



Council Offices, Almada Street
Hamilton, ML3 0AA

Tuesday, 04 May 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, 11 May 2021
Time: 10:00
Venue: By Microsoft Teams,

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

Yours sincerely

Cleland Sneddon
Chief Executive

Members

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

Substitutes

John Anderson, Walter Brogan, Janine Calikes, Gerry Convery, Margaret Cooper, Allan Falconer, Martin Grant Hose, Ian McAllan, Catherine McClymont, Kenny McCreary, Mark McGeever, Richard Nelson, Jared Wark, Josh Wilson

BUSINESS

1 Declaration of Interests

- 2 **Minutes of Previous Meeting** 5 - 12
Minutes of the meeting of the Planning Committee held on 23 March 2021 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

- 3 **Application P/20/1749 for Erection of 2 Wind Turbines (Maximum Height 100 Metres to Tip) and Associated Infrastructure Including 2 x 2 Megawatt Battery Storage Facilities, Access Tracks and Associated Cabling at Land 575 Metres South Southeast of Dykecroft, B7086 from Boghead, Kirkmuirhill to Deadwaters Bridge, Boghead, Lanark** 13 - 38
Report dated 30 April 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 4 **Application P/21/0395 for Change of Use of Tanning Salon (Class 2) to Hot Food Takeaway (Sui Generis) and Associated Ventilation at 214 Main Street, Cambuslang** 39 - 46
Report dated 29 April 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 5 **Application P/19/1462 for Formation of Site for 30 Residential Caravans Including Access, Services and Infrastructure to Serve Plots Including 3 LPG Gas Tanks and 1.8 Metres Firewall at Rob Roy Caravan Park, 120 Carlisle Road, Crawford, Biggar** 47 - 62
Report dated 22 April 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 6 **Application P/21/0074 for Installation and Display of LED Panel Display on Retail Unit (Retrospective) at 30 West Port, Lanark** 63 - 72
Report dated 30 April 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 7 **Application P/21/0295 for Amendment to Planning Consent P/19/1794 in Respect of Substitution of House Types at Plots 1 to 50 and Minor Amendments to Layout at Land 110 Metres Northwest of Littlepark Cottage, Jackton Road, East Kilbride** 73 - 88
Report dated 22 April 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 8 **Application P/20/1790 for Erection of Boundary Walls and Associated Alterations (Amendment to Planning Consent P/18/1157) (Retrospective) at 6 Strawfrank Road, Carstairs Junction** 89 - 100
Report dated 9 April 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 9 **Development Plan Scheme 2021** 101 - 118
Report dated 20 April 2021 by the Executive Director (Community and Enterprise Resources). (Copy attached)

Urgent Business

- 10 **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

Minutes of meeting held via Microsoft Teams on 23 March 2021

Chair:

Councillor Isobel Dorman

Councillors Present:

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

Councillors' Apologies:

Councillor Joe Lowe, Councillor John Ross (ex officio), Councillor David Shearer, Councillor Collette Stevenson

Attending:

Community and Enterprise Resources

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

Finance and Corporate Resources

J Davitt, Public Relations Officer; G McCann, Head of Administration and Legal Services; K McLeod, Administration Assistant; S McLeod, Administration Officer; G Stewart, Solicitor

Chair's Remarks

The Chair intimated that, should the meeting continue until 12.00 noon, there would be a minute's silence to observe the national day of reflection marking the first anniversary of the first UK COVID-19 lockdown and to provide an opportunity to reflect on the country's collective loss.

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 23 February 2021 were submitted for approval as a correct record.

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

3 Application Hearing P/20/1365 for Erection of Child Care Nursery (113 Children), Associated Car Parking, Drop-off/Pick-up Facilities, External Play Area, 2.4 Metre High Weld Mesh Fencing and Relocation of Electrical Substation at Land 30 Metres North of 21 Clyde Terrace, Bothwell

A report dated 12 March 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1365 by South Lanarkshire Council for the erection of a child care nursery (113 children), associated car parking, drop-off/pick up facilities, external play area, 2.4 metre high weld mesh fencing and relocation of electrical substation at land 30 metres north of 21 Clyde Terrace, Bothwell.

Points raised in 4 further letters of representation were referred to at the meeting and addressed by officers.

A further late representation had been received in relation to the handling of the application which would be dealt with in terms of stage 2 of the Council's Complaints Handling Procedure.

Because of the level of public interest in the proposed development, the opportunity of a hearing had been offered to the objectors to the proposal and the applicant.

The Committee heard:-

- ◆ L Sherry, M McDonald and V Sinclair, on behalf of the applicant
- ◆ D Budge, M McLaughlin and J Pugh, on behalf of the objectors to the proposal

At 12.00 noon, as a mark of respect, all present observed a minute's silence.

Following discussion, it was proposed that the matter be deferred to allow for further consideration of parking and transport arrangements. In response to points raised by members in relation to consideration of the potential site options, the Head of Planning and Economic Development advised that this was a matter outwith the remit of the Planning Committee and might be best addressed by a more appropriate forum.

The Committee decided:	that planning application P/20/1365 by South Lanarkshire Council for the erection of a child care nursery (113 children), associated car parking, drop-off/pick up facilities, external play area, 2.4 metre high weld mesh fencing and relocation of electrical substation at land 30 metres north of 21 Clyde Terrace, Bothwell be continued to a future meeting of the Committee to allow for further consideration of parking and transport arrangements.
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In terms of Standing Order No 13, the Chair adjourned the meeting at 12.15pm for a 15 minute period. The meeting recommenced at 12.30pm without the attendance of Councillors Bradley and Harrow

4 Application P/20/1578 for Replacement of Existing Sign to LED Sign at Advertising Station, 99 Glasgow Road, Cambuslang

A report dated 24 February 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1578 by Global for the replacement of an existing sign to an LED sign at the advertising station, 99 Glasgow Road, Cambuslang.

The Committee decided: that planning application P/20/1578 by Global for the replacement of an existing sign to an LED sign at the advertising station, 99 Glasgow Road, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

5 Application P/20/1751 for Partial Demolition of B-Listed Annex Building and Conversion of Retained Element to Form 8 Flats and Construction of 31 New Houses in the Cleared Area and Adjacent Playground Along with Associated Ancillary Works at Lanark Grammar Annex, Hyndford Road, Lanark

A report dated 12 March 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1751 by Wilson Developments and Clyde Valley Housing Association for the partial demolition of a B-listed annex building and conversion of a retained element to form 8 flats and construction of 31 new houses in the cleared area and adjacent playground along with associated ancillary works at Lanark Grammar Annex, Hyndford Road, Lanark.

The Committee decided: that planning application P/20/1751 by Wilson Developments and Clyde Valley Housing Association for the partial demolition of a B-listed annex building and conversion of a retained element to form 8 flats and construction of 31 new houses in the cleared area and adjacent playground along with associated ancillary works at Lanark Grammar Annex, Hyndford Road, Lanark be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 20 March 2007 (Paragraph 14)]

6 Application P/20/1752 for Partial Demolition of Annex Building and Conversion of Retained Element to Form 8 Flats (Listed Building Consent) at Lanark Grammar Annex, Hyndford Road, Lanark

A report dated 12 March 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1752 by Wilson Developments and Clyde Valley Housing Association for the partial demolition of a B-listed annex building and conversion of a retained element to form 8 flats (listed building consent) at Lanark Grammar Annex, Hyndford Road, Lanark.

The Committee decided: that planning application P/20/1752 by Wilson Developments and Clyde Valley Housing Association for the partial demolition of a B-listed annex building and conversion of a retained element to form 8 flats (listed building consent) at Lanark Grammar Annex, Hyndford Road, Lanark be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 20 March 2007 (Paragraph 14)]

7 Application P/20/1661 for Change of Use of Agricultural Land to Form Additional Garden Ground (Retrospective), Erection of Rear Extension and Side Extension to Form Garage at 16 Southend Court, Strathaven

A report dated 5 March 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1661 by A Bulloch for the change of use of agricultural land to form additional garden ground (retrospective), erection of rear extension and side extension to form garage at 16 Southend Court, Strathaven.

The application had been assessed against the relevant policies and criteria contained in the adopted South Lanarkshire Local Development Plan 2015, associated Supplementary Guidance and the proposed 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:-

- ◆ the proposal complied with policies 2, 4, 6 and DM2 of the adopted South Lanarkshire Local Development Plan
- ◆ the proposal complied with policies 2, 3, 5 and DM2 of the proposed South Lanarkshire Local Development Plan 2
- ◆ the proposal would have no adverse impact on residential or visual amenity
- ◆ the proposal was an extension to an existing residential property

The Committee decided: that planning application P/20/1661 by A Bulloch for the change of use of agricultural land to form additional garden ground (retrospective), erection of rear extension and side extension to form garage at 16 Southend Court, Strathaven be granted subject to the conditions specified in the Executive Director's report.

8 Application P/20/1730 for Erection and Operation of Windfarm Consisting of 21 Turbines, up to a Maximum Height to Blade Tip of 200 Metres (Consultation from Scottish Ministers Under Section 36 of the Electricity Act 1989) at Cumberhead West Wind Farm, Cumberhead Forest, Near Coalburn

A report dated 2 March 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1730 by Cumberhead West Wind Farm Limited for the erection and operation of a windfarm consisting of 21 turbines, up to a maximum height to blade tip of 200 metres (consultation from Scottish Ministers under Section 36 of the Electricity Act 1989) at Cumberhead West Wind Farm, Cumberhead Forest, Near Coalburn.

The proposal had been submitted to the Scottish Government under Section 36 of the Electricity Act 1989 as it had an electricity generating capacity of over 50 megawatts (MW). As a result, the Council was a consultee to the application and not the consenting authority.

The application was considered acceptable on the basis that it:-

- ◆ accorded with the relevant policies in the adopted South Lanarkshire Local Development Plan, associated Supplementary Guidance and the proposed South Lanarkshire Local Development Plan 2
- ◆ accorded with National Policy
- ◆ would not have any significant adverse impact within the surrounding area

The Committee decided:

- (1) that the Scottish Government be advised that the Council had no objections to planning application P/20/1730 by Cumberhead West Wind Farm Limited for the erection and operation of a windfarm consisting of 21 turbines, up to a maximum height to blade tip of 200 metres (consultation from Scottish Ministers under Section 36 of the Electricity Act 1989) at Cumberhead West Wind Farm, Cumberhead Forest, Near Coalburn, subject to the conditions specified in the Executive Director's report;
- (2) that, in addition, the Scottish Government be advised that approval should be subject to the conclusion of legal agreements covering:-
 - ◆ community contribution payments
 - ◆ the funding of a Planning Monitoring Officer
- (3) that the applicant be responsible for the Council's costs associated with the legal agreements and the restoration guarantee quantum; and
- (4) that the Head of Planning and Economic Development be authorised to undertake any discussions in relation to further agreements on the proposed conditions and planning obligations, if required, with the Scottish Government.

9 Application P/20/1838 for Change of Use from Public House to Retail Unit and External Alterations to Existing Building at The Old Original Bar, 285 Glasgow Road, Blantyre

A report dated 12 March 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1838 by GHSL Limited for the change of use from public house to retail unit and external alterations to the existing building at The Old Original Bar, 285 Glasgow Road, Blantyre.

The Committee decided: that planning application P/20/1838 by GHSL Limited for the change of use from public house to retail unit and external alterations to the existing building at The Old Original Bar, 285 Glasgow Road, Blantyre be granted.

10 Application P/20/1665 for Change of Use from Dry Cleaners (Class 1) to Hot Food Takeaway (Sui Generis) at 36 Kirkton Park, East Kilbride

A report dated 12 March 2021 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/1665 by Mayfair Cleaners for a change of use from dry cleaners (class 1) to hot food takeaway (sui generis) at 36 Kirkton Park, East Kilbride.

Points raised in letters of objection from Councillors Fagan and Ferguson were referred to at the meeting and addressed by officers.

Following discussion, Councillor Dorman, seconded by Councillor Horsham, moved that the application be granted subject to the conditions specified in the Executive Director's report. Councillor Scott, seconded by Councillor Wardhaugh, moved as an amendment that the application be refused on the grounds of road safety in terms of traffic volume and the amenity value of the area, including nuisance. On a vote being taken by roll call, members voted as follows:-

Motion

Stephanie Callaghan, Peter Craig, Isobel Dorman, Mark Horsham, Ann Le Blond

Amendment

Alex Allison, Archie Buchanan, Margaret Cowie, Maureen Devlin, Mary Donnelly, Fiona Dryburgh, Lynsey Hamilton, Martin Lennon, Richard Lockhart, Davie McLachlan, Lynne Nailon, Carol Nugent, Graham Scott, Bert Thomson, Jim Wardhaugh

5 members voted for the motion and 15 members voted for the amendment which was declared carried.

The Committee decided: that planning application P/20/1665 by Mayfair Cleaners for a change of use from dry cleaners (class 1) to hot food takeaway (sui generis) at 36 Kirkton Park, East Kilbride be refused on the grounds of road safety in terms of traffic volume and the amenity value of the area, including nuisance.

11 Planning Enforcement Charter

A report dated 3 March 2021 by the Executive Director (Community and Enterprise Resources) was submitted on proposed amendments to the Council's Planning Enforcement Charter.

The current Planning Enforcement Charter, approved by the Planning Committee at its meeting on 26 February 2019, included a priority system to assist officers in prioritising their responses to potential breaches which were most likely to have serious impact and which could affect important or sensitive sites.

Following the review of the Charter, the following amendments were proposed:-

- ◆ anonymous complaints would no longer be investigated unless the alleged unauthorised works related to a case which fell under the high priority category
- ◆ minor changes to the wording regarding the enforcement powers available to Planning and Economic Development Services and how to contact the Enforcement Team

In response to legislative requirements set out in the Planning (Scotland) Act 2019, the revised Charter had also been amended to:-

- ◆ reflect the increased penalties for non-compliance with notices served by the Council in terms of Section 42 of the Act
- ◆ include a statement in relation to the monitoring of compliance with planning permissions which had been granted in respect of major developments including how the Council would monitor compliance with such permissions, record its findings and make such records publicly available

If approved, the revised Charter, attached as an appendix to the report, would be published on the Council's website and would form the basis for the Planning Service's approach to the application of its enforcement powers.

The Committee decided:

- (1) that the amendments to the Council's Planning Enforcement Charter, as detailed in the appendix to the report, be approved; and

- (2) that the Head of Planning and Economic Development be authorised to modify the document to take account of drafting, presentational and technical matters prior to publication.

[Reference: Minutes of 26 February 2019 (Paragraph 11)]

Councillor Lockhart left the meeting during consideration of this item of business

12 Tree Preservation Order – Cityford Drive and Kingsbridge Drive, Rutherglen

A report dated 2 March 2021 by the Executive Director (Community and Enterprise Resources) was submitted on the promotion of a Provisional Tree Preservation Order (TPO) on trees located between Cityford Drive and Kingsbridge Drive, Rutherglen, as detailed on the plan attached to the Executive Director's report.

The Provisional TPO was required to ensure that no inappropriate work was undertaken to the trees, which were considered to contribute to the character, amenity and sense of place of the surrounding area of Bankhead, Rutherglen.

The Committee decided:

- (1) that a Provisional Tree Preservation Order be promoted under the terms of Section 163 (Provisional Tree Preservation Order) of the Town and Country Planning (Scotland) Act 1997 on the groups of trees within the areas identified on the plan attached to the report; and
- (2) that, should there be no objections to the Provisional Tree Preservation Order, the Order be confirmed within 6 months of the date of its promotion.

13 Urgent Business

There were no items of urgent business.

Report

3

Report to:	Planning Committee
Date of Meeting:	11 May 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/1749
Planning proposal:	Erection of 2 wind turbines (maximum height 100m to tip) and associated infrastructure including 2 No. 2MW battery storage facilities, access tracks and associated cabling

1 Summary application information

Application type:	Detailed planning application
Applicant:	HBV2 LTD
Location:	Land 575M SSE Of Dykecroft B7086 From Boghead Kirkmuirhill To Deadwaters Bridge Boghead Lanark South Lanarkshire

2 Recommendation(s)

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

- (1) Refuse the application for the reasons attached

2.2 Other actions/notes

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

3 Other information

- ◆ Applicant's Agent: Adele Ellis
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): South Lanarkshire Development Plan 2
Policy 1 - Spatial Strategy
Policy 2 - Climate change
Policy 4 - Green Belt and Rural Area
Policy 5 - Development Management and Placemaking
Policy 14 - Natural and Historic Environment

Policy 15 - Travel and Transport
 Policy 16 - Water Environment and Flooding
 Policy 18 - Renewable Energy
 Policy DM1 - New Development
 Policy SDCC2 - Flood Risk
 Policy SDCC3 - Sustainable Drainage Systems
 Policy NHE9 - Protected Species
 Policy NHE18 - Walking, Cycling and Riding
 Routes
 Policy NHE20 - Biodiversity
 Policy RE1 – Renewable Energy

Supporting Planning Guidance: Renewable Energy

◆ **Representation(s):**

▶	41	Objection Letters
▶	14	Support Letters
▶	3	Comment Letters

◆ **Consultation(s):**

CAA

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

West of Scotland Archaeology Service

Countryside and Greenspace

BAA Glasgow

MoD (Windfarms)

National Air Traffic Services Ltd

Planning Application Report

1 Application Site

- 1.1 The application site is an area of predominantly agricultural grazing land some 0.27 hectares in size. The site is located some 534m to the west of the settlement of Boghead. To the south of the site is Dunduff Quarry, a hard rock quarry that has been in operation for decades. The Quarry operates a one way system with separate access and egress routes from the B7086 public road. The east and north of the site is bounded by open farmland with the woodland separating the site from Boghead. The site sits within a large, open landscape sitting at approximately 240m above ordnance datum. The site, therefore, sits on one of the higher points of a relatively flat landscape.
- 1.2 The application site is on land designated as Rural within the Adopted South Lanarkshire Local Development Plan 2 2021 (SLLDP2) and the surrounding landscape is described as having a landscape character type of Plateau Farmland.

2 Proposal(s)

- 2.1 Planning permission is sought for the installation of 2 No. wind turbines with a maximum tip height of 100m each together with a 2MW battery storage unit, associated electricity infrastructure and ancillary access track. The proposed battery storage units are each 2.29m in height, 4.23m in width and 1.65m deep. The batteries are solely to store energy from the wind turbines and transfer to the grid when energy is required.
- 2.2 It is proposed to access the site using the Dunduff Quarry haulage road described above and then create an internal access track to each turbine.

3 Background

3.1 National Policy

- 3.1.1 National Planning Framework 3 (NPF3) June 2014 sets out the long-term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3 also notes in paragraph 3.8 "We want to meet at least 30% of overall energy demand from renewables by 2020".
- 3.1.2 Scottish Planning Policy (SPP) December 2020 aligns itself with NPF3 and one of its policy principles states that "This SPP introduces a presumption in favour of sustainable development". At paragraph 28, SPP states that "the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost." The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).

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

3.2 Development Plan

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 09 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

- Policy 1 Spatial Strategy
- Policy 2 Climate Change
- Policy 5 Development Management and Placemaking
- Policy 13 Green network and greenspace
- Policy 14 Natural and Historic Environment
- Policy 15 Travel and Transport
- Policy 16 Water Environment and Flooding
- Policy 18 Renewable Energy

Volume 2

- DM1 New Development Design
- SDCC2 Flood Risk
- SDCC3 Sustainable Drainage Systems
- NHE9 Protected Species
- NHE18 Walking, Cycling and Riding Routes
- NHE20 Biodiversity
- RE1 Renewable Energy

- 3.2.3 In addition, the Council has prepared Supporting Planning Guidance on Renewable Energy which provides further detailed advice and requirements for renewable energy developments.

3.3 Planning Background

- 3.3.1 An EIA screening request was submitted for the current proposals (P/20/1603). Following the screening process the Council was content that due to the scale and location of the proposals they did not constitute EIA development.

- 3.3.2 An application for the erection of three 100m wind turbine (height to blade tip) and associated crane pads, equipment housings and access track (P/19/1712) was refused by the Planning Committee of the 23 June 2020. The refusal reasons were:-

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

- 3.3.3 This decision was the subject of an appeal to Scottish Ministers. The Reporter dismissed the appeal and maintained the refusal of planning permission. The appeal (hereon referred to as the Appeal Decision) concluded that (para 29) “the proposal would not either individually or in combination with other developments, unacceptably affect the character of the Plateau Farmland landscape or, beyond the village of Boghead and its immediate surroundings, have an unacceptable visual amenity effect. I am satisfied that conditions could adequately control noise, shadow flicker and radar mitigation.” The reason for dismissing the appeal was, therefore, on the basis (para 34) “the proposal would have an unacceptably detrimental effect on living conditions of a number of properties in Boghead due to the visually dominant and overbearing presence of the proposed turbines. It would

not, therefore, be the right development in the right place and would not represent development that contributes to sustainable development.”

- 3.3.4 The current planning application includes 2 of the 3 turbines that were part of the above application with the turbine closest to Boghead removed and the addition of the battery storage element.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Development Management)** – requested additional detailed information in relation to the abnormal load route, construction programme, submitted Traffic Management Plan, visibility splays, parking arrangement and information relating to the cable route. Additional information has been submitted which is still under review.

Response: Noted that Roads are still reviewing the additional information submitted but given there were no objections on transport grounds to the previous 3 turbine scheme and subsequent Appeal Decision it is considered that the transportation of turbines would not impact upon road safety in this instance subject to detailed conditions ensuring the above mentioned information is addressed prior to any works starting on site. Conditions regarding Traffic Management and a legal agreement securing a financial guarantee in relation to wear and tear of the public road network would also be required to be attached to any permission if granted.

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

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

- 4.3 **Environmental Services** – are content with the findings of the noise and shadow flicker assessments and have no objections to the proposals subject to appropriate noise limits and shadow flicker mitigation being condition to any consent if issued.

Response: Noted, should planning permission be approved appropriate conditions relating to noise and shadow flicker should be attached to any decision issued.

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

Response: Noted. Following this objection, the applicant has entered into discussions with NATS to try and agree a RADAR mitigation solution in relation to the turbines. The applicant has submitted evidence demonstrating that they are in advance discussions with NATS on agreeing appropriate RADAR mitigation.

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

Response: Noted.

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

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

- 4.7 **Countryside and Greenspace** –content with the ecological survey submitted and note that the proposals would not physically impact on any Core Path

Response: Noted.

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

- ◆ Roads and Transportation (Flood Risk Management)
- ◆ CAA

5 Representation(s)

- 5.1 The proposal was publicised as an application requiring advertisement due to the non-notification of neighbours and as a Schedule 3 (Bad Neighbour) development in the Lanark Gazette on 13 January 2021. Following this advertisement 41 letters of objection have been submitted, including from Boghead Community Group and the land owner of the adjacent Quarry and access road. The grounds of objection are summarised as follows:-

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

Response: A detailed assessment of the landscape and Visual Impact of the proposals is carried out in 6.26 to 6.33 below.

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

Response: A detailed assessment of Residential Visual Amenity of the proposals is carried out in 6.30 to 6.33 below.

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

Response: Environmental Services are content that the proposed shadow flicker mitigation is adequate subject to it being a condition attached to any permission if granted.

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

Response: Cumulative impact forms part of the detailed landscape and visual assessment carried out in 6.26 to 6.33 below.

- e) **Noise Pollution**

Response: Environmental Services are content that due to the location of the turbines, acceptable noise levels could be achieved. A condition ensuring such levels are maintained would be attached to any permission if issued.

- f) **Light Pollution**

Response: It is considered that the only lighting required in association with the proposals would be to address air traffic safety and would generally, therefore, have limited visual impact. Should permission be granted, a lighting scheme could form a condition on any decision.

- g) **Aviation Safety**

Response: There is currently an objection from NATS on these grounds but the applicant is in discussions with NATS to agree appropriate RADAR mitigation. In relation to local, hobby flying within the locale, this is a private

leisure activity and as such would be required to be mindful of these or any other turbines as part of the activity.

h) Impact on Road Safety

Response: The applicant is discussing the abnormal load route with Roads and Transportation. If consent were granted, a condition requiring the submission of a Traffic Management Plan would be attached to the decision.

i) Set a precedent for 100m tall turbines close to settlement boundaries.

Response: As set out within Section 6 below, all applications are assessed on their individual merits and any decision taken on these turbines does not necessarily preclude or allow similar turbines in the area without further, detailed assessment.

j) Potential impact on turbines from quarry blasting

Response: The proposed turbines and their bases would be constructed to ensure they meet ground vibration tolerances which would include the blasting from the quarry. The blasting is strictly controlled to ensure blast vibrations do not breach tolerable levels outwith the quarry face.

k) Impact on wildlife

Response: An Ecological appraisal, including Phase 1 Habitat study have been submitted with the planning application. It is considered that given the application site consists of cultivated land, there is little habitat value on the site.

l) Impact on walkers, footpaths etc.

Response: The proposals do not directly affect any footpath or Right of Way. Indirect impacts in Visual Impact terms form part of the detailed Visual Impact assessment in 6.26 to 6.33 below.

m) Access to site prohibited by owner

Response: Land ownership issues are civil matters outwith the planning system. Should planning permission be granted, any applicant must, separately, ensure they have ownership or any right of access required to implement the development. Nevertheless, in this case, the applicant has served an ownership notice on the owners of the land required for access. The applicant has stated that if they were not given access to the site from the owner, they would investigate the transport of the turbine components to site by air.

n) Lack of reference to Boghead

Response: It is considered that, given the proximity of the proposals to the settlement of Boghead, the carrying out of a Residential Visual Amenity Study (RVAS), including providing a viewpoint from a prominent point within the settlement would have been best practice as part of the LVIA carried out. Whilst it is disappointing that this has not been carried out and opens up the suggestion that the LVIA is lacking in detail, it is accepted that the LVIA does provide viewpoints in all directions around the site. It is noted that the lack of an RVA was highlighted in the Council's assessment of the previous application and within the Reporter's Appeal Decision.

- o) **Inaccuracies within the planning submission including out of date information**
Response: The application met the minimum criteria required to allow the application to be validated.
- p) **Ownership issues regarding cabling infrastructure.**
Response: As noted in m) above, issues regarding land ownership are civil matters outwith the planning system. Should planning permission be granted, any applicant must, separately, ensure they have ownership or any right of access required. Connecting the turbines to the National Grid would also involve Scottish Power Energy Networks (SPEN) who have separate civil powers for infrastructure delivery.
- q) **The previous appeal decision should be taken into account**
Response: The appeal decision is referenced, where relevant, throughout the assessment of the application in Section 6 below.
- r) **Impact on property values and private business interests. Impact on livestock. Inappropriate offer of community benefit.**
Response: These are not material considerations to the assessment of any planning application.

5.2 14 letters of representation, including from the National Farmers Union (NFU) Scotland, have been received stating that they are in support of the proposals and 3 neither objecting nor supporting.

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

6 Assessment and Conclusions

6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GVCSDP) and the adopted South Lanarkshire Local Development Plan 2 2021 (SLLDP2).

6.2 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of SLLDP2 and a number of modifications to the plan were recommended. At the Planning Committee on 1 December 2020, members agreed to the approval of all of the modifications, the publication and public deposit of the Plan, as modified and the submission of the Plan to Scottish Ministers. SLLDP2 was formally adopted on 9 April 2021 and now supersedes the former Local Plan. For the purposes of determining planning applications, the Council will, therefore, assess proposals against the policies contained within the newly adopted SLLDP2.

6.3 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.

6.4 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”.

- 6.5 SPP Policy Principles (page 9) states that “This SPP introduces a presumption in favour of sustainable development”. At paragraph 28, SPP states that “the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.” The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).
- 6.6 SPP, therefore, promotes renewable energy projects but only ‘the right development in the right place; it is not to allow development at any cost’. As noted in 6.1, the planning system should be plan led and this is re-enforced as being part of the Core Values of the Planning Service set out in SPP Paragraph 4. It is, therefore, considered that whilst the principle of renewable energy is supported at a National Level, it is only supported if the proposals are deemed to be considered ‘the development in the right place’ and that the primary, determining criteria for this assessment should be the Development Plan.
- 6.7 The proposed development therefore requires, firstly, to be considered against the Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions. The methodology used in devising the Onshore Wind Spatial Framework is set out in Part Two of Background Report 10 Low and Zero Carbon Generating Technologies. At section 15.10, the background report acknowledges that wind turbine development is likely to be acceptable subject to detailed consideration against local policy criteria and that potential wind farm development should not be viewed in isolation. It goes on to state that developers and interested parties must refer to any local guidance made available by the local planning authority including local development plans and supplementary guidance, and landscape capacity studies. Policy 10 Onshore Energy requires proposals to accord with local development plans. It is, therefore, considered that at a strategic level the Development Plan supports the principle of renewable energy subject to a detailed assessment against the local development plan.
- 6.8 In terms of the adopted South Lanarkshire Local Development Plan 2, Policy 1 ‘Spatial Strategy’ of the SLLDP2 states that the Plan will encourage sustainable economic growth and regeneration, protect and enhance the built and natural environment and move towards a low carbon economy and that this will be achieved, inter alia, by supporting ‘development that accords with and supports the policies and proposals in the development plan and supplementary guidance. As the site is located within the Rural Area the application, therefore, requires to be assessed under the Policy 4 ‘Green Belt and rural area’. This states that support will not be given for development proposals within the Countryside, unless they relate to uses which must have a countryside location. Policy 4 recognises that there

are specific circumstances where proposals may require to be located within a rural area if it can be demonstrated that there is an established need for the proposed development. SLLDP2 Volume 2 Policy GBRA2 Business Proposals within Green Belt and Rural Area lists renewable energy as an appropriate use in the Rural Area subject to it conforming to SLLDP2 Policy 18: Renewable Energy. Further assessment of the proposals against SLLDP2 Policy 18 are considered below but the principle of the renewable energy use within the Rural Countryside accords with the spatial strategy set out within SLLDP2 Policies 1 and 4 in this instance. Again, the overall acceptability of such a development must, however, also meet other Policy and Development Management criteria and these issues are considered in detail further in the report.

- 6.9 Policy 2 'Climate Change' of the SLLDP2 states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. The proposals are for a renewable energy development and, therefore, intrinsically support minimising the effects of climate change through greener energy generation. It is, therefore, considered that the principle of the development accords with SLLDP Policy 2 in this instance. Again, the overall acceptability of such a development must however also meet other Policy and Development Management criteria and these issues are considered in detail further in the report.

- 6.10 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. This advice is supported through SLLDP2 Volume 2 Policy DM1 New Development Design.

- 6.11 Policy 14: Natural and Historic Environment provides the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment. This advice is supported through a range of topic specific SLLDP2 Volume 2 Policies NHE1 to NHE21 and reference to the relevant specific policy is made throughout the remainder of the assessment below.

- 6.12 Policy 18: Renewable Energy states applications for renewable energy infrastructure developments will be supported subject to an assessment against the principles set out in 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 SLLDP2. It further states that all renewable energy proposals shall be assessed against the relevant criteria and requirements set out in the Assessment Checklist for Renewable Energy Proposals (hereon referred to as the Checklist) contained within SLLDP2 Volume 2. SLLDP2 Volume 2 Policy RE1 Renewable Energy supports Policy 18 and states that as well as the Checklist, renewable energy proposals should also take into account the considerations, criteria and guidance contained within the Supporting Planning Guidance on Renewable Energy, Landscape Capacity Study for Wind Energy (2019 as amended) and other relevant policies in SLLDP2. Part of the Checklist includes an assessment of the criteria referenced in Policies 5 and 14 above. The assessment below, therefore, also includes the assessment against these policies criteria.

- 6.13 SLLDP2 Table 7.2 sets out the Spatial Framework for Wind Energy and applies to all wind energy developments of 15 metres or greater in height. The spatial framework identifies those areas that are likely to be most appropriate for onshore

wind farms as a guide for developers and communities. It sets out three groupings in relation to wind energy development. These are as follows:-

- Group 1: Areas where wind farms will not be acceptable
- Group 2: Areas of significant protection
- Group 3: Areas with potential for wind farm development

6.14 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.

6.15 Group 2 Areas of significant protection; SPP and the Spatial Framework for Wind Energy recognise the need for significant protection of particular areas which include:-

- National and international designations
- Other nationally important mapped environmental interests
- Community separation for consideration of visual impact

6.16 The New Lanark World Heritage Site is approximately 8.5km to the east of the application site and it is considered that this distance negates any proposed impact the development may have on the setting of this international designation. In relation to national designations, there are no ecological designations within a 2.5km radius of the site. In relation to historical designations there are no Historic Battlefields or A listed buildings within a 5km radius of the site. There are 19 B Listed buildings within a 5km radius of the application site. The nearest B Listed building (Dovecot, Blackwood House) is approximately 1.9km from the application site and it is considered that this separation distance and intervening topography would minimise any impact the turbines may have on the setting of this or any other B Listed building. The Cultural Heritage Assessment submitted as part of the Planning Application notes that the Lesmahagow Conservation Area is within 5km of the application site yet does not provide further commentary on any assessment of the proposals in relation to this Conservation Area. It is considered, however, that this Conservation Area is over 2.5km from the application site which would minimise any potential impact upon this national designation. There is only 1 Scheduled Ancient Monument within 5km of the site (Craighead Mill, Lesmahagow) and again the distance between this national designation and the application minimises any potential impact the turbines may have. It is, therefore, considered that there would be no adverse impacts upon National and international designations, as well as other nationally important mapped environmental interests.

6.17 The third criteria of the Group 2 Areas of significant protection relates to community separation for consideration of visual impact. This is defined by SPP as an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The community of Boghead is within 2km of the application site, with the nearest turbine being some 534m to the settlement boundary. The application site, therefore, falls within a Group 2 Area of significant protection. It is noted that being within a Group 2 Area does not automatically preclude wind farm development as the 2km buffer zone around settlements is an indicative area in which potential developers will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. The separation is not a

ban on wind energy development in the identified area but does require a full assessment of a wind farms potential impact in relation to the community. This assessment is carried out from paragraph 6.26 onwards.

6.18 As noted, in 6.12 above, Policies 18 and RE1 require renewable energy proposals to be assessed against the Checklist and other relevant policies of SLLDP2. These are taken in turn below.

6.19 Impact on international and national designations.

National and international designations have been previously assessed at paragraphs 6.14 to 6.17 above and it is considered that there are no adverse effects on national and international designations.

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

The application site does not have any of these interests.

6.21 Community separation for consideration of visual impact.

This is examined in detail in paragraphs 6.30 to 6.32 below.

6.22 Economic benefits.

This includes local and community socio-economic benefits such as employment, associated business and supply chain opportunities. No assessment of the socio-economic impact of the proposed development was submitted as part of the application. It is acknowledged that there will be some construction employment related to the development but as the development involves 2 turbines and associated battery storage there is unlikely to be other economic opportunities associated with the development. It is, therefore, considered that there is little weight in any consideration of the development in relation to economic benefits.

6.23 Scale of contribution to renewable energy generation targets and effects on greenhouse gas emissions.

It is acknowledged that, as with any renewable energy project, if developed, the proposals would add to renewable energy targets. It is also acknowledged that renewable energy production is only one material consideration with any planning assessment and is balanced against the suitability of any scheme and its location.

6.24 Effect on the natural heritage, including birds - Table 7 criteria 7a) South Lanarkshire Local Biodiversity Strategy, Local nature conservation designations, bird sensitivity, protected species and bats.

This criterion, in line with SLLDP2 Volume 2 Policies NHE9 (Protected Species) and NHE20 (Biodiversity), states that development which will have an adverse effect on protected species following the implementation of any mitigation measures will not be permitted unless it can be justified in accordance with the relevant protected species legislation. An Ecological Appraisal, including a Phase 1 Habitat Survey, has been submitted as part of the application. It concludes that that the development would not have a significant impact upon protected species and habitats. It also provides proposed mitigation such as hedge clearance being carried out with the nesting bird season and pre-construction surveys for bats being carried out. It is considered that, given the application site is mainly cultivated land, the conclusion of the Ecological Appraisal is accepted and that the proposals would not have a significant, adverse impact upon the natural heritage of the area subject to suitable mitigation measures. Whilst the site is relatively small in wind farm terms there is

still adequate land within the application site to create new habitats to enhance the existing natural environment. It is considered that whilst not referenced within the planning submission, should approval be given a habitat creation and management plan should be a conditional requirement of the decision to ensure that there is a natural benefit arising from the development.

6.25 Effect on the natural heritage, including birds – Table 7 criteria 7b) Habitat Management Plans (HMP).

As noted above, it is considered appropriate to require the implementation of habitat creation to improve biodiversity within the site if consent is granted

6.26 Landscape and visual impacts including landscape capacity and cumulative developments

It is considered that landscape designations, character and capacity are key considerations in considering the impact of wind farm and wind turbine proposals. The Council's own landscape technical studies provide a comprehensive baseline for the assessment of wind farm and wind turbine proposals in South Lanarkshire. First the impact on landscape designation and character, and the capacity of the landscape to accommodate the proposed development is assessed below. Secondly the visual impact is assessed followed by the impact on visual residential amenity. Visual impact is, therefore, in essence, a development's impact in relation to how it impacts upon receptors. The assessment takes into account cumulative impacts. A Landscape and Visual Impact Assessment (LVIA) was submitted as part of the application.

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

6.28 The application site is located at one of the higher points in the plateau landscape which enhances its prominence within the landscape. The site has no landscape backdrop which would help minimise the turbines scale within the landscape. In broader landscape terms, as noted in the Landscape Capacity Study, there is already extensive turbine development within the landscape. It is noted that, within

a 5km radius of the application, site the majority of turbines are between 50m to 77m which is significantly lower than the 100m proposed as part of this application. There are turbines of similar height, but they are mainly located on the fringes of the 5km radius. There are no large scale wind farms within a 5km radius of the application site and the nearest is Kype Muir which is some 5.3km away. It is, therefore, considered that the proposed turbines would be out of scale with the majority of turbine development within the landscape and the elevated nature of the site would add to their prominence in the landscape. It is therefore considered that, given there is already limited capacity within the landscape for turbine development, the height of the proposed turbines (being at least 20m higher than any existing development on an elevated site within an undulating, plateau landscape) extenuates any landscape impact the proposals would have. The previous application for 3 turbines was considered by the Council as having potential to have a significant impact upon the landscape character that would further undermine the landscape's key characteristics and, therefore, were not considered appropriate in this LCT. However, in the subsequent Appeal Decision, the Reporter concluded that the 3 turbines would not "take the character of this LCT to the point where it could reasonably be described as a 'windfarm landscape' rather than (as it is now) a landscape in which turbines are a prominent but dominant element. I am satisfied, therefore, that the proposal would not unacceptably affect the landscape character of this LCT." Whilst still having concerns regarding the proposals impact upon the landscape taking the Reporter's decision on landscape and the reduction in scale from 3 to 2 turbines, it is considered that, on balance, the proposals would not have a significant, detrimental impact upon the landscape character of the area and would not be a reason to refuse planning permission.

6.29 In terms of Visual Impact, this can be categorised in 2 separate considerations. Firstly, there is the general Visual Impact the proposals may have to receptors throughout the wider area and secondly there is the specific Visual Impact proposals can have on residential amenity. Taking each in turn, in terms of general Visual Impact, it is considered that the height of the turbines on an elevated site within a plateau area would result Visual Impact occurring across a wide area. A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the application based on a study radius of 30km from the site. The LVIA visualisations show that the turbines would be prominent in views at distances of approximately 2.5km and that, beyond that distance, whilst visible, the turbines would be viewed in the context of other similar, vertical development including other wind turbines and electricity pylons. It is, therefore, considered that the visual impact of the turbines would be localised. In the Appeal Decision, the Reporter ruled that the proposal for the 3 turbines, given the presence of other turbines and pylons outwith approximately 2.5km "would ensure no unacceptable visual amenity effects." It is considered that, in relation to distances over 2.5km of the site and the reduction in the number of turbine numbers, that it is agreed that the general Visual Impact of the proposals is not significantly detrimental. In relation to Visual Impact within the 2.5km of the site, this is considered in tandem with the impacts on communities in 6.30 to 6.32 below.

6.30 Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker.

The impact of the proposed development on communities and individual dwellings requires to be assessed in relation to criteria 10 of the Checklist. Criteria 10 contains 3 considerations which are residential visual amenity, noise and shadow flicker.

- 6.31 As noted above, the application site is considered a Category 2 development as the turbines are within 2km of a settlement/community, in this case within 500m of the settlement of Boghead. Whilst being located within a Category 2 area does not preclude wind farm development it does require the visual impact of the community to be taken into account and developers required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. First of all, it is noted that a Residential Visual Amenity Study (RVAS) has not been carried out as part of the LVIA and that there is no viewpoint from the settlement of Boghead. The LVIA does, however, state that significant visual effects are predicted from the turbines at viewpoints 1 (Woodhead entrance) which is located to the west of Boghead and 2 (Bent Primary School) which is to the east of Boghead. It is considered that these viewpoints are of the most relevant in assessing the turbines visual impact in relation to Boghead. The turbines are approximately 534m and 672m respectively from the edge of the settlement boundary of Boghead and the nearest settlement boundary mainly comprises residential houses and their rear gardens. The application site is approximately 25m above Boghead which further elevates their prominence in terms of their height and visibility from the village. It is considered that these distances from the dwellings and the elevated nature of the site would lead to the turbines having a dominating effect over the settlement with the turbines looming over the village. In the Appeal Decision the Reporter ruled that “the proposal would have an unacceptably detrimental effect on living conditions of a number of properties in Boghead due to the visually dominant and overbearing presence of the proposed turbines.” It is noted that the turbine that was closest to Boghead has been removed as part of these proposals, but the Appeal Decision did not single out this turbine as being the only one that created the overbearing impact on Boghead.
- 6.32 It is considered that the current proposals still dominate and over tower the village of Boghead and that at a height of 100m to tip on an elevated position they would create an overbearing presence that would have an a significantly detrimental effect on the residential amenity of Boghead. It is considered that the proposals, therefore, do not constitute appropriate development at this scale and location and, therefore, do not also accord with Paragraph 28 of SPP which 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.”
- 6.33 The impact on communities and individual dwellings in respect to shadow flicker and noise requires to be assessed. A noise assessment has been submitted as part of the EIA Report. Environmental Services raise no issues with the assessment and recommend that an appropriate condition can be attached which require the noise limits to be validated, if consent is granted, to ensure the required levels are met. A Shadow Flicker assessment has been submitted as part of the application submission which notes that shadow flicker is a concern to 51 properties. The effect of shadow flicker formed part of the reason to refuse the previous application however the Reporter took the view that this could be mitigated through the use of a condition. The mitigation proposed by the applicant requires the turbines being shut down when shadow flicker is likely to occur. At worst case scenarios (assuming the sun is always shining with sufficient intensity to cast a clear shadow from dusk till dawn) it is estimated that any shutdowns for shadow flicker would reduce the

potential output capacity of the turbines by 5.1% a year. It is considered that, whilst this would reduce the output of the turbines, it would not negate the energy generated to any degree where it would render this proposed mitigation as detrimental to the potential energy yield of the proposals. It is considered that a suitable condition could be employed to minimise the proposals' impact on shadow flicker and ensure that it would not have a detrimental impact upon the amenity of the area.

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

The application submission did not include a carbon calculation in relation to the development but as noted in 6.20 the proposals do not involve the loss of peat or carbon rich soils.

6.35 Impact on Public Access.

This consideration set out at criteria 12 of the Checklist aligns with SLLDP2 Policies 14 (Natural and Historic Environment) and NHE 18 (Walking, Cycling and Riding Routes) which contains guidance on core paths and rights of way. The proposals do not affect any core paths or right of ways during construction or operation. It is, therefore, considered that the proposals are acceptable in relation to public access.

6.36 Impacts on the historic environment.

This consideration set out at criteria 13 of Table 7 of the SG Renewable Energy, in line with the criterion of SLLDP2 Policy 14, has previously been assessed under National Designations at paragraph 6.16 with the exception of impact upon C Listed Buildings. With regard to C Listed Buildings, there are 5 within 5km of the application site with Kirkmuirhill Parish Church being the closest at 2.6km. It is considered that this distance is sufficient to minimise any impact upon C Listed Buildings. On the basis of the above assessment, it is considered that the proposed development accords with the consideration set out at criteria 13 of the Checklist.

6.37 Impacts on tourism and recreation.

As noted in 6.22 above, no assessment of the socio-economic impact of the proposed development was submitted as part of the application. It is considered, however, that the proposed turbines would be unlikely to have any direct impact on any tourism and recreational interests within the area given it does not impact upon any core walking route. The visual impact could be considered to have a detrimental impact upon the aesthetic of the area which could be considered to detract from the potential attractiveness of the area to visit but not in any significant quantifiable means.

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

As noted earlier there is an objection from National Air Traffic Systems Limited (NATS) in relation to the proposals having a detrimental impact upon their RADAR systems and, therefore, aviation safety. The applicant has provided evidence that they are now in discussions with NATS with regard a RADAR mitigation strategy and whilst they have not currently removed their objection it is considered that a solution appears to be available and an appropriate condition could ensure its implementation. This accords with the view taken by the Reporter in the appeal decision.

6.39 Impact on road traffic and on trunk roads.

The criterion of this section of the checklist mirrors SLLDP2 Policy 15 (Travel and Transport) which requires all new development to conform to South Lanarkshire Council's Road Development Guidelines. In this instance it is considered that the abnormal load route proposed mirrors that of the Kype Muir Wind Farm and, therefore, the public highway is capable for transporting turbines. The final stage of the route proposes to utilise a haulage road for an active quarry which has specifically designed and constructed for large Heavy Goods Vehicles. As noted in 4.1 above, Roads and Transportation Services (Development Management) requested additional detailed information relating to the abnormal load route, construction programme, submitted Traffic Management Plan, visibility splays, parking arrangement and information relating to the cable route and that is currently under review. The previous planning application and Appeal decision (which was for an additional turbine) was not considered to have an impact on Road Safety and, therefore, it is considered that subject to these details being satisfactorily addressed or conditioned, the proposals would accord with the Policy criteria and the Checklist in this instance. If planning permission were to be granted, conditions regarding a Traffic Management Plan, Road Safety Audit and Access Management Plan should be imposed on any decision notice as well as the requirement of a legal agreement to provide financial compensation for the repair of any damage to roads arising from extraordinary wear and tear associated with the development.

6.40 Impacts on hydrology, water environment and flood risk

This consideration mirrors SLLDP2 Policy 16: Water Environment and Flooding which states that any development proposal which will have a significant adverse impact on the water environment will not be permitted. The water environment is made up of groundwater, surface water and watercourses. SLLDP2 Volume 2 Policies SDCC2 (Flood Risk) and SDCC3 (Sustainable Drainage Systems) contain further, specific guidance on the water environment. The application site is not identified as being at risk of flooding and it is considered that the proposals would have an additional impact upon the water environment.

6.41 Decommissioning and restoration.

This consideration requires a plan for decommissioning and restoration of the proposed development to be robust. It is noted that the planning submission does not contain any assessment of the decommissioning of the proposals and subsequent restoration. Whilst the application submission is, therefore, lacking, it is considered that a 2 turbine scheme on existing agricultural land is of a scale and nature whereby the Planning Authority could impose a suitable condition ensuring an acceptable decommissioning and restoration scheme would be secured.

6.42 Opportunities for energy storage.

Battery storage is proposed as part of the application although it is noted that the batteries would only be suitable if the associated wind turbines were considered acceptable. The provision of battery storage is always encouraged but its provision does not automatically ensure a proposal is acceptable and will be considered on a case by case basis.

6.43 Site decommissioning and restoration bond.

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

- 6.44 Forestry and woodland removal.
Criteria 22 of the Checklist requires the effect proposals may have on forestry and woodland to be fully assessed. The majority of the site is agriculture so there is no woodland affected by the proposals.
- 6.45 Impact on Prime Agricultural Land.
There is no Prime Agricultural Land within the application site.
- 6.46 Borrow pits.
There are no borrow pits proposed as part of the application. It is also noted that the application site is adjacent to an active hard rock quarry which would allow material to be sourced easily.
- 6.47 Environmental Protection
Criteria 25 of the Checklist requires that all appropriate authorisations or licenses under current environmental protection regimes must be obtained. Developers are required to ensure there is no impact on waste water and/or water assets which are above and/or underground in the area that may be affected by the proposed development. If approval were to be granted, a Construction Environmental Management Plan should form part of any permission to ensure all construction is carried out in line with all required environmental authorisations and licenses.
- 6.48 Notifiable installations and exclusion zones
There are none within proximity to the application site.
- 6.49 Mitigation
Criteria 27 of the Checklist requires the developer to demonstrate that appropriate mitigation measures will be applied. As noted in 6.24 above limited mitigation in relation to ecology is proposed. It is considered that whilst the mitigation does not add benefit in ecological terms it does minimise the proposal's impact on the natural environment. Shadow Flicker mitigation has been proposed that has been considered as acceptable.
- 6.50 Legal agreement
Criteria 28 of the Checklist requires, where appropriate the Council to enter into a legal agreement to address matters that cannot be controlled by planning condition. In this instance a legal agreement to secure control over turbine transportation, and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements will be required to be entered into if planning permission is granted. Whilst not a planning consideration, applicants may also enter into a legal agreement to provide community benefits, to the South Lanarkshire Renewable Energy Fund to offset some of the impacts caused by wind farm development. The applicant has confirmed that they would be willing to provide a community contribution.
- 6.51 In conclusion, SPP clearly sets out that whilst the principle of sustainable development should be supported, it should only be in relation to the right development in the right place. SPP then reinforces the provisions of the Town and Country Planning Act by supporting a plan led system whereby the Development Plan is the primary consideration for assessing development. A full assessment of

the proposals against the development plan has been carried out above. It is considered that the provision of renewable energy alone is not a material consideration in its own right and that renewable energy projects must be considered to meet development plan criteria to be supported. South Lanarkshire Council has, and continues to, support meeting renewable energy targets and has a suite of development plan and strategic documents to ensure the Council area continues to promote suitable, renewable development. In this instance, following the above assessment, it is considered that, due to an unacceptable visual impact on residential amenity, on balance, the proposals do not comply with policy. The detrimental impact of the proposals outweighs the renewable energy gain and, therefore, the proposals cannot be supported at this scale and at this location as they do not accord with policy in the adopted LDP2 and supporting planning guidance on renewable energy. It is, therefore, recommended that planning permission be refused.

7 Reasons for Decision

- 7.1 The proposals are located within a Category 2 protection area given their proximity to a community and are of a scale and nature that be contrary to SPP (2020), Policy 10 Glasgow and Clyde Valley Strategic Development Plan (2017), Policies 5, 18, DM1 and RE1 of the adopted South Lanarkshire Local Development Plan 2 (2021).

Michael McGlynn

Executive Director (Community and Enterprise Resources)

Date: 30 April 2021

Previous references

- ◆ P/19/1712
- ◆ P/20/1603

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ Adopted South Lanarkshire Development Plan 2 (2021)
- ▶ Neighbour notification letter dated 16 December 2020

► Consultations

Roads Development Management Team	09.03.2021
Environmental Services	17.04.2021
West of Scotland Archaeology Service	23.12.2020
Countryside and Greenspace	17.12.2020
BAA Glasgow	29.12.2020
MoD (Windfarms)	05.01.2021
National Air Traffic Services Ltd	21.12.2020

► Representations	Dated:
Mr John McLean, 51 Lesmahagow Road, Boghead, Lesmahagow, Lanark, ML11 0JA	22.12.2020
Margaret Kennedy, Dykecroft, B7086 From Boghead Kirkmuirhill To Deadwaters Bridge, Boghead, Lanark, South Lanarkshire, ML11 0JQ	05.01.2021
Mrs Donna Hawthorn, 82 Lesmahagow Road, Boghead, Lanark, ML11 0JA	31.01.2021
George Brown, By Email	08.02.2021
Evelyn Findlay, Received Via E-mail	05.01.2021
Miss Kerry Wilson, High Blackwood Yards Farm Bungalow., Lesmahagow, ml110jh	07.01.2021
C D Ford, 90 Lesmahagow Road, Boghead, Lanark, South Lanarkshire, ML11 0JA	05.01.2021
Isobel McInally (Jnr), Dykecroft, Lesmahagow, , South Lanarkshire , ML11 0JQ	05.01.2021
Colin McLean, 46 Lesmahagow Road, Boghead, Lanark, South Lanarkshire, ML11 0JA	05.01.2021
Gavin Findlay, 56 Lesmahagow Road, Boghead, Lanark, South Lanarkshire, ML11 0JA	05.01.2021
Nicolas Broadbridge, Linmill, Lanark Road, Stonebyres, Lanark, ML11 9UP	11.01.2021
Becky McPherson, 140 Hillhouse Road, Hamilton, ML3 9TU	11.01.2021
Marion Bell, 16 Lesmahagow Road, Boghead, Lanark, ML11 0JA	11.01.2021

Allana Irving, Sent Via Email	11.01.2021
Mischa Irving, Sent Via Email	11.01.2021
Mr Douglas Wilson, High Blackwood Yards Farm Bungalow., Lesmahagow, ml110jh	07.01.2021
Graham Whiteford, 278 New Trows Road, Lesmahagow, Lanark, ML11 0JS	08.01.2021
Mr James Miller, 22 Lesmahagow Road,, Boghead, ML11 0JA	05.01.2021
Miss F Marshall, High Blackwood Yards Farm Bungalow., Lesmahagow, ml110jh	07.01.2021
Mr Alexander Marshall, High Blackwood Yards Farm, Lesmahagow, ml110jh	07.01.2021
Mrs Amanda Mclean, 46 Lesmahagow Road, Boghead, MI11 0JA	03.01.2021
Mrs JACQUELINE DONALDSON, 72 LESMAHAGOW ROAD, BOGHEAD, LANARK, ML11 0JA	03.01.2021
Mr Richard Haworth, Ty Pen Y Gors 65, Strathaven Road, Boghead, Lanark, ML11 0GN	24.12.2020 24.12.2020
Mr Ian Grant, 10 Lesmahagow Road, Lanark, ML11 0JA	03.01.2021
Mr David Thomson, 47 Lesmahagow Road, Boghead, Lesmahagow, ML110JA	04.01.2021
Mrs Janette Scott, Highbent Stables, Lesmahagow Rd, Boghead, Lesmahagow, ML11 0JA	06.01.2021
Mr John Bryson Senior, Dykeview, Dykehead Farm, Boghead, ML11 0JQ	27.12.2020
Mr Alan Alexander, 1 Lesmahagow Road Lesmahagow, Lanark, ML11 0JA	07.01.2021
Mrs Jessie Bell, Parklea, Strathaven Road, Boghead, Lesmahagow, ML11 0GN	08.01.2021
Miss Emily Bryson, Dykehead Farm, Lesmahagow, Lanark, ML11 0JQ	23.12.2020
Mr Douglas Rush, Rec Via Email	12.01.2021
Elizabeth Meikle, Brackenside, Lesmahagow	12.01.2021
Mr William Meikle, Brackenside, Lesmahagow	12.01.2021

Mr Neil Meikle, 26 Gilchrist Walk, Lesmahagow, Lanark, South Lanarkshire, ML11 0FQ	12.01.2021
Mr William Boyle, 11 Sycamore Gardens, Blackwood, ML119SX	07.01.2021
Kemp Lindsey, Patersons Quarries Ltd., Gartsherrie Road, Coatbridge , ML5 2EU	12.01.2021
Mr Derek Donaldson, 72 Lesmahagow Road, Boghead, Lanark, ML11 0JA	03.01.2021
M.S. Haworth, 65 Strathaven Road,	29.12.2020
Mr William Bryson, Dykehead Farm, Boghead, Lesmahagow, ML11 0JQ	27.12.2020
Dr Barry Harrison, Woodhead Farm, Blackwood Estate, LANARK, ML11 0JG	05.01.2021
Lisa Roberts, Rural Centre, West Mains , Ingliston, Newbridge, EH28 8LT,	08.01.2021
Grant Miller, 22 Leamahagow Road, Boghead	26.01.2021
Mr John McGuinness, 14 Lesmahagow Road, Boghead, Lesmahagow, ML11 0JA	05.01.2021
Mr George Bell, Parklea, Strathaven Road, Boghead, Lesmahagow, ML11 0GN	08.01.2021 08.01.2021
Mr John Bryson, Killalees Farm, Lesmahagow, ML11 0JH	06.01.2021 06.01.2021
Miss Annie Bryson, Dykehead Farm, Lesmahagow, Lanark, ML11 0JQ	23.12.2020
Mr Mark Bryson, Dykehead Farm, Lesmahagow, ML11 0JQ	23.12.2020
Christopher Ford, 90 Lesmahagow Road, Lesmahagow, ML11 0JA	27.01.2021
Angela Duncan, 90 Lesmahagow Road, Boghead, ML11 0JA	30.12.2020
Mrs Margaret Bryson, Dykehead Farm, Boghead, Lesmahagow, ML11 0JQ	27.12.2020
Mr Robert Scott, Highbent Stables, Lesmahagow Rd, Boghead Lesmahagow, ML11 0JA	06.01.2021
Mr Craig Hawthorn, 82 Lesmahagow Road, Boghead, Lanark, ML11 0JA	31.01.2021 31.01.2021

Mrs Elizabeth Orr, 6 Corra Mill Road, Crossford, Carluke, South Lanarkshire, ML8 5QW	04.01.2021
Mrs Isobel McNally, Dykecroft, Near Boghead, Lesmahagow, ML8 5QW	04.01.2021
Ms June Girdler, 51 Lesmahagow Road, Boghead, Lesmahagow, Lanark, ML11 0JA	06.01.2021 06.01.2021
Mr Hugh Meikle, North Brackenridge Farm, C14 From Deadwaters B7086 To Coalburn, Lesmahagow, Lanark, ML11 0HP	11.01.2021
Richard Haworth, 65 Strathaven Road, Boghead, Lanark, South Lanarkshire, ML11 0GN	02.03.2021
Mr Alan Alexander, 1 Lesmahagow Road, Lesmahagow, Lanark, ML11 0JA	03.03.2021

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

Detailed planning application

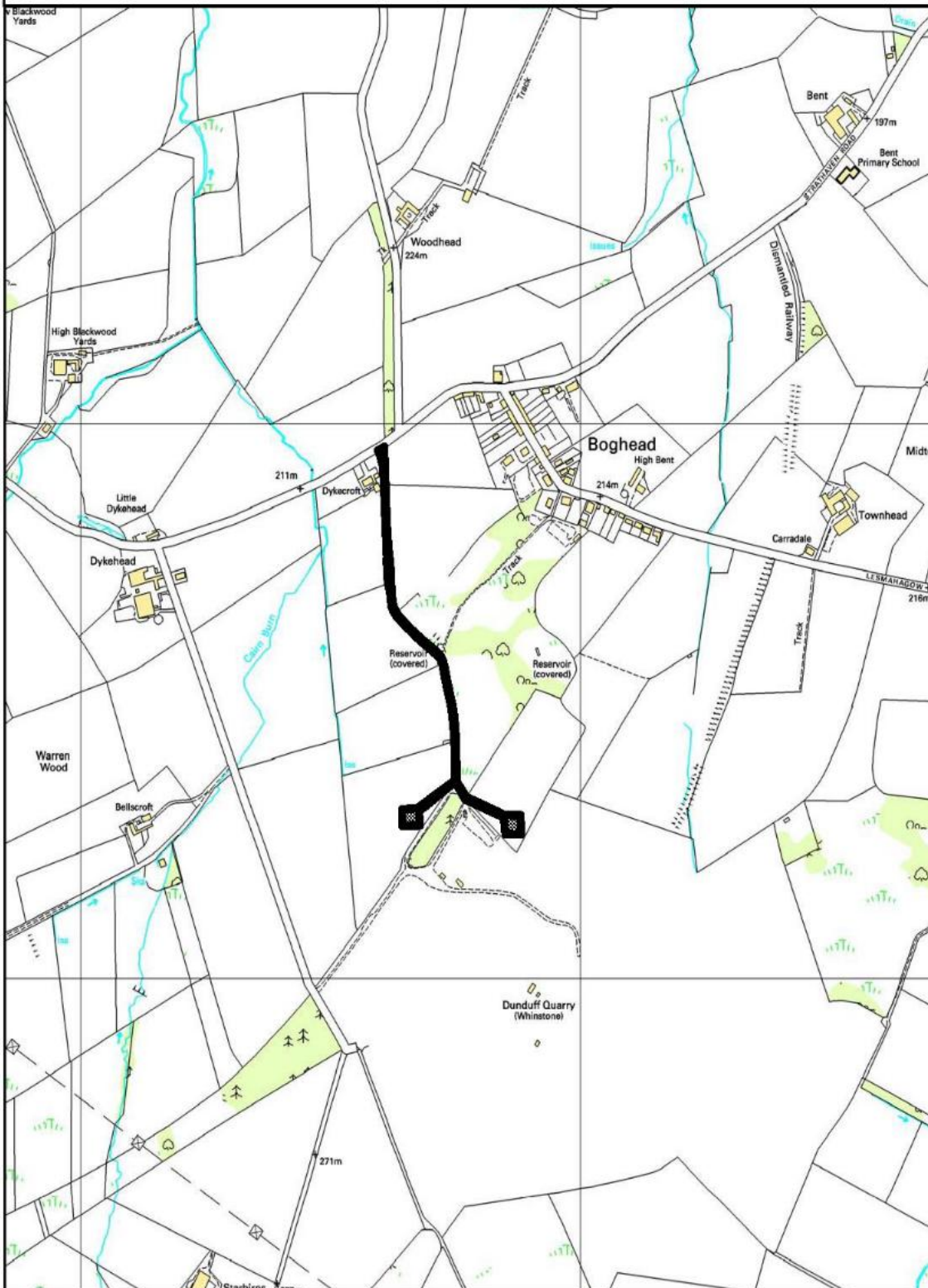
Paper apart – Application number: P/20/1749

Reasons for refusal

01. The application site is located within close proximity to the settlement of Boghead and at a higher elevation than the settlement such that the scale and nature of the turbines would result in an overbearing, dominant and therefore unacceptable residential visual impact on the amenity of this settlement. As such the proposals are contrary to Scottish Planning Policy (2020), Policy 10 of the Glasgow and Clyde Valley Strategic Development Plan (2017) and Policies 5, 18, DM1 and RE1 of the adopted South Lanarkshire Local Development Plan 2 (2021).

P/20/1749

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



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Date:
15/04/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

4

Report to:	Planning Committee
Date of Meeting:	11 May 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/0395
Planning proposal:	Change of use of tanning salon (class 2) to hot food takeaway (sui generis) and associated ventilation

1 Summary application information

Application type:	Detailed planning application
Applicant:	Ovenfeast Limited
Location:	214 Main Street Cambuslang G72 7EN

2 Recommendation(s)

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

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

2.2 Other actions/notes

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

3 Other information

- ◆ Applicant's Agent: Ian Molloy
- ◆ Council Area/Ward: 13 Cambuslang West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2**
Policy 5 Development Management and Placemaking
Policy 9 Network of Centres and Retailing
Policy DM9 Hot Food Shops

◆ Representation(s):

▶	20	Objection Letters
▶	0	Support Letters
▶	1 petition (11 signatures)	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Economic Development Services

Planning Application Report

1 Application Site

- 1.1 The application site is located at 214 Main Street in Cambuslang. The site is a former tanning salon (Class 2) located in the town centre, approximately 30 metres to the west of West Coats Road. The unit has been vacant since the summer of 2019. There are other commercial properties close to the unit, with a bookmakers to the east and cake shop and chemist to the west. To the rear of the unit is a service area which backs onto the Glasgow to Newton railway line.

2 Proposal(s)

- 2.1 The applicant seeks permission for a change of use from Class 2 (tanning salon) to hot food takeaway. The unit will contain counter services, kitchen, preparation and storage area, staff toilet and waste bins in an enclosed external storage area to the rear of the premises. The applicant has provided details of the proposed ventilation system which will terminate 1 metre above the roof space to the rear of the unit. The applicant has not put forward any proposed opening hours.

3 Background

3.1 Local Plan Status

- 3.1.1 In this regard, the application site and associated proposal is affected by the following policies contained in South Lanarkshire Local Development Plan 2:-

Policy 5 Development Management and Placemaking
Policy 9 Network of Centres and Retailing
Policy DM9 Hot Food Shops

- 3.1.2 An assessment of the proposal against these specific policies is contained in Section 6 of this report.

3.2 Relevant Government Advice/Policy

- 3.2.1 Scottish Planning Policy (Revised 2020) (SPP) advises that proposals that accord with up-to-date plans should be considered acceptable in principle.

3.3 Planning Background

- 3.3.1 The following applications have previously been submitted for the application site:-

- CR/10/0081 - Change of use from Class 11 (Assembly and leisure) to Class 2 (Financial, professional and other services)
- CR/07/0162 - Sub-division of existing shop unit to two units and change of use of unit 1 to a ladies slimming and toning centre

4 Consultation(s)

- 4.1 **Environmental Services** – no objections subject to conditions relating to the provision of a ventilation system proposed and facilities for the collection of commercial waste.

Response: Noted. These conditions have been attached.

- 4.2 **Roads and Transportation Services (Development Management)** – no objections. Parking is available within the town centre.

Response: Noted

- 4.3 **Economic Development Services** – have advised that they are encouraged that a vacant unit will be occupied and that the proposal does not conflict with the wider environmental proposals for Cambuslang Main Street.

Response: Noted. It is agreed that from an economic development perspective, it would be beneficial to see the unit occupied.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken, and the proposal was advertised in the Rutherglen Reformer as 'Bad Neighbour' development. Following this publicity, 20 letters of representation and a petition with 11 signatures have been received. The points raised are summarised as follows:-

- a) **The street is already crammed full of takeaway shops, leaving no scope for other shops. The amount of litter from takeaways is also an issue as is illegal parking. The Scottish Government advocate the 20-minute neighbourhood and allowing unlimited takeaways leaves no scope for a diverse day time economy or scope for other essential shops and services encouraging trade to go elsewhere. This is not a Town Centre First principle. There are many residents within Cambuslang with obesity and poor health and we know that takeaway food contributes to this. The Main Street is currently being revamped and encourage diversity of shops to increase footfall on the street. This is an example of another night-time business which would not attract any day-time footfall.**

Response: The proposal relates to an acceptable town centre use. There is no policy which would require the site to be occupied by a retail use. The proposal also complies with the relevant policy in relation to hot-food takeaways. Conditions have been attached requiring the operator to provide suitable ventilation and litter receptacles. Cambuslang Main Street benefits from the provision of a drop off short stay parking area to the east of the unit.

- b) **There are nearly ten hot food takeaways within half a mile in surrounding area. Business is already affected by COVID-19 and slow because of competition and business survival is becoming harder so it should be considered during final decision about the application of opening a new hot food takeaway.**

Response: Whilst noted, potential competition between operators is not a material planning consideration. This is a town centre location where this type of use is considered acceptable.

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

6 Assessment and Conclusions

6.1 The applicants propose to change the use from Class 2 (tanning salon) to hot food takeaway at 214 Main Street in Cambuslang. In terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended), planning applications have to be determined in accordance with the development plan unless other material considerations indicate otherwise. The main determining issues in assessing this proposal are whether it accords with adopted local development plan policy and its impact on amenity and road safety matters.

6.2 Policy 5 (Development Management and Placemaking) of the adopted South Lanarkshire Local Development Plan and associated supplementary guidance seek to ensure that development takes account of and is integrated within, the local context and built form. Proposals should have no significant adverse impacts on the local community and include, where appropriate, measures to enhance the environment. Policy 9 (Strategic and town centres) supports a mixture of uses compatible with town centres' role as commercial and community focal points and this includes restaurants and hot food takeaways. Furthermore, Policy DM9 (Hot food shops) has a general presumption in favour of granting planning permission in town centre locations, for hot food shops, subject to compliance with a number of criteria. Business competition or protecting units for only retail use do not form part of the adopted retail policy.

6.3 The hot food takeaway use is considered to be an appropriate use in the town centre. The location in a mixed use/commercial area where there are similar uses in the surrounding area is considered acceptable. The proposal is not considered to have an adverse impact on residential amenity given that there are no residential properties immediately adjacent to the premises and conditions have been attached in respect of ventilation and commercial base. Hours of operation can be controlled through the licensing process. A condition has also been attached in respect of waste storage and collection. The location benefits from the provision of a drop off short stay parking area to the east of the unit, and Roads and Transportation Services had no objections to the proposed change of use. Environmental Services raised no objections to the proposed hot food takeaway subject to the provision of appropriate ventilation

and commercial waste collection services – both of which have been conditioned. These details will require to be agreed and in situ prior to the premises opening. In addition, the Council's Economic Development Service are content that a unit, which is currently vacant, will be occupied and that it does not conflict with any of their proposals for Cambuslang Main Street. The proposal is, therefore, considered to be in accordance with Policies 5, 9 and DM9 of the adopted South Lanarkshire Local Development Plan 2 (Volumes 1 and 2).

- 6.4 In summary, following a full and detailed assessment of the proposed development, it is considered that the proposed development is in accordance with the adopted South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and for the above reasons, the granting of planning permission is recommended.

7 Reasons for Decision

- 7.1 The proposal complies with policies 5, 9 and DM9 of the adopted South Lanarkshire Local Development Plan 2.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

Date: 29 April 2021

Previous References

- ◆ None

List of Background Papers

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

Roads Development Management Team	29.04.2021
Environmental Services	26.03.2021
Economic Development Services	29.04.2021
- ▶ Representations

Linda Frame, 27 Prospect Avenue, Cambuslang, G72 8BW	Dated: 09.04.2021
Mr Robert McDougall, 16, Central Court, Cambuslang, Glasgow, G72 8FA	26.03.2021
Owner/occupier, No Address Provided	25.03.2021
Mrs Angeline Dickson, 80 Newton Avenue, Cambuslang, G72 7rt	26.03.2021
Mrs Maisie Wilson, 3 Cedar Grove, Cambuslang, G72 7ZB	29.03.2021
Mrs Stephanie Russell, 22 Westburn Road, Cambuslang, G72 7LG	26.03.2021
Miss Olivia Jack, 37 Croft Road, Cambuslang, G72 8LB	26.03.2021
Mrs Catherine Fraser, 51 Stewarton Drive, Cambuslang, Glasgow, G72 8DQ	06.04.2021

Mr Gerry Boyd, 19 Tanzielknowe Road, Cambuslang, Glasgow, G72 8RD	26.03.2021
Mr Robert Wilson, 5 Fir Court, Cambuslang, G72 7GU	29.03.2021
Mrs Marianne Simpson, 56 Kirkton Road, Cambuslang, G72 8LF	26.03.2021
Mrs Suzy Quinn, 19 Brownside Road, Cambuslang, Glasgow, G72 8NL	26.03.2021
Miss Claire Hurley, 18 Morriston Park Drive, Cambuslang, G72 7LB	26.03.2021
Kolar King, 194 Main Street, Cambuslang, Glasgow, South Lanarkshire, G72 7EN	30.03.2021
Mr James Coyle, 28 Walnut Gate, Cambuslang, G72 7FH	30.03.2021
Mr Robert Wilson, 3 Cedar Grove, Cambuslang, G72 7ZB	29.03.2021
Mr Muhammad Khalid Ijaz, 42 Carleton Gate, Giffnock, Glasgow, G46 6NU	29.03.2021
Ms Clare Williamson, 82 Greenlees Road, Cambuslang Glasgow, G72 8DX	13.03.2021
Mrs Amy Davison, 17 Grenville Drive, Cambuslang, Glasgow, G72 8DS	26.03.2021
Miss Gill Smith, 35 Logan Tower, Cambuslang, G72 8XP	26.03.2021
Ms Angeline Coyle, 28 Walnut Gate, Cambuslang, G72 7FH	26.03.2021

Contact for further information

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

Iain Morton, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Phone: 01698 455048
Email: iain.morton@southlanarkshire.gov.uk

Conditions and reasons

01. Before the development hereby approved is brought into use, the proposed method of ventilation shall be operational in accordance with the approved details and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

The ventilation system shall:-

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

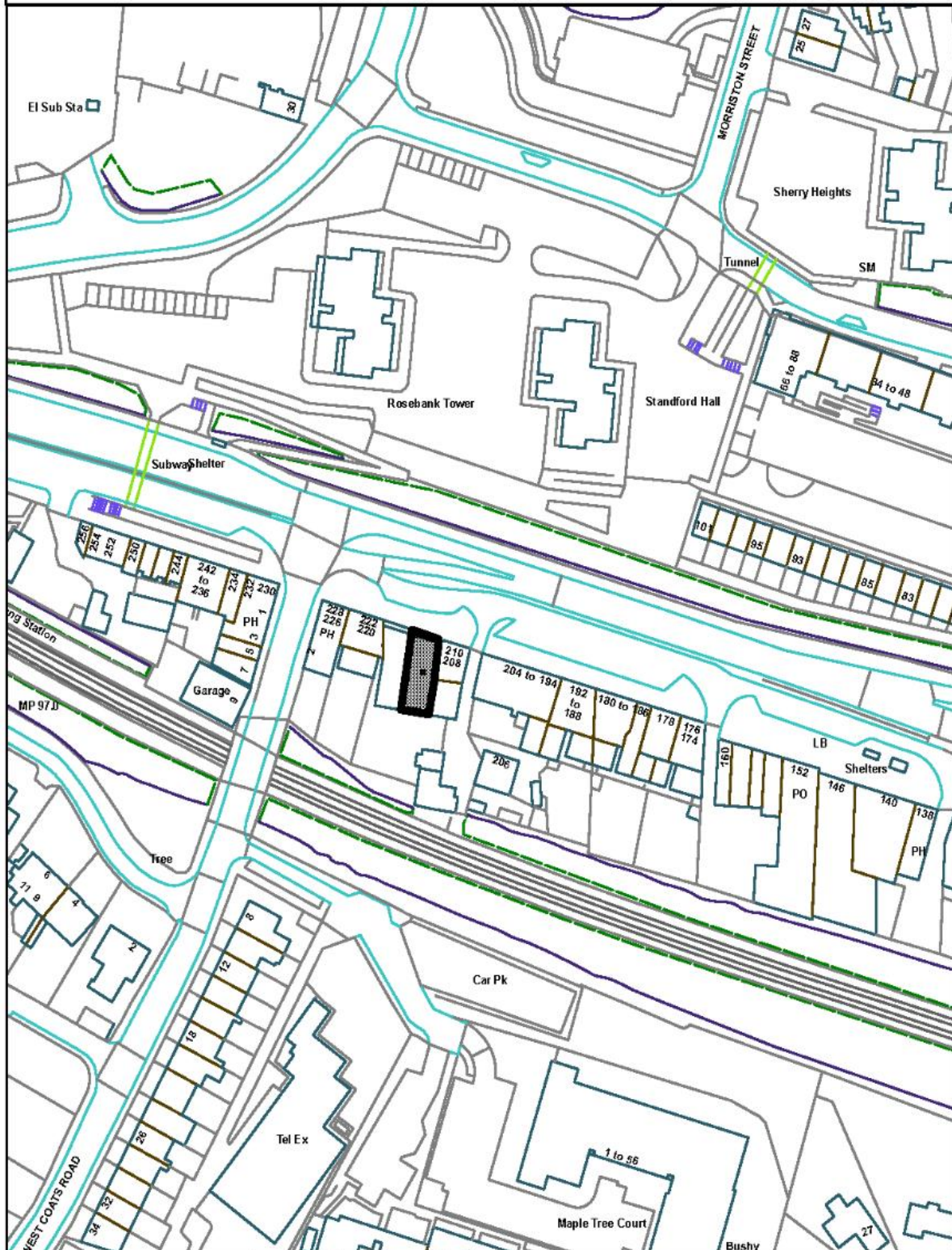
Reason: To minimise the risk of nuisance from smells, fumes, vapours and noise to nearby occupants.

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

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

P/21/0395

214 Main Street, Cambuslang G72 7EN



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Date:
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South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

5

Report to:	Planning Committee
Date of Meeting:	11 May 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1462
Planning proposal:	Formation of site for 30 residential caravans including access, services and infrastructure to serve plots including three LPG gas tanks and 1.8m firewall

1 Summary application information

Application type: Detailed planning application

Applicant: Mr Andrew Marshall
 Location: Rob Roy Caravan Park
 120 Carlisle Road
 Crawford
 Biggar
 ML12 6TW

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: Dan Clements
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): Adopted SLDP2: Policy 2 Climate change
 Adopted SLDP2: Policy 3 General Urban Areas and Settlements
 Adopted SLDP2: Policy 5 Development Management and Placemaking

◆ Representation(s):

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

◆ Consultation(s):

Housing Planning Consultations

Education Resources School Modernisation Team

West of Scotland Archaeology Service

SEPA West Region

Transport Scotland

CER Play Provision Community Contribs Judith Gibb

Estates Services - Housing and Technical Resources

Crawford and Elvanfoot Community Council

Roads Development Management Team

Roads Flood Risk Management

Fire Safety Officer

Environmental Services

Scottish Water

Planning Application Report

1 Application Site

- 1.1 The application site (0.94 ha) is currently used as a touring caravan site and lies on the eastern edge of Crawford between Carlisle Road and the A702 within the Crawford settlement boundary. The site comprises a mixture of grass and hardstanding and contains a number of small buildings of varying styles of construction which provide on-site facilities for caravan users. A close boarded timber fence has been erected along the boundary fronting Carlisle Road. Vehicular access is taken from Carlisle Road and within the site there is a circular track serving the caravan pitches. Along the northern boundary is a mature tree belt and a water course and beyond the tree belt are terraced dwellings and a car park. To the west, the site adjoins the embankment of the A702 and to the south, there is a car park and field. To the east is a detached dwelling and the Carlisle Road (the principal route through Crawford) on the other side of which are dwellings and a play area. Topographically, the site slopes in a west/east direction.

2 Proposal(s)

- 2.1 The applicant seeks permission for 30 two bedroom static caravans for permanent residential accommodation, arranged around a new u-shaped access. Each caravan shall have two parking spaces, decking along one side and a grassed area to the side and rear. Plot 1 will be reserved as a marketing suite and site manager's accommodation. In the north east corner adjacent the site entrance there shall be a communal refuse/recycling bins compound, communal parking and an LPG compound containing three LPG gas tanks linked to a pipe network providing a gas supply to each caravan – a 1.8m firewall will be installed along the northern boundary of the LPG compound to protect a neighbouring property. The caravans will be serviced with gas by a pipe network from the LPG compound. Each caravan shall have two parking spaces.
- 2.2 The woodland tree belt along the northern boundary will be maintained for screening and landscape amenity.

3 Background

3.1 Local Plan Status

- 3.1.1 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of SLLDP2 and a number of modifications to the plan were recommended. At the Planning Committee on 1 December 2020, members agreed to the approval of all of the modifications, the publication and public deposit of the Plan, as modified and the submission of the Plan to Scottish Ministers. SLLDP2 was formally adopted on 9 April 2021 and now supersedes the former Local 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: Policies 2 – Climate Change, 3 General Urban Areas and Policy 5 – Development Management and Placemaking.

3.2 Relevant Government Advice/Policy

- 3.2.1 In terms of residential development, SPP advises that the planning system should identify a generous supply of land to support the achievement of housing land requirements and maintaining at least a 5 year supply of land at all times. It should also enable the development of well designed, energy efficient, good quality housing in sustainable locations and focus on the delivery of allocated sites. Consideration should be given to the re-use or re-development of brownfield land before development takes place on greenfield sites.

3.3 **Planning Background**

- 3.3.1 Section 42 approval CL/14/0016 to vary condition 3 of planning application of Planning Permission CL/10/0547 for residential development (Planning Permission in Principle) to extend the time period for the commencement of the development was granted in February 2014 and expired in February 2016. It was identified as a site forming part of the housing supply in the previous Local Plan proposal map.

4 **Consultation(s)**

- 4.1 **SEPA** – The proposal is below the threshold whereby they would provide bespoke advice.

Response: Noted.

- 4.2 **Estates Services** – No objection.

Response: Noted.

- 4.3 **Transport Scotland** – No objection.

Response: Noted.

- 4.4 **WOSAS** – As the site falls within an archaeological sensitive area, normally, they recommend that there should be a prior archaeological evaluation of the application area and that the applicant be asked to secure this and bring forward its results for consideration before the application is determined by the Council, as advised in the guidance set out in Scottish Planning Policy and PAN 2/2011. However, the site is partially disturbed already by existing agricultural and later modern use and the alternative would be to attach a condition requiring a programme of archaeological works.

Response: In view of past ground disturbance, it would seem unreasonable to insist upon prior archaeological investigations, therefore, as an alternative, an appropriately worded condition as recommended by WOSAS will be attached in the event that planning permission is granted.

- 4.5 **Roads and Transportation Services** – No objection subject to conditions covering visibility, access, footway connection and drainage. Sufficient parking spaces have been shown on the plan.

Response: Appropriate conditions shall be attached if planning permission is granted.

- 4.6 **Scottish Water** – There is sufficient capacity at the Daer Water Treatment Works. At time of initial consultation in November 2019, they were unable to confirm capacity at the Crawford Waste Treatment Works, however, after carrying out a review they advised the applicant in December 2020 that there is now sufficient capacity. There are no issues currently identified within their water and/or wastewater network that would adversely affect the demands of this development. The proposal potentially impacts upon existing Scottish Water infrastructure within the site which may have to be relocated. For reasons of sustainability and to protect their customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into their combined sewer system.

Response: Noted. Surface water will be dealt with by a sustainable urban drainage system (SUDS) and a condition has been attached requiring the approval of the drainage design. If permission is granted, informatives will be attached to the Decision Notice advising that responsibility for diversion of infrastructure rests with the applicant and that they should make direct contact with Scottish Water.

- 4.7 **Flood Unit** – No objection subject to conditions covering SUDS and flood assessment.

Response: Appropriate conditions have been attached.

- 4.8 **Environmental Services** – No objection subject to compliance with Caravan Sites and Control of Development Act 1960 and the Licensing of Relevant Permanent Sites (Scotland) Regulations 2016. Prior to the development becoming occupied as a commercial caravan site, the relevant site licence shall be obtained. The applicant shall contact Environmental Services at an early stage of the project, to ensure compliance with current legislation. The general arrangements for the site and, in particular, the density and spacing shall comply with the current Mobile homes: model standards for residential site licenses. This shall be assessed within the licensing process.

Response: If consent is granted, a condition will be attached to ensure a site licence is obtained.

- 4.9 **Education Resources** – Have confirmed that they will not be looking for a contribution in this instance.

Response: Noted.

- 4.10 **CER Play Provision Community** – No response to date.

Response: Noted. There are play areas and amenity space in close proximity to the site and countryside walks are easily accessed. A static caravan park for permanent residential occupation is an unconventional and a relatively rare form of residential development, likely to be occupied by retired individuals or couples, therefore, because of the nature and scale of the development, the normal standards for conventional housing in respect of amenity provision and contributions for off site community facilities would not apply in this case.

- 4.11 **Housing** – no response to date.

Response: Noted. Static caravans would, in most cases, be below the average cost of solid constructed housing, thereby, falling within the definition of affordability. In these circumstances, a contribution towards, or on site provision of affordable housing would be deemed to be unnecessary.

- 4.12 **Crawford and Elvanfoot Community Council** – No response to date.

Response: There has been relatively little feedback from the community in general on this proposal.

- 4.13 **Fire Safety Officer** – No response to date.

Response: Issues relating to fire safety would be covered by the caravan site licence which are determined under separate legislation by Environmental Services.

5 Representation(s)

- 5.1 Following the carrying out of statutory neighbour and the advertisement of the application in the Lanark Gazette for the non-notification of neighbours, 3 letters of objection (two from the same objector) were received. The issues raised are summarised as follows:-

- a) **The 30 residential caravans that are to be parked at this location will create a fire hazard to the community and also with this comes 30 Butane Gas bottles which pose a serious hazard (Gas Safety Installation and Use Regulations 1998).**

Response: Rather than having a gas container per caravan, gas will be piped to the caravans from 3 communal LPG tanks. The Licensing of Relevant Permanent Sites (Scotland) Regulations 2016 covers fire safety – the applicant would have to apply for a licence from Environmental Services in respect of the aforesaid Regulations.

- b) **Roads, Gateways and Traffic Routes onto the Infrastructure, given the size of the plan and the amount of traffic that will be generated. The entering and egressing of this campsite will create a hazard not only to the local community but to the local school too which is located no more than 200 yards away. Also large vans and industrial machinery will be used at all times of the day and night and this will affect the local community who are going to be most affected by this development.**

Response: In their consultation response, Roads and Transportation Services have not raised any road or public safety concerns. The proposal is for permanent residential accommodation so it is unlikely that large vans and industrial machinery would use the site at all times of the day and night, other than during the construction phase of the development.

- c) **Amenity and Privacy of the Caravans. With so many caravans in such a small space, has planning taken into consideration that each unit should be at least 6 metres apart and also any fire regulations.**

Response: Due to the uniqueness of a static caravan site, the normal standards for permanent conventional housing would not apply. The distance between the side elevations of the caravans is 6.0m, however, in the central bays, the distance between the rear elevations is 5.820, which is just short of 6.0m. Fire regulations are dealt with by separate legislation.

- d) **If this site is approved have they appropriate Public Liabilities Insurance if there were to be any instances of fire or any other chemical spill or spoil that is left on the site?**

Response: This is a matter which falls outwith the planning remit and would be dealt with by separate legislation.

- e) **The proposal for a residential caravan park will appear out of character with the existing residential properties within this area. There has been for the last 5 years a peaceful outlook onto fields and meadows and this will be an eyesore for the community and will generate numerous complaints from the locals no doubt. Also, without doubt that this site will be used for the Travelling community who will bring with them their commercial vehicles which will dump the last job they have done either on the site or at quiet local road or close to the railway access points which was seen to happen when they were here previously. The council have a right to ensure the local community is not put under any harm or subjected to any Hazardous waste that is taken into the village or dumped in it. The proposed development will have a detrimental impact on the amenities and the negative impact on the local neighbourhood. The local Authority is obliged to protect the living standards of the local residents. It will also have a negative effect on the character and appearance of the area.**

Response: This is an existing touring caravan site, therefore, the essential character of the site will not be significantly changed. If the static caravans were to be used for temporary holiday use, planning permission would not have been required. Along the northern boundary there is a mature woodland belt which screens the site from the nearest housing to the north. In terms of the single storey detached house fronting Carlisle Road, there is an existing fence, along with boundary trees which contain views out towards the site. To the east a new front boundary wall visually contains views towards it – on the eastside of Carlisle Road the outlook is primarily from a play area rather than housing. To the south the nearest housing is separated by a carpark and field. In

consideration, the impact upon existing housing and local amenities will be negligible.

The application is not for a travellers' site, the nature of the layout and spacing does not lend itself to this type of development. The plots will be marketed for private sale to accommodate the range of proposed static caravans. The likely purchaser will be retired individuals or couples looking to downsize or seeking more affordable accommodation.

- f) **The number of residential caravans applied for on the site is excessive.**
Response: The number and density of caravans is similar to other sites of this nature. Notwithstanding, standards for density and spacing will be covered separately through the site licensing regulations.
- g) **In a small village like Crawford this is likely to have a serious impact on capacity of the local school to cope if the caravan occupants were all to be families with children.**
Response: Two bedroom static caravans are unlikely to be suitable for families.
- h) **If there were to be more than 1 car per caravan this would cause the narrow access roads within the site to become obstructed. Being in a rural area, more than 1 car per caravan is very likely to occur.**
Response: There are two off road parking spaces within the curtilage of each caravan in addition to a communal parking area adjacent to the entrance. Roads and Transportation Services have confirmed that the parking provision is acceptable.
- i) **There will be an increased likelihood of social tensions on the site due to the proximity of the caravans to one another for matters such as pets, loud music, noise, parking. In particular, the cars parked in the back section appear to park adjacent to the neighbours' caravan wall. This would cause disturbance issues due to proximity and is unsafe.**
Response: There is no evidence to substantiate this claim. Anti-social behaviour is dealt with by the Police and, if relating to noise, by Environmental Services through separate legislative powers. Anyone buying a plot should be fully aware of the site arrangements and layout.
- j) **There is very little scope for the occupants to erect garden sheds next to their caravans for storage which will be limited in extent within the caravans.**
Response: Each caravan plot has only been assigned a small curtilage area for gardening, notwithstanding, there is still space in most instances for a small hut.
- k) **Insufficient capacity in the sewerage system.**
Response: Scottish Water have confirmed that there is sufficient capacity within the sewerage network to deal with discharge from the proposed development.
- l) **There is no tree screening proposed between the A702 and site.**
Response: There are mature trees on the embankment of the A702 which adjoins the site. Also, there is a hedgerow which runs along the side of the road verge.

- m) **Employment availability, social entertainment and access to health facilities for the caravan occupants in this rural area will be limited without transport.**

Response: This is an issue which affects all residents of Crawford whether living in a caravan or a house.

- n) **An indication of the nature of the boundary fence with Carlisle Road is not stated on the plan.**

Response: A condition has been attached requiring the submission and approval of fencing details.

- o) **There appears to be insufficient room for fire engines to access the further reaches of the site due to the tight turns on the site's internal access roads necessitated by the high density of caravans on the site. This constitutes a hazard in the event of a fire on a high density site.**

Response: Roads and Transportation Services in their consultation response did not raise concerns about the road layout. Fire safety issues will be dealt with through the site licensing assessment.

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

6 Assessment and Conclusions

6.1 The determining issues in the consideration of this application are its compliance with the Adopted South Lanarkshire Local Plan 2 (LDP2).

6.2 Policy 2: Climate Change seeks to minimise and mitigate against the effects of climate change by considering various criteria including being sustainably located, reuse of vacant and derelict land, avoidance of flood risk areas, incorporating low and zero carbon generating technologies, opportunities for active travel routes and trips by public transport, electrical vehicle recharging infrastructure and, where appropriate, connection to heat networks. The site is sustainably located within the settlement boundary of Crawford where there are a number of services. The proposal will redevelop a touring caravan site and will not encroach onto an undeveloped greenfield site. The site is not at risk of flooding and there are no infrastructure constraints. The application was submitted well before the adoption of the current local plan, therefore, the retrospective requirement for low carbon technology would in this instance seem unreasonable, notwithstanding, in considering the size of static caravans and associated electrical and fuel consumption, their carbon footprint will likely be lower than conventional housing. Charging of electrical vehicles can be accessed via electrical connection points within the caravans. In consideration, the proposals would not undermine the objectives of the policy.

6.3 The site is identified in the adopted South Lanarkshire Local Development Plan as being within the settlement boundary of Crawford. Policy 3 - General Urban Areas and Settlements states that residential developments on appropriate sites will generally be acceptable provided they do not have a significant adverse impact on the amenity and character of the area. The proposed static caravans, being on an established touring caravan site, can be integrated into its setting without any amenity impacts. Therefore, the proposal complies with Policy 3.

6.4 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. The site is visually contained by existing mature landscaping and the embankment of the A702. The proposed development is in keeping with the existing use of the site as a touring caravan site. There is sufficient distance from the proposed caravans and the nearest neighbouring dwellings. The access, layout and parking provision is considered acceptable and reflects similar sites elsewhere. In view of the above, it is considered that the proposal would relate satisfactorily to adjacent development, and the character and amenity of the residential area would not be impaired by reason of traffic generation, parking, visual intrusion or physical impact. The proposal is, therefore, satisfactory in terms of Policy 5 - Development Management and Place Making of the adopted local development plan.

- 6.5 The proposal will result in the redevelopment of a touring caravan site within the settlement of Crawford with the purpose of providing and meeting demand for static caravan accommodation on a permanent basis rather than for temporary holiday use. There are few examples of this type of residential site within South Lanarkshire although there is an established site near Lanark and there are examples in other Local Authority areas throughout Scotland. There is latent demand for this type of accommodation especially from retired couples or individuals seeking to downsize or find affordable and easier to maintain properties within an attractive setting. A previous planning permission established the acceptability of a residential development. In view of all of the above, and taking into account the local development plan context, the proposal represents an appropriate form of residential development for the application site, and it is, therefore, recommended that detailed planning consent be granted subject to the conditions listed.

7 Reasons for Decision

- 7.1 The proposal will not adversely impact on residential or visual amenity, raises no road safety concerns, conserves the most important part and reuses a touring caravan site to meet demand for static caravan accommodation. The proposal accords with the requirements of the policies and guidance within the adopted South Lanarkshire Local Development Plan 2 (namely Policies 2 - Climate Change, 3 - General Urban Areas and 5 - Development Management and Place Making and Development).

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 22 April 2021

Previous references

- ◆ CL/10/0547
- ◆ CL/14/0016

List of background papers

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

► Consultations		
Housing Planning Consultations		
Educ Res School Modernisation Team		23.06.2020
West Of Scotland Archaeology Service		29.10.2019
SEPA West Region		22.10.2019
Environmental Services		16.06.2020
Transport Scotland		24.10.2019
CER Play Provision Community Contribs Judith Gibb		
Estates Services - Housing And Technical Resources		23.10.2019
Crawford And Elvanfoot Community Council		
Roads Development Management Team		11.02.2021
Roads Flood Risk Management		03.12.2019
Fire Safety Officer		
Environmental Services		
Scottish Water		14.11.2019
► Representations		
Mr John Damer, 22 Carlisle Road , Crawford , South Lanarkshire , ML12 6TW	Dated:	23.10.2019
Mr Roger Lewington, Dunalastair House, 2 Dunalastair Road, Crawford Biggar, South Lanarkshire, ML12 6TT	25.10.2019	25.10.2019

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

Conditions and reasons

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

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

02. 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.

03. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; a woodland management plan covering the existing tree belt along the northern boundary 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.

04. That before development starts, full details of the design and location of all fences and walls, including 1.8m high firewall adjoining the northern boundary of the LPG tank compound, 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.

05. That before any of the static caravans 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 04, shall be erected and thereafter maintained to the satisfaction of the Council.

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

06. That before the development hereby approved is brought into use, a 5.5m dropped kerb access to the site shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

07. That before the development hereby approved is completed or brought into use, the first 4 metres of the access from the edge of the public road shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.

Reason: To prevent deleterious material being carried onto the road.

08. That before the development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 43 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

09. That before the development hereby approved is completed or brought into use, a footway connecting the site to the existing public footpath network, shall be constructed to the specification of the Council as Roads and Planning Authority.

Reason: In the interests of public safety.

10. That before the static caravans hereby approved are occupied, a drainage system capable of preventing any flow of water from the site onto the public road or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.

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

11. That no development shall commence until a flood risk assessment has been carried out in accordance with the latest industry guidance, including a completed and signed copy of Appendix A 'Flood Risk Assessment Compliance 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.

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

13. That no static caravan shall be occupied until the site is served by a sewerage scheme and water supply constructed to the specification and satisfaction of Scottish Water as Sewerage Authority.
- Reason: To ensure that an appropriate sewerage system and water supply is provided.
14. No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Council as Planning Authority in agreement with the West of Scotland Archaeology Service.
- Reason: In order to safeguard any archaeological items of interest or finds.
15. Prior to development commencing on site, details of external lighting together with a lighting assessment shall be submitted. The scheme shall include, where appropriate, details of all aspects of the installation including specific luminaire and lamp type; beam control; wattage; use of reflectors; baffles; louvres; cowling; lux contours/distribution diagrams and column type.
- The approved scheme shall be implemented prior to the completion of the development and shall thereafter be operated in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.
- Reason: To minimise the risk of nuisance from light pollution to nearby occupants.
16. 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.
17. There shall be no more than two bedrooms in each of the approved static caravans.
- Reasons: In the interests of amenity and to ensure there is sufficient space within the site for parking and other services.
18. That before the development hereby approved is completed or brought into use 2 no. parking spaces (3.0m x 6.0 modules) per caravan 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.
19. That prior to commencement of development on site the applicant shall submit confirmation that a Licence under the terms of Caravan Sites and Control of Development Act 1960 and the Licensing of Relevant Permanent Sites (Scotland)

Regulations 2016 and in accordance with the current Mobile homes: model standards for residential site licenses, has been granted.

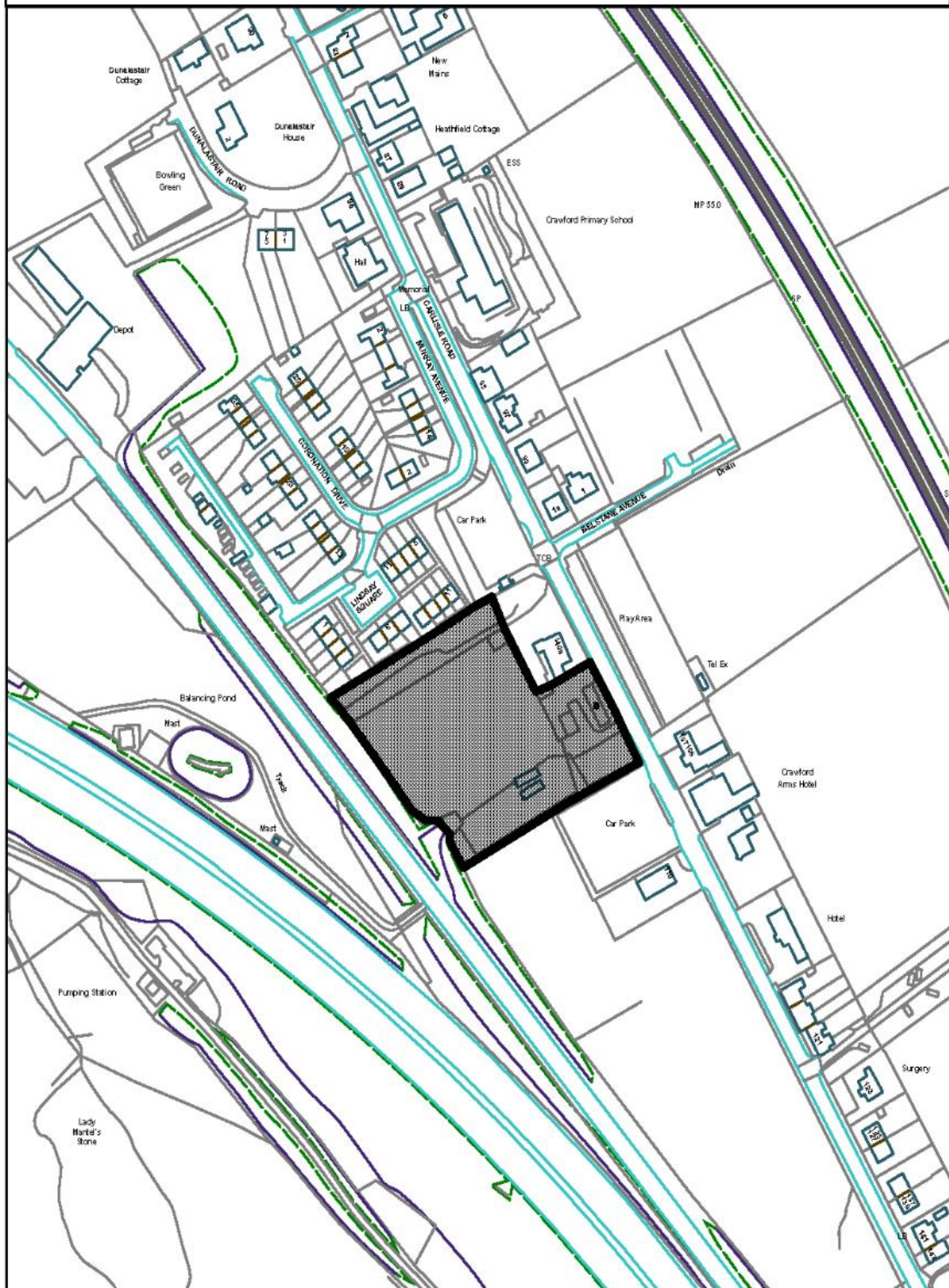
Reason: To comply with relevant standards in respect of general arrangements, density, spacing and fire regulations.

20. 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 structures shall be erected within the curtilage of each caravan 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/19/1462

Rob Roy Caravan Park, 120 Carlisle Road, Crawford



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Scale:
1:2,500
Date:
23/07/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

6

Report to:	Planning Committee
Date of Meeting:	11 May 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/0074
Planning proposal:	Installation and display of LED panel display on retail unit (retrospective)

1 Summary application information

Application type:	Advertisement application
Applicant:	Mr Wilson Rae
Location:	30 West Port Lanark ML11 9HE

2 Recommendation(s)

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

- (1) Grant advertisement consent (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: Michelle Armitage
- ◆ Council Area/Ward: 02 Clydesdale North
- ◆ Policy Reference(s): **South Lanarkshire Development Plan 2 (2021)**
Policy 2: Climate change
Policy 3: General urban areas and settlements
Policy 5: Development management and placemaking
Policy 14: Natural and historic environment
Policy DM10: Advertisement Displays

◆ Representation(s):

▶	7	Objection Letters
▶	6	Support Letters
▶	0	Comment Letter

♦ **Consultation(s):**

Roads Development Management Team

Environmental Services

Planning Application Report

1 Application Site

- 1.1 The report relates to the installation of an illuminated advertising panel that has been displayed on the fascia of a convenience store at 30 West Port, Lanark. The convenience store, KeyStore More, is a single storey flat roof building that sits immediately adjacent to a petrol filling station forecourt which is available 24 hours via unmanned pumps. The two businesses share the same vehicular access and exit from the site. The site sits parallel to the A73 which is the main road through the town leading to Lanark Town centre. The site is bounded by trees to the north and houses to the east, west and south (on the opposite side of the A73). The surrounding area is predominantly residential in nature. The application site sits immediately outwith Lanark Conservation Area.

2 Proposal(s)

- 2.2 The application seeks retrospective advertisement consent for the installation and display of an illuminated advertising panel. The panel is installed on the fascia of the convenience store facing onto the petrol station forecourt and south-west along the A73. LED lighting is incorporated into the black aluminium panel enabling the display of different and alternating adverts. It measures 3 metres wide, 1 metre in height and has a depth of 0.18 metres.

3 Background

3.1 Local Development Plan Status

- 3.1.1 The application site is on land identified as general urban within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2) and the proposal should be assessed against the following policies:-

- ◆ Policy 2: Climate change
- ◆ Policy 3: General urban areas and settlements
- ◆ Policy 5: Development management and placemaking
- ◆ Policy 14: Natural and historic environment
- ◆ Policy DM10: Advertisement Displays

3.2 Planning History

- 3.2.1 Retrospective planning permission and advertising consent was sought for the installation of an ATM and illuminated surround on the external wall of the convenience store, located adjacent to the petrol station at 30 West Port, Lanark. (Planning Reference P/20/0257 and P/20/0258). Both applications were approved in July 2020.
- 4.2 An application to vary condition 2 of planning consent CL/11/0479 to extend the opening hours of the convenience store to 24 hours Monday to Sunday (Planning Reference CL/17/0193) was refused in July 2017. A subsequent application to vary condition No.2 of planning consent CL/11/0479 to extend the opening hours of the convenience store to: Monday to Friday 05:00 - 23:00; Saturday 06:00 - 23:00, and Sunday 07:00 - 23:00 was approved in January 2019 (Planning Reference CL/18/0025).

4. Consultations

- 4.1 **Roads and Transportation Services** – have no objections to the proposal.

Response: Noted.

4.2 **Environmental Services** – have no objections to the proposal subject to the following conditions:-

- The maximum permitted luminance of the display shall be 600 cd/m² during daylight and 300 cd/m² during low light.
- The proposed display must not cause light nuisance to any existing residential properties.
- If the display is confirmed by the Council to have a negative impact on any individual residential property then it must be switched off between the hours of 8pm and 8am.

Response: Noted. If planning permission is granted, conditions to reflect the above would be added to the decision notice.

5 **Representation(s)**

5.1 Neighbour notification is not required to be carried out on applications for advertisement consent. Nevertheless 7 letters of objection and 6 letters of support were received.

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

a) **Neighbour notifications letter were not received.**

Response: Neighbour notification is not a statutory requirement for advertisement consent, therefore, such letters were not issued.

b) **The panel faces onto nearby residential properties.**

Response: Although located within a predominantly residential area, the panel does not directly face onto any houses.

c) **The advertisement is very distracting to road users, drawing the attention of drivers and cyclists away from pedestrians and vehicles on a busy and congested road. It is an unsafe and unacceptable hazard.**

Response: Roads and Transportation Services have been consulted and did not object to the proposal. They have no concerns regarding the impact of the advertising panel on public safety.

d) **The display is an incongruous addition and is detrimental to the established character of the neighbourhood. It is entirely inappropriate for what is an established residential area.**

Response: Noted. The design and impact of the proposal is considered in the assessment and conclusion section below.

e) **The advertisement operates for 24 hours a day. The projecting light and flashing causes unacceptable intrusion. Is it a general nuisance throughout the day and disturbs my sleep at night.**

Response: Noted. The design and impact of the proposal is considered in the assessment and conclusion section below.

f) **The prominence of the flashing becomes more intense in late afternoon and evening when dark outside.**

Response: Noted. The design and impact of the proposal is considered in the assessment and conclusion section below.

- g) We question the requirement for a flashing advertisement in an area where such displays do not usually feature.**

Response: The lack of applications to display similar advertisement panels elsewhere is not a material consideration.

- h) This type of advertising panel should only display adverts related to items sold within the premises it is installed.**

Response: Planning legislation and guidance does not seek to control what is advertised on a sign.

- i) The shop is located very close to a conservation area and listed buildings.**

Response: The application poses no harm to the special architectural or historic interest of nearby listed buildings or conservation area.

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

6 Assessment and Conclusions

6.1 Retrospective advertisement consent is sought for the installation of an illuminated panel that has been displayed on the fascia of petrol station convenience store at 30 West Port, Lanark. 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 South Lanarkshire Local Development Plan 2 (SLLDP2). In determining the acceptability of an advertisement display, each case will be assessed against its impact on amenity and public safety as stated in The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

6.2 In the South Lanarkshire Local Development Plan 2 (2021), the application site is designated as being within a general urban area within which Policy 3 advises 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. Developments particularly 'bad neighbour' uses which by virtue of visual impact, noise, smell, air pollution, disturbance, traffic or public safety will not be permitted if they are detrimental to the amenity of residents. Each proposal will be judged on its own merits with particular consideration given to the impact on the amenity of the area, proposed servicing and parking arrangements and, where appropriate, an assessment of the contribution of the proposal to meet an identified local need.

6.3 Policy 2 - Climate change of SLLDP2 requires new development, where possible, to seek to minimise and mitigate against the effects of climate change. The retrospective proposal relates to a small sign attached to an existing building and, therefore, does not raise any issues in respect of this policy. It is, therefore, considered to be in accordance with this policy.

6.4 Policy 5 of SLLDP2 - Development management and placemaking of SLLDP2 states that proposals should be well designed and integrated with the local area. New development should have no unacceptable significant adverse impacts on the local community and the environment. This advice is supported within Development Management, Placemaking and Design (Volume 2) under Policy DM10 – Advertisement Displays. This states an advertisement should have no adverse impact on the general character of the area; it should be of an appropriate size, scale, position, design and material; it should have no adverse impact on the amenity of nearby residents by virtue of light or noise pollution; and have no adverse impact on public safety by virtue of causing distraction, confusion, or creating a hazard to pedestrians, cyclists or drivers.

- 6.5 Policy 14 - Natural and Historic Environment of SLLDP2 provides the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment.
- 6.6 The advertising panel is visible on approach to the site when travelling east along the A73. Its size and scale are proportionate to the convenience store to which it is attached. The panel's design and material, including the LED lighting, is appropriate for the convenience store's commercial setting. In terms of visual impact, it does not over-dominate its immediate context nor the wider residential streetscape. As the proposal does not detrimentally affect the general character of the area, its impact on visual amenity is, therefore, considered acceptable.
- 6.7 Digital advertising has the potential to impact public safety by virtue of causing distraction, confusion or creating a hazard to pedestrians, cyclists, or drivers. Taking this into consideration, Roads and Transportation Services were consulted on the retrospective application and provided no objections to the proposal. The effect of the advertising panel, including its alternating and illuminated content, therefore, does not give rise to an adverse impact on public safety.
- 6.8 The panel is installed on the fascia of the convenience store and faces onto the petrol station forecourt and south-west along the A73. Its position does not directly face any residential properties although it is noted some properties do overlook the application site. Concerns regarding the level of luminance permeating into nearby homes from the panel's LED lighting have been raised. Previously, the panel did not utilise a light sensor to control its brightness likely explaining the light pollution experienced by local residents. Environmental Services have been consulted and do not objection to the proposal subject to the following conditions:
- The maximum permitted luminance of the display shall be 600 cd/m² during daylight and 300 cd/m² during low light.
 - The proposed display must not cause light nuisance to any existing residential properties.
 - If the display is confirmed by the Council to have a negative impact on any individual residential property then it must be switched off between the hours of 8pm and 8am.
- The applicant has confirmed that the panel will have a light sensor to control its brightness according to the ambient light conditions and will ensure the brightness does not exceed the conditioned threshold values. As such, the luminance of adverts will only be so bright as is necessary to be visible and legible over the ambient light conditions. Provided the conditions are adhered to, the panel will have no significant adverse impact on the amenity of nearby resident by virtue of light pollution.
- 6.9 For the above reasons it is, therefore, considered that the retrospective proposal is not contrary to Policies 2, 3, 5, 14 and DM10 of LDP2.
- 6.11 7 letters of objection were received in relation to this advertisement consent. It is not considered that the concerns raised, relating to visual amenity or public safety, justify refusal of the application. Concerns regarding residential amenity, specifically previous luminance experienced by nearby residents, have been addressed and explained above. The use of a light sensor on the advertising panel and the addition of planning conditions, relating to the panel's brightness and any light nuisance that may arise, justifies the application's approval.

- 6.12 In conclusion, it is considered that the proposals comply with the adopted South Lanarkshire Local Development Plan 2 and, therefore, it is recommended that retrospective planning permission is granted.

7 Reason for decision

- 7.1 The retrospective development is in accordance with Policies 2, 3, 5, 14 and DM10 of the South Lanarkshire Local Development Plan 2.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 30 April 2021

Previous references

- ◆ P/20/0257
- ◆ P/20/0258
- ◆ CL/18/0025
- ◆ CL/17/0193

List of background papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Proposed South Lanarkshire Development Plan 2

▶ Consultations

Roads Development Management Team	28.01.2021
Environmental Services	26.03.2021

▶ Representations

Objections

Mr David Woodhams, 28 Westport Lanark ML11 9HD	27.01.2021 07.02.2021 26.02.2021
Marie and Ian Darroch, 47 Westport, Lanark ML11 9HE	25.02.2021
Mrs Rebecca McMorro, 49 Westport Lanark ML11 9HE	03.02.2021
Mrs Moreen Cromwell, 6 Lake Avenue 6 Lake Avenue Lanark ML11 9BQ	02.02.2021
Shepherd and Wedderburn LLP on behalf of Marie and Ian Darroch	04.02.2021

Support

Mr Graeme Winning, 18 Woodlea Lanark ML11 9SY	22.02.2021
Mr Graeme McLeish, 37-39 Wellgate Lanark ML11 9DS	15.02.2021
Keystore More, 30 Westport Lanark ML11 9HE	16.02.2021
Mrs Kathryn Neil, 224 Queensferry Road Edinburgh EH4 2BN	16.02.2021
Mrs Jacqueline Glen, 15 Bannatyne Street Lanark ML11 7JY	16.02.2021
Mrs Ann Mackenzie, 40 Carnwath Road Forth Lanark ML11 8EY	17.02.2021

Contact for further information

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

Holly Brown, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455656

Email: holly.brown@southlanarkshire.gov.uk

Conditions and reasons

1. The maximum permitted luminance of the display shall be 600 cd/m² during daylight and 300 cd/m² during low light.

Reason: To protect residential amenity.

2. At the reasonable request of the Planning Authority and following a complaint to it relating to light pollution from the signage hereby approved, the operator of the convenience store shall appoint an independent lighting consultant to measure the level of light at the affected property to which the complaint related. Where in the opinion of the Planning Authority, acting reasonably, it is found there is statutory light pollution 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.

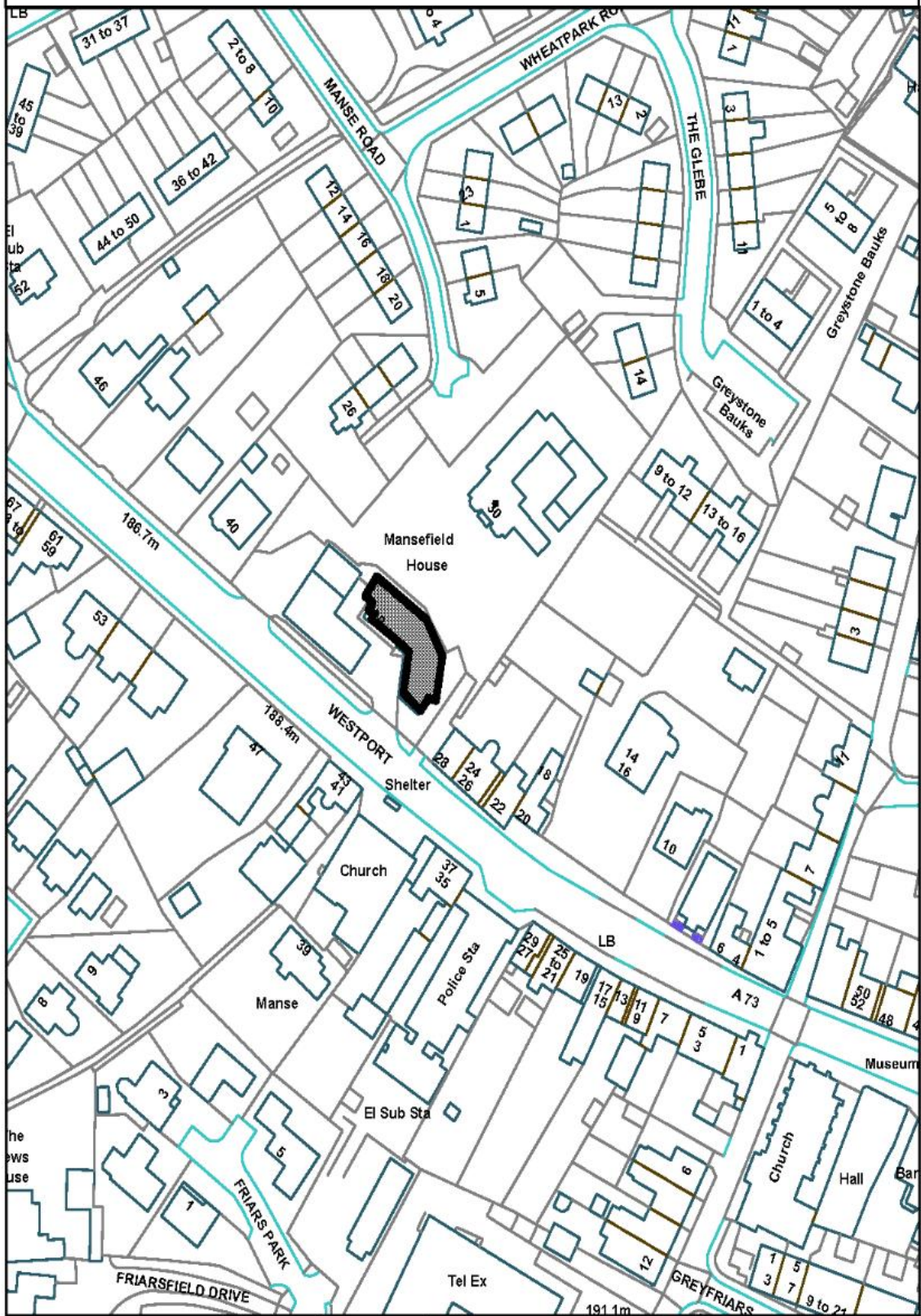
Reason: To protect residential amenity.

3. If the display is confirmed by the Council to have a negative impact on any individual residential property then it must be switched off between the hours of 8pm and 8am until the mitigation measures required by condition 2 above have been implemented.

Reason: To protect residential amenity.

P/21/0074

30 Westport, Lanark ML11 9HE



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Scale:
1:1,250
Date:
15/04/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

7

Report to:	Planning Committee
Date of Meeting:	11 May 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/0295
Planning proposal:	Amendment to planning consent P/19/1794 in respect of substitution of house types plots 1 -50 and minor amendments to layout

1 Summary application information

Application type:	Detailed planning application
Applicant:	Stewart Milne Homes Scotland
Location:	Land 110M Northwest Of Littlepark Cottage Jackton Road East Kilbride Glasgow South Lanarkshire

2 Recommendation(s)

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

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

2.2 Other actions/notes

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

3 Other information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 06 East Kilbride South
- ◆ Policy Reference(s): South Lanarkshire Development Plan 2
Policy 1 Spatial Strategy
Policy 2 Climate change
Policy 5 Development Management and Placemaking
Policy 11 Housing
Policy 12 Affordable Housing
Policy 15 Travel and Transport
Policy 16 Water Environment and Flooding
Policy DM1 New Development Design
Policy SDCC2 Flood risk
Policy SDCC3 Sustainable Drainage Systems
Policy DM15 Water Supply
Policy DM16 Foul Drainage and Sewerage

◆ **Representation(s):**

▶	5	Objection Letters
▶	0	Support Letters
▶	2	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Planning Application Report

1 Application Site

- 1.1 The planning application site relates to an area of land to the south of the village of Jackton. The site sits to the south of Eaglesham Road and to the west of Jackton Road. The site is bounded by Eaglesham Road to the north and by recently developed Cala Homes houses to the west (EK/15/0071). A small group of existing older residential properties are located immediately to the east of the site. The site is fairly level, sloping gradually down towards the north at Eaglesham Road. There are a number of trees along the southern boundary, primarily within the group of properties at Little Park House. The site extends to approximately 2.82 hectares. The site is located in the East Kilbride Community Growth Area.

2 Proposal(s)

- 2.1 The applicants propose the erection of a residential development of 50 dwellings. This application is an amendment to planning consent P/19/1794 in respect of substitution of house types plots 1 - 50 and minor amendments to layout. The development will be located on the existing access from Jackton Road to the recently developed Cala Homes development on Kavanagh Crescent (EK/15/0071).
- 2.2 This application substitutes the previously consented house types on all the plots to update the house types to the developers' current designs and preferred house types. The revised development layout replaces the previously proposed 7 terraced units with detached dwellings, which have been introduced in that position and across the site, resulting in all the proposed house types being detached. This has resulted in relocations of plots and the location of houses within some of the plots. This application also proposes an amended Landscape Scheme which includes the removal of the existing hedge along the south side of Eaglesham Road to allow for the construction of a 2 metres wide footway. The loss of the existing hedge will be mitigated by the planting of a replacement native hedge slightly further into the site. The existing hedge has already been removed following consultation with the Planning Service.
- 2.3 The development is classified as a 'Major' development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and was previously the subject of pre-application consultation, including a public exhibition held in the Greenhills Hall, Greenhills Crescent in East Kilbride, on 22 August 2019 prior to the original application being submitted.

3 Background

3.1 Local Plan Status

- 3.1.1 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of SLLDP2 and a number of modifications to the plan were recommended. At the Planning Committee on 1 December 2020, members agreed to the approval of all of the modifications, the publication and public deposit of the Plan, as modified, and the submission of the Plan to Scottish Ministers. SLLDP2 was formally adopted on 9 April 2021 and now supersedes the former Local 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:-

Policy 2: Climate change
Policy 5: Development Management and Placemaking
Policy 11: Housing
Policy 12: Affordable Housing
Policy 15: Travel and Transport
Policy 16: Water Environment and Flooding
Policy DM1: New Development Design
Policy SDCC2: Flood risk
Policy SDCC3: Sustainable Drainage Systems
Policy DM15: Water Supply
Policy DM16: Foul Drainage and Sewerage

3.1.2 In addition the Council has prepared a Residential Design Guide. The aim of the associated policies and guidance is to seek well designed development which is located in appropriate locations and is appropriately serviced.

3.1.3 An assessment of the proposal against these specific policies is contained in Section 6 of this report.

3.2 **Relevant Government Advice/Policy**

3.2.1 Scottish Planning Policy (Revised 2020) (SPP) advises that proposals that accord with up-to-date plans should be considered acceptable in principle. In terms of residential development, the SPP advises that the planning system should enable the development of a range of attractive, well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements.

3.3 **Planning Background**

3.3.1 Planning Permission in Principle (EK/11/0202) for the wider East Kilbride Community Growth Area was approved at Planning Committee in March 2012, subject to the conclusion of a Section 75 Legal Agreement in respect primarily of financial contributions towards infrastructure affected by the development. Following signing of the agreement, the planning permission was subsequently issued on 10 September 2020. In December 2017, two planning applications (EK/18/0023 and EK/18/0024) were submitted by Cala Homes for the development of 35 and 14 dwellings on the site. Neither of these applications have been determined to date, however, are expected to be withdrawn. As stated in paragraph 2.1 above, this application is an amendment to planning consent P/19/1794 which was granted consent in October 2020. The access road through this site, Kavanagh Crescent, was built as part of the previously developed adjacent site by Cala Homes (EK/15/0071).

4 **Consultation(s)**

4.1 **Roads and Transportation Services (Development Management)** – have no objections to the amended proposal subject to conditions attached to the original consent being attached to any amended consent in respect of footway provision, Travel Information Pack, surface water drainage, parking provision requirements and Traffic Management Plan implementation.

Response: Noted. Appropriate conditions and advisory notes will be added to any consent issued.

- 4.2 **Environmental Services** – have no objections to the amended proposal, subject to conditions and advisory notes being attached in respect of contaminated land site investigation remediation, noise assessment, limiting construction noise and dust management and monitoring.

Response: Noted. Appropriate conditions and advisory notes will be added to any consent issued.

5 **Representation(s)**

- 5.1 Statutory notification was undertaken and the proposals advertised in the local press for non-notification of neighbours. Following this, 5 letters of objection and 2 letters of comment were received. The issues raised in all representations can be summarised as follows:-

- (a) **The proposed development is over development of the site, is a significant increase in number of dwellings from the previous planning consent which have an adverse impact on nature conservation**

Response: This application does not propose an increase in numbers of units from the 50 units granted consent under Planning Consent P/19/1794. The application changes the type of units proposed. The proposed density is considered acceptable for the application site.

- (b) **The amended proposal proposes to increase the number of units which have a boundary with Little Park on the southern boundary of the site, from 7 units to 9 units increasing the likelihood of the removal of the mature hedge and trees along this boundary.**

Response: The amended proposal increases the number of properties along this boundary by 1 which has been achieved by reducing the size of some of the properties. The properties cover the same extent of this boundary and the small increase in numbers of properties along this boundary is considered unlikely to increase the possibility of removal of hedges or trees. A condition has been attached protecting the trees along this boundary. The existing hedge at the entrance to Little Park is out with the site boundary and the developer proposes to plant an additional area of mixed hedgerow in this area of the site.

- (c) **Will the trees, tree canopy and hedges along the boundary with Little Park be protected?**

Response: A condition has been attached, as attached to the existing Planning Consent (P/19/1794), protecting the trees along this boundary. The existing hedge at the entrance to Little Park is outwith the site boundary and the developer proposes to plant an additional area of mixed hedgerow in this area of the site.

- (d) **The existing hedgerow along the boundary of the site with Eaglesham Road has been removed although the current Planning Consent required it to be retained. This was removed without consideration to wildlife and just before the nesting season.**

Response: The hedge was removed to enable the required 2m wide footway to be installed along Eaglesham Road. The existing hedge was removed in February prior to the bird breeding season. A replacement hedge is proposed along the inside of the new footway and will be a mixed hedge with mix of 35% Hawthorn, 15% Blackthorn, 25% Hornbeam, 25% Beech double planting of minimum 120 to 150cm 2L with a post and wire fence. The hedge will be planted following footpath upgrading work after November 2021.

- (e) **The construction vehicles have already started to block Kavanagh Crescent preventing residents from accessing their properties without any prior communication to residents.**

Response: Roads and Transportation Services have been informed of the construction traffic issue and the developer has been reminded that at no time should Kavanagh Crescent be blocked by construction vehicles or construction parking. The developer has also confirmed that they have reminded their sub-contractors of the requirements in terms of Kavanagh Crescent.

- (f) **The only place for construction workers to park is on Kavanagh Crescent which is narrow and which is maintained through payments by the residents of the Cala houses.**

Response: Roads and Transportation Services have agreed the submitted Construction Traffic Management Plans which identify areas for construction staff parking which do not include parking on Kavanagh Crescent.

- (g) **Kavanagh Crescent is not suitable for additional traffic which will result from the proposed development.**

Response: Roads and Transportation Services raised no objections to the proposed development, including the parking and road layout, which was granted consent under Planning Consent P/19/1794.

- (h) **There are existing drainage problems in the area in that the existing drainage and sewerage system is inadequate causing flooding particularly in the north east corner of the site close to the pumping station. The proposed development will increase the drainage and flooding problems in the area.**

Response: SEPA and Roads and Transportation Services Flood Management Section were consulted and raised no objection to the proposed development under the previous Planning Consent P/19/1794. Conditions in relation to the implementation of a Sustainable Drainage Design designed and independently checked in accordance with the Council's SUDS Design Criteria Guidance and submission of an up dated Flood Risk/Drainage Assessment (FRA) were attached to that Planning Consent and can be attached again should this amended consent be granted.

- (i) **The notification sent to residents provided little information and did not set out what the proposed changes were or provide an accurate plan.**

Response: The letter referred to was the formal neighbour notification letter sent to adjacent residents. The letter informs the neighbour that the application has been submitted. It explains how to view the planning application plans and documents through the website. Objectors who raised this issue were contacted and advised on how to view the plans and information. The map enclosed only identifies the site boundary and the area where the neighbours were notified and does not detail the proposed layout.

- (j) **The application site boundary adjacent to Little Park is incorrect. It shows the site taking in trees which are out with the site boundary and not in the ownership of the applicant.**

Response: The applicant has confirmed that the site boundary is correct and corresponds with the land ownership boundary. This is not a valid planning matter it is a legal matter between the two landowners and could be resolved by checking title deeds of each landowner.

(k) The application should have been discussed with local residents.

Response: Formal neighbour notification letters were sent out to all properties within 20 metres of the application site and the application was advertised in the East Kilbride News in respect of non-notification of neighbours.

(l) Flora, fauna and various species requires to be protected throughout the development process.

Response: The applicants had previously submitted an Ecological Report at the time of the original Planning Consent P/19/1794. Mitigation measures were included in the design and conditions attached to that consent in respect of these measures. A further Updated Ecology Report was submitted in February 2021 which has been assessed and is considered to be acceptable.

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

6 Assessment and Conclusions

6.1 The applicants propose the erection of a residential development of 50 dwellings. This application is an amendment to planning consent P/19/1794 in respect of substitution of house types plots 1-50 and minor amendments to layout. In terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, planning applications have to be determined in accordance with the development plan unless other material considerations indicate otherwise. The main determining issues in assessing this proposal are whether it accords with local plan policy, its impact on amenity and road safety matters.

6.2 The impact of new developments on climate change requires to be considered as part of the assessment of planning applications under Policy 2 – Climate Change. In this instance, it is noted that the principle of development of this site has already been established by virtue of the original planning consent P/19/1794. The application site forms part of the wider East Kilbride Community Growth Area which is identified in the South Lanarkshire Local Development Plan 2 as a development priority which encourages sustainable economic growth of East Kilbride. It is considered to be in accordance with the overarching principles relating to climate change issues as set out in Policy 2. In addition, a condition has been attached to the consent issued requiring the provision of electric charging points for motor vehicles within the site. As such, the view is taken that the proposed development accords with the provisions of Policy 2 of the Local Development Plan

6.3 In terms of Policy 11 – Housing Land of the Adopted South Lanarkshire Local Development Plan 2, the principle of development of this site has already been established by virtue of the original planning consent P/19/1794 and, as set out above, the application site forms part of the wider East Kilbride Community Growth Area. The assessment of this proposal is, therefore, in respect of Policies 5 – Development management and placemaking. This proposal substitutes the previously consented house types on all the plots to update the house types to the developers' current designs and preferred house types. The revised development layout replaces the previously proposed 7 terraced units with detached dwellings, which have been introduced in that position and across the site, resulting in all the proposed house types being detached. This has resulted in relocations of plots and the location of houses within some of the plots. This application also proposes an amended Landscape Scheme which includes the removal of the existing hedge along the south side of Eaglesham Road to allow for the construction of a 2 metres wide footway. The loss of the existing hedge will be mitigated by the planting of a replacement native hedge slightly further into the site. Roads and Transportation Services are satisfied with the proposed changes to the development layout as the access roads and proposed

parking for each plot meets the required standard of provision. The proposal is, therefore, considered to comply with policies 5 and DM1 of the Adopted plan.

- 6.4 The principle of development of this site has already been established by virtue of the original planning consent P/19/1794 and this current application in respect of substitution of house types plots 1 -50 and minor amendments to layout does not significantly change the development previously consented. It is, therefore, considered, as previously reported to Planning Committee under Planning Consent P/17/1794, it remains in compliance with Policy 12 Affordable Housing, Policy 15 Travel and Transport, Policy 16 Water Environment and Flooding, Policy SDCC2 Flood Risk, Policy SDCC3 Sustainable Drainage Systems, Policy DM15 Water Supply and Policy DM16 Foul Drainage and Sewerage.
- 6.5 Five letters of objection and 2 letters of comment were received in respect of the proposal, the grounds of which have been addressed in Section 5 above and do not merit refusal of the application. The requirements of the statutory consultees have been addressed through the use of conditions where appropriate.
- 6.6 In summary, it is considered that the proposal conforms to development plan policy and that the proposal raises no significant environmental or infrastructure issues. Following a full and detailed assessment of the proposed development, it is considered that the proposed development is in accordance with the adopted South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and on that basis, it is recommended that planning permission is granted.

7 Reasons for Decision

- 7.1 The principle of development of this site has already been established by virtue of the original planning consent P/19/1794. The amended proposal will have no significant adverse impact upon amenity and complies with Policies 2, 5, 11, 12, 15, 16, SDCC2, SDCC3, DM1, DM15 and DM16 of the Proposed South Lanarkshire Local Development Plan 2.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 22 April 2021

Previous references

- ◆ Planning Consent EK/11/0202
- ◆ Planning Consent EK/15/0071
- ◆ Planning Application EK/18/0023
- ◆ Planning Application EK/18/0024
- ◆ Planning Consent P/19/1794

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 3 March 2021

►	Consultations	
	Roads Development Management Team	17.03.2021 & 21/04/2021
	Environmental Services	06.04.2021
►	Representations	Dated:
	Claire Marr, Littlepark House, Jackton Road, Jackton, Glasgow, G75 8RR	30.03.2021
	Ms Audrey Scott, 14/3, Manor Place, Edinburgh, EH3 7DD	07.04.2021
	Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G85 8LS	25.03.2021
	Mrs Carolyn Haddow, Westend, 21 Kavanagh Crescent,, Jackton, East Kilbride, G75 8WS	04.03.2021
	Mr Gary Rowe, 3 Kavanagh Crescent, Jackton, East Kilbride, G75 8WS	04.03.2021
	Mrs Carolyn Haddow, Westend, 21 Kavanagh Crescent, Jackton, East Kilbride, G75 8WS	04.03.2021
	Mr Kishan Fowdar, 31 Kavanagh Crescent, East Kilbride, G75 8WS	04.03.2021

Contact for further information

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

Morag Neill, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455053

Email: morag.neill@southlanarkshire.gov.uk

Conditions and reasons

01. 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.

02. 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 Condition 2 of Planning Consent P/19/1794 in accordance with drawings W22(2)-SD(140)-05-01, 02, 03, 04 & 05, WFJ-50-05, 06, 07, 08 & 09 and P_19_1794-Development Layout WFJ-ARC-001 REV I and design details Unilog Pro retaining wall, 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.

03. The scheme for the control and mitigation of dust" Dust Control Statement dated 12/02/2021" approved under Condition 4 of Planning Consent P/17/1794 shall be implemented in accordance with a programme agreed with the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter

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

04. That the use of the garage hereby permitted shall be restricted to private use incidental to the enjoyment of the dwellinghouse on the site and no commercial activity shall be carried out in or from the garage.

Reason: To safeguard the residential amenity of the area.

05. That prior to the commencement of development, details of the land drainage works shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the provision of a satisfactory land drainage system.

06. That the development hereby approved shall not be commenced until the land drainage works have been completed in accordance with the plans submitted to and approved by the Council as Planning Authority under the terms of Condition 5 above.

Reason: To ensure the timeous provision of a satisfactory drainage scheme.

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

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

08. 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.

09. 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 8 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.

10. Prior to the commencement of development the preferred remediation option, in relation to land contamination, as set out in the recommendations of the "Report on Site Investigations" dated 18 January 2018, Project Ref P17/415, by Mason Evans Partnership Ltd, shall be submitted to approved by the Council as Planning Authority and thereafter implemented in full.

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

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

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

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

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

12. Prior to the occupation of each dwellinghouse on the site, the occupier shall be provided with a Travel Information Pack covering public transport and active travel options to the satisfaction of the Council as Planning Authority.

Reason: In order to retain effective planning control.

13. That unless otherwise agreed and prior to the occupation of the first dwelling, a new 2m wide footway shall be provided along Jackton Road between Eaglesham Road and the existing access road Kavanagh Crescent to the satisfaction of the Council as Planning Authority.

Reason: In the interests of traffic and public safety.

14. That unless otherwise agreed and prior to the occupation of the first dwelling, the existing footway along Eaglesham Road from Jackton Road to the footpath link opposite Hayhill Road shall be upgraded and widened to a minimum of 2m and where possible, retaining the existing hedge to the satisfaction of the Council as Planning Authority.

Reason: In the interests of traffic and public safety.

15. The recommendations contained within the approved Traffic Management Plan shall be implemented and adhered to at all times. The developer shall notify the Council in writing, as soon as reasonably practical, of any changes in construction activities where these will have an impact on the approved TMP. The developer will consult with the Council, as Roads Authority to agree in writing any changes to the TMP, and thereafter adhere to and implement the agreed changes to the satisfaction of the Council as Planning Authority.

Reason: In the interests of traffic and public safety

16. 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 Authority.

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

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

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

18. That for the avoidance of doubt no built development shall take place on the existing culverts on site.

Reason: To ensure the provision of a satisfactory land drainage system.

19. The applicant shall undertake a noise assessment to determine the impact of noise from businesses on Jackton Road, East Kilbride, currently operating as Findlay's Garage and Quiklay on the proposed development using the principles set out in British Standard BS4142:2014 - Method for Rating and Assessing Industrial and

Commercial Sound, or a method agreed by the Planning Authority. The assessment shall be submitted to and approved by the Planning Authority and shall identify-

- 1- the maximum Rating Levels (Including penalties either subjective or objective as appropriate)
- 2- the statistical average Background Noise Level to which any part of the development will be exposed.

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

Reason: In the interests of residential amenity.

20. Unless otherwise agreed in writing with the planning authority and notwithstanding the plans hereby approved, the findings and recommendations of the "The Noise Impact Assessment for the Housing Development at Jackton Road, East Kilbride, G75, Technical Report No. R-8601-NS1-RRM" dated 1 October 2019 by RMP shall be implemented in full, including the close boarded acoustic screening and higher specification glazing shall be implemented to the satisfaction of the Council as Planning Authority. Should the orientation of any of the dwellings be altered from that shown in the approved plans, additional noise attenuation may be required.

Reason: In the interests of residential amenity.

21. 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.

22. Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Council as Planning Authority to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that 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.

23. That no trees within plots 1,3,4,5,6 or 7 shall be lopped, topped, pollarded or felled, 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.

24. 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.

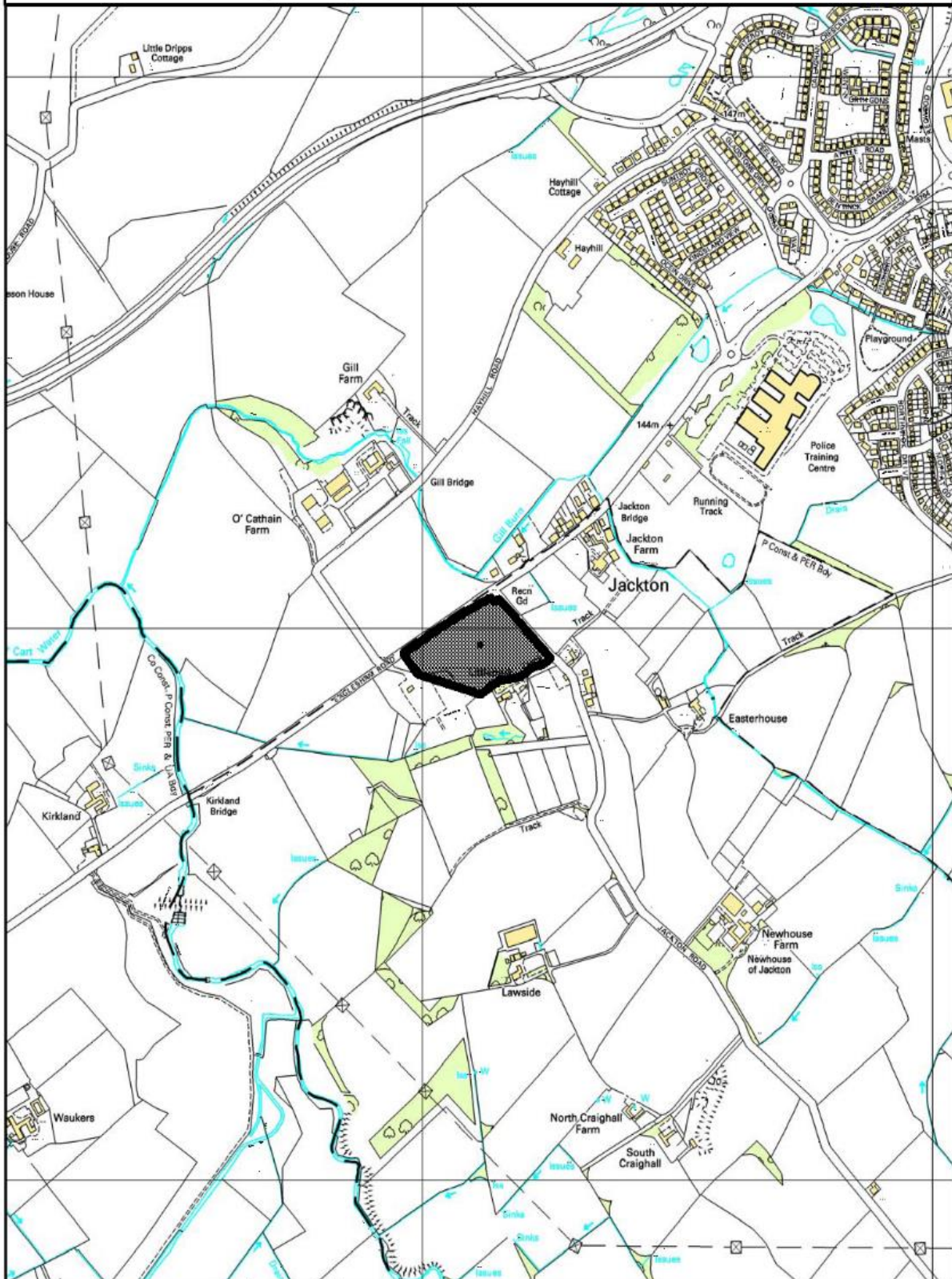
Reason: To ensure the provision of appropriate facilities on site.

25. 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.

P/21/0295

Land 110M Northwest of Littlepark Cottage, Jackton Road, EK



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Scale:
1:10,000
Date:
15/04/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

8

Report to:	Planning Committee
Date of Meeting:	11 May 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/1790
Planning proposal:	Erection of boundary walls and associated alterations (Amendment to consent P/18/1157)(retrospective)

1 Summary application information

Application type:	Householder
Applicant:	Mr George Georgien
Location:	6 Strawfrank Road Carstairs Junction Lanark ML11 8PP

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: Burrell Design Studio
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2021 (SLLDP2):**
Policy DM2 House Extensions and Alterations
Policy 3 General Urban Areas
Policy 5 Development Management and Placemaking

◆ Representation(s):

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

◆ **Consultation(s):**

Estates Services - Housing and Technical Resources

BS Hamilton

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site relates to the parking area related to flatted development within the former Station Hotel at 6 Strawfrank Road. The proposal seeks retrospective planning permission for a wall which has been erected to 3m high with coping. The wall has been erected without the benefit of planning permission. To the north of the application site and directly adjacent to the erected wall lies neighbouring property 6A Strawfrank Road. A derelict building without a roof with high walls remaining which has an extant planning permission (CL/17/0467) for the permanent siting of a portable building for use as a hot food takeaway. To the south of the site lies open land with a garage erected which has an extant planning permission for the erection of a dwellinghouse, garage and erection of 2 flatted dwellinghouses. The dwellings have not been erected, however, the garage has. To the east of the site lies adjacent neighbouring property. To the west of the site lies the park and ride for nearby Carstairs train station.

2 Proposal(s)

- 2.1 The proposal seeks retrospective planning permission for a wall within the grounds of 6 Strawfrank Road, a former hotel which has been converted to 5 residential flatted dwellings. The wall is sited on the boundary of the property with 6A Strawfrank Road. The applicant has advised that the wall was erected to screen the derelict building from their development. Initial plans show the wall erected at 3m in height. However, amended plans have been submitted following discussion with the agent to reduce the wall to 2.7m in height.

3 Background

3.1 Local Development Plan Status

3.1.1 South Lanarkshire Local Development Plan 2 (SLLDP2)

On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2 (SLLDP2), a number of modifications to the proposed plan were recommended. At the Planning Committee on 1 December 2020, members agreed to the approval of all of the modifications in the examination report, the publication and public deposit of the Plan, as modified and the submission of the Plan to Scottish Ministers. The Plan was adopted on 9 April 2021.

- 3.1.2 The application site is on land identified as General Urban Area within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2) 2021. The proposed development requires to be assessed against the following policies:-

- ◆ Policy 2: Climate change
- ◆ Policy 3: General Urban Areas
- ◆ Policy 5 Development Management and Placemaking
- ◆ Policy DM2 House Extensions and Alterations

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 the quality and which demonstrates the six qualities of a successful place.

3.3 Planning Background

- 3.3.1 The former Station Hotel at 6 Strawfrank Road has been the subject of various planning applications. In 1999, the site was granted outline planning permission for residential development (CL/99/0287). In 2015, a planning application was approved to convert the use of the former hotel to 4 flatted dwellings, which was in part retrospective, (CL/15/0492). In 2018, planning permission was sought to amend the previous planning approval, to increase the flat numbers to 5 residential flats (P/18/1157). Also, in 2018, planning permission was granted for the erection of a dwellinghouse and garage and erection of 2 flatted dwellings to the rear of the former Station Hotel, however, utilising the same access (P/18/1407).
- 3.3.2 Directly adjacent to the application site lies 6A Strawfrank Road. The premises were formerly a bookmakers and fell into disrepair. The roof has now been removed and the walls of the building remain. In 2017, planning permission was granted for the siting of a portable building for a hot food takeaway within the walls of the derelict building (CL/17/0467). During the handling of that application, it was agreed and approved that the remaining walls of the building would be reduced to 2.7m in height. A notification of initiation to implement this planning permission has been received. Pre-start conditions have been discharged and the owner has submitted correspondence to confirm works have begun.

4 Consultation(s)

- 4.1 **Building Standards** - A wall over 2m in height requires a building warrant. There is a building warrant present for a garage and carport, corresponding application on the same site.
Response: Noted.
- 4.2 **Roads and Transportation Services** – No objections as erection of walls would have no adverse impact on public road network.
Response: Noted.
- 4.3 **Estates** – No objection
Response: Noted, Estates were consulted on this application in error. A further consultation on the corresponding application P/20/1793 has been conducted.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken. A total of 6 representations have been received from one representee. The letters submitted refer to issues with this application and P/20/1973 which refers to the erection of a carport and garage which has been assessed separately under delegated powers. The concerns in relation to the wall proposal will be responded to in this report.

(a) Raised concerns at whether other developments on the site have planning permission including signage on gable wall, use of premises as estate agent and car trading company.

Response: This matter has been passed to Planning Enforcement.

(b) Queries in relation to building warrant – the building warrant has been approved is this possible without checks from planning. In addition, no warrants are visible on the portal.

Response: The issue of a building warrant is a separate legislative process which does not require the grant of planning permission to be issued. However, there is some cross working with departments to ensure plans and developments correspond. A planning consultation was sent to Building Standards in relation to P/20/1790. The response on 22 December 2020 was that a building warrant had been submitted for

the carport and garage but that a boundary wall over 2m would require a building warrant. The agent had advised in relation to the wall application, they intended to apply for the building warrant once planning permission had been achieved. The plans shown on the building warrant for the carport and garage (B/20/2236) satisfactorily match that submitted to Planning. This query has been passed to Building Standards to respond in relation to the visibility of the warrant on the portal.

(c) Concerns in relation to the wall height of the proposed retrospective wall will prevent ability to reduce and comply with planning permission CL/17/0467 and prevent ability to maintain. If the Council approves this makes it a legal matter.

Response: Planning permission does not grant any right of access over any adjoining property or land required for the purpose of constructing or maintaining the development. The consent of the appropriate land owner would be required to carry out building work or future maintenance that requires access to a neighbour's ground. Any disputes which arise over access or boundaries are not a planning matter. These are civil matters to be resolved between the parties involved. However, in this case, the erection of the wall at 3m retrospectively is at odds with the request within CL/17/0467 planning permission to reduce the wallhead height to 2.7m to match the portable building it approved. The applicant of the wall on 6 Strawfrank Road has submitted plans to show the wall being reduced to 2.7m to match the adjacent approved application. The representee and owner of 6A has since been in email correspondence to confirm the wall of the derelict building has been reduced to 2.7m. A condition requiring the works to reduce the height of the retrospective wall to 2.7m are completed within 1 month of the expiry of CL/17/0467 shall be imposed on any permission granted.

(d) Queries regarding whether there has been a planning approval for the concrete yard which is over 100sqm. Corresponding concerns in relation to drainage and flooding, this has raised levels adjacent to 6A Strawfrank Road.

Response: This issues do not relate to this application. However, the area referred to was previously a gravel area used by the former Hotel. The change of a gravel area to hardstanding is not considered to be development and therefore planning approval is not required.

(e) Concerns and queries regarding the accuracy of plan in relation to the erection of the wall

Response: This has been raised with the agent and the plans have been amended.

(f) Concerns regarding loss of light to window and overshadowing from the wall.

Response: Loss of light is assessed in the case of habitable rooms within dwellings. The adjacent premises is not a dwelling. The approved scheme for the adjacent premises consists of a temporary building for use as a hot food takeaway which is sited within the remaining walls of a derelict building. Sufficient light would be achieved from the fact there is no roof and the walls of the derelict building are removed from the front of the building. The wall has been reduced in height to 2.7m to match the height of wall approved for 6A Strawfrank Road

(g) Concerns the wall has been erected on the boundary foundations of 6A Strawfrank Road and this wall has to come down, which will result in a requirement to show how the rest of the wall has been supported.

Response: The agent has submitted in writing that buildings have been erected upon boundaries but not over the boundary. The matter of ownership is a private legal matter. The matter of how the wall has been erected is part of the assessment of the Building Warrant.

(k) How many bins should there be for the properties, the bins are overflowing and put outside my property

Response: Refuse collection and grounds maintenance deal with the refuse collections for residential properties. During the assessment of the previous planning application (P/18/1157), it was identified there was sufficient space for bins to the east of the entrance way, this space remains free from development. No planning condition was imposed on the permissions as any further developments would require planning permission in the case of flatted developments.

(l) Are the properties paying Council tax?

Response: The Scottish Assessors website shows Council tax bands for different properties. However, whether a particular property is in arrears is a private matter between the property owner and the Council tax department. This matter is part of separate legislation and has no bearing on Planning decisions.

(m) Have the properties got completion certificates

Response: This matter has been passed to Building Standards. This matter is part of separate legislation and has no bearing on Planning decisions.

(n) Concerns that no longer can access the other side of the wall of 6A Strawfrank Road and unable to maintain and can no longer access rain water pipes, sewage pipes and soil stack as the erected wall is now blocking access. Would planning permission be given which blocks access to services.

Response: The representee has provided an excerpt of titles showing access was to be provided for maintenance. Access for maintenance and for access to services, in particular, where this requires access to another's land is a private legal matter.

(o) With the amount of changes and retrospective builds, builds on boundaries and added submissions etc should there not be more neighbourhood notifications

Response: Neighbour notification is required to be carried out on receipt of a valid planning application to all neighbouring properties within 20m. Neighbour notification can be carried out again if there is a significant change to plans during the handling of the application. In the case of this application, the neighbourhood notification was carried out on receipt of the application. Any amended plans were to seek clarification or amend inaccuracies and are not considered a significant change which would warrant re-neighbour notification.

(p) Concerns in relation to the accuracy of plans which do not show the chimney stack of 6A Strawfrank Road and the 200mm separation between the rear wall of 6A Strawfrank Road.

Response: The plans have been amended to correct this inaccuracy. The Section A-A refers to a section on the side walls not the rear walls. The plans are sufficient for the purposes of the planning assessment.

(q) Concerns raised that neighbours have not received neighbourhood notification on any previous application.

Response: The details of neighbourhood notification were provided to the representee and they confirmed they had no ability to receive post at the address neighbouring the site.

(r) Concerns the erection of the wall will reduce the width of the driveway.

Response: Roads have been consulted on the application and have no objection to the erection of the wall.

(s) Queries whether Planning follow the guidelines of party wall guidance

Response: Planning applications are determined in accordance with the approved development plan, unless material considerations indicate otherwise. The guidelines or legislation in relation to party walls is separate legislation to Planning and is not part of the approved development plan. The guidance on party walls relates to legal issues relating to ownership, a matter which is not a Planning matter.

(t) Queries whether all comments and departments consulted are available to view on the portal. The portal states 11 consulted and 3 comments (date 22.01.2021)

Response: All comments received as representations and consultations from other departments are made available to view on the portal. Building Standards, Roads and Estates were consulted on the application and their responses are available view online via the planning portal. The comments on the portal show 9 comments, 6 public comments and 3 consultee comments. The number of comments may change as comments are received.

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

6 Assessment and Conclusions

6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP), and the Adopted South Lanarkshire Local Development Plan 2021 (SLLDP 2). Other material considerations to be taken into account include whether adjacent planning permission CL/170467 can still be implemented.

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 of Carstairs Junction. Policy 3 General Urban Area seeks to ensure proposals do not adversely affect the amenity and character of predominately residential areas. The proposal relates to a wall within the parking and amenity area for use by adjacent flatted dwellings. It is considered a suitable use and type of proposal for the surrounding area. The height of the wall is not considered to be excessive at this location and it will not be overbearing or have an unacceptable visual impact on the amenity of the surrounding area.

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 within the local context and built form. New development should also have no significant adverse impacts on the local community. The proposed wall is sited on a boundary and suitable access, parking and services for the flatted development at the former Station Hotel remain achievable. Concerns had been raised on suitability of the proposal adjacent to approved application CL/17/0467 (portable building for a hot food takeaway). During the handling of CL/17/0467, it was requested the wall head of 6A Strawfrank Road was reduced to 2.7m to be in line with the height of the portable building. The objector raised concerns that the proximity of the proposed wall would limit their ability to reduce the wall to 2.7m and with the proposed wall at 3m, the two walls would be at odds. The applicant

has agreed to reduce the wall to 2.7m to match the intended height of 6A Strawfrank Road. Since submitting representations, the objector has emailed confirming they have been able to reduce the height of their wall (6A Strawfrank Road) to 2.7m. All other concerns raised by the objector have been considered and responded to above. The proposed wall reduced to 2.7m is considered suitable for the surrounding area and adjacent uses. The proposal meets the terms of Policy 5.

6.5 The representations received have raised concerns over other works on the site, drainage and legal ownership issues. The responses to these concerns are detailed above and are not considered to warrant refusal of the proposal.

6.6 Therefore, it is recommended that retrospective planning permission is granted.

7 Reasons for Decision

7.1 The proposal seeks retrospective planning permission for erection of a boundary wall (amendment to P/18/1157). The proposal retains sufficient parking for the flatted development and the adjacent development at 6A Strawfrank Road can also be implemented. The siting, form, scale and design is suitable for the surrounding area. The proposal is acceptable and meets the terms of Policy 2, 3 and 5 of the adopted South Lanarkshire Local Development Plan 2.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

Date: 9 April 2021

Previous references

- ◆ P/18/1157 - Change of use of ground floor of former hotel to form 2 no. 2 bedroom flatted dwellings, erection of car port, access and parking (amendment to CL/15/0492) -Approved
- ◆ CL/17/0467 - Permanent siting of a portable building for use as a hot food takeaway. – Approved
- ◆ P/18/1407 - Erection of a 1 1/2 storey detached dwellinghouse and detached domestic garage together with the erection of 2 flatted dwellings with associated vehicular access and parking (in part retrospective) –Approved
- ◆ CL/15/0492 - Change of use of hotel and public bar (Class 7) to form 4 no. residential flatted dwellings (Class 9) with associated alterations, access and parking (in part retrospective) -Approved

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 18 December 2020

- ▶ Consultations
 - Estates Services - Housing And Technical Resources 22.12.2020
 - BS Hamilton 24.12.2020
 - Roads Development Management Team 04.03.2021

► Representations	Dated:
Alan Chekansky, Received Via E-mail	18.01.2021
Mr Alan Chekansky, 24 Main Street, Braehead, Lanark, ML118EZ	22.01.2021
Mr Alan Chekansky, Received Via Email	17.03.2021
	12.03.2021
	26.03.2021
	19.03.2021

Contact for further information

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

Fiona Bailie, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455271

Email: fiona.bailie@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/20/1790

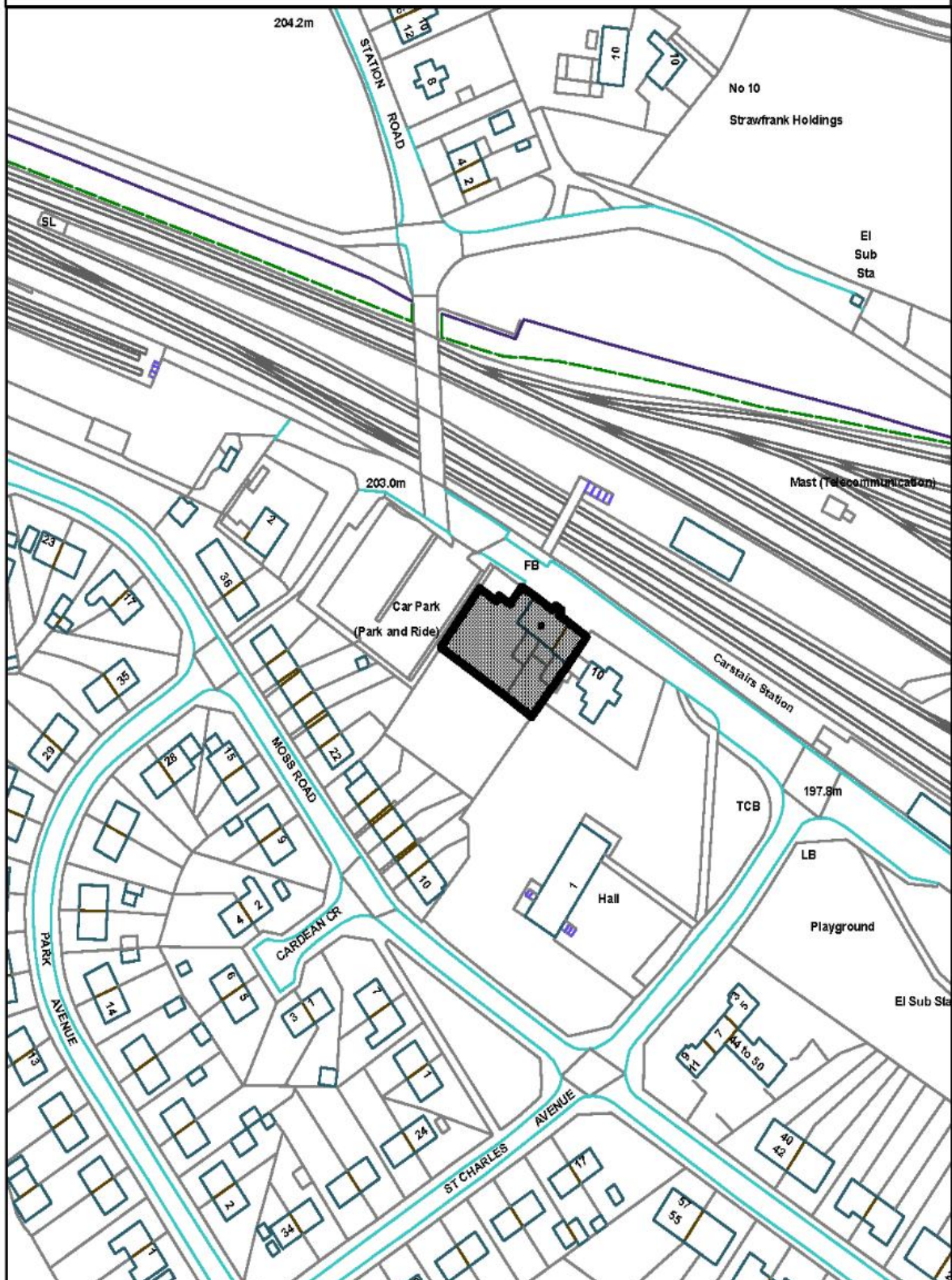
Conditions and reasons

01. That within 28 days of the date of this permission the wall, hereby approved, shall be reduced in height to 2.7m in overall height and thereafter remain at that height.

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

P/20/1790

6 Strawfrank Road, Carstairs Junction, Lanark



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Scale:
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Date:
15/04/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

Report to:	Planning Committee
Date of Meeting:	11 May 2021
Report by:	Executive Director (Community and Enterprise Resources)

Subject:	The South Lanarkshire Development Plan Scheme 2021
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1. Purpose of Report

1.1 The purpose of the report is to:-

- ◆ Seek Committee approval for the South Lanarkshire Development Plan Scheme (appended to report) which will then be submitted to the Scottish Government for information

2. Recommendation(s)

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

- (1) that the South Lanarkshire Development Plan Scheme 2021 is approved and published as set out in the appendix.
- (2) that the South Lanarkshire Development Plan Scheme 2021 is submitted to the Scottish Government.

3. Background

3.1 The Planning etc. (Scotland) Act 2006 requires Planning Authorities in Scotland to prepare a Development Plan Scheme. The scheme has to set out the authority's programme for preparing and reviewing their Local Development Plan and what is likely to be involved at each stage. The scheme is to be updated annually.

3.2 Until recently, the Development Plan comprised the Strategic Development Plan (SDP) and Local Development Plan (LDP). The SDP for Glasgow and the Clyde Valley is known as Clydeplan and is progressed by a Joint Committee that includes South Lanarkshire Council. The current SDP2 was approved in March 2017. The LDP is prepared by individual planning authorities and set out detailed policies and proposals for their particular area to guide the use of land and buildings. The second South Lanarkshire Local Development Plan (LDP2) was adopted on 9 April 2021. As a result, the Council's first LDP (which includes 10 Supplementary Guidance documents) has fallen.

- 3.3 The Planning (Scotland) Act 2019 received Royal Assent in July 2019. Among other things it introduces changes to the development plan system including:-
- The repeal of Strategic Development Plans and their replacement by non-statutory Regional Spatial Strategies (RSS)
 - Combining the existing National Planning Framework and Scottish Planning Policy into one document to be called National Planning Framework 4 which in turn will become part of the development plan
 - The need to replace LDPs at least every 10 years as opposed to 5 years at present
 - The repeal of the ability to prepare Supplementary Guidance (SG)
 - The Act will also allow local communities to prepare Local Place Plans (LPP) for their local area to enable greater public involvement in the planning of their places. A LPP must accord with the LDP in place at that time
- 4. The South Lanarkshire Development Plan Scheme 2021**
- 4.1 A development plan scheme for South Lanarkshire for 2021 has been prepared and is attached as an appendix to this report. The scheme covers:-
- The current coverage of development plans (strategic and local development plans) in South Lanarkshire
 - Proposals for the preparation of the next South Lanarkshire Local Development Plan (which will be referred to as SLLDP3) for the area
 - The anticipated timescale for preparation of this LDP
 - Details, as appropriate and where known, of the key components of each stage of preparation
 - A participation statement, giving an account of when consultation will take place, with whom and in what form, during the preparation of the LDPs
 - Details of the preparation of other supporting planning guidance associated with the local development plan
 - Information on how to access information and how to get in touch with the Council
- 4.2 The scheme highlights that the development plan process is in a period of transition as the detailed requirements of the 2019 Act are brought forward. In terms of NPF4, the Scottish Government intends for a draft document to be laid before the Scottish Parliament in the autumn of this year and for public consultation to be carried out. The approved NPF4 is due to be published in mid 2022. A Position Statement setting out the future direction of the planning system was published by the Government in November 2020 and a report summarising this and seeking approval for the Council's response was presented to the Planning Committee on 26 January 2021.
- 4.3 In addition, it is expected that consultation on draft secondary legislation and guidance on the preparation of the new style Local Development Plans will be carried out in late May 2021. A report will be presented to Planning Committee in due course. Thereafter, the relevant parts of the Act and the approved secondary legislation will take effect in early 2022. At this point, the Council can formally begin preparation of LDP3. The DPS includes an initial programme for each stage of the process, however, this cannot be prepared in any great detail at the moment until NPF4 and the secondary legislation for LDPs is approved. An updated programme will be included in the DPS for 2022. It should be noted that transitional arrangements published by the Government last year highlights the expectation that the new form of LDP will be adopted by all councils by 2027.

4.4 Finally, the repeal of the ability to prepare Supplementary Guidance (SG) means that the existing SG that sat alongside LDP1 is no longer part of the development plan. To address policy in the SGs was incorporated into LDP2. Nevertheless, it is intended to prepare non-statutory Supporting Planning Guidance on a range of topics. This will include the following in the short term:-

- Householder extensions and alterations
- A Rural Design Guide
- Design and Place guidance
- Community Infrastructure Assessment (used in relation to determining the need and amount of developer contributions)
- Climate Change

Each of these will be reported to committee for approval and consultation carried out.

4.5 Once approved by Committee, the Development Plan Scheme will be sent to the Scottish Ministers and made available on the Council's web site and in every Council library when they are re-opened.

5. Employee Implications

5.1 The delivery of the next Local Development Plan and associated Supporting Planning Guidance outlined within the development plan scheme is based upon appropriate staff resources within Planning and Economic Development Services being available. It is noted that the primary legislation for the new style LDP imposes additional duties and new procedures on planning authorities. The ability to deliver the new LDP within the timescale envisaged by the Government will be impacted if appropriate resources are not available.

6. Financial Implications

6.1 The resources required to deliver the Local Development Plan and guidance described in the development plan scheme are dependent upon the appropriate budget levels being available to Planning and Economic Development Services. Changes in financial resources may impact on the programmes presented.

7. Climate Change, Sustainability and Environmental Implications

7.1 There are no direct implications for these issues arising from the preparation of the Development Plan scheme. Nevertheless, climate change and sustainability will be significant issues when preparing LDP3.

8. Other Implications

8.1 Local development plans are subject to the requirements of the Environmental Assessment (Scotland) Act 2005. Each plan requires to be subject to Strategic Environmental Assessment as is detailed within the development plan scheme. Plans will also be subject to other forms of assessment to address sustainability issues, meet other legislative requirement and/or Council/Community Planning policy, namely; Habitats Regulation Appraisal, Equality Impact Assessment and Health Impact Assessment. The Development Plan Scheme itself, however, does not raise any sustainability issues.

8.2 The production of the Development Plan Scheme is a statutory requirement and there would be a reputational risk to the Council if it failed to do so.

9. Equality impact assessment and consultation arrangements

9.1 As indicated in the above paragraph Equality Impact Assessment will be undertaken on local development plans.

- 9.2 There are no consultation requirements for the development plan scheme. The scheme, however, details the stages, form and timing of the required participation and consultation associated with the preparation of the LDP and its associated guidance as far as it is known at the moment.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

20 April 2021

Link(s) to Council Objectives

- Improve the quality of the physical environment
- Support the local economy by providing the right conditions for growth, improving skills and employability
- Improve health and increase physical activity

Previous References

- Report on Development Plan Scheme 2019 – Planning Committee 23 February 2019
- Report on Consultation on NPF4 Position Statement – Planning Committee 26 January 2021

List of Background Papers

- None

Contact for Further Information

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

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South Lanarkshire Development Plan Scheme 2021



Community and
Enterprise Resources

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1 Introduction

1.1 This is the development plan scheme for South Lanarkshire Council. It is prepared in accordance with section 20B of the Planning etc. (Scotland) Act 2006 and sets out the Council's programme for the preparation of local development plans to cover the South Lanarkshire area.

1.2 This scheme covers:-

- The current coverage of development plans (strategic and local development plans) in South Lanarkshire.
- Proposals for the preparation of the next South Lanarkshire local development plan (which will be referred to as SLLDP3) for the area.
- The timescale for preparation of this LDP.
- Details, as appropriate, of the key components of each stage of preparation.
- A participation statement, giving an account of when consultation will take place, with whom and in what form, during the preparation of the LDPs.
- Details of the preparation of other supporting planning guidance associated with the local development plan.
- Information on how to access information and how to get in touch with the Council.

1.3 As required by legislation, this development plan scheme must be reviewed and republished every year.

The development plan system in Scotland

1.4 The Planning etc. (Scotland) Act 2006 sets out the requirements to prepare development plans. Development plans are the basis for decision making on planning applications, containing policies and proposals for the future development and use of land.

1.5 Further information on the planning system is available from the Scottish Government's website www.scotland.gov.uk/Topics/Built-Environment.

1.6 The Planning (Scotland) Act 2019 received Royal Assent in July 2019. Among other things it introduces changes to the development plan system including

- the repeal of Strategic Development Plans and their replacement by non-statutory Regional Spatial Strategies (RSS);
- combining the existing National Planning Framework and Scottish Planning Policy into one document to be called National Planning Framework 4 which in turn will become part of the development plan;
- the need to replace LDPs at least every 10 years as opposed to 5 years at present; and
- the repeal of the ability to prepare Supplementary Guidance (SG).
- the Act will also allow local communities to prepare Local Place Plans (LPP) for their local area to enable greater public involvement in the planning of their places. A LPP must accord with the LDP in place at that time.

1.7 There are to be two levels of development planning in Scotland – the National Planning Framework (informed by Regional Spatial Strategies) and Local Development Plans.

Introduction 1



The National Planning Framework for Scotland (NPF)

1.8 The NPF is produced by the Scottish Government and sets out a long-term spatial strategy for the development of Scotland as a whole and what Scottish Ministers consider to be development priorities. The Third National Planning Framework for Scotland (NPF 3) was published in June 2014 but it is scheduled to be replaced.

1.9 The Scottish Government has indicated the publication of a draft NPF 4 in autumn 2021 when it will be laid before Scottish Parliament and be subject to consultation. It is then intended that a finalised version will be published in spring/summer 2022. NPF 4 will incorporate Scottish Planning Policy (SPP) which contains detailed national policy on a number of planning topics and for the first time spatial and thematic planning policies will be addressed in one place. NPF 4 has also been made the vehicle for identifying the housing land requirements for LDPs, taking over this role from the soon to be abolished SDPs, and its enhanced status as an integral part of the development plan will give it a much stronger role in informing day to day decision-making. It will have a longer time horizon to 2050, fuller regional coverage and improved alignment with wider programmes and strategies, including on infrastructure and economic investment.

Regional Spatial Strategies

1.10 The Planning (Scotland) Act 2019 removed the requirement to prepare SDPs and instead requires the preparation and adoption of Regional Spatial Strategies (RSS). Although not part of the Development Plan, these documents will provide a framework for both the preparation of the NPF and Local Development Plans. They are long-term spatial strategies which identify the need for strategic development, the outcomes to which strategic development will contribute, the priorities for the delivery of strategic development and proposed locations, all shown in the form of a map or diagram.

1.11 The legislation encourages planning authorities to work together to produce RSS. South Lanarkshire Council is one of the 8 members of Clydeplan and this established arrangement will continue. An 'interim' RSS was submitted to Scottish Government in June 2020. It can be viewed [here](#).

1 Introduction

Local Development Plans (LDP)

1.12 As before, LDPs are prepared by local planning authorities and set out detailed policies and proposals for their particular area to guide the use of land and buildings over a 10-year period. The new Local Development Plan preparation however to firstly comprise of an Evidence Report setting out the council's position on a range of social, economic and environmental planning matters. This is then submitted to Scottish Ministers for review (referred to as a 'gatecheck'). Following confirmation that the Scottish Ministers are content with the Evidence Report, Local Planning Authorities are then enabled to progress with the Proposed Plan. This requires to be submitted to Scottish Ministers and is subject to Examination. Following this, Planning Authorities can then adopt their Local Development Plan, taking account of the findings and recommended modifications from the Examination.

1.13 Legislation and guidance is now emerging from the Scottish Government although the timetable has been extended as a result of the global pandemic. It is anticipated that consultation on draft Regulations and guidance will take place in mid 2021 with the relevant parts of the Act and approved secondary legislation coming into effect in early 2022.

1.14 Under the new Planning (Scotland) Act 2019 provisions relating to supplementary guidance are repealed, so that it will no longer be possible for local planning authorities to prepare supplementary guidance that forms part of the development plan. However, the ability to continue to prepare non-statutory guidance in order to support the delivery of the plan strategy and policies is retained. #

1.15 The South Lanarkshire Local Development Plan 2 was adopted by the Council on 9 April 2021. It was produced under the existing system but has taken account of some changes that have been introduced under the new legislation. In particular the LDP2 includes a Volume 2 of additional policies that replaces the SG's. The Council will produce non-statutory Supporting Planning Guidance on a number of topics but these will not have the same standing as the statutory Supplementary Guidance. Preparation of the next SLLDP3 will not commence until NPF4 and appropriate Development Plan Guidance is approved by the Scottish Government. This should outline the new process and what is expected of Local Authorities.

Local Place Plans (LPPs)

1.16 The Planning (Scotland) Act 2019 introduces the concept of Local Place Plans which are intended to stimulate and encourage debate in local communities about the future of a place and are to be taken account of by the planning authority in the preparation of an LDP. Consultation on related Regulations was published in March 2021 and it is expected the related legislation will come into effect in late 2021.

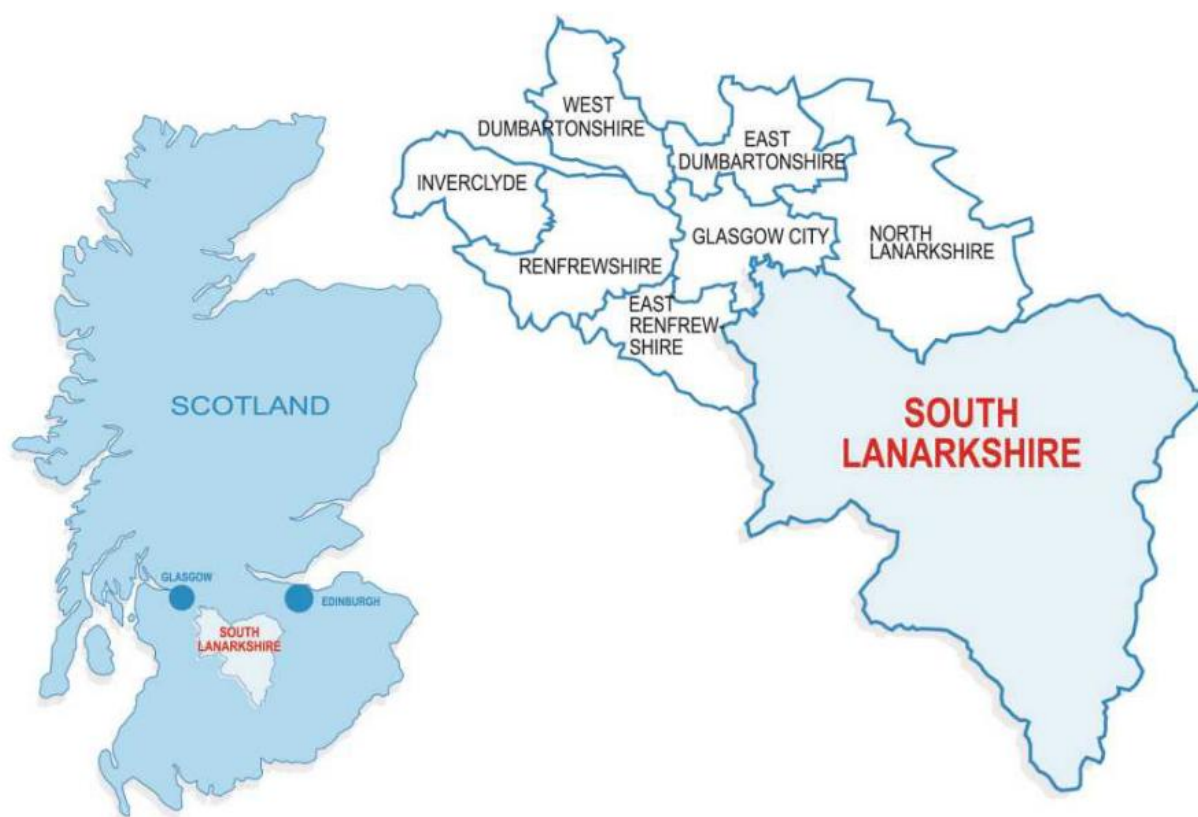
Development planning in South Lanarkshire 2

Strategic Development Plan (SDP)

2.1 South Lanarkshire Council is one of the eight local authorities that form the Clydeplan Strategic Development Planning Authority (SDPA).

2.2 The second SDP (Clydeplan) was approved in July 2017. This plan will fall in 2022 and will not be replaced by another Strategic Development Plan. A Regional Spatial Strategy will be developed which will continue to address cross boundary or region wide issues as the Housing Needs and Demand Assessment and LDP's will have to take account of the Regional Spatial Strategy however they do not form part of the statutory Development Plan.

Figure 2.1 South Lanarkshire and the Clydeplan Strategic Development Planning Authority



Local Development Plan (LDP)

2.3 The South Lanarkshire Local Development Plan 2 was adopted by the Council on 9 April 2021. It replaces the South Lanarkshire Local Development Plan (2015) and Minerals Local Development Plan. In addition Supplementary Guidance produced as part of LDP1 is no longer part of the development plan however it will continue to be used in decision making where relevant until associated Supporting Planning Guidance is produced. As a result of the removal of SGs in the 2019 Act all of the policy currently contained within this Supplementary Guidance have been included within Volume 2 of the South Lanarkshire Local Development Plan 2. The Council will not produce any further Statutory Supplementary Guidance.

2 Development planning in South Lanarkshire

Supporting Planning Guidance

2.4 The Council will produce non-statutory supporting planning guidance on specific topics. Alongside the LDP2 and SPG has been prepared relating to Renewable Energy and this has been approved by South Lanarkshire Council. Supporting planning guidance does not need approval of the Scottish Government and can be approved by Councils. It can be prepared at any time during the lifecycle of the plan.

Strategic Environmental Assessment

2.5 The policies and proposals contained in local development plans are required to be assessed for their potential impacts on the environment utilising a process known as Strategic Environmental Assessment (SEA).

2.6 The purpose of SEA is to provide a high level of protection for the environment by ensuring that environmental issues are considered by decision makers alongside economic and social issues. This is achieved by systematically assessing the potential significant effects of the plan, and recording the results in an 'Environmental Report'. The process involves both regular liaison with NatureScot, Scottish Environment Protection Agency and Historic Environment Scotland (the 'consultation authorities') and its own public consultation process.

2.7 An SEA has been carried out in conjunction with the preparation of LDP2 in alignment with the process of plan preparation. The main stages and their relationship to the stages of LDP preparation are summarised below. It is not clear whether these stages will be amended under the new system since there will no longer be a Main Issues Report produced.

Stages of Strategic Environmental Assessment

- **SEA Screening:** a process for identifying the likelihood of the LDP having a significant environmental effect. Local development plans will, by their very nature, have environmental effects. Therefore a SEA will be required, so it is unlikely that this screening stage will be necessary.
- **SEA Scoping:** determines which details are to be included in the environmental report. It is undertaken early on in the assessment process, in order to focus efforts on the environmental issues to be assessed and the data sets that will be used to measure these and potential alternatives for achieving the aims of the LDP.
- **Environmental Report:** predicts and evaluates environmental impacts. The environmental report is the main reporting mechanism for describing and evaluating the environmental effects of the proposed LDP and evaluating alternatives. A draft Environmental Report will be published with the Main Issues Report with a revised Environmental Report being published alongside the Proposed Plan. A further revision may be required after the public examination of the plan.

Habitats Regulations Appraisal

2.8 Following a ruling by the European Court of Justice in October 2005, plans which are likely to have a significant effect on Special Protection Areas (SPAs) or Special Areas of Conservation (SACs) can be approved only after a Habitats Regulations Appraisal (HRA) of the implications of the plan's

Development planning in South Lanarkshire 2

policies/proposals for the sites has been carried out, under the provisions of the Habitats Directive 1992. The requirements are transposed into UK law by the Conservation (Natural Habitats & c) Regulations 1994. Scottish Ministers have also extended the requirement for assessment to Ramsar sites, listed under the international convention on the conservation of wetlands of international importance, and potential SPAs, before they are fully classified. At the moment an HRA is required for all proposed LDPs including a draft assessment at the MIR stage and a revised assessment at the proposed Plan stage. A further revision may be required after public examination of the plan. The requirement for HRA for the new style LDP will remain however the timing of the various stages is unknown until Regulations are approved. In addition HRA will be required to be undertaken for any Supporting Planning Guidance produced.

Equality Impact Assessment/Health Impact Assessment

2.9 The preparation of LDPs in South Lanarkshire takes place within a context that is wider than direct legislative requirements and high level planning and environmental policy. The Council has further obligations and policies that also apply to the preparation and content of LDPs. The Council is committed to undertake assessment of all policies to ensure that they do not prejudice the interests of individuals in terms of age, disability, economic circumstance, ethnicity, gender or religion. An Equality Impact Assessment was undertaken in the preparation of the SLLDP2.

2.10 Furthermore the Council has a significant role to play in Community Planning. The Community Empowerment (Scotland) Act 2015 introduced the requirement for Community Planning Partnerships to develop a Local Outcomes Improvement Plan (LOIP) and any appropriate Locality Plans (called Neighbourhood Plans in South Lanarkshire). It also gave community planning a statutory purpose to focus on improving outcomes and tackling inequalities of outcome, including in localities whose communities experience the poorest outcomes. Outcomes relating to health can be influenced by planning policy and Health Impact Assessment has been developed as a tool to allow assessment of policy and its relationship to human health, which is also considered by SEA.

Consultation

2.11 Early and effective consultation with stakeholders is an established principle in South Lanarkshire. The Council strives for continuous improvement in this area and has established a number of ways to engage and consult with communities for example, focus groups and citizens panels. Preparing LDPs is informed by the National Standards for Community Engagement as set out in PAN81 Community Engagement - Planning with People.

National standards for community engagement

1. Involvement: Identify and involve the people and organisations who have an interest in the focus of the engagement.
2. Support: Identify and overcome any barriers to involvement.
3. Planning: Gather evidence of need and resources to agree purpose, scope and actions.
4. Methods: Agree and use methods of engagement that are fit for purpose.
5. Working Together: Agree and use clear procedures that enable participants to work together effectively and efficiently.
6. Sharing Information: Ensure necessary information is communicated between the participants.
7. Working with Others: Work effectively with others with an interest.

2 Development planning in South Lanarkshire

8. Improvement: Develop the skills, knowledge and confidence of the participants.
9. Feedback: Feed results back to the wider community and agencies affected.
10. Monitoring and Evaluation: Monitor and evaluate whether engagement achieves its purpose and meets the national standards for community engagement.

2.12 The 2019 Act goes further in setting out a range of groups that will be required to be consulted during the preparation of LDP3. This includes specific reference to disabled persons, gypsies and travellers, and children and young people.

2.13 South Lanarkshire Council has a development planning consultation portal on the internet with the web services company Objective Keystone Online Software. When a consultation is underway the portal is active and can be accessed via the South Lanarkshire Council Website. Draft versions of documents are published on this portal and comments can be made online. Consultees can register themselves and set their own preferences on how they wish to be alerted to future consultations. The planning service needs to hear from individuals, groups and organisations if there are any changes to contact details.

South Lanarkshire Local Development Plan 3

Local Development Plan (LDP)

3.1 The South Lanarkshire Local Development Plan 2 was adopted in April 2021. Under the old system local development plans required to be kept under review and the adopted plan replaced at least every 5 years from the date of adoption. Under the emerging system this has been extended to 10 years. Transitional arrangements published by the Scottish Government indicate that they expect the new style LDPs to be adopted by every planning authority by mid 2027.

3.2 Table 3.1 indicates the main stages of activity for preparation of LDP3 - however this is based on a number of unknown factors.

Participation Statement

3.3 It has not been possible to produce a detailed Participation Statement at this point due to the uncertainty about the associated Regulations and timescales for the preparation of the new style LDPs. However it is expected this will be made clearer through 2021 and that the 2022 Development Plan Scheme will provide more detailed proposals of the consultation the Council intends to carry out.

3.4 Early and effective consultation is the basis for the preparation of local development plans. The Council carries out significant consultation to allow communities and individuals to participate. Different types of events are held across South Lanarkshire, supplemented through a Council wide survey using the objective keystone online consultation forums and other online surveys.

3.5 Engagement also takes place with secondary school pupils, the Disability Partnership and Seniors Together. In addition a variety of social media options are used as a way of reaching out to the wider community this included the use of the Councils Twitter and Facebook Accounts and regular updates on the Councils website newpages. Following this a Consultation and Engagement Report is prepared that will be used as part of the evidence base for preparation of the new plan. Dialogue with the key statutory consultees in the LDP and SEA process continues as the LDP progresses.

Supporting Planning Guidance

3.6 A series of supporting planning guidance documents are currently under preparation or programmed to be started in the next 12 months. This includes guidance on house extensions and a rural design guide. More significant work will state on a Design and Place guidance document. Draft versions of these documents will be presented to committee for approval and thereafter consultation carried out.

Programme

3.7 Table 3.1 on the next page identifies an outline of likely tasks, progress and timescales for preparing the next LDP. However this will be updated once details of the new system emerge. The timescales are based on what is expected to emerge from the Scottish Government during 2021.

3 South Lanarkshire Local Development Plan

Table 3.1 Preparing the South Lanarkshire LDP 2

Stage	Key components	Complete/Timescale
Adoption Procedures for LDP2	Awaiting Direction from Scottish Government	February/June 2021
	Possible Legal Challenge	
Preparation of Supporting Planning Guidance	Prepare Guidance on a number of topics to replace existing Supplementary Guidance	March - December 2021
	Consultation	May - September 2021
	Committee Approval	August 2021 - March 2022
Preparing Timetable and Work Programme for LDP3	Guidance required from Scottish Government including publication of NPF4 and Development Plan Guidance	Late 2021
Monitoring Report for LDP2	Prepare Monitoring Report to assess performance of policies in LDP2	March 2022
Revised Timetable and outline Consultation and Engagement to be undertaken for LDP3 including a Call for Sites	Consultation with an array of stakeholders and relevant parties	Early 2022

3.8 A summary time-line is provided below.

South Lanarkshire LDP 3 programme

Table 3.2

Year (quarters)	2021				2022				2023				2024				2025			
Stage	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
Adoption LDP2																				
Supporting Planning Guidance																				
Timetable and Work Programme LDP3																				
Monitoring Report LDP2																				
Consultation and Engagement LDP3																				
Preparation of draft plan																				
Consultation																				

Accessing information and contacts 4

South Lanarkshire Council

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South Lanarkshire's development planning consultation portal

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If you need this information in another language or format,
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