)** – Have considered the information received and do not have any comments to make on the proposals. The decision not to provide comments should not be taken as support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment together with related policy guidance.

**Response:** Noted. All relevant national and local plan policies and associated guidance have been considered in the assessment of this proposal.

4.2 **Environmental Services** – No objection subject to a condition restricting noise levels and informatives on construction noise and nuisance.

**Response:** Noted. If approval is granted the requested condition and informatives will be attached to the Decision Notice.

4.3 **WOSAS** – Consultation response for planning application CL/15/0153 for the existing chicken shed, adjoining the current planning application, recommended an archaeological watching brief because it lies in a landscape densely populated with recorded archaeological sites, many protected as SAMs and its construction would affect a reasonably sizeable area of greenfield, suggesting that there would be some potential for ground disturbance to encounter and remove sub-surface archaeological material associated with earlier phases of occupation. Although the suggested condition was attached to consent CL/15/0153, the archaeological contractor appointed by the developer, Rebecca Shaw Archaeological Services, was not called to attend the site until most of the groundworks associated with construction of the original chicken shed had been substantially completed – according to their casework file, Ms Shaw was not able to attend the site until the entire area had been stripped by bulldozer, and aggregate deposited across on around a third of it. Although a summary report was subsequently submitted stating that no archaeological features had been identified within the development area, this cannot therefore be taken as indicating that no such material was present, as the conditions under which the fieldwork took place were not conducive to allowing for any such material to be recognised. The

current application raises generally comparable issues in terms of its potential to encounter and remove sub-surface archaeological material therefore an archaeological watching brief condition is again recommended. It is essential that the archaeologist is on-site to monitor this work when it is taking place, and that the removal is done using a machine fitted with a back-actor rather than by bulldozer, to give the best chance of any archaeological material that may be present being identified, prior to it being destroyed by construction activity.

**Response:** The concerns raised about the failure to comply fully with the terms of the condition for the previous application are noted. If approval is granted the recommended condition will be attached and this Service will endeavour to closely monitor the situation to ensure full compliance.

- 4.4 **Scottish Forestry** – The Planning proposals to extend the current building will result in the permanent removal of a proportion of Crawhill Wood. Any permanent removal of woodland by any landowner would constitute a land use change and, as such, would require consent and Compensatory Planting of equal size to mitigate for the loss. They would advocate that compensatory planting should be conditioned as part of the planning approval and if in the landowner's ownership, would encourage expanding the woodland to the south as a most appropriate place to locate it. This would ensure a net biodiversity balance whilst still enabling development. Trees that are to be retained as part of the development should be protected during construction works to Industry Standard BS5837 in Relation to Design, Demolition and Construction.

**Response:** A habitat survey has been undertaken which concludes that the construction of the shed will not directly impact upon the semi-natural woodland which lies further to the south. The habitat affected relates to a mixture of scrub and grassland (marshy and improved). Notwithstanding conditions have been attached requiring tree protection, compensatory planting and woodland management and a tree planting scheme covering an area within the applicant's ownership to the west and south of the application site.

- 4.5 **Flood Unit** – No objections subject to conditions covering SUDS, and the provision of a Flood Risk/Drainage Assessment.

**Response:** Noted. Appropriate conditions will be attached if consent is granted.

- 4.6 **Roads and Transportation Services** – The location of the access is derestricted and therefore the required visibility splays are 2.4m x 215m and these are achievable. Visibility would need to be maintained by keeping vegetation down to a maximum height of 0.90m within the visibility envelope. The applicant has provided the likely trip generation from the existing and proposed chicken shed. This is around 3 or 4 trips per day and there is unlikely to be a requirement to provide passing places on Cormiston Road. They would wish to support this application.

**Response:** Noted. A visibility splay condition will be attached if consent is granted.

- 4.7 **SEPA** – No response to date.

**Response:** SEPA were affected by unauthorised hacking and blackmail, resulting in severe disruption of their records and service. As such they will now only respond to applications which fall within defined development listed in a triage framework otherwise the reference should be made to their standing advice notes. This development is not one of the defined developments listed in their framework. In terms of this development the applicant will have to apply direct to SEPA to divert and discharge into water courses.

## **5 Representation(s)**

- 5.1 In response to the carrying out of neighbour notification and the advertisement of the application in the local press for bad neighbourhood development and non-notification of neighbours no letters of representation have been received.

## **6 Assessment and Conclusions**

- 6.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan 2 (SLLDP2).
- 6.2 In Planning land use terms the site is located within a Rural Area. Policy 4 - Green Belt and Rural Area of the adopted South Lanarkshire Local Development Plan 2 states that within the Rural Area, the Council seeks to protect the amenity of the countryside while, at the same time, supporting small scale development in the right places where it is appropriate in land use terms. The Rural Area functions primarily for agriculture, forestry, recreation, and other uses appropriate to the countryside. Policy GBRA2 – Business Proposals within Green Belt and Rural Area advises that the following types of development are considered appropriate in the Rural Area: extensions to existing rural businesses, subject to a reasoned justification for expansion and; horticultural, forestry and horticultural developments, subject to providing details of the proposed business and evidence that land available is sufficient for current and future needs. The proposal is for an extension to an operational chicken shed. The purpose of the development is to increase capacity for egg production, meeting latent demand and ensuring the long term viability of the business. There is sufficient land to accommodate the development as the applicant owns an extensive landholding within and neighbouring the application site. In considering the nature of the surrounding landscape and topography, and mitigation measures set down in the list of suggested conditions, the proposal can be accommodated without adverse impact upon the amenity of the countryside. An appropriate use and locational need has been demonstrated in compliance with Policies 4 and GBRA2.
- 6.3 The proposed development has also been considered against Policies 5 ‘Development Management and Place Making’ and GBRA1 ‘Rural Design and Development’. Proposals should not have a significant adverse impact on the local area and address the six qualities of placemaking. 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, noise, smell, air and light pollution, overshadowing, overlooking or visual intrusion. Development proposals shall incorporate suitable boundary treatment and landscaping proposals to minimise the visual impact of the development on the surrounding landscape. Existing trees, woodland, and boundary features such as beech and hawthorn hedgerows and stone dykes, shall be retained on site. Proposals shall be readily served by all necessary infrastructure. Proposals shall have no unacceptable significant adverse impact on the natural and historic environment and have no adverse effect on the integrity of Natura 2000 sites. This is an appropriate business for a rural location and the design and size of the building although industrial in scale is nevertheless a fairly commonplace feature within the countryside due to the number of intensive farms including free range poultry units with large flocks requiring sizeable sheds for night time housing, shelter and egg laying. The development does not affect features of importance to landscape character. Amenity will not be compromised as the nearest dwellings are located a sufficient distance away and are partially screened from the proposed shed by mature landscape and topography. Conditions have been attached requiring noise emission limits, odour and waste management, tree planting and woodland management. Roads and Transportation Services have not raised any public or road safety concerns and the site can be served by adequate access and parking arrangements. There are

no infrastructure constraints. In consideration the proposal is an appropriate form and scale of development for this location and therefore complies with Policies 5 and GBRA1.

- 6.4 Policy 14 – Natural and Historic Environment states that the Council will assess all development proposals in terms of their impact on the natural and historic environment, including landscape. The Council will seek to protect important natural and historic sites and features from adverse impacts resulting from development, including cumulative impacts. In category 2 areas (which includes the setting of Scheduled Ancient Monuments) 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. In category 3 areas (which includes Special Landscape Areas) development which would have a significant adverse impact following implementation of mitigation measures will only be permitted where the effects are outweighed by significant social or economic benefits.
- 6.5 Policy NHE2 –Archaeological Sites and Monuments advises that developments which have an adverse effect on scheduled monuments or their setting shall not be permitted unless there are exceptional circumstances. The Quothquan Law hillfort SAM is located 600m to the northwest on the top of the hill at a much higher elevation than the application site. The shed and ancillary infrastructure would be prominent in many views towards the SAM from the east and some areas to the north, albeit from the north the extension will be partially obscured by the existing shed, which due to the slope of the ground sits at a higher level than the proposed extension, however the prevailing topography and landscape would limit views towards the fort from other directions. It would also be a prominent and highly visible element below the hill in views eastward from the fort. However this will be read within the context of a landscape which has been actively managed for agriculture and by human intervention, therefore it is no longer possible to read and appreciate the monument in its original setting, that said the historic value of the fort can still be appreciated, understood, and experienced. Although very long, the proposed extension is low lying, a typical agricultural building which will blend into its surroundings, a mixture of enclosed fields, boundary trees and mature woodland. Views into the SAM will not be adversely affected due to the height of the Law itself. In consideration most views would not be greatly affected, and the prominent nature of the monument would be retained to a large degree.
- 6.6 Policy NHE16 – Landscape advises that development proposals within Special Landscape Areas will only be permitted where they can be accommodated without having an unacceptable significant adverse effect on the landscape character, scenic interest and special qualities and features for which the area has been designated. All proposed development should take into account the detailed guidance contained in the South Lanarkshire Landscape Character Assessment 2010. The site falls within the Foothills landscape type where the importance of maintaining the contrast between the more open hill tops and the surrounding farmland and conserving the distinctive pattern of shelter belts and field boundaries and features of historic interest, are emphasised. There is potential to enhance the agricultural landscape through the extension of farm woodlands and shelter belts to create medium to large scale pastoral enclosures. Where circumstances require buildings they should be located and designed so as to limit visual intrusion. No historic or landscape features which contribute to landscape quality will be affected and existing and additional/compensatory tree planting and woodland management, covering Crawhill wood to the south, will help integrate the development into its setting. The proposal is visually contained by mature woodland, undulating topography and the existing chicken shed. There will be no encroachment onto open hilltops as the development

will be confined to lower lying managed agricultural land. In considering the above, the proposed development complies with policies 14, NHE2 and NHE16.

- 6.7 In summary, the proposal has no adverse impact on residential amenity, landscape character, the Quothquhan Law hillfort SAM and is an appropriate form of agricultural development at this location. Overall, the proposal is considered to be acceptable and it is recommended that planning permission be granted.

## **7 Reasons for Decision**

- 7.1 The proposal will not be detrimental to the rural character of the area and enhances the operations of an existing farm unit, and thereby supports the economy of the rural area. It is consistent with Policies 4, 5, 14, GBRA1, GBRA2, NHE2 and NHE16 of the adopted South Lanarkshire Local Development Local Plan2 (2021).

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

Date: 28 October 2021

### **Previous references**

- ◆ CL/15/0153

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated
  
- ▶ Consultations
  - HES Ancient Monuments
  - Historic Environment Scotland 08.03.2021  
&  
24.03.2021
  - Countryside and Greenspace
  - West of Scotland Archaeology Service 15.03.2021
  - Roads Development Management Team 19.08.2021
  - SEPA West Region
  - Roads Flood Risk Management 10.05.2021
  - Arboricultural Services
  - Scottish Forestry Central Scotland Conservancy 22.04.2021
  - Environmental Services 09.03.2021
  - HES Ancient Monuments
  - SEPA Flooding
  
- ▶ Representations
- None

Dated:

**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. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Council as Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service and approved by the Council as Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Council as Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

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

02. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Developer Design Guidance (May 2020) and shall include the following signed appendices: C 'Sustainable Drainage Design Compliance certificate'; D Sustainable Drainage Design Independent Check Certificate and; E 'Confirmation of Future Maintenance of Sustainable Drainage Apparatus' . The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved in writing by the Council as Planning Authority.

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

03. That no further development shall take place until a flood risk assessment has been carried out in accordance with the latest industry guidance, including a completed and signed copies of Appendices A 'Flood Risk Assessment Compliance Certificate' and B 'Flood Risk Assessment Independent Check Certificate' of the Council's Developer Design Guidance (May 2020) to be submitted and approved by the Council as Planning and Flood Authority.

Reason: In order to ensure the risk of flooding to the application site from any source is at an acceptable level as defined in the Scottish Planning Policy and there is no increase in the future of flood risk to adjacent land as a result of the proposed development.

04. Prior to the commencement of work details of any alteration/diversion of drainage, open culverts and water courses shall be submitted to and approved by the Council as Planning and Flood Authority.

Reason: To ensure the provision of a satisfactory drainage system and to proposed and existing dwellings from risk of flooding.



05. That the chicken shed shall not be brought into use until the developer provides a written agreement from Scottish Water and SEPA that the site can be served by a water supply and sewerage scheme in accordance with relevant standards and regulations.

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

06. If the intention is to connect drainage into Scottish Water infrastructure, then 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.

07. 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.

08. Prior to the commencement of the development hereby approved (including any demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Council as Planning Authority. Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) A full specification for the installation of boundary treatment works.
- e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) A specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- k) Boundary treatments within the RPA
- l) Methodology and detailed assessment of root pruning
- m) Arboricultural supervision and inspection by a suitably qualified tree specialist
- n) Reporting of inspection and supervision

- o) Methods to improve the rooting environment for retained and proposed trees and landscaping
- p) Veteran and ancient tree protection and management.

The development shall thereafter be implemented in strict accordance with the approved details.

Reason: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.

09. All trees to be removed must be replaced by trees of a similar species at the locus to the satisfaction of the Council as Planning Authority.

Reason: To safeguard the amenity of the area.

10. Prior to the completion of the development hereby approved, whichever is the sooner; full details of a tree planting scheme to replace trees to be removed to accommodate the development along with additional tree planting, within the application site boundary and within the area shaded green on the location plan, shall be submitted to and approved in writing by the Council as Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.

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

Reason: To enhance the natural heritage of the area.

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

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

12. That the recommendations/ guidance in respect of badgers and nesting birds as set down in paras 8.5 and 8.6 of the Extended Phase 1 Habitat Survey Update (Acorna Ecology Ltd, May 2021) shall be fully complied with before and during the construction period.

Reason: In the interests of bats.

13. Prior to the completion of the chicken shed extension, a woodland management plan, covering the area shaded green on the approved location plan, shall be submitted to, and approved in writing by the Council as Planning Authority. The management plan should be prepared by a qualified and experienced forestry or arboricultural consultant and should include the following elements:-

- a) a statement of the overall design vision for the woodland and for individual trees retained as part of the development - including amenity classification, nature conservation value and accessibility.
- b) type and frequency of management operations to achieve and sustain canopy, under-storey and ground cover, and to provide reinstatement including planting where tree loss or vandalism occurs.
- c) frequency of safety inspections, which should be at least three yearly in areas of high risk, less often in lower risk areas
- d) confirmation that the tree pruning work is carried out by suitably qualified and insured tree contractors to British Standard 3998 (2010).
- e) special measures relating to Protected Species or habitats, e.g. intensive operations to avoid March - June nesting season or flowering period.
- f) inspection for pests, vermin and diseases and proposed remedial measures.
- g) recommendations relating to how trees within the immediate vicinity of properties or within private areas are to be protected, such that these are retained without the loss of their canopy or value as habitat.
- h) confirmation of cyclical management plan assessments and revisions to evaluate the plan's success and identification of any proposed actions.

Reason: To ensure that woodland areas are satisfactorily safeguarded, managed and maintained in the long term /in perpetuity in the interest of nature conservation and the visual amenity of the area.

14. That prior to the completion of the development hereby permitted, the woodland maintenance and management scheme approved under the terms of Condition 13 above, shall be in operation.

Reason: To ensure the protection and maintenance of the existing woodland within the area.

15. That the roofs of the building and feed silo shall be finished in a non-reflective material, dark in colour.

Reason: To minimise the visual appearance of the development when viewed from Quothquan Law.

16. Between the hours of 08:00 and 20:00 the measured noise rating level emitted from the premises (LAeq,1hr) shall not exceed the pre-existing background noise level (LA90,30 min) by more than 4dB when measured in accordance with British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound at buildings where people are likely to be affected. Between the hours of 20:00 and 08:00 the noise rating level emitted from the premises (LAeq, 15mins) shall not exceed the pre-existing background noise level (LA90,30min) by more than 4dB when measured in accordance with BS4142:2014 at buildings where people are likely to be affected.

Reason: To minimise noise disturbance to local residents.

17. That before the development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 215 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

- 18 The applicant shall submit an assessment for the proposed water supply to satisfy the Council, as Planning Authority that the supply will be sufficient and wholesome in terms of its quality and quantity for its intended purpose. The report shall include, as a minimum, the following information:-
- Confirmation of the location, type and source of supply
  - A 'Risk Assessment' within the meaning of the Private Water Supply (Scotland) Regulations 2006 to determine the suitability of the supply for its intended purpose
  - Seasonal flow rates for the proposed supply

Reason: To ensure that the development can be served by a satisfactory water supply.

- 19 That before the development hereby approved is occupied/brought into use, the private water supply approved under Condition 18 above, shall be provided in accordance with the approved details.

Reason: To ensure that the development is timeously served by a satisfactory water supply.

20. Prior to the commencement of operations details for the method of handling and disposal of hen manure and associated waste shall be submitted to and approved by the Planning Authority. The arrangements as approved shall thereafter be implemented, along with any subsequent remedial measure agreed as a result of any complaints received by the Planning Authority.

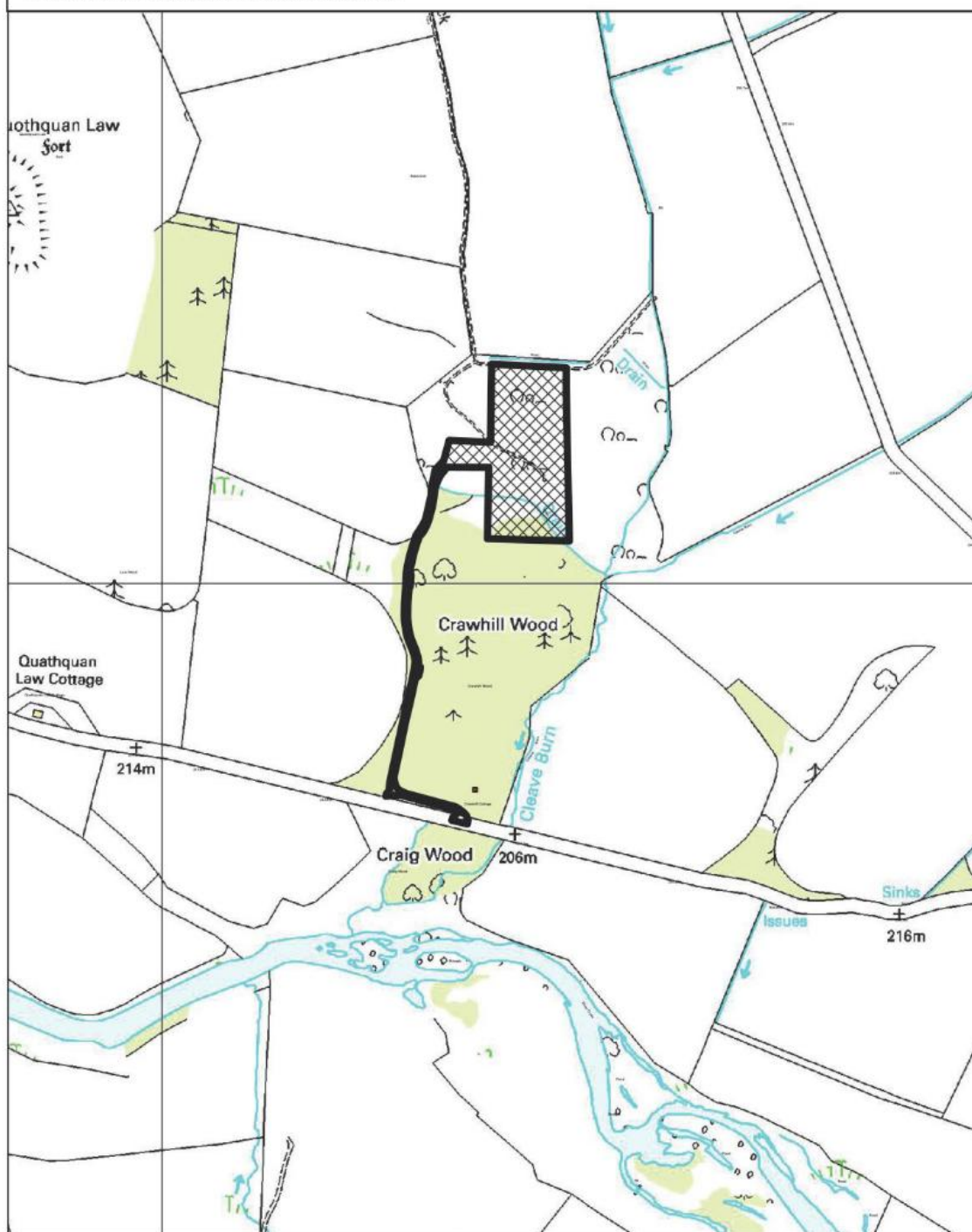
Reason: To protect nearby residents from smell nuisance.

21. Prior to the commencement of operations within the approved extension, an Odour Management Plan shall be submitted to and approved by the Planning Authority. The measures as approved shall thereafter be implemented, along with any subsequent remedial measure agreed as a result of any complaints received by the Planning Authority. The plan shall take account the removal of manure and waste from the sheds and associated infrastructure.

Reason: To protect nearby residents from smell nuisance.

P/21/0215

Crawhill Wood, C24 from Thankerton to A702



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22/10/2021



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



# Report

7

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>16 November 2021</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/21/0638
Planning proposal:	Change of Use of Communal Open Space to Garden Ground

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr Douglas Szafranek
Location:	Land Adjacent To 17-1 Hunthill Road Blantyre G72 9SS

## 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: Ronald Gellan
- ◆ Council Area/Ward: 15 Blantyre
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2021 (SLLDP2):**  
Policy 2: Climate change  
Policy 3 General Urban Areas  
Policy 5 Development Management and Placemaking

◆ **Representation(s):**

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

◆ **Consultation(s):**

Blantyre Community Council

Roads Development Management Team

Estates Services - Housing and Technical Resources



## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site relates to a small part (approximately 62 square metres) of an area of open space (approximately 193 square metres) which is sandwiched between the boundary of the applicant's detached dwellinghouse at 17-1 Hunthill Road and 1 Afton Gardens, Blantyre. The site is in relatively close proximity to the junction of Afton Gardens and Hunthill Road. Vehicular access to the applicant's property is currently from Hunthill Road.
- 1.2 The site is currently owned by the Council and the applicant has exchanged correspondence with the Council with a view to purchasing the site. The remaining uses surrounding the site are residential in character. There is some shrubbery located on the area of open space which would require to be removed should the proposal be implemented. Adjacent to the site there is a larger area of open space which is partly landscaped and provides a pleasant setting at the entrance into Afton Gardens.

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

- 2.1 The applicant seeks planning consent for the change of use of part of the open space to garden ground.
- 2.2 The applicant's agent has submitted an email in which the applicant advises that his intention for the site is to create a larger garden which could perhaps accommodate a hot tub/BBQ area, a car port, or ideally a garage to store his bikes and campervan securely as they are not getting used on a daily basis. It is also stated that the garden is likely to be levelled off and a new timber fence erected. It should be noted that this planning application relates only to a change of use of the land and that any future plans that the applicant has may require planning permission.

### **3 Background**

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

- 3.1.1 The adopted South Lanarkshire Local Development Plan 2 identifies the site as part of the General Urban Area. The proposed development therefore requires to be assessed against the following policies:-
- ◆ Policy 2: Climate change
  - ◆ Policy 3: General Urban Areas
  - ◆ Policy 5 Development Management and Placemaking

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

- 3.2.1 Scottish Planning Policy advises the policy principles of placemaking should take every opportunity to create high quality places by taking a design-led approach. Planning should direct the right development to the right place and support development that is well designed and which demonstrates the six qualities of a successful place.

#### **3.3 Planning Background**

- 3.3.1 Planning consent (HM/07/0304) was granted for the erection of a dwellinghouse and integral garage.
- 3.3.2 Planning application (P/21/0056) was withdrawn for a change of use of a larger area (193 square metres) of communal open space to garden ground.

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

- 4.1 **Roads and Transportation Services** – No objections. They advise that there is no impact on the road network from the proposed annexing of this portion of the open space.

**Response:** Noted.

- 4.2 **Estates** – No objection

**Response:** Noted.

- 4.3 **Blantyre Community Council** - The community council is opposed to the loss of amenity. This application is very similar to a previous application P/21/0056 and there has been no material changes within this application to alter the view of the community council and they wish to reiterate their original position:-

1. The planning application will substantially reduce the amenity of the area.
2. There will be a reduction of the quality and character of the environment.
3. The application will decrease the community's overall enjoyment of the area.
4. The application will have a negative effect on the local community by the loss of a landscaped area and a valuable piece of public ground being lost.
5. The site has very good site lines and the application will alter this fact.
6. We would not support the sale of land as it could endanger public safety.
7. We would not support the sale of land in common ownership for this purpose.

We have the same conclusion as before: it is our view that the approval of the planning application is not in the best interests of the Blantyre community: loss of amenity, impact on traffic management, loss of landscaped area and the potential loss of green space to the community. We trust that the planning department will acknowledge the concerns of the Blantyre Community Council and refuse the planning application.

**Response:** Noted.

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

- 5.1 Statutory neighbour notification was undertaken and a total of 21 representations have been received.

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

- (a) **The applicant is operating a shed/fence business. The land would be used as a storage area in conjunction with existing business and not as garden. It would therefore be an eyesore, detrimental to the amenity and entrance of a well kept estate and a fire hazard. Currently this area divides business and residential properties. As it is a timber construction business where an incinerator is used it is considered that a gap should be maintained to minimise potential health and safety hazards. If this proposal is to increase the amount of storage of raw materials even further then what guarantees can be given that any retaining wall or fence will be strong enough to bear the considerable weight of these materials and protect the safety of the general public walking on the adjacent pavement.**

**Response:** The issue of a business operating from the residential property has been passed to Planning Enforcement who are monitoring the site and have advised the applicant that they should relocate it. The current planning proposal is for a change of use of communal open space to garden ground within the curtilage of an existing dwellinghouse and therefore requires to be assessed as such. Scenarios regarding how the applicant would potentially use their extended garden ground and indeed the potential health and safety implications do not constitute material planning considerations in the assessment of this current

planning application proposal. It is considered that the incorporation of this small area of open space into the residential curtilage of the applicant's property would not have a significant impact given the larger and more prominent area of open space that would remain. In addition, the loss of the small area of open space would have no material impact on the amenity of the residential area. In this respect the proposal can be integrated within the existing garden without any adverse impact in terms of the existing pattern of development.

- (b) **The Afton Gardens missives state that the play park and all open space areas are the use of the residents therefore how can land be for sale. Land should remain as Afton Gardens estate.**

**Response:** The potential ownership of land is a civil issue and does not constitute a material planning consideration in the assessment of a planning application. Nevertheless, the Council's estates department have advised that the land relating to the current proposal is currently owned by South Lanarkshire Council and ultimately it is their decision as to whether the land is sold.

- (c) **The applicant currently parks 4 cars on front of their house which is a hazard. The proposal could result in increased traffic and on street parking in estate. Concerns at how area would be accessed and potential environmental impact if vehicles are parked in the area. The proposal would block view of motorists entering and egressing Afton Gardens.**

**Response:** As detailed previously Roads and Transportation Services have no objections commenting that there is no impact on the road network from the proposed annexing of this portion of the open space.

- (d) **The boundary would be too close to 1 Afton Gardens resulting in a loss of privacy.**

**Response:** It must be accepted that absolute privacy in an established residential area is difficult to achieve and that a degree of mutual overlooking is commonplace. It is considered that the proposal will be within acceptable parameters, all aspects considered, and will not result in a material loss of privacy that would merit refusal of the application.

- (e) **It is a difficult site and may require development for use. This could impact on root systems of mature trees in the adjacent garden and damage to existing wildlife. Also, access to carry out any groundworks may require to be via the remaining part of the communal gardens causing damage to this area.**

**Response:** Any potential damage to neighbouring land/trees is a civil issue. Given the nature of the proposal it is considered on balance that it would not have a significant adverse impact on existing wildlife that would merit refusal of the application. It would also be the responsibility of the applicant to ensure that a suitable access can be formed in order to undertake any works, should planning permission be granted.

- (f) **It is unclear as to how the applicant was allowed to build a house. The applicant parks his vehicles anywhere and on the pavement. He kept chickens in his back garden. He erected a 10ft High Fence. He advertises his business on a wall inside his gates.**

**Response:** As detailed previously, planning consent (HM/07/0304) was previously granted for the erection of a dwellinghouse and integral garage. This has no relevance to the assessment of the current planning application. In addition, the planning enforcement team is dealing with the operation of a

business at this location. The other issues raised do not constitute a material planning consideration in the assessment of this planning application.

5.3 These letters are available on the planning portal.

## **6 Assessment and Conclusions**

6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP), and the adopted South Lanarkshire Local Development Plan 2021 (SLLDP 2).

6.2 In the adopted South Lanarkshire Local Development Plan 2021 (SLLDP 2), the application site is located on land designated as being in the General Urban Area. Policy 3 General Urban Areas seeks to ensure proposals do not adversely affect the amenity and character of predominately residential areas.

6.3 Policy 2: Climate Change seeks to minimise and mitigate against the effects of climate change. The proposal avoids areas of medium to high flood risk, has no significant adverse impacts on the water and soils environment, air quality, biodiversity and/or green networks. Therefore, taking into account the scale of the proposed development, it is considered the proposal meets the terms of Policy 2 of the adopted SLLDP2.

6.4 Policy 5 'Development Management and Placemaking' states that development proposals should take account of and be integrated with the local context and built form. New development should also have no significant adverse impacts on the local community. The area of open space the applicant seeks to change the use of is approximately 62m<sup>2</sup> and forms part of a larger area approximately 193m<sup>2</sup> in size. This area of open space, being at the edge of the larger area, is not as attractive than the remaining area. The loss of site from the larger area of open space would leave an area of approximately 131m<sup>2</sup> in size, (approximately 68% of the original area) and it is considered that this would still allow for a satisfactory level of open space within the area for local residents to enjoy.

6.5 It is considered that the incorporation of this small area of open space into the residential curtilage of the applicant's property would not have a significant impact given the large area of open space that would remain. In addition, the loss of the small area of open space would have no material impact on the amenity of the residential area. In this respect the proposal can be integrated within the existing garden without any adverse impact in terms of the existing pattern of development. It should also be noted that the area of open space which is proposed to be annexed is located between two fences and is not overly prominent. The most important area of open space is located adjacent to the junction and this will be retained, ensuring that there is not a detrimental impact on the visual amenity of the surrounding residential area.

6.6 With regard to the objectors' concerns detailed in section 5, it is considered that the proposal is in accordance with local plan policy and would not be detrimental to the residential amenity of the area. In addition, Roads and Transportation Services, have any objections.

6.7 Blantyre Community Council objected to the planning application as detailed previously. In response it should be noted that the current planning application proposal relates to an area of ground approximately 62 square metres in comparison to the previous withdrawn proposal which was an area of land approximately 193

square metres (more than three times larger). Roads and Transportation Services have no objection in terms of pedestrian and road safety. The land is currently owned by the Council and it is considered that the incorporation of this small area of open space into the residential curtilage of the applicant's property would not have a significant impact on residential amenity that would merit refusal of the application given the larger area of open space that would remain.

6.8 Given the above, it is recommended that planning permission be granted.

## **7 Reasons for Decision**

7.1 The proposal will not result in a significant adverse impact on either residential or visual amenity and generally complies with the provisions of Policies 2, 3, 5 and DM2 of the South Lanarkshire Local Development Plan 2. There are no other material considerations that would justify the refusal of planning consent.

**Michael McGlynn**

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

Date: 5 November 2021

## **Previous references**

- ◆ HM/07/0304
- ◆ P/21/0056

## **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 21 April 2021

## **▶ Consultations**

Blantyre Community Council	10.06.2021
Roads Development Management Team	17.05.2021
Estates Services - Housing and Technical Resources	28.04.2021

<b>▶ Representations</b>	<b>Dated:</b>
Mr Andrew Thompson, 8 Afton Gardens, Blantyre, Glasgow, G72 9TW	07.05.2021
Mr John Fleming, 12 Afton Gardens, High Blantyre, Glasgow, G72 9TW	09.05.2021
Mrs Elizabeth Matthews, 63 Afton Gardens, High Blantyre, Glasgow, G72 9TW	10.05.2021
Mr William McGuire, 49 Afton Gardens, Blantyre, Glasgow, G72 9TW	11.05.2021
Mr Joseph Penman, 1 Afton Gardens, Blantyre, G72 9TW	12.05.2021

Mrs Selina Fleming, 12 Afton Gardens, High Blantyre, Glasgow, G72 9TW	10.05.2021
Mr David Brown, 23 Afton Gardens, Blantyre, Glasgow, G72 9TW	25.04.2021
T Cunningham, 61 Afton Gardens, Blantyre, Glasgow, South Lanarkshire, G72 9TW	25.05.2021
M Cunningham, 61 Afton Gardens, Blantyre, Glasgow, South Lanarkshire, G72 9TW	25.05.2021
Miss Gillian McGuire, 49 AFTON GARDENS, BLANTYRE, GLASGOW, G72 9TW	11.05.2021
Mrs Elizabeth McGuire, 49 Afton Gardens, Blantyre, GLASGOW, G72 9TW	11.05.2021
Mrs Magdalena Colligan, 10 Afton gardens, Blantyre, G729tw	12.05.2021
Mr Ian Beattie, 4 Afton Gardens, Blantyre, Glasgow, South Lanarkshire, G72 9TW	29.04.2021
Ms Kathleen Allan, 21 Afton Gardens, High Blantyre, Lanarkshire, G72 9TW	26.04.2021
Mr Peter Dougela, 2 Afton Gardens, Blantyre, Glasgow, G729TW	04.05.2021
Ms Grace Simm, 3 Afton Gardens, Blantyre, G72 9TW	25.05.2021
Hugh Black, 3/3 Hunthill Road, Blantyre	27.05.2021
Marion Robertson, Received Via Email	21.05.2021
Mrs Marion Robertson, 14, Afton Gardens, High Blantyre, Glasgow, G729TW	12.05.2021
Charles Allan, 17 Afton Gardens, Blantyre, G72 9TW	14.05.2021
Mr Robert MacGregor, 43 Stonefield Crescent, Blantyre	20.09.2021

### **Contact for further information**

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

Murray Reid, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 453625

Email: [murray.reid@southlanarkshire.gov.uk](mailto:murray.reid@southlanarkshire.gov.uk)

Detailed planning application

Paper apart – Application number: P/21/0638

**Conditions and reasons**

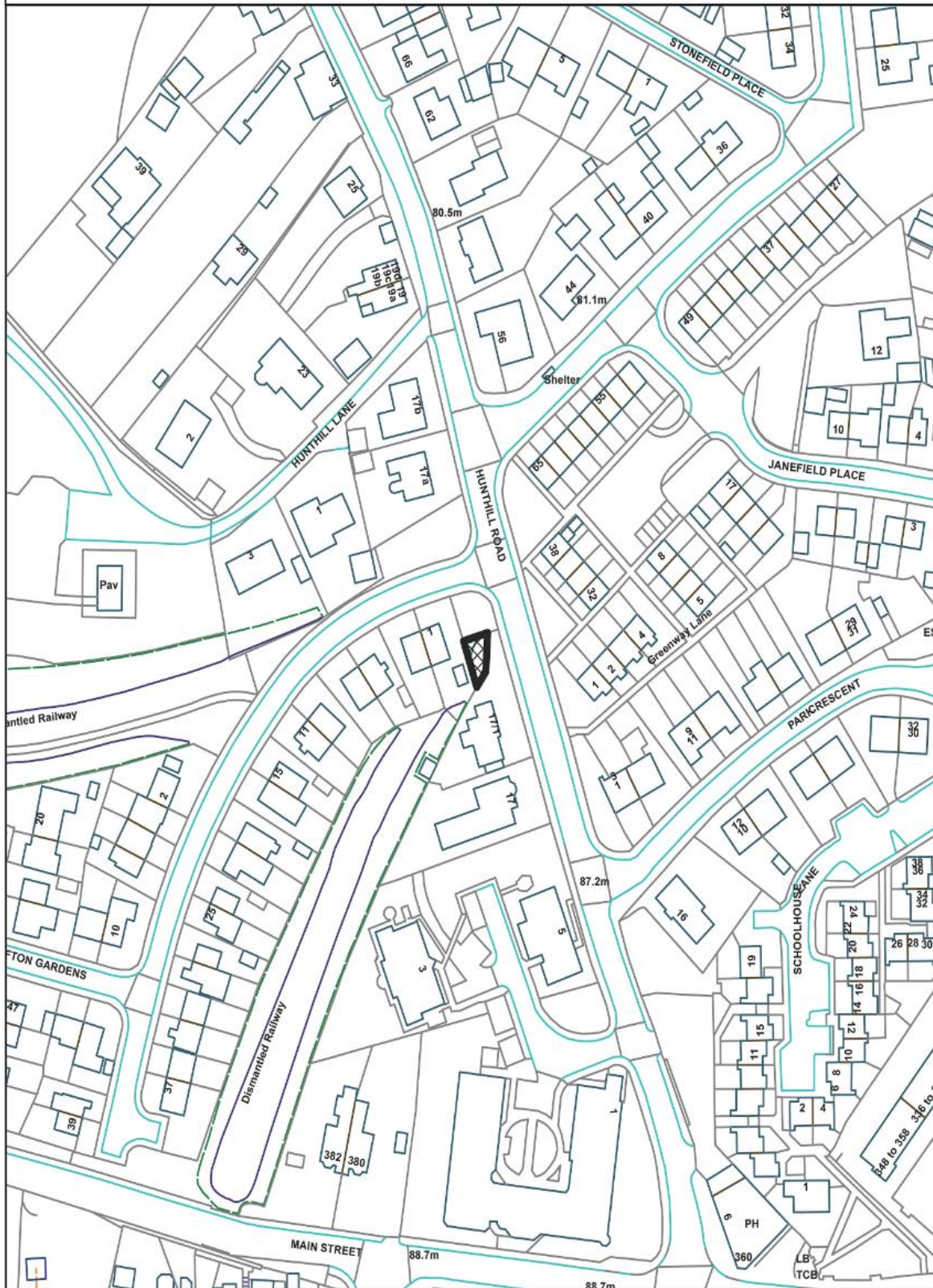
- 1 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any such order revoking or re-enacting that order), no engineering works shall be undertaken or buildings and fences erected on the land relating to the change of use without the submission of a further planning application to the Council as Planning Authority.

Reason: To ensure that the Council retains control over future developments on the site.



P/21/0638

Land Adjacent to 17-1 Hunthill Road, Blantyre



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Date:  
05/11/2021



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



# Report

8

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>16 November 2021</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/21/1129
Planning proposal:	Demolition of Existing Buildings and Erection of 28 Flats with Associated Infrastructure and Landscaping

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Merchant Homes Partnerships Ltd
Location:	Former Greenhills Sports Centre Stroud Road East Kilbride

## 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: Kevin Crawford
- ◆ Council Area/Ward: 06 East Kilbride South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted 2021)**  
Policy 2 – Climate Change  
Policy 3 - General Urban Areas  
Policy 5 - Development Management and Placemaking  
Policy 11 - Housing  
Policy 12 - Affordable Housing  
Policy 13 – Green Network and Greenspace  
Policy DM7 - Demolition and Redevelopment for Residential Use

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

Estates Services - Housing and Technical Resources

Scottish Water

SP Energy Network

SEPA West Region

Community and Enterprise Resources - Play Provision Community Contributions

Housing and Technical Resources

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site, which is currently Council owned, is the former Greenhills Sports Centre, off Stroud Road within the Greenhills area of East Kilbride. The site, which extends to approximately 0.36 hectares, currently contains the sports centre with separate storage building to its rear and a number of parking spaces. The site is relatively flat with direct access from Stroud Road. There are a few trees/shrubs along the front of the site between the existing building and the footway, and a bus stop.
- 1.2 The site is located at the bottom of a sloped area of open space where Maple Terrace, a row of terraced dwellings, sit at the top of the slope to the north/north-west. The western boundary is also adjacent to an area of open space which leads towards Pine Court and Pine Crescent. There is open space to the eastern boundary of the site leading towards Chestnut Crescent, and the southern boundary contains a strip of land with some trees and shrubs adjacent to Stroud Road as noted above. It is noted that a strip of land adjacent to Stroud Road as well as a small area to the rear of the site are designated as Priority Greenspace and Green Network in the adopted South Lanarkshire Local Development Plan 2 (2021).

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

- 2.1 Detailed planning permission is sought for the demolition of the existing buildings and the erection of 28no. flatted dwellings with associated infrastructure and landscaping. This would comprise of a roughly 'L' shaped block which would comprise of 3no. four storey sections. The proposed access to the site would remain as per the current access and the proposed parking and bin stores would be located to the rear of the building.
- 2.2 The site is to be developed by Merchant Homes Partnerships Ltd as affordable housing on behalf of Sanctuary Housing Association. Each proposed flat would have 2no. bedrooms, living room, kitchen, bathroom and storage. The proposed materials would be a mix of dry dash roughcast, facing brick and grey roof tiles. The applicant proposes 100% parking with 26no. parking spaces/ 2no. disabled parking spaces within the curtilage of the site. It is noted that the proposal requires the removal of some of the trees/shrubs to the front of the site.

### **3 Background**

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

- 3.1.1 In terms of the adopted South Lanarkshire Local Development Plan 2 (2021), the site is located within the settlement boundary and as such Policy 3 – General Urban Areas and Policy 5 – Development Management and Placemaking General are relevant. As a section of the site is designated as Priority Greenspace/Green Network, Policy 13 – Green Network and Greenspace is also relevant as are Policy 2 – Climate Change, Policy 11 – Housing and Policy 12 – Affordable Housing. As the site involves the demolition of an existing building for residential use, Policy DM7 – Demolition and Redevelopment for Residential Use is also applicable.
- 3.1.2 The Council's Residential Development Guide (2011) is also relevant and emphasises the need for developments to reflect the scale and character of the surrounding areas and respect urban form. It also specifies required amenity space, window to window distances and parking requirements.

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

- 3.2.1 Relevant Government guidance is set out within the consolidated Scottish Planning Policy (SPP) 2014 and National Planning Framework 3 (NPF3). NPF3 aims to facilitate new housing development, particularly in areas where there is continuing pressure for growth. SPP introduces a presumption in favour of development that contributes to sustainable development. In terms of residential development, the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements. The Council must also maintain a five-year supply of effective housing land.

### 3.3 **Planning Background**

- 3.3.1 The applicant submitted a pre-application enquiry in 2020 for a proposed flatted residential development at the site. The Planning Service and Roads and Transportation Service provided a general response based on the limited plans provided at the time.

## 4 **Consultation(s)**

- 4.1 **Roads Development Management** - no objections to the proposal subject to the attachment of conditions in relation to parking and submission of a construction management plan.

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

- 4.2 **Roads Flooding** – no objection to the proposal subject to attachment of conditions requiring the provision of a flood risk assessment, sustainable drainage design and appropriate self-certification.

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

- 4.3 **Environmental Services** – no objections subject to a condition requiring the submission of a radon gas assessment.

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

- 4.4 **Estates Services** – no objections to the proposal.

**Response:** Noted.

- 4.5 **Scottish Water** – no objections to the proposal.

**Response:** Noted.

- 4.6 **SP Energy Networks** – no objections to the proposal.

**Response:** Noted.

- 4.7 **SEPA** – no response received to date.

**Response:** Noted.

- 4.8 **Community and Enterprise Resources - Play Provision Community Contributions** – no contributions required in this instance.

**Response:** Noted.

- 4.9 **Housing and Technical Resources** – no contributions required in this instance.

**Response:** Noted.

## 5 **Representation(s)**

- 5.1 Statutory neighbour notification was undertaken and the proposal was also advertised in the local press as development potentially contrary to the development plan as not

all neighbours could be identified. Eleven letters of objection and one letter of comment were received, the points of which are summarised below:-

- a) **The proposed flats will result in the loss of privacy/overlooking of the dwellings and their gardens to the rear of the site at Maple Terrace which is unacceptable.**

**Response:** The proposed flatted block is approximately 41 metres from the rear boundaries of the properties at Maple Terrace at the closest point. Whilst the properties on Maple Terrace are stepped along the row, there will still be at least 50 metres window to window distance between the flatted block and the existing dwellings. As the standard required under the Council's Residential Development Guide requires at least 20 metres, I am satisfied there is sufficient distance to ensure no significant impact on existing residents in terms of loss of privacy or overlooking.

- b) **This development will create significant disturbance for existing residents during construction works. An increase in new residents will also create disturbance for existing residents.**

**Response:** Whilst a level of disruption is inevitable during construction works, this is for a limited period only and therefore not a valid reason for refusal of the application. There is nothing to suggest the proposed flats will increase noise for existing residents; this is also not a valid reason for refusal of the application.

- c) **The landscape will be changed dramatically as a result of this development.**

**Response:** The proposal is for a flatted block within a general urban area. Whilst it is acknowledged this will change the outlook for the properties at Maple Terrace to the rear of the site, this is not considered to dramatically change the landscape. It is also not considered sufficient justification for refusal of the application.

- d) **Stroud Road is already a busy road for traffic which will be worsened by this development; this proposal is a road safety issue.**

**Response:** The Council's Roads and Transportation Service have been consulted as part of this application and have raised no road safety concerns.

- e) **The plans submitted show there will be a cut in the hill to make way for the car park however no retaining wall is shown. The hill is prone to flooding therefore if no retention is in place there is a potential for landslip which would affect properties at top of hill.**

**Response:** The plans show the application site boundary extending to the bottom of the hill. However, should permission be granted, a condition will be attached requiring details of all walls, including any necessary retaining walls, to be submitted and approved prior to works commencing on site.

- f) **The proposal will result in a loss of view for the properties to the rear.**

**Response:** Loss of view is not a valid planning consideration.

- g) **The footprint of the proposed building will land-lock Maple Terrace from road access. Another service road should be created nearby to service households and allow emergency access.**

**Response:** Vehicular access to Maple Terrace is not from the application site therefore this is not a valid reason for refusal. As noted above, the Council's Roads and Transportation Services have raised no objections to the proposal.

- h) **The car park at the former sports centre provides existing residents with additional capacity as there is insufficient parking on Maple Terrace. This proposal results in the loss of parking for existing residents and will result in Maple Terrace becoming further congested.**  
**Response:** Whilst it is noted the existing car park at the former sports centre is often used by local residents, this is not a reason for refusal of the application.
- i) **All wildlife and flora and fauna must be protected and should not be adversely affected as a result of this development.**  
**Response:** This is noted. A bat survey of the buildings to be demolished has been submitted as part of this application and should permission be granted, a condition will be attached to ensure any recommendations of the survey are carried out before and during the construction process.
- j) **This proposal will reduce the value of surrounding properties.**  
**Response:** Loss of value is not a valid planning consideration.
- k) **The proposed building will overshadow the properties to the rear.**  
**Response:** The Council has carried out an overshadowing test and the applicant has also submitted a shadow test. Both show that due to the orientation of the proposed block sitting to the south-east of the dwellings on Maple Terrace, there would be a small level of shadowing early in the morning during the winter months only. However as the sun moves around from east west, and as Maple Terrace already sits at an elevated position, by mid-morning there would be no shadowing issues as a result of this proposal.
- l) **The existing pathway running adjacent to the site is well used and with the increased volume of traffic entering and exiting the site, this increases risk to pedestrians.**  
**Response:** Whilst it is noted there is an existing pathway used by local residents to access the facilities in Lindsayfield, the Council's Roads and Transportation Services have raised no safety concerns regarding this.
- m) **The location of the bins to the rear of the proposed building is likely to increase odours and a build-up of waste near the dwellings behind.**  
**Response:** The proposed fenced bin stores are approximately 20 metres down the hill from the properties at Maple Terrace. Given this, it is not considered there will be any impact in terms of odours on existing residents. Furthermore the Council's Environmental Services have raised no objection to the proposal.
- n) **There are existing drainage issues at the site. This will be exacerbated by the development.**  
**Response:** The Council's Roads Flooding section were consulted as part of this proposal and have raised no objection subject to the attachment of conditions requiring the provision of a flood risk assessment, sustainable drainage design and appropriate self-certification. As such, it is considered this detail can be conditioned should permission be granted.
- o) **This proposal results in the loss of a sports facility. What will be introduced to replace it?**  
**Response:** The former Greenhills Sports Centre has been declared surplus to requirement and is being sold by the Council's Estates Service. It is noted that there is a wide variety of sporting facilities across East Kilbride with the closest being the Alistair McCoist Complex which is a short distance away from this site.

- p) **The proposal is for social housing and will bring with it anti-social behaviour which will be to the detriment of existing properties.**

**Response:** There is nothing to suggest this will be the case and this is not a valid reason for refusal of the application.

- q) **3 Chestnut Crescent and adjacent properties were not notified of this development.**

**Response:** The properties on Chestnut Crescent that are within the 20 metre notifying distance are No.'s 13 and 15. As such, these have both been notified. It is also noted that the application was advertised in the East Kilbride news.

- r) **How will this build affect the local area.**

**Response:** Whilst it is unclear what this comment specifically refers to, if approved, this proposal will result in the re-use of an existing site within a residential area for residential purposes. It is not considered there will be any negative impact on the local area as a result of this proposal.

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

## **6 Assessment and Conclusions**

6.1 Detailed planning permission is sought for the demolition of existing buildings and erection of 28 flatted dwellings with associated infrastructure and landscaping at the former Greenhills Sports Centre, Stroud Road, East Kilbride. The applicant is Merchant Homes Partnership Ltd who are developing the site on behalf of Sanctuary Housing Association. The determining issues in the assessment of this application are compliance with local plan policy, its impact on the amenity of the adjacent properties and road safety matters.

6.2 As noted above, Policy 3 – General Urban Areas of the adopted South Lanarkshire Local Development Plan 2 (2021) is applicable and advises proposals within or adjacent to residential areas will be assessed on their individual merits, with particular regard to their effect on the amenity and character of the area. Developments which would be detrimental to the amenity of residents and the wider community or to the character of the surrounding area will not be permitted. Policy 5 – Development Management and Placemaking advises that to ensure development takes account of the principles of sustainable development, all proposals require to be well designed and integrated with the local area. Similarly, Policy DM7 – Demolition and Redevelopment for Residential Use advises developments of this nature must give careful consideration to the siting of buildings, massing, use of materials and existing landscape features to ensure that redevelopment schemes do not adversely affect the character of any adjacent residential areas.

6.3 Policy 11 – Housing advises the Council expects developers to provide a diverse and attractive mix of house types and sizes, including different tenure mixes to ensure that a full range of housing types are provided in order to meet the diverse housing need and demand across the Council area. 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 Merchant Homes Partnership Ltd who are developing the site for Sanctuary Housing Association.

- 6.4 Policy 13 - Green Network and Greenspace seeks to safeguard areas with this designation. Partial loss will only be considered favourably where it can be demonstrated that the loss will have no adverse impact on the character or function of the area and there is no significant adverse impact on the landscape character and amenity of the surrounding area. There should be no impact on natural and/or built heritage. Policy 2 – Climate Change seeks to ensure that developments seek to minimise and mitigate against the effects of climate change and that development does not result in any significant environmental or amenity impacts.
- 6.5 In this case the proposal is for affordable housing therefore the principle of the development is supported by the Council and there are no contributions required in this instance. Whilst the proposed block will sit slightly higher than the properties at Maple Terrace which are already at an elevated position, the block has been sited to minimise impact on these residential properties in terms of overlooking and overshadowing by being located closer to Stroud Road than the existing buildings on site to be demolished. The proposed building has been designed and finished in materials that will integrate with the surrounding residential properties, however a condition would be attached to any permission granted for full samples to be submitted prior to works commencing on site. It is noted the proposed development also incorporates a range of sustainable design features. With regards to the Council's Residential Development Guide, I am satisfied the proposed layout meets with the standards in relation to parking, amenity space, window to window distances and bin provision.
- 6.6 As noted above, a small part of land to the rear of the site and a strip of land at the front of the site containing trees are designated as Priority Greenspace/Green Network in the adopted local plan. These are part of a wider zoning at either side of the site running the length of Stroud Road. In terms of the land to the rear of the site, this is a small area behind the two existing buildings on site which is overgrown and fairly unkempt. In terms of the strip at the front of the site, this includes a number of mainly cypress trees. Whilst it is regrettable that the majority of these would require to be removed, the applicant proposes replacement planting across the site. Whilst some landscaping details have been submitted, should permission be granted, a condition would be attached for full details to be submitted and agreed prior to works commencing on site. Therefore whilst Council policy is for these areas to be retained where possible, further replanting will take place throughout the application site to compensate for the loss of the trees at the front. In addition, as the small area to the rear is not well maintained, it is considered the loss of these two small areas is acceptable and will have no significant adverse impact on the wider greenspace within the area.
- 6.7 In terms of road safety impacts, the site layout has been designed to ensure the parking and access specifications are in compliance with the Council's standards and to ensure adequate pedestrian connectivity is provided throughout the development. As such, the Council's Roads Development Management Section have confirmed their satisfaction with the layout subject to the attachment of conditions. In terms of flood risk, no objections have been received from the Council's Roads Flood Risk Management team subject to the attachment of conditions. Should permission be granted appropriate Roads conditions would be attached to the consent issued.
- 6.8 The Council's Environmental Services have also raised no objection subject to the attachment of a condition requiring the submission of a radon gas assessment. Should permission be granted, a suitable condition can be attached. Scottish Water and SP Energy Networks were also consulted and raised no objections, and no response has been received to date from SEPA.



- 6.9 As detailed above, the statutory neighbour notification process was carried out and the application advertised in the local press. As such, eleven letters of objection and one letter of comment were received, the points of which are summarised in section 5 above. However following consideration of the points raised it is not considered they merit refusal of the application.
- 6.10 The application was advertised as Development Contrary to the Development Plan in the East Kilbride News as a small section of the site is land designated as Priority Greenspace/Green Network in the adopted South Lanarkshire Local Development Plan 2 (2021). 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 3, 5, 11, 12 and DM7 of the adopted South Lanarkshire Local Development Plan 2 (2021).
  2. The proposal will have no significant adverse impact on residential amenity and complies with standards within the Council's Residential Development Guide (2011).
  3. The proposal has no road safety implications and provides adequate access and parking.
  4. The proposal provides affordable housing which is supported by SPP.

## **7 Reasons for Decision**

- 7.1 The proposed development complies with Policies 3, 5, 11, 12 and DM7 of the adopted South Lanarkshire Local Development Plan 2 (2021).

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

Date: 5 November 2021

### **Previous references**

- ◆ None

### **List of background papers**

▶ Application form	
▶ Application plans	
▶ South Lanarkshire Local Development Plan 2 (adopted 2021)	
▶ Neighbour notification letter dated	21.07.2021
▶ Consultations	
Roads Development Management Team	13.09.2021
Environmental Services	12.08.2021
Roads Flood Risk Management	13.09.2021
Estates Services - Housing and Technical Resources	21.07.2021
Scottish Water	23.07.2021
SP Energy Network	22.07.2021
SEPA West Region	No response
Community and Enterprise Resources Play Provision	12.08.2021
Community Contributions	
Housing and Technical Resources	25.10.2021

► Representations	Dated:
Jacqui and David Kirwan, 185 Maple Terrace, East Kilbride, Glasgow, South Lanarkshire, G75 9EH	26.08.2021
Owner/Occupier, 191 Maple Terrace, East Kilbride, Glasgow, South Lanarkshire, G75 9EH	30.07.2021
Mr Eddie Tomkinson, 193 Maple Terrace, East Kilbride, G75 9EH	09.08.2021
Mr Joe Allan, 94 Franklin Avenue, Westwood, East Kilbride, G75 8LS	12.08.2021
Barbara Braidwood, Received Via Email	18.08.2021
Mr James Irene Callaghan, 187 Maple Terrace, Greenhills, East Kilbride, G75 9EH	02.08.2021
Mr John Reid, 197 Maple Terrace, Greenhills, East Kilbride, G75 9EH	27.07.2021
Mr Richard Noble, 87 Ash Avenue, East Kilbride, G75 9EP	18.10.2021
Mr Craig Carr, 7 Cedar Drive, Greenhills, East Kilbride, G75 9HS	18.10.2021
Mrs Michelle Docherty, 130 Troon Avenue, Glasgow, G75 8TJ	19.09.2021 19.09.2021
Mr David Kelly, 63 Alder court, Greenhills, East Kilbride, G75 9HN	18.10.2021
Miss Shona Lightbody, 3 Chestnut Crescent, East Kilbride	26.10.2021

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

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

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

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

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

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

04. 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 3, 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.

05. 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.

06. 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.

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

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

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

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

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

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

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

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

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

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

10. That no development shall commence until details of surface water drainage arrangements (including provision of a flood risk assessment, drainage assessment and maintenance responsibilities) 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 requirements (Appendices 1,2,3,4 & 5).

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

11. That the development hereby approved shall not commence until surface water drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority, under the terms of Condition 10 above.

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.

12. That any recommendations of the CSM Ecology Initial Bat Survey report dated 27th July 2021 shall be carried out in accordance with this document prior to and throughout the construction process.

Reason: To ensure that any species are protected and suitable mitigation measures are put in place.

13. That all residential units hereby approved shall be for social rent and will not be available for private sale.

Reason: In order to retain effective planning control.

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

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

15. 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.

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

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

17. That prior to any works associated with the construction of the development commencing, a Construction Traffic Management Plan shall be submitted to the Council as Roads and Planning Authority for approval. This shall include:

1. A programme for starting on site.
2. Details of wheel washing/ road cleaning regime to ensure mud and debris is not deposited on the public road.
3. A plan showing that all vehicles should be able to access and exit the site in forward gears, therefore a turning area must be provided.
4. A plan showing the turning area and location and number of spaces for site staff / operatives

Reason: In the interests of traffic and public safety.

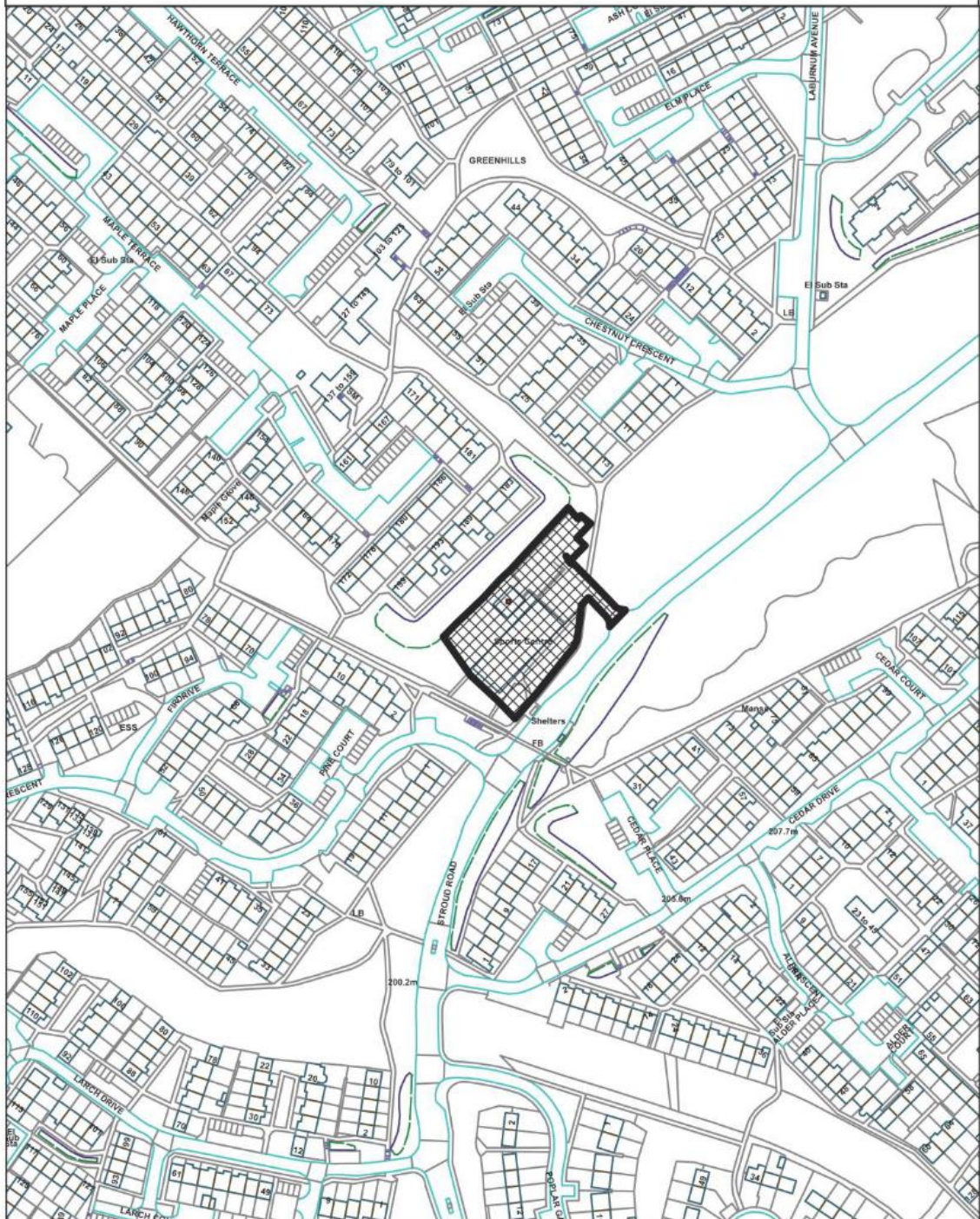
18. That unless otherwise agreed, prior to works commencing on site, details of the design of the proposed bin stores, which shall include a roof and gate, shall be submitted to and approved by the Council as Planning Authority and thereafter implemented and maintained to our satisfaction.

Reason: In the interests of visual amenity.



P/21/1129

Former Greenhills Sport Centre, Stroud Road, East Kilbride



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Date:  
21/10/2021



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





# Report

9

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>16 November 2021</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/21/1183
Planning proposal:	Substitution of House Types (Amendment to Consent CL/15/0445)

## 1 Summary application information

Application type:	Further application
Applicant:	Allanwater Homes and Upper Braidwood Development Consortium
Location:	Land 125M East of 15 Lanark Road Lanark Road Braidwood Carluke

## 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: Sam Sweeney
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (adopted 2021)**  
Policy DM1 New Development Design  
Policy NHE9 Protected Species  
Policy 1 Spatial Strategy  
Policy 2 Climate change  
Policy 3 General Urban Areas  
Policy 5 Development Management and Placemaking  
Policy 11 Housing  
Policy 13 Green Network and Greenspace  
Policy 14 Natural and Historic Environment

### ◆ Representation(s):

►

2

Objection Letters

▶	0	Support Letters
▶	1	Comment Letters

♦ **Consultation(s):**

Roads Development Management Team

West of Scotland Archaeology Service

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site, extending to 7.60 hectares, is located on Lanark Road in Upper Braidwood and comprises a mixture of sheds, greenhouses, boilerhouses, (associated with existing and redundant nurseries), derelict land, an area of scrub, agricultural fields, curtilage of a dwellinghouse, a restaurant and car park. Within the perimeter boundaries but outwith the application site are three detached dwellings. Topographically the site rises gradually in a west/east direction and in terms of vegetation cover, there are groups of trees scattered throughout the site and hedgerows along some of the perimeter boundaries.
- 1.2 The site sits within the settlement boundary of Upper Braidwood and is bounded to the west by Lanark Road (A73) (the main road corridor between Lanark and Carluke), a number of private dwellinghouses and beyond by agricultural land; to the east by agricultural land, Old Lanark Road and the large garden of a detached dwelling; to the north by a burn, agricultural fields and a farmhouse and steading; and to the south by residential dwellinghouses and agricultural fields. The site is a combination of 8 separate parcels of privately owned ground.

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

- 2.1 The applicant seeks planning permission to substitute house types on 125 of the 140 plots approved under Planning Permission CL/15/0445. The other 15 plots are unchanged as the owners of the land do not wish to sell to the current developer who intends constructing the proposed house substitutions which cover most of the site area. The road/footpath layout, amenity space, play area, landscaping, parking provision etc is the same as the plans for the original approval.
- 2.2 The proposed house types are different in style and design however they are on approximately the same footprint as the original approved plots with some minor variations. The proposal comprises 26 bungalows and 99 two storey dwellings (12 semi-detached) ranging from 3 to 5 bedroom. A variety of conventional and contemporary designs are proposed, appropriate to an urban setting. Parking provision has been allocated for each plot based on number of bedrooms. For one to 3 bedroom dwellings two spaces have been allocated and for 4 bedrooms and above it is three spaces in accordance with current standards.

### **3 Background**

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

- 3.1.1 The adopted South Lanarkshire Local Development Plan identifies the vast majority of the site as lying within the settlement boundary of Upper Braidwood. The site is identified as a Proposed Residential Masterplan Site where Policy 1 - Spatial Strategy and Policy 11 - Housing apply. In addition, Policies, 2 - Climate Change, 3 - General Urban Areas and Settlements, 5 - Development Management and Place Making, 13 - Green Network and Greenspace, 14 Natural and Historic Environment, DM1- New Development Design and NHE9 Protected Species are of relevance to the determination of this application.

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

- 3.2.1 In terms of residential development, Scottish Planning Policy (SPP) advises that the planning system should identify a generous supply of land to support the achievement of housing land requirements and maintaining at least a 5 year supply of land at all times. It should also enable the development of well designed, energy efficient, good quality housing in sustainable locations and focus on the delivery of allocated sites. In terms of development in the rural area, SPP states that most new development should be guided to locations within or adjacent to settlements.

Planning should take every opportunity to create high quality places and direct development to the right places, in particular by encouraging the re-use of brownfield sites.

### 3.3 **Planning Background**

- 3.3.1 Planning Permission CL/15/0445 for a residential development comprising 140 dwellings, associated road, infrastructure and landscaping was granted by Planning Committee in April 2016 subject to the conclusion of a section 75 agreement for financial contributions towards education, affordable housing and community facilities. Once the section 75 agreement was concluded, the decision notice was issued on 02 November 2018. The terms of the section 75 agreement transfer to all further approvals within the application site area. Under normal circumstances, without any commencement of development on site this approval would have expired. However, the associated Town and Country Planning (Emergency Period and Extended Period (Coronavirus) (Scotland) Regulations 2021 has extended planning permissions which would otherwise have lapsed during the emergency period further to September 2022, keeping Planning Permission CL/15/0445 live.

## 4 **Consultation(s)**

- 4.1 **Roads and Transportation Services** – Since this current application is subject to a previously approved live planning application, previously imposed conditions should be conditioned within any approval of this application. Having reviewed the proposal there are no changes to plot location or road layout. An informative note should be added which states that this development will require the applicant to promote and implement a Speed Limit Order for the reduction of the posted speed limit from 40mph to 30mph of this section of the A73 Lanark Road. They offer no objections to this application subject to conditions.

**Response:** Noted. If Planning Permission is granted, conditions attached to Planning Permission CL/15/0445 will be applied along with an informative note on a requirement for a Speed Limit Order.

- 4.2 **WOSAS** – have recommended a programme of archaeological investigations prior to the commencement of development on site due to the potential for archaeological finds.

**Response:** This matter can be covered by appropriate condition if permission is granted.

## 5 **Representation(s)**

- 5.1 In response to the carrying out of neighbour notification and the advertisement of the application in the local press due to non-notification of neighbours, 2 letters of objection and 1 comment letter have been received. The issues raised are summarised below:

**a) Overlooking of existing neighbouring property at 1 Albert Park from Plots 112/113 which are two storey semi-detached dwellings.**

**Response:** These two storey dwellings will be relocated elsewhere within the development and replaced by a bungalow. Further a condition will be attached to ensure the installation of a 1.8m high screen fence and the maintenance of mature trees, where appropriate, along the mutual boundary as a means of protecting privacy.

**b) Position of Plots 114/115 may result in the loss of sunlight and overshadowing of rear garden.**

**Response:** The proposed plot at 115 is a bungalow and a shadow assessment has concluded that the proposed two storey dwelling at plot 114 will not result in any significant loss of sunlight or cause significant overshadowing.

- c) Noise and disturbance from the kick about pitch. The kick about pitch and play areas should have been centrally located for ease of access for residents.**

**Response:** This application purely relates to house substitutions - there are no plans to alter the location of the kick about pitch and other amenity spaces, which have been approved by the previous approval. Therefore the nature of this objection is not relevant to the assessment of this application. Notwithstanding, kick about pitches and play areas are commonplace features within the urban environment and there are intervening dwellings between the objector's house and the proposed kick about pitch. Due to the constraints of the layout and size of the pitch, the location chosen for it was deemed to be the most suitable. It will be primarily used by older children and it will be within easy walking distance for all residents within the development. There are smaller amenity zones located throughout the development – details of proposed play areas for toddlers and young children have still to be submitted and approved. Environmental Health have separate legislative powers to deal with noise disturbance in the event of any future complaint being received.

- d) Objector did not receive neighbour notification about previous planning application.**

**Response:** Records in the file for Planning Permission CL/15/0445 indicate that neighbour notification was sent to neighbouring properties at the time the planning application was submitted.

- e) Require landscaping plan detailing tree planting and trees to be retained as submitted for the previous approval.**

**Response:** Landscaping plans detailing trees to be planted and retained have been submitted.

- f) Requested further information on how bats are to be handled during demolition of building and clarification on the usefulness of bat boxes. Due to the time lapse since the approval is the previous bat survey still valid?**

**Response:** Due to the sensitivity of such information details of bat surveys and mitigation measures are not made available to the general public. However, a Licence from ScottishNature has been applied for, to disturb any identified bat roost and to handle bats in accordance with recognised standards. An updated bat survey was carried out between May and July this year by a qualified ecologist who recommended mitigation measures including the installation of bat boxes.

- g) Impact upon natural habitats which are home to many animals including deer, squirrels, hedgehogs, rabbits, birds and a bat roost. What measures will be taken to protect wildlife?**

**Response:** A residential development has already been approved on the site therefore the principle of the development cannot be revisited. Notwithstanding as established by previous ecological surveys there are no protected habitats or other habitats considered of importance to plants and wildlife affected by the proposal. Other than bats which will be subject of a bat protection plan no other protected species within the application site have been identified during ecological surveys. There is sufficient surrounding countryside and woodland

where any displaced animals can recolonise. A condition will be attached to protect nesting birds.

**h) Will existing conditions apply or will a new set be drawn up?**

**Response:** Relevant conditions will be re-applied or amended where appropriate. Additional conditions will be attached to take account of climate change objectives and the provision of digital broadband.

**i) Uncoloured coded houses imply these houses can be built under the current umbrella of this application.**

**Response:** The applicant does not intend substituting or developing the plots shown white on the submitted layout however the proposed dwellings on these plots still benefit from the previous approval CL/15/0445.

**j) As there is no suitable safe walking route from the site to the local primary school, children will have to be bused or driven to school.**

**Response:** This is a matter for the parents and the school authority.

**k) Will there be places for the additional families at the health centre and primary school.**

**Response:** This site has been identified as being suitable for housing in the current and previous adopted local plans for over 6 years without any issues on the capacity of the health centre to accommodate additional residents being raised. In terms of the previous Planning Permission CL/15/0446 Education Resources did not object subject to the developer providing a financial contribution for education accommodation in the school catchment areas for the site. The terms of the contribution have been set down in a section 75 agreement between the developers and the Council.

**l) Why was there a delay in the submission of the application and its final approval? Why was there an amendment to its final expiry date?**

**Response:** The delay in issuing a Decision was a result of the time taken to conclude a section 75 agreement. There had been no initial amendment to the expiration date other than by reason that all planning permissions which would have lapsed during the covid emergency period have been extended to September 2022.

**m) What mitigation measures will be put in place to ensure no nests are damaged or destroyed during the development.**

**Response:** A condition will be attached to protect nesting birds.

**n) Has an Environmental Impact Assessment (EIA) been carried out as it was marked as not available on the application form.**

**Response:** An EIA was not considered necessary for the current and previous planning applications for the site area. However, for the previous application CL/15/0445 as the proposal related to a residential development which falls within the definition of 'major' development, as set out in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 the applicants undertook pre-application consultation prior to the submission of the planning application.

**o) Loss of privacy as there will be new homes directly over rear fence meaning there will now be overlooking in the rear garden and rear house windows.**

**Response:** Within high density urban areas there will always be some level of overlooking. The Council's Residential Guide recommends that there should be a minimum of 20 metres between directly facing habitable windows. The objector

has not specified her address however in most cases proposed dwellings in the development adjoining existing houses are either bungalows or meet the requirements of the Residential Development Guide. A condition will be attached to ensure screen fencing is installed along mutual boundaries.

5.2 These letters are available on the planning portal.

## **6 Assessment and Conclusions**

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

6.2 Policy 1 Spatial Strategy aims to ensure that development proposals are of a compatible scale and that a generous supply of housing land is provided in appropriate locations. District heating schemes are encouraged. The policy lists all projects that are appropriate to the spatial strategy including a residential masterplan site at Upper Braidwood covering the planning application site. In terms of the requirements for this specific area, the SLLDP2 states that the Council will discourage piecemeal proposals and seek a comprehensive and co-ordinated approach to the servicing and development of access and drainage in the area, ensuring green infrastructure, suitable housing provision including affordable housing and upgrades to the electricity network as required. The previous Planning Permission CL/15/0445 for 140 dwellings was compliant with the masterplan requirements at the time of assessment and pre-dated the adoption of the current Local Plan and the promotion of district heating which in this instance would be unreasonable to insist upon, especially as the proposal only relates to house substitution and does not involve changes to the approved layout. There was no identified need to upgrade the electricity network and the preference of Housing was for a commuted sum rather than on site provision of affordable housing. Therefore, the proposal complies with Policy 1.

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 Upper Braidwood 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 Upper Braidwood 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 sizes 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 a reasonable range of styles and housing types. The proposal satisfactorily complies with the aims of Policies 3 – General Urban Areas and settlements and 11 - Housing of the adopted local development plan and therefore the principle of the proposed development is acceptable.

6.4 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 located within the settlement boundary of Upper Braidwood where there is access to public bus routes and a number of services and facilities in the village which are within easy walking distance. The proposal will redevelop a significant area of brownfield land. The site is not at risk of flooding and a

landscaping plan has identified trees to be retained along with additional tree planting. Conditions have been attached requiring the submission and approval of details for low carbon technology. Electrical vehicle recharging can be obtained from the electrical supply servicing the houses. In consideration, the proposals would not undermine the objectives of policy 2.

- 6.5 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. Policy DM1 - New Development Design reiterates these points and adds that modern innovative design can reflect local tradition through scale, massing, siting and colour rather than replicating existing building form. New houses should be designed in such a way as to incorporate high speed broadband connection.
- 6.6 The road layout, landscaping, amenity, drainage infrastructure etc and streetscene character remains largely unchanged. House replacements are similar to the footprint, curtilage, driveway, and parking provision as the originally approved dwellinghouses which are being substituted. The size, scale and design of the dwellings are in keeping with the established character of the area, will not adversely affect residential amenity and are largely compliant with guidance in the Residential and Rural Design Guides. The proposal will not have a significant impact upon landscape features, protected habitats or species. There are no infrastructure constraints. Roads and Transportation Services have not raised any traffic or public safety issues in their consultation response. Adequate parking, turning areas and access can be provided. A condition has been attached requiring approval of measures to facilitate the provision of full fibre broadband. In view of the above, it is considered that the proposal would relate satisfactorily to adjacent development, and the character and amenity of the residential area would not be impaired by reason of traffic generation, parking, visual intrusion or physical impact. The proposal is therefore satisfactory in terms of Policies 5 and DM1 of the adopted Local Plan.
- 6.7 The site forms part of the Green Network where Policy 13 – Green Network and Greenspace seeks to enhance and extend the green network as a means of contributing towards placemaking, enhancing health and supporting biodiversity. Landscaping represents a significant element of the proposed layout and is diffused throughout the site in both private and public space, around play areas, swales and along the roadsides and footpaths. The landscaping spread and distribution throughout the site accords with Policy 13.
- 6.8 Policy 14 – Natural and Historic Environment states that the Council will assess all development proposals in terms of their impact on the natural and historic environment, including landscape. The Council will seek to protect important natural and historic sites and features from adverse impacts resulting from development, including cumulative impacts. 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 some of the existing buildings on site which are to be demolished, this matter will be considered further under the terms of Policy NHE9 – Protected Species.
- 6.9 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

6.10 In response to the first test, the site has been identified for some considerable time as a suitable housing site for purposes of meeting housing demand in the medium to long term. The derelict nature of part of the site represents an eyesore and the re-use of previously developed land is supported by the Scottish Government. In respect of the second test there is no alternative other than leaving the site in its present condition. Three roosts, two non breeding summer roosts and one transient roost, used by a small number of Soprano Pipistrelle bats, were identified in three separate buildings, earmarked for demolition, over the course of two bat surveys, one in June 2015 and the most recent during summer 2021. The applicant has applied to ScottishNature for a bat licence to legally remove these roosts, during demolition – the application includes a bat protection plan outlining procedures for the removal of the roosts and mitigation measures including compensatory bat roost provision incorporated into the structure of some of the new building dwellings (either bat slates/tiles on new build roofs or bat tubes). The procedures adopted will not harm either individual bats or the local/regional status or national status of bats, therefore the terms of the third test have been met. It is considered the proposal will not adversely affect bats and complies with the requirements of Policies 14 and NHE9.

6.11 In view of all of the above and taking into account the current local development plan context, the previous Planning Permission CL/15/0445 for 140 dwellings which remains live and the supporting information submitted with the application, the proposed house substitutions, an amendment to CL/15/0445, are deemed to be acceptable. The proposals represent an appropriate form of residential development for the 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 have no adverse impact on residential or visual amenity and raises no road safety concerns. The development complies with Policies 1, 2, 3, 5, 11, 13, 14, NHE9 and DM1 of the adopted South Lanarkshire Local Development Plan 2.

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

Date: 28 October 2021

### **Previous references**

- ◆ CL/15/0445

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 23 July 2021

►	Consultations	
	Roads Development Management Team	29.09.2021
	West of Scotland Archaeology Service	03.08.2021
►	Representations	Dated:
	Alfred Dickson, Windygates, 1 Albert Park, Braidwood, Carluke, South Lanarkshire, ML8 4RZ	13.08.2021
	Mrs Rosalind Young, 6 Albert Park, Braidwood, ML8 4RZ	12.08.2021
	Emma Henderson, Received Via Email	16.09.2021

### **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 by the Council as Planning Authority.

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

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

Reason: In the interests of amenity.

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

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

04. That the landscaping scheme relating to the development hereby approved shall be carried out simultaneously with the development, or each phase thereof, and shall be completed and thereafter maintained and replaced where necessary to the satisfaction of the Council as Planning Authority.

Reason: In the interests of amenity.

05. That before any work commences on the site , a scheme for the provision of play area(s) and kick about pitch within the site(s) detailed on the approved plans shall be submitted to the Council as Planning Authority for written approval and shall include:(a) details of the type and location of play equipment, seating and litter bins to be situated within the play area(s); (b) details of the surface treatment of the play area, including the location and type of safety surface to be installed; (c) details of the fences to be erected around the play area(s); and (d) details of the phasing of these works.

Reason: To ensure the provision of adequate play facilities within the site and in order to retain effective planning control.

06. That before each phase approved under the terms of condition 14 below is completed, the entire access road and footpath network serving the approved phase shall be laid

out and constructed in accordance with the specification of the Council as Roads and Planning Authority.

Reason: To ensure satisfactory vehicular and pedestrian access facilities to the dwellings.

07. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. No dwellinghouse shall 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 unless otherwise agreed in writing by the Council.

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. Prior to the commencement of any development on site, a detailed scheme, showing the design and specification for the installation of the signalised junction with MOVA control measures on the A73 shall be submitted to and approved in writing by the Council as Planning and Roads Authority. Thereafter the approved scheme shall be implemented to the satisfaction of the Council and be in operation before any house within the development is occupied.

Reason: In the interest of public safety.

09. Prior to occupation of any part of the development hereby approved the existing bus stops adjacent to the A73 Lanark Road shall be relocated to a position to be agreed with the Council as Roads and Planning Authority and Strathclyde Partnership for Transport and enhanced by the provision of access kerbs of a type to be approved by the Council as Planning and Roads Authority following consultation with Strathclyde Partnership for Transport.

Reason: To be consistent with the requirements of SPP and Planning Advice Note 75.

10. Prior to the commencement of any part of the development details of all pedestrian and cycle links to the existing networks shall be submitted to and approved by the Council as Planning Authority. Thereafter the approved scheme shall be implemented to the satisfaction of the Council and be in operation before any house within the development is occupied or other timescale agreed in writing by the Council.

Reason: To be consistent with the requirements of SPP and Planning Advice Note 75.

11. That prior to works commencing on site, further junction analysis at the signalised junction at A73 Stewart Street and Glamis Avenue shall be submitted by the applicant for the approval of the Council as Planning and Roads Authority.

Reason: In the interests of efficient traffic movement.

12. That the new traffic signal installation to serve the development or alterations to the existing traffic signal system on the A73 shall be undertaken by the Council's Traffic

Signal Maintenance Contractor to the satisfaction of the Council as Planning and Roads Authority.

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

13. That before the occupation of any houses, a 2 metre wide footway shall be constructed along the A73 frontage of the site to the specification of the Council as Roads and Planning Authority.

Reason: In the interest of public safety.

14. No development shall take place within the site until a detailed Phasing Scheme (the Scheme) has been submitted by the developer to, and approved in writing by, the Council as Planning Authority. The Scheme will include, amongst other items, the phasing of the construction of roads and SUDS features, landscaping, play areas and kick about pitch and will specifically include a timetable for implementation. Thereafter, the development will be carried out strictly in accordance with the terms of the Scheme as approved, unless the Planning Authority gives written consent to any variation or variations of the Scheme (including the timetable for implementation), in which case the development will be carried out strictly in accordance with the Scheme as varied from time to time.

Reason: To ensure that the development proceeds in an orderly manner.

15. That the maximum gradients of the road system within the development shall be no greater than 8%.

Reason: In the interest of public safety.

16. That internal visibility splays of 2.4 metres by 25 metres measured from the road channel shall be provided and maintained in both directions at all junctions and everything exceeding 1.05 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 1.05 metres in height shall be planted, placed, or erected within these sight lines.

Reason: In the interest of road safety.

17. That none of the driveways shall have a gradient in excess of 1:10.

Reason: In the interest of public safety.

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

Reason: These details have not been submitted or approved.

19. 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 18 above, shall be erected and thereafter maintained to the satisfaction of the Council.

Reason: In order to retain effective planning control.

20. That no dwellinghouse shall be occupied until the developer provides a written agreement from Scottish Water that the site can be served by a sewerage and water 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.

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

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

22. That the development shall be carried out in accordance with the measures and method statement set down in the Appendix 2 'Bat Protection Plan' of the Bat Roost Surveys (Acorna Ecology Ltd, May - July 2021) including further bat surveys and the installation of bat boxes on the completion of the development.

Reason: In the interests of wildlife.

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

Reason: In the interest of public safety.

24. That before each phase of the development hereby approved is completed or brought into use, the entire access road and footpath network serving that part of the development shall be laid out and constructed in accordance with the specification of the Council as Roads and Planning Authority.

Reason: In the interest of public safety.

25. That before any work starts on site details of an acoustic barrier shall be submitted to the Council as Planning Authority for its consideration and written approval. The proposals shall ensure that the external day time noise level between 07.00 and 23.00 shall not exceed an LAeq.16hrs of 50dB when measured free field within the curtilage of any external amenity area. The external night time noise level between 23.00 and 7.00 shall not exceed an LAeq.8hrs of 40dB when measured free field within the curtilage of any external amenity area.

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

26. That before any of the dwellinghouses are occupied, a 1.8 metre high screen fence shall be erected along the boundaries marked yellow on the approved plan subject to minimising impact upon existing boundary trees.

Reason: To protect the privacy of neighbouring dwellings.

27. Prior to the commencement of the development hereby approved (including any demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Council as Planning Authority. Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) A full specification for the installation of boundary treatment works.
- e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) A specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- k) Boundary treatments within the RPA
- l) Methodology and detailed assessment of root pruning
- m) Arboricultural supervision and inspection by a suitably qualified tree specialist
- n) Reporting of inspection and supervision
- o) Methods to improve the rooting environment for retained and proposed trees and landscaping
- p) Veteran and ancient tree protection and management.

The development shall thereafter be implemented in strict accordance with the approved details.

Reason: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.

28. 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.

29. 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.

30. 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.

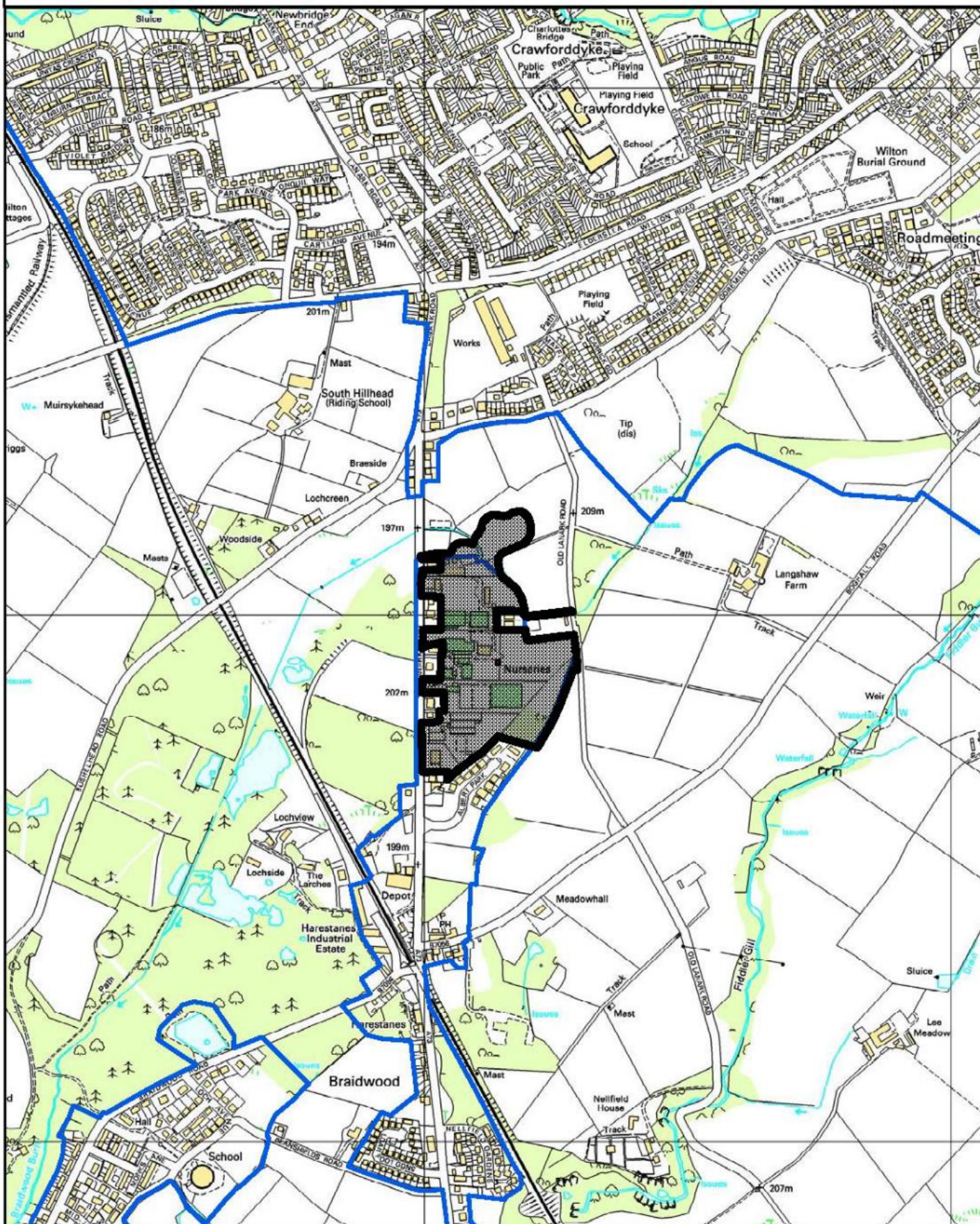
31. No ground preparation works shall take place during the bird nesting season (March - July). If any such works are proposed during the bird breeding season the area proposed for works and a 50m buffer shall be checked by an ecologist to determine if any breeding birds with active nests or dependent fledglings are present. If any are present, then works must not take place until the breeding cycle is complete for those individual birds.

Reason: In the interests of nesting birds.



P/21/1183

Land 125M East of 15 Lanark Road, Braidwood



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Scale:  
1:10,000  
Date:  
26/10/2021



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



# Report

10

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>16 November 2021</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Subject	<b>South Lanarkshire Local Development Plan 2</b> <b>Supporting Planning Guidance:-</b> <ul style="list-style-type: none"> <li>♦ <b>Carrying out Development at a Dwellinghouse</b></li> <li>♦ <b>Electric Vehicle Charge Points</b></li> </ul>
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## 1. Purpose of Report

1.1. The purpose of the report is to:-

- ♦ inform the Committee of the work undertaken to prepare Supporting Planning Guidance (SPG) related to the South Lanarkshire Local Development Plan 2 (SLLDP2)
- ♦ advise the Committee of the policy direction taken in the SPGs
- ♦ seek Committee approval for the proposed SPGs as set out in Appendices 1 and 2 respectively and the carrying out of a 6 week period of public consultation
- ♦ inform the Committee of the next steps in preparing further SPGs

## 2. Recommendation(s)

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

- (1) that the following Supporting Planning Guidance, attached at Appendices 1 and 2 of the report respectively, be approved:-
  - ♦ Carrying out Development at a Dwellinghouse
  - ♦ Electric Vehicle Charge Points (EVCPs)
- (2) that the Supporting Planning Guidance be published and made available for a 6 week period during January and February 2022; and
- (3) that the Head of Planning and Building Standards Services be authorised to undertake the appropriate procedures and to make drafting and technical changes to the Supporting Planning Guidance on Carrying out Development at a Dwellinghouse and Electric Vehicle Charge Points prior to their publication for consultation.

## 3. Background

3.1. The Planning Committee on 1 December 2020 agreed to carry out the necessary steps to adopt the proposed South Lanarkshire Local Development Plan 2 (SLLDP2). The Plan was submitted to Scottish Ministers in February 2021 for them to advise of the Council's intention to adopt the plan and notice was received in March that adoption could proceed. The SLLDP2 was subsequently adopted in April 2021.



- 3.2. Members may also recall that when the proposed SLLDP2 was approved it was highlighted that, in order to respond to the need for development plans to be concise and focused, further detailed information, advice and guidance would be contained in Supporting Planning Guidance. Previously this would have taken the form of Supplementary Guidance (SG) and formed part of the Development Plan. However the Planning (Scotland) Act 2019 removes the ability for planning authorities to prepare SG. However Circular 6/2013 – Development Planning states that planning authorities may issue non-statutory planning guidance without having to comply with the procedures involved in the production of statutory Supplementary Guidance (SG). Non-statutory planning guidance may be used to provide detail on a range of subject areas. This form of guidance does not form part of the development plan. However, adoption of this guidance by the Council gives it a formal status, meaning that it will be a material consideration in decision making on planning applications.
- 3.3. Going forward it is intended to prepare non statutory supporting planning guidance on a range of topics. This work has been continuing and proposed Supporting Planning Guidance on Carrying out Development at a Dwellinghouse and Electric Vehicle Charge Points has now been prepared. The purpose of the Supporting Planning Guidance is to support the policy approach already contained within the adopted SLLDP2 by providing more detailed guidance and advice. The SPG expands on the policy direction set out in SLLDP2 and translates this into detailed guidance. The purpose of each SPG is solely to reinforce and support the terms of the policies already contained in the adopted SLLDP2, approved by the Committee in December 2020. The SPG does not alter either the aims or purposes of the policies.
- 3.4. The SPG on Carrying out Development at a Dwellinghouse was based on, and updates, the advice that was previously set out in the superseded Development Management and Placemaking Supplementary Guidance (SG) associated with the former South Lanarkshire Local Development Plan. The SPG on Electric Vehicle Charge Points is a new document prepared to provide up to date advice on the emerging issue of the transition to low emission vehicles to tackle climate change.
4. **Supplementary Planning Guidance - Carrying out Development at a Dwellinghouse and Electric Vehicle Charge Points**
  - 4.1. The proposed Supporting Planning Guidance documents are found in Appendices 1 and 2 of the report. The SPG on Carrying out Development at a Dwellinghouse sets out detailed guidance to homeowners proposing to extend or alter their house. It sets out key design principles which should be taken into account by applicants when planning new house extensions and alterations. The guidance also covers proposals for using the property for work or business purposes, including as a short term let.
  - 4.2. The SPG has been prepared to supplement and support the adopted SLLDP2, in particular Policy DM2 House Extensions and Alterations. Within the SPG general advice is given on associated issues such as permitted development rights, certificate of lawfulness, accessibility, flooding and drainage, road safety and building warrant regulations.
  - 4.3. The SPG on Electric Vehicle Charge Points (EVCPs) is intended to assist developers with requirements in terms of the type and number of EVCP units to be provided and the information that will be required to be submitted with planning applications. The SPG contains advice on both residential and non-residential standards, including disabled space provision and accessible parking bays.

- 4.4. This SPG will support the aims of Policy SDCC4 Sustainable Transport in SLLDP2. This policy advises that to address climate change and support the use of electric vehicles, the Council will seek the inclusion of electric vehicle charging points (EVCP) within new developments. This aim reflects the vision of the Scottish Government's National Transport Strategy 2 to reduce transport emissions by 75% by 2030 and to net-zero by 2045. The transition to Electric Vehicles (EVs) will contribute significantly to these goals and the aim is to enable access to convenient and reliable EV charging infrastructure at home, at work and when out and about.
- 4.5. It is proposed that, if Committee agree with the format and context of both draft documents, the SPG on Carrying out Development at a Dwellinghouse and Electric Vehicle Charge Points will be the subject of public consultation in January 2022, for a period of 6 weeks.
- 4.6. The Committee should also note that it is anticipated further SPGs will be produced covering:-
- ◆ Town and Neighbourhood Centres
  - ◆ Residential Design Guide
  - ◆ Rural Design and Landscape Impact
  - ◆ Community Infrastructure Assessment

Other topics may emerge once the Scottish Government publishes the draft National Planning Framework 4 later this year. These will be reported to the Planning Committee when they are prepared and thereafter be the subject of public consultation. It should be noted that the list of proposed SPGs is not exhaustive and may be updated at a later date.

- 4.7. The SPGs on Carrying out Development at a Dwellinghouse and Electric Vehicle Charge Points have been made available for viewing by Members prior to Committee.

## **5. Next Steps**

- 5.1. It is recommended that the proposed SPGs, as attached at Appendices 1 and 2, are approved. Following Committee approval it is intended to finalise the documents including the use of diagrams and photographs to demonstrate examples of good practice and what to avoid. Thereafter the SPGs will be published and made available for public comment during January/February 2022 for a 6 week period.
- 5.2. Following public consultation a report will then be produced summarising the comments received, the Council's response and any suggested revisions to the SPGs. This report will be considered at a future meeting of the Planning Committee.
- 5.3. Subject to the Committee's approval, the proposed SPGs will become a material consideration in the determination of planning applications alongside the adopted South Lanarkshire Local Development Plan 2.

## **6. Employee Implications**

- 6.1. The preparation of the Supporting Planning Guidance and subsequent publicity and potential changes will be carried out using existing staff resources within Planning and Economic Development Services.

## **7. Financial Implications**

- 7.1. The financial resources required to deliver the local development plan including any associated SPGs are based upon current budget levels available to Planning and Building Standards Services. Changes in these resources may impact on the programmes presented.

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

- 8.1. A Strategic Environmental Assessment (SEA) of Local Development Plan 2, including the Plan's spatial strategy, policies and potential development sites, was carried out as required by the Environment Assessment (Scotland) Act 2005. The comprehensive and robust SEA helped to ensure that LDP2 fulfils its purpose of providing a clear framework to direct development in an environmentally sustainable way, ensuring any wider environmental issues were considered as far as reasonably possible. The SEA helped to improve the linkage between the local environment, sustainable lifestyles and the potential for promoting sustainable economic development across communities.
- 8.2. A SEA Screening Report for both SPGs was prepared and submitted to the statutory Consultation Authorities (Historic Environment Scotland, NatureScot and Scottish Environment Protection Agency) for their consideration. All three agencies have advised that further SEA work is not required as the SPGs are unlikely to have significant environmental effects other than those already identified, assessed and reported within the SEA of LDP2.

## **9 Other Implications**

- 9.1. The SLLDP2 was adopted in April 2021. However it is necessary to provide detailed guidance to support the adopted planning policies. There would be a reputational risk if this was not undertaken. The SPGs proposed are aimed at promoting the increased provision of EVCPs throughout new build development in South Lanarkshire and promoting higher quality householder development while protecting residential amenity and the character of existing residential areas.

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

- 10.1. An Equalities Impact Assessment (combining Child Rights and Wellbeing Impact Assessment) is not required.
- 10.2. Consultation on the SPG will be carried out as described in section 5.

**Michael McGlynn**

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

5 November 2021

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

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

### **Previous References**

- ◆ Report to Planning Committee 1 December 2020

**List of Background Papers**

- ◆ Planning (Scotland) Act 2019
- ◆ Circular 6/2013 – Development Planning
- ◆ South Lanarkshire Local Development Plan 2 adopted April 2021

**Contact for Further Information**

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

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

Ext: 5170 (Tel: 01698 455170)

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

## **Appendix 1**

### **Carrying out Development at a Dwellinghouse**

#### **Supporting Planning Guidance**

This Supporting Planning Guidance (SPG) has been prepared to provide guidance to homeowners proposing to extend or alter their house. It sets out key design principles which should be taken into account by applicants when planning new house extensions and alterations. The guidance also covers proposals for using the property for work or business purposes, including as a short term let. The content of this SPG will be used by South Lanarkshire Council as planning authority in determining planning applications.

This is part of a series of SPG that will be prepared to supplement and support the policies and proposals contained in the South Lanarkshire Local Development Plan 2, adopted on 9 April 2021. In particular, Policy DM2 House Extensions and Alterations should be read in conjunction with the advice provided in this SPG.

#### **1.0 General Principles**

##### **1.1 Permitted Development**

Many forms of householder development may be carried out as 'permitted development'. Provided the proposed development meets criteria set out in legislation, it will not require a specific grant of planning permission. Generally, this is because the scale and nature of the development is considered to be less significant and will have little impact on the surrounding area. The types of development that can be considered as 'permitted development', and the qualifying criteria, are set out in the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended.

The Scottish Government has created a guide for householder permitted development which clearly sets out, with the support of sketch examples, when permission is not required. It also includes advice for proposed changes to flatted dwellings (where different rules can apply) and microgeneration. Please refer to this guide in the first instance to establish if your proposed development can be carried out without the submission of a planning application.

##### **1.2 Certificate of Lawfulness**

If it is not clear whether a proposal needs permission or where a householder requires to have a formal decision taken by the Council, then an application for Certificate of Lawful Use of Development should be submitted. This is a means of obtaining a decision from the Council as to whether proposed works require planning permission. The fee is half of the planning application costs, for example: to determine if a proposed house extension is permitted development, the fee would be £101 (half that of a planning application for the erection of an extension). Please note that a Certificate of Lawfulness decision is not a grant of planning permission, or an indication of the likely outcome of any future application. Further details on how to submit a Certificate of Lawfulness can be found on the Council's website.

A Certificate of Lawfulness can also be submitted for existing development which can confirm that it is lawful and exempt from enforcement action. In these cases, the full planning application fee is payable. An example of when this may be useful is for the purposes of selling a property.



### **1.3 Accessibility**

The Planning (Scotland) Act 2019 sets out the requirement for Local Authorities to ensure that the housing needs of older and disabled people are met. This includes the extent to which the planning system is operating to ensure that existing housing is adapted to meet the housing needs of older and disabled people.

It is anticipated that the National Planning Framework 4 (NPF4) will be approved in mid-2022. As an interim measure the Scottish Government published a Position Statement (26 November 2020) on NPF4 which sets out current policy. Promoting inclusion and eliminating discrimination is a key outcome expressed in the Position Statement to achieve resilient communities.

When planning any extension or alteration to a dwellinghouse, consideration must be given to ensure that the existing inclusive environment is not compromised and can be improved where possible.

Modern houses are designed to promote a more inclusive built environment that will better address the changing needs of occupants over time. Inclusive design can take the form of ramped access, level thresholds, accessible apartments, and accessible sanitary facilities. House designs also normally include features to aid future adaptation, such as space for a shower on the accessible entrance level and space to allow the installation of a stair-lift. The external environment can also contribute to accessibility, in particular having level hard surfaces which allow manoeuvrability and ease of access. It is unlikely older properties will have been designed to include these features.

Alterations and extensions should consider their impact on existing accessibility and manoeuvrability with the aim of maintaining or improving it and the ability to adapt the property in the future. Further advice on this can be sought from the Building Standards service and to guidance on our website:-

[https://www.southlanarkshire.gov.uk/info/200219/planning\\_for\\_developers/51/inclusive\\_design](https://www.southlanarkshire.gov.uk/info/200219/planning_for_developers/51/inclusive_design)

### **1.4 Flooding and Drainage**

When proposing an extension to a property or the erection of structures within garden ground, it is important that possible flood risk and drainage design are taken into account at the early stages. It can be of benefit to consult and liaise with the Council's Flood Risk Management Team at [roadsandtransportation@southlanarkshire.gov.uk](mailto:roadsandtransportation@southlanarkshire.gov.uk)

Where an application site is located within an identified flood risk area (shown in flood maps produced by SEPA), the Planning Officer may consult the Council's Flood Risk Management team for advice. Please see the link for SEPA's flood maps.

Structures such as decking are unlikely to be acceptable where they extend directly into a watercourse or the floodplain of a watercourse. Although ownership may extend to the midpoint of the watercourse, for reasons of public safety, integrity of the river embankment and flood risk both localised and further downstream, it is unlikely proposals will be supported through the submission of a planning application.

Where the property is in an area that does not have a public sewer, and the extension involves additional bedrooms, the onus is on the applicant to confirm with SEPA that an existing licence under the Controlled Activities Regulations (Scotland) is not breached by the proposals. Drainage infrastructure outwith a site boundary must take account of impacts on any protected sites such as SSSI, SAC etc, and ownership and access rights to maintain the system.

## **1.5 Road safety**

### **Impact on car parking provision**

It is important that sufficient car parking provision is provided to serve a dwellinghouse. This ensures that parking on roads or pavements does not occur. Where an extension increases the number of bedrooms, additional parking spaces may be required.

Proposals resulting in the removal of existing car parking, such as building over or removing part of a driveway, must demonstrate that sufficient car parking remains to serve the property, or that replacement parking can be provided where it is needed.

In accordance with the SCOTS National Roads Development Guide, one-bedroom properties should have one parking space, two and three-bedroom properties should have two parking spaces, and larger houses with four or more bedrooms require 3 parking spaces. As a guide: 1-2 bedroom houses need one parking space; 3-4 bedrooms require 2 spaces, and larger houses with four or more bedrooms should have will need 3 three parking spaces. A parking space is 3m x 6m, and must not overlap. An exception may be made for parking spaces to reduce to 2.75m x 6m in cases where the existing driveway does not meet a 3.0m width."

A garage is not considered a car parking space, unless it measures 7m x 3m internally. A double garage may count towards a maximum of 1 parking space where the above criteria on internal dimension for both garage spaces is satisfied. The conversion of integral garages to form a habitable room must ensure the appropriate parking provision is provided as per the above requirements.

Triple length driveways are not acceptable as this configuration is unlikely to see all spaces regularly used instead resulting in cars being parked on-street.

The desirable maximum driveway gradient shall be 8% and absolute maximum shall be 10%, however, where the driveway forms part of the property pedestrian access then the applicant shall take account of the maximum gradients permitted under the Building Regulations whichever is the more onerous.

Through the planning application process the existing and proposed block plans are required to show the available car parking spaces. This will be considered when we assess an application, and the application can be refused if insufficient parking to serve the house would be provided.

### **Section 56 Agreement / Road Opening Permit**

This may be required if the proposed extension includes a new vehicle access that crosses a public footpath from a road. Please consult the Council's Roads and Transportation Services for more information.

Planning permission is not required to form a new driveway unless the property is on a classified road or is a flat. However, please check the guidance referred to in section 1.1 to establish if planning permission is required to create a hard surface, such as block paving.

### **Sightlines**

Any external works, including car parking and access arrangement, should ensure that sufficient visibility splays are provided and maintained to maximise vehicle and pedestrian safety. New car parking spaces or driveways shall not be located within

junction or forward visibility splays. Such works should also ensure that the visibility splays of neighbouring properties are not adversely impacted upon. Details on sightline requirements can be found in the National Roads Development Guidelines - Please contact the Councils Roads and Transportation Services for advice at [roadsandtransportation@southlanarkshire.gov.uk](mailto:roadsandtransportation@southlanarkshire.gov.uk)

## **1.6 Building Warrant**

A building warrant may be required for development proposals, even if planning permission is not. For example, internal work such as installing a new stair, converting a loft, or converting a garage needs to meet building regulations. Some work, such as the erection of a shed, garage, summer house or other detached building within your property, may also require a building warrant. Depending on the design and siting, such work may require consideration of the fire performance of elements of the building, particularly when close to another building or boundary. Even where a building warrant is not required, work must comply with all relevant building regulations.

We encourage you to submit any building warrant application online using [eBuildingStandards Scotland](#) - this lets you pay online too.

Further information on the Building Standards system in Scotland and the customer journey is available on the Scottish Government website, see link:-  
<https://www.gov.scot/publications/building-standards-customer-journey/>

Please contact the Building Standards team if you need further advice.

## **2.0 House Extension and Alterations**

Many housing areas have a distinct character resulting from the quality of the buildings, layout and landscaping. Every dwellinghouse contributes to the general character of the street and surrounding area and as such it is important that extensions or external alterations are in keeping with both the original house and the context of the streetscape. Poorly designed house extensions and alterations can have a detrimental effect on the visual appearance of an area and on the residential amenity of neighbours. The aim should be to extend or alter dwellings to a high standard which is both sympathetic to the original design and the impact on neighbouring properties.

The next two sections set out guiding principles that will be considered when assessing a planning application. Detailed guidance is then set out in relation to specific forms of development:

- 1- Decking and raised platforms
- 2- Dormer extensions
- 3- Single storey extensions
- 4- Two storey extensions
- 5- Garages, car ports and integral garage conversions
- 6- Porch outside any external door
- 7- Ancillary detached buildings
- 8- Fences and walls
- 9- Renewable Energy
- 10- Flats
- 11- Listed Buildings and Conservation Areas
- 12- Open plan estates
- 13- Working from home
- 14- Short term lets/ Self-catering

### **3.0 Guiding Principles**

Permitted development rights enable development to take place without the need for planning permission even though the development may not meet the aims of this SPG, for example respecting distances from boundaries for access, or the impact on neighbouring properties such as over shadowing. Where a planning application is submitted, a development proposal will be guided by the criteria set out in this SPG. In assessing the acceptability of the proposal, no consideration will be given to the criteria of permitted development regulations unless it can be shown the proposal would not significantly affect the amenity or character of the area and adjoining properties, reduce the minimum 1.0m accessible footpath criteria, or adversely impact upon car parking provision. So, while aspects of a proposal may be viable in principle under permitted development rights, this may not be sufficient justification to support a proposal which fails to meet the relevant criteria and may result in a refusal of the application.

To protect the amenity, character and appearance of existing residential areas, applications for extensions and alterations to existing houses will be assessed against and will be required to meet the following criteria:

- a) The extension should be kept in proportion to the existing house in terms of its width, height, and massing. The design should not detract from the appearance of either the house or the surrounding area. It should be finished in materials which match or are compatible with those of the existing house; or which can be assessed in a wider context as beneficial to the area.
- b) Extensions should not result in a significant loss of privacy to adjoining/neighbouring houses or their garden ground. The minimum distance between windows of directly facing habitable rooms, such as living rooms and bedrooms, should be no less than 20 metres. This distance may be relaxed where the line of view between the windows is at an angle. Where overlooking of adjoining gardens would occur the application should include proposals to provide screening to mitigate the impact.
- c) Upper floor side windows that have the potential to overlook adjoining properties, including their garden areas, will generally be acceptable where they relate to non-habitable rooms and hallways. Bathroom windows and those in habitable rooms such as dressing rooms will be required to use obscured glazing.
- d) The extension should not result in a significant loss of daylight or sunlight to neighbouring houses, or their garden ground, nor cause overshadowing, detrimental to the amenity of adjacent properties.
- e) The extension should not, by virtue of its sheer physical/visual presence or scale, dominate adjacent properties such that the visual amenity of the area is adversely affected.
- f) The extension should not be of a form or design which would result directly, or if repeated on adjoining properties, in the modification of detached or semi-detached properties to create either physically or visually, a terraced or continuous form of development when viewed from the street. A minimum distance of 1.0m for single storey extensions, and 2.0m for 2 storey extensions, will normally be required from the side boundary to help achieve this. However, a relaxation for 2 storey extensions from 2.0m to 1.0m may be appropriate where it can be shown that through the bespoke design of the proposal the impact can be mitigated for example, stepping the extension back an appropriate distance from the front elevation, or where the extension adjoins neighbouring open ground.
- g) The extension, regardless of height, scale, or location, should only extend to the side boundary where it can be shown that there will be no significant adverse effect

on the amenity/setting of the adjacent property. Mitigation measures should be considered to reduce any impact, such as pitched roof gable ends.

- h) Any extension to the side boundary should not have a detrimental impact on the provision of, or access to, bin storage. The preference for bin storage to be in a non-public location will be maintained. If this cannot be achieved a bin storage area should be shown on the proposed block plan. The bin storage area should be located outwith car parking spaces and, if it is to be located at the front of the property then screening proposals should be included with the application.
- i) Windows and other details of the extension should be aligned with those of the existing house where possible.
- j) If the extension is at the rear, a usable amount of garden ground should be left for drying clothes, bin storage and general amenity.
- k) Proposals should not reduce the provision of adequate off-street parking to serve the existing house, nor should it result in the creation of a sub-standard access or interfere with visibility splays. A footpath from the dwelling entrance to the public footpath that does not interfere with car parking spaces should be maintained.
- l) It is desirable that the extension/alteration should be capable of being constructed and maintained from within the garden of the applicant's property and should not require access for these purposes to be taken from neighbouring property. It is therefore desirable that a gap of at least 1.0m is left from the boundary of any adjoining property. A gap of less than 1.0m could create an inaccessible gap that may collect debris.
- m) Where an extension is proposed on the boundary, no part of the development should extend beyond the boundary – in particular gutters or eaves should not overhang neighbouring land. The design of the extension will require to take this into account.
- n) Upper floor balconies will only be permitted where they do not cause a significant adverse impact on the privacy of neighbouring properties. Consideration should be given to side screening of the balcony and included in the application. The visual impact of any screening will be taken into consideration in determining the application.

### **3.1 Decking and raised platforms**

As decking and raised platforms can offer direct panoramic views over adjoining properties and gardens, the residential amenity of neighbours can be severely affected. Where a planning application is required, applications will be assessed in terms of privacy and overlooking and overshadowing

Decking on sloping ground can potentially increase the impact of overlooking from a raised and level platform. Such proposals will be carefully assessed for their impact on overlooking, where the decking will be in close proximity to neighbouring boundaries or visually prominent from the surrounding area.

In all cases where the development would result in overlooking of adjoining properties the application should include proposals to reduce it to a reasonable level. Where this involves an increase in the height of existing fencing the design should match that of the current fence. However, it should not result in an increase in overshadowing of the adjoining property to an unacceptable degree.

Where there is no adverse impact on neighbouring properties, but a large underbuild and structure would impact the visual appearance from the wider area, mitigation measures such as landscape planting should be considered.

### **3.2 Dormer extensions**

Dormers should be of a size and scale that it does not over dominate the original roof or dwelling house, nor significantly detract from the appearance or character of the street.

The following criteria should be taken into account when considering the formation of dormer windows. Dormers should:

- (a) be stepped below the ridgeline of the existing roof and drawn back from the eaves.
- (b) be a minimum of 0.3m back from the edge of the roof, including any adjoining roof boundary with a neighbouring semi-detached or terraced property.
- (c) where located on a prominent or visible frontage, they should not extend the full width of the roof. Two small dormers on the same elevation can offer a suitable alternative to one large dormer, which may be out of scale with the existing house.
- (d) Rear dormers will be assessed in relation to how visible they are from public view and how they impact on the privacy of adjacent houses and gardens. In certain cases, a longer dormer, rather than 2 smaller separate dormers, may be acceptable.
- (e) Not result in overlooking to neighbouring windows or garden areas. A 20m distance between main habitable windows should be provided. This distance may be reduced where the windows are at an angle to each other, or the window has obscured glazing.
- (f) The roof of the dormer should be finished in materials which match or are compatible with the existing roof finish. The sides and front of the dormer may use an alternative material where it is compatible to the dwellinghouse.
- (g) In Conservation Areas and on Listed Buildings, where the principle of dormer extensions has been accepted, dormers should be designed in a traditional manner and be of a scale and materials in keeping with the original property. The dormer will be expected to be finished in natural slate that matches the existing roof, and both the roof and sides of the dormer should use slate. The front face should be either timber or slate.

### **3.3 Single storey extensions**

Single storey extensions to the side of a property do not need to be stepped back from the frontage elevation unless this would prevent the introduction of a terraced effect. They may project forward of the original main elevation only when its scale and design is well proportioned to visually fit in with the appearance of the existing dwelling. In addition, the streetscape should not be adversely impacted upon by an out of character addition.

A minimum distance of 1.0m is required to be maintained from an adjoining boundary across the length of the extension. This may be relaxed if there is an alternative option to externally access the rear garden, and the proposals would not result in the creation of a terrace effect with a neighbouring property.

Where an extension is proposed close to a neighbouring boundary, consideration is to be given to forming pitched roof gable ends to reduce the visual and physical impact. It may also be necessary to reduce the pitch of the roof to create a lower sloping roof. These mitigation measures would reduce the visual impact and potential physical impact of an extension to protect neighbouring residential amenity.

Flat roofed extensions are not generally encouraged, although they may be acceptable to the rear or where they are not highly visible or as additions to existing flat-roofed buildings. Where flat roofs are acceptable, they should incorporate a green living roof to make a positive contribution towards reducing their impact on climate change.

### **3.4 Two storey extensions**

Two-storey extensions should:

- a) Not have a flat roof unless the existing house is flat-roofed, or the proposal would tie into an existing flat roof extension.
- b) Carry through the line of the eaves of the existing house (except where differences in floor level do not permit this).
- c) Be designed and positioned such that no significant loss of amenity occurs to neighbouring properties through overlooking, loss of light, overshadowing or sheer physical impact.
- d) Not, if repeated on detached/semi-detached properties, result in the formation of a continuous terrace. A minimum distance of 2.0m is required from the boundary across the length of the extension.
- e) Set the ridge line below the existing ridge and be stepped back, where appropriate, from the front elevation to delineate the original dwelling from the extension, so that it will appear secondary to the main dwelling.

### **3.5 Garages, car ports and conversion of integral garages**

It is recognised that despite being an important design feature of residential developments, garages are often used for other purposes, such as general and cycle storage. It is also known that cars are getting bigger. As reflected in the National Roads Development Guide (Scotland), a garage is not considered a car parking space unless it is 7m x 3m (internal size).

A private driveway of at least 6 metres long must be provided in front of any new garage or car port (measured from the edge of the footpath), and any garage doors and driveway gates must not open out over the car parking space, public road, or footpath.

The design and location of a proposed garage should be in harmony with the existing dwelling and surroundings; they should be located either at the side or rear of a house, providing that sufficient garden ground remains available.

Garages to the front can often appear out of character with the streetscape and established building lines, and careful consideration to its acceptability will be required. The garage should preferably be set back from the front elevation of the house and should not obscure it, be over dominant or be positioned forward of the building line such that it looks out of place or forms an intrusive feature in the street or plot.

The ridge height of the garage should consider the impact on neighbouring properties, and its prominence within the streetscape. This is particularly relevant where a storage space is proposed in the garage roof space and the roof would be steeply pitched.

The conversion of an integral garage into additional accommodation to serve the house usually does not require planning permission. However, there are cases where the original planning consent for the property will include a condition to prevent the garage from being converted. Check with the Planning Service whether this applies to your property.

### **3.6 Porch outside any external door**

Where a porch requires permission, the visual prominence and impact on the streetscape will be carefully considered. Any porch should not be of a scale or projection that will appear out of proportion with the dwellinghouse.

Many proposals for front access porches include the formation of a toilet. The scale of these is often defined by minimum internal size requirements and accessible door standards through the Building (Scotland) Regulations. The provision of adaptations to

improve the accessibility and liveability of an existing dwelling to cater for the changing needs of homeowners should be supported. However, given the visual prominence on a main elevation, the size of such porches should be kept to the minimum size necessary.

### **3.7 Ancillary detached buildings**

This section relates to the erection of sheds and greenhouses as well as structures such as summerhouses and gazebos. As best practice, consideration should be given to the orientation of the structure to minimise noise disturbance and overlooking to neighbouring properties. Where a planning application is required, the following criteria should be met:

- a) Be positioned, where possible, within the rear garden and not forward of any principal elevation.
- b) Be in proportion to the size of the garden - a usable amount of garden ground should remain undeveloped to allow for drying clothes, bin storage and general amenity.
- c) Not adversely affect neighbours by overshadowing or overlooking their property.
- d) Be constructed of materials which match or are compatible with the existing dwelling.
- e) Where the visual impact is of concern, or the structure would be visually prominent from the wider street scene, careful positioning will be a requirement and, in some cases, additional landscaping should be considered where this may mitigate the impact.

### **3.8 Fences and walls**

Fences and walls, particularly in front gardens, can have a significant effect on the appearance of the property and surroundings. When erected beside driveways or on the corner of the street, they can also have an impact on sightlines and traffic safety. The height of the fence or wall to be erected is measured from the ground level of the applicant's curtilage.

Where a fence is proposed next to a public footpath or private driveway, the impact on the visual amenity of the streetscape and the impact on traffic safety will be carefully assessed. Generally, fences should be stepped back from the public footpath to retain an open plan approach to the streetscape. Proposals will also be assessed to ensure that driver visibility is not adversely affected when manoeuvring into private driveways, road junctions or road geometry. In such cases the advice of the Roads and Transportation Service may be sought.

Where a fence along a neighbouring boundary is higher than 2m, an assessment will be carried out whether this would have an acceptable impact on overshadowing and appearance.

### **3.9 - Renewable energy**

New Development

The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 sets targets to reduce Scotland's emissions of all greenhouse gases to net-zero by 2045 at the latest (with interim targets for reductions of at least 56% by 2020, 75% by 2030, 90% by 2040). The use of micro-renewables are valuable contributors to emission reduction. Proposals for extensions and alterations requiring planning permission should be designed to incorporate the use of sustainable materials and micro-renewables to contribute to meeting these targets.



## Adaptation

As Scotland seeks to achieve its greenhouse gas emissions targets it will be increasingly important that existing houses adapt to reduce their impact on climate change. One way of doing this is to install renewable energy technology such as solar roof panels. Permitted development rights exist for a wide range of such development. Where a planning application is needed, there will generally be a presumption in favour of the development if it can be demonstrated that there would no adverse impact on the amenity of neighbouring properties or visual prominence within the streetscape. An application should be supported by sufficient information to enable an assessment to be carried out, this may include for example a noise impact report.

Free standing wind turbines can have more of an impact due to their increased visibility, and potential for shadow flicker and noise. It is unlikely that free standing turbines proposed within garden areas in a residential area would be acceptable.

Solar panels have the potential to create an adverse impact on the historical character of listed buildings and conservation areas. In such cases, the solar panels should be located on non-prominent roof elevations.

When making an application for air source heat pumps, consideration should be given to the location of the pump to minimise noise and vibration levels for neighbouring properties.

Similarly a planning application involving the provision of biomass or a wood burning stove should include details of the flue, including height, and should be included on elevational plans and block plans. If the property is located within an Air Quality Management Area, then further information relating to type of fuel and particle emissions may be requested. It would be advisable to consult with the Council's Environmental Health service before submitting an application for advice on both of these matters.

### 3.10 Flats

Extensions to flats, including four-in-a-block cottage flats, do not benefit from 'permitted development' rights and planning permission is therefore required for such works. Planning permission is also required for structures to be erected within the curtilage of a flat. Please refer to the General Permitted Development (Scotland) Order 1992 (as amended) for full details of permitted development rights available to flatland dwellings.

The main issues in considering applications for extensions or alterations to flats is access for maintenance, over shadowing, and the visual amenity of cumulative alterations. Reference should be made to guidance elsewhere in this document.

### 4.0 Listed Buildings and Conservation Areas

The guidance contained within this section should be read in conjunction with Policy NHE 3 Listed Buildings and Policy NHE 6 Conservation Areas of the adopted South Lanarkshire Local Development Plan 2.

A Listed Building is defined by the Planning (Listed Buildings and Conservation Areas) Act 1990 as a building of architectural or historic interest. Historic Environment Scotland holds up to date lists of all listed buildings, and their category listing which defines how important the building may be.

A separate permission, **Listed Building Consent (LBC)**, will be required for any extensions and alterations to a Listed Building or to buildings or structures in its curtilage, which affect the character of the listed building. Please check with the Planning

service for the need for LBC for internal changes prior to any works being carried out. Repairs and like for like replacement should also be discussed with the service.

Extensions to Listed Buildings or new outbuildings within the curtilage must be sensitively designed and of the highest quality. An application to extend a house that is listed should be accompanied by clear information to show the impact on the existing fabric and character of the building. Similarly, alterations to the existing building should be accompanied with details of what exists in comparison to what will replace it, such as replacement windows or stone repairs.

It should be noted that extensions can be either traditional in design and materials, to match existing, or of contemporary design with contrasting materials. Modern materials such as UPVC are unlikely to be acceptable, however high-quality composite materials may be considered where they have the appearance of painted timber. Each approach will be considered on its individual merits as part of the application process.

Careful consideration is to be given to original windows, and where they are of notable historic importance, the repair of windows rather than their replacement should be investigated. Where double glazing is proposed, the glass and frame should be slim to provide a high-quality finish that respects the historic character of the building. Windows should have a sliding method of opening.

Conservation areas are defined by the Planning (Listed Building and Conservation Areas) Act 1990 as areas of special architectural interest, the character or appearance of which it is desirable to preserve or enhance. Conservation Area Consent (CAC) is required if a proposal involves the demolition of any building or structure in a conservation area.

An extension to a house or a new outbuilding in or affecting the setting of a Conservation Area must be sensitively designed to ensure that it does not adversely affect the special character of the area. The building materials must be carefully chosen to match or at least complement those of the main building.

On unlisted buildings within a conservation area, elevations which are not visible from main public views may potentially have flexibility in what can be proposed. This includes the installation of replacement windows where UPVC windows may be acceptable.

If on a main or visible elevation, the application may require to be advertised in the local newspaper (this will be carried out by the Planning Department).

## **5.0 Open Plan Estates**

Some residential estates are subject to a condition on the original planning permission that prohibits the erection of walls and fences in front gardens. This reflects the contribution that the open plan concept can make to environmental quality and seeks to avoid a proliferation of boundary treatments of different design and materials. There will be a general presumption against permitting front walls/fences within residential areas where the open plan character has largely been maintained, with few breaches having occurred.

In private residential areas where an open plan condition exists, but where a significant number of breaches have taken place which have resulted in the erosion of the open plan character to such an extent that it is no longer worth preserving, there will be a general presumption in favour of permitting front walls/fences subject to compliance with the following criteria:

- a. No fence or wall shall exceed 1 metre in height and shall be constructed in facing brick or finished in render to match the house. Alternative proposals of suitable design and colour may be permitted where considered appropriate.
- b. The introduction of a front wall/fence shall not adversely affect the visual amenity of an area by way of:
  - ♦ its relationship with adjacent properties within the layout
  - ♦ its effect on streetscape
  - ♦ its prominent/inappropriate location with particular regard to corner plots, plots adjacent to footpaths and areas of public open space
  - ♦ the basic concept or character of the layout itself
  - ♦ by affecting sightlines/visibility as required to access the property itself, adjacent properties or at road junctions or, its design and material

## **6.0 Working from home**

Small businesses make an important contribution to the economy of South Lanarkshire and often have their origin in the business operator's dwellinghouse. The use of one room of a house, a garden structure, or garage for business which generates no clients, traffic, noise, or smell will not require planning permission as there will be no material effect on the use of the property as a dwellinghouse or on the residential environment of the area. However, once the business activity increases and the business use of the property ceases to be ancillary to its use as a dwelling, a material change of use is likely to have taken place and planning permission will be required.

Where there is uncertainty if planning permission is required, a Certificate of Lawful Use will be required to make a formal decision (see section 1.2). The application will be assessed against the following criteria to decide whether a planning application is required:

- 1) The extent to which the main use of the property (including garden) remains as a dwelling.
- 2) The proportion of rooms/space in the dwellinghouse or flat to be used for business or professional purposes.
- 3) The extent to which non-residents of the household are employed on the premises.
- 4) The extent to which activities associated with the business are detrimental to the amenity of the area by virtue of noise, vibration, smell, fumes, smoke, ash, dust, or grit.
- 5) The number/frequency of commercial vehicles used in conjunction with the business.
- 6) The manner and extent of retailing that takes place from the property.
- 7) The number/frequency of delivery or dispatch vehicles generated by the business.
- 8) The extent to which external storage of materials or goods takes place at the dwelling.

Further advice on more commonly requested businesses operating from home is as follows:

Vehicle repairs and alterations for commercial purposes is considered a material change where planning permission is required. There is potential for noise and road safety implications with such businesses, and preferably such businesses should be relocated to unit within an industrial or business area or potentially a farm steading.

A child-minding business from a house can be carried out without planning permission where there is no more than 6 children and 1 staff member at the property at any one time. Where there is an increase in activity, planning permission may be required, and it is best to discuss your proposal with a Planning Officer. Child minding may require

suitable outdoor space and car parking to be provided, and the amenity on neighbouring amenity will be considered through the submission of any planning application required.

The use of one room within the dwelling for beauty, hairdressing or therapy may not require planning permission and will depend on the site context and individual circumstances, in particular the maximum number of customers at any one time, availability of car parking and the cumulative impact of other similar businesses within the immediate area.

Commercial dog grooming and day care may cause noise disturbance to neighbouring properties, and requires planning permission.

The need for planning permission will be assessed on a site-by-site basis considering the site's context and on the individual merits of the case. Where a business use expands to a scale which is not compatible with a residential use (that is where it cannot comply with the above criteria), the business will be required to relocate to a more appropriate industrial or business location. Guidance on appropriate premises can be provided by the Council's Business Support team.

Where a proposed business use from a dwelling constitutes a material change of use and requires planning permission, the proposal will have to comply with the following:

- a) There will be no adverse impact on the residential amenity of neighbouring properties in terms of noise, disturbance, smell, and dirt generated by the business or by members of the public visiting the premises.
- b) There will be no adverse impact on traffic or public safety resulting from traffic generated by the use.
- c) There is provision for satisfactory car-parking and servicing facilities. This can either be in curtilage, or available to the public within easy reach of the site.
- d) There will be no adverse impact on neighbours caused by activities taking place outside socially acceptable hours and at weekends.
- e) Any required storage of materials/vehicles is satisfactorily accommodated on the site without any adverse impact on neighbouring properties.
- f) A supporting statement is submitted to include the following information: description of business and activity carried out, hours of operation, number of staff, number of visiting members of the public at any one time, details of deliveries and storage requirements, and available car parking. During the planning application process additional information may be requested by the Planning Officer to enable a full assessment to be carried out.

## **7.0 Short term lets/Self-catering**

The Planning (Scotland) Act 2019 introduces powers for planning authorities to designate short term let control areas where the use of a dwellinghouse for providing a short term let will require planning permission. Currently within South Lanarkshire Council there are no designated short term let control areas. There is currently no evidence demonstrating that there is a high concentration of short term let properties to the detriment of the character of that area, or to the extent that housing stock is being reduced. However this will be kept under review.

A short term let, or self catering property, is not to be confused with bed and breakfast provision. A house (class 9 of the Use Classes Order (Scotland)) can be used to offer bed and breakfast without planning permission where no more than two bedrooms are used for this purpose or, in the case of premises having less than four bedrooms, only one bedroom is used for that purpose. A flat cannot generally be used to offer bed and breakfast without planning permission.

In general terms planning permission will be required for use of a dwellinghouse as a short term let if this results in a material change of use of the property. A short term let is defined as one where:

- Sleeping accommodation is provided for one or more nights for commercial purposes.
- The sleeping accommodation is not provided for an immediate family member.
- The accommodation is not provided for an employee of the household.
- It does not involve a dwellinghouse that is part of a hotel, boarding house, guest house, hostel, a hospital or care home, a refuge or student accommodation.

Matters that will be taken into account when deciding if a material change of use has occurred include:

- How guests arrive and depart.
- Likely frequency and intensity of noise or other unsociable behaviour.
- Impact on public services and resident's amenity.
- The ability to provide in-curtilage car parking.
- Cumulative impact on the character and amenity of a neighbourhood.
- Number of people staying.

More guidance on this can be found at Scottish Governments Planning Guidance for Hosts and Operators – Short Term Lets in Scotland.

Planning permission will not normally be required for short term let proposals within established town centre locations as identified in the local development plan. The character of such areas is predominantly commercial, food and leisure, with an element of residential. It is considered that proposals would not adversely impact upon the character, could utilise existing public parking facilities and public transport, and would support the economic function of the town centre.

Outwith town centre locations, self-catering proposals that meet any of the following criteria will require planning permission:

- A flatted dwelling,
- A dwellinghouse containing 5 or more bedrooms,
- The use of a building within the curtilage of a dwellinghouse, such as domestic garage or other ancillary building, which does not provide a bed and breakfast only arrangement (maximum of 2 bedrooms in any case).

All other situations will be determined on their merits. Enquiries by an owner to establish if planning permission is required for the letting of a dwellinghouse will be addressed only through the submission of a Certificate of Lawfulness (see section 1.2).

Where planning permission is required the ability to manage the business will focus on protecting the amenity of predominantly residential areas where self-catering could impact upon parking provision, and adversely impact upon the character of the area and residential amenity. The criteria set out in section 6.0 will be used to assess proposals.

Where planning permission is approved, a temporary consent for 10 years will be given. After this date, and without a renewal of the consent in place, the property will revert to residential use.

This approach aims to achieve a balance between the benefits of self-catering to tourism and the local economy, and the impact upon the areas in which they are located.

The Scottish Government is intending to introduce a Licensing Order that will come into effect in 2022. This will require all new short term let businesses to have a licence to operate after 1 October 2022. Existing hosts and operators will have until 1 April 2023 to apply for a licence. All short term lets will have to have a licence by 1 April 2024 to be able to continue operating. More information on this can be sought from the Council's Licensing Service.

## Appendix 2

### Electric Vehicle Charge Points

#### Supporting Planning Guidance

##### 1.0 Introduction

The transport sector is the largest emitter of greenhouse gases in Scotland, accounting for 29% of all emissions in 2019 with road transport making up the majority of those emissions at 66%. The Scottish Government's Climate Change Plan update published in December 2020, set out the pathway to meet Scotland's statutory greenhouse gas emission reduction targets by 2032. This includes an aim to phase out the need for new petrol and diesel cars, and vans by 2030. Part of that pathway is the Scottish Government's commitment to the decarbonisation of transport in Scotland. The National Transport Strategy 2 sets out the strategic vision for Scotland's transport system and the Mission Zero for transport commitment – to reduce our emissions by 75% by 2030 and to net-zero by 2045. The transition to Electric Vehicles (EVs) will contribute significantly to these goals and, with demand for EVs growing rapidly, the aim is to enable people to have access to convenient and reliable EV charging infrastructure at home, at work and when out and about.

##### Planning (Scotland) Act 2019

The Planning (Scotland) Act 2019 was passed by the Scottish Parliament in June 2019. This will determine the future structure of the modernised planning system. The detail of how the new Act's provisions will work in practice will be contained within secondary legislation and guidance, which are currently being developed and implemented. The current preparation of Scotland's fourth National Planning Framework (NPF4) is a crucial element of the planning reforms. NPF4 will set out a new plan for Scotland to 2050.

##### NPF4 Position Statement

It is anticipated that the National Planning Framework 4 (NPF4) will be approved in mid 2022. As an interim measure the Scottish Government published on 26 November 2020 a non-statutory Position Statement on NPF4 which sets out their current thinking.

The position statement describes NPF4 as 'a new spatial plan for Scotland that will look ahead to 2050 to set out where future development can bring benefits for people, the economy and environment'. The impact on climate change is a key theme throughout the document. In order to achieve the Scottish Government target of net-zero emissions by 2045 there will be a need for the planning system to be 'rebalanced' so that climate change will be an overarching priority for the spatial strategy and a guiding principle for all plans and decisions.

The approach of the Scottish Government will ensure transport options that focus on reducing inequalities and the need to travel unsustainably are prioritised. There will be a need to maintain and safely operate existing transport infrastructure and services, and to ensure the transport networks can adapt to the impacts of climate change. Ultra-low emission vehicles (ULEV), including electric vehicles and the associated electric vehicle infrastructure will have a role to play.

## South Lanarkshire Council

South Lanarkshire Council seeks to become a leading local authority in the provision of Electrical Vehicle (EV) charging infrastructure and accelerate the area's transition to sustainable net zero travel, stimulating the region's economy and meeting the needs of the diverse local communities.

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

The adopted South Lanarkshire Local Development Plan 2 (SLLDP 2) contains Policy 2 Climate Change. This policy requires any new development proposals to minimise and mitigate the effects of climate change and the reduction of greenhouse gases by seeking to provide electric vehicle recharging infrastructure to encourage greater use of low carbon vehicles.

Reinforcing this requirement is Policy SDCC4 Sustainable Transport that advises to address climate change and support the use of electric vehicles, the Council will seek the inclusion of electric vehicle charging points (EVCP) within new developments.

This advice note is intended to assist developers with these requirements in terms of the type and number of EVCP to be provided and the information that will be required to be submitted with planning applications.

### **3.0 Developer Requirements**

#### **3.1 New Residential Development**

Within all new residential developments of one or more units, 100% EVCP provision will be requested. Each residential unit is required to have a minimum of one parking space with an installed EVCP unit. This applies whether the parking space is to be provided in curtilage or as part of a communal parking arrangement. Where a development has a reduced car parking requirement of less than 1 space per dwelling unit, the EVCP requirement will be reduced to the maximum number of car parking spaces available.

This advice applies to all residential types, including flatted developments and managed properties (eg Registered Social Landlords or rented properties). The Council aims to ensure equality across new developments and ensure that all occupiers regardless of whether they are in the private or rented sector are able to access an EVCP.

All new disabled spaces to serve a residential development shall be served by an EVCP.

#### **3.2 New Non-residential developments**

This advice applies to all new build non-residential types of development, including education facilities, hotels, community buildings, offices, industrial estates and retail. The requirements within the guide will only apply where such development is required to provide new car parking provision. The exception is for new build premises located within out of town centre retail parks that will utilise existing parking, including drive throughs and food and drink units. These developments are required to upgrade existing spaces.

Developers are required to meet the following criteria:-

2 in every 10 spaces is required to be served by a dual EVCP unit.

where 1 or more spaces are requested, but the car park overall comprises less than 10 spaces, a minimum of 1 single connection EVCP is required.



### 3.3 Accessible parking spaces

Accessible spaces will allow additional space for a multiple range of users who may require extra room, such as wheelchair users and users with small children. The spaces will replicate the space standards of disabled spaces and comprise 2.9m wide bays with a clearance space of at least 1.0m on three sides, clearly marked through signage (Figure 1) and painted road hatchings (Figure 2). For non-residential development, 1 space within every 10 spaces is to be an accessible bay served by an installed EVCP. Should you require further information please contact Roads and Transportation Services at [roadsandtransportation@southlanarkshire.gov.uk](mailto:roadsandtransportation@southlanarkshire.gov.uk) to discuss.

### 3.4 Installation and maintenance

The EVCP's are required to be installed during the construction phase. The developer should ensure that cabling and underground infrastructure is installed as necessary in consultation with Scottish Power Networks. The onus is on the developer to meet the costs of installation and to agree grid capacity with Scottish Power Networks.

The maintenance of an EVCP within a curtilage will be the responsibility of the house owner/occupier and shall be replaced or repaired as necessary at their expense. Where there is a communal arrangement, the maintenance of the EVCP's will be subject of a factor agreement.

The developer can find further advice on topics such as installation, equipment and wiring standards within Transport Scotland's document Common Requirements and Good Practice for the Charge Place Scotland Network.

### 3.5 Exemptions

There will be no requirement for EVCP units to be installed for the following developments:

- Extensions to existing dwellinghouses.
- Extensions to existing business premises where no additional car parking is requested.
- Change of use of a building, either residential or non-residential, where no new car parking provision is requested.

#### Listed Buildings

The installation of an EVCP unit to the fabric of a listed building will require the submission of a Listed Building application. The historic fabric and character is to be taken into account when installing an EVCP unit. The preference is that a pole mounted option is investigated as a first option. This would prevent the need for drilling and fixing damage to the stone. Where this is not a viable option, any unit to be fixed to an external wall should be located within reach of the car parking spaces and should avoid being located on, or visually detract from, any decorative features, such as coin stones or ornate stone work. The fixtures should use lime based mortar, and no cement, into drilled holes.

## 4.0 Planning Application Requirements

The inclusion of EVC points should form part of the design process for the proposed development and included at the outset for detailed planning applications. This is because the EVCP's must be located outwith car parking space dimensions and need room to be installed.

The following criteria is to be met for detailed planning applications:

- 1 Detailed block plan showing the location within the curtilage of each plot (or communal parking area where relevant) where a future Fast Charging unit installation is proposed for connection to an appropriate electricity supply. A fast charge unit = charge point capable of delivering a minimum power output of 7Kw - 22Kw.
- 2 The charging unit location must be accessible to a minimum of one parking space; however it is recommended that where possible it is sited to serve as many spaces as possible. This can be external to the building or within a garage (if the garage has minimal internal clear dimensions of greater than three metres by seven metres).
- 3 A maximum cable length of 5m shall be used to determine the suitability of parking and charging unit locations. The applicant shall demonstrate the proposals on a detailed layout plan which indicates both the future charging unit location and the parking spaces (3m x 6m per space) marked out.
- 4 A condition will be attached to planning consent granted requiring the developer to confirm the provision of further details – which is to include the following: cabling, ducting, and the proposed type of consumer unit capable of supporting a fast-charging unit.
- 5 A condition will be attached to planning consent granted requiring the developer to confirm the factor agreement for any EVCP's which serve a communal car parking arrangement.

## **5.0 Scottish Government Building Regulations Consultation**

The Scottish Government has commenced the process of carrying out a review to consider further improvements to the standards set within The Building (Scotland) Regulations 2004 (as amended) (Building Regulations) to limit greenhouse gas emissions and energy use, both in new buildings and where work to existing buildings takes place. This includes proposals for the provision for electric vehicle charging infrastructure or facilities as part of the broader action by the Scottish Government on climate change and to meet targets of becoming a net-zero society by 2045.

At this stage, it is proposed that all new build residential units are provided with one EVCP unit installed during the construction phase – this includes flatted developments and will be provided as in curtilage parking or a communal parking arrangement. There are exceptions proposed, including where there is a reduced car parking requirement (therefore each space to be provided will have an EVCP unit), and also where the cost of grid connection per unit will be £2000 or greater. Subject to the outcome of this consultation, changes via the amendment of Building Regulations requiring the provision of electric vehicle charging provision will be subject to further development and implementation during 2022.

Any future Building Regulations amendments will be subject of separate legislation under the Building (Scotland) Regulations 2004 (as amended) (Building Regulations) and will be an additional requirement for developers to comply with along with the Planning (Scotland) Act 2019, adopted local plan policies and associated SPG – Electric Vehicle Charge Points.