



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 23 November 2020

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, 01 December 2020
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, Ian McAllan, Catherine McClymont, Kenny McCreary, Colin McGavigan, 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 3 November 2020 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

- 3 South Lanarkshire Local Development Plan 2 Examination Report - Statement of Decisions and Pre-Adoption Modifications – Notification of Intention to Adopt** 13 - 62
Report dated 20 November 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 4 Application EK/17/0350 for Erection of 24 Flats Comprising 5 Double Blocks with Associated Car Parking and Landscaping at Vacant Land Adjacent to Eaglesham Road, Jackton** 63 - 76
Report dated 20 November 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 5 Application P/20/1039 for Change of Use of Bank (Class 2) to Restaurant (Class 3), Installation of Flue Within Internal Wall Exiting 700 Millimetres Above Existing Chimney at 2 Wellgate, Lanark** 77 - 90
Report dated 20 November 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 6 Application P/20/0971 for Erection of a Detached House at Land 75 Metres West of Woodend Cottage, Mousebank Road, Lanark** 91 - 104
Report dated 20 November 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 7 Application P/20/0382 for Erection of Two Storey Rear Extension and Upper Floor Sidefront Extension at 38 Castle Wynd, Bothwell** 105 - 118
Report dated 20 November 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 8 Application P/20/0966 for Formation of Beer Garden at Rear of Premises at Machan Vaults, 8 Muir Street, Larkhall** 119 - 130
Report dated 20 November 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 9 Application P/19/1803 – Section 42 Application to Vary Condition 19 of Planning Consent CL/17/009 for Erection of 7 Wind Turbines at Priestgill Wind Farm, Little Gill Farm, Abington to Increase the Height of 5 Turbines to 200 Metres and 2 Turbines to 180 Metres to Blade Tip** 131 - 166
Report dated 20 November 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 10 Application P/20/1180 for Sub-Division of Garden Ground and Erection of a Single Storey Detached House and Associated Parking at 55 Dunedin Drive, East Kilbride** 167 - 178
Report dated 9 November 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)

- 11 Application P/20/1355 for Erection of Farm Building (Calving and Bull Pens with Cattle Handling Facility) at Easton Farm, Medwynbank Road, Dunsyre, Lanark** 179 - 184
Report dated 20 November 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 12 Public Path Diversion Order - Huntfield House (Quothquan), to Hillridge Farm (Biggar) Right of Way No. SL100** 185 - 190
Report dated 11 November 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)

Urgent Business

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

For further information, please contact:-

Clerk Name: Stuart McLeod

Clerk Telephone: 01698 454815

Clerk Email: stuart.mcleod@southlanarkshire.gov.uk

PLANNING COMMITTEE

2

Minutes of meeting held via Microsoft Teams on 3 November 2020

Chair:

Councillor Isobel Dorman

Councillors Present:

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

Councillors' Apologies:

Councillor Peter Craig, Councillor Lynsey Hamilton, Councillor Joe Lowe, Councillor John Ross (ex officio), Councillor Bert Thomson

Attending:

Community and Enterprise Resources

M McGlynn, Executive Director; S Alderson, Planning Officer; B Darroch, Planning and Building Standards Manager (East); P Elliott, Head of Planning and Economic Development; T Finn, Planning and Building Standards Manager (Headquarters); L Gaddis, Planning Officer; F Jack, Team Leader, Development Management Team, Roads and Transportation Services; G McCracken, Team Leader, Planning and Building Standards (Headquarters); P McMorran, Planning Officer; T Meikle, Planning and Building Standards Manager (West)

Finance and Corporate Resources

J Burke, Administration Assistant; M Cannon, Solicitor; J Davitt, Public Relations Team Leader; S McLeod, Administration Officer; K Moore, Legal Adviser

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 22 September 2020 were submitted for approval as a correct record.

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

3 South Lanarkshire Local Development Plan 2

A report dated 14 October 2020 by the Executive Director (Community and Enterprise Resources) was submitted on the proposed South Lanarkshire Local Development Plan 2.

Following discussion regarding members' concerns about technical difficulties experienced by some members in relation to the awareness session that had been held to provide supplementary background information regarding the Examination Statement of Decisions, it was proposed that a further members' awareness session be arranged and that consideration of the report be continued to the next scheduled meeting of the Committee, or an earlier meeting, if possible.

The Committee decided: that consideration of the report be continued to an early future meeting of the Committee to allow for a further members' awareness session to be held on the matter beforehand.

4 Application P/20/0240 for Erection of 20 Houses with Associated Landscaping and Sustainable Drainage Area at Land to the North of Craigbank Primary School, Glengonnar Street, Larkhall

A report dated 8 October 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0240 by Cruden Building and Renewals for the erection of 20 houses with associated landscaping and sustainable drainage area at land to the north of Craigbank Primary School, Glengonnar Street, Larkhall.

The Committee decided: that planning application P/20/0240 by Cruden Building and Renewals for the erection of 20 houses with associated landscaping and sustainable drainage area at land to the north of Craigbank Primary School, Glengonnar Street, Larkhall, be granted subject to the conditions specified in the Executive Director's report.

5 Application P/20/0772 – Section 42 Application to Amend Condition 1 of Planning Consent CL/17/0157 for Mixed Use Development Comprising Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and Distribution) with Associated Landscaping, Service Facilities, Internal Roadways, SUDs and Other Ancillary Work (Planning Permission In Principle) at M74 Heat and Power Park, Former Dalquhandy Opencast Coal Site, West of Junction 11 of M74, Coalburn

A report dated 12 October 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0772 by 3R Energy Solutions Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 1 of planning consent in principle CL/17/0157 for a mixed use development comprising Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and Distribution) with associated landscaping, service facilities, internal roadways, SUDs and other ancillary work at M74 Heat and Power Park, Former Dalquhandy Opencast Coal Site, west of Junction 11 of M74, Coalburn. The proposed amendment to the condition would allow a further 5 year period in which to submit matters specified in conditions attached to planning consent CL/17/0157.

The Committee decided:

that planning application P/20/0772 by 3R Energy Solutions Limited for an application under section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 1 of planning consent in principle CL/17/0157 for a mixed use development comprising Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and Distribution) with associated landscaping, service facilities, internal roadways, SUDs and other ancillary work at M74 Heat and Power Park, Former Dalquhandy Opencast Coal Site, west of Junction 11 of M74, Coalburn be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 20 June 2017 (Paragraph 8)]

6 Application P/20/0924 for Erection of 20 Cottage Flats with Associated Parking Court, Vehicular Access and Landscaping at Land 36 Metres North of 8 Church Street, Blantyre

A report dated 9 October 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0924 by Glenesk Homes for the erection of 20 cottage flats with associated parking court, vehicular access and landscaping at land 36 metres north of 8 Church Street, Blantyre.

The Committee decided:

that planning application P/20/0924 by Glenesk Homes for the erection of 20 cottage flats with associated parking court, vehicular access and landscaping at land 36 metres north of 8 Church Street, Blantyre be granted subject to the conditions specified in the Executive Director's report.

7 Application P/20/0751 - Section 42 Application to Amend Condition 2 of Planning Consent CL/13/0206 for Erection of 4 Wind Turbines (126.5 Metres Height to Tip) and Ancillary Development Including Access Tracks, Hardstanding Areas, Substation/Control Buildings, Transformers, Cabling and Temporary Construction Compound at Crookedstane Wind Farm Development, Access from B7076 to Crookedstane Farm, Elvanfoot, Biggar

A report dated 12 October 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0751 by Crookedstane Windfarm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 2 of planning consent CL/13/0206 for the erection of 4 wind turbines (126.5 metres height to tip) and ancillary development including access tracks, hardstanding areas, substation/control buildings, transformers, cabling and temporary construction compound at Crookedstane Wind Farm development, access from B7076 to Crookedstane Farm, Elvanfoot, Biggar. The proposed amendment to the condition would extend the lifetime of the windfarm from 25 to 30 years.

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

The Committee decided:

- (1) that planning application P/20/0751 by Crookedstane Windfarm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 2 of planning consent CL/13/0206 for the erection of 4 wind turbines (126.5 metres height to tip) and ancillary development including access tracks, hardstanding areas, substation/control buildings, transformers, cabling and temporary construction compound at Crookedstane Wind Farm development, access from B7076 to Crookedstane Farm, Elvanfoot, Biggar be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Section 75 Agreement and/or other appropriate agreement between the Council and the applicant to ensure:-
 - ◆ community benefit contributions
 - ◆ funding of an independent Planning Monitoring Officer
 - ◆ control over turbine transportation and the repair of any damage to roads and bridges arising from any extraordinary wear and tear associated with the development and associated indemnity insurance requirements
 - ◆ the applicant meeting the Council's legal costs associated with the Legal Agreement and the restoration guarantee quantum
- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards the conclusion of the Legal Agreement within 6 months of the date of the meeting at which the application was considered, the proposed development could be refused on the basis that, without the planning control or developer contribution which could be secured by the Legal Agreement, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Legal Agreement had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Legal Agreement.

[Reference: Minutes of 7 July 2015 (Paragraph 15) and 8 September 2015 (Paragraph 6)]

8 Application P/20/0752 – Section 42 Application to Amend Condition 2 of Planning Consent CL/13/0205 for Erection of 4 Wind Turbines (126.5 Metres Maximum Height to Tip), Ancillary Development Including Access Tracks, Hardstanding Areas, Substation/Control Building, Transformers, Cabling and Temporary Construction Compound at Lion Hill Wind Farm, Land at Crookedstane Farm, North West of Daer Reservoir, Elvanfoot, Biggar

A report dated 12 October 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0752 by Crookedstane Windfarm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 2 of planning consent CL/13/0205 for erection of 4 wind turbines (126.5 metres maximum height to tip), ancillary development including access tracks, hardstanding areas, substation/control building, transformers, cabling and temporary construction compound at Lion Hill Wind Farm, land at Crookedstane Farm, north west of Daer Reservoir, Elvanfoot, Biggar. The proposed amendment to the condition would extend the lifetime of the windfarm from 25 to 30 years.

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

The Committee decided:

- (1) that planning application P/20/0752 by Crookedstane Windfarm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 2 of planning consent CL/13/0205 for the erection of 4 wind turbines (126.5 metres maximum height to tip) and ancillary development including access tracks, hardstanding areas, substation/control building, transformers, cabling and temporary construction compound at Lion Hill Wind Farm, land at Crookedstane Farm, north west of Daer Reservoir, Elvanfoot, Biggar be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Section 75 Agreement and/or other appropriate agreement between the Council and the applicant to ensure:-
 - ◆ community benefit contributions
 - ◆ funding of an independent Planning Monitoring Officer
 - ◆ control over turbine transportation and the repair of any damage to roads and bridges arising from any extraordinary wear and tear associated with the development and associated indemnity insurance requirements
 - ◆ the applicant meeting the Council's legal costs associated with the Legal Agreement and the restoration guarantee quantum
- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards the conclusion of the Legal Agreement within 6 months of the date of the meeting at which the application was considered, the proposed development could be refused on the basis that, without the planning control or developer contribution which could be secured by the Legal Agreement, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Legal Agreement had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Legal Agreement.

[Reference: Minutes of 7 July 2015 (Paragraph 15) and 8 September 2015 (Paragraph 6)]

9 Application P/20/0434 for Installation of 2 Jet Wash Machines with 3.25 Metre Screens, Installation of 5 Metre Lighting Pole, Relocation of Air, Water and Vacuum Machines and Associated Alterations at Northway Service Station, 87 Stewart Street, Carluke

A report dated 22 October 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0434 by Motor Fuel Group Limited for the installation of 2 jet wash machines with 3.25 metre screens, installation of 5 metre lighting pole, relocation of air, water and vacuum machines and associated alterations at Northway Service Station, 87 Stewart Street, Carluke.

The Committee decided: that planning application P/20/0434 by Motor Fuel Group Limited for the installation of 2 jet wash machines with 3.25 metre screens, installation of 5 metre lighting pole, relocation of air, water and vacuum machines and associated alterations at Northway Service Station, 87 Stewart Street, Carlisle be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 6 November 2018 (Paragraph 3)]

10 Application P/20/0311 for Raising of Rear Garden Levels (Retrospective) and Erection of 1.8 Metre High Fence on Platform at 3 Wentworth Gardens, East Kilbride

A report dated 22 October 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0311 by D Fallis for raising of rear garden levels (retrospective) and erection of a 1.8 metre high fence on a platform at 3 Wentworth Gardens, East Kilbride.

The Committee decided: that planning application P/20/0311 by D Fallis for raising of rear garden levels (retrospective) and erection of a 1.8 metre high fence on a platform at 3 Wentworth Gardens, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

11 Application P/20/0832 for Erection of Single Storey Building to House Reverse Vending Machines to Recycle Drinks Containers and Associated Works at the Aldi Store, 60 Kirkton Street, Carlisle

A report dated 21 September 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0832 by Aldi Stores Limited for the erection of a single storey building to house reverse vending machines to recycle drinks containers and associated works at the Aldi Store, 60 Kirkton Street, Carlisle.

The Committee decided: that planning application P/20/0832 by Aldi Stores Limited for erection of a single storey building to house reverse vending machines to recycle drinks containers and associated works at the Aldi Store, 60 Kirkton Street, Carlisle be granted subject to the conditions specified in the Executive Director's report.

12 Application P/20/0514 – Section 42 Application to Vary Condition 4 of Planning Consent CL/07/0070 to Amend Extraction Area for Extraction and Processing of Hard Rock Aggregates by Quarrying Methods at Duneaton Quarry, Dod Wood, West of Abington Services, Abington

A report dated 12 October 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0514 by Hodge Plant Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary condition 4 of planning consent CL/07/0070 to amend the extraction area for extraction and processing of hard rock aggregates by quarrying methods at Duneaton Quarry, Dod Wood, west of Abington Services, Abington.

The Committee decided:

that planning application P/20/0514 by Hodge Plant Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary condition 4 of planning consent CL/07/0070 extend the extraction area for extraction and processing of hard rock aggregates by quarrying methods at Duneaton Quarry, Dod Wood, west of Abington Services, Abington be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 4 December 2007 (Paragraph 6)]

13 Application P/20/0436 for Demolition of Existing House and Erection of 11 Flats with Associated Landscaping, Parking, Access Road and Refuse Collection Area at 5 Old Bothwell Road, Bothwell

A report dated 9 October 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0436 by Carnbroe Estates Limited for the demolition of an existing house and erection of 11 flats with associated landscaping, parking, access road and refuse collection area at 5 Old Bothwell Road, Bothwell.

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

The Committee decided:

- (1) that planning application P/20/0436 by Carnbroe Estates Limited for the demolition of an existing house and erection of 11 flats with associated landscaping, parking, access road and refuse collection area at 5 Old Bothwell Road, Bothwell be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report with a revised Condition 10 as follows:-
 - ◆ "That before the development hereby approved is completed or brought into use, the entire access road and footpath network serving the development shall be laid out and constructed in accordance with the specification of the Council as Roads and Planning Authority. In addition, 2 parking spaces per dwelling (2.9m x 5.8m modules) forming a total of 22 parking spaces within the site 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 satisfactory vehicular and pedestrian access to the dwellings and adequate parking facilities"
 - ◆ prior conclusion of a Section 75 Agreement and/or other appropriate agreement between the Council and the applicant to ensure appropriate financial contributions were made at appropriate times towards improvement/upgrading of community facilities in the area
 - ◆ the applicants meeting the Council's legal costs associated with the Section 75 Agreement and/or other legal agreements
- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards the conclusion of the Legal Agreement within 6 months of the date of the meeting at which the application was considered, the proposed development could be refused on the basis that, without the planning control or developer contribution which would be secured by the Legal Agreement, the proposed development would be unacceptable; and

- (3) that it be noted that, if the Legal Agreement had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Planning Obligation.

[Reference: Minutes of 7 July 2015 (Paragraph 15)]

14 Urgent Business

There were no items of urgent business.

Report

3

Report to:	Planning Committee
Date of Meeting:	1 December 2020
Report by:	Executive Director (Community and Enterprise Resources)

Subject:	South Lanarkshire Local Development Plan 2 Examination Report - Statement of Decisions and Pre-Adoption Modifications Notification of Intention to Adopt
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1 Purpose of Report

1.1 The purpose of the report is to:-

- ◆ request Committee approval of the responses to the Scottish Government Directorate of Planning and Environment Appeals (DPEA) recommendations in the South Lanarkshire Local Development Plan 2: Local Development Plan Examination Statement of Decisions and Pre-Adoption Modifications, as detailed in Appendix 1 to the report
- ◆ request Committee approval to proceed to adopt the South Lanarkshire Local Development Plan 2
- ◆ set out the next steps and timescales leading to the adoption of the Local Development Plan 2

2 Recommendation(s)

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

- (1) that the responses to the recommendations in the Examination Report - South Lanarkshire Local Development Plan 2 Examination Statement of Decisions and Pre-Adoption Modifications, as detailed in Appendix 1 to the report, be approved;
- (2) that the publication and public deposit (in line with legislation at the time) of the Statement of Decisions and Pre-Adoption Modifications be approved and the Plan, as modified, and its associated Environmental Reports, be sent to Scottish Ministers;
- (3) that the South Lanarkshire Local Development Plan 2 be adopted, as modified, following receipt of the Report of Examination, on or after 28 days from when the Plan is sent to Scottish Ministers, unless Scottish Ministers direct that the Plan shall not be adopted until further notice or shall not have effect unless approved by them; and
- (4) that the Head of Planning and Economic Development be authorised to undertake the appropriate statutory procedures and to make any presentational changes, as required, prior to the publication of the South Lanarkshire Local Development Plan 2.

3 Background

- 3.1 On 21 February 2017, the Planning Committee authorised the publication of the Main Issues Report (MIR) for the South Lanarkshire Local Development Plan 2 (SLLDP2). The Main Issues Report (MIR) was the first document published by the Council as part of the process of preparing a new plan to replace the South Lanarkshire Local Development Plan (SLLDP) which was adopted by the Council in June 2015. Prior to the publication of the MIR, the Council had consulted with all internal Services and Resources, a wide range of community bodies, including Community Councils and other external stakeholders.
- 3.2 On the basis of the comments received in response to the MIR, the Council, thereafter, prepared a Proposed Plan. Publication of the Proposed Plan was approved by the Planning Committee on 29 May 2018. When the Proposed Plan was considered by the Planning Committee, it was pointed out that, in general, the policy approach described in the SLLDP remained broadly consistent with the vision for the new SLLDP2, namely:-

To promote the continued growth and regeneration of South Lanarkshire by seeking sustainable economic and social development within a low carbon economy whilst protecting and enhancing the environment.

As a result, the new plan would be a 'light touch' to refresh and update some of the policies in the adopted plan to meet Government Guidance and policy published since adoption of SLLDP, particularly relating to Climate Change; ensure it is consistent with the Clydeplan Strategic Development Plan 2 (SDP2) which provides the strategic context for development in Glasgow City Region (including investment through City Deal); and reflect the aims and objectives of the Council Plan, 'Connect' and the range of other plans and strategies prepared to deliver the Council's wider aspirations.

- 3.3 The main issues that were addressed included:-

- ◆ The release of a limited number of appropriate sites for housing to add flexibility to the land supply. These were:-
 - ◆ Peel Road, Thorntonhall
 - ◆ Duchess Place at Farme Cross in Rutherglen
 - ◆ Redwood Drive in East Kilbride
 - ◆ Extension to East Overton Farm in Strathaven
 - ◆ Glassford Road, Strathaven
 - ◆ Former University of the West of Scotland (UWS) campus in Almada Street, Hamilton
- ◆ Overall, this would add approximately 810 units to the housing land supply
- ◆ Continue to seek to provide a range of housing types, including affordable housing
- ◆ Ensuring opportunities are available to investors to facilitate economic growth
- ◆ Re-designation of industrial sites that are no longer attractive to investors
- ◆ A review of town centre and neighbourhood boundaries and ease restrictions on non-retail changes within these centres
- ◆ A review of settlement boundaries
- ◆ A response to the impact of climate change on people, the economy and the natural and built environment
- ◆ The designation of 27 Local Nature Reserves on sites across the Council area
- ◆ Incorporate the Spatial Framework for renewable energy into the Plan

The adopted SLLDP is currently accompanied by a suite of Supplementary Guidance (SG) which provides detailed advice on such topics as development in the countryside, affordable housing and the natural and built environment. Legislation enacted in 2019 repeals the ability to prepare SG and, as a result, it was considered appropriate in preparing the proposed SLLDP2 to create what now comprises volume 1 which sets out the main policies and volume 2 which, in effect, brings the SG policies within a single document.

- 3.4 The proposed Plan was then the subject of a period of public consultation which ran from July until September 2018. In response to the consultation exercise on the Proposed SLLDP2, which included advertising the Plan's publication through the local press, Council website, consulting with stakeholders and sending approximately 4,000 neighbour notification letters, a total of 247 parties replied, raising 502 valid points of representation. The Volume 2 document attracted a further 25 contributing consultees and raised an additional 93 comments. Overall, the representations raised issues relating to a broad range of matters and included both objections and expressions of support for various aspects of the Plan.
- 3.5 Several of the representations submitted raised concerns regarding a number of the sites proposed for new housing whilst, in contrast, some of the representations sought the addition of additional housing sites, particularly through the release of greenfield sites. With regard to the proposed new additional housing sites contained in the Plan, prior to their inclusion, they were all assessed against a number of criteria in order to determine if they could be considered sustainable and effective additions to the Council's housing land supply. In each case, this assessment indicated that development of these sites would accord with the Plan's vision and strategy subject, in some cases, to some mitigation. They will also significantly improve the range and effectiveness of the Council's housing land supply (including affordable housing) and thus contribute towards the Plan's primary aim of promoting sustainable economic growth.
- 3.6 With regard to representations seeking the addition of alternative new housing sites, these were mostly in locations which had been the subject of previous submissions to the Council in response to the consultation exercise undertaken during the preparation of the MIR for the Proposed Plan. During this process, they were assessed as being inappropriate in planning terms, and, having taken account of the need for additional housing land, could not be justified in terms of their location and scale. It is considered that the release of these sites would not, therefore, be in accordance with either the Plan's vision or its spatial strategy.
- 3.7 A report was presented to the Planning Committee, at its meeting on 26 February 2019, which summarised the representations that had been received in response to the public consultation and, given the limited ability to make changes to the Plan, seeking approval for the proposed SLLDP2, together with the representations received, to be submitted for examination to the Directorate of Planning and Environmental Appeals. In total, the representations received related to 80 separate issues which the Reporters were required to consider.
- 3.8 The proposed SLLDP2 was duly submitted and the examination commenced in October 2019. All issues were dealt with by written representations with the exception of a hearing on housing land supply that was held in February 2020. The Directorate for Planning and Environmental Appeals (DPEA) subsequently issued its report of the Examination of the SLLDP2 on 17 August 2020. The report has been published on the Council and DPEA websites and those who made representations have been informed that it has been published and submitted. Since then, officers have been

reviewing the Reporters' findings. The following section 4 sets out the main conclusions of the Report of the Examination.

- 3.9 The Scottish Government's examination of a local development plan is a strict statutory process. In terms of Section 19 (10) (a) of Town and Country Planning (Scotland) Act 1997, planning authorities can only oppose modifications only in the specifically defined circumstances set out in the Town and Country Planning (Grounds for declining to follow recommendations) (Scotland) Regulations 2009. These are where the Council considers the recommendations would:-
- (a) have the effect of making the Local Development Plan inconsistent with the National Planning Framework, or with any Strategic Development Plan or national park plan for the same area;
 - (b) be incompatible with Part IVA of the Conservation (Natural Habitats etc) Regulations 1994;
 - (c) would not be acceptable having regard to an environmental assessment carried out by the Council following modification of the plan in response to the recommendations, or
 - (d) be based on conclusions that could not reasonably have been reached based on the evidence considered at the examination.
- 3.10 The recommendations as set out in appendix 1 have been reviewed in relation to both National Planning Framework 3 and Clydeplan which is the approved Strategic Development Plan covering South Lanarkshire. They have been found to be entirely consistent with both documents. In terms of criteria (b) and (c), an assessment of the proposed modifications has been carried out in the context of the Conservation (Natural Habitats etc) Regulations 1994 and the Environmental Assessment (Scotland) Act 2005 respectively. This has concluded that the proposed modifications are acceptable. Updated Environmental Reports will be submitted to Scottish Minister when SLLDP2 is sent to them.
- 3.11 Criteria (d) limits the grounds for declining recommendations to cases where the Reporter's conclusions could not reasonably have reached based on the evidence considered in the course of the examination. Therefore, the Council cannot refuse to accept a modification on the grounds that the Reporter reached a different conclusion to that put forward in the proposed LDP or that the Council does not agree with the Reporter's decision. The Council must have substantive evidence that the Reporter made an irrational decision.
- 3.12 In view of this legislation, the scope for the Council to depart from the Examination Report is extremely limited. In this respect, it should be noted that the Reporters' conclusions are now binding on the Council.

4 Examination Report – Main Issues

- 4.1 Overall, the Council has successfully defended its position on the vast majority of the issues considered during the Examination and the Reporters have broadly accepted the policy direction set out in the SLLDP2. Whilst some changes to the text of the policies in the SLLDP2 have been recommended, they essentially involve a refinement of the policy wording and do not result in any major or significant change in the approach originally set out by the Council in its proposed Plan.
- 4.2 The main issues arising from the report are summarised below and a full list of the modifications put forward by the Reporters, together with the recommended response, is set out in Appendix 1 of this report. It should be noted that officers consider all of the recommended modifications should be accepted without any change.

Housing Land Supply

Housing Land was subject to a hearing in February 2020 which examined the different elements that make up the housing supply and demand calculation. This included input from Homes for Scotland and a variety of housebuilders. The Reporter concluded overall that the evidence submitted did not allow her to conclude there is not a shortfall in the Council's housing land requirements for the periods set out in Clydeplan. There was consensus that there are no shortfalls in the individual East Kilbride and Hamilton housing market areas. However, within Clydesdale and Rutherglen/Cambuslang there is an identified shortfall.

In response, it is considered that the evidence provided to the examination was robust and clear and demonstrates that an effective land supply is available. It should be noted, firstly, that the Reporter's conclusions are based on the outcome of the 2018 housing land audit which means it relies on data that is more than 2 years out of date. Since the submission of the examination report, agreement has finally been reached with Homes for Scotland on the 2019 audit in September 2020. Housing land monitoring for 2020 has recently started but it has been delayed due to Covid restrictions. Housing land supply is constantly evolving and it is considered that, based on the additional monitoring and audit referenced, the shortfall in the Rutherglen/Cambuslang area has been addressed through the bringing forward of new sites and re-programming of others. In terms of Clydesdale, it is contended that a range and variety of sites are available throughout that area which, if made effective and/or re-programmed, would result in a surplus of supply. In any event, the Reporter has recommended that an additional site at Bellefield Road in Lanark with an indicative capacity of 70 units be allocated to meet any perceived shortfall.

Notwithstanding the above, the Reporter's recommendation is to add the following wording to the plan:-

The Strategic Development Plan (Clydeplan – 2017) requires the Council to satisfy the housing land requirements set out in its schedules 8, 9 and 10 for each housing sub-market area and South Lanarkshire as a whole, up to year 10 from the date of adoption of the local development plan (Policy 8 – Housing Land Requirements). During the examination of this local development plan, various elements of the calculation of housing land supply up to 2030, (using the most up to date agreed 2018 Housing Land Audit), were the subject of unresolved disagreement. This was due to a combination of a lack of sufficient information and the information required not being able to be provided within the normal timescale of an examination. The examination report stated that the evidence submitted did not allow the reporter to safely conclude there was not a shortfall against the Clydeplan requirements.

Consequently, the Council will work closely with the home building industry in the preparation of future housing land audits and in the preparation of the next local development plan to ensure that it adequately evidences how it has satisfied housing land requirements. Meanwhile, where a shortfall in the 5 year effective housing land supply does arise within a housing market area, a further release of housing land will be supported where policy 11 below is satisfied. At the same time, the Council will work together with the home building industry to bring forward sites previously considered non-effective, ensure the efficient delivery of the existing supply and seek to overcome marketing issues or other constraints where possible.

In effect, this means the current approach to address any identified shortfall in effective land supply will remain ie consideration will be given to potential additions in the following order of preference:-

- ◆ Non-effective sites
- ◆ Urban capacity sites
- ◆ Additional brownfield sites
- ◆ Greenfield sites that are sustainable and shown to be effective

New housing sites

The Council's proposal to identify new housing sites at Redwood Drive in East Kilbride, Glassford Road, the East Overton Extension in Strathaven, Duchess Road in Dalmarnock and Almada Street in Hamilton was supported. A further site at Bellefield Road in Lanark was added as mentioned above.

However, the site that was identified in the proposed Plan at Peel Road in Thorntonhall was deleted on the following grounds:-

- ◆ The part affected by the conifer plantation is not effective as it is not ready for felling
- ◆ Development would require removal of trees and woodland contrary to policy 14
- ◆ The footway network has shortcomings and it isn't shown how it would be improved
- ◆ The village has no services and the development would be highly car-dependent and so would not accord with the move towards a low carbon economy and is not a sustainable location
- ◆ The scale of development is not compatible with the character of the village

Since the publication of the Examination Report, and as members may be aware, there has been an exchange of emails between the developers' agent and officers over recent weeks in relation to the majority of the Peel Road site, which all members have been copied in on. The developers' agent has sought to highlight in their view factual errors and unfounded conclusions made by the reporter and seeking that the recommendation to delete the site is rejected. In the circumstances and in view of the nature of the issues raised it is considered appropriate to formally incorporate this email exchange into the Committee Report to ensure that members are fully aware of the issues raised and in turn take an informed decision. This is contained in appendix 2 of this report which sets out the issues by the developers and the officers' response to each of the points. It concludes that the Reporter had sufficient information in front of him to make an informed recommendation on this issue and that he exercised his discretion appropriately and reasonably. There are no statutory grounds on which the Council can base a determination to reject the Reporter's recommendation on this matter. It is concluded that the modification recommended to delete the site should be accepted

The Reporter has also recommended that a potential housing site at Westpark, Strathaven which was identified in SLLDP should be excluded from the Plan due to issues relating to flooding and peat which would not allow a safe access to be created. It is considered this recommendation is reasonable and should be accepted.

Sustainable Development and Climate Change

The Reporter largely agreed with the policy direction on tackling climate change in the Plan. A new policy has been added to require all new buildings to be designed so that at least 10% of the carbon dioxide emissions reduction standard set out in the Building Standards is met by the installation of low and zero-carbon generating technologies.

In addition, a table identifying where potential opportunities to use renewable heat in new developments is recommended. Sites include Clyde Gateway, Poniel, East Kilbride town centre, the former University of West of Scotland campus in Hamilton and the new campus at Hamilton International Technology Park.

The Council's existing proposals to assess opportunities for active travel in East Kilbride is recognised and this should be followed by assessments for Cambuslang/Rutherglen and Hamilton. Planning applications should, where appropriate, be accompanied by an active travel plan that shows how proposals aim to reduce travel by car.

Green infrastructure should be an integral part of the design of new development by providing open space and landscaping and opportunities for water management, access and habitat creation.

The theme of sustainable locations is found throughout the Reporter's conclusions which reflects policy direction set at national level. It was a key issue in rejecting a number of the housing sites promoted by developers and landowners.

New settlement boundaries

New boundaries to define small settlements at Blaircross, Devonburn, Limekilnburn and Kaimend have been agreed.

Local Nature Reserves

The Reporter recommended that the Local Nature Reserves proposed by the Council are identified and included within the LDP. Management plans will now be prepared for these areas and the designation process commenced.

Renewable Energy

The Reporter supported the Council's policy approach to Renewable Energy. With regard to the 'repowering' of existing windfarms (which involves the redesign and replacement of existing windfarms as they near the end of their lifetime), it is accepted that the use of a current site is a material consideration but that, as such proposals are likely to involve significantly different scale and design from the existing, they should be considered afresh in terms of policy in place at that time.

5 Recommendations and Decisions

- 5.1 It is considered that, taking account of the above, all the recommendations set out in the Examination Report should be accepted as they do not meet any of the criteria described in paragraph 3.9. The changes to the wording of the LDP2 recommended by the Reporter are set out in the first part of Appendix 1 of this report. The second part of Appendix 1 sets out the Reporters' recommendations in respect of the proposed developments sites. Finally, the third part is a table setting out the Reporters' recommendations in respect of an individual issue which they considered. It is proposed that the Proposed Plan be amended to accord with the Reporters' Recommendations by Issue Table detailed as part of Appendix 1.
- 5.2 The Committee is, therefore, asked to approve the adoption of the South Lanarkshire Local Development Plan 2 as modified following receipt of the Report of Examination. If agreed, the proposed adoption of the Plan will be advertised and the Plan thereafter adopted on or after 28 days after it is sent to Scottish Ministers, unless Scottish Ministers direct that the Plan shall not be adopted until further notice or shall not have effect unless approved by them.

- 5.3 It is also proposed that the Head of Planning and Economic Development be authorised to undertake the appropriate statutory procedures and to make any presentational changes, as required, prior to the publication of the South Lanarkshire Local Development Plan 2.

6 Next Steps and Timescales

- 6.1 Subject to Committee approval, the modified proposed South Lanarkshire Local Development Plan 2 will be sent to the Scottish Ministers along with revised Environmental Assessments, the modifications made in response to the Reporter's recommendations and a copy of the advert to be placed in all local newspapers notifying the Council's intention to adopt the South Lanarkshire Local Development Plan 2.
- 6.2 It is also proposed, subject to Committee approval, that an advert is placed in all local newspapers outlining the Council's intention to adopt the SLLDP2. The Plan will be published on the Council's website and, subject to legislation in place at the time on making documents available to the public, placed on deposit in public libraries. In addition, correspondence will be sent to all persons who made representation to the proposed SLLDP2 informing them of the Council's intention to adopt.
- 6.3 The Committee should note that this final stage is then followed by a six week period following the publication of the approved plan where the validity of the Plan can be challenged at the Court of Session.

7 Employee Implications

- 7.1 The timescales for the delivery of the Local Development Plan 2 outlined is based upon continuity of existing staff resources within Planning and Economic Development Services. Changes in this resource may impact on the programmes presented.

8 Financial Implications

- 8.1 The financial resources required to deliver the Local Development Plan 2 is based upon current budget levels available to Planning and Economic Development Services. Changes in these resources may impact on the programmes presented.

9. Climate Change, Sustainability and Environmental Implications

- 9.1. Local Development Plans are subject to the requirements of the Environmental Assessment (Scotland) Act 2005. They, therefore, have to be subject to Strategic Environmental Assessment (SEA). Where appropriate, other forms of assessment should be undertaken to meet legislative requirement and/or Council/Community Planning policy, namely; Habitats Regulations Appraisal, Equality Impact Assessment and Health Impact Assessment. The Plan, as modified, has been the subject of both SEA and a Habitats Regulations Appraisal and the outcome will be submitted to the Scottish Ministers when the plan is sent to them. An Equality Impact Assessment and Health Impact Assessment was carried out during the preparation of the Plan.

10 Other Implications

- 10.1 The Scottish Government requires the Council to have an adopted Local Development Plan. There would be a reputational risk if this was not undertaken. The policies contained in the Plan are aimed at promoting sustainable economic growth in South Lanarkshire.

11 Equality Impact Assessment and Consultation Arrangements

- 11.1 An Equality Impact Assessment was carried out during the preparation of the Plan as stated at paragraph 9.1.

- 11.2 The SLLDP2 and its supporting documents are available on the Council's website and, subject to legislation, public libraries. A Notice will be placed in all local newspapers to inform the public that the Plan is to be adopted. The Council's responses to the Reporters' recommendations will also be made available on its website.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

20 November 2020

Previous References

- ◆ Planning Committee – 21 February 2017
- ◆ Planning Committee – 29 May 2018
- ◆ Planning Committee – 26 February 2019
- ◆ Planning Committee – 3 November 2020

Link(s) to Council Values/Ambitions/Objectives

- ◆ Support the local economy by providing the right conditions for inclusive growth
- ◆ Fair, open and sustainable
- ◆ Improve the availability, quality and access of housing

List of Background Papers

- ◆ South Lanarkshire Local Development Plan - Main Issues Report 2017
- ◆ Proposed South Lanarkshire Local Development Plan 2018
- ◆ Report of examination 2020
- ◆ Scottish Planning Policy
- ◆ Glasgow and the Clyde Valley Strategic Development Plan 2017
- ◆ Revised Environment Report incorporating Strategic Environmental Assessment and Habitat Regulations Assessment

Contact for Further Information

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

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E-mail: tony.finn@southlanarkshire.gov.uk

PART 1		
ISSUES	REPORTER'S RECOMMENDATIONS	REPORT PAGE NO
001 - ST1 Vision and Strategy General	I recommend that the following modifications be made: 1. Add "...and introduces a presumption in favour of development that contributes to sustainable development while aiming to achieve the right development in the right place, not to allow development at any cost." to the third sentence of paragraph 2.15. 2. Amend the fourth objective in paragraph 3.4 to read, "maximise the use of and seek opportunities to enhance existing infrastructure."	6
002 - ST2 Policy 1 Spatial Strategy	I recommend that the following modification be made. 1. In policy 1 (Spatial Strategy), at the end of bullet 10 add the words "in appropriate locations".	11
003 - ST3 Vision and Strategy Table 3.1	I recommend that the following modifications be made: 1. On the Settlement Map for Rutherglen and Cambuslang, show proposal site 32 as being in the green belt and outwith the urban area. 2. Make changes to the proposed plan that are necessary as a consequence of recommendation 1, such as deleting proposal 32 from Appendix 7 in volume 1 of the plan. 3. In appendix 3 – Development priorities, on page 61 of the proposed plan, include the following in the requirements for Poniel: Design of development, including colour, massing and scale of buildings and lighting, must minimise any adverse effects on landscape and visual amenity. 4. On the Strategy Map, show the site of planning permission CL/17/0157 as a proposal site that extends the Strategic Economic Investment Site at Poniel.	28
004 - ST4 – Policy 2 Climate Change	I recommend that the following modifications be made: 1. In policy 2: Climate Change, insert the following as an additional numbered subparagraph:	34

	<p>avoid or minimise disturbance of carbon-rich soils and, where appropriate, include provision for restoration of damaged peatlands;</p> <p>2. In volume 2 of the proposed plan, insert the following new policy. Policy XX – Low and Zero Carbon Emissions from New Buildings All new buildings must be designed so that at least 10% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met by the installation and operation of low and zero-carbon generating technologies. This requirement will not apply to the following types of development:</p> <ul style="list-style-type: none"> • extensions to existing buildings; • changes of use or conversion of buildings; • buildings which have an intended life of less than two years; • stand-alone ancillary buildings with an area of less than 50 sq m; and • buildings which will not be heated or cooled other than for the purposes of frost protection. <p>Other solutions will be considered where:</p> <ol style="list-style-type: none"> 1. the applicant is able to demonstrate that there are significant technical constraints in using on-site low and zero carbon generating technologies; or 2. there is likely to be an adverse impact on the historic environment. <p>All relevant applications must be accompanied by an “Energy Statement” demonstrating compliance with this policy.</p> <p>3. In appendix 1 in volume 1 of the proposed local development plan, insert a reference to the new policy.</p> <p>4. In policy 2: Climate Change, delete sub-paragraph 6 and in its place put the following:</p> <p>protect ecosystem services by ensuring no significant adverse impacts on the water and soil environment, air quality, biodiversity and blue/green networks, have no adverse effect on the integrity of any Natura 2000 sites and identify opportunities for enhancement of the natural heritage.</p>	
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005 - ST5 Climate Change Policies
Volume 2

I recommend that the following modifications be made:

1. In volume 2, paragraph 2.17 of the proposed plan, delete the words “where possible”.
2. In volume 2, in policy SDCC4: Sustainable Transport, in the second paragraph and after the first sentence insert:
New developments should, wherever possible, safeguard and enhance cycle parking and storage.
3. In volume 2, after paragraph 2.28 on page 11 insert the following table and new paragraph.

Table 2.1 : Renewable Heat – Potential Development Opportunities to use Renewable Heat

Location	Development Proposal	LDP2 Designation	Notes
Clyde Gateway	Development of business and financial services/distribution and logistics.	Development Framework Site	Potential for renewable heat to be included in developments particularly adjacent to existing businesses
Poneil	Development of distribution and logistics. Energy-related development	Strategic Economic Investment Locations (SEILs)	Scope for use of energy generated on-site from existing wood-burning facility.
East Kilbride Town Centre	Potential extension of town centre.	Development Framework Site	In any future development, potential to use excess heat from existing retail

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				area and adjacent Council offices.	
	Former University of West of Scotland, Almada Street, Barrack Street, Hamilton	Redevelopment of campus to an urban village.	Development Framework Site	Potential to use excess heat generated from the nearby Council Offices and Leisure Centre.	
	University of West of Scotland, Hamilton International Technology Park	Development of student accommodation, sports facilities and pitches	Development Framework Site	Potential to use excess heat from university buildings and nearby industrial units. Also, potential to utilise heat from nearby crematorium.	
<p>2.29 During the lifetime of the plan, additional sites may come forward that could utilise and/or generate renewable heat depending on their location. New applications will be required to produce an energy statement to consider options for renewable heat.</p> <p>4. In volume 2, after the second paragraph in policy SDCC6: Renewable Heat insert the following new paragraph.</p> <p style="padding-left: 40px;">Table 2.1 lists sites that have potential for heat networks. This should be taken into account when developing proposals for these locations. This list is not exclusive and further sites may come forward during the lifetime of the plan.</p> <p>5. In volume 1 Appendix 3: Development Priorities in the entries for: Poneil – Strategic Economic Investment Location (page 61); East Kilbride Town Centre</p>					

	<p>– Development Framework Site (page 64); Former University of West of Scotland Almada Street, Barrack Street Hamilton – Development Framework Site (page 65); University of West of Scotland Hamilton International Technology Park – Development Framework Site (page 65); and Clyde Gateway – Development Framework Site (page 66) insert the following additional bullet point:</p> <ul style="list-style-type: none"> • Refer to policy SDCC6: Renewable Heat and Table 2.1: Renewable Heat – Potential Development Opportunities to use Renewable Heat in Volume 2 <p>6. In volume 2, after paragraph 2.18 insert the following new paragraphs: As a key part of the low-carbon agenda, the National Planning Framework (paragraph 5.14) encourages local authorities to develop at least one exemplar walking- and cycling-friendly settlement to demonstrate how active travel networks can be significantly improved in line with meeting the vision for increased cycling. Within South Lanarkshire, consultants have been appointed to assess opportunities for active travel within East Kilbride. Assessments will then be carried out for the Cambuslang-Rutherglen area and for Hamilton. Within the Cambuslang area, particularly along the River Clyde, new residential development is adjacent to National Cycle Route NCN75. The approved masterplans for the Newton Community Growth Area provide for excellent direct walking and cycling links across the development. The cycling strategy for South Lanarkshire promotes further development within the area centred on Cuningar Loop to enhance the current network of cycleways and encourage more people to cycle into the city centre.</p> <p>7. In volume 2, in policy SDCC3: Sustainable Drainage Systems, in the first paragraph of the policy after “new developments” insert “and construction SuDS”.</p> <p>8. In volume 2, in policy SDCC4: Sustainable Transport, at the end of the third paragraph add the following sentence. This may require a funding contribution from developers.</p>	
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	<p>9. In volume 2, in policy SDCC4: Sustainable Transport delete “Strathclyde Passenger Transport” and put instead “Strathclyde Partnership for Transport”.</p> <p>10. Elsewhere in the proposed plan, wherever “Strathclyde Passenger Transport” occurs delete it and put instead “Strathclyde Partnership for Transport”.</p> <p>11. In volume 2, on page 11, delete paragraph 2.28 and replace it with the following.</p> <p style="padding-left: 40px;">The planning authority has access to the national heat map and will use this in the preparation of the next local development plan and as information to inform decision-making on individual planning applications.</p>	
006 - ST6 General Urban Area	No modifications.	50
007 - ST7 Green Belt and Rural Area	<p>I recommend that the following modifications be made:</p> <p>1. Amend paragraph 3.25 to read:</p> <p style="padding-left: 40px;">Overall the aim of this policy is to control development in the Green Belt and Rural Area and ensure there is no unacceptable significant adverse impact on the environment or on local services and infrastructure.</p> <p>2. Amend the Rural Area section of Policy 4: Green Belt and Rural Area by adding the following sentence:</p> <p style="padding-left: 40px;">The scale of renewable energy developments will be governed by the considerations set out in Policy 18: Renewable Energy.</p>	58
008 - ST8 Green Belt and Rural Area Volume 2 Policies	<p>I recommend that the following modifications be made:</p> <p>1. Amend criteria 1, 5, 10 and 11 of Policy GBRA1: Rural Design and Development, as follows:</p> <p style="padding-left: 40px;">1. Developments shall be sited in a manner that respects existing built form, land form and local landscape character and setting.</p> <p style="padding-left: 40px;">5. Developments shall have no unacceptable adverse impacts on existing residential amenity, particularly in terms of overlooking or overshadowing of existing residential properties.</p> <p style="padding-left: 40px;">10. Proposals shall not have an unacceptable significant adverse environmental impact on the amenity of the surrounding area. In particular, “bad neighbour” uses which by virtue of visual impact, noise,</p>	64

	<p>smell, air and light pollution, disturbance, traffic or public safety are detrimental to local amenity, will not be permitted.</p> <p>11. Proposals shall have no unacceptable significant adverse impact on the natural and historic environment and no adverse effect on any of the Natura 2000 site.</p> <p>2. Add the following sentence after the 12 criteria in Policy GBRA1: Rural Design and Development:</p> <p>Where a proposed development is governed by more detailed or topic-specific policies elsewhere in the plan, should there be any conflict or uncertainty, the terms of those topic-specific policies shall be preferred.</p> <p>3. Amend the wording of criterion 10 of Policy GBRA 11: Hutting to read:</p> <p>Proposals shall have no significant adverse impact on the natural and historic environment and no adverse effect on the integrity of any Natura 2000 site.</p>	
009 - ST9 Policy 5 Development Management and Placemaking	<p>I recommend that the following modifications be made:</p> <p>1. Amend the second sentence of Policy 5: Development Management and Placemaking, as follows:</p> <p>Proposals should have no unacceptable significant adverse impact on the local community and the environment.</p> <p>2. Amend criteria 1, 2, 3, 6 and 7 of Policy 5: Development Management and Placemaking, as follows:</p> <p>1. there is no unacceptable significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity;</p> <p>2. the development shall not have an unacceptable significant adverse impact on the amenity of any nearby residential properties in terms of overshadowing, overlooking or other loss of residential amenity as a result of light, noise, odours, dust or particulates or other emissions;</p> <p>3. the proposed development provides suitable access, parking and connection to public transport, encourages active travel, has no adverse implications for public safety and incorporates inclusive access for all people, regardless of disability, age or gender.</p>	69

	<p>6. the development will have no unacceptable significant impact on the natural or historic environment and no adverse effect on the integrity of any Natura 2000 sites;</p> <p>7. the development does not result in, or can mitigate against any unacceptable significant adverse impact on quiet areas, the water environment, air quality or soil quality;</p>	
010 - ST10 Volume 2 Development Management, Placemaking and Design	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> 1. Amend requirement 7 of Policy DM1: New Development Design as follows: <ul style="list-style-type: none"> 7. Ensure appropriate provision of green infrastructure, including open space, native trees and other landscaping as an integral part of the development. 2. Amend the final bullet point of Policy DM6: Subdivision of Property for Residential Use as follows: <p>Where a proposal involves the subdivision of a residential property, which is a listed building or located within a conservation area the external appearance of the building must not be adversely altered. Furthermore the internal works to a listed building must be acceptable in relation to the building's special architectural features. There is a separate consent process for listed building considerations. It is a criminal offence to carry out works that affect the character of a listed building, both internally and externally, without gaining the appropriate consent.</p> 3. Amend the final bullet point of Policy DM7: Demolition and Redevelopment for Residential Use as follows: <p>Vehicular access and off-street parking must be satisfactorily achieved and must not present a traffic hazard or create amenity problems for neighbours. Parking provision in front or rear gardens should not adversely affect the appearance or character of the street.</p> 4. Amend the first bullet of Policy DM10: Advertisement Displays as follows: <p>The advertisement has no adverse impact on the general character of the area, including any features of historic, archaeological, architectural, landscape, natural heritage or cultural interest.</p> 	80

	<p>5. Amend the second paragraph of Policy DM16: Foul Drainage/ Sewage Provision as follows:</p> <p>Proposals for the installation of infrastructure for public or private foul drainage must demonstrate that there would be no adverse effect on the integrity of any Natura 2000 site or on the objectives of designation and the overall integrity of any SSSI during installation, operation or maintenance.</p> <p>6. Amend the penultimate paragraph of the section on public provision under Policy DM16: Foul Drainage/ Sewerage Provision to read:</p> <p>Developers should ensure that the location and installation of infrastructure for public or private foul drainage has no adverse effect on the integrity of any Natura 2000 site or other SSSI.</p> <p>7. Amend Policy DM19: Sterilisation of Mineral Reserves by replacing the existing text with the following:</p> <p>There shall be a presumption against other development which would sterilise workable mineral deposits of economic or conservation value. Exceptionally the presumption shall not apply in cases where:</p> <ul style="list-style-type: none"> (a) the other development would accord with support for the spatial strategy of the plan with reference to the criteria in Policy 1: Spatial Strategy, and (b) it can be demonstrated: that the mineral resource is not scarce within South Lanarkshire; or that it represents a small proportion of a much larger mineral deposit in the local area; or that extraction is not economically viable. <p>Development proposals must also accord with other relevant policies and proposals in the development plan.</p> <p>8. Replace paragraph 4.36 with the following:</p> <p>Paragraph 237 of Scottish Planning Policy states that local development plans should safeguard all workable mineral resources which are of economic or conservation value and ensure that these are not sterilised by other development. This general approach is reflected within the policy, but it is considered important to be able to assess cases where</p>	
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	<p>new development would contribute to the spatial strategy of the plan. In this way, proposals that would sterilise mineral deposits could, by exception, be favourably considered where they support the aims of Policy 1. In addition, developers would have to demonstrate either that the mineral deposit is not scarce or represents only a small proportion of a larger resource or it would not be economically viable to carry out extraction. If the minerals are economically viable, it would be necessary to consider the feasibility of extracting the minerals prior to development taking place.</p>	
<p>011 - ST11 Policy 7 Community Infrastructure Assessment</p>	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> 1. Replace paragraph 3.37 with the following: Community infrastructure assessment is required to recognise and address the impact a development may have on a specific area. In this regard, the council may seek developer contributions in relation to: affordable housing; roads and transportation; education provision; recreation; and council-owned community facilities. Contributions from developers will be sought to address the direct consequences or impacts of a proposed development. They are not intended to resolve existing deficiencies in infrastructure. 2. Replace the opening text of Policy 7: Community Infrastructure Assessment with the following: Where development proposals would require capital or other works or facilities to enable the development to proceed, financial contributions towards their implementation will be required. Where justified in accordance with the provisions of Circular 3/2012: Planning Obligations and Good Neighbour Agreements, contributions will be sought in relation to affordable housing; roads and transportation; education provision; recreation; and council-owned community facilities. Supporting planning guidance will be prepared and consulted on, including in relation to the contributions sought. These contributions will be appropriately assessed and developers will be required to ensure 	88

	transparency in the financial viability of a development. In each case, contributions must: ...	
012 - ST12 Employment Policies	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> 1. Amend the wording of the penultimate paragraph in Policy ICD2: Non-conforming Uses in Core Industrial/ Business Areas, as follows: <p style="margin-left: 40px;">Proposals for conforming uses, including intensification of existing industrial/business use, will generally be supported but must meet the relevant criteria in Policy 5: Development Management and Placemaking and any other relevant LDP2 policies.</p> 2. Amend the wording of criterion (i) in Policy ICD2: Non-conforming Uses in core Industrial/Business Areas to read: <p style="margin-left: 40px;">The development shall have no significant impact on the natural and historic environment and no adverse effect on the integrity of any Natura 2000 site.</p> 3. Amend the wording of criterion (h) in Policy ICD3: Other Employment Land Use Areas to read: <p style="margin-left: 40px;">The development shall have no significant impact on the natural and historic environment and no adverse effect on the integrity of any Natura 2000 site.</p> 4. Amend the wording of criterion 7 in Policy ICD4: Large Office Developments to read: <p style="margin-left: 40px;">The development shall have no significant impact on the natural and historic environment and no adverse effect on the integrity of any Natura 2000 site.</p> 5. Amend the wording of criterion (d) in Policy ICD5: Class 2 Office Developments to read: <p style="margin-left: 40px;">The development shall have no significant impact on the natural and historic environment and no adverse effect on the integrity of any Natura 2000 site.</p> 	94

013 - ST13 Policy 9 Network of Centres and Retailing	<p>I recommend that the following modification be made:</p> <ol style="list-style-type: none"> 1. On the appropriate settlement map, extend the boundary of the out of centre commercial location at Nerston to include the site of the new Aldi store on Mavor Avenue, East Kilbride. 	<p>101</p>
014 - ST14 Policy 10 New Retailing & Commercial Proposals	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> 1. Replace the last sentence of paragraph 4.17 with the following: New retail/commercial development proposals require to help to meet qualitative or quantitative deficiencies. They should be in locations that reduce the need to travel by private vehicle, and are accessible by walking/cycling routes and public transport. 2. Amend criterion 2 as follows: 2. demonstrate there would be no significant adverse effect on the vitality and viability of strategic and town centres and/or local centres; 3. Amend criterion 3 as follows: 3. help to meet qualitative or quantitative deficiencies; and 4. Amend criterion 8 as follows: 8. have no significant impact on the natural or historic environment and no adverse effect on the integrity of any Natura 2000 sites. 5. Amend the second sentence of the second paragraph of the policy as follows: This should include a quantitative assessment of retail impact and capacity, and/or an assessment of qualitative deficiency. 	<p>104</p>
015 - ST15 Housing General	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> 1. Add the following sentence to paragraph 5.10: Urban capacity sites are those sites, which have been identified through an urban capacity study as having a longer-term potential for development for housing. 2. Add a new paragraph before policy 11 (Housing): Specialist housing provision and other specific needs ?. Planning will work alongside Housing and Technical Resources to ensure that any need for specialist housing provision that is identified through the Local Housing Strategy will be addressed by the 	<p>111</p>

	<p>identification of appropriate sites through the council's Strategic Housing Investment Plan and subsequently through the Housing Land Audit. No unmet need has been identified for gypsies/travellers and travelling show people in South Lanarkshire. Should a need arise for this specialist group, this would be considered against policy DM14 (Gypsy, Travellers and Occupational Traveller's Sites).</p> <p>3. In policy 11(Housing) amend the first sentence as follows: There will be a minimum five year effective supply of housing land at all times during the lifetime of the plan, as set out in the strategic development plan (SDP2).</p> <p>4. Replace the second and third paragraphs of policy 11 (Housing) with the following: If, during the period of the plan, a shortfall in the five year supply of effective land is identified, the council will support development proposals, which are effective and capable of meeting the identified shortfall, in order of preference:</p> <ul style="list-style-type: none"> • Non-effective sites that can now be demonstrated to be effective • Urban capacity sites • Additional brownfield sites • Sustainable green field sites 	
016 - ST16 Policy 11 Housing Land Supply	<p>I recommend that the following modifications be made:</p> <p>1. Replace paragraphs 5.5 to 5.9 of the section headed "5.0 Housing" with the following:</p> <p>?. The Strategic Development Plan (Clydeplan – 2017) requires the council to satisfy the housing land requirements set out in its schedules 8, 9 and 10 for each housing sub-market area and South Lanarkshire as a whole, up to year 10 from the date of adoption of the local development plan (Policy 8 – Housing land requirements). During the examination of this local development plan, various elements of the calculation of housing land supply up to 2030, (using the most up to date agreed 2018 Housing Land Audit), were the subject of unresolved disagreement. This was due to a combination of a lack of sufficient</p>	148

	<p>information and the information required not being able to be provided within the normal timescale of an examination. The examination report stated that the evidence submitted did not allow the reporter to safely conclude there was not a shortfall against the Clydeplan requirements. ?.</p> <p>Consequently, the council will work closely with the home building industry in the preparation of future housing land audits and in the preparation of the next local development plan to ensure that it adequately evidences how it has satisfied housing land requirements. Meanwhile, where a shortfall in the 5 year effective housing land supply does arise within a housing market area, a further release of housing land will be supported where policy 11 below is satisfied. At the same time, the council will work together with the home building industry to bring forward sites previously considered non-effective, ensure the efficient delivery of the existing supply and seek to overcome marketing issues or other constraints where possible.</p> <p>2. On the settlement plan for Strathaven:</p> <ul style="list-style-type: none"> (a) delete the housing land supply and the green network designations from the Westpark site; (b) redraw the settlement boundary so that Westpark is no longer within it; and (c) show Westpark as part of the green belt. 	
017 - ST17 Policy 12 Affordable Housing	No modifications.	153
018 - ST18 Policy 13 Green Network and Greenspace	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> 1. Amend the second sentence of paragraph 6.3 to Volume 1, as follows: Green infrastructure should be an integral element of the design of new development proposals, providing open space and landscaping, and opportunities for water management, access and habitat creation. 2. Amend the third criterion in the section on Priority Greenspace, as follows: <ol style="list-style-type: none"> 3. There is no significant adverse impact on natural and/or built heritage resources, and no adverse effect on the integrity of any Natura 2000 site. 	159

	<ol style="list-style-type: none"> 3. Add a fifth criterion to the section on Priority Greenspace, as follows: <ol style="list-style-type: none"> 5. development proposals which would impact upon outdoor sports facilities will be assessed against criteria set out in Scottish Planning Policy paragraph 226. 4. Amend the first part of the first sentence of the policy, as follows: Development proposals should safeguard the green network, as identified on the proposals map, and identify opportunities for enhancement and/or extension which can contribute towards: 5. Amend the fourth criterion under Priority Greenspace, as follows: <ol style="list-style-type: none"> 4. the developer can provide compensatory provision of appropriate quality, accessibility and, where feasible, proximity; or where it can be demonstrated that positive management or improved function/accessibility of the areas to be retained can best be achieved by the redevelopment of part of the site 6. Add a sixth criterion to the section on Priority Greenspace, as follows: <ol style="list-style-type: none"> 6. developers should provide details of the green infrastructure maintenance requirements and the party responsible for these; funding for their long term delivery should be demonstrated to the planning authority before construction begins. 	
019 - ST19 Policy 14 Natural and Historic Environment	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> 1. Amend the sixth paragraph of Policy 14: Natural and Historic Environment as follows: In Category 3 areas, development which would have a significant adverse impact following the implementation of mitigation measures will only be permitted where the effects are outweighed by significant social or economic benefits. 2. Amend the first sentence of the Landscape section of Policy 14 as follows: Development proposals should take account of the guidance in the South Lanarkshire Landscape Capacity Assessment 2010 and, where relevant, the Landscape Capacity Study for Wind Energy 2016 and its 2017 Addendum Draft Tall Wind Turbines Landscape Capacity, Siting and Design Guidance. 	169

	<p>3. Amend the designation column of Table 6.2: Hierarchy of Natural and Historic Environment Designations as follows:</p> <p>Add the words “sites and their setting” after “Inventory of Gardens and Designed Landscapes” and after “Inventory of Historic Battlefields”.</p> <p>Add the words “and their settings” after “Other archaeological sites and monuments” and after “Conservation Areas”.</p> <p>Add the words “(includes categories 1b and 2b on SNH Ancient Woodlands Inventory)” after “Other long established woodlands and woodlands of high conservation value.”</p> <p>4. Amend paragraph 6.10 by adding the following sentence after the first two sentences:</p> <p>The Scottish Government has ambitious targets to achieve 15,000 hectares of woodland creation per year by 2025. The council recognises that it has an important role in contributing to that target.</p> <p>5. Amend paragraph 6.10 by the addition of the following as a final sentence:</p> <p>There are also opportunities for peatland restoration and management which would contribute to delivering the aspirations of Scotland’s National Peatland Plan.</p> <p>6. Add the Management Change series by Historic Environment Scotland to Appendix 1: Policies and Guidance in relation to Additional Guidance for Volume 1 Policy 14: Natural and Historic Environment.</p>	
020 - ST20 Natural and Historic Environment Volume 2 Policies	<p>I recommend that the following modifications be made:</p> <p>1. Amend the first sentence of Policy NHE2: Archaeological Sites and Monuments to read:</p> <p>Scheduled monuments shall be preserved in situ and in an appropriate setting.</p> <p>2. Add the following text to paragraph 7.12:</p> <p>Scheduled monuments are of national importance and, as such have a high level of protection with a separate consent system being administered by Historic Environment Scotland. Any works directly affecting a designated scheduled monument requires Scheduled Monument Consent, which is obtained from Historic Environment</p>	189

	<p>Scotland. Advice on the Scheduled Monument Consent process and requirements should be sought at an early stage from the Heritage Directorate, Historic Environment Scotland, Longmore House, Salisbury Place, Edinburgh EH9 1SH. Telephone: 0131 668 9716 or email: hmenquiries@hes.scot</p> <ol style="list-style-type: none"> 3. Delete paragraph 7.18 of Volume 2 and replace with: All listed buildings are a national designation however they have differing levels of importance. Category A listed buildings are of national importance, Category B are of regional importance and Category C are of local importance. 4. Amend the first sentence of Policy NHE5: Historic Battlefields, as follows: Any development affecting sites listed in the current Inventory of Historic Battlefields shall take cognisance of the battlefield and its setting and shall demonstrate how the development will protect, conserve or, where appropriate, enhance the key landscape characteristics and special qualities of the site. 5. Replace the second sentence of paragraph 7.27 with: Inclusion in the inventory is a material consideration in the planning process. 6. Amend the first sentence of Policy NHE7: Natura 2000 Sites, as follows: Development which would have a likely significant effect on a Natura 2000 site will be subject to an appropriate assessment. 7. Delete the last sentence of paragraph 7.35. 8. Amend the introductory section to part b) of Policy NHE9: Protected Species, as follows: b) Development which would be likely to have an adverse impact on an animal or plant species protected under the Wildlife and Countryside Act 1981 (as amended) will not be permitted unless it can be shown that: 9. Amend part d) of Policy NHE9: Protected Species, as follows: d) Where invasive non-native species (INNS) are present on a development site, or where planting is proposed as part of the development, planning permission will only be granted where 	
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	<p>developers can demonstrate that the provisions of the Wildlife and Countryside Act 1981 (as amended) relating to non-native species have been fully accounted for.</p> <p>10. Amend the introductory section of Policy NHE10: Prime Agricultural Land, as follows:</p> <p>Development on prime agricultural land (James Hutton Institute, Classes 1, 2 or 3.1) or land of lesser quality that may be identified as locally important will only be supported:</p> <p>11. Amend Policy NHE11: Peatland and Carbon Rich Soils, as follows:</p> <p>The council shall seek to protect peatland and carbon rich soils from adverse impacts resulting from development.</p> <p>Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO2) emissions. Where peatland is drained or otherwise disturbed, there is likely to be a release of CO2 to the atmosphere. Developments should aim to minimise this release. The Scottish Natural Heritage Carbon and Peatland map can be accessed at: https://nature.scot/professional-advice/planning-and-development/general-advice-planners-and-developers/planning-and-development-soils/carbon-and-peatland-2016-map.</p> <p>Proposals for the commercial extraction of peat will be assessed under Policy MIN4.</p> <p>Any other development proposals affecting peat must be accompanied by a full peat survey, carried out in accordance with current Scottish Government Guidance on Developments in Peatland, and a peatland habitat assessment. Proposals must demonstrate how the peat survey and habitat assessment have been used to avoid or minimise impacts on peat and peatland habitats. Where appropriate, applications should be accompanied by:</p> <ul style="list-style-type: none"> • a schedule of mitigation measures to minimise impact on peat • a method statement for post-construction re-instatement of disturbed peatland and 	
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	<ul style="list-style-type: none"> • a peatland management and/or enhancement plan showing how any significant losses of peatland habitat are to be compensated for. <p>Renewable energy proposals will be assessed on the basis of the specific criteria on peat contained in the renewable energy assessment checklist and the requirements set out in supporting planning guidance for renewable energy.</p> <p>For ancillary extraction of peat associated with other developments, the council will seek to ensure that best practice is used for the handling, storage and restoration of the peat, in order to minimise potential degradation and promote active peat formation and, where appropriate, the creation of habitats of nature conservation interest.</p> <p>12. Amend Policy NHE13: Forestry and Woodland, paragraph 3, as follows: New amenity tree planting will be encouraged, where appropriate, through a requirement to submit and implement a landscaping scheme for new developments. Priority should be given to the use of native species. Further information is contained in supporting planning guidance on Green Networks and Greenspace.</p> <p>13. Amend Policy NHE16: Landscape, as follows: Special Landscape Areas Development proposals within the Special Landscape Areas (SLA) identified on the Strategy Map will only be permitted if:</p> <ol style="list-style-type: none"> 1. they accord with LDP2 policies and guidance on Green Belt and Rural Area, and 2. they can be accommodated without having an unacceptable significant adverse effect on the landscape character, scenic interest and special qualities and features for which the area has been designated. <p>All development proposals within or adjacent to an SLA shall take into account the guidance within the council's Report on Validating Local Landscape Designations (2010). Landscape protection and enhancement</p>	
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	<p>Within the SLAs and the wider landscape of South Lanarkshire, development proposals should maintain and enhance landscape character, including:</p> <ul style="list-style-type: none"> • the scale, design and location of development within the landscape, • the setting of settlements and buildings within the landscape, • the pattern of woodland, fields, trees, hedgerow, waterbodies and other features, particularly where they define/create a positive settlement/urban edge, • the historical qualities of the area and its sensitivity to change, • landform features including key/notable skylines and hills, and views to and from them. <p>Development proposals should take account of the South Lanarkshire Landscape Assessment 2010 and, where relevant, the Landscape Capacity Study for Wind Energy 2016 and Tall Wind Turbines Landscape Capacity, Siting and Design Guidance 2017.</p> <p>14. Amend Policy NHE20: Biodiversity by adding the following sentence to point ii:</p> <p>Development proposals affecting designated nature conservation sites shall be assessed against the requirements set out in the relevant LDP2 policy for that designation.</p>	
021 - ST21 Policy 15 Travel and Transport	<p>I recommend that the following modifications should be made:</p> <ol style="list-style-type: none"> 1. After the words “Proposed railway station” on the Strategy Map and “New Proposal (Railway Station)” in the key to the Small Settlements Plans, add the words: Aspirational site, currently being investigated. 2. In volume 1 of the plan, add the following sentence after the first sentence of paragraph 7.9: Scottish Transport Appraisal Guidance options are being considered. 	203

	<p>3. Amend Policy 15: Travel and Transport by replacing the first two paragraphs with the following:</p> <p>The council expects active travel and the availability and /or provision of public transport facilities and access to be fundamental design and locational elements of new development.</p> <p>New development proposals should promote opportunities for travel by sustainable travel modes in the following order of priority – walking, cycling, public transport and car. Where appropriate, planning applications will be accompanied by an active travel plan that demonstrates this order of priority has been considered and include proposals to reduce travel by car and encourage walking, cycling and public transport as alternative modes of transport. Proposals should also consider measures to mitigate the impact of increased traffic growth and have regard to the need to reduce air pollution and greenhouse gas emissions.</p> <p>The council will complete active travel studies for the settlements within its area. In turn they will be adopted as supporting planning guidance to inform decision making on planning applications and develop measures to incorporate active travel schemes to serve new development.</p> <p>Existing walking and cycling routes including former railway lines will be safeguarded and enhanced where appropriate. The loss of these routes will only be acceptable where compensatory replacement can be provided.</p> <p>The council will support and promote infrastructure to encourage increased use of public transport. The council's cycling strategy identifies proposed strategic routes across the council area and reviews provision within towns.</p> <p>4. Add the following paragraphs after paragraph 7.2:</p> <p>Scottish Planning Policy also states that plans should encourage new development in locations that are accessible by cycling and public transport and access to local amenities is within walking distance.</p> <p>Active travel networks should be identified and opportunities for</p>	
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	<p>sustainable travel modes promoted in the order of priority of walking, cycling, public transport and cars. As a result, proposals must seek to ensure, through the submission of an active travel plan, that active travel reflecting this order of priority is considered as a fundamental part of the master planning of the site and that sustainable transport options are incorporated into new development. In particular, the provision of new walking and cycling routes, and the enhancement of existing networks, to town centres and community, recreation and educational facilities and the feasibility of promoting public transport to serve developments should be explored.</p> <p>In order to identify active travel networks, the Council has embarked on a programme of producing Active Travel Studies for the main settlements within South Lanarkshire. The aim of these is to identify the perceived and actual barriers to walking and cycling for everyday journeys in and around towns, encourage modal shift to walking and cycling by providing a range of facilities and priorities as well as the formation of “active travel friendly towns”. Each study includes a walking and cycling plan which identifies the following:</p> <ol style="list-style-type: none"> 1) Major destinations within settlements and how well they are connected 2) A schematic active travel network connecting those destinations 3) The functions and derived level of provision for different types of connections 4) A programme of recommendations to make active travel a viable option for everyday journeys <p>To date, studies have been completed for East Kilbride, Cambuslang, Newton and Rutherglen and work is currently ongoing for Carluke, Hamilton and Lanark. Funding awards are being sought for next financial year for the settlements of Bothwell, Uddingston, Blantyre, Larkhall, Strathaven, Stonehouse and Forth. Following from that, studies</p>	
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	<p>for the settlements of Biggar, Kirkmuirhill, Blackwood, Douglas and Abington will be taken forward.</p> <p>By engaging with the communities in these settlements and providing additional active travel opportunities it is envisaged that walking and cycling activities will increase for commuting to schools and places of work, leisure activities such as shopping and will improve the health and wellbeing of those living in South Lanarkshire.</p> <p>5. Amend the list of regional and strategic policies listed in Appendix 5 to include the Regional Transport Strategy.</p>	
022 - ST22 Water Environment and Flooding	<p>I recommend that the following modifications be made.</p> <p>1. In policy 16: Water Environment and Flooding, after the first sentence in the second paragraph insert:</p> <p style="padding-left: 40px;">This approach is key to the delivery of sustainable flood management.</p> <p>2. In policy 16: Water Environment and Flooding, delete the last sentence in the second paragraph and put instead:</p> <p style="padding-left: 40px;">All development must take account of the requirements in SEPA's development plan guidance on flood risk.</p> <p>3. In policy 16: Water Environment and Flooding, delete sub-paragraph 1 and put instead:</p> <p style="padding-left: 40px;">1. watercourse or culvert capacity is exceeded and out-of-bank flow occurs,</p> <p>4. In policy 16: Water Environment and Flooding, insert after sub-paragraph 1:</p> <p style="padding-left: 40px;">2. sewer flooding,</p> <p>and renumber the two following sub-paragraphs.</p> <p>5. In the first sentence of policy 16: Water Environment and Flooding, delete "a significant adverse" and put instead "an unacceptable".</p> <p>6. In the supporting text for policy 16, delete paragraph 7.13 and put instead:</p> <p style="padding-left: 40px;">7.13 The SDP2 supports the protection and enhancement of the water environment and the reduction of flood risk through:</p> <p style="padding-left: 80px;">the delivery of collaborative, partnership working with organisations such as the Metropolitan Glasgow Strategic Drainage Plan Partnership;</p>	207

	<p>extension of the Glasgow and Clyde Valley Green Network; the use of sustainable urban drainage systems (SUDS); and the safeguarding of the storage capacity of all functional floodplains.</p> <p>7. In volume 2 of the proposed plan, in policy SDCC2 Flood Risk delete “impact on the integrity of Natura 2000 sites” and put instead “effect on the integrity of Natura 2000 sites”.</p>	
023 - ST23 Policy 17 Waste	<p>I recommend that the following modification be made:</p> <p>1. In criterion 3 of policy 17: Waste, delete “impact” and put instead “effect”.</p>	211
024 - ST24 Policy 18 Renewable Energy	<p>I recommend that the following modifications be made:</p> <p>1. In volume 1 of the proposed plan, at the end of paragraph 7.28, add the following new sentence.</p> <p style="padding-left: 40px;">This document will also give consideration to strategic capacity for wind farms.</p> <p>2. In volume 1 of the proposed plan, in paragraph 7.28 after the sentence “There are no Group 1 designations in South Lanarkshire.”, insert the following additional text.</p> <p style="padding-left: 40px;">Group 2 areas incorporate community separation areas that are two kilometres wide. Where landform or other features restrict views from the settlement, land less than two kilometres from a settlement may be considered to have potential for wind energy development.</p> <p>3. In volume 1 of the proposed plan, delete the text in paragraph 7.27 and put instead:</p> <p style="padding-left: 40px;">Repowering of existing wind energy developments is becoming more significant as developments mature. This generally involves the installation of larger turbines and can result in additional environmental impacts. Repowering may also have environmental advantages such as increased electricity output and reuse of existing access tracks, underground services and control buildings. The policies in this local development plan will apply to proposals for repowering as well as to other wind energy proposals.</p>	229

	<p>4. In volume 1 of the proposed plan, add the following sentence to the end of paragraph 7.33. Current government guidance is contained in “Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments” (May 2019).</p> <p>5. In volume 1 of the proposed plan, in paragraph 7.33 delete the sentence “Contributions are based in June 2013.” In its place put the following. Contributions based on £5,000 per megawatt installed capacity will be sought.</p> <p>6. In volume 1 of the proposed plan, in paragraph 7.28 add the following to the sentence that ends “..... on Figure 7.1.” and in more detail on Renewable Energy Map 1</p> <p>7. In volume 1 of the proposed plan, at the end of paragraph 7.29 add the following new sentence. Renewable Energy Map 2 shows some of these development management considerations.</p> <p>8. On Renewable Energy Map 1, show the full extent of the Muirkirk and North Lowther Uplands special protection area by extending it across the adjacent SSSI designation.</p>	
025 - ST25 Renewable Energy – Volume 2 Policies and Appendix 1 Checklist	<p>I recommend that the following modifications be made:</p> <p>1. In volume 2, policy RE1: Renewable Energy, delete “Applications for renewable energy and guidance set out in:” and put instead: Proposals for renewable energy development must take into account the considerations, criteria and guidance contained in:</p> <p>2. In volume 2, policy RE2: Biomass, delete the second paragraph and put instead: Proposals for small-scale biomass or district heating schemes outwith existing industrial areas will only be acceptable where these are associated with local residential developments, community facilities or businesses.</p> <p>3. In volume 2, after paragraph 8.5 on page 83 insert the following new paragraph:</p>	247

	<p>The preferred location for commercial biomass facilities is within industrial locations. Small-scale facilities associated with existing or proposed developments such as schools, housing developments, industrial uses or commercial uses may also be acceptable subject to development management considerations. It is recognised that such facilities can contribute to national energy targets through supplying surplus electricity or gas to the electricity grid or the gas grid.</p> <p>4. In volume 2, Appendix 1: Renewable Energy Assessment Checklist: change the title of Appendix 1 to “Renewable Energy Assessment Checklist and Criteria”; change the table heading by inserting “and” after “checklist” so that it reads “Assessment checklist and criteria for renewable energy proposals”; and delete the text in the first left-hand box (“Proposals for wind discuss with Council”) and put instead:</p> <p style="padding-left: 40px;">Proposals for wind energy and other renewable energy developments must give consideration to the matters listed in the following categories, as indicated by the three columns to the right. Some of the categories also include criteria that are normally expected to be met. Proposals for renewable energy developments must accord with relevant policies in LDP2 and must take into account supporting planning guidance. Y – proposals must give consideration to the matters in this category ? – proposals may have to give consideration to the matters in this category – discuss with Council.</p> <p>5. In volume 2, Appendix 1: Renewable Energy Assessment Checklist category 1 add after “..... SLLDP2 Volume 2.”:</p> <p style="padding-left: 40px;">For the avoidance of doubt, relevant policies in SLLDP2 Volume 2 do not include policies GBRA 1 and 2.</p> <p>6. In volume 2, Appendix 1: Renewable Energy Assessment Checklist category 2 delete “There shall be no mapping 2016” and put instead: Proposals must demonstrate how all significant impacts on land identified in Classes 1 and 2 of the national Scottish Natural Heritage</p>	
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	<p>carbon and peatland map are substantially overcome through siting, design or other mitigation.</p> <p>7. In volume 2, Appendix 1: Renewable Energy Assessment Checklist category 7(b), delete 'Y' and put '?'.</p> <p>8. In volume 2, Appendix 1: Renewable Energy Assessment Checklist category 10(a), add the following to the first sentence: or to demonstrate that an assessment is not required.</p> <p>9. In volume 2, Appendix 1: Renewable Energy Assessment Checklist category 11 after "soils and peat", both in the heading and in the text, insert: that are not identified as Classes 1 and 2 on the national Scottish Natural Heritage carbon and peatland map</p> <p>10. In volume 2, Appendix 1: Renewable Energy Assessment Checklist category 25 delete the words "prior to construction".</p> <p>11. In volume 2, Appendix 1: Renewable Energy Assessment Checklist category 7(b) delete "specific" and put "sensitive" instead.</p> <p>12. In volume 2, Appendix 1: Renewable Energy Assessment Checklist category 8(a) delete "Renewable energy proposals SPG paragraph 5.43" and put instead: Renewable energy proposals must contain an appropriate landscape and visual impact assessment as set out in SPG paragraph 5.43 and demonstrate that there would be no unacceptable adverse effects on landscape designations, landscape character and visual amenity.</p> <p>13. In volume 2, Appendix 1: Renewable Energy Assessment Checklist category 9(c) delete "Where there may cumulative impact assessment" and put instead: Proposals must demonstrate that there will be no unacceptable significant adverse cumulative impacts on ecological or ornithological interests. This should include the preparation of a cumulative impact assessment.</p>	
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026 - ST26 Policy 19 Minerals	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> 1. In volume 1, page 49, paragraph 7.35 delete the second sentence (“Policy 15 construction aggregates.”). Instead insert the following. Policy 15: Natural Resource Planning – Mineral Resources Spatial Framework states that an adequate and steady supply of minerals will be maintained. This will include a land bank for construction aggregates equivalent to at least ten years’ extraction. 2. In volume 1, policy 19: Minerals Development delete the last sentence in paragraph 1 (“Any development appropriate mitigation.”). Instead insert the following. Any development proposals for the extraction, processing and deposition of minerals or material associated with mineral extraction must be carried out with impacts reduced to acceptable levels and with appropriate mitigation. 3. In volume 1, policy 19: Minerals Development add the following new paragraph to the end of the policy. If, at the time when an application for planning permission to extract construction aggregates is under consideration, the landbank for such aggregates is less than that needed to provide a supply for at least ten years, the deficiency will be a material consideration in the determination of the application. 	255
027 - ST27 Volume 2 Minerals	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> 1. In volume 2, policy MIN3: Restoration, delete the third sentence (“Any opportunities be considered.”). Instead, put the following. Restoration proposals should include enhancement of biodiversity, community recreation and access except where it has been demonstrated that such enhancement is not possible or is not appropriate in relation to the proposed afteruse of the site. 2. In volume 2, policy MIN4: Peat Extraction, delete the second bullet point. Instead, put the following. The conservation value is low and restoration to peatland is not possible. 	260

	<p>3. In volume 2, paragraph 9.8 on page 87, delete “restoration is impossible” and put instead “restoration to peatland is impossible”.</p> <p>4. In volume 2, policy MIN4: Peat Extraction, delete “commercial”.</p> <p>5. In volume 2, policy MIN1: Settlements delete the first two sentences (“Minerals development be permitted.”). Instead, put the following. Minerals development will only be permitted where impacts on settlements (shown on the settlements maps) and communities have, with appropriate mitigation, been reduced to acceptable levels.</p>	
028 - ST28 New Settlements	<p>I recommend that the following modifications be made:</p> <p>1. In the Small Settlement Plans, amend the boundary of the proposed new settlement at Blaircross to include Kintore House and its grounds (as shown on the council’s schedule 4 site map – Issue ST28 Map 1 Blaircross).</p> <p>2. Add the following sentence to paragraph 3.13 of Volume 1 of the plan: In the next local development plan, the council intends to carry out a wider assessment of community boundaries in the rural area.</p>	267
029 - ST29 Local Nature Reserves	<p>I recommend that the following modification be made:</p> <p>1. Amend the strategy map to extend the notation for Langlands Moss Local Nature Reserve by including the woodland area described in the representation from the Friends of Langlands Moss and depicted on Schedule 4 Site Map Issue ST29 Map 2 Langlands Moss, East Kilbride.</p>	275
030 - ST30 Appendices	<p>I recommend that the following modification be made:</p> <p>1. In Appendix 3: Development Priorities, add the following bullet point to the list of requirements for the Community Growth Areas at Ferniegair, Larkhall, and Carluke:</p> <ul style="list-style-type: none"> • Improved public transport services through the development area. 	280
031 - ST31 Technical Amendments	<p>We recommend that the following modifications be made:</p> <p>1. Update the Strategy Map (including Environmental Designations) to incorporate the 2018 extension to the Muirkirk and North Lowther Uplands Special Protection Area around Anderson Flow and Cove Glen.</p> <p>2. Refer to project D as the Cuningar Loop Woodland Park on the Rutherglen/ Cambuslang map.</p>	288

	<p>3. Add the following text to Policy VET1 Visitor Attractions as a seventh criterion:</p> <p style="padding-left: 40px;">Proposals demonstrate that there would be no adverse impacts on the integrity of any Natura 2000 site or on the objectives of designation and the overall integrity of any SSSI and no significant adverse impacts on the wider natural heritage interests during construction or operation of the facility.</p> <p>4. See also recommendations in issues listed above.</p>	
032 - ST32 General	<p>I recommend that the following modifications be made:</p> <p>1) Add to the start of paragraph 2.28 of volume 1, "This plan will cover a period of 5 years from the date of adoption".</p> <p>2) Add to paragraph 3.23 of volume 1, "The council has not carried out a comprehensive review of all of its settlements at this time".</p>	294

PART 2		
033 - CR1 South of Cathkin Roundabout, Cambuslang	No modifications.	298
034 - CR2 East Greenlees Farm Phases 1 and 2, Cambuslang	No modifications.	303
035 - CR3 Corner of East Kilbride Road, Cambuslang	No modifications.	307
036 - CR4 Alternative Site Hallside East, Cambuslang	No modifications.	311
037 - CR5 Kirkhill Golf Course Cambuslang	No modifications.	316
038 - CR6 Dalmarnock Road, Rutherglen	I recommend that the following modification be made: 1. Amend the Dalmarnock Road Out of Centre Commercial Location designation on Settlement Map Rutherglen, Stonehouse, Strathaven and Cambuslang by including the whole of the site as set out in the Schedule 4 Site Map Issue 037 Site CR6 Dalmarnock Road, Rutherglen.	320
039 - CR7 Mathieson Road- Duchess Road, Farme Cross, Rutherglen	No modifications.	324
040 - CL1 Boghall Road, Biggar	No modifications.	330
041 - CL2 Lindsaylands Road, Biggar	No modifications.	335
042 - CL3 Loaningdale, Biggar	No modifications.	343
043 - CL4 Airdrie Road, Carluke	No modifications.	350
044 - CL5 Mauldslie Road-Luggie Road, Carluke	No modifications.	358
045 - CL6 Bellefield Road, Lanark	I recommend that the following modifications be made: 1. Inclusion of the western site in the settlement boundary for Lanark. 2. Deletion of the rural area and the special landscape area designations so far as they apply to the western site. 3. Designation of the western site as a residential masterplan site. 4. In appendix 3 of volume 1 of the proposed plan, inclusion of the western site as a residential masterplan site with the following requirements:	364

	Air quality assessment required. Flood risk assessment required. Substantial landscaping on the western and north-western edges of the site.	
046 - CL7 Hyndfordbridge, Lanark	I recommend that the following modifications be made: 1. In the Small settlements plans part of the proposed plan, on page 14: (a) extend the settlement boundary for Hyndfordbridge so that it includes the land identified as CL7 on the schedule 4 site map; and (b) delete the Rural Area designation of the land identified as CL7 and instead designate it as Housing Land Supply.	366
047 - CL8 Old Bridgend	No modifications.	371
048 - CL9 Land North of Law (Birks Farm)	No modifications.	381
049 - EK1 Midshawton Farm, Chapelton	No modifications.	385
050 - EK2 Colvilles Road, East Kilbride	No modifications.	390
051 - EK3 Hayhill Road, Jackton, East Kilbride	No modifications.	394
052 - EK4 Jackton Road, East Kilbride	No modifications.	399
053 - EK5 Langlands West-Mid Crosshill Farm-Auldhouse Rd, East Kilbride	No modifications.	409
054 - EK6 North of East Kilbride	No modifications.	413
055 - EK7 O'Cathian Farm, East Kilbride	No modifications.	417
056 - EK8 Old Glasgow Road, Nerston	No modifications.	424
057 - EK9 West of Redwood Drive, East Kilbride	I recommend that the following modifications be made: 1. In volume 1 of the proposed plan, chapter 3, table 3.1 insert the following into the list of East Kilbride Area Residential Masterplan Sites: West of Redwood Drive, East Kilbride 2. In volume 1 of the proposed plan, in Appendix 3, in the section containing Residential Masterplan Sites insert the following new entry.	430

	<p><u>Location:</u> West of Redwood Drive</p> <p><u>Requirements:</u> Residential development. Development must take account of the findings of a flood risk assessment. SuDS. Any detrimental effects on amenity associated with any acoustic fence must be reduced to an acceptable level. Public access must be established between the site and the Bogton Farm development by means of the existing railway bridge or by some other means unless it is demonstrated that this is not possible. Provision of a safe and convenient means by which pedestrians may cross Redwood Drive.</p>	
058 - EK10 Westend Farm, Eaglesham Road, Jackton, East Kilbride	No modifications.	434
059 - EK11 The Ferme, Glassford	No modifications.	439
060 - EK12 Colinhill Road, Strathaven	No modifications.	448
061 - EK13 East Overton Extension, Strathaven	No modifications.	460
062 - EK14 Glasgow Road, Strathaven	No modifications.	468
063 - EK15 Glassford Road, Strathaven	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> 1. In the requirements for the Glassford Road site that are set out in Appendix 3 of volume 1 of the proposed plan (page 70) delete "Site development Berebriggs Road" and instead put: Site development shall not progress until Berebriggs Road has been widened in accordance with a design that has been approved by the Council. 2. To the requirements for the Glassford Road site that are set out in Appendix 3 of volume 1 of the proposed plan (page 70) add the following three requirements. 	480

	<p>No dwellings shall be constructed on that part of the site that is south-west of Berebriggs Road.</p> <p>A Landscape Assessment shall be submitted to demonstrate how development can be accommodated on the site whilst minimising impact on views from the surrounding area. Key viewpoints must be agreed with the Council prior to submission.</p> <p>Development must incorporate reinforcement planting along the north-east boundary of the site. Buildings must be kept back from the north-east and south-east boundaries of the site.</p>	
064 - EK16 Kibblestane Place, Strathaven	No modifications.	485
065 - EK17 Muirkirk Road, Strathaven	No modifications.	491
066 - EK18 Newhouses Farm, Strathaven	No modifications.	498
067 - EK19 Sidehill Farm, Strathaven	No modifications.	505
068 - EK20 Braehead Road, Thorntonhall	No modifications.	510
069 - EK21 Peel Road, Thorntonhall	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> 1. Proposal 29 be deleted from the proposed plan. 2. The site of proposal 29 be included in the green belt. 	521
070 - EK22 South Hill of Dripps, Thorhtonhall	No modifications.	526
071 - HM1- Bardykes, Blantyre	No modifications.	530
072 - HM2 - Shott Farm, Blantyre	No modifications.	536
073 - HM3 Ferniegair	No modifications.	542
074 - HM4 Newhousemill Road, Hamilton	No modifications.	548
075 - HM5 Ashgillhead, Ashgill, Larkhall	No modifications.	554
076 - HM6 Ashgillhead, Shawsburn	No modifications.	560

077 - HM7 Carlisle Road, Larkhall	No modifications.	565
078 - HM8 Shawsburn, Larkhall	No modifications.	570
079 - HM9 Limekilnburn Road, Quarter	No modifications.	575
080 - HM10 Stonehouse	No modifications.	585

PART 3			
Para/ Table/ Fig	Text from proposed LDP	Reporters' Amendment	Council's Response
CHAPTER 2			
2.6	The above provides the physical, economic and social context within which a vision for the South Lanarkshire Local Development Plan (SLLDP) can be developed and realised. This vision is ambitious but soundly based on the opportunities and the benefits offered by <i>South Lanarkshire and its communities</i> ; using these to address the forthcoming challenges and promote the area as a place in which to invest, live and work.	Add "including the voluntary sector" after South Lanarkshire and its communities.	Wording will be included within revised text.

APPENDIX 2

SOUTH LANARKSHIRE LOCAL DEVELOPMENT PLAN 2

Issue 069 (EK21) – Peel Road, Thorntonhall

1. Background

- 1.1 The Reporter has examined the Proposed South Lanarkshire Local Development Plan 2 (SLLDP2) and made recommendations regarding Issue 069 (EK21) which related to representations to re-designate a site at Peel Road in Thorntonhall (“the Site”) from Green Belt to a Residential Masterplan site. The Reporter’s recommendation is to delete the Site from the proposed plan and retain it as Green Belt. The Reporter’s reasons for deleting the Site are summarised in section 4.2 of the committee report. The committee report in turn recommends that all of the modifications recommended in the Examination Report (including that relating to Peel Road) are accepted.
- 1.2 Following the publication of the Examination Report, Shepherd + Wedderburn (S + W), solicitors acting on behalf of the developers promoting the site, wrote to the Council on 15 September 2020 pointing out that a LDP Examination Reporter’s conclusions are not binding on the Council and that the Council must carefully evaluate the Examination Report for errors. Their view is that the Council has strong grounds for declining to accept the Reporter’s recommendations related to the Site as they considered a number of the Reporter’s key conclusions are erroneous. They undertook to provide further details in due course.
- 1.3 S + W have subsequently written to the Council on three separate occasions on 22 October, 28 October and 2 November setting out their reasoning for the Council to reject the Reporter’s recommendations. This correspondence was copied to elected members. However, this correspondence was received too late to summarise in the committee report on the agenda for the Planning Committee on 3 November. Officers have responded in writing to these observations which have also been copied to members.

2. Statutory Position.

- 2.1 The Scottish Government’s examination of a local development plan is a strict statutory process. In terms of Section 19 (10)(a) of Town and Country Planning (Scotland) Act 1997, planning authorities can only oppose modifications on specific grounds. Where the Reporter has exercised a discretion, Regulation 2 (c) of the Town and Country Planning (Grounds for declining to follow recommendations) (Scotland) Regulations 2009 at Regulation 2 (c) limits these grounds to reasonableness and states that the modification may only be rejected if it is based on conclusions that the Reporter could not reasonably have reached based on the evidence considered in the course of the examination.. Therefore, the Council cannot refuse to accept a modification on the grounds that the Reporter reached a different conclusion to that put forward in the proposed LDP or that the Council does not agree with the Reporter’s decision. The Council must have substantive evidence that the Reporter made an irrational decision.

3. Summary and Assessment of representations made by Shepherd +Wedderburn

- 3.1 S + W set out examples of conclusions that they consider the Reporter could not have reasonably reached on the evidence before him during the examination. They conclude that the majority of the conclusion are flawed and unreasonable. As a result, the Council should reject the Reporter's recommendations in relation to the Site and reinstate it as a Residential Masterplan Site.
- 3.2 The following paragraphs, taken from S + W 's correspondence list the reasons, which in S+W's view, show that the Reporter was in error to conclude that the allocation of the Site as Residential Masterplan was not appropriate. S+W's comments on each are noted. The considered response by the Council's planning officers follows each point.

a) Impact on the green belt would be acceptable

S + W's view: The Reporter advises that he has taken account of the purpose of the green belt. Development of the site would not result in adverse impact to the landscape character of the green belt or the character of the community. It would not result in coalescence with any other community and none of the site is used as open space or provides access to open space. In view of these findings, it is difficult to understand on what basis the Reporter could recommend that the site be included in the green belt. His Report is a series of findings that the site does not fulfil green belt purposes. There is nothing in the Report that explains why he considered the site should be designated as Green Belt. That recommendation was therefore unfounded.

Council's Response: The Reporter has concluded that the proposals would not have an adverse impact on the Green Belt in terms of the purposes of the Green Belt. However, in concluding overall that release of the site is not appropriate for other reasons, he recommends that the site remain in the Green Belt. The key issue is that the Site is already identified in the adopted Local Development Plan as being in the Green Belt. The position proposed by the Reporter to retain the site in the Green Belt is, therefore, unchanged.

b) Part of the site may not be effective because it is occupied by a conifer plantation that may not be ready for felling for some time

S + W view: This conclusion is based on the Reporter's findings that the trees in the plantation appear not to be fully grown; that the felling may be some years in the future; the trees occupy most of the width of the central part of the site; and their continuing presence might be a significant constraint on development of other parts of the site. In contrast, the Reporter had before him a Condition Report on Thorntonhall Woodlands which identifies three areas of woodland of different character, including Area B, which contains the block of commercial conifer to which the Reporter refers. The Woodland Report notes that the commercial timber had grown so quickly it could be felled now.

Council's Response: It is clear from the Examination Report that the evidence before the Reporter included a site visit, a Woodland Report submitted by the developer, and a Summary of Unresolved Issues from the Council which stated that the conifer plantation would be felled when economically viable to do so. The conclusion of the Reporter was that the conifer plantation "may not" be ready for felling for some time, rather than it *would* not be. This is a view he is entitled to take based on the evidence before him.

c) The part of the site that is north-west of Peel Road has capacity for a relatively limited number of houses

S + W view: The Reporter notes a number of potential issues with development close to trees and concludes that development of the north-west part of the Peel Road site should be kept well back from the perimeter trees. As a result, the Reporter concludes this part of the site would have capacity for a relatively limited number of houses. In contrast S + W refer to the Woodland Report that concludes that development could easily be incorporated into the open ground with beneficial enhancement of the shelter belt taking place at the same time which would have a positive impact on the woodland. Separately, the Reporter failed to consider the concept Masterplan submitted to the Examination which shows a variety of properties set well back from the existing trees. The evidence the Reporter had before him did not justify the conclusion that the north western part of the Site would have capacity for a relatively limited number of houses.

Council's Response: The Reporter provides reasoning for his conclusion that this part of the Site is almost entirely surrounded by mature trees while there are trees in the central part of this area. He states that they make a substantial and beneficial contribution to the character and amenity of the locality. As a result, his conclusion that development should be kept well back from the trees is appropriate and that this would in consequence limit the capacity of this part of the site is reasonable.

d) Development on the site would require removal of trees and woodland. This conflicts with Policy 14 of SLLDP2

S + W's view: The Reporter states that Policy 14 does not preclude the felling of commercial woodland but requires development proposals to seek to manage, protect and enhance existing trees and woodland, in accordance with the Council's Tree Strategy. The Council appears not to have published a Tree Strategy and it is therefore difficult to see how the Reporter could conclude that the development proposals conflict with the policy. In addition, while LDP2 states that any development proposals which involve loss of woodland should take account of the Scottish Government's control of woodland removal policy, this is not a blanket prohibition on development that would result in the removal of any trees. The Reporter did not consider this issue or request any information that would allow him to reach conclusions on whether allocation of the Site could comply with this policy statement. The Woodland Report refers to beneficial enhancement of the existing trees and woodland within the site. The Reporter ignored that evidence and did not explain how the proposals would breach Policy 14. His conclusions are not justified by the evidence he had before him.

Council's Response: Policy 14 is a high level strategic policy and contains a general principle that development proposals should seek to manage, protect and enhance existing trees and woodland. There was evidence before the Reporter that the treatment of trees and woodland on this Site would be a key factor if this Site were to proceed to development and that further information would be required to support any planning application. This was not available to him during the examination. Overall, it is legitimate that the Reporter reached this conclusion.

e) The footway network has shortcomings. The extent to which the network could be improved in association with the development on the Peel Road site has not been demonstrated

S + W view: This conclusion ignores the terms of the Policy 7: Community Infrastructure Assessment which states that where development proposals would require capital or other works or facilities to enable the development to proceed, financial contributions towards their implementation will be required. The Council will require any necessary improvements in the footpath network as part of the determination of any future planning application. The Council did not state that adequate footpath provision could not be put in place. The Reporter disregarded the Council's submissions and the likelihood that any necessary improvements could be made to the footway network. His conclusions are therefore not justified by the evidence that was before him.

Council's Response: The evidence before the Reporter included a site visit and a Transport Statement while the statement of Unresolved Issues from the Council stated there were concerns with the footpath infrastructure. The Reporter discusses his concerns in relation to the footway network's shortcomings in the Examination Report including his observation that Peel Road does not have continuous footways on both sides of the road which would prevent pedestrian access to the bus stops or railway station. It is clear that his conclusions are informed from these submissions and site inspection.

f) apart from the railway station and bus stops on East Kilbride Road, Thorntonhall had no services

S +W view: This finding is factually incorrect as it ignores the new club house for the tennis club which is a recognised community hub used as a community hall. The Reporter's conclusions also disregard the proximity of Thorntonhall to facilities and services which can be accessed via existing footpath and cycle networks including the HMRC Tax office; a Riding and Outdoor Shop; the Cow On The Hill Restaurant; the Seasons Restaurant; the Carnbooth House Hotel/Restaurant; the You Fit Gym and Swimming Pool; the Holiday Inn Hotel with all facilities; Peel Park Offices and business/Industrial Units; a Furniture Showroom and a Kitchen Showroom.

Council's Response: There are no convenience retail services, NHS medical services or a primary school in the village. The services listed above are not what would be considered essential services for a community. The Reporter has drawn his conclusion based on the evidence before him that the new development would be highly car dependent to access such everyday services.

g) the development would be highly car dependent

S +W view: This conclusion ignores the evidence contained in the Council's Local Transport Strategy that demonstrates the growth of rail passengers in Thorntonhall by 50% (circa 6,000 passenger trips) between 2002/03 and 2011/12. Rail patronage has continued to increase significantly in Thorntonhall and will improve further once Network Rail's ongoing electrification works to the line are completed. The Reporter found that rail travel was not encouraged because of the poor access to the station and parking provision however this ignores the evidence that the site is well within the walking distances set out in Scottish Government Planning Advice Note 75. The adequacy of parking provision would not be a particularly relevant factor for prospective residents at the site.

Council's Response: As noted above, the Reporter observed from a site visit that footpath connections to the railway station are not continuous and therefore the assertions made by S + W are not founded.

- h) Point 1 in Policy 1 of the LDP says that larger developments are to be directed to sustainable urban locations and that development proposals for villages are to be of compatible scale. With its lack of services, I find that Thorntonhall is not a sustainable location**

S +W view: The Reporter links his conclusion on services and sustainability to Policy 1 and concludes he is not convinced that the scale of development would be compatible with that of the existing village. Policy 1 specifically acknowledges that village development is supported by the LDP strategy even though it may be outwith "sustainable urban locations". The wording of the policy clearly demonstrates that the Council's Spatial Strategy does not expect or require all development proposals to be located immediately adjacent to the full range of services that one would expect to find in an urban location. The true test of compliance with Policy 1 for a development within a village such as Thorntonhall is the extent to which it is of a compatible scale.. The Reporter's conclusions on this issue were therefore not justified by the evidence before him as he misunderstood the level of development that was likely and misinterpreted the meaning of Policy 1.

Council's Response: LDP2 Policy 1 provides that larger developments should be directed to sustainable urban locations and that any development proposals for smaller towns and villages are of a compatible scale. It takes into account matters such as availability to services, accessibility by walking, cycling and public transport as well as physical character and size of the settlement The Reporter concludes that the Site would not be in keeping with Policy 1 and provides justification for that in the report.

4 Conclusions

- 4.1 The key issue in determining if the recommendation to delete the site from the proposed plan fails to meets criteria set out in the Town and Country Planning (Grounds for declining to follow recommendations) (Scotland) Regulations 2009 is whether, if judged objectively, the evidence before the examination supported the Reporter's conclusions. The matter for determination by the Council is whether there are sufficient facts and reasoning in the Examination Report to support the Reporter's decision or is the decision wholly without merit. The matter for determination is not whether the Reporter should have come to a different decision.
- 4.2 The argument made by S + W on behalf of their clients and the officers' review of the Reporter's reasoning is set out in section 2 above. Overall, it is considered that the rationale used by the Reporter to remove the Peel Road site from the plan is sound, reasonable and can be supported in planning terms. Accordingly, the Council is satisfied that the Reporter had sufficient information in front of him to make an informed recommendation on this issue and that he exercised his discretion appropriately and reasonably. There are no statutory grounds on which the Council can base a determination to reject the Reporter's recommendation on this matter. It is concluded that the modification recommended to delete the Site should be accepted

5 Recommendation

- 5.1 On the basis of the above and having fully considered the letters dated 22 October 2020, 27 October 2020 and 2 November 2020 submitted by Shepherd +Wedderburn against the relevant contents of the Examination Report, it is considered that there is no basis to reject the recommendations made by the Reporter in respect of Issue EK 21 and that the Reporter's recommendation is accepted by the Council.

Report

4

Report to:	Planning Committee
Date of Meeting:	1 December 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	EK/17/0350
Planning proposal:	Erection of 24 Flats comprising 5 double blocks with associated car parking and landscaping

1 Summary application information

Application type:	Detailed planning application
Applicant:	Robertson Frame Ltd
Location:	Vacant Land Adjacent to Eaglesham Road Jackton

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.
- (2) In the event that the Planning Committee decided to approve this application, the application would require to be referred to the Scottish Ministers due to the objection to the proposal raised by SEPA.

3 Other information

- ◆ Applicant's Agent: Riach Partnership Ltd
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (Adopted 2015)**
Policy 4 - Development management and placemaking
Policy 6 - General urban area/settlements
Policy 12 - Housing land
Policy 13 - Affordable housing and housing choice
Policy 17 - Water environment and flooding

**Proposed South Lanarkshire Local
Development Plan 2 (2018)**
Policy 3 - General Urban Areas
Policy 5 - Development Management and
Placemaking
Policy 11 - Housing
Policy 12 - Affordable Housing
Policy 16 - Water Environment and Flooding

Supplementary Planning Guidance
Residential Development Guide (2011)

◆ **Representation(s):**

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

◆ **Consultation(s):**

Jackton and Thorntonhall Community Council

Arboricultural Services

Roads Development Management Team

SP Energy Network

Environmental Services E-consult

RT Flood Risk Management Section

SEPA West Flooding

National Grid UK Transmission

SPT

Scottish Water

Planning Application Report

1 Application Site

- 1.1 The application site, extending to just under 0.6 hectares, is located on vacant land off Eaglesham Road, Jackton. The site is broadly 'L' shaped and is accessed from Eaglesham Road. It is bound to the east and west by existing residential properties on Eaglesham Road and to the north and south by land to be developed for residential purposes associated with the East Kilbride Community Growth Area. The site is relatively flat and currently consists of scrub, scattered trees and grassland. It also has a watercourse, the Gill Burn, running through it.
- 1.2 The original submission for this application detailed the access to the site via a T-junction similar to the current layout from Eaglesham Road. However, as a new spine road with roundabout to serve the adjacent Community Growth Area approved under application EK/17/0305 is to be formed adjacent to the site, the plans have been updated to reflect this. It is noted that works on the roundabout are due to start in the near future with preliminary works currently being undertaken.
- 1.3 It is noted that the site has been allocated within the SLC Strategic Housing Investment Plan (SHIP) document and is, therefore, within an area where there is demand for affordable housing. The applicant has provided a letter from Clyde Valley Housing Association (CVHA) dated May 2017 advising of their interest in the site. The applicant has also intimated East Kilbride Housing Association have also expressed interest in the site. It is unclear if the site still remains desirable for housing association use.

2 Proposal(s)

- 2.1 Detailed planning permission is sought for the erection of 24no. flatted dwellings on the site with associated car parking and landscaping. This would comprise of 5no. double blocks each in an 'H' formation. Block A would be located at the entrance to the site facing onto Eaglesham Road and Blocks B-E would be located to its rear (to the north and east). Blocks A to D would each contain 5 flats with Block E containing 4 flats. The flatted blocks would be finished in materials to integrate with the surrounding area.

3 Background

3.1 Local Plan Status

- 3.1.1 In determining this planning application, the Council must assess the proposed development against the policies contained within both the adopted South Lanarkshire Local Development Plan (2015) and Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.1.2 In this case, the relevant policies are Policy 4 – Development Management, Policy 6 – General urban areas/settlements, Policy 12 – Housing Land, Policy 13 – Affordable Housing and Policy 17 – Water Environment and Flooding.
- 3.1.3 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. A number of amendments to policy have been recommended which will be carried through to adoption stage. For the purposes of determining planning applications, the Council will assess proposals against the policies contained within

the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters amendments. Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council, they are, nevertheless, a material consideration. In this instance, the applicable policies are Policy 3 – General Urban Areas, Policy 5 – Development Management and Placemaking, Policy 11 – Housing, Policy 12 – Affordable Housing and Policy 16 – Water Environment and Flooding.

3.2 Relevant Government Advice/Policy

3.2.1 Scottish Planning Policy (2014) (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 well designed, energy efficient, good quality housing in sustainable locations to meet identified housing requirements. However, SPP also advises that the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. Piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity.

3.3 Planning Background

3.3.1 The applicant submitted a pre-application enquiry several years ago for a proposed residential development at the site. At that time, it was noted that as the site had previously been developed and was located within the residential boundary, it was considered suitable for residential purposes subject to an acceptable scale and design of proposal. However, it was also highlighted at this stage by the Council's Roads Flooding section that there were concerns of the impact of the proposal in relation to flooding.

3.3.2 It is noted this application was submitted in 2017 for formal assessment. At the initial consultation stage, both the Council's Roads Flooding section and SEPA raised significant concerns in terms of flooding. Since then, there have been several meetings, revised plans and flooding assessments submitted; however, these have not resolved the concerns raised. Given the period of time that has now passed without a suitable resolution being provided, the Planning Service considers the application must now be determined.

4 Consultation(s)

4.1 **Roads and Transportation Development Management** – note that a revised layout has been provided to reflect comments previously made in terms of the parking/road layout which allows for a footway opposite the car parking area. However, they have also advised they remain concerned that the distance of the parking spaces from the proposed dwellings is too far. Roads guidelines require parking provision to be appropriately located to avoid indiscriminate and obstructive parking. As such, it is considered likely that residents will park on the street due to this distance and it is recommended that this is reviewed. In addition, the layout highlights 'speed cushions' at the point where pedestrians would cross to the bin store locations. This would not be appropriate as the speed cushions would act as a trip hazard. It is also recommended this is reviewed.

Response: Noted.

4.2 **Roads Flooding** – object to the proposal as it is considered contrary to the flood avoidance principles of Scottish Planning Policy. They note that the flooding affecting this site is fluvial and, therefore, areas affected by this fluvial flooding can be classified as floodplain. Roads Flooding advise it is not acceptable to implement flood protection measures to facilitate new development within a floodplain. As such, the applicant's proposal to implement flood management measures, such as culverts, running beneath building platforms to permit new residential development upon a floodplain is contrary to the flood avoidance principles of SPP. The land raising proposed to construct the proposal is within the floodplain and will only be permitted in exceptional circumstances. This is not considered to be an exceptional circumstance and is, therefore, contrary to SPP. It is further noted that the compensatory storage proposed is not quantified or deemed to be appropriate as it relies upon an existing stockpile of material, which has been deposited within the floodplain, being removed from the site to provide additional flood storage. The information submitted by the applicant also makes references to the capacity of the culvert at Jackton Bridge in the vicinity of the site, and previous discussions have sought the Council's position on replacing the structure to reduce the risk of flooding to the application site. It is acknowledged that hydraulic modelling shows this culvert to be a constriction during flood events, with the modelling demonstrating floodwater coming out of channel and, thereafter, flowing across land. However, due to a number of factors including the historical nature of many road crossing structures, climate change and increased urban development, Roads Flooding note there are many locations across the Council area where existing structures are unable to fully convey the flows associated with significant flood events. As such, replacing Jackton Bridge to increase flow capacity in order to facilitate new residential development at this site, could not be prioritised and therefore the Council has no plans at this time to replace it. In addition, Roads Flooding also refer to the technical assessments by SEPA of the flood risk information submitted by the applicant which has been used to assist the team's recommendation. Given the above, Roads Flooding recommend refusal of this application.

Response: Noted. This issue will be discussed in Section 6 of this report.

4.3 **SEPA** – object to the proposal on the grounds that it may place buildings and persons at flood risk which is contrary to the principles of SPP. It is noted that the location of the site is within the functional floodplain and development within this area is not supported under SPP. SEPA note that the flooding predicted at the site originates from the Gill Burn and is, therefore, fluvial in nature. As such, it is considered inappropriate to manage the flood risk at the site in order to facilitate development within the functional floodplain.

Response: Noted. This issue will be discussed in Section 6 of this report.

4.4 **Environmental Services** – recommend that a decision on the application is deferred until the applicant provides further information including a noise assessment, comprehensive site investigation and details of the facilities for the storage of refuse within the development.

Response: Noted. These items have not been progressed due to other outstanding issues with the site.

4.5 **Scottish Water** – no objection to the proposal.

Response: Noted.

- 4.6 **SP Energy Networks** – no objections to the proposal.
Response: Noted.
- 4.7 **SPT** – no response received to date.
Response: Noted.
- 4.8 **Jackton and Thorntonhall Community Council** – object to the proposal on the basis that the scale of development is disproportionate to the existing settlement which primarily consists of low-density housing not exceeding two storeys in height. Concerns also raised about the vehicular access onto Eaglesham Road not being suitable and that the site would be partly within the flood line of the Gill Burn and would, therefore, be liable to flooding.
Response: As noted above, the primary reason for refusal of this application is in relation to its impact on flooding. However, the scale and density of the proposal is acceptable in general terms and this assessment is detailed in section 5 below. In terms of the vehicular access, Roads have raised no objection in this regard.
- 4.9 **Arboricultural Services** – requested further information including the submission of a topographical survey, tree survey and categorisation, and tree constraints plan.
Response: The applicant provided a topographical survey and tree report following this, however, these items have not been progressed due to outstanding issues with the site.
- 4.10 **National Grid UK Transmission** – no response received to date.
Response: Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken, and the proposal was also advertised in the local press as not all neighbouring properties could be identified. Following this, 10 letters of representation have been received, the points of which are summarised below:
- a) **All wildlife and flora and fauna must be protected and should not be adversely affected as a result of this development.**
Response: Noted. A preliminary ecological appraisal has been submitted as part of the proposal which at the time of submission in 2018, advised that there were no licencing requirements in terms of protected species. However, it did recommend of a number of mitigation measures that would require to be undertaken should the application be successful. In addition, a number of enhancement measures were also proposed in relation to protected species, birds and habitats.
- b) **The application site is within a designated high-risk floodplain as categorised by SEPA. This area should have enhanced planting to improve drainage rather than hard surfacing which will cause further flooding to the adjacent properties as well as the new development. A flood assessment should be undertaken.**
Response: A flooding assessment has been submitted as part of this proposal. As noted above, both SEPA and the Council's Roads Flooding section have raised significant concern in relation to flooding issues associated with this site and it is considered the proposal fails to meet

national and local policy in relation to flooding. As such, the Planning Service recommend refusal of this application primarily on this basis.

- c) **There is no current access to the mains sewage system at this location. The existing adjacent properties are connected to septic tanks and the outfall/run off crosses this site. There is no mention of how this will be safeguarded should permission be granted.**

Response: Scottish Water have been consulted as part of this application and have raised no objections to the proposal. However, this detail would be requested had the proposal been supported by the Planning Service.

- d) **There is no design and access statement submitted addressing site context, scale of development, relationship to adjacent properties, proposals for drainage etc. The proposed three storey development is not in keeping with the rural style of the area which are generally single storey with some two storey buildings.**

Response: Following the original submission, a planning statement was submitted by the applicant in support of the proposal and also a flood risk assessment. As noted above, the flooding assessment has been reviewed by the relevant consultees and due to significant flooding concerns, this has resulted in a recommendation for refusal of this application. In terms of acceptability of the proposed flatted blocks, it is considered that the entrance block to the site (Block A) at 2.5 storeys in height does not integrate with the existing streetscape on Eaglesham Road and is, therefore, not considered to be acceptable. In terms of the remaining 4no. blocks, whilst also 2.5 storeys in height, these are located to the rear and, therefore, their impact on visual amenity is reduced. However, whilst it is noted the 5no. flatted blocks are modern in design in comparison to the existing buildings on Eaglesham Road, the site is adjacent to the Community Growth Area where a more modern approach to design has been taken. It is therefore not considered that the design of the residential properties on this site require to be of a rural nature.

- e) **The proposal has no consideration for the adjacent properties and will result in a loss of privacy to the rear gardens of these properties and result in significant overshadowing.**

Response: Whilst these concerns are noted, the applicant has demonstrated that through the careful placement of windows and additional screening measures, it is not considered there would be a significant loss of privacy to adjacent properties. Furthermore, a detailed shadow test was carried out by the applicant which demonstrated that due to the positioning of the blocks in relation to the existing properties on Eaglesham Road as well as their design in an 'H' formation, there is unlikely to be significant overshadowing of the existing adjacent residential properties.

- f) **The information submitted is insufficient lacking details of proposed landscaping, site cross sections and relationship to the existing dwellings. The applications state there are no trees on site however this is incorrect. There is no Roads and Traffic assessment or engineering drawings. Furthermore, a Habitat Assessment and Environmental Impact Assessment (EIA) has not been submitted.**

Response: It is noted that the initial application submission did not include a number of supporting documents required to assess the proposal. However, I am satisfied all required documents have since been provided and are available to view on the Council's website. It is noted that a Habitat Assessment and EIA were not required in this instance.

- g) **The applicant intimates that none of the land is in agricultural use, however it is considered that the land directly to the rear of the existing properties (outwith the former commercial footprint occupied by the garage previously on the site) is still agricultural in use.**

Response: Under the Adopted South Lanarkshire Local Development Plan (2015), the site is zoned as within the residential settlement boundary. As such, the principle of residential development at this site is not contrary to the development plan.

- h) **There are overhead cables on the site.**

Response: Whilst not a reason for refusal of the application, this is noted.

- i) **The proposed development directly conflicts with completed work under application reference B/19/0928.**

Response: It is noted that approved building warrant B/19/0928 refers to house alterations for an adjacent property involving the removal of a conservatory and replacement with an extension. However, it is not considered necessary for the plans for the current application to be updated to reflect this alteration in this instance.

- j) **The number of additional people living at this location will cause noise and disturbance for adjacent properties.**

Response: It is noted that with any construction work, unfortunately noise disturbance and disruption is inevitable, however is only for a limited period throughout works. In terms of noise from people residing at the new properties, Environmental Services were consulted as part of this application and have raised no concerns in this regard.

- k) **The plans show a large roundabout adjacent to the site with a small slip road for access to 340 Eaglesham Road. However, this looks like it excludes access from the proposed flats onto this slip. Is there a road safety issue of potentially 24-48 vehicles accessing onto this roundabout?**

Response: As detailed above, the Council's Roads Development Management section have been consulted on this application and have raised no safety concerns in relation to the access to the site.

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

6 Assessment and Conclusions

6.1 The determining issue in the assessment of this proposal is its compliance with national policy, local development plan policy and any other material considerations. The application site and its associated proposal is affected by Policy 4 which states that all development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and, where appropriate, should include

measures to enhance the environment. Policy 6 - General Urban Area/Settlements is also relevant and states that within residential areas, development will not be permitted if it is detrimental to the amenity of residents in terms of visual impact, noise, smell, air pollution, disturbance, traffic or public safety.

- 6.2 Policy 12 - Housing Land refers to the provision of an effective supply of housing and notes the Council will support development on sites included within the Housing Land Audit and associated proposals map. Policy 13 – Affordable housing and housing choice is also relevant and requires developers to provide a diverse and attractive mix of house types and sizes including different tenure mixes to ensure that a full range of housing types are provided.
- 6.3 Policy 17 – Water environment and flooding is of relevance and advises any development proposals which will have a significant impact on the water environment will not be permitted. This includes engineering works such as culverting. The avoidance principle of flood risk management as set out in SPP must be met. Within areas identified as the functional floodplain, the Council will not support any development proposals except where a specific location is essential for operational reasons and appropriate mitigation measures can be taken that meet the principles of flood risk management.
- 6.4 In terms of national planning policy, SPP requires Councils to maintain a five year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity. However, SPP also advises that the planning system should promote a precautionary approach to flood risk. This is where flood avoidance is promoted and where development should be located away from functional floodplains. Development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere should not be supported. Piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity.
- 6.5 In terms of Policy 17 and SPP, the applicant has provided a number of reports and drainage data by Terrenus Land and Water Ltd to address the drainage issues at the site. Terrenus consider there are two sources of flood risk at the site; one from the Gill Burn and the second from an overland flow source. However, having reviewed this data, the Council's Roads Flooding section and SEPA both consider that all of the flooding predicted at the site originates from the Gill Burn. They, therefore, consider the type of flooding affecting the site to be fluvial in nature and as this places the application site within the functional floodplain, it is not considered appropriate to manage the flood risk at the site to enable development. As detailed above, SPP and Policy 17 require development to be outwith the functional floodplain.
- 6.6 It is also noted that Terrenus Ltd refer to the provision of compensatory storage. SEPA and the Council's Roads Flooding section both advise that compensatory storage proposals are only supported in exceptional circumstances if appropriate. Had this been the case, the compensatory storage would have required to be provided on a level for level basis. However, both consultees have advised the proposed development is not an exceptional circumstance and that the proposal contravenes the fundamental requirements of SPP. As such, both recommend the

application is refused on the basis that the development will place buildings and persons at risk of flooding.

- 6.7 In terms of Policies 4, 6 and 12, the site is located within the residential settlement boundary, therefore, a residential use is acceptable in principle, subject to compliance with all other relevant policy. In terms of the scale and design of the proposal, this comprises of 5no. double blocks 2.5 storeys in height equating to 24no. dwellings. Whilst it is noted this would be different to the existing properties on Eaglesham Road which tend to be single and one and a half storeys, the site is also adjacent to the Community Growth Area which will inevitably alter the character of the area. As such, flatted blocks at this location are not considered to be out of place. However, it is noted that during the application process the Planning Service had advised the applicant that the entrance block (Block A) to the site facing onto Eaglesham Road should be reduced in height to integrate with the existing streetscape. The applicant subsequently provided plans showing a reduced height and a reduction in the number of properties to 22no. flats which was considered an improvement. However, this plan was subsequently withdrawn, and the applicant wishes to proceed with the original plan for this block. As such, we consider that Block A is visually imposing within the streetscape and does not comply with Policies 4 and 6 in terms of impact on visual amenity and has been listed as a further reason for refusal.
- 6.8 In terms of the remainder of the development, it is considered that the overall scale and siting of the proposed flats are acceptable. It is noted that the windows facing towards the existing dwellings on Eaglesham Road have been positioned taking account of existing building locations and windows and with the assistance of further screening it is considered the proposal would not result in any significant overlooking issues. In terms of overshadowing, the applicant has provided a detailed shadow test which concludes that due to the position of the development in relation to adjacent properties, the design of the buildings and the orientation of the sun (rising in the east and setting in the west), there will not be significant overshadowing of the adjacent properties as a result of the development. In terms of materials, had the Planning Service been in support of the proposal, full details and samples would be requested.
- 6.9 As detailed above, the statutory neighbour notification was carried out and the application advertised in the local press as not all neighbouring properties could be identified. As such, ten letters of representation were received, the points of which are summarised in section 5 above. It is considered that a number of the points raised were valid and as noted above, this application is being recommended for refusal.
- 6.10 In conclusion, it is considered that there are significant flooding issues associated with this site in that the proposal poses a risk of flooding to buildings and persons. As such, the proposal is contrary to both local and national flooding policies. In addition, it is considered the height of Block A at the entrance to the site is not acceptable due to the impact it would have on the streetscape. For these reasons, it is recommended planning permission is refused.

7 Reasons for Decision

- 7.1 The proposed development does not comply with the provisions of Policy 17 of the Adopted South Lanarkshire Local Development Plan (2015) and Policy 16 of the Proposed South Lanarkshire Local Development Plan 2 (2018) in that due to its location within a functional floodplain, it is considered the development will place buildings and persons at risk of flooding which is contrary to the flood avoidance principles of Scottish Planning Policy (SPP). In addition, the proposed entrance block to the site is out of keeping with the scale of the existing streetscape and will have an adverse impact on visual amenity. As such, this aspect of the proposal is also contrary to Policies 4 and 6 of the Adopted South Lanarkshire Local Development Plan (2015) and Policies 3 and 5 of the Proposed South Lanarkshire Local Development Plan 2 (2018).

Michael McGlynn

Executive Director (Community and Enterprise Resources)

20 November 2020

Previous References

- ◆ None

List of Background Papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 10.10.2017
16.09.2020

- ▶ Consultations
 - Jackton And Thorntonhall Community Council 31.10.2017
 - Arboricultural Services 12.10.2017
 - Roads Development Management Team 04.09.2018

 - SEPA West Flooding 08.11.2017
15.11.2018
02.10.2020
 - SP Energy Network 20.10.2017
 - Environmental Services E-consult 19.10.2017
 - RT Flood Risk Management Section 23.06.2020
16.07.2020
02.10.2020

 - National Grid UK Transmission No response
SPT No response

► Representations

	Dated:
Thomas McPake, 338 Eaglesham Road, Jackton, G75 8RW	01.11.2017
Mary Ross, Via Email	01.11.2017
Carolyn Wolfson, Via Email	01.11.2017
William Struthers, 344 Eaglesham Road, Jackton, G75 8RW	06.11.2017
Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G74 8LS	22.11.2017
Mr Thomas McPake, 338 Eaglesham Road, Jackton, East Kilbride, G75 8RW	28.09.2020
Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G74 8LS	06.10.2020
Carolyn Wolfson, Via Email	07.10.2020
Sarah Bennett, Via Email	07.10.2020
Carolyn Haddow, Via Email	13.10.2020

Contact for further information

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

Julie Pepper, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455046

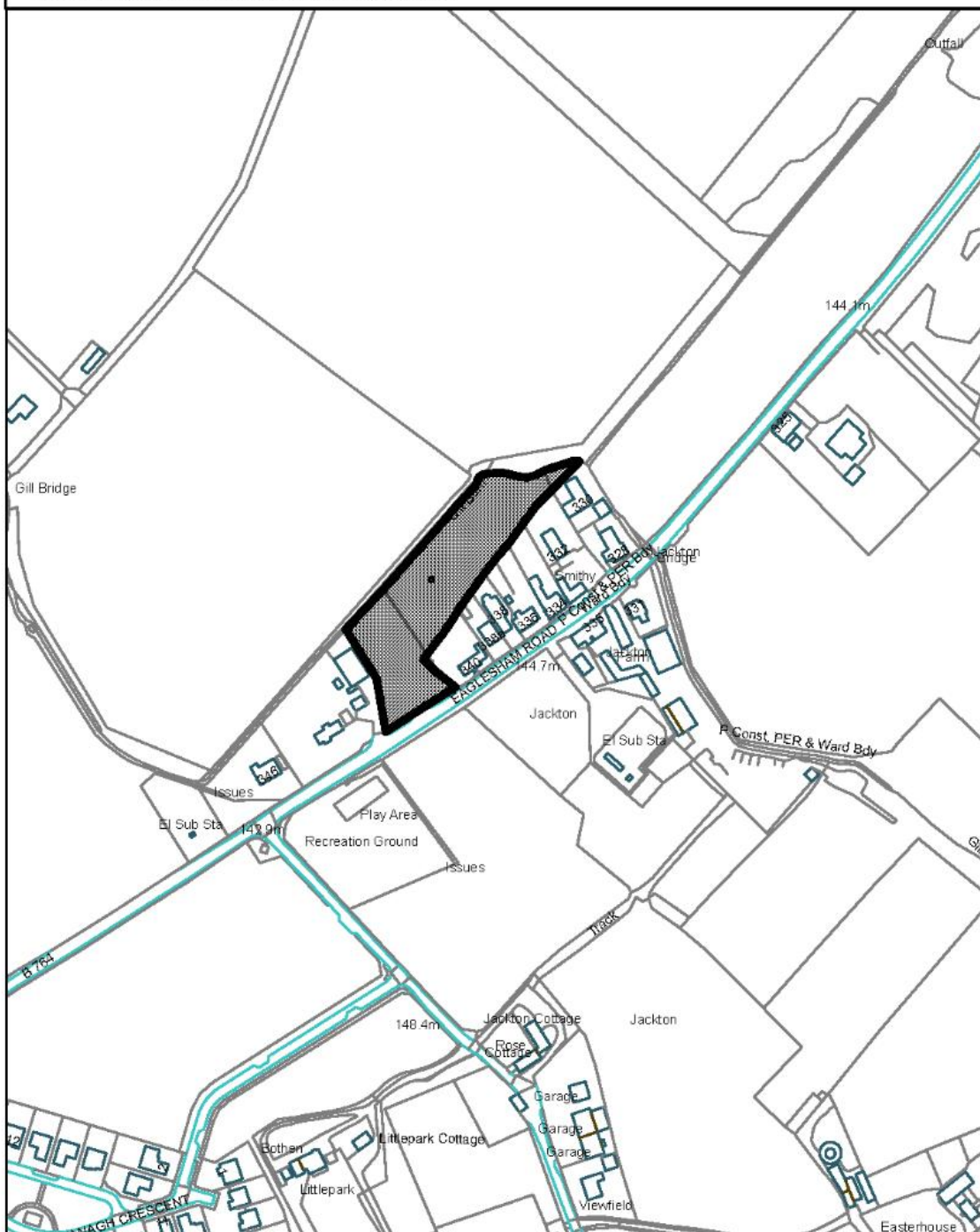
Email: julie.pepper@southlanarkshire.gov.uk

Reasons for refusal

01. The proposed development is located within a functional floodplain and is considered to place buildings and persons at risk of flooding which is contrary to the flood avoidance principles of Scottish Planning Policy (SPP) and therefore also fails to comply with Policy 17 of the Adopted South Lanarkshire Local Development Plan (2015) and its associated supplementary guidance.
02. The proposed development is located within a functional floodplain and is considered to place buildings and persons at risk of flooding which is contrary to the flood avoidance principles of Scottish Planning Policy (SPP) and therefore also fails to comply with Policy 16 of the Proposed South Lanarkshire Local Development Plan 2 (2018) and its associated supplementary guidance.
03. The proposed entrance block to the site is out of keeping with the scale of the existing streetscape and will have an adverse impact on visual amenity. As such, this aspect of the proposal is contrary to Policies 4 and 6 of the Adopted South Lanarkshire Local Development Plan (2015).
04. The proposed entrance block to the site is out of keeping with the scale of the existing streetscape and will have an adverse impact on visual amenity. As such, this aspect of the proposal is contrary to Policies 3 and 5 of the Proposed South Lanarkshire Local Development Plan 2 (2018).

EK/17/0350

Vacant Land Adjacent to Eaglesham Road, Jackton



Report

5

Report to:	Planning Committee
Date of Meeting:	1 December 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/1039
Planning proposal:	Change of use of bank (class 2) to restaurant (class 3), installation of flue within internal wall exiting 700mm above existing chimney

1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr Azizur Rahman
Location:	2 Wellgate Lanark ML11 9DT

2 Recommendation(s)

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

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

2.2 Other actions/notes

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

3 Other information

- ◆ Applicant's Agent: Stuart Hannah
- ◆ Council Area/Ward: 02 Clydesdale North
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan:**
Policy 15 Natural and historic environment
Policy 4 Development management and placemaking
Policy 8 Strategic and town centres
Supplementary Guidance 9: Natural and historic environment
Policy NHE 1 New Lanark World Heritage Site
Supplementary Guidance 9: Natural and historic environment
Policy NHE7 Conservation areas

Proposed SLDP2:

Policy NHE1 New Lanark World Heritage Site
Policy NHE6 Conservation Areas
Policy 14 Natural and Historic Environment
Policy 9 Network of Centres and Retailing
Policy 5 Development Management and
Placemaking

♦ **Representation(s):**

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

♦ **Consultation(s):**

Environmental Services

West of Scotland Archaeology Service

Regeneration Service

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site relates to bank premises on the ground floor of 2 Wellgate, Lanark. The property is a C listed building and occupies a prominent corner position on the junction of the Wellgate and Castlegate facing on to Lanark High Street. On the upper floors of the premises are residential flats. The premises are adjoined by a ground floor retail unit and upper floor flat to the southeast on Wellgate. To the southwest on Castlegate, the premises adjoin an open area which provides access to an upper floor flat. There is also a memorial stone and plaque to William Wallace. A previously added flat roofed single storey extension is situated to the south of the original building. The flat roofed extension has an exit onto a rear yard area. A residential property (8a Wellgate) is situated to the north and the open courtyard dining area of the Hidden Courtyard is situated to the south.

2 Proposal(s)

- 2.1 The proposal is to change the use of the former bank to a restaurant. A suite of plans have been submitted along with a supporting statement confirming refuse arrangements.
- 2.2 The submitted plans detail a restaurant space with stores, cloaks, and function room in the original part of the building. The kitchens and toilets are to be located within the previously extended part of the building to the rear. The plans show an extract system within the kitchen area, which runs into the original building and continue internally within the existing chimney on the southeast elevation. The proposed flue would exit through the existing chimney pots and terminate approximately 0.7m above.
- 2.3 The existing building has 3 entry/exit points. One from the front elevation exiting onto the Wellgate/High Street which would be used by customers. A side exit is situated next to entry point to the upper residential flats, off Castlegate. There is also an exit into a yard situated to the rear of the property. Further, there would be a rear exit off the proposed kitchen into the rear yard area, where it is proposed bins will be stored. An access door between this rear yard and the Hidden Courtyard is shown on the plans and evident on site. It is proposed the bins are stored within this rear yard and carried through the premises out of the side exit for collection on the main street.

3 Background

3.1 Local Plan Status

- 3.1.1 In determining this planning application, the Council must assess the proposed development against the policies contained within both the South Lanarkshire Local Development Plan (2015) and Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.1.2 In land use terms, the application site is identified within the SLLDP as being within the strategic town centre of Lanark. Policy 8 Strategic town centres is applicable and states that the Council will allow a mixture of uses compatible with town centres roles as a commercial and community focal point.
- 3.1.3 The application site is also located within the conservation area, World Heritage Buffer Zone for New Lanark and it's relates to a listed building. Policy 15 (Natural and Historic Environment) of the SLLP considers the natural and historic environment. Policy NHE1 (New Lanark World Heritage Site and Buffer Zone) and Policy NHE7 (Conservation Area) seek to ensure proposals do not adversely affect the character of the conservation area or the buffer zone. Whilst works do relate to a listed building, the impact on the listed building would be assessed through a listed building consent.

Reference shall be made to the appropriate guidance for listed buildings and this proposal within the report.

- 3.1.4 Policy 4 (Development Management and Place Making) of the SLLDP is also considered to be relevant and requires all development proposals to take account of, and be integrated with, the local context and built form.
- 3.1.5 The relevant policies in this case are those relating to development management and strategic town centres, namely: Policy 4 Development management and placemaking; and Policy 9 Strategic town centres. Policies relating to the conservation area namely: Policy 15 Natural and historic environment; Policy NHE1 New Lanark World Heritage Site and Buffer Zone and Policy NHE7 Conservation areas.
- 3.1.6 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 (LDP2). For the purposes of determining planning applications, the Council will continue to assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters recommendations. A separate report on the outcome of the Examination of the proposed SLLDP2 recommends that the modifications suggested by the Reporter are accepted. The relevant corresponding policies within the SLLDP2 are listed above in this report. If the relevant SLLDP2 policy differs materially from those in the SLLDP this will be discussed within the assessment section of this report.

3.2 Relevant Government Advice/Policy

- 3.2.1 Scottish Planning Policy (SPP) provides guidance on town centres and historic environment. Advising that town centres importance should be recognised and a mix of development which supports the centres vibrancy, vitality and viability are encouraged. Positive change in the historic environment to ensure future uses should be enabled, informed by a clear understanding of how the importance of the heritage assets are affected.
- 3.2.2 Historic Environment Scotland provides specific guidance on amendments to listed buildings. Advising that changes should be managed to protect a building's special interest while enabling it to remain in active use. Their Managing Change Guidance note on external fixings details states that new fixings should be located on secondary elevations and should be of a non-ferrous material and an appropriate colour.
- 3.2.3 A listed building consent will be required in relation to this proposal. It is preferable for planning permission and listed building to be considered at the same time. Although a listed building consent was requested at the point of validation, the agent advised this would be pursued by a future occupier of the premises.

3.3 Planning Background

- 3.3.1 The premises were formerly used as the Clydesdale Bank until August 2016 and according to planning records have not been occupied since. Two applications (P/18/0082 and P/18/1663) have been received to change the use of premises to a restaurant in 2018. Both applications were withdrawn by the applicant.

4 Consultation(s)

4.1 **Consult** – Environmental Services have no objections to the proposals subject to conditions relating to the ventilation system and ensuring efficiency, reducing noise and vibration and on further information being submitted concerning the details of bin storage and collection. The consultation response also details that:-

- A modern extraction system is capable of resolving issues of noise, vibration, odours and grease associated within older, poorly designed systems.
- Whilst it is preferable not to move bins through the building for collection, it is advised that if required, this is done when the premises are not open for business and not preparing food.
- It is a requirement of businesses to maintain their bins to ensure problems of pests or odours do not occur.
- Whilst there is a duty on business owners not to create a statutory nuisance, from noise or odour. The noise from customers and staff, opening and closing of doors is a normal part of life in towns and cities.

Response: Noted, appropriate conditions shall be imposed on any permission granted.

4.2 **Roads and Transportation Services** – The general impact of the proposal is suitable at this location and no objections raised. It is suggested to avoid congregations of patrons a positive smoking facility should be encouraged.

Response: Noted, the rear space associated with this proposal is not accessible to customers, therefore, a positive smoking facility is not achievable. The previous bank use had no dedicated parking, the proposal is located within the town centre with public parking available and Roads have raised no concerns in this regard.

4.3 **West of Scotland Archaeology Service**– No response received.

Response: Noted, there is no ground breaking works proposed.

4.4 **Regeneration**– No response received.

Response: Noted.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local press as a bad neighbour development and also development affecting the conservation area. A total of 12 representations have been received. The content of which is summarised and responded to below.

a) **Error on drawing in relation to which way the door to the Hidden Courtyard opens. The door opens outwards and is required to do so as it is fire emergency door**

Response: The error is noted, the supporting statement details that this exit is not intended to be used for bins. It is considered there is sufficient information to consider the proposal

b) **Object to the removal of bins and waste through the Hidden Courtyard dining area**

Response: A supporting statement has been submitted to clarify bins will be carried through the premises and not through the Hidden Courtyard

- c) **Object to positioning of bins in close proximity to the external dining area of the Hidden Courtyard as this would cause smell and noise issues, unacceptable due to height and location next to windows of Courtyard restaurant**
Response: Environmental Services have been consulted on the application and raise no objections. It is possible for bins to be located in close proximity to residents and other uses, as often occurs in urban areas, without problems occurring. For example where the bins are properly maintained, securely lidded and remain pest proof and good frequency of uplift to avoid overflowing. It is considered that imposing a condition for the provision of full details of storage and collection of waste prior to the restaurant opening, can prevent these issues. A condition shall be imposed for a 1.8m high fence to screen views to and from the rear storage yard to the Hidden Courtyard.
- d) **Comment on the lack of professional or architectural information and that there is no technical, engineering or environmental assessment to make an informed judgement. Comment raised in relation to lack of drawing of the change in levels of bin storage area.**
Response: It is considered there is sufficient information submitted to make an assessment for the purposes of a planning application. The proposed south east elevation drawing shows a change in levels of 0.9m between the Hidden Courtyard and the rear yard. A site visit has confirmed there is a change in levels between the rear yard and the amenity area of 8 Wellgate residential property. Although the change in levels between rear yard and 8 Wellgate is not shown on plans it has been taken in to consideration in the assessment of the planning application.
- e) **Noise concerns as internal flue is on an internal party wall with 8a Wellgate**
Response: As detailed within Environmental Services consultation, there is the potential for vibration and noise in association with poorly designed ventilation systems. A condition shall be imposed on any permission granted to ensure the system is properly constructed to avoid vibration issues and does not give rise to significant noise issues.
- f) **Queries in relation to whether the chimneys within 8a Wellgate would be attached to the 2 Wellgate gable wall and whether there has been assessment to the fragility of the chimney passageways.**
Response: The proposed plans detail the ventilation to run inside an existing chimney within the former Clydesdale Bank building and the upper flats. The plans do not show the flue within the chimney for 8a Wellgate. It is for the applicant to assess whether their proposals are achievable. The proposals will be further scrutinised in further detail during the building warrant and listed building consent process.
- g) **Comment whether it can be proven works shall not cause further falling masonry, pointing or slates**
Response: Whilst it is appreciated that this is of concern to residents, any damage which may or may not be caused during construction is a private legal matter and not a matter which has any bearing on the planning decision process.

- h) **Object to the flue exit directly above their master bedroom window 2m away, possible fumes and grease dropping onto windows and attracting pigeons and associated mess**
Response: As detailed within Environmental Services consultation with a modern well maintained system, this is not likely to occur. The submitted plans show the flue terminating 7.4m above the ridge of 8a Wellgate, the upper bedroom windows sit lower than the ridge.
- i) **Concerns in relation to smells that ourselves and neighbouring residents may be exposed to. Refer to existing air vents on roof and on ground facing 8a.**
Response: The representee has provided photographs of the air vents. These air vents are situated below the floor level of the building and are designed to provide proper ventilation to the building itself. One other vent is situated on the flat roof. The extraction and flue system proposed is designed to extract cooking smells at the point of cooking, therefore, reducing smells before they would exit to these vents.
- j) **Objection to the bins being stored in the rear yard being visible from shared amenity space.**
Response: Noted, a condition shall be imposed to ensure a 1.8m fence is included on the rear yard to screen views and retain privacy.
- k) **Concerns in relation to privacy compromised by kitchen staff using the rear yard area. Previously this was only used as an emergency exit. The raised nature of the rear yard would mean anyone within would be looking down into amenity space.**
Response: Noted, a condition shall be imposed to ensure a 1.8m fence is included on the rear yard to screen views and retain privacy.
- l) **Note the plans are insufficient as they do not demonstrate sizes, distance of runs and design material of flue.**
Response: The flue is shown on scaled plans which allow it to be measured. A condition shall be imposed on any permission granted to cover material of the flue exposed above the chimney pots.
- m) **Plans do not detail how works would be carried out without disruption to surrounding area, concerns that flue liner for an extraction system could be installed within the multiple chimneys with damaged internal chimneys. The proposed vent system should be shown start to finish.**
Response: It is for the applicant to assess whether their proposals are achievable and ensure that any disruption is minimised during construction. The plans show an extract system within the kitchen area, which runs into the original building and continue internally within the existing chimney on the southeast elevation. The plans do show the vent system start to finish.
- n) **Concerns in relation to noise and smells from proposed development from both the kitchen fire door, sited 3m from 8a's upper bedroom windows, and flue when considered cumulatively in connection with Hidden Courtyard and Alan Eliot Butchers.**
Response: As detailed in Environmental Services consultation response, food smells and noise are a normal part of towns and cities. The extraction system proposed, and details required by Environmental Services would seek to provide a suitable level of odour control to keep smells to an acceptable level. Businesses have a duty to avoid creating a noise or odour nuisance.

- o) **The flue projecting out from chimney pots would not be in keeping with the surrounding area.**

Response: The proposed internal flue is preferable to an external flue. The projection of 700mm of a flue above chimney pots is not considered to adversely affect the conservation area or have an unacceptable visual impact.

- p) **Suggestion that the bins are stored alongside the flats storage area to the front of the property, to avoid bins being carried through property.**

Response: The agent has detailed their intention to locate bins to the rear of the building, directly accessible from the kitchen. There is already a proliferation of residential bins stored in the close space on entry and exit of the upper residential flats visible from the main street and the conservation area. Therefore, it is considered preferable for the bins to be stored in the rear yard to avoid further clutter on the main street. With the appropriate details and mitigation, it is considered possible for bins to be located in close proximity to residents and other uses, as often occurs in urban areas, without problems occurring

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

6 Assessment and Conclusions

- 6.1 The applicant seeks planning permission for the change of use a bank to a restaurant, with the installation of a flue within the internal wall exiting 700mm above the existing chimney. The main planning considerations in determining the application are whether the proposal complies with the development plan and the impact upon the strategic town centre of Lanark, residential amenity and the historic character of the area.
- 6.2 Policy 8 seeks to ensure a mix of uses within the strategic town centre of Lanark. The application site was a formerly a bank which closed in 2016, the premises have remained unoccupied since. The town centre contains a mix of shops, offices, leisure, community, civic uses and residential properties. Lanark High Street is predominately retail however it contains 4 other restaurants, 2 of which also provide takeaway services. It is, therefore, considered the change to a restaurant is a suitable change of use for this location and would further add to the night time economy. It is considered that the proposal meets the terms of Policy 8 of the adopted SLLDP and the corresponding Policy 9 of the proposed SLLDP2.
- 6.3 Policy 4 seeks to ensure proposals consider the surrounding area including residents, seeking to ensure there is no significant adverse impact upon residential amenity. The premises have a number of residential properties in close proximity. Namely 3 upper floor flats and 8a Wellgate on the southeast elevation. The ventilation system proposed is located internally within existing chimneys, which would run in close proximity to these properties. Concerns have been raised in relation to smells, noise and vibration. The rear yard area is elevated above the amenity space of 8a Wellgate and the dining area of the Hidden Courtyard. Accordingly, overlooking by kitchen staff could occur. Representees have raised issues in relation to smell or pest issues in relation to bin storage.

- 6.4 Environmental Services have no objection to the proposal subject to further details being provided in relation to the ventilation system prior to the opening of the restaurant. To ensure it can reduce smells to an acceptable level and is installed appropriately to avoid vibrations. Environmental Services have also detailed that although not desirable, bins can be stored to the rear and moved through the property. Subject to the bins being properly sized, maintained and moved when the restaurant is not operating and food is not being prepared. There is already a proliferation of residential bins stored in the close space on entry and exit of the upper residential flats visible from the main street. Therefore, it is considered preferable for the bins to be stored in the rear yard which, with the appropriate details, it is considered possible for bins to be located in close proximity to residents and other uses, as often occurs in urban areas, without problems occurring. A condition shall also be imposed on any permission granted for the provision of fencing to the rear yard to prevent overlooking into 8a Wellgate's amenity area.
- 6.5 It is considered that any noise, smell, vibration and privacy issues can be mitigated against. With the use of a properly designed and maintained ventilation system, properly maintained and suitable refuse arrangements and fencing around the rear yard. It is appreciated this change of use may be disconcerting to neighbouring residents, particularly given the previous use of the premises as a bank, the rear yard as an emergency exit and the property being unoccupied for 4 years. The proposal has sought to mitigate noise, smell and disturbance as much as possible. There is, however, a certain level of activity and noise associated with the proposal which can be expected from living in the town centre. Therefore, it is considered that the proposal is in accordance with Policy 4 of the adopted SLLDP and the corresponding Policy 5 of the proposed SLLDP2.
- 6.6 Policy 15 seeks to protect the natural historic environment and the application site falls within Lanark's conservation area and New Lanark World Heritage Site Buffer Zone. The only external proposals relate to a flue terminating 0.7m above the existing chimney. The chimneys are on the south east elevation, set back from the prominent corner frontage of the premises. A suitable condition shall be imposed on any permission granted to ensure a suitable colour is chosen for the flue, and non-ferrous fixings used to prevent rust marks on the building, in line with Managing Change Guidance for external fixings for listed buildings. Therefore, the proposal will not have an unacceptable visual impact on the conservation area or Buffer zone. The proposal meets the terms of Policy 15, NHE1 and NHE7 of the adopted SLLDP and corresponding policies 14, NHE1 and NHE6 of the proposed SLLDP2.
- 6.7 The change of use to a restaurant is a suitable use for the strategic town centre. There would be no parking issues associated with the proposal and it would also bring back into use a prominent C-Listed building within the High Street vicinity. With suitable mitigation it is considered the restaurant could operate without significant adverse to neighbouring residents. It is, therefore, recommend that planning permission is granted.

7 Reasons for Decision

- 7.1 The proposal is a suitable use for the strategic town centre. The proposal would also bring back into use a prominent C-Listed building within the High Street vicinity. With suitable mitigation, provided by conditions, it is considered the restaurant could operate without significant adverse impact to neighbouring residents. The proposal does not have a significant adverse on residential amenity or the character of the conservation area and New Lanark World Heritage Buffer Zone. The proposal meets the terms of Policy 4, 8, 15 of the adopted South Lanarkshire Local Development Plan 2015 and Policy NHE1 and NHE7 of the relevant associated supplementary guidance.

The proposal also meets the terms of Policy 5, 9, 14, NHE 1 and NHE6 of the proposed South Lanarkshire Local Development Plan 2. There are no other additional material considerations which would justify refusing to grant planning permission.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

20 November 2020

Previous References

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ Supporting Statement
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 25 September 2020

► Consultations	
Environmental Services	02.11.2020
West of Scotland Archaeology Service	Not received
Regeneration Service	Not received
Roads Development Management Team	06.10.2020
► Representations	Dated:
Cameron Lindsay, 8A Wellgate, Lanark, South Lanarkshire, ML11 9DT	19.10.2020
Mr Steven Laing, Graham St, Wishaw, ML28HR	15.10.2020
Mr Leonard Gray, 6 St Patricks Road, Lanark, ML11 9EG	02.10.2020
Mr Walter Laing, 141 Old Manse Rd, Netherton, Wishaw, ML2 0EW	16.10.2020
Mrs Christine Forrest, 38 Kenilworth Ave, Wishaw, ML2 7LS	16.10.2020
Claire Blue, 8A Wellgate, Lanark, ML11 9DT	19.10.2020
Mrs Yvonne Laing, 255 Shields Road, Motherwell, ML1 2LG	16.10.2020
Mr Colin Laing, 255 Shields Road, Motherwell, ML1 2LG	16.10.2020
Mr James Somerville Lindsay, 8A Wellgate, Lanark, ML11 9DT	20.10.2020
Mr Walter Laing, Graham Street, WISHAW, ML2 8HR	12.11.2020
James Somerville Lindsay, Via Email	09.11.2020
Mr Steven Laing, Graham St, Wishaw, ML28HR	12.11.2020

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

Planning Application

Application number: P/20/1039

Conditions and reasons

01. Before the restaurant premises is brought into use, the details of the proposed method of ventilation shall be submitted to and approved in writing by the Council as Planning Authority. The details submitted shall demonstrate how the below standards will be met:

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, operated and employ 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 restaurant is brought into use the ventilation system approved under Condition 1 above shall be installed and operated in accordance with the approved specification and satisfaction of the Council as Planning Authority at all times.

Reason: To minimise nuisance to occupants of nearby buildings as a result of cooking smells, vapours, airborne pollutants or noise from the premises.

03. 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 in writing 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.

04. All external colours and materials shall be agreed in writing with the Council as Planning Authority prior to the commencement of works. Notwithstanding, all external fixings shall be a non-ferrous material.

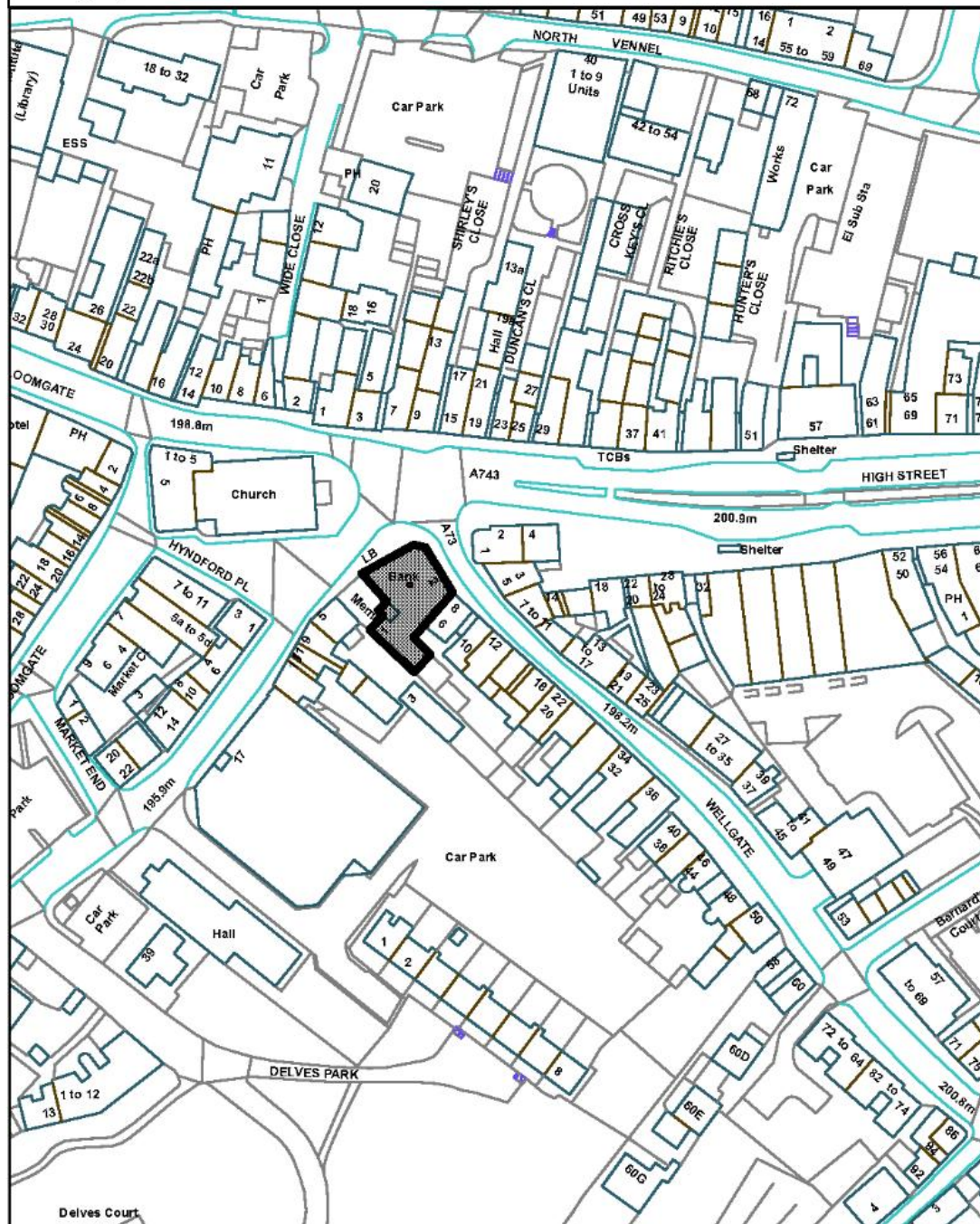
Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

05. That before any of the restaurant hereby approved is brought into use, a 1.8 metre high close boarded screen fence or wall shall be erected along the boundary marked green on the approved plans. The colour and material of which shall be agreed in writing with the Council as Planning Authority prior to works commencing

Reason: To protect the privacy of the adjacent property and to prevent overlooking ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

P/20/1039

2 Wellgate, Lanark



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Scale:
1:1,200
Date:
08/11/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

6

Report to:	Planning Committee
Date of Meeting:	1 December 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/0971
Planning proposal:	Erection of a detached dwellinghouse

1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr and Mrs John and Carol Cuthell
Location:	Land 75M West of Woodend Cottage Mousebank Road Lanark South Lanarkshire

2 Recommendation(s)

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

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

2.2 Other actions/notes

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

3 Other information

- ◆ Applicant's Agent: Burrell Design Studio
- ◆ Council Area/Ward: 02 Clydesdale North
- ◆ Policy Reference(s): South Lanarkshire Local Development Plan: Policy 2
Climate change
South Lanarkshire Local Development Plan: Policy 3
Green belt and rural area
South Lanarkshire Local Development Plan: Policy 4
Development management and placemaking
South Lanarkshire Local Development Plan: Policy 14
Green network and green space
South Lanarkshire Local Development Plan: Policy 15
Natural and historic environment
Supplementary Guidance 2: Green Belt and Rural Area
Policy GBRA5 Development of gap sites

Supplementary Guidance 9: Natural and historic environment Policy NHE16 Landscape
 Proposed SLDP2: Policy 2 Climate change
 Proposed SLDP2: Policy 4 Green Belt and Rural Area
 Proposed SLDP2: Policy 5 Development Management and Placemaking
 Placemaking
 Proposed SLDP2: Policy 13 Green Network and Greenspace
 Proposed SLDP2: Policy 14 Natural and Historic Environment
 Proposed SLDP2: Policy GBRA8 Development of Gap Sites
 Proposed SLDP2: Policy NHE16 Landscape

◆ **Representation(s):**

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

◆ **Consultation(s):**

SEPA Flooding

SP Energy Network

Roads Development Management Team

Roads Flood Risk Management

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site (0.135ha) is situated amongst a group of three existing dwellings (one of which is traditional and the other two are relatively recent additions having been built after Planning Permission CL/05/091 was granted in 2005), 500 metres to the north of Lanark, close to the bridge which crosses the Mouse Water. The site is relatively flat and comprises an outdoor horse exercise area, surrounded by a wooden fence.
- 1.2 The site is bounded to the west by Glenburnie a modern house and gardens and the mutual access road serving Glenburnie and Woodend House to the rear. The western boundary is defined by a line of mature trees. To the east is Woodend cottage, a traditional rural cottage with large garden and grounds consisting of mature landscaping and maintained grassland – immediately adjacent to the site, the maintained grassland rises steeply up to the access to Woodend Cottage which is lined with a belt of mature trees and shrubs. To the north is the remaining maintained grassland and Woodend House, a modern contemporary dwelling, built in the last ten years. To the south, the site fronts Mousebank Road and beyond by agricultural fields.

2 Proposal(s)

- 2.1 The applicant seeks Planning Permission for a one and three quarters storey detached dwelling (4 bedrooms) and associated garden, access and parking (minimum of 3 spaces). The proposed house would be finished in wet dash render with reconstituted stone window surrounds. The property would have its own private access and driveway.

3 Background

3.1 Local Plan Status

- 3.1.1 The application site is identified in the adopted South Lanarkshire Local Development Plan as being within the rural area where Policy 3 - Green Belt and Rural Area applies. Policies 2 – Climate Change, 4 - Development Management and Place Making, 14 Green Network and Greenspace, and Policy 15 -Natural and Historic Environment Natural are also relevant. The associated Supplementary Guidance on Development Management, Placemaking and Design, Green Belt and Rural Area, Natural and Historic Environment, Green Network and Greenspace and Sustainable Development and Climate Change are also applicable.

3.2 Relevant Government Advice/Policy

- 3.2.1 Scottish Planning Policy (SPP) advises that within rural areas, the planning system should promote a pattern of development which is appropriate to the character of a particular rural area.

3.3 Planning Background

- 3.3.1 Planning Permission CL/05/0668 was granted for two detached dwellings on land adjoining the application site in December 2006. Planning Permission CL/10/0018 was granted to amend the design of the house on Plot 2 in April 2010.

4 Consultation(s)

- 4.1 **SEPA Flooding** – no objection, however, it is noted that the site lies adjacent to the 1:200 year fluvial flood extent. Recommend that the Flood Unit is consulted.
Response: Noted. The Flood Unit has been consulted.

- 4.2 **Roads Flood Risk Management** – No objection subject to a condition requiring a Flood Risk Assessment.

Response: Noted. An appropriate condition has been attached.

- 4.3 **Roads and Transportation Services** – No objection subject to conditions covering access, parking, visibility, construction traffic and a dilapidation survey.

Response: Noted. Appropriate conditions have been attached.

- 4.4 **Scottish Power** – No objection, however, they have advised that Scottish Power have infrastructure in the vicinity of the site which they reserve the right to protect or deviate at the applicant's expense.

Response: A condition has been attached to cover this requirement.

5 Representation(s)

- 5.1 Following the carrying out of statutory neighbour notification and the advertisement of the application in the Lanark Gazette for the non-notification of neighbours, 10 objections were received (7 of these representations were from individuals who do not neighbour or reside near to the site). The issues raised are summarised as follows:

- a) **The proposed house has no justification and is out of proportion. It is not in keeping with the local area, no real garden, size and location to the existing properties and is too close to the boundaries.**

Response: The house has been assessed under the terms of the current local plan policies which take account of the established character within the immediate vicinity of the site where two modern houses have been built within the last ten years. The size of the house is proportionate to the allocated curtilage and it sits a reasonable distance back from existing dwellings. The distance from boundaries varies, with the minimum distance being 2.5m which is acceptable. The garden size complies with the guidance contained in the Residential Development Guide.

- b) **The applicant already has an application in to build 25 houses on part of his land.**

Response: This point is not relevant to the assessment of the application under consideration.

- c) **Can appropriate sight lines be achieved?**

Response: After the applicant submitted the results of a speed survey, Roads confirmed that the achievable sight lines are acceptable.

- d) **During heavy rainfall there is considerable water runoff from the site and causes flooding at times.**

Response: A condition has been attached requiring a Flood Risk Assessment.

- e) **A large house could impact upon the beautiful character of the area and its setting.**

Response: The proposed dwelling is visually well contained in the context of its wider setting, is smaller than existing neighbouring dwellings which have been built in recent years and will not result in the loss of any significant landscape features.

- f) **The applicant has a large piece of land so could propose another location that they may place out of general sight.**

Response: The application submitted has been assessed on its individual merits and compliance with local plan policy. The location of the proposed house is considered to be acceptable.

- g) **Could affect the Lanimers Walk.**

Response: The proposed development will not impact upon the route of the Lanimers walk.

- h) **Inappropriate development in the Greenbelt which it is adjacent to a reserve.**

Response: The proposed development is not located within designated Green Belt nor will it impacted upon protected species or habitats. Furthermore, it does not adjoin the National Nature Reserve, it sits a reasonable distance back from it.

- i) **Will affect the public right of way.**

Response: The proposed development will not impede the route of an identified public right of way.

- j) **Overhead electricity cables going right through the horse area which would be too close to the house so it would have to be moved.**

Response: Noted. The overhead cable would have to be diverted at the applicant's expense.

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

6 Assessment and Conclusions

6.1 The determining issues in considering this application are its compliance with the policies of the adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance

6.2 Policy 3 Green Belt and Rural Area generally expects houses to be accommodated within identified settlements other than in particular circumstances, including where a proposal is for limited development within clearly identifiable gap sites and existing building groups. In the associated Supplementary Guidance Green Belt and Rural Area, Policy GBRA5 development of gap sites outlines criteria which should be adhered to in order for a proposal on a gap site to be favourably considered; the salient criteria are as follows:-

- 1) The building group should form a clearly identifiable nucleus with strong visual cohesion. The site should be bounded on at least two sides by habitable houses or other buildings that are either in use or capable of being brought back into use.

- 2) The distance between the buildings should be no more than that needed to allow the formation of a maximum of two plots of a size in keeping with the curtilage and frontage of the existing group. The garden area of an existing property can be included providing sufficient amenity space is retained to serve that property and the size of the resulting plot is in keeping with that of the existing group.
- 3) An extension to a building group will not normally be acceptable where it would result in ribbon development or coalescence with another building group. Exceptionally, the layout of the existing group of houses may allow the infill of a small area up to a natural boundary, for example, an established tree belt or other landscaping feature, a physical feature such as a boundary wall or road, or the land form.
- 4) New housing should be well related in scale and siting to the existing adjoining development, reflect the local distinctiveness and respect the existing built form, the landform and local landscape character.
- 5) The location, siting and design of the new houses should meet existing rural design guidelines and advice.
- 6) Provision must be made for a private amenity space for the house comparable to adjoining properties in the built frontage.
- 7) The house size to plot ratio and separation distances between houses should be comparable to adjoining properties in the built frontage
- 8) The landscape of the area must not be compromised by the development and proposals should have regard to the landscape backdrop, topographical features and levels. Trees, woodland and boundary features such as hedgerows, particularly beech and hawthorn, and stone dykes should be retained.
- 9) Proposals should be readily served by all necessary infrastructure and be able to comply with all required parking and access standards.
- 10) Proposals should have no adverse impact on biodiversity, including Natura 2000 sites and protected species, or features which make a significant contribution to the cultural and historic landscape value of the area.

6.3 There is an existing nucleus of buildings comprising three detached dwellings which bound the application site on two sides. The site is bounded to the west by Glenburnie, a detached dwellinghouse and associated curtilage – the western boundary is defined by a line of mature trees. To the east, the site is bounded immediately by embanked maintained grassland rising to Woodend Cottage, an historic rural property, and associated driveway lined by mature trees and landscaping. Although not strictly within the garden curtilage of Woodend Cottage the maintained grassland is nevertheless within the wider grounds of the cottage and the distance between the site boundary and the garden boundary is short. The rising embankment represents a physical topographical feature which bounds closely to the site. Therefore, in considering point 3 in para 6.2 which refers to the infill of an area bounded by tree belts, physical features or roads, it is considered that the definition of gap/infill site has been met. The proposed house is similar in style and design to two of the neighbouring dwellings built within the last 15 years and although smaller in size, it is proportionate to the allocated curtilage – it will integrate with and accord with the established character of the building group and the pattern of development within the wider rural area. Conditions have been

attached to ensure the retention and protection of existing boundary trees. In view of this, the proposal is considered to comply with policies 3 and GBRA5.

- 6.4 Policy 2 Climate Change seeks to minimise and mitigate against the effects of climate change. This application relates to a single house development situated close to Lanark and in consideration it is not envisaged that there would be any negative impacts which would undermine the objectives of this policy.
- 6.5 Policy 4 - Development Management and Place Making advises that all development proposals should take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community. This objective is reinforced by the associated Supplementary Guidance Development Management, Place Making and Design. The design of the dwelling reflects a mix of traditional and contemporary with steep pitched roof, prominent vertical fenestration to the front and rendered walls. Notwithstanding, the details shown on the proposed plans which indicate a concrete roof tile, a condition will be attached which requires the use of natural slate or a suitable alternative. The proposed dwelling will integrate with an existing building group and be visually contained by the presence of mature woodland to the north. In consideration, the proposal is an appropriate form and scale of development for this location and, therefore, complies with Policy 4 and associated supplementary guidance.
- 6.6 The site is also identified as forming part of the Green Network. Policy 14 supports the protection and enhancement of local green networks identified on the proposals map of the local plan. Access to the wider countryside will remain unimpeded and there will be no harmful and irreversible impacts upon green or wildlife corridors. In view of these circumstances, the policy will not be compromised.
- 6.7 The site falls within a designated Special Landscape Area where Policies 15 and NHE16 seek to conserve those features which contribute to local distinctiveness. All proposed development should take into account the detailed guidance contained in the South Lanarkshire Landscape Character Assessment 2010. The site falls within the Incised River Valley Landscape character type where settlement encroachment and suburban residential development is discouraged. The character of these areas would be very sensitive to any measures which resulted in the loss of natural river landscapes, or the introduction of modern, engineered structures. The proposed development reflects elements of traditional rural architecture and avoids engineered solutions. A woodland backdrop ensures visual containment in the context of the wider area and the development will use an existing horse exercise area. In terms of the impact on landscape character, there are similar low density residential developments nearby and, as such, this proposal can be integrated without appearing out of place. In view of these circumstances, the proposal complies with policies 15 and NHE16.
- 6.8 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. A number of amendments to policy have been recommended which will be carried through to the adoption stage. For the purposes of determining planning applications the Council will assess proposals against the policies contained within the proposed South Lanarkshire Local Development Plan 2, alongside the Reporters amendments. Whilst the Reporters amendments have yet to be ratified

by South Lanarkshire Council they are nevertheless a material consideration. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the adopted South Lanarkshire Local Development Plan. It is considered that the proposals accord with Policies 2, 4, 5, 13, 14, GBRA8 and NHE16 in the Proposed plan.

- 6.9 In summary, the proposal has no adverse impact on residential and visual amenity, landscape character or road safety. The location, layout, design and proposed finishing materials are all acceptable and it is, therefore, considered that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposal will have no adverse impact on residential amenity or landscape character and raises no road safety concerns. The development complies with Policies 2, 3, 4, 14, 15, GBRA5 and NHE16 of the adopted South Lanarkshire Local Development Plan together with the relevant Supplementary Guidance.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

20 November 2020

Previous references

- ◆ CL/05/0668
- ◆ CL/10/0018

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 30 July 2020

- ▶ Consultations
 - SEPA Flooding 11.09.2020
 - SP Energy Network 05.10.2020
 - Roads Development Management Team 18.08.2020
 - Roads Flood Risk Management 03.09.2020
 - Roads Development Management Team 08.10.2020

► Representations	Dated:
Mrs Margaret Scott, 63 Westport, Lanark, ML11 9HE	18.09.2020 07.09.2020
Miss Morgan Russell, 87 Elderslie Road, Carluke, ML8 4LH	07.09.2020
Mr Sam Diamond, Woodend House, Mousebank Road, Lanark, ML11 7TD	26.08.2020
Mr Stephen Diamonds, Woodend House, Mousebank Road, Lanark, ML11 7TD	26.08.2020 26.08.2020
Miss Nicola Stevenson, 7 Market Road, Carluke, ML8 4BL	07.09.2020 07.09.2020
Ms Michelle Harkness, 8 grampian way, cumbernauld, glasgow, G68 9JZ	26.08.2020
Mrs susan diamond, Woodend House, Mousebank Road, Lanark, ML11 7TD	26.08.2020
Mr G Alexander, Huntlygate Farm, Lanark, ML11 7SB	18.09.2020 18.09.2020
Mr Jordan Scott, 87 Elderslie Rd, Carluke, ML8 4LH	07.09.2020
Mr John Cocozza, 63 Westport, Lanark, ML11 9HE	07.09.2020

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

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

02. That the roof of the dwelling shall be clad externally in natural slate or a slate substitute which closely resembles natural slate.

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

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

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

04. That before the dwellinghouse hereby approved is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 3, shall be erected and thereafter maintained to the satisfaction of the Council.

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

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

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

06. 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.

07. 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 are as follows:

- 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.

08. 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.

09. That before any dwellinghouse hereby approved is brought into use, access to the site shall be constructed in accordance with Drawing 1154/01 and to the satisfaction of the Council as Roads and Planning Authority, unless otherwise agreed in writing.

Reason: In the interest of road safety.

10. That, before any dwellinghouse hereby approved is completed or brought into use, the first six metres of the access to the dwellinghouse from the carriageway, as per Drawing 1154/01, shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.

Reason: In the interest of road safety.

11. That before the development hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 50 metres to the left and 2.5 metres by 80 metres to the right measured from the road channel shall be provided on both sides of the vehicular access as indicated on Drawing 1154/01 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.

12. That before any dwellinghouse within the development hereby approved is completed or brought into use, all of the parking spaces as shown on drawing 1154/01 of the approved drawings 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 and turning facilities within the site.

13. That, for the duration the construction phase associated with the development hereby approved, appropriate parking facilities, turning facilities and cleaning facilities for construction vehicles shall be put in place within the site. Details of the proposed facilities shall be submitted to and approved by the Council as Roads and Planning Authority prior to commencement of works on site.

Reason: To ensure adequate construction parking and turning facilities are provided and to ensure that mud and debris is not deposited on the public road.

14. That, before any works commence on site, a dilapidation survey shall be undertaken by the applicants, in accordance with the requirements of the Council's Roads and Transportation Services, of Mousebank Road, unless otherwise agreed in writing with the Council as Roads and Planning Authority. Thereafter, any subsequent repair works to the road in question shall be undertaken by the applicants, to the satisfaction of the Council's Roads and Transportation Services,

before any dwellinghouse is occupied on site, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: In the interests of road safety.

15. That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at his or her own expense.

Reason: In order to retain effective planning control.

P/20/0971

Land at 75m West of Woodend Cottage, Mousebank Road, Lanark



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Scale:
1:2,500
Date:
10/11/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

7

Report to:	Planning Committee
Date of Meeting:	1 December 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/0382
Planning proposal:	Erection of two storey rear extension and upper floor side/front extension

1 Summary application information

Application type:	Householder
Applicant:	Gillian Williamson and Ross Paterson
Location:	38 Castle Wynd Bothwell G71 8TQ

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.
- (2) A request for a pre-determination hearing has been made by an objector. The request does not accord with the Council's guidance on hearings and has been declined.

3 Other information

- ◆ Applicant's Agent: David Napier
- ◆ Council Area/Ward: 16 Bothwell And Uddingston
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 - Development Management and Placemaking
Policy 6 - General Urban Area/Settlements

Supplementary Guidance 3: Development Management, Placemaking and Design

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

Policy 3 - General Urban Areas

Policy 5 - Development Management and
Placemaking

Policy DM2 - House Extensions and Alterations

◆ **Representation(s):**

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

Planning Application Report

1 Application Site

- 1.1 The application site is located at 38 Castle Wynd, within an established residential area of Bothwell. The site accommodates a detached house.
- 1.2 The curtilage associated with the dwellinghouse is rectangular in shape and is bounded by a road to the front, trees lining The Glebe to the rear and neighbouring properties to either side. Castle Wynd is made up of alternating two storey houses and bungalows and, as such, the properties on either side of the application site are detached bungalows which have both been extended. The application site is not within a Conservation Area and the site currently has off street parking for two cars.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning consent for the erection of a two storey rear extension and upper storey side and front extension. To the front and side, the upper storey extension will extend above the existing garage and porch, which projects forward of the main two storey section of the house. To the rear, the proposed extension will protrude 4 metres at ground floor level and 3m on the upper floor. The proposed ground floor will accommodate a large dining/kitchen/living area which will be the full width of the house. The rear of the garage will also be internally altered to provide a W/C, store and utility room and, as such, the external garage door will be bricked up to create a window. The upper floor will be almost completely redesigned to create four bedrooms (two will be en-suite) and a bathroom. The roof of the rear extension will be hipped and the proposed materials red brick and grey concrete tiles. A Juliette balcony is also proposed to the front at the upper level of the extension. Additionally, an extra off street car parking space will be created to accommodate the increase in bedrooms (3 parking spaces in total).
- 2.2 The proposed drawings also indicate a new upper floor bathroom window in the existing part of the house and timber decking to the rear of the extension (which is approximately 0.45m in height) to provide a step from the finished floor level of the bi-folding door to the garden. It should be noted that these works do not, on their own, require the benefit of planning consent (they are permitted development) and could be undertaken at any time due to the provisions of the 2011 General Permitted Development (Scotland) Amendment Order.

3 Background

3.1 Local Plan Status

- 3.1.1 With regard to the South Lanarkshire Local Development Plan (adopted 2015) the site falls within the general urban area where Policy 6 – General urban area/settlements applies. Policy 4 – Development Management and Placemaking is also of relevance to the proposal. In addition, the guidance contained within the supplementary guidance document relating to development management, placemaking and design is of relevance to the proposed development.
- 3.1.2 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 (LDP2). For the purposes of determining planning applications, the Council will continue to assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and

those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters recommendations. A separate report on the outcome of the Examination of the proposed SLLDP2 recommends that the modifications suggested by the Reporter are accepted. In this instance, Policy 3 - General urban areas and settlements, Policy 5 - Development management and placemaking and Policy DM2 – House extensions and alterations are relevant to the proposal.

3.2 **Relevant Government Advice/Policy**

- 3.2.1 Given the nature and scale of the proposed extension, there is no specific government guidance relative to the determination of this application.

3.3 **Planning Background**

- 3.3.1 There is no site history pertaining to the application site. However, 50 Castle Wynd was granted consent for a very similar proposal, with an almost identical footprint, under application P/19/0408 which has now been built. The proposal was for an upper storey side and front extension above the existing porch and garage and a single storey rear extension. To the front and side the design is almost the same, including a Juliet balcony to the front. The car parking arrangement to the front of the house shows three spaces and the houses on either side are also bungalows. The only rear difference between P/19/0408 and the current application is that it has a single storey extension to the rear rather than two storeys.

4 **Consultation(s)**

- 4.1 No consultations were required to be undertaken in respect of this application.

5 **Representation(s)**

- 5.1 Statutory neighbour notification procedures were undertaken in respect of the proposal. In response, nine letters of objection were received from 5 properties within the street. The grounds of objection are summarised as follows: -

- a) **Scale, design and appearance of the extension does not take account or integrate into the local context and built form and the proposed development will have a significantly adverse impact on the adjacent buildings and streetscape. The extension will dominate and overwhelm not only the existing dwelling but also the neighbouring properties, both of which are single storey bungalows, and the street scene.**

Response: The immediate area consists of detached two storey and bungalow properties with the wider surrounding area being a mixture of residential properties. It is not a conservation area or other recognised environmentally sensitive location and, on this basis, every house has the potential to extend providing that all detailed planning considerations are satisfactory. Indeed, a number of properties in Bothwell and throughout South Lanarkshire have already been extended similarly to the applicant's proposal.

The proposed front extension will have a pitched roof which will be subservient to the existing dwellinghouse in that it will sit approximately 0.7 metres lower than the ridge of the main house. To the rear, the roof will also be approximately 0.2 metres lower than the ridge of the main roof and will be finished in a hip to further reduce the mass of the upper level extension. The only section of the extension which will be full height is the upper floor side extension above the existing garage. In addition, the two storey rear extension (including the longer 4 metre ground floor

section) will not project as far out as either the existing bungalow extension at 40 Castle Wynd or the recently consented extension at 36 Castle Wynd (P/20/0860). It is, therefore, considered that the proposal will not be excessively overbearing in relation to neighbouring properties. The impact of the proposal on the character or visual amenity of the house and surrounding area will be within acceptable limits.

- b) **The proposals are a significant overdevelopment of the site and are of a scale and proportion that does not respect the character of the existing dwelling. The proposals represent a doubling of the floor area of the existing house, creating a mass and scale completely out of character with adjacent properties. Whilst other properties in Castle Wynd have had approved consents for extensions, no previous application has been approved for such a significant increase in scale or massing.**

Response: It is accepted that the extension represents a relatively significant increase in floorspace. However, the only increase to the footprint of the building is by the rear extension. In this regard, it is considered that there would be sufficient garden ground remaining for the extension to be accommodated within the plot. There is also satisfactory space at the front to provide three off street parking spaces.

- c) **The proposals fail to take into consideration, nor comply with, the requirement of *Supplementary Guidance 3 – Development Management, Placemaking & Design, section 4.7* that two storey extensions should “be set back 1.0m from the front elevation” as the proposal is for the extension at first floor level to be brought forward above the existing garage.**

Response: The section of Policy DM2 which the objector refers to is guidance rather than mandatory and is not necessarily appropriate for every two storey side extension. In general, the aim of the guidance is to prevent a ‘terrace’ affect when there are two storey houses with side extensions all next to each other. However, this is not physically possible in Castle Wynd as there are alternating two storey houses and bungalows. In this instance, the proposal is also for an upper storey extension opposed to a full new two storey side extension and, as such, the footprint of the ground floor is existing and, therefore, cannot be set back. The Planning Service could have asked for the upper storey to be set back with a dropped ridge, however, it was not considered that there was any need to alter the proposal or that doing so would significantly benefit neighbouring properties. Additionally, there are a number of examples of two storey side extensions within the street which do not have dropped ridges and two other houses which have also built forward over the existing garage.

- d) **The proposed two storey extension to the rear, at 4m deep, will result in a significant loss of daylight and sunlight to the neighbouring houses and gardens.**

Response: The drawings have been amended and the rear extension will only project 4 metres at ground level and has been reduced to project 3 metres at upper floor level. At ground floor level, it is not considered that 4 metres will have any negative impact on either of the neighbouring bungalows as both originally project further back than the applicant’s house. Number 40 also already has an extension which will project further than the proposed extension and 36 has recently had consent approved for an extension which will also project further than the proposal.

The upper floor section of the extension has been reduced to 3 metres and the roof has been changed from a gable to a hip to help reduce any impact on the neighbouring properties. All forms of development will generate a shadow of some description and, therefore, it is the extent and duration of shadow that is important. It is unfortunate that, although the gardens all face south east, a large amount of sunlight is blocked by existing mature trees along The Glebe. However, shadow plans were generated to show the impact of the extension on neighbouring properties and these have shown that, due to the orientation of the houses, the loss of sunlight and daylight will be only be nominally greater than what is currently created by the existing two storey house. It is considered that any impact on neighbouring properties will not be a significant or material degree in terms of overshadowing/loss of daylight that would justify refusal of this application.

- e) **The proposals include for the construction of a raised deck to the rear of the property. The formation of this raised deck, at finished floor level approximately 450mm above garden level will cause a significant adverse impact on the privacy of neighbouring properties by creating overlooking of the neighbouring gardens.**

Response: Building Standards require that any door has a platform with a minimum depth of 1.2 metres to come out on to once opening an external door, if it is not at the same level as the garden. The decking is proposed at the minimum depth to allow the applicant to safely access the garden from the bi-folding doors. The decking is also less than 0.5 metres in height and, as such, is permitted development and does not require planning consent in its own right.

- f) **The proposal involves the loss of the existing garage by reducing this to a store room and an increase of off street parking provision from one space to three. This increase in hard standing will dominate the street scene to the front of the house resulting in loss of amenity to the residential setting and will reduce the amount of usable garden ground. There is also a concern that it will increase surface water within the site which may have adverse impact on both the street and on the gardens to 36 and 40 Castle Wynd.**

Response: The existing single garage does not count as a car parking space in planning terms as most home owners these days use their garage for storage rather than a car. As such, there is not considered to be any loss of car parking from internally converting the rear of the garage.

Off street car parking is determined by the number of habitable rooms a house has and it is considered that the extended house will require three off street spaces. This will mean that the front garden will need to be fully converted to parking, however, it will also help to limit the number of cars parked in the street. The property only has a small area of grass to the front at the moment and it is not considered that the loss of this will have a detrimental impact on the streetscape. Indeed, there are already other properties within the street that have completely converted the front garden to parking.

Additionally, all driveway surfacing must be either porous or include a built in drain and a condition will be attached to any consent to ensure that there is no run off on to neighbouring properties or the street.

- g) **The increase in off street parking provision will generate additional traffic and be in opposition to the Council's policy which says that all development should encourage active travel and have no adverse implications for public safety.**

Response: It is not anticipated that the increase in off street parking will increase the general level of traffic within the estate. Additionally, the Council's policy on 'active travel' is generally aimed at large scale housing proposals where the developers are encouraged to support cycling and public transport by providing links within the site. This is not feasible to incorporate into a householder planning application.

- h) **The proximity of new windows to neighbouring properties would overlook gardens and create a loss of privacy. The proposed Juliet balcony at the front of the extension will overlook the garden of properties on the opposite side of the road intruding on privacy and would not be in keeping with the rest of the development.**

Response: The majority of the new windows in the extension are at ground floor level and these will be screened from neighbours by the existing boundary fencing. There is only one upper storey side window and as this is for a bathroom, it is considered non-habitable and not a privacy issue. The new bedroom windows at upper floor level are located to the front and rear and it is not considered that they will result in any significant loss of privacy to neighbours. There is no increase in the number of upper rear windows and there is approximately 20 metres between the Juliet balcony in the front elevation and the gardens of the properties on the opposite side of the street, which is considered to be a sufficient distance to mitigate any direct overlooking. Indeed, a degree of mutual overlooking is considered to be commonplace within residential estates and given the distances and juxtaposition of the extension and all neighbouring properties, it is considered that the proposal will be within acceptable parameters all aspects considered and will not result in a material loss of privacy that would merit refusal of the application.

- i) **The revised hipped roof form is not typical of the local character, which is defined by a clear architectural character of gables. The proposal offers no clear reasoning for the choice of this roof form, or why this is appropriate given the character of the existing streetscape.**

Response: The revised hipped roof is over the rear extension and as such will not be visible from the street. As such it is not considered that it will have any detrimental impact on the character of the area. The hipped roof has been chosen over the original gable as it helps to reduce the overall scale and mass of the extension and will allow more light into the gardens of the application site and neighbouring properties.

- j) **The submitted proposals do not indicate the scale or extent of the chimney associated with the proposed wood burning stove. This will be a significant element above the finished eaves level/ridge levels and could have an impact on the environment and neighbouring air quality.**

Response: A log burning stove in its own right does not require planning consent, however, if the flu projects more than 1 metre above the roof of the extension the applicant would need to seek consent for the flu before it is installed. Additionally, the site is not within a smoke control area.

- k) **The submitted proposals fail to clearly indicate any datums, window opening sizes, or eaves or ridge heights to the existing or proposed elevations.**

Response: Drawings submitted for planning applications should be either to scale or dimensioned; there is no requirement for both. As the agent's drawings are drawn to scale and there is an appropriate scale bar on each page to work out the dimension there is no requirement for the sizes of windows opens or heights of the eaves to be dimensioned as they can be worked out using the scale bar.

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

6 Assessment and Conclusions

6.1 The applicant seeks detailed planning consent for the erection of a two storey rear extension and upper storey side and front extension at Castle Wynd, Bothwell. The determining issues in consideration of this application are its compliance with local plan policy and in particular, its impact on the amenity of the adjacent properties. 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 framework against which the proposal requires to be assessed is the South Lanarkshire Local Development Plan (adopted 2015), its associated supplementary guidance and the Proposed South Lanarkshire Local Development Plan 2 (2018).

6.2 With regard to adopted planning policy as set out in the South Lanarkshire Local Development Plan (adopted 2015), Policy 4 – Development management and placemaking requires all proposals to take account of and be integrated with the local context and built form. The policy advises that proposed developments should not have any significant adverse impact on adjacent buildings or the surrounding streetscape in terms of layout, scale, massing, design, materials or amenity. Policy DM2 - House extensions and alterations of the associated supplementary guidance relating to development management, placemaking and design expands on Policy 4 and, in particular, advises that proposals should have no significant amenity impact in terms of overlooking or loss of privacy, daylight or sunlight. In addition, Policy 6 – General urban area/settlements is also of relevance and states that, while the principle of residential developments will be supported within the general urban area, 'bad neighbour' developments will not be permitted if they are detrimental to the amenity of existing residents.

6.3 It is considered that the proposed development from a land use perspective raises no issues. In relation to policies 4 and 6 of the South Lanarkshire Local Development Plan and DM2 of the Development Management, Place Making and Design Supplementary Guidance it is noted that:-

- It is considered that the proposed rear, side and front extension will be in keeping with the existing dwellinghouse and that the design has been amended to ensure that the scale and massing of the extension will not have a negative impact on the amenity of neighbouring properties and the local environment. Additionally, the imposition of a planning condition, should consent be granted, would ensure that all materials to be used as external finishes on the development will match the existing house.

- There are no properties directly to the rear of the site and as such the Juliet balcony to the front of the extension is considered to be the most contentious window from an overlooking perspective. However, the position of the window and orientation of the house means that the extension would be more than 20m from the houses across the street which accords with guidelines on window to window distances on new housing development. Additionally, there is a higher degree of overlooking accepted to the front of a property as the street is within the public domain. It is, therefore, considered that the proposal will not result in a material loss of privacy that would merit refusal of the application.
- Given the position of the existing dwellings and the proposed extension, along with the travel path of the sun, it is considered that there will not be a significant or material impact in terms of overshadowing/loss of sunlight/daylight and this has been confirmed by a shadow plan analysis that has been carried out.
- Sufficient garden ground will remain and off street parking can be provided within the site to accommodate the extension.

- 6.4 On 17 August 2020 the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2 (LDP2). For the purposes of determining planning applications the Council will continue to assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters recommendations. A separate report on the outcome of the Examination of the proposed SLLDP2 recommends that the modifications suggested by the Reporter are accepted. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. It is considered that the proposal accords with Policies 3, 5 and DM2 in the proposed plan.
- 6.5 Nine letters of objection were received and the concerns raised have been summarised in Section 5. It is considered that the proposals are acceptable and that the concerns raised do not merit refusal of the application.
- 6.6 In light of the above detailed assessment of the proposal, it has been determined that the proposal complies with Policies 4 and 6 of the South Lanarkshire Local Development Plan (adopted 2015) and with Policy DM2 of the associated supplementary guidance relating to development management, placemaking and design. The proposal is also considered to be compliant with the relevant policies of the Proposed South Lanarkshire Local Development Plan 2, specifically Policies 3, 5 and DM2. Overall, the design, scale, location and proposed external finishing materials are all considered to be acceptable and it is, therefore, recommended that planning permission is granted in this instance.

7 Reasons for Decision

- 7.1 The proposed two storey rear extension and upper storey extension to the front and side of the house will have no significant adverse impact on either residential or visual amenity and complies with Policies 4, 6 and DM2 of the South Lanarkshire Local Development Plan (adopted June 2015) and the associated Supplementary Guidance and Policies 3, 5 and DM2 of the proposed Local Development Plan 2.

There are no additional material considerations which would justify refusing planning permission.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

20 November 2020

Previous References

- ◆ None

List of Background Papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated
- ▶ Shadow analysis (dated 11 July 2019).

- ▶ Representations

Janice Crawford, 40 Castle Wynd, Bothwell, G71 8TQ	Dated: 12.04.2020
James and Barbara Black, 14 Castle Wynd, Bothwell, Glasgow, South Lanarkshire, G71 8TQ	17.04.2020
Stuart and Anna Gordon, 42 Castle Wynd, Bothwell, Glasgow, South Lanarkshire, G71 8TQ	14.04.2020
Ross Aitchison and Victoria Kerr, 36 Castle Wynd, Bothwell, Glasgow, South Lanarkshire, G71 8TQ	02.04.2020
John and Anita Craig, 34 Castle Wynd, Bothwell, Glasgow, South Lanarkshire, G71 8TQ	15.04.2020
Ross Aitchison and Victoria Kerr, 36 Castle Wynd, Bothwell, Glasgow, South Lanarkshire, G71 8TQ	24.09.2020
Janice Crawford, 40 Castle Wynd, Bothwell, G71 8TQ	06.10.2020
John and Anita Craig, 34 Castle Wynd, Bothwell, Glasgow, G71 8TQ	06.10.2020
Stuart and Anna Gordon, 42 Castle Wynd, Bothwell, Glasgow, South Lanarkshire, G71 8TQ	08.10.2020

Contact for further information

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

Mariona Doig, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 453648

Email: mariona.doig@southlanarkshire.gov.uk

Conditions and reasons

01. That the facing materials to be used for the external walls and roof of the two storey rear and upper storey side and front extensions hereby approved shall match in colour and texture those of the existing adjoining building on the site to the satisfaction of the Council as Planning Authority.

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

02. That before the extensions hereby approved are completed or brought into use, 3 no. parking spaces (2.9m x 5.8m modules) shall be laid out and constructed within the existing driveway and front garden and thereafter maintained to the specification of the Council as Roads and Planning Authority.

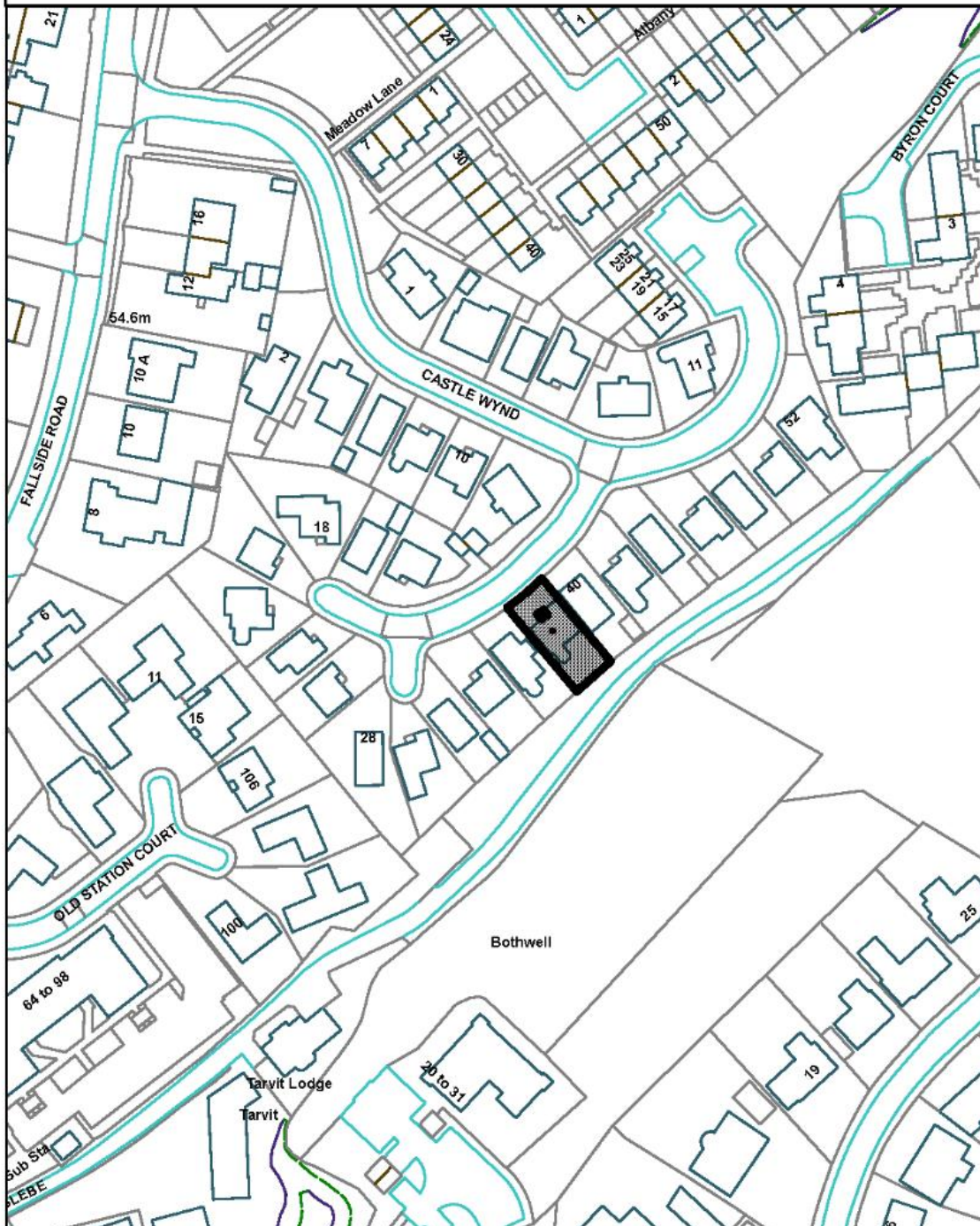
Reason: To ensure the provision of adequate parking facilities within the site.

03. That before the extension hereby approved is brought into use, the existing dropped kerb access to the site shall be extended to a minimum width of 7.5 metres to accommodate three car parking spaces 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.

P/20/0382

38 Cattle Wynd, Bothwell



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South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

8

Report to:	Planning Committee
Date of Meeting:	1 December 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/0966
Planning proposal:	Formation of beer garden at rear of premises.

1 Summary application information

Application type: Detailed planning application

Applicant: Mrs Sarah Lamanuzzi
Location: Machan Vaults
8 Muir Street
Larkhall
ML9 2BG

2 Recommendation(s)

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

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

2.2 Other actions/notes

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

3 Other information

- ◆ Applicant's Agent: Ronald Gellan
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 - Development Management and Placemaking
Policy 6 - General Urban Area/Settlements

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

Policy 3 - General Urban Areas
Policy 5 - Development Management and
Placemaking

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Licensing (SLC)

Planning Application Report

1 Application Site

- 1.1 The application relates to the 'Machan Vaults', 8 Muir Street, Larkhall. It is a long established public house, located on the edge of an urban area in close proximity to Larkhall Town Centre.
- 1.2 The application site, which is relatively flat, fronts onto Muir Street and there are residential flats located on the opposite side of the road. The southern side of the site is bounded by Machan Avenue, beyond which is a church. The site is bounded to the north by residential properties and to the rear by a lane (which provides access to the flats above the public house which the applicant also owns) beyond which is the detached residential dwellinghouse at 1a Machan Avenue.
- 1.3 Muir Street is a busy road and the application site is in relatively close proximity to the crossroads where Union Street meets Church Street, the main roads running through Larkhall town centre. The public house has an existing smoking shelter and customers can currently go outside to smoke.

2 Proposal(s)

- 2.1 The applicant seeks planning consent for the formation of a beer garden at the rear of the premises.
- 2.2 The proposed beer garden would extend to approximately 30 square metres and would be accessed from the rear of the public house. It would be enclosed on 3 sides by a 2 metre high acoustic timber fence. In addition, the garden ground which would be retained, would be enclosed by a separate 2 metre high timber fence. A third fence approximately 0.9 metre would be located at the edge of the plot adjacent to Machan Avenue. The proposed acoustic fence that would bound the rear of the proposed beer garden would be located approximately 6 metres from the curtilage of the plot at 1a Machan Avenue. The proposed plan indicates that the beer garden would have 8 tables accommodating approximately 16 people.
- 2.3 Additional supplementary information concerning noise has been lodged by the agent. This information has been submitted in order to support the proposals which are ultimately to create an outdoor area which can be used in a socially distanced manner. The proposed opening hours would be 11am-9pm. There is no provision for overhead protection from the elements and it is not intended to use it as an outdoor event area or to play music. The installation of 2 metre high acoustic fencing will help in the reduction of noise transfer. The existing smoking area is monitored by CCTV and it would also be used to monitor the proposed beer garden.
- 2.4 It should be noted that during the application process, amended drawings were submitted which sought to ensure that the position/height of the proposed fencing adjacent to Machan Avenue had no adverse impact on visibility. The position of the proposed beer garden was also moved further away from the rear boundary. These minor changes did not require re-notification of neighbouring properties.

3 Background

3.1 Relevant Government Advice/Policy

- 3.1.1 Scottish Planning Policy (2014) (SPP) highlights that the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle.

3.2 Development Plan

- 3.2.1 In determining this planning application, the Council must assess the proposed development against the applicable policies contained within both the South Lanarkshire Local Development Plan (2015) and associated Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.2.2 The South Lanarkshire Local Development Plan (SLLDP) identifies the site, in land use terms, as being within a general residential area (Policy 6 - General Urban Area /Settlements being applicable).
- 3.2.3 Policy 4 (Development Management and Place Making) of the SLLDP is also relevant and requires all development to take account of, and be integrated with, the local context and built form.
- 3.2.4 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2 (LDP2). For the purposes of determining planning applications, the Council will continue to assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters recommendations. A separate report on the outcome of the Examination of the proposed SLLDP2 recommends that the modifications suggested by the Reporter are accepted. The relevant corresponding policies within the SLLDP2 are listed above in this report. If the relevant SLLDP2 policy differs materially from those in the SLLDP this will be discussed within the assessment section of this report.
- 3.2.5 An assessment of the proposal against these specific policies is contained in Section 6 of this report.

3.3 Planning History

- 3.3.1 Retrospective planning consent (HM/07/0454) was granted in 2007 for a smoking shelter.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Hamilton Area)** – No objection commenting that the amended drawings address any issues relating to visibility from proposed fencing.

Response: Noted.

- 4.2 **Environmental Services** – No objection subject to the imposition of planning conditions to ensure that the hours of use are restricted to no later than 9pm, to control noise levels, to ensure that the proposed fence is an acoustic fence and that the consent is for a temporary period of 3 years.

Response: The imposition of planning conditions will address this should consent be issued. Indeed, the applicant's agent has been advised of this.

4.3 **Licensing** – No response.

Response: Noted.

5 **Representation(s)**

5.1 Statutory neighbour notification procedures were undertaken in respect of the proposal. The application was also advertised in the Hamilton Advertiser due to the nature of the development and non-notification of neighbours. Seven letters of objection were received.

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

(a) Increased noise and disturbance which will be exacerbated by the fact that the site is surrounded by residential buildings, with family living areas and children's bedrooms in close proximity to the proposed beer garden. Proposals to restrict numbers using the outside area and operating hours are not practical. The proposed beer garden will be incompatible with the surroundings in land use terms due to the likely impact and loss of amenity on adjacent residential properties.

Response: The Machan Vaults public house is a well known and long established business fronting onto a busy road which, in general terms, is surrounded by residential properties. Consequently whilst being lawful licensed premises, it can be viewed as a non conforming land use. Accordingly, it must be acknowledged that there is potential for residential amenity to be occasionally impacted by noise and disturbance. The level of residential amenity associated with the area surrounding the public house must take account of the existence of the public house and cannot be to the same degree, level or extent as that associated with a house in a residential estate divorced from non-residential uses. Indeed, many of the objections received acknowledge this in that they refer to existing instances of noise and disturbance associated with the public house. The proposed beer garden will be open and exposed to the weather. It is, therefore, likely that its use will be weather dependent.

As previously detailed, Environmental Services have raised no objection subject to the imposition of planning conditions so that it will not be used after 21-00 hrs, to control noise levels, ensure an acoustic fence is used and that the consent is for a temporary period of 3 years.

(b) Loss of privacy to neighbouring properties due to overlooking. The 2 metre fence will not suffice.

Response: Given the physical characteristics of the site, the location of the proposed beer garden and residential dwellings, along with the presence of proposed fencing which would provide an element of screening, it is considered that any potential for overlooking/loss of privacy would not be unacceptable.

(c) Parking - There does not appear to be any parking provision made for the additional scope of business in the planning application. The existing parking provision for the pub is limited and the surrounding streets are controlled by double yellow lines.

Response: The beer garden will primarily provide an additional 'facility' at the premises and it is debatable whether or not the beer garden itself will result in additional traffic generation.

As detailed previously Roads and Transportation Services have no objection to the proposal.

(d) Concern about odours and potential passive smoking to diners.

Response: Environmental Services have offered no objection to the proposal.

(e) Size and density is overwhelming to the space and location.

Response: The proposed plan indicates that the beer garden would be approximately 30 square metres in size and would have 8 tables accommodating approximately 16 people. It is considered that the site is of a sufficient size to accommodate the proposed table and seating arrangement.

(f) Road Safety - There is now potential for patrons walking onto the road at the Machan Avenue exit where this was not a risk before. There is nothing in the planning application to prevent this, especially with the narrow pavement being a particular concern in this street.

Response: As detailed previously, Roads and Transportation Services have no objection to the proposal.

(g) There are pubs in South Lanarkshire with beer gardens. We know the Licensing Board prefer beer gardens to be some distance from the nearest house. We are not aware of a beer garden situated as close to a house as this one would be. We contend that it is far too close.

Response: Every planning application must be assessed on its own merits. The licensing process is separate to the planning process and whether or not the Licensing Board issues a license is their prerogative. In this instance, subject to suitable fencing, no amplified music and appropriate operating hours, the location of the proposed beer garden is acceptable and it would not have an unacceptable impact on the amenity of the surrounding area. In addition, it is proposed that any consent granted be restricted to a 3 year temporary period in order that the suitability of the use can be reassessed in the future.

(h) Concerns about Safety and wellbeing following previous burglaries, as well as criminal damage to property, including windows being egged and broken, and cars being smashed which were are potentially related to the complaints we made about the public house.

Response: This is a police issue and does not constitute a material planning consideration in the assessment of this planning application.

(i) The plans show the extremely close proximity of the neighbouring property at 1a Machan Avenue and the side entrance to the property. Concerns about the throughway and potential for footfall to be frequently passing by my garden fence, at all hours of the day and night causing further noise, disturbance and general anxiety.

Response: The proposals would not see any alterations to the access arrangements for the premises. Access and parking for Machan Vaults would continue to be taken from Muir Street to the front of the premises whilst access to the flats above would continue to be taken via a private drive to the rear of the garden area. Any noise issues should be reported to Environmental Services.

(j) Loss of value to neighbouring properties.

Response: This does not constitute a material planning consideration in the assessment of this planning application.

5.2.2 All letters of representation are available for inspection on the Planning Portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks planning consent for the formation of a beer garden at the rear of public house premises at Machan Vaults, 8 Muir Street, Larkhall.
- 6.2 The relevant policies of the adopted Local Development Plan and Supplementary Guidance are Policy 4 – Development Management and Place Making General Urban Areas/Settlements and Policy 6 – General urban area/settlements.
- 6.3 In terms of Local Development Plan policy, the application site is located within a designated urban area. The site, however, relates to an established public house which will already create a degree of noise and disturbance in the context of the surrounding area. It is anticipated that there would be a degree of noise and disturbance associated with the use of any outdoor seating area and it is the extent of any additional noise or disturbance which must be considered. Any additional noise or disturbance should not have a detrimental impact on the amenity of the surrounding area. Accordingly, it is considered that in order for the beer garden to be acceptable, the impact of the proposal on the existing level of residential amenity should be marginal. Subject to the use of appropriate conditions regarding acoustic fencing, operating hours and the length of any planning permission granted, it is considered that the use of the beer garden can be controlled to prevent any unacceptable impact on the amenity of the surrounding area. On this basis, the proposed development raises no significant issues from a land use context in terms of Policy 6 of the South Lanarkshire Local Development Plan.
- 6.4 In relation to Policy 4 of the Local Development Plan and the associated Development Management, Place Making and Design Supplementary Guidance, it is considered that given the physical containment of the proposed beer garden and the associated fencing detailed in paragraph 2.2, the proposal is acceptable at this particular location. Environmental Services have raised no objections subject to the imposition of standard planning conditions relating to noise, hours of operation and that permission is only approved for a temporary 3 year period. Within residential areas a mutual degree of overlooking is commonplace and any increase in loss of privacy or amenity associated with the proposal is unlikely to be to a degree or extent that would be unacceptable. On balance, it is considered that the introduction of the proposed beer garden is acceptable since it is unlikely to impact significantly on the established level of amenity presently enjoyed by neighbouring properties.

- 6.5 The beer garden will primarily provide an additional ‘facility’ at the premises and it is unlikely that the beer garden itself will result in additional traffic generation or parking requirements. As detailed previously Roads and Transportation Services have no objection to the proposal and do not require any additional parking to be provided.
- 6.6 As set out in section 3.2.4 above, for the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. The proposal has been assessed, as set out above, and it is considered that the proposal generally accords with Policies 3 and 5 in the proposed plan.
- 6.7 As detailed previously, none of the consultees have raised any objection to the proposal subject to the imposition of planning conditions.
- 6.8 Overall, it is considered that subject to the imposition of suitable conditions, including restricting any permission for a temporary period, the proposal is acceptable and it is recommended that planning permission be granted subject to conditions.

7 Reasons for Decision

- 7.1 It is considered that the proposal generally complies with Policies 4 and 6 of the South Lanarkshire Local Development Plan (adopted June 2015) and the associated Supplementary Guidance and Policies 3 and 5 of the proposed Local Development Plan 2. There are no additional material considerations which would justify refusing planning permission.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

20 November 2020

Previous References

- ◆ HM/07/0454

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 30 July 2020
- ▶ Press advert dated 6 August 2020

► Consultations

Roads Development Management Team	18.08.2020
Environmental Services	14.10.2020
Roads Development Management Team	10.09.2020

► Representations Dated:

Alistair Neill, 3 Machan Avenue, Larkhall, South Lanarkshire, ML9 2HE	25.08.2020
Mr James Lockhart, 2 Margarets Place, Larkhall, ML9 2HQ	11.08.2020
Mr John Fenwick, 14 Muir Street, Larkhall, ML9 2BG	15.08.2020
Leonards Solicitors, 133 Cadzow Street, Hamilton, ML3 6JG	19.08.2020
Mr William Greenan, No Address Provided	18.08.2020
Mrs J Brownlie, Margarets Place, Larkhall	18.08.2020
Mrs Donna Ralston, Machanhill House, 2 Machanhill, Larkhall, ML9 2HG	18.08.2020

Contact for further information

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

Murray Reid, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Phone: 01698 453625
Email: murray.reid@southlanarkshire.gov.uk

Conditions and reasons

- 1 That the proposed hours of use of the beer garden shall be restricted to no later than 9pm.

Reason: In the interests of amenity and to minimise noise disturbance and retain effective planning control.

- 2 That the noise emissions from the premises where entertainment takes place on a regular basis, music and associated sources shall not be audible inside (or outside where there is deemed to be an external amenity space) at any noise sensitive property at any time.

The following shall be used as an objective guide for the aforementioned requirement:

1. The LA10 entertainment noise shall not exceed the representative background noise levels LA90 (without entertainment noise) in any 1/3 octave band between 40Hz and 160Hz
2. The LAeq,15min of the entertainment noise shall not exceed the representative background noise LA90,15min (without entertainment noise). The above applies both externally and internally at noise sensitive properties.

Reason: In the interests of amenity and to minimize noise disturbance and retain effective planning control.

- 3 For the avoidance of doubt and as agreed by the applicant, details of a 2 metre acoustic fence to both sides and the rear of the proposed beer garden shall be submitted for the written approval of the Council as Planning Authority prior to any works commencing on site. The approved acoustic fence shall be installed prior to the development being brought into use and retained thereafter to the satisfaction of the Council as Planning Authority.

Reason: In the interests of amenity and to minimize noise disturbance and retain effective planning control.

- 4 That the permission hereby granted is for a temporary period only and shall expire on 1 December 2023.

Reason: To define the consent and ensure that should any issues arise that they can be controlled or prevented from occurring on a permanent basis.

P/20/0966

Machan Vaults, 8 Muir Street, Larkhall



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Scale:
1:1,250
Date:
06/11/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

9

Report to:	Planning Committee
Date of Meeting:	1 December 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1803
Planning proposal:	Erection of 7 wind turbines with associated infrastructure, meter mast to 105m (Section 42 application to increase the height of the turbines, 5 No. to 200m to tip height and 2 No. to 180m to tip height)

1 Summary application information

Application type:	Further application
Applicant:	Priestgill Wind Farm Ltd
Location:	Priestgill Wind Farm Little Gill Farm Abington ML12 6RW

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
- (2) The Committee should note that the decision notice should not be issued until the following matters are concluded:

A Legal Agreement securing:-

- Community contributions per megawatt generated
- The setting up of a Habitat Management Group
- The repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements.

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

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Legal Agreement within 6 months of the date of the Committee, the proposed development may be refused on the basis that, without the planning control/developer contribution which would be secured by the Legal Agreement, the proposed development would be unacceptable.

If, however, this matter is being progressed satisfactorily the applicant will be offered the opportunity to enter into a Processing Agreement, if this is not already in place. This will set an alternative agreed timescale for the conclusion of the Legal Agreement.

3 Other information

- ♦ Applicant's Agent: Jason Morin
- ♦ Council Area/Ward: 03 Clydesdale East
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**

Policy 2 - Climate Change

Policy 3 - Green Belt and Rural Area

Policy 4 - Development Management and Placemaking

Policy 15 - Natural and Historic Environment

Policy 17 - Water Environment and Flooding

Policy 19 - Renewable Energy

Supplementary Guidance 1: Sustainable Development and Climate Change

Policy SDCC2 – Flood Risk

Policy SDCC3 – Sustainable Drainage Systems

Supplementary Guidance 3: Development Management, Placemaking and Design

Policy DM1 - Design

Proposed South Lanarkshire Local Development Plan 2 (2018)

Policy 2 - Climate Change

Policy 4 – Green Belt and Rural Area

Policy 5 - Development Management and Placemaking

Policy 14 - Natural and Historic Environment

Policy 16 - Water Environment and Flooding

Policy 18 - Renewable Energy

Policy DM1 - New Development

Policy SDCC2 - Flood Risk

Policy SDCC3 - Sustainable Drainage Systems

◆ **Representation(s):**

▶	1	Objection Letters
▶	1	Support Letters
▶	1	Comment Letters

◆ **Consultation(s):**

Transport Scotland
Roads Development Management Team
RSPB Scotland
Roads Flood Risk Management
WOSAS
MoD (Windfarms)
SP Energy Network
National Air Traffic Services Ltd
Roads Transportation Services Bridges Structures Section
BAAerodrome Safeguarding (Edinburgh)
BAA Glasgow
SEPA West Region
BAA Aerodrome Safeguarding Glasgow
Transport Scotland
Historic Environment Scotland
National Grid UK Transmission
Scottish Water
British Telecom
Arquiva
Prestwick Airport
Joint Radio Company
Environmental Services
Scot Wildlife Trust
Ofcom
SNH
Crawford And Elvanfoot Community Council
Duneaton Community Council
Edinburgh Airport Aerodrome Safeguarding

Planning Application Report

1 Application Site

- 1.1 The application site is located approximately 2.2km north east of Abington and 3.6km north of Crawford and extends to approximately 304 hectares (ha) in area. The existing use of the application site is upland grazing. The proposed development is located within two Landscape Character Types (LCT) - Southern Uplands LCT and Broad Valley Upland LCT. The application site ranges from 235 metres (m) Above Ordnance Datum (AOD), by the Beet Burn in the north near the site entrance, to 418m AOD in the south east at Priestgill Rig.
- 1.2 The site is located within land designated as Rural within the approved South Lanarkshire Local Development Plan 2015 (SLLDP).

2 Proposal(s)

- 2.1 The application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) and is an application for planning permission for the development of land but without compliance with a condition or conditions attached to a previous planning permission.
- 2.2 In this instance the applicant wishes to vary condition 19 of planning permission Ref: CL/17/0009 (hereon referred to as the Original Permission). The Original Permission granted planning permission for the 'erection of 7 Wind Turbines (up to 145m Maximum Height to Tip) With Associated Infrastructure Including Access Tracks, Crane Hardstandings, Substation and Control Building, Battery Storage, Permanent Anemometer Mast, Temporary Construction Compounds and Up to Two Borrow Pits.
- 2.3 Condition 19 of the Original Permission states:-
- “No development shall commence unless precise details including the type, dimensions, colour, and external finish of the proposed turbines have been submitted to and approved in writing by the Planning Authority. The height of the turbines hereby granted planning permission shall not exceed 145 metres to tip above ground level. Thereafter, the turbines shall be installed in accordance with the details as approved.”
- 2.4 The applicant has requested that this condition be amended to read:-
- “No development shall commence unless precise details including the type, dimensions, colour, and external finish of the proposed turbines have been submitted to and approved in writing by the Planning Authority. The height of the turbines hereby granted planning permission shall not exceed 200 metres to tip above ground level. Thereafter, the turbines shall be installed in accordance with the details as approved.”
- 2.5 If successful, the effect of a Section 42 application to modify a planning condition or conditions is to grant a further planning permission for the whole development again but with the amended condition or conditions replacing those that were previously issued, or with conditions removed if required. All other conditions, if relevant, are also required to be attached to any new planning permission. As a new planning

permission would then be issued for the whole development, any legal agreements attached to the previous permission would not be valid for the new permission and, therefore, a new legal agreement reflecting the new planning permission would be required to be entered into. If the proposed changes to the condition or conditions are deemed unacceptable, then Section 42 of the Act requires the application to be refused. Any refusal of an application under Section 42 of the Act does not have any effect on the original planning permission which remains intact.

- 2.6 Therefore, in essence, whilst this Section 42 application is to amend condition 19, it would, in effect, grant a new planning permission. In this instance if it is considered acceptable to amend condition 19 to allow the maximum height of the turbines to be raised from 145m to 200m the scheme approved under the Original Permission would also be changed to increase the height of the approved turbines. It is proposed to increase the height of 5 of the turbines (Turbines 2 to 6) from 145m to 200m and increasing the remaining 2 turbines (Turbines 1 and 7) heights from 145m to 180m. This section 42 application is, therefore, in essence, for a revised planning application for the erection of 7 wind turbines (5 with a maximum height of 200m to tip and 2 with a maximum height of 180m to tip). The increased energy generation for the increased height of the turbines would increase the Original Permission yield of 22.4MW to 39.2MW, an increase of 16.8MW.
- 2.7 The location of the turbines, the access roads and other infrastructure approved through the Original Permission are not to change and, therefore, the focus of the assessment is the acceptability of the change in height of the turbines.
- 2.8 The Section 42 application is supported by an Environmental Impact Assessment Report that has carried out a full review of the Environmental Statement that was approved through the Original Permission with all relevant sections and assessments updated to take account of the proposed height change.

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 - this includes generating the equivalent of at least 100% of gross electricity consumption from renewables.
- 3.1.2 Scottish Planning Policy (SPP) June 2014 aligns itself with NPF3 and one of its policy principles states that there will be “a presumption in favour of development that contributes to sustainable development” (page 9). 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 All national policy and advice is considered in detail in section 6 of this report.

3.2 **Development Plan Status**

3.2.1 The proposed development requires to be considered against the Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions. Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. The methodology used in devising the Onshore Wind Spatial Framework is set out in Part Two of Background Report 10 Low and Zero Carbon Generating Technologies. At section 15.10 the background report acknowledges that wind turbine development is likely to be acceptable subject to detailed consideration against local policy criteria and that potential wind farm development should not be viewed in isolation. It goes on to state that developers and interested parties must refer to any local guidance made available by the local planning authority including local development plans and supplementary guidance, and landscape capacity studies. Policy 10 Onshore Energy requires proposals to accord with local development plans.

3.2.2 The South Lanarkshire Local Development Plan (SLLDP) was adopted in 29 June 2015 and contains the following policies against which the proposal should be assessed:

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

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

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

3.2.4 All these policies and guidance are examined in the assessment and conclusions section of this report.

3.2.5 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 (LDP2). A number of amendments to policy have been recommended which will be carried through to adoption stage. For the purposes of determining planning applications, the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters'

amendments. Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council, they are, nevertheless, a material consideration. In this instance the following policies are relevant:-

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
- SDCC2 Flood Risk
- SDCC3 Sustainable Drainage Systems

3.2.6 It should be noted that LDP2 is only referenced should there be a specific conflict between a proposed policy and a policy within the approved SLLDP 2015.

3.3 Planning Background

3.3.1 As noted in 2.2 above, the Original Permission granted planning permission for 7 wind turbines with a maximum tip height of 145m and associated infrastructure including access tracks, substation buildings and batter storage.

3.3.2 This application was originally refused, in line with Officer Recommendation, by the Planning Committee at their meeting of the 15th of August 2017. The application was refused for the following reasons:

1. The planning application is contrary to the terms of Scottish Planning Policy, Policy 15: Natural and Historic Environment and Policy 19: Renewable Energy of the adopted South Lanarkshire Local Development Plan (June 2015) and Policy REN 1 and REN 2 of the SG Renewable Energy (2016) in that the development, in view of its scale and location, would lead to localised significant adverse effects on the landscape in which it is located, including the south western area of the Upper Clyde Valley and Tinto Special Landscape Area.
2. The planning application is contrary to the terms of Scottish Planning Policy, Policy 15: Natural and Historic Environment and Policy 19: Renewable Energy of the adopted South Lanarkshire Local Development Plan (June 2015) and Policy REN 1 and REN 2 of the SG Renewable Energy (2016) in that the development, in view of its scale and location, would lead to unacceptable cumulative sequential views of wind farm development and have an adverse effect on visual amenity on people who live in surrounding residential properties, the community of Abington and Roberton and on visitors to the area, and has significant adverse landscape and visual impacts on the local area.

3. The planning application is contrary to the terms of Scottish Planning Policy, Policy 19: Renewable Energy of the adopted South Lanarkshire Local Development Plan (June 2015) and Policy REN 1 and REN 2 of the SG Renewable Energy (2016) in that the development is not in accordance with South Lanarkshire's strategic guidance and landscape capacity guidance.
4. The planning application is contrary to the terms of Scottish Planning Policy, Policy 15: Natural and Historic Environment and Policy 19: Renewable Energy of the adopted South Lanarkshire Local Development Plan (June 2015) and Policy REN 1 and REN 2 of the SG Renewable Energy (2016) in view of its scale and location, the proposed development leads to adverse impacts on the setting of two scheduled monuments and their integrity is shown to be compromised.
5. The planning application is contrary to the terms of Scottish Planning Policy, Policy 19: Renewable Energy of the adopted South Lanarkshire Local Development Plan (June 2015) and Policy REN 1 and REN 2 of the SG Renewable Energy (2016) in view its significant adverse landscape and visual effects, cumulative effects, adverse impact on heritage assets, and its detrimental impact on tourism and recreation.
6. The planning application is contrary to the terms of Policy 15: Natural and Historic Environment and Policy 19: Renewable Energy of the adopted South Lanarkshire Local Development Plan (June 2015) and Policy REN 1 and REN 2 of the SG Renewable Energy (2016) and as a result is not in accordance with Strategic Development Plan (Clydeplan), Policy 10 Onshore Energy.

3.3.3 Following this refusal, the applicant appealed the decision to the Planning and Environmental Appeals Division (DPEA). Following the appeal process, including hearing sessions on Landscape and Visual Impact and Cultural Heritage, the Reporter upheld the appeal and granted planning permission. The Reporter's decision stated that, after due consideration, they found the proposals would be acceptable overall when measured against relevant development plan policy. It is, therefore, acknowledged that the Reporter's decision has established the principle of a 7 turbine wind farm on the site.

3.3.4 The Original Permission was for a development that constituted an EIA development and, as such, this current application also constitutes an EIA development and, as such, a revised EIA Report has been submitted as part of this application.

4 Consultation(s)

4.1 Roads and Transportation Services (Roads Development Management Team)

– no objection subject to conditions relating to a Traffic Management Plan, Travel Plan, vehicle parking on site, signage, wheel wash facility, Abnormal Loads Route Assessment and a section 96 legal agreement being entered into.

Response: If planning consent is granted the requirements of Roads and Transportation Services require to be incorporated into planning conditions and a section 96 legal agreement entered into.

- 4.2 **Roads and Transportation Services (Flood Prevention)** - no objection subject to conditions requiring a sustainable drainage system that serves the application site and complies with the Council's Design Criteria.
Response: Noted. The requirements of Roads and Transportation Services – Flood Prevention require to be incorporated into planning conditions if planning consent is granted.
- 4.3 **Environmental Services** – no objection subject to conditions. Environmental Services recommended conditions in relation to noise levels (including cumulative noise), construction noise levels, investigation of complaints and noise mitigation.
Response: Noted. If planning consent is granted appropriate conditions require to be imposed to control operations and construction to meet the requirements of Environmental Services.
- 4.4 **Transport Scotland** - no objections to the amended proposals.
Response: Noted and all previous conditions relating to Trunk Roads would be replicated on any new permission if granted.
- 4.5 **BAA Aerodrome Safeguarding (Glasgow)** - no objection, the proposal is outwith the wind farm consultation zone for Glasgow Airport.
Response: Noted.
- 4.6 **Edinburgh Airport** - no objection, the proposal has been reviewed and does not conflict with safeguarding criteria.
Response: Noted.
- 4.7 **Ministry of Defence (MOD Wind Farms)** – originally objected to the proposals on the grounds that noise levels generated by the proposed turbines would potentially impacting on the Eskdalemuir Seismological Recording Station as the current noise 'budget' for wind farms within 50km of the recording station has been reached. Following further discussions between the MOD, the Council and the applicant the MOD have removed their objection subject to the imposition of two specific suspensive conditions relating to the further approval of a wind farm specification report and an operation schedule before any development starts on site to ensure that the turbines do not impact upon the Eskdalemuir Seismological Recording Station. Also note that due to the height of the turbines, aviation warning lighting will be required.
Response: Noted and the conditions form part of the recommendation of approval (conditions 32 and 33 on the paper apart). A condition requiring aviation lighting also forms part of the recommendation.
- 4.8 **National Air Traffic Services Ltd (NATS)** – have previously agreed a radar mitigation strategy with the applicant for the Original Permission which will require modification if approval is given due to the change in turbine height.
Response: Noted and a condition requiring agreement of an amended mitigation strategy between NATS and the applicant is included in the recommendation of approval.

- 4.9 **Scottish Environmental Protection Agency (SEPA)** – no objection to the amended scheme as the turbine basis remain relatively unchanged.
Response: Noted.
- 4.10 **Historic Environment Scotland (HES)** – no objection and agree with the EIA Report that the increased height of the turbines will not significantly increase the impact on the settings of the surrounding designated historic environment assets within their remit.
Response: Noted.
- 4.11 **RSPB** – do not object to the proposal and state that the increase in height of the turbines could potentially reduce collision risk to bird species within the area including curlew. The RSPB note that the increase in height of the turbines would not reduce the displacement of curlew territories around the application site and that if consent is granted for the proposal it should be subject to conditions requiring preparation of a Habitat Management Plan (HMP) in line with the Original Permission. The HMP should operate for the full lifespan of the wind farm, including decommissioning. The HMP should consider measures for off-site management and monitoring of breeding waders in the area and the provision for ongoing bird monitoring on site. The applicant has had previous discussions with the RSPB and confirmed the applicants would contribute to the Clyde Valley Wader Initiative. RSPB is content that through the Clyde Valley Wader Initiative it could deliver habitat enhancement and monitoring work for this suite of species.
Response: Noted. The Original Permission required the setting up of an HMP and it forms part of the recommendation if this application is approved.
- 4.12 **Arquiva** – no objections or comments to make.
Response: Noted.
- 4.13 **Scottish Water** – no objection subject to their infrastructure being protected
Response: Noted and this would be a civil matter between Scottish Water and the applicant.
- 4.14 The following consultees had no comments to make on the application:
WOSAS
SP Energy Network
Roads Transportation Services Bridges Structures Section
Transport Scotland
National Grid UK Transmission
British Telecom
Prestwick Airport
Joint Radio Company
Scot Wildlife Trust
Ofcom
SNH
Crawford And Elvanfoot Community Council
Duneaton Community Council

5 Representation(s)

5.1 Neighbour notification was carried out and the application was also advertised in accordance with the EIA Regulations 2017 with adverts being placed in the Lanark Gazette (08.01.2020) and the Edinburgh Gazette (10.01.2020). The proposal was also publicised as an application requiring advertisement due to the scale or nature of operations and for the non-notification of neighbours.

5.2 Following this publicity, 1 letter of objection has been received with the following concerns:-

a) Too many wind farms within the landscape

Response: The proposals already have planning permission and do not involve an increase in the number of wind turbines within the landscape but only an increase in their height.

b) Visual Impact of turbines and associated infrastructure

Response: A full landscape and visual assessment of the proposals are contained in 6.5.23 to 6.5.25 below.

c) Lack of need or use for the power generated

Response: The proposals already have planning permission and increasing renewable energy generation is a National Policy.

5.2 1 letter stating that they support the proposals has also been submitted as well as one stating that they do not support or object to the proposals.

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

6 Assessment and Conclusions

6.1 Section 42 of the Town and Country Planning Act (Scotland) 1997 as amended

6.1.1 This application has been submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended). Section 42 of the Act states that:

'On such an application, the Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted.'

6.1.2 Consideration of this type of application, therefore, does not revisit the principle of development on the site but only considers the appropriateness of the conditions attached to the previous consent and whether it is acceptable to amend or delete as requested. Whilst in essence this is an application to vary condition(s) on the existing permission if granted, the process requires a new, standalone planning permission to be issued for the original development but with a new suite of conditions, including all those still thought to be relevant as well as the varied condition(s). However, it is noted that the nature of the legislation would require all conditions to be revisited as they may be linked or connected to these specific condition(s). Should the proposed amendment to the condition(s) not be acceptable a Section 42 application is to be refused but without affecting the status of the original permission.

6.1.3 The main matters for consideration are, therefore, whether the proposed amendment to the condition proposed would undermine the reasons for the original conditions or the Development Plan position; and if it is considered this Section 42 application does undermine either of these, whether there are material considerations which would outweigh this to allow permission to be granted.

6.1.4 The request to amend condition 19 (in essence to allow a revised planning permission for the increase in turbine heights (2 from 145m to 180m and 5 from 145m to 200m) of the Original Permission is assessed below.

6.2 Section 25 of the Town and Country Planning (Scotland) Act 1997

6.2.1 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 (GCVSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and its associated Supplementary Guidance. As noted in 3.2.5 above, 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 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 (LDP2) is now a material consideration. Again, it is noted that LDP2 is only referenced if there is a change in policy context from the Approved SLLDP.

6.2.2 Whilst this Section 42 application seeks to amend a planning condition, the proposals are in essence to amend the original scheme by increasing the heights of the approved turbines. Therefore, main issues in determining the application are whether the amended proposals continue to comply with National and Development Plan Policy and the implications of the amended scheme in terms of landscape and visual impact, cumulative impact, aviation and defence, ecology, ornithology, residential amenity and communities and traffic and road safety.

6.3 National Planning Policy and Guidance

6.3.1 In relation to planning policy guidance, the proposal can be assessed as follows:

6.3.2 NPF 3 notes in paragraph 3.8 “We want to meet at least 30% of overall energy demand from renewables by 2020 – this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015”. SPP Policy Principles (page 9) state that there will be “a presumption in favour of development that contributes to sustainable development.” At paragraph 28 SPP states that “the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.” The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts,

visual impacts, residential amenity, and landscape and visual impacts (paragraph 169). SPP also requires planning authorities to prepare supplementary guidance and set out a spatial framework for onshore wind farm developments. The considerations set out in SPP at paragraph 169 and the Council's approved SG Renewable Energy 2016 are assessed at section 6.4 below.

- 6.3.3 It is considered that the Original Permission establishes the principle of wind farm development on the site and any increase in size of the wind turbines also increases energy generation. It is, therefore, considered that the proposals align with the principles of SPP subject to further detailed assessment in relation to the Development Plan.

6.4 Glasgow and Clyde Valley Strategic Development Plan 2017

- 6.4.1 The proposed development requires 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; Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. The methodology used in devising the Onshore Wind Spatial Framework is set out in Part Two of Background Report 10 Low and Zero Carbon Generating Technologies. At section 15.10 the background report acknowledges that wind turbine development is likely to be acceptable subject to detailed consideration against local policy criteria and that potential wind farm development should not be viewed in isolation. It goes on to state that developers and interested parties must refer to any local guidance made available by the local planning authority including local development plans and supplementary guidance, and landscape capacity studies. Policy 10 Onshore Energy requires proposals to accord with local development plans. With regard to this proposal it is noted that the site is located within the Areas with Potential for Wind Farm Development identified in Diagram 6 of Clydeplan. The proposed development by its nature contributes to developing low carbon energy, and its visual, landscape and cumulative impact is assessed below in Section 6 below. Consequently, it is considered that the proposal accords with Policy 10 of Clydeplan, and is subject to detailed consideration against the terms of the Local Development Plan. This is dealt with in the following section.

6.5 Adopted South Lanarkshire Local Development Plan 2015

- 6.5.1 The SLLDP's overall strategic vision is 'to promote the continued growth and regeneration of South Lanarkshire by seeking sustainable economic and social development within a low carbon economy whilst protecting and enhancing the environment.'
- 6.5.2 Policy 2: Climate change, seeks to minimise and mitigate against the effects of climate change by a number of criteria. The criteria relevant to this proposal are (iii) utilising renewable energy sources, (vii) having no significant adverse impacts on the water and soils environment, air quality, biodiversity (including Natura 2000 sites and protected species) and green networks.

- 6.5.3 The proposals involve an increase in the maximum height of the turbines only and, therefore, any ground works associated with the Original Permission remain relatively unchanged so there is no additional development impact to the water and soils environment or on air quality. The Original Permission had a suite of environmental conditions in relation to the water and soils environment and these would be replicated if permission for these proposals were given. It should also be noted that any increase in turbine size results in an increase in renewable energy production, an increase of 16.8MW in this instance. It is, therefore, considered that the proposals accord with the relevant criteria of the Development Plan in this regard.
- 6.5.4 Policy 3: Green Belt and rural area, states that the Green Belt and rural area functions primarily for agricultural, forestry, recreation and other uses appropriate for the countryside. The proposal is located within the rural area. SG 2: Green Belt and rural area lists in Appendix 2 renewable energy as an appropriate use within this area. It is considered that the principle of the development has already been deemed acceptable within the Rural Area and the proposed increase in turbine heights have no further implications for the countryside strategy set out within the Development Plan.
- 6.5.5 Policy 4 'Development Management and Placemaking' states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design. Policy 15: Natural and Historic Environment and the associated Supplementary Guidance provides the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment.
- 6.5.6 SLLDP Policy 19 'Renewable Energy' states that renewable energy proposals will be assessed against SPP and South Lanarkshire Council's statutory supplementary guidance (SG). Policy RE1 Spatial Framework for Wind Energy requires applications for onshore wind turbine developments of a height to blade tip of 15m or over to accord with the Spatial Framework and to meet the relevant criteria set out in section 6 Development Management considerations and Table 7.1 Assessment checklist for wind energy proposals. Part of this checklist includes an assessment of the criteria referenced in Policies 4 and 15. The assessment below, therefore, also includes the assessment against these policies criteria.
- 6.5.7 The RE1 spatial framework identifies those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities. Table 4.1 of SG10 Renewable Energy 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

6.5.8 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.

6.5.9 In terms of Group 2 Areas of significant protection; SPP and SG10 recognise the need for significant protection of particular areas which include:

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

There are no A listed buildings, Inventory Gardens and Designed Landscapes (GDL) or inventoried battlefields within the application site or within 5km from the application site. There are 38 scheduled monuments within 5km of the site although 19 lie outwith the zone of theoretical visibility of the turbines. Of these remaining 19, it is considered that 15 of these are over 2km away from the site and would remain unaffected from any additional impact from the increase in height of the turbines. Two of the remaining four scheduled monuments (SM) (Cold Chapel and Abingdon Motte and Bailey) are located in an area where there is limited visibility between them and the turbines and, therefore, it is also considered that an increase in height would have no further impact on these two historical assets.

6.5.10 The remaining 2 SMs (Wandel Roman Fortlet and Camp and Arbory Hill Fort) are 1.4km and 1.3km from the application site and it is, therefore, considered that the proposals would have no additional direct impact upon these two SMs but that the indirect, visual impact of the Original Permission may be slightly increased due to the increase in heights. HES have stated that they do not consider the proposals to have any additional, significant visual impact upon the settings of these two SMs. It is considered that at distances of 1.3km away from the application site, an increase of up to 55m in height would not have any further significant visual impact upon the setting of these 2 SMs. Whilst not part of the Original Permission the applicant is proposing a programme of archaeological interpretation be implemented to allow a better understanding of the historical monuments. The programme includes the provision of safe parking and a path to the Wandel Roman Fortlet with interpretive signage describing and explain the Roman camp site. It is considered that these proposals are acceptable and a condition would be used to secure them with further details to be agreed between the applicant and WOSAS prior to any implementation.

6.5.11 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. 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. There are no settlements within 2km of the application site.

6.5.12 Policy RE2 Renewable Energy Development replicates Policy RE1's requirement that applications for all renewable energy development will only be acceptable if they accord with the relevant guidance set out in section 6 and Table 7.1. Therefore, the development proposals are collectively assessed against the criteria of both policies at paragraphs 6.5.13 to 6.5.43 below.

6.5.13 Impact on international and national designations.

National and international designations have been previously assessed at paragraphs 6.10 to 6.14 above and it is considered that there are no adverse effects on national and international designations.

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

The increase in turbine height has no additional impact upon this criterion in respect the Original Permission.

6.5.15 Community separation for consideration of visual impact.

As previously noted, there are no communities within 2km of the application site. With regard Visual Impact, this is examined in detail in paragraphs 6.5.23 to 6.5.25 below.

6.5.16 Economic benefits.

This includes local and community socio-economic benefits such as employment, associated business and supply chain opportunities. It is considered that the increase in turbine size would not have any change from the Original Permission.

6.5.17 The scale of contribution to renewable energy generation targets and effects on greenhouse gas emissions.

Increased turbine sizes will create more renewable energy generation than the Original Permission turbines.

6.5.18 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 Policy NHE19 in the SG Natural and Historic Environment 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. The EIA Report had 2 separate chapters on Ecology and Ornithology. In relation to Ecology it is considered that there would be no changes to the Original Permission given the on ground infrastructure is not changing. It is, therefore, considered that in relation to ecology, subject to the replication of the ecological conditions attached to the Original Permission, the proposals are considered acceptable and to accord with this policy criteria. With regard Ornithology, the EIA Report notes that in terms of notable bird species in the area (Black Grouse and Curlew) the increase in turbine height may have a positive effect as the blades would be higher from the ground and above their normal flight path. The RSPB have confirmed that the increase in height may reduce potential collision rates. It is, therefore, considered that the proposals accord with this policy criteria.

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

The Original Permission required the setting up of a Habitat Management Group and the approval of a Habitat Management Plan. It is considered that this should still be a requirement of any new permission. The requirement of a Habitat Management Plan is, therefore, a recommended condition should approval be given. The formation of a Habitat Management Group is also a requirement to be secured via a legal agreement.

6.5.20 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) formed part of the submitted EIA Report.

6.5.21 The application site is located within both the Southern Uplands Landscape Character Type (LCT) and the Broad Valley Upland LCT as defined in the South Lanarkshire Landscape Character Assessment 2010 (LCA). All the turbines are located within the Southern Uplands LCT with only the infrastructure and access tracks located within the Broad Valley Upland LCT. 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 each LCT. The Landscape Capacity Study assesses the Southern Uplands LCT as having a relatively high capacity for wind energy development compared with most LCTs in South Lanarkshire. The Landscape Capacity Study also notes that that the part of the Southern Uplands LCT where the application site sits (Southern Uplands: East of Clyde/ Daer LCA) is considered a large scale, upland landscape with underlying capacity for extensive wind farm development.

The proposed turbines lie in a wider context within which significant wind energy development has already occurred in the form of the Clyde wind farm. The Landscape Capacity Study states that the Southern Uplands LCT has underlying capacity for wind energy development as it comprises extensive areas of larger scale landscape with simple landforms and open character with few human scale references. In its Tall Turbines Addendum (2019) The Landscape Capacity Study categorizes the application site as being within an area of Low Capacity for wind turbines of 150m to 250m. The addendum categorizes South Lanarkshire into 4 distinct categories for turbines over 150m to 250m - None, Low, Medium and High. It should be noted that the majority of South Lanarkshire falls within the 'None' category. The Southern Uplands LCT is described as a landscape that has the capacity for large scale wind farms but is considered to fall within the low category due to most areas in the landscape where "large turbines could be most comfortably located either already host substantial wind energy development or have similar developments consented". It is, therefore, considered that the landscape does have capacity for large scale wind farms but that is now considered low due to the existence of other large scale wind farms in the area. It is noted that the Original Permission would be one of these large scale "consented" wind farms and, therefore, the proposed increased turbines would not be considered a new development in a landscape with a low capacity based on cumulative development but instead would be considered an existing scheme within a landscape that has a strong capacity for wind development due to its large scale and lack of human reference.

It is considered than in a landscape of this scale that an increase in height of a maximum of 55m would, proportionately, not be that perceptible to the human eye. This is further rationalized by the lack of any human reference to assess the height of the turbines. The turbines sit on their own in a landscape where there is no nearby houses etc. that would provide a simple reference to their height. The only other development within the nearby landscape would be other large scale wind farms such as Clyde, but again not at a distance close for the turbines to be scaled.

6.5.22 It is, therefore, considered that the landscape and visual impact created by the Original Permission would not be considered to be added to in any additional negative way by the proposed increased turbine size. In a landscape of this scale and remoteness, it is considered the increase in turbine height would not be detrimental in relation to what is already approved and, therefore, be considered acceptable.

6.5.23 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 Table 7 of SG. Criteria 10 contains 3 considerations which are; residential visual amenity, noise and shadow flicker. It is considered that residential visual amenity has been assessed in paragraphs 6.5.20 to 6.5.22.

6.5.24 A noise assessment forms part of the planning submission and demonstrates that acceptable noise emission limits can be met. Environmental Services raise no issues with the assessment and consider appropriate conditions can be attached which require the noise limits to be met, if consent is granted. In addition if consent is granted, conditions covering the required procedure in the event of there being a noise complaint from the proposed development and a condition to cover delivery of mitigation measures to remediate any breach of the noise limits can be imposed.

6.5.25 A Shadow Flicker model forms part of the submission. By basing the model on 10 rotor diameters from each of the proposed turbine and within 130 degrees either side of north it has identified the potential shadow flicker impact area. There are 2 properties within that area that may potentially experience shadow flicker a maximum 146 hours a year (Wandeldyke Cottage) and 50 hours a year (Littlegill Cottage). Normally shadow flicker would be limited to 30 hours a year at a property but in this instance both these properties are financially involved with the wind farm and are, therefore, not standard receptors. Nevertheless, it is considered that where shadow flicker is found to cause a nuisance, mitigation measures should be implemented in order to reduce its occurrence. Therefore, if planning consent is granted an appropriate condition should be imposed to control this matter.

6.5.26 It is, therefore, considered that the proposals are acceptable under this policy criteria.

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

It is considered that an increase in turbine height would not have an additional effect on this criteria.

6.5.28 Impact on Public Access.

This consideration set out at criteria 12 of Table 7 of the SG Renewable Energy aligns with Policy 15 Natural and Historic Environment of SLLDP and Policy NHE 18 in the SG Natural and Historic Environment which contains guidance on core paths and rights of way. It is considered that an increase in turbine height would not have any additional effect on this criteria.

6.5.29 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 SLLDP Policy 15, has previously been assessed under National Designations at paragraphs 6.5.9 to 6.5.11 with the exception of impact upon B and C Listed Buildings. There are 59 B and C Listed buildings within 5km of the application site but with only 7 of these lying within the zone of theoretical visibility with the turbines. Of these remaining 7, two (Wiston Lodge and Wiston Stables) are surrounded by woodland that curtails any views between them and the turbines so they are in effect not within a zone of visibility. Of the remaining 7 Listed buildings it is considered that in the case of Roberton Church (3km away) and Wiston Parish Church and Graveyard (both almost 5km away) the distance of these buildings to the site boundary, let alone the nearest turbine negates any additional impact an increase in turbine height could have on them. The remaining Listed Building, Clyde's Bridge is 1.8km to the west of the site and is located at a much lower level than the turbines will be located so they are not viewed together. This distance and topographical separation ensure that there will be no more additional impact upon the setting of this listed building. There is one Conservation Area within 5km of the site (Lamington) but it is over 5.3km from the nearest turbine and it is, therefore, considered that this distance would not result in any additional impact upon the Conservation Area.

6.5.30 Impacts on tourism and recreation.

It is considered that the increase in turbine height would have any additional impact on this criterion.

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

As noted in 4.7, following discussions with the MOD, they have removed their objections to the proposals in relation to their potential impact on the operation of the Eskdalemuir Seismology Recording Station subject to the use of two specific suspensive conditions which form part of the recommendation of approval (conditions 32 and 33 on the paper apart). Due to the height of the turbines, MoD advise that they require aviation safety lighting to be installed on the turbines. A condition addressing this matter forms part of the recommendation.

6.5.32 Impact on road traffic and on trunk roads.

The criterion of this section of the checklist mirrors SLLDP Policy 16 (Travel and Transport) which requires all new development to conform to South Lanarkshire Council's Road Development Guidelines. Roads and Transportation and Trunk Roads have no objections to the proposals. 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 forms part of the recommendation.

6.5.33 Impacts on hydrology, water environment and flood risk

This consideration mirrors SLLDP Policy 17: Water Environment and Flooding 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. The SG on Sustainable Development and Climate Change contains guidance on the water environment, and the water environment falls under category 2 national designations within Policy 15 of the SLLDP. The proposals do not involve any changes to the Original Permission that would have an impact upon the water environment.

6.5.34 Decommissioning and restoration.

This consideration requires a plan for decommissioning and restoration of the proposed development to be robust. The Original Permission had conditions requiring restoration of the site and the submission of a restoration bond or other financial guarantee. These conditions would be replicated on any new decision if approved.

6.5.35 Opportunities for energy storage.

Battery storage is part of the proposals as with the Original Permission.

6.5.36 Site decommissioning and restoration bond.

As noted in 6.5.36 above, provision would be conditioned.

6.5.37 Forestry and woodland removal.

There is no change in relation to this criteria from the Original Permission.

6.5.38 Impact on Prime Agricultural Land.

There is no Prime Agricultural Land within the application site.

6.5.39 Borrow pits.

There is no change in relation to this criteria from the Original Permission.

6.5.40 Environmental Protection

Criteria 25 of Table 7 of SG Renewable Energy 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.

6.5.41 Notifiable installations and exclusion zones

There are none within proximity to the application site.

6.5.42 Mitigation

Criteria 27 of Table 7 of SG Renewable Energy requires the developer to demonstrate that appropriate mitigation measures will be applied. The Original Permission required environmental mitigation through conditions and these conditions will be replicated on any decision should approval be given. A legal agreement to secure the formation of a Habitat Management Group also forms part of the recommendation to implement suitable habitat management mitigation. As noted in 6.5.13 the applicant is proposing additional mitigation in terms of archaeological interpretation.

6.5.43 Legal agreement

Criteria 28 of Table 7 of SG Renewable Energy 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 the formation of a Habitat Management Group 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 the applicant has also agreed to provide a financial contribution to enter into a legal agreement to provide community benefit to offset some of the impacts caused by wind farm development and this would be secured by Legal Agreement.

6.6 **Conclusion**

6.6.1 In conclusion, the principle of wind farm development has been established by the Original Permission. The Council refused the application on the grounds of its concerns about the impact on the landscape character of the area, the cumulative sequential impact of an additional windfarm, the effect on visual and residential amenity and the effect on two scheduled ancient monuments. The Reporter who determined the subsequent appeal disagreed with these concerns and concluded that the proposals were acceptable.

6.6.2 This application seeks to increase the maximum height of the turbines and in this case an assessment of their impact in this particular landscape character type and context has concluded that they would not have any additional significant, detrimental effects on the visual amenity and landscape character of the surrounding area nor would the residential amenity and enjoyment of the wider area be adversely affected. It is considered that the increase in renewable energy yield of an additional 16.8MW is welcomed and, as such, it is recommended that the proposals are approved subject to the imposition of the previously required environmental conditions and the conclusion of a legal agreement to address road repair and habitat management obligations and the making of contributions to the Councils Renewable Energy Fund.

7 **Reasons for Decision**

7.1 The amendment to condition 19 is considered acceptable and the updated suite of documents submitted are considered appropriate in terms of allowing a decision to be made. The increase in turbine height to 180m and 200m are considered to not have any significant, adverse impact in relation to the previous, original planning permission and accords with National Policy and the relevant provisions of the Development Plan subject to the imposition of the attached environmental

conditions as allowed under Section 42 of the Town and Country Planning Act (Scotland) 1997 as amended.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

20 November 2020

Previous References

- ◆ CL/17/0009

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 20.12.2019

- ▶ Consultations
 - Transport Scotland 20.12.2019
 - Roads Development Management Team 31.01.2020
 - RSPB Scotland 03.02.2020
 - Roads Flood Risk Management 14.03.2020
 - MoD (Windfarms) 17.01.2020
&13.11.2020
 - National Air Traffic Services Ltd 11.02.2020
 - BAA Glasgow 30.12.2019
 - SEPA West Region 23.12.2019
 - Transport Scotland 20.12.2019
 - Historic Environment Scotland 31.01.2020
 - Scottish Water 30.12.2019
 - Arquiva 10.01.2020
 - Environmental Services 07.04.2020
 - Edinburgh Airport Aerodrome Safeguarding 31.12.2019

- ▶ Representations
 - David Acton, Wandeldyke, Abington, ML12 6RP Dated: 06.02.2020
 - Mr Roger Lewington, Dunalastair House, 2 Dunalastair Road, Crawford Biggar, South Lanarkshire, ML12 6TT 18.01.2020

Andrew McLarty, Rowan Stables, A702 From Abington A73 31.01.2020
At Duneatonfoot To A72 At Biggar, Abington, Biggar, South
Lanarkshire, ML12 6RP

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

Conditions and reasons

01. The development shall be carried out strictly in accordance with the terms of all volumes of the Document titled Priestgill Wind Farm dated November 2019, including all mitigation and monitoring measures stated in it, subject to any requirements set out in these conditions. Any proposed deviation from the detail provided within these documents, must be submitted to and approved in writing by the Planning Authority before the works described therein are undertaken.

Reason: To ensure that the development is carried out in accordance with the approved details.

02. The applicant shall ensure that all works carried out on site must be carried out in accordance with the current BS5228, 'Noise control on construction and open sites'. The applicant shall further ensure that audible construction activities shall be limited to, Monday to Friday 08.00 to 19:00, Saturday 08.00 to 13.00, and with no audible activity taking place on Sunday, and local and national bank holidays without prior written approval of the Planning Authority. HGV movements to and from the site (excluding abnormal loads) during construction of the wind farm shall be limited to 08.00 to 19.00, Saturday 08.00 to 13.00, with no HGV movements to for from site taking place on a Sunday or on national public holidays. Under exceptional conditions the above time restrictions may be further varied subject to written agreement with the Planning Authority.

Reason: In the interests of controlling construction noise.

03. No fixed or mobile plant used within the site during the construction period shall incorporate bleeping type warning devices that are audible at any noise sensitive receptor. Details of alternative warning devices shall be submitted to and approved in writing by the Planning Authority prior to development starting on site. Efficient silencers shall be fitted to, used and maintained in accordance with manufacturers' instructions on all vehicles, plant and machinery used on the development site.

Reason: In the interests of controlling construction noise.

04. No development shall commence unless a Traffic Management Plan (TMP) has been submitted to and approved by the Planning Authority, in consultation with the Roads Authority and Transport Scotland. The TMP shall include:-

- a) details of the transportation and delivery route(s) for wind turbine and construction traffic;
- b) details of the timings, volumes and types of vehicles;
- c) details of any alteration to the public road network, including all temporary works and relocation of street furniture;
- d) detailed plans and specifications for access arrangements to the A702 and visibility splays associated with them;

- e) arrangements for emergency vehicle access;
- f) details of proposed signage during the construction period;
- g) any necessary mitigation; and
- h) a travel plan.

Thereafter, the development shall be carried out in accordance with the TMP, unless agreed otherwise in writing with the Planning Authority.

Reason: In the interests of road safety.

05. At least 3 months prior to the delivery of abnormal loads the developer will undertake an Abnormal Load Route Assessment (ALRA) which shall include a swept path assessment of the route and proposals for a trial run of abnormal load deliveries, and submit details of their report together with any recommendations for the written approval of the Council as Roads Authority and in consultation with Transport Scotland. The ALRA shall include details of a public relation strategy to inform the relevant communities of the programme of abnormal deliveries and confirmation from Transport Scotland that it is acceptable if their land is encroached by abnormal loads along the approved route. The recommendations shall thereafter be implemented in accordance with a programme to be approved by the Planning Authority and shall be implemented prior to the delivery of the abnormal loads. Should the abnormal load route include any bridge crossings, prior to the commencement of the development clarification on the Bridge Assessments require to be submitted to and approved by the Planning Authority.

Reason: In the interests of road safety.

06. Prior to commencement of construction works a full Safety Audit for all infrastructure to be constructed and adopted, or altered, on the public road, undertaken in accordance with the Institute of Highways and Transportation Guidelines, shall be submitted to and approved by the Planning Authority.

Reason: In the interests of road safety.

07. No development shall commence unless a Construction and Environment Management Plan (CEMP) including a Construction Method Statement, has been submitted to and approved by the Planning Authority in consultation with SEPA. The Statement/s shall integrate "good practice" methods from the Scottish / UK wind farm industry and incorporate the mitigation measures identified in the Environmental Impact Assessment Report. The CEMP shall include the following matters:-

- a) details of ecological pre-construction surveys of all areas of construction and a suitable buffer that will be undertaken no more than three months prior to commencement of development, and if necessary, the relevant disturbance licenses from SNH will be applied for prior to construction commencing;
- b) Protected Species Protection Plan covering the monitoring of any known protected species, resting sites and also include details of how any reptiles that may be present on the site during construction will be protected;

- c) water quality monitoring programme which will include monitoring of watercourses and their water quality to be completed on a monthly basis with extractive samples sent for laboratory analysis to ensure construction of the development is not detrimentally effecting water quality;
- d) details of basic ecological constraints training to be provided by the Environmental Clerk of Works to raise awareness to all construction staff of specific ecological issues through the site induction and toolbox talks as part of a wider site induction;
- e) Breeding Bird Protection Plan
- f) a Site Waste Management Plan;
- g) a Pollution Prevention Plan;
- h) details of on-site storage of materials, including fuel and other chemicals;
- i) details of on-site storage and off-site disposal of excavated material where required;
- j) details of the methodology for reuse of the small amounts of peat in the re-turfing of the verges; if greater volumes of peat are encountered, a Peat Management Plan shall be prepared;
- k) a Sustainable Drainage System (SuDS) design concept including run-off and sediment control measures;
- l) a Flood Risk Assessment with recommendations and mitigation measures where required;
- m) details and timetable for phasing of construction works;
- n) details of all internal access tracks, including accesses from the public road and hardstanding areas;
- o) details of borrow pit excavation and restoration including the need to carry out any blasting;
- p) details of proposed temporary site compound for storage of materials, machinery, and designated car parking;
- q) cleaning of site entrance, site tracks and the adjacent public road and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the public road;
- r) details and timetable for post construction restoration and/or reinstatement of the working areas and any other temporary works; and
- s) the development site shall not be illuminated by lighting unless the Planning Authority has given prior written approval or lighting is required during working hours which have been approved by the Planning Authority; or an emergency requires the provision of lighting.

Thereafter, the construction of the development shall be carried out in complete accordance with the approved CEMP, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on amenity and the environment, and that the mitigation measures contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented.

- 08. There shall be no Commencement of Development unless the Planning Authority has approved in writing the terms of appointment by the Company of an independent Ecological Clerk of Works (ECoW). The terms of the appointment shall include the ECoW to be appointed prior to commencement of development,

remaining appointed until the final commissioning of the development. The scope of work of the ECoW shall include:-

- a) monitoring compliance with the ecological mitigation works that have been approved in this consent, including the mitigation measures identified in the Environmental Impact Assessment Report dated November 2019;
- b) advising the developer on adequate protection of nature conservation interests on the site;
- c) directing the micro siting and placement of the turbines, bridges compounds and tracks; and
- d) monitoring compliance with the Construction Environmental Management Plan of condition 7.

Reason: To secure effective monitoring compliance with the environmental mitigation and management measures associated with the development.

09. Prior to the commencement of decommissioning an Ecological Clerk of Works (ECoW) shall be appointed by the developer and approved by the Planning Authority after consultation with SNH until the completion of aftercare or such earlier date as may be agreed in writing by the Planning Authority. The scope of work of the ECoW shall include those elements identified in condition 8 with the exception of points c) and d) of that condition and will include monitoring compliance with the Decommissioning, Restoration and Aftercare Plan required by condition 23.

Reason: To secure effective monitoring compliance with the environmental mitigation and management measures associated with the development.

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

Reason: In order to safeguard the archaeological heritage of the site and to ensure that the developer provides for an adequate opportunity to investigate, record and rescue archaeological remains on the site, which lies within an area of potential archaeological importance.

11. Prior to development commencing on site, details of siting, design and appearance of the monitoring mast, substation and any other site compounds shall be submitted to and approved in writing by the Planning Authority. This will include details of the materials:-

external finishes and colours of battery storage, substation and for all ancillary elements (including access tracks, transformers, switchgear/metering building, compound, boundary treatment and fencing). If required by the Planning Authority, samples of materials shall be provided and only materials approved by the Planning

Authority shall be used. Thereafter, the development shall be carried out in accordance with the approved details.

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

12. Consent is granted for the wind farm and its associated infrastructure for a period from the date of this consent until 25 years from the date of final commissioning of the development. Written confirmation of the date of first commissioning shall be provided to the Planning Authority no later than one calendar month after that date.

Reason: In order to retain effective planning control.

13. There shall be no commencement of development until a scheme for the avoidance or mitigation of any shadow flicker experienced by residential and commercial properties situated within 10 rotor diameters of any turbine forming part of the development and which lawfully exist or for which planning permission has been granted at the date of this consent has been submitted to and approved in writing by the Planning Authority. The approved mitigation scheme shall thereafter be implemented in full.

Reason: To offset impacts of shadow flicker on residential and commercial property amenity.

14. Each turbine shall be erected in the position indicated in the co-ordinates within the Environmental Impact Assessment Report November 2019. A variation of the indicated position of any turbine or other development infrastructure detailed on the approved drawing shall be notified on the following basis: (a) if the variation is less than 50 metres it shall only be permitted following the approval of the Ecological Clerk of Works (ECoW) in consultation with SEPA and West of Scotland Archaeology Service (b) if the variation is of between 50 metres and 100 metres it shall only be permitted following written approval of the Planning Authority in consultation with SEPA and West of Scotland Archaeology Service. The said provisions relating to variation shall not have the effect such that any variation will:
 - bring a turbine outwith the planning application boundary, or
 - breach the 20m water buffer zoneswithout the prior written agreement of the Planning Authority.

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

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

Reason: In order to retain effective planning control.

16. No part of any turbine shall be erected above ground unless:-
- a) a Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and approved in writing by the Planning Authority; and
 - b) the approved Primary Radar Mitigation Scheme has been implemented.

The development shall thereafter be operated fully in accordance with such approved Scheme.

For the purpose of the condition above:-

"Operator" means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act

2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act). "Primary Radar Mitigation Scheme" or "Scheme" means a detailed scheme agreed with the Operator which sets out the measures to be taken to avoid at all times the impact of the development on the Lowther Hill primary radar and air traffic management operations of the Operator.

Reason: In the interests of aviation safety and in order to avoid the impact of the development on the Primary Radar of the Operator located at Lowther Hill and associated air traffic management operations.

17. That before any work starts on site, details of all turbine aviation lighting shall be submitted for the written approval of the Council, as Planning Authority. Once approved the details shall be implemented and maintained as such for the lifetime of the development, hereby approved.

Reason: In the interests of aviation safety.

18. The blades on all the turbines hereby approved shall rotate in the same direction.

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

19. No development shall commence unless precise details including the type, dimensions, colour, and external finish of the proposed turbines have been submitted to and approved in writing by the Planning Authority. The height of the turbines hereby granted planning permission shall not exceed 200 metres to tip above ground level. Thereafter, the turbines shall be installed in accordance with the details as approved.

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

20. Only mechanical means of snow clearance shall be used to clear access tracks, unless otherwise agreed in writing by the Planning Authority.

Reason: To minimise the environmental impact of snow clearing operations by avoiding the use of chemicals or salt without explicit approval.

21. There shall be no Commencement of Development unless a decommissioning, restoration and aftercare strategy has been submitted to and approved in writing by the Planning Authority. The scheme shall detail measures for the decommissioning of the development, restoration and aftercare of the site and will include, without limitation, proposals for the removal of the above ground elements of the development, the treatment of ground surfaces, the management and timing of the works, and environmental management provision.

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

22. No later than 3 years prior to decommissioning of the development or the expiration of this consent (whichever is the earlier) a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted to the Planning Authority for written approval in consultation with SNH and SEPA. The detailed decommissioning, restoration and aftercare plan will provide updated and detailed proposals for removal of above ground elements of the development, the treatment of ground surfaces, the management and timing of the works and environment management provisions. The development shall be decommissioned, site restored and aftercare thereafter undertaken in accordance with the approved plan, unless otherwise agreed in writing in advance with the Planning Authority.

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

23. The decommissioning and restoration of the site shall be completed within 2 years from the date on which the development ceases to generate electricity unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of safety, amenity and environmental protection.

24. No development shall commence until the developer puts in place a Private Water Supply Protection Plan, covering the period from the Commencement of the Development until 12 months after date of Final Commissioning. The Plan will be submitted to and approved in writing by the Planning Authority. The approved mitigation scheme shall thereafter be implemented in full. The Plan shall include details of monitoring and contingency measures to be delivered to maintain the quality and continuity of water supplies to properties which are served by private water supplies at the date of this consent and include:-

- a) details of the water quality sampling methodology and locations;
- b) details of site investigation to establish the route of the Wandel private water supply pipe;
- c) measures for protection of the pipe if it is found to pass across the proposed access track, or within the 10 metre up-gradient and down-gradient; and
- d) measures to notify the occupants of properties supplied by the pipe and the provision of an alternative supply should the water supply be disturbed or effected as a consequence of construction activities.

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

25. There shall be no Commencement of Development unless a Wandel Public Right of Way Access Mitigation Plan, covering the period from the Commencement of Development until the date of Final Commissioning, has been submitted to and approved in writing by the Planning Authority. The Plan will relate to the first 200 metres of the Wandel Public Right of Way where the route is shared or parallel to the wind farm access track.

Reason: In the interests of recreational amenity.

26. Prior to starting on site a Habitat Management Plan (HMP) shall be prepared and finalised in consultation with the Council's Local Biodiversity Officer and RSPB and submitted to the Planning Authority for approval. The HMP shall be approved prior to the commencement on site. The HMP shall include habitat management and enhancement to benefit breeding curlew within the Border Hills NHZ and timing and programme of delivery and monitoring. Thereafter all works shall be implemented strictly in accordance with the terms of the approved HMP within the timescales set out in the approved HMP.

Reason: To safeguard environmental impacts, ecology, species and habitats, to ensure development conforms to the environmental statement and supplementary environmental information and maintain effective planning control.

27. That no work shall start on site prior to the establishment of a Habitat Management Group (HMG) to oversee the preparation of the approved Habitat Management Plan. The HMG shall include a representative of South Lanarkshire Council and RSPB and shall have powers to make reasonable changes to the HMP necessary to deliver its agreed aims.

Reason: To safeguard habitat and to ensure development conforms to Environmental Statement and maintain effective planning control.

28. If any wind turbine(s) fails to produce an electricity supply to the grid for a continuous period of 12 months then, unless otherwise agreed in writing by the Planning Authority, the wind turbine and any associated above ground infrastructure solely required for that turbine(s) shall be dismantled and removed from the site and the area around the turbine restored in accordance with a scheme to be submitted to and approved in writing by the Planning Authority.

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

29. At least one month prior to the commencement of the development, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the planning authority. Such guarantee must:-
- i. be granted in favour of the planning authority
 - ii. be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
 - iii. be for an amount which covers the value of all site restoration and aftercare liabilities as determined by the planning authority at the commencement of development
 - iv. contain provisions so that all the site restoration and aftercare liabilities as determined at the commencement of development shall be increased on each fifth anniversary of the date of this consent.
 - v. come into effect on or before the date of commencement of development, and expire no earlier than 24 months after the end of the aftercare period.

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

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

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

30. The day time noise immissions (7am to 11pm) from the wind turbines must not exceed a noise level of 37dB LA90,10min or background LA90,10min +5dB, whichever is the greater, at the boundary of the curtilage of any noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site. This is based on the SLR Environmental Statement- Chapter 10 Noise.

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

Wind Turbine- Tonal Contribution

Where the tonal noise emitted by the development exceeds the threshold of audibility by between 2dB and 6.5dB or greater, then the acceptable noise specified in the (relevant) condition shall be reduced by the penalty level identified within section 28 of 'The Assessment and rating of Noise from Wind Farms- ETSU-R-97.

Wind Farm- Investigation of Complaints

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

Where an assessment of any noise impact is, in the opinion of the Planning Authority acting reasonably, found to be in breach of the noise limits the developer shall carry out mitigation measures to remediate the breach so caused. Details of any such mitigation measures required are to be submitted to the planning authority for prior approval. In the event of amplitude modulation being established, the developer shall implement suitable mitigation consistent with best available technology to the satisfaction of the Planning Authority. At this time this would be in keeping with the Institute of Acoustics, IOA Noise Working Group (Wind Turbine Noise) Final Report, A Method for Rating Amplitude Modulation in Wind Turbine Noise, 9 August 2016, Version 1 [Reason: to mitigate excessive noise]

Noise mitigation

Pursuant to condition Noise 13 above, where an assessment of any noise impact which, in the opinion of the Council as Planning Authority acting reasonably, is found to be in breach of the noise limits described in condition 5 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.

If the tonal noise emitted by the development exceeds the threshold of audibility by 6.5dB or more, then the acceptable noise specified in Condition 5 shall be reduced by 5dB, always providing that the definition of audibility for the purposes of this condition shall be as described in 'The Assessment and Rating of Noise from Wind Farms (ETSU-R-97)'.

Reason: In the interests of residential amenity

31. That before any work starts on sites, details of the Wardel Roman Camp Archaeological interpretation programme shall be submitted for the written approval of the Planning Authority, in consultation with WOSAS. Once agreed the programme shall be implemented and maintained as such for the lifetime of the development, hereby approved.

Reason: In the interests of archaeological interpretation

32. That no development shall take place until a Wind Farm Specification/Operation Schedule has first been submitted to and approved in writing by the Council as Local Planning Authority following written consultation with the Ministry of Defence. As a guideline, the Wind Farm Specification/Operation Schedule should, as a minimum, include:
- A detailed wind farm schedule (detailed location, technical and dimensional specifications for each of the wind turbine generators proposed);
 - A method statement and schedule for a testing protocol to assess the impact of the proposed wind turbine generators as well as establish baseline seismic ground vibration data for the application site;
 - Proposals for the test and evaluation of the wind turbines for specific time periods; and
 - A specification for a post implementation Wind Farm Output Report (WFOR) that shows how each wind turbine generator will be in a low impact state/curtailment position in order to minimise Seismic Ground Vibration output. The WFOR shall define the required low impact state/curtailment position and provide details of the methods of measuring the impact of the wind farm on the Eskdalemuir Seismic Array and, if applicable, a means of mitigating or managing that impact.

Approval will only be provided by the Council where, following consultation with the MOD, it has been demonstrated that the turbines can be operated fully in accordance with the agreed Eskdalemuir budget as allocated by MOD, with any freed up budget returning to MOD.

Thereafter the development shall be constructed strictly in accordance with the details set out in the approved Wind Farm Specification/Operation Schedule.

Reason: In order to define the terms of the consent in the interests of the Eskdalemuir Seismic Array

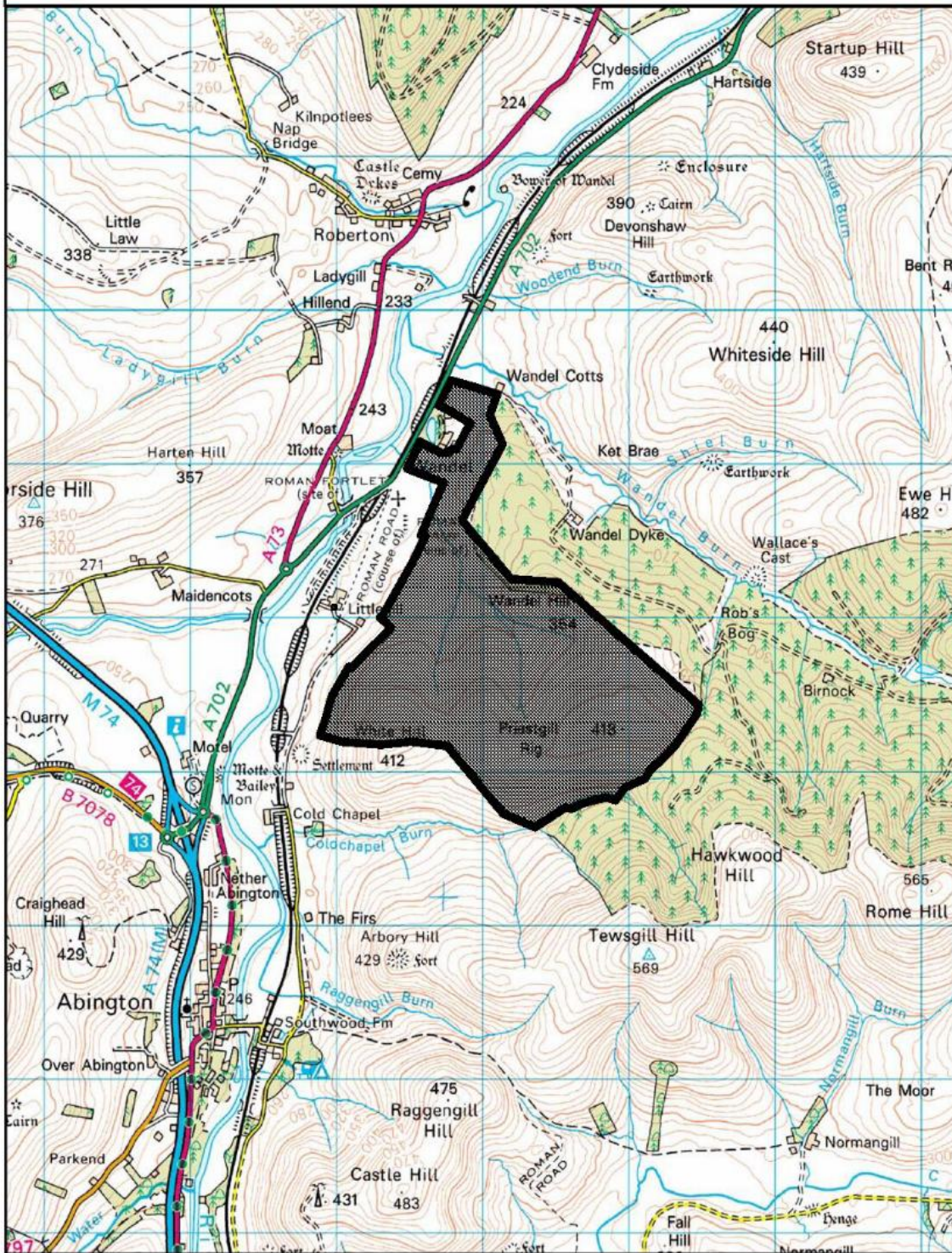
33. Any wind turbine erected as part of this development shall not be permitted at any time to operate in anything but the low impact state/curtailment position as defined and agreed through condition 32 above, other than:
- a. for the purpose of test and evaluation for specific time periods as defined in the approved Wind Farm Specification/Operation Schedule; or
 - b. following the submission and approval in writing of the completed Wind Farm Output Report (to the specification agreed through the discharge of condition 32 and outlined in the Wind Farm Specification/Operation Schedule) by the Council as Local Planning Authority following written consultation with the Ministry of Defence.

Thereafter, and for the lifetime of the development, the development shall be operated strictly in accordance with the approved Wind Farm Specification/Operation Schedule.

Reason: In order to define the terms of the consent in the interests of the Eskdalemuir Seismic Array

P/19/1803

Priestgill Wind Farm, Little Gill Farm, Abington



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Scale:
1:35,000
Date:
27/04/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development



Report

Report to:	Planning Committee
Date of Meeting:	1 December 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/1180
Planning proposal:	Sub-division of garden ground and erection of a single storey detached dwelling and associated parking

1 Summary application information

Application type: Detailed planning application

Applicant: Mr and Mrs Robertson
 Location: 55 Dunedin Drive
 East Kilbride
 G75 8QF

2 Recommendation(s)

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

(1) Refuse detailed planning permission for the reasons attached.

2.2 Other actions/notes

- (1) The Committee has delegated powers to determine this application.
- (2) This application would normally be determined under delegated powers however, local member Councillor McAdams has requested that it be determined by Planning Committee.

3 Other information

- ◆ Applicant's Agent: DTA Chartered Architects
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
 Policy 4 Development management and placemaking
 Policy 6 General urban area/settlements

Development Management, Placemaking and Design Supplementary Guidance (2015)

Policy DM1 Design

Policy DM3 Sub-division of garden ground

Proposed South Lanarkshire Local Development Plan 2

Policy 3 General Urban Areas

Policy 5 Development Management and Placemaking

Policy DM1 New Development Design

Policy DM3 Sub-division of garden ground

♦ **Representation(s):**

▶	2	Objection Letters
▶	0	Support Letters
▶	1	Comment Letters

♦ **Consultation(s):**

Environmental Services

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site relates to a detached dwellinghouse and its garden ground at 55 Dunedin Drive in East Kilbride. The site is located in an established residential area. The site is bounded by detached dwellings on Dunedin drive to the south, and across Dunedin Drive to the east. It is also bounded by detached dwellings to the west on Winton Park and to the south across Winton Park on Dunedin Drive. The site slopes from south to north. The garden runs parallel to Dunedin Drive and is bounded to the south by a fence beyond which there are mature trees. The existing side/rear garden which forms the proposed plot is separated from the road frontage by a wall. The site area of the proposed plot is approximately 340 sqm and the existing house and garden plot is approximately 900 sqm.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the subdivision of garden ground and the erection of a single storey detached dwellinghouse and the creation of a double vehicular access and parking to serve the new dwellinghouse in the rear garden of the existing property.
- 2.2 The proposed dwelling provides accommodation of living/dining room, kitchen, internal utility, shower room, cloak room and two double bedrooms. The proposed house would be situated adjacent to the original dwelling in the rear garden, facing onto Dunedin Drive. No details have been provided as to the external materials proposed. Due to the topography of the site, it would be levelled by lowering the southern end and raising the northern end to create a level platform for the dwelling. The ridgeline of the proposed dwelling would sit slightly below that of the existing dwelling house to the north.
- 2.3 The applicant has submitted a Design Statement in support of the current application.

3 Background

3.1 Local Plan Status

- 3.1.1 In determining this planning application the Council must assess the proposed development against the policies contained within both the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.1.2 In land use terms, the application site is identified, within the adopted South Lanarkshire Local Development Plan (SLLDP) as being located within the general urban area / settlement (Policy 3). A number of other policies within the adopted SLLDP are considered appropriate to the determination of this application, namely Policy 2 – Climate Change, Policy 4 - Development

Management and Placemaking. These principle policies are supported by its specific policy guidance provided through approved Supplementary Guidance on Development Management, Place Making and Design SG 3, where Policy DM 1 – Design and Policy DM3 – Sub-division of garden ground are also relevant.

- 3.1.3 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. A number of amendments to policy have been recommended which will be carried through to adoption stage. For the purposes of determining planning applications the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters amendments. Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council they are nevertheless a material consideration. For the purposes of this application the following policies are relevant Policy 3 General Urban Areas, Policy 5 Development Management and Placemaking, Policy DM1 New Development Design and Policy DM3 Sub-division of garden ground.

3.2 Planning Background

- 3.2.1 There were no pre-application discussions in respect of the current proposal. There were previous pre-application discussions for a very similar proposal with the applicant during 2017 and 2018 when the applicant was advised that the sub-division of the garden ground and erection of a single storey dwelling did not comply with South Lanarkshire Local Development Plan policy. There have been no previous applications at the property.

4 Consultation(s)

- 4.1 **Roads and Transportation Development Management** – raised no objections to the proposed development as two car parking spaces have been proposed and the sightline visibility splay provided are acceptable.
Response: Noted

- 4.2 **Consult** – raised no objections to the proposed development subject to advisory notes being attached to any consent issued.
Response: Noted. An advisory note could be attached if the committee were minded to grant consent.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertisement in the local press in respect of Non-notification of Neighbours. Following this, 2 letters of objection and 1 letter of comment were received. The issues raised in these representations can be summarised as follows:-

- (a) **The proposed dwelling and garden areas are too small and out of character with the surrounding area.**

Response: The proposed plot size for both the proposed and remaining dwelling are considerably smaller than those of the surrounding properties in the immediate area. It is, therefore, agreed that the proposed development does not reflect the character of the surrounding area and does not accord with the established pattern of development. The proposed garden space for the new dwelling and particularly for the remaining dwelling are not considered to provide sufficient useable garden ground and do not reflect the character of the surrounding area.

- (b) **The proposed house and boundary treatments will result in a loss of privacy for neighbouring properties, particularly in respect of 53 Dunedin Drive where the new dwelling will create privacy issues in the rear garden.**

Response: Although the side of the property faces towards the rear garden of 53 Dunedin Drive, the window to window distance is approximately 19.5m and the topography of the site would result in the new dwelling being lower than the rear garden of 53 Dunedin Drive. It is, therefore, not considered that there would be a significantly unacceptable level of overlooking from the proposed property.

- (c) **Not all the trees in the neighbouring property at 53 Dunedin Drive are shown on the plans and concerns that the existing trees will be damaged during the construction of the dwelling.**

Response: The four larger trees are shown on the plan, however, a couple of smaller sapling trees in the same group are not shown individually. The conifer trees are not located within the application site, rather in the garden of the neighbouring property. Some of the branches of the trees overhang the application site and may require to be trimmed to accommodate the building.

- (d) **The proposed parking area for the new dwelling is not in keeping with the surrounding houses with cars being parked directly in front of the building.**

Response: The applicant has provided 2 off street parking spaces for the property and Roads and Transportation Services have no objection to the proposed development. The existing parking space for the existing house is located similarly directly in front of the house.

- (e) **Comment that the flora, fauna and species requires to be protected throughout the development process.**

Response: Given the nature of the proposed development and the development location, it is considered unlikely that there would be any such impacts in this case. However, the development is not considered to be acceptable.

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

6 Assessment and Conclusions

6.1 The applicant seeks detailed planning permission for the subdivision of garden ground and the erection of a single storey detached dwellinghouse and the creation of a vehicular access and parking to serve the new dwellinghouse in the rear garden of the existing property. The main considerations in determining this application are its compliance with local plan policy, its impact on the amenity and character of the surrounding residential area and road/pedestrian safety and the previous planning application and planning appeal history of the site.

6.2 In terms of the South Lanarkshire Local Development Plan (adopted 2015), Policies 4 – Development Management, DM1 - Design and, DM3 – Sub Division of Garden Ground are applicable. Policies 4 and DM1 resist any development that would be detrimental to residential amenity and that all planning applications should take account of the local context and built form. All development should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. The proposed development would not make a positive contribution to the character and appearance of the environment and would not relate satisfactorily to adjacent surrounding development. As such, the proposal does not fully comply with these two policies.

6.3 Policy DM3 states that there will be a presumption against development within the curtilage of an existing dwelling unless certain criteria can be met. The proposal has been assessed in detail against the criteria as follows:

- (a) **That the proposed house is of a scale, massing, design and material sympathetic to the character and pattern of the area and does not result in a development which appears cramped, visually obtrusive or of an appearance which is out of keeping with the established character that is harmful to the amenity of the area;**

The proposed development would not make a positive contribution to the character and appearance of the environment and the size and character of the proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern.

- (b) **The proposed house plot and that remaining to the existing house is comparable with those nearby in terms of size shape and amenity, the proposal accords with the established pattern of development in the surrounding area;**
The new house plot resulting from the subdivision of the garden ground is smaller than that of the existing house and surrounding properties. The proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern.
- (c) **The proposed house should have a proper road frontage of comparable size and form with those of surrounding curtilages;**
It is accepted that the proposed dwelling would have a proper road frontage and that a suitable access for the proposed dwelling could be achieved.
- (d) **That the proposed vehicular access should be of an adequate standard and should not have any adverse implications for traffic safety or adversely affect the amenity of adjacent properties;**
It is accepted that a suitable access for the proposed dwelling could be achieved.
- (e) **The garden space of the proposed house and remaining for the existing house should be sufficient for the recreational, amenity and drying needs of the occupants;**
The space required for the proposed dwelling within the existing garden results in the useable garden ground, for both the existing and proposed houses being insufficient in terms of area and nature being on average only 7.5m deep.
- (f) **That the new development will not cause an unacceptable reduction in privacy to surrounding houses as well as the new house itself;**
The rear of the proposed property faces directly towards the rear garden of 1 Winton Park and the window to window distance is 12.5m, however, the windows are not directly facing onto each other and the proposed dwelling is single storey. Similarly the kitchen window on the side of the proposed property looks towards 53 Dunedin Drive. The window to window distance, however, measures 19.5m and the topography of the site and the existing boundary fence would reduce any overlooking. Although the rear garden length is 7.5m, there is not considered to be a significantly unacceptable level of overlooking from the proposed property.

- (g) **That the new development will not overshadow adjacent properties to a degree which will result in loss of amenity or itself be significantly adversely affected by overshadowing;**

It is not considered that there would be a significantly unacceptable level of overshadowing or loss of light to existing properties from the proposed single storey property.

- (h) **That all existing features such as trees, hedges etc that contribute to the character of the area will be retained;**

It is agreed that the proposed development does not reflect the character of the surrounding area, however, there are no trees in the rear garden of the existing property which would be removed by the proposed development. As stated in section 5 (c) above, the conifer trees located in the garden of the neighbouring property, which have branches overhanging the application site and may require to be trimmed to accommodate the building.

- (i) **That adequate parking can be provided for both the proposed and the existing house, and must not be harmful to the character of the established character and amenity of the area;**

In respect of the proposed and the existing dwelling adequate on-curtilage parking is achievable.

- (j) **That the new development must not jeopardise any further desirable development in the area;**

It is not considered that the proposal would jeopardise further development in this area.

- (k) **The proposal should take account of any supplementary guidance prepared by the Council, where relevant;**

The proposal has been assessed above against the relevant Supplementary Guidance.

6.4 The above assessment against Policy DM3, demonstrates that the proposal is contrary to criteria (a), (b) and (e) as detailed above.

6.5 As set out in section 3.1.3 above, for the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. The proposal has been assessed as set out above and it is considered that the proposed subdivision of garden ground and the erection of a single storey detached dwellinghouse and the creation of a vehicular access and parking is contrary to Policies 3, 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2.

6.6 In conclusion, careful consideration of this proposal has been undertaken and although the site is located within an area designated for residential land use, it is considered that the size and character of the proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern and the resulting useable garden ground, particularly for the existing house, is not considered to be satisfactory in terms of area or nature. In this regard, the proposal is not deemed to be in accordance with the Policies 4, DM1 and DM3 of the South Lanarkshire Local Development Plan (adopted) and also Policies 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2. As such it is recommended that the application is refused.

7 Reason for Decision

7.1 The proposal would have an adverse impact on the amenity of the surrounding residential area and is contrary to Policies 4, DM1 and DM3 of the South Lanarkshire Local Development Plan (adopted) and the associated Supplementary Guidance and contrary to Policies 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

9 November 2020

Previous references

◆ None

List of background papers

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

- ▶ Consultations
 - Environmental Services 09.10.2020
 - Roads Development Management Team 05.10.2020

- ▶ Representations
 - Dr Heather Campbell, 3, Apple Way East Kilbride, Glasgow, G75 0gb Dated: 07.10.2020
 - Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS 07.10.2020

Ms Alexandra McGowan, 53 Dunedin Drive, East Kilbride,
G75 8QF

05.10.2020

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

Detailed planning application

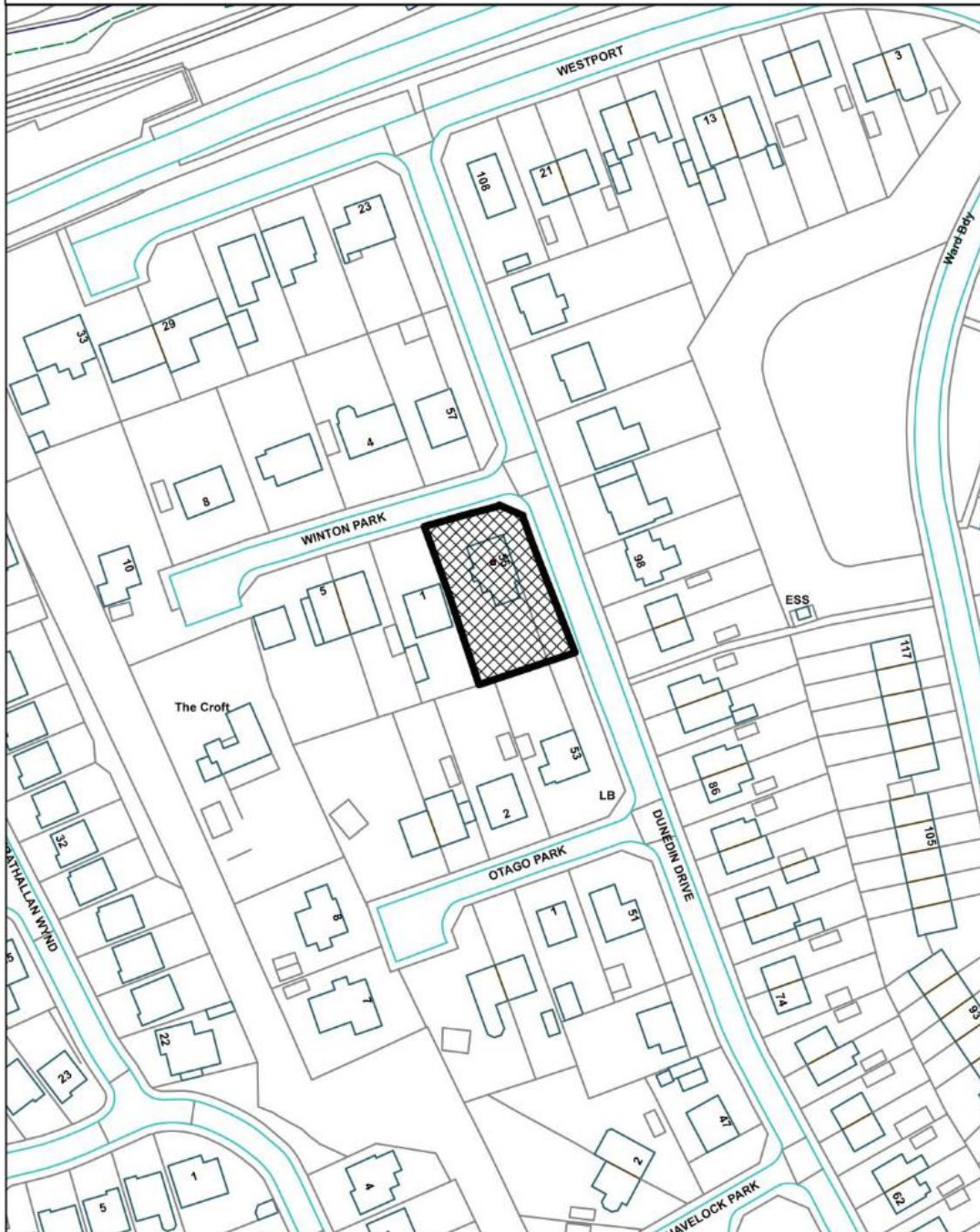
Paper apart – Application number: P/20/1180

Reasons for refusal

01. In the interests of amenity in that the size and character of the proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern and the resulting useable garden ground of both the existing and proposed houses is not considered to be satisfactory in terms of area or nature.
02. The proposal is contrary to Policy 4, DM1 and DM3 of the adopted South Lanarkshire Local Development Plan and Policy 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2 in that the proposed development would not make a positive contribution to the character and appearance of the environment, would not relate satisfactorily to adjacent surrounding development and the resulting useable garden ground of both the existing and proposed houses is not considered to be satisfactory in terms of area or nature.
03. The proposal is contrary to Policy DM3 of the adopted South Lanarkshire Local Plan as it does not comply with criteria (a), (b) and (e) of the said Policy and Policy DM3 of the proposed South Lanarkshire Local Development Plan 2 as it does not comply with criteria 1, 2 and 5 of the said Policy.

P/20/1180

55 Dunedin Drive, East Kilbride, G75 8QF



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Scale:
1:1,250
Date:
09/11/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

Report to:	Planning Committee
Date of Meeting:	1 December 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/1355
Planning proposal:	Erection of farm building (Calving and bull pens with Cattle handling facility)

1 Summary application information

Application type:	Prior notification general
Applicant:	Mr Alex Allison
Location:	Easton Farm Medwynbank Road Dunsyre Lanark ML11 8NQ

2 Recommendation(s)

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

(1) Prior approval not required.

2.2 Other actions/notes

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

3 Other information

- ♦ Applicant's Agent: n/a
- ♦ Council Area/Ward: 03 Clydesdale East
- ♦ Policy Reference(s): n/a

♦ Representation(s):

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

♦ Consultation(s): None

Planning Application Report

1 Application Site

- 1.1 The application site relates to land associated with Easton Farm, which lies to the north-east of Dunsyre, Lanark. The proposed shed will be located to the west of the existing buildings within the farm.

2 Proposal(s)

- 2.1 The applicant seeks to erect a farm building under the terms of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). The proposed building will accommodate calving and bull pens, with an associated cattle handling facility. The application is being reported to the planning committee for determination since the applicant is a Councillor.
- 2.2 The proposed shed will be typical of such buildings, being enclosed on three sides, with open access along the remaining side. It will measure approximately 30.5 metres in length, 12 metres deep and 6.5 in height at its ridge. In terms of its construction, it will consist of a steel frame with precast panels/timber walling on three sides, with a fibre cement roof.

3 Background

3.1 Local Plan Status

- 3.1.1 There is no requirement, in this instance, to assess the application in terms of the policies and guidance contained in either the adopted South Lanarkshire Local Development Plan or the proposed South Lanarkshire Local Development Plan 2.

3.2 Relevant Government Advice/Policy

- 3.2.1 Class 18 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), conveys certain permitted rights for the erection of agricultural buildings requisite for the purposes of agriculture within that unit. However, Class18(4)(a)(i) of the Order requires that “the developer shall, before beginning the development, apply to the planning authority for the determination as to whether the prior approval of the authority will be required for the siting, design and external appearance of the building”.

3.3 Planning Background

- 3.3.1 There is no planning history relevant to this application.

4 Consultation(s)

- 4.1 No consultations were required in respect of the application submission.

5 Representation(s)

- 5.1 No statutory neighbour notification procedures were required to be undertaken in respect of this application. However, one representation has been received which objects to the proposal. The grounds of objection are summarised as follows:-

- a) **The proposal has the potential for zoonotic viruses to occur due to the close proximity of workers working with live animals.**

Response: The proposal relates to an agricultural building and it is an appropriate location for such a building. It is also common for animals and people on farms to live and work in close proximity of one another.

6 Assessment and Conclusions

- 6.1 The applicant seeks to erect a building to accommodate calving and bull pens with an associated cattle handling facility. In accordance with the requirements of the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) the applicant submitted a Prior Notification application for consideration.

- 6.2 It is advised that such applications are generally determined under the delegated powers conveyed by the Council's Scheme of Delegation, prepared in terms of S43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006. However, the approved Scheme of Delegation requires that applications from a Member of the Planning Authority, as is the case in this instance, be considered by the appropriate Committee, hence the reason for this report.
- 6.3 Having assessed the development, it is considered that the submission of further details is not required as the proposal raises no significant landscape impact or amenity issues. Indeed, the building having a typical agricultural appearance is appropriate for the agricultural/countryside setting within which it will be located.
- 6.4 On the basis of the above, it is respectfully requested that the Committee agree the recommendation that prior approval is not required in this instance.
- 7 Reasons for Decision**
- 7.1 The application submission accords with the requirements of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).
- 7.2 Having assessed the development, it is considered that the submission of further details are not required as the proposal raises no significant landscape impact or amenity issues.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

20 November 2020

Previous References

- ◆ None

List of Background Papers

- ▶ Application form
- ▶ Application plans
- ▶ The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended)

- ▶ Consultations
None

- ▶ Representations
Mr C Tomlinson via e-mail
- Dated: 16.11.20

Contact for further information

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

James Watters, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Phone: 01698 454970
Email: james.watters@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/20/1355

Conditions and reasons

N/A

Easton Farm, Medwynbank Road, Dunsyre



**SOUTH
LANARKSHIRE**
COUNCIL

South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

12

Report to:	Planning Committee
Date of Meeting:	1 December 2020
Report by:	Executive Director (Community and Enterprise Resources)

Subject:	Public Path Diversion Order - Huntfield House (Quothquan), to Hillridge Farm (Biggar) Right of Way No. SL100
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1. Purpose of Report

1.1 The purpose of the report is to:-

- ◆ Seek approval to promote a Public Path Diversion Order under the provisions of Section 35 of the Countryside (Scotland) Act 1967, in relation to diverting part of the Hillridge Farm (Biggar) to Huntfield House (Quothquan) Right of Way No. SL100, as shown on the attached plan
- ◆ Seek approval to confirm the Order should no objections be received, or, if objections are received which are not withdrawn or resolved, to refer it to the Scottish Ministers for determination.

2. Recommendation(s)

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

- (1) That approval be given to promote a Public Path Diversion Order under Section 35 of the Countryside (Scotland) Act 1967 in relation to diverting part of the Huntfield House (Quothquan) to Hillridge Farm (Biggar) Right of Way, as shown on the attached plan.
- (2) That approval be given to confirm the Order should no objections be received.
- (3) That approval be given to refer the Public Path Diversion Order to the Scottish Ministers for confirmation in accordance with Schedule 3 of the Countryside (Scotland) Act 1967, should objections be received which are not withdrawn or resolved.
- (4) That the landowner shall meet all of the Council's expenses relating to the promotion and confirmation of the Order and, if necessary, the referral of the Order to Scottish Ministers.

3. Background

3.1 The proposed Public Path Diversion Order relates to the Huntfield Right of Way (Reference SL100), which runs from Huntfield House (which is located approximately 1.7km to the east of Quothquan), to Hillridge Farm, Biggar.

3.2 The current route runs through the curtilage and is immediately adjacent to the front door entrance of Huntfield House which is a dwellinghouse. It then heads uphill

through moorland and an area of new woodland planting, before heading over fields to Hillridge Farm (see Plan 1). The owners of Huntfield House have approached the Council to seek discussion about the use of the route. This followed a number of incidents which may, in-part, be attributed to increased use of the route as a consequence of COVID and the general increase in outdoor activity during restrictions. Several meetings have been held with the landowner to look at possible options to address concerns, including diverting the route away from the residential property. The owners do not dispute the status of the path as a Right of Way.

- 3.3 The proposed diversion is shown on Plan 1 and would involve the new route being diverted away from Huntfield House, starting at a point some 0.75km to west of it, opposite the Shieldhill Hotel. This would bring it closer to Quothquan than at present. It would then be routed south-east through a woodland shelterbelt, parallel to the existing route and up over moorland, skirting the edge of the forestry before re-joining the existing right of way.
- 3.4 The proposed diversion would require some work to bring it up to an acceptable standard. This includes the installation of right of way posts, clearing windblown trees, the provision of some gates and the construction of a 20m section of unsurfaced path to link to an existing forest track. The landowner has confirmed agreement to carry out these works at their expense. All of the land is within their ownership and no third party interests are affected by the proposal.
- 3.5 Section 35 of the Countryside (Scotland) Act 1967 indicates that: "Where an owner, tenant or occupier of land crossed by a public path satisfies the planning authority that for securing the efficient use of the land...or providing a shorter or more convenient path across his land, it is expedient that the line of the path...should be diverted...the authority may by order: (a) create...any such new public path as appears to the authority requisite for effecting the diversion, and (b) extinguish...the right of way over so much of the path as appears to the authority requisite as aforesaid".
- 3.6 The main beneficiary of the proposed diversion order is the landowner who would enjoy increased privacy and reduced potential for conflict with walkers passing close to their house. Whilst this is not in itself a justification for the Order, it is a consideration. In addition, the benefit to the local community of Quothquan is that the diverted route would provide more direct access from the village to the right of way and would require less road walking. It would also provide direct access to the right of way from guests staying at the Shieldhill Hotel who may wish to enjoy the local countryside. It should be noted that the process of promoting the Order includes the posting of site notices and placing an advertisement in the local press to allow third parties to make representations.
- 3.7 Confirmation of such an Order would also provide a higher degree of legal protection to the route than at present as it will result in it becoming a vindicated Right of Way rather than a Claimed Right of Way. Thereafter, the route can be registered as such in the Land Register of Scotland.
- 3.8 In conclusion, it is considered that the proposed Public Path Diversion Order would provide a more convenient path across the owner's land. The proposed route will be of a similar standard to that which currently exists and the diversion of the existing right of way will not negatively impact on users and will provide an appropriate alternative to the current route.

4. Next Steps

- 4.1 If the Committee agrees to promote the Order, Legal Services will carry out the statutory process including serving the relevant notices and carrying out advertisement in the local press. If no representations are received, the Order can be confirmed without referral to Scottish Ministers. However, if representations are received which are not resolved or withdrawn, the Order will require to be referred to the Scottish Ministers before it can be confirmed who may hold a public hearing or enquiry. Authorisation is, therefore, also sought to refer the Order to the Scottish Ministers if required.

5. Employee Implications

- 5.1 There are no employee implications. Any work undertaken in connection with the consultation can be met from existing resources.

6. Financial Implications

- 6.1 There are no budgetary implications. The administration associated with promoting the Order will be met from existing resources. The costs associated with physical works on the ground will be met by the landowner.

7. Climate Change, Sustainability and Environmental Implications

- 7.1. There are no implications for climate change, sustainability or the environment in terms of this proposal.

8. Other Implications

- 8.1 There are no other implications.

9. Equality Impact Assessment and Consultation Arrangements

- 9.1 This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and, therefore, no impact assessment is required.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

11 November 2020

Link(s) to Council Values/Ambitions/Objectives

- ◆ Make communities safer, stronger and sustainable
- ◆ Promote economic growth and tackle disadvantage
- ◆ Focused on people and their needs

Previous References

- ◆ None

List of Background Papers

- ◆ Countryside (Scotland) Act 1967
- ◆ Catalogue of Rights of Way

Contact for Further Information

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

Tony Finn, Area Manager - HQ, Montrose House, Hamilton
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E-mail: tony.finn@southlanarkshire.gov.uk

Proposed Public Path Diversion Order Huntfield House (Quothquan), to Hillridge Farm (Biggar) Right of Way No. SL100

