



Council Offices, Almada Street  
Hamilton, ML3 0AA

Monday, 26 October 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, 03 November 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 - 16  
Minutes of the meeting of the Planning Committee held on 22 September 2020 submitted for approval as a correct record. (Copy attached)

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### Item(s) for Decision

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| <b>3</b> | <b>South Lanarkshire Local Development Plan 2</b><br>Report dated 14 October 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)  | 17 - 62   |
| <b>4</b> | <b>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</b><br>Report dated 8 October 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)  | 63 - 74   |
| <b>5</b> | <b>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</b><br>Report dated 12 October 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 75 - 90   |
| <b>6</b> | <b>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</b><br>Report dated 9 October 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)  | 91 - 106  |
| <b>7</b> | <b>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</b><br>Report dated 12 October 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)   | 107 - 128 |
| <b>8</b> | <b>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, Sub Station/Control Building, Transformers, Cabling and Temporary Construction Compound at Lion Hill Wind Farm, Land at Crookedstane Farm, North West of Daer Reservoir, Elvanfoot, Biggar</b><br>Report dated 12 October 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)                                      | 129 - 152 |

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| 9  | <b>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</b> | 153 - 164 |
|    | Report dated 22 October 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)   |           |
| 10 | <b>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</b>  | 165 - 174 |
|    | Report dated 22 October 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)   |           |
| 11 | <b>Application P/20/0832 for Erection of Single Storey Building to House Reverse Vending Machines to Recycle Drinks Containers and Associated Works at Aldi Store, 60 Kirkton Street, Carluke</b>  | 175 - 186 |
|    | Report dated 21 September 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)   |           |
| 12 | <b>Application P/20/0514 - Section 42 Application to Extend Extraction Area of Planning Consent CL/07/0070 for Extraction and Processing of Hard Rock Aggregates by Quarrying Methods at Duneaton Quarry, Dod Wood, West of Abington Services, Abington</b>          | 187 - 212 |
|    | Report dated 12 October 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)   |           |
| 13 | <b>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 6 Old Bothwell Road, Bothwell</b>   | 213 - 230 |
|    | Report dated 9 October 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)  |           |

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### **Urgent Business**

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#### **14 Urgent Business**

Any other items of business which the Chair decides are urgent.

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

Clerk Name: Stuart McLeod

Clerk Telephone: 01698 454815

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



## PLANNING COMMITTEE

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Minutes of meeting held in Committee Room 1 and via Microsoft Teams, Council Offices, Almada Street, Hamilton on 22 September 2020

### Chair:

Councillor Isobel Dorman

### Councillors Present:

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

### Councillors' Apologies:

Councillor Fiona Dryburgh, Councillor Lynsey Hamilton, Councillor Ann Le Blond, Councillor John Ross (ex officio), Councillor Bert Thomson

### Attending:

#### Community and Enterprise Resources

B Darroch, Planning and Building Standards Manager (East); P Elliott, Head of Planning and Economic Development; T Finn, Planning and Building Standards Manager (Headquarters); F Jack, Team Leader, Development Management Team, Roads and Transportation Services; P Kelly, Environmental Health Officer - Team Leader; T Meikle, Planning and Building Standards Manager (West); C Park, Engineering Manager/Transportation Engineering

#### Finance and Corporate Resources

J Davitt, Public Relations Team Leader; P MacRae, Administration Adviser; K McLeod, Administration Assistant; S McLeod, Administration Officer; K Moore, Legal Adviser

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### Order of Business

**The Committee decided:** that the items of business be dealt with in the order minuted below.

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### 1 Declaration of Interests

The following interests were declared:-

<b>Councillor(s)</b>	<b>Item(s)</b>	<b>Nature of Interest(s)</b>
Horsham	Application P/19/0816 for Change of Use of Land from Agriculture to Storage or Distribution (Class 6), Installation of Modular Office Building, Erection of Vehicle Washing Bay and Creation of Hardstanding Area (Retrospective) at Townhead Farm, Ponfeigh Road, Sandilands, Lanark	Prior involvement in the application

Allison	Application P/19/1807 – Section 42 Application to Vary Condition 25 of Planning Consent CL/12/0511, for Formation of Fishing Ponds and Associated Facilities at Woodend Farm, B7016 from Forth to Carnwath A70, Carnwath, Lanark	Business connection with an objector to the proposal
Nugent	Application P/20/0624 for Formation of Extension to Cuningar Loop Woodland Park Incorporating Open Space, Path Network, Woodland Planting, Land Regrading, Paths, Boardwalk, Street Furniture and Associated Works at Cuningar Woodland Park, Downiebrae Road, Rutherglen	Member of the Board of Clyde Gateway Developments Limited
Lockhart	BT Payphone Removal	Objector to a number of the proposals detailed in the report

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## 2 Minutes of Previous Meeting

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The minutes of the meeting of the Planning Committee held on 25 August 2020 were submitted for approval as a correct record.

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

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## 3 Application P/19/0816 for Change of Use of Land from Agriculture to Storage or Distribution (Class 6), Installation of Modular Office Building, Erection of Vehicle Washing Bay and Creation of Hardstanding Area (Retrospective) at Townhead Farm, Ponfeigh Road, Sandilands, Lanark

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A report dated 14 September 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0816 by JHP Transport Lanark Limited for the change of use of land from agriculture to storage or distribution (Class 6), installation of modular office building, erection of vehicle washing bay and creation of hardstanding area (retrospective) at Townhead Farm, Ponfeigh Road, Sandilands, Lanark.

Points raised in a questionnaire received from the applicant were referred to at the meeting and addressed by the officer. The officer also advised that 90 letters of support had been received in respect of the application.

Following discussion, the Head of Planning and Economic Development advised that, if Committee approved the recommendations contained in the report, the supports that had been offered to the applicant in terms of the continued operations, either at the present site or an alternative site, would be re-iterated. She added that a period of 3 months would be allowed in terms of the proposed enforcement action.

Following further discussion, Councillor Dorman, seconded by Councillor Buchanan, moved that planning permission be refused for the reasons detailed in the Executive Director's report and appropriate enforcement action be taken to ensure all operations on the site be ceased and the site be returned to agricultural use. Councillor Scott, seconded by Councillor Devlin, moved as an amendment that the application be deferred for a period of 4 weeks to allow further negotiations between the Council and the applicant. On a vote being taken by roll call, members voted as follows:-

#### **Motion**

Alex Allison, John Bradley, Archie Buchanan, Stephanie Callaghan, Mary Donnelly, Isobel Dorman, Richard Lockhart, Kenny McCreary, Lynne Nailon, Carol Nugent, Collette Stephenson, Jim Wardhaugh

#### **Amendment**

Walter Brogan, Margaret Cowie, Peter Craig, Maureen Devlin, Allan Falconer, Ian Harrow, Martin Lennon, Joe Lowe, Davie McLachlan, Graham Scott, David Shearer

11 members voted for the amendment and 12 for the motion which was declared carried.

#### **The Committee decided:**

- (1) that planning application P/19/0816 by JHP Transport Lanark Limited for the change of use of land from agriculture to storage or distribution (Class 6), installation of modular office building, erection of vehicle washing bay and creation of hardstanding area (retrospective) at Townhead Farm, Ponfeigh Road, Sandilands, Lanark be refused for the reasons detailed in the Executive Director's report; and
- (2) that appropriate enforcement action be taken to ensure all operations on the site be ceased and the site be returned to agricultural use.

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

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#### **4 Application P/19/0983 for Erection of Single Storey Extension to House to Form 'Granny Annex' at 7 Douglas Drive, Cambuslang**

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A report dated 14 September 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0983 by J Beek for the erection of a single storey extension to house to form 'granny annex' at 7 Douglas Drive, Cambuslang.

#### **The Committee decided:**

that planning application P/19/0983 by J Beek for the erection of a single storey extension to house to form 'granny annex' at 7 Douglas Drive, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of the Cambuslang and Rutherglen Area Committee of 11 February 2020 (Paragraph 4)]*

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## **5 Application P/20/0129 for Erection of 19 Houses, Formation of Access Road, Associated Parking, Landscaping and Fencing at Land at Bartie Gardens, Ashgill, Larkhall**

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A report dated 14 September 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0129 by Future Development Properties Limited for the erection of 19 houses, formation of access road, associated parking, landscaping and fencing at land at Bartie Gardens, Ashgill, Larkhall.

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

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/20/0129 by Future Development Properties Limited for the erection of 19 houses, formation of access road, associated parking, landscaping and fencing at land at Bartie Gardens, Ashgill, Larkhall 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 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)]*

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## **6 Application P/19/1794 for Erection of 50 Residential Houses, Associated Landscaping and Infrastructure at Land 110 Metres Northwest of Littlepark Cottage, Jackton Road, East Kilbride**

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A report dated 14 September 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1794 by Stewart Milne Homes Central Scotland for the erection of 50 residential houses, associated landscaping and infrastructure at land 110 metres northwest of Littlepark Cottage, Jackton Road, East Kilbride.



**The Committee decided:** that planning application P/19/1794 by Stewart Milne Homes Central Scotland for the erection of 50 residential houses, associated landscaping and infrastructure at land 110 metres northwest of Littlepark Cottage, Jackton Road, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

*Councillor Buchanan left the meeting following consideration of this item of business*

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**7 Application P/19/1807 - Section 42 Application to Vary Condition 25 of Planning Consent CL/12/0511 for Formation of Fishing Ponds and Associated Facilities at Woodend Farm, B7016 from Forth, A706 to Carnwath A70, Carnwath, Lanark**

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A report dated 14 September 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1807 by Onyx Leisure Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary condition 25 of planning consent CL/12/0511 for the formation of fishing ponds and associated facilities at Woodend Farm, B7016 from Forth, A706 to Carnwath A70, Carnwath, Lanark.

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

At its meeting on 25 August 2020, the Committee decided to defer the application to a future meeting to allow for further information to be provided on issues raised by members in respect of the application, including roads issues. Officers spoke in explanation of the further information requested, which was contained within the report.

The Committee heard Councillor Allison, a local member, on concerns raised by local residents in relation to the proposal.

There followed a full discussion on the application.

**The Committee decided:** that planning application P/19/1807 by Onyx Leisure Limited for an application under section 42 of the Town and Country Planning (Scotland) Act 1997 to vary condition 25 of planning consent CL/12/0511 for the formation of fishing ponds and associated facilities at Woodend Farm, B7016 from Forth, A706 to Carnwath A70, Carnwath, Lanark be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 25 August 2020 (Paragraph 18)]*

*Councillor Allison, having declared an interest in the application, made representations to the Committee as a local member, then withdrew from the meeting during consideration of the application*

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## **8 Application P/20/0542 for Residential Development and Associated Works, Including Demolition of Buildings and Land Re-profiling Operations (Planning Permission in Principle), at Former Philips Factory, Wellhall Road, Hamilton**

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A report dated 14 September 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0542 by Signify Commercial UK Limited for a residential development and associated works, including demolition of buildings and land re-profiling operations (planning permission in principle), at the former Philips Factory, Wellhall Road, Hamilton.

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

Following discussion, the Head of Planning and Economic Development advised that, should Committee approve the planning permission in principle, she would advise Education Resources of the concerns raised regarding the capacities of the local schools and would provide an update to members.

### **The Committee decided:**

- (1) that planning application P/20/0542 by Signify Commercial UK Limited for a residential development and associated works including demolition of buildings and land re-profiling operations (planning permission in principle) at the former Philips Factory, Wellhall Road, Hamilton be granted subject to:-
  - ◆ the conditions specified in the Executive Director's report
  - ◆ prior conclusion of a Legal Agreement and/or other appropriate agreement between the Council and the applicant to ensure appropriate financial contributions were made at appropriate times towards:-
    - ◆ additional nursery, primary and secondary education as appropriate
    - ◆ provision of community facilities, either on or off site
    - ◆ provision of affordable housing on site or by way of a commuted sum
  - ◆ 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)]*

*In terms of Standing Order No 13, the Chair adjourned the meeting following this item of business at 12.10pm. The meeting reconvened at 12.25pm*

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**9 Application P/20/0624 for Formation of Extension to Cuningar Loop Woodland Park Incorporating Open Space, Path Network, Woodland Planting, Land Regrading, Paths, Boardwalk, Street Furniture and Associated Works at Cuningar Woodland Park, Downiebrae Road, Rutherglen**

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A report dated 3 September 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0624 by Clyde Gateway Developments Limited for the formation of an extension to Cuningar Loop Woodland Park incorporating open space, path network, woodland planting, land regrading, paths, boardwalk, street furniture and associated works at Cuningar Woodland Park, Downiebrae Road, Rutherglen.

**The Committee decided:** that planning application P/20/0624 by Clyde Gateway Developments Limited for the formation of an extension to Cuningar Loop Woodland Park incorporating open space, path network, woodland planting, land regrading, paths, boardwalk, street furniture and associated works at Cuningar Woodland Park, Downiebrae Road, Rutherglen be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 16 April 2013 (Paragraph 4)]*

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

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**10 Application P/20/0800 for Erection of 7 Tourist Accommodation Pods, Associated Vehicular Access, Car Parking Area, Landscape Bund, Landscaping and Access Footpaths at Cornhill House Hotel, Coulter, Biggar**

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A report dated 14 September 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0800 by Manorview Group for erection of 7 tourist accommodation pods, associated vehicular access, car parking area, landscaping bund, landscaping and access footpaths at Cornhill House Hotel, Coulter, Biggar.

**The Committee decided:** that planning application P/20/0800 by Manorview Group for erection of 7 tourist accommodation pods, associated vehicular access, car parking area, landscaping bund, landscaping and access footpaths at Cornhill House Hotel, Coulter, Biggar be granted subject to the conditions specified in the Executive Director's report.

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**11 Application P/20/0244 for Erection of 2 Storey Side/Rear Extension and Front Porch at 44 Grant Court, Hamilton**

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A report dated 14 September 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0244 by B Glancy for the erection of a 2 storey side/rear extension and front porch at 44 Grant Court, Hamilton.

**The Committee decided:** that planning application P/20/0244 by B Glancy for the erection of a 2 storey side/rear extension and front porch at 44 Grant Court, Hamilton be granted subject to the conditions specified in the Executive Director's report.

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## **12 Application P/20/0495 for Erection and Operation of 8 Wind Turbines at a Height of 180 Metres to Blade Tip (Section 36 Consultation) at Kennoxhead Wind Farm, Glentaggart Road, Glespin, Lanark**

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A report dated 28 August 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0495 by Brookfield Renewables for the erection of 8 wind turbines with a maximum height to blade tip of 180 metres, access tracks, sub-station and other associated infrastructure at Kennoxhead Wind Farm, Glentaggart Road, Glespin, Lanark.

At its meeting on 8 October 2019, the Committee agreed that the Scottish Government be advised that the Council had no objections to an application (P/19/1145) under Section 36 of the Electricity Act 1989 for the erection of 19 wind turbines with a maximum height to blade tip of 180 metres, access tracks, sub-station and other associated infrastructure at Kennoxhead Wind Farm, Glentaggart Road, Glespin, Lanark. The current application (P/20/0495) had been made to the Scottish Government to amend the original consent under Section 36 of the Electricity Act 1989 to extend the consented Wind Farm by an additional 8 wind turbines.

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

### **The Committee decided:**

- (1) that the Scottish Government be advised that the Council had no objections to planning application P/20/0495 by Brookfield Renewables for the erection and operation of 8 wind turbines with a maximum height to blade tip of 180 metres, access tracks, sub-station and other associated infrastructure, under Section 36 of the Electricity Act 1989, at Kennoxhead Wind Farm, Glantaggart Road, Glespin, Lanark, subject to conditions based on the conditions attached to the Executive Director's report;
- (2) that, in addition, the Scottish Government be advised that approval should be subject to the conclusion of legal agreements covering:-
  - ◆ community contribution payments
  - ◆ the funding of a Planning Monitoring Officer
  - ◆ control over turbine transportation and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements
- (3) that the applicant be responsible for the Council's costs associated with the legal agreements; and
- (4) that the Head of Planning and Economic Development be authorised to undertake any discussions, further agreements of conditions and planning obligations, if required, with the Scottish Government.

*[Reference: Minutes of 8 October 2019 (Paragraph 7)]*

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### **13 Application HM/15/0466 for Residential Development (Planning Permission in Principle) at Greyfriars, Greyfriars Road, Uddingston**

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A report dated 3 September 2020 by the Executive Director (Community and Enterprise Resources) was submitted on progress associated with the issue of the decision notice for planning application HM/15/0466 for a residential development (planning permission in principle) at Greyfriars, Greyfriars Road, Uddingston and a proposed amendment to the requirements of the associated Section 75 Planning Obligation.

At its meeting on 28 March 2017, the Committee had approved planning application HM/15/0466 by S Pisano, subject to conditions and the conclusion of a Section 75 Planning Obligation to secure financial contributions for community facilities in lieu of on-site play facilities, the provision of education facilities and affordable housing.

The following related planning applications had since been received:-

- ◆ HM/17/0415 for the conversion and extension to a Grade B listed building to form 10 flatted units (listed building consent)
- ◆ HM/17/0428 for the conversion and extension to a Grade B listed building to form 10 flatted units (detailed planning permission)

Planning applications HM/17/0415 and HM/17/0428 would be determined under the Council's approved Scheme of Delegation and would also form part of the Section 75 Planning Obligation. However, following detailed discussions to progress and conclude a legal agreement, the applicant had raised concerns that the level of financial contributions sought by the Council rendered the overall proposal unviable and requested that the financial contributions be removed from the agreement.

Following an independent assessment of the viability of the proposed development, Armour Construction Consultants had concluded that, based on the probable development costs, it was unlikely that there would be sufficient residual value to permit the payment of a financial contribution without affecting the viability of the project.

It was considered that the approval of additional residential units within the grounds of the former Greyfriars Monastery would be required to provide the necessary funding for works to retain the existing Category B listed building. Given the concerns about the deterioration of the building's condition, the potential for the building to be lost and the assessment of the viability of the proposed development, it was proposed that the requirements of the provision of a financial contribution be removed from the Section 75 Planning Obligation. However, it was considered that a Section 75 Planning Obligation would still be required so that the implementation of any new building works was carried out in a phased manner to ensure the retention, conversion and extension of the existing building on-site was undertaken within an appropriate timeframe.

Following a full discussion and exchange of views, Councillor Shearer proposed that the requirement of the associated Section 75 Planning Obligation for the provision of financial developer contributions remain in place with the extent of the contributions being assessed and reviewed as the development works progressed.

The Head of Planning and Economic Development and the Legal Adviser stated that the Section 75 Obligation could be amended as proposed and indicated that, if members of the Committee were minded to accept the proposal, it could be remitted to officers, in consultation with the Chair and Depute, to determine the amount and extent of the contributions.

### **The Committee decided:**

- (1) that the requirements of the associated Section 75 Planning Obligation be altered to ensure that the implementation of any new build works were carried out in a phased manner to ensure the retention, conversion and extension of the existing building on-site and that the conversion of the existing building was carried out within an appropriate timeframe simultaneously with the new building works; and
- (2) that the requirement of the associated Section 75 Planning Obligation for the provision of developer contributions remain in place but that the extent of the contribution be assessed and reviewed as the development works progressed and that it be remitted to officers, in consultation with the Chair and Depute, to determine the extent and amount of the contributions.

*[Reference: Minutes of 28 March 2017 (Paragraph 8)]*

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## **14 BT Payphone Removal**

A report dated 1 September 2020 by the Executive Director (Community and Enterprise Resources) was submitted on BT's proposal to remove 26 public payphones throughout South Lanarkshire.

In July 2020, BT notified the Council of its proposal to remove 26 public payphones from the network in South Lanarkshire. Prior to removal, BT was required to place a notice in each affected payphone advising of its proposed removal and allowing a period of 42 days for comments to be submitted to the Council's Planning Service. In addition, the Council was required to consult separately on the proposed removal of the payphones selected by BT. The Council had contacted all community councils providing details of the proposed payphone removals in their respective areas and had provided consultation through the Council's website. In addition, all elected members had been advised of the consultation process and had been given details of the payphones proposed for removal, together with the opportunity to make representations.

The Council could object to the removal of any payphone but was required to provide a reason for its objection. In coming to a view on whether to agree or object to the proposed removal of each payphone, the Council considered representations received, together with the outcome of a separate analysis undertaken on each payphone which included:-

- ◆ frequency of usage
- ◆ proximity of alternative payphones
- ◆ population profile
- ◆ housing tenure
- ◆ mobile coverage
- ◆ the need to make emergency calls

The analysis identified that a number of the payphones proposed for removal were located within some of the most poorly ranked areas in South Lanarkshire in terms of socio economic criteria. The full list of payphones proposed for removal was detailed in Appendix 1 to the report, together with the Council's view on whether it agreed or objected to the removal. The Council had objected to the removal of 23 payphones, the reasons for which were detailed in Appendix 1 to the report.

If approved, the Council would publish the decisions detailed in Appendix 1 in the form of a 'First Notification'. This would be sent to community councils and published on the Council's website. A further period of 1 month would be allowed for representations on the 'First Notification'. Following consideration of any additional comments, the Council would publish a 'Final Notification' setting out its final decisions and reasons. This required to be sent to BT by 2 November 2020 as well as to community councils and the Scottish Government's Department for Digital, Culture, Media and Sport.

**The Committee decided:**

- (1) that approval be given for the publication of a 'First Notification' stating the BT payphones which the Council agreed could be removed and those to which it objected, as detailed in Appendix 1 to the report; and
- (2) that the Head of Planning and Economic Development be authorised to consider any further representations received in response to consultation on the 'First Notification' of the Council's draft decisions and to prepare a 'Final Notification' setting out the Council's final decisions and reasons for publication for submission to BT and the Scottish Government's Department for Digital, Culture, Media and Sport by 2 November 2020.

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

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**15 Urgent Business**

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There were no items of urgent business.





# **Report**

**3**

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>3 November 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

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

1.1 The purpose of the report is to:-

- ◆ seek 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
- ◆ seek 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, Farme Cross
  - ◆ Redwood Drive, East Kilbride
  - ◆ Extension to East Overton Farm in Strathaven
  - ◆ Glassford Road, Strathaven
  - ◆ Former University of the West of Scotland (UWS) campus in Almada Street, HamiltonOverall 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 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 website 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 sets out the main conclusions of the Report of the Examination.

- 3.9 In this respect, it should be noted that the Reporters' conclusions are now binding on the Council. It may depart from the recommendations 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.

In view of this legislation, the scope for the Council to depart from the Examination Report is extremely limited.

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.

#### **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 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 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 Dalrnarnock 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

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.

#### Specialist housing

Planning is to work with Housing and Technical Resources to ensure any need for specialist housing is identified through the Local Housing Strategy through the identification of appropriate sites.

#### 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 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)**

14 October 2020

## **Previous References**

- ◆ Planning Committee - 26 February 2019

## **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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<b>PART 1</b>		
<b>ISSUES</b>	<b>REPORTER'S RECOMMENDATIONS</b>	<b>REPORT PAGE NO</b>
<b>001 - ST1 Vision and Strategy General</b>	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
<b>002 - ST2 Policy 1 Spatial Strategy</b>	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
<b>003 - ST3 Vision and Strategy Table 3.1</b>	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
<b>004 - ST4 – Policy 2 Climate Change</b>	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"> <li>• extensions to existing buildings;</li> <li>• changes of use or conversion of buildings;</li> <li>• buildings which have an intended life of less than two years;</li> <li>• stand-alone ancillary buildings with an area of less than 50 sq m; and</li> <li>• buildings which will not be heated or cooled other than for the purposes of frost protection.</li> </ul> <p>Other solutions will be considered where:</p> <ol style="list-style-type: none"> <li>1. the applicant is able to demonstrate that there are significant technical constraints in using on-site low and zero carbon generating technologies; or</li> <li>2. there is likely to be an adverse impact on the historic environment.</li> </ol> <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"> <li>• Refer to policy SDCC6: Renewable Heat and Table 2.1: Renewable Heat – Potential Development Opportunities to use Renewable Heat in Volume 2</li> </ul> <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>	
<b>006 - ST6 General Urban Area</b>	No modifications.	50
<b>007 - ST7 Green Belt and Rural Area</b>	<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
<b>008 - ST8 Green Belt and Rural Area Volume 2 Policies</b>	<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 style="padding-left: 40px;">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 style="padding-left: 40px;">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>	
<b>009 - ST9 Policy 5 Development Management and Placemaking</b>	<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 style="padding-left: 40px;">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 style="padding-left: 40px;">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 style="padding-left: 40px;">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 style="padding-left: 40px;">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>	
<b>010 - ST10 Volume 2 Development Management, Placemaking and Design</b>	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> <li>1. Amend requirement 7 of Policy DM1: New Development Design as follows: <ul style="list-style-type: none"> <li>7. Ensure appropriate provision of green infrastructure, including open space, native trees and other landscaping as an integral part of the development.</li> </ul> </li> <li>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> </li> <li>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> </li> <li>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> </li> </ol>	80

	<p>5. Amend the second paragraph of Policy DM16: Foul Drainage/ Sewage Provision as follows:</p> <p style="padding-left: 40px;">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 style="padding-left: 40px;">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 style="padding-left: 40px;">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> <p style="padding-left: 80px;">(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</p> <p style="padding-left: 80px;">(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> <p style="padding-left: 40px;">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 style="padding-left: 40px;">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><b>011 - ST11 Policy 7 Community Infrastructure Assessment</b></p>	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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</li> </ol>	88

	transparency in the financial viability of a development. In each case, contributions must: ...	
<b>012 - ST12 Employment Policies</b>	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> <li>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> </li> <li>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> </li> <li>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> </li> <li>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> </li> <li>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> </li> </ol>	94

<b>013 - ST13 Policy 9 Network of Centres and Retailing</b>	<p>I recommend that the following modification be made:</p> <ol style="list-style-type: none"> <li>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.</li> </ol>	101
<b>014 - ST14 Policy 10 New Retailing &amp; Commercial Proposals</b>	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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;</li> <li>3. Amend criterion 3 as follows: 3. help to meet qualitative or quantitative deficiencies; and</li> <li>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.</li> <li>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.</li> </ol>	104
<b>015 - ST15 Housing General</b>	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Add a new paragraph before policy 11 (Housing): <b>Specialist housing provision and other specific needs</b> ?. 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</li> </ol>	111

	<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"> <li>• Non-effective sites that can now be demonstrated to be effective</li> <li>• Urban capacity sites</li> <li>• Additional brownfield sites</li> <li>• Sustainable green field sites</li> </ul>	
<b>016 - ST16 Policy 11 Housing Land Supply</b>	<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"> <li>(a) delete the housing land supply and the green network designations from the Westpark site;</li> <li>(b) redraw the settlement boundary so that Westpark is no longer within it; and</li> <li>(c) show Westpark as part of the green belt.</li> </ul>	
<b>017 - ST17 Policy 12 Affordable Housing</b>	No modifications.	153
<b>018 - ST18 Policy 13 Green Network and Greenspace</b>	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Amend the third criterion in the section on Priority Greenspace, as follows: <ol style="list-style-type: none"> <li>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.</li> </ol> </li> </ol>	159

	<ol style="list-style-type: none"> <li>3. Add a fifth criterion to the section on Priority Greenspace, as follows: <ol style="list-style-type: none"> <li>5. development proposals which would impact upon outdoor sports facilities will be assessed against criteria set out in Scottish Planning Policy paragraph 226.</li> </ol> </li> <li>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:</li> <li>5. Amend the fourth criterion under Priority Greenspace, as follows: <ol style="list-style-type: none"> <li>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</li> </ol> </li> <li>6. Add a sixth criterion to the section on Priority Greenspace, as follows: <ol style="list-style-type: none"> <li>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.</li> </ol> </li> </ol>	
<b>019 - ST19 Policy 14 Natural and Historic Environment</b>	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol>	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>	
<b>020 - ST20 Natural and Historic Environment Volume 2 Policies</b>	<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: <a href="mailto:hmenquiries@hes.scot">hmenquiries@hes.scot</a></p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>5. Replace the second sentence of paragraph 7.27 with: Inclusion in the inventory is a material consideration in the planning process.</li> <li>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.</li> <li>7. Delete the last sentence of paragraph 7.35.</li> <li>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:</li> <li>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</li> </ol>	
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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: <a href="https://nature.scot/professional-advice/planning-and-development/general-advice-planners-and-developers/planning-and-development-soils/carbon-and-peatland-2016-map">https://nature.scot/professional-advice/planning-and-development/general-advice-planners-and-developers/planning-and-development-soils/carbon-and-peatland-2016-map</a>.</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"> <li>• a schedule of mitigation measures to minimise impact on peat</li> <li>• a method statement for post-construction re-instatement of disturbed peatland and</li> </ul>	
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	<ul style="list-style-type: none"> <li>• a peatland management and/or enhancement plan showing how any significant losses of peatland habitat are to be compensated for.</li> </ul> <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"> <li>1. they accord with LDP2 policies and guidance on Green Belt and Rural Area, and</li> <li>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.</li> </ol> <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"> <li>• the scale, design and location of development within the landscape,</li> <li>• the setting of settlements and buildings within the landscape,</li> <li>• the pattern of woodland, fields, trees, hedgerow, waterbodies and other features, particularly where they define/create a positive settlement/urban edge,</li> <li>• the historical qualities of the area and its sensitivity to change,</li> <li>• landform features including key/notable skylines and hills, and views to and from them.</li> </ul> <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>	
<b>021 - ST21 Policy 15 Travel and Transport</b>	<p>I recommend that the following modifications should be made:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol>	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"> <li>1) Major destinations within settlements and how well they are connected</li> <li>2) A schematic active travel network connecting those destinations</li> <li>3) The functions and derived level of provision for different types of connections</li> <li>4) A programme of recommendations to make active travel a viable option for everyday journeys</li> </ol> <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>	
<b>022 - ST22 Water Environment and Flooding</b>	<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>	
<b>023 - ST23 Policy 17 Waste</b>	<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
<b>024 - ST24 Policy 18 Renewable Energy</b>	<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>	
<b>025 - ST25 Renewable Energy – Volume 2 Policies and Appendix 1 Checklist</b>	<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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<b>026 - ST26 Policy 19 Minerals</b>	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> </ol>	255
<b>027 - ST27 Volume 2 Minerals</b>	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol>	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>	
<b>028 - ST28 New Settlements</b>	<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
<b>029 - ST29 Local Nature Reserves</b>	<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
<b>030 - ST30 Appendices</b>	<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"> <li>• Improved public transport services through the development area.</li> </ul>	280
<b>031 - ST31 Technical Amendments</b>	<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>	
<b>032 - ST32 General</b>	<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

<b>PART 2</b>		
<b>033 - CR1 South of Cathkin Roundabout, Cambuslang</b>	No modifications.	298
<b>034 - CR2 East Greenlees Farm Phases 1 and 2, Cambuslang</b>	No modifications.	303
<b>035 - CR3 Corner of East Kilbride Road, Cambuslang</b>	No modifications.	307
<b>036 - CR4 Alternative Site Hallside East, Cambuslang</b>	No modifications.	311
<b>037 - CR5 Kirkhill Golf Course Cambuslang</b>	No modifications.	316
<b>038 - CR6 Dalmarnock Road, Rutherglen</b>	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
<b>039 - CR7 Mathieson Road- Duchess Road, Farme Cross, Rutherglen</b>	No modifications.	324
<b>040 - CL1 Boghall Road, Biggar</b>	No modifications.	330
<b>041 - CL2 Lindsaylands Road, Biggar</b>	No modifications.	335
<b>042 - CL3 Loaningdale, Biggar</b>	No modifications.	343
<b>043 - CL4 Airdrie Road, Carluke</b>	No modifications.	350
<b>044 - CL5 Mauldslie Road-Luggie Road, Carluke</b>	No modifications.	358
<b>045 - CL6 Bellefield Road, Lanark</b>	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.	
<b>046 - CL7 Hyndfordbridge, Lanark</b>	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
<b>047 - CL8 Old Bridgend</b>	No modifications.	371
<b>048 - CL9 Land North of Law (Birks Farm)</b>	No modifications.	381
<b>049 - EK1 Midshawton Farm, Chapelton</b>	No modifications.	385
<b>050 - EK2 Colvilles Road, East Kilbride</b>	No modifications.	390
<b>051 - EK3 Hayhill Road, Jackton, East Kilbride</b>	No modifications.	394
<b>052 - EK4 Jackton Road, East Kilbride</b>	No modifications.	399
<b>053 - EK5 Langlands West-Mid Crosshill Farm-Auldhouse Rd, East Kilbride</b>	No modifications.	409
<b>054 - EK6 North of East Kilbride</b>	No modifications.	413
<b>055 - EK7 O'Cathian Farm, East Kilbride</b>	No modifications.	417
<b>056 - EK8 Old Glasgow Road, Nerston</b>	No modifications.	424
<b>057 - EK9 West of Redwood Drive, East Kilbride</b>	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>	
<b>058 - EK10 Westend Farm, Eaglesham Road, Jackton, East Kilbride</b>	No modifications.	434
<b>059 - EK11 The Ferme, Glassford</b>	No modifications.	439
<b>060 - EK12 Colinhill Road, Strathaven</b>	No modifications.	448
<b>061 - EK13 East Overton Extension, Strathaven</b>	No modifications.	460
<b>062 - EK14 Glasgow Road, Strathaven</b>	No modifications.	468
<b>063 - EK15 Glassford Road, Strathaven</b>	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol>	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>	
<b>064 - EK16 Kibblestane Place, Strathaven</b>	No modifications.	485
<b>065 - EK17 Muirkirk Road, Strathaven</b>	No modifications.	491
<b>066 - EK18 Newhouses Farm, Strathaven</b>	No modifications.	498
<b>067 - EK19 Sidehill Farm, Strathaven</b>	No modifications.	505
<b>068 - EK20 Braehead Road, Thorntonhall</b>	No modifications.	510
<b>069 - EK21 Peel Road, Thorntonhall</b>	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> <li>1. Proposal 29 be deleted from the proposed plan.</li> <li>2. The site of proposal 29 be included in the green belt.</li> </ol>	521
<b>070 - EK22 South Hill of Dripps, Thorhtonhall</b>	No modifications.	526
<b>071 - HM1- Bardykes, Blantyre</b>	No modifications.	530
<b>072 - HM2 - Shott Farm, Blantyre</b>	No modifications.	536
<b>073 - HM3 Ferniegair</b>	No modifications.	542
<b>074 - HM4 Newhousemill Road, Hamilton</b>	No modifications.	548
<b>075 - HM5 Ashgillhead, Ashgill, Larkhall</b>	No modifications.	554
<b>076 - HM6 Ashgillhead, Shawsburn</b>	No modifications.	560

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

<b>PART 3</b>			
<b>Para/ Table/ Fig</b>	<b>Text from proposed LDP</b>	<b>Reporters' Amendment</b>	<b>Council's Response</b>
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.



# Report

4

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>3 November 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/0240
Planning proposal:	Erection of 20 dwellinghouses with associated landscaping and sustainable drainage area

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Cruden Building and Renewals
Location:	Land to the north of Craighbank Primary School Glengonnar Street Larkhall 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: Rachel Houghton
- ♦ Council Area/Ward: 20 Larkhall
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**  
Policy 1 - Spatial Strategy  
Policy 2 – Climate Change  
Policy 4 - Development Management and Place Making  
Policy 6 - General Urban Area/Settlements  
Policy 16 - Travel and Transport

**Development Management Place Making and  
Design Supplementary Guidance (2015)**

Policy DM1 - Design

**Residential Design Guide (2011)**

**Proposed South Lanarkshire Local  
Development Plan 2**

Policy 1 - Spatial Strategy

Policy 2 – Climate Change

Policy 3 - General Urban Areas

Policy 5 - Development Management and Place  
Making

Policy 15 - Travel and Transport

Policy DM1 - New Development Design

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Flood Risk Management

Roads Development Management Team

Environmental Services

Scottish Water

Housing Planning Consultations



## **Planning Application Report**

### **1 Application Site**

- 1.1 The planning application site comprises an area of vacant land which is situated within an established residential area of Larkhall.
- 1.2 The application site extends to 0.73ha and is situated in a reasonably prominent location, part of which forms a corner between Robert Smillie Crescent and Glengonnar Street. In terms of topography, the site is relatively level with a slight gradient that falls gradually towards the road. There are several established footpath links through the site and there is an existing sewage system below the centre of the site.
- 1.3 The application site is enclosed to the north by the Parish Church of Palmers and associated church grounds, Riverside Road, Robert Smillie Crescent and further residential properties. The site is bound to the east by Glengonnar Street and further by residential properties. The site is bound to the south by Craigbank Primary School, the Muliti Use Games Area (MUGA) and associated school grounds. In addition, the site is bound to the west by residential properties.
- 1.4 The area is predominantly characterised by single storey and two storey terraced and semi-detached properties. These properties range in house type from those built during the 1950's to recently constructed contemporary dwellings.

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

- 2.1 The applicant seeks detailed planning consent for the erection of 20 dwellinghouses with associated landscaping and sustainable drainage area at land to the north of Craigbank Primary School, Glengonnar Street, Larkhall.
- 2.2 The proposal relates to the erection of 20 dwellings for social rent and this includes a range of accommodation. The development includes 10 semi-detached dwellings (two storeys in height), 8 cottage flats (two storeys in height) and 2 detached dwellings (one and a half storeys in height). Externally, the dwellings are proposed to be finished in a combination of facing brick, render, glazing panels and a composite slate roof tile. In addition, the dwellings are proposed to have photovoltaic panels integrated within the roof structure of the rear elevations.
- 2.3 The development includes the formation of associated off-street parking provision from Riverside Road, Robert Smillie Crescent and Glengonnar Street. The proposal also includes a sustainable urban drainage area, situated adjacent to the north eastern boundary of the site, and associated landscaping.
- 2.4 Following consultation with Roads and Transportation Services, the design of the originally submitted proposal was revised to include a 2m wide footpath link to connect the western part of the site with the shared access, situated between block 6 and block 7.
- 2.5 The application proposals were accompanied by a Design Statement and a Site Investigation Report.

### **3 Background**

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

- 3.1.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan and its impact on residential amenity, traffic safety and infrastructure issues. In addition, the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance are now a material consideration in the determination of planning applications.
- 3.1.2 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of 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 Reporter's amendments. Whilst the Reporter's amendments have yet to be ratified by South Lanarkshire Council, they are, nevertheless, a material consideration.
- 3.1.3 The planning application site is designated under the provisions of the general urban area in both the adopted and emerging Local Development Plan. The site is affected by Policy 1 'Spatial Strategy,' Policy 2 'Climate Change,' Policy 4 'Development Management and Place Making,' Policy 6 'General Urban Area/Settlements,' Policy 16 'Travel and Transport' and Policy DM1 'Design' of the adopted Local Development Plan. In addition, Policy 1 'Spatial Strategy,' Policy 2 'Climate Change,' Policy 3 'General Urban Areas,' Policy 5 'Development Management and Place Making,' Policy 15 'Travel and Transport' and Policy DM1 'New Development Design' of the proposed Local Development Plan are also relevant to the assessment of this planning application.

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

- 3.2.1 In terms of residential development, Scottish 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, where possible, directing development towards sites within existing settlements in order to make effective use of established infrastructure and service capacity.
- 3.2.2 Designing Streets - A Policy Statement for Scotland was introduced in March 2010 and establishes the Scottish Government's commitment to move away from a standardised engineering approach to streets and to raise the quality of design in urban and rural development. Development layouts should be designed to encourage a safe environment for pedestrians and cyclists with narrower streets, carefully positioned dwellings, landscaping and off-street parking which can be more effective at achieving slower traffic movements. Permeability which encourages walking is now seen as a high priority and footpath links are encouraged to ensure that houses can be easily accessed from main public transport routes.

#### **3.3 Planning Background**

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

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

- 4.1 **Roads Flood Risk Management** - have no objections to the proposal subject to the submission of further details, including the completion of the relevant self-certification documentation, relating to the proposed sustainable urban drainage system (SUDS) within the site.

**Response:** Noted. It is advised that these requirements can be addressed through the use of planning conditions, where appropriate.

- 4.2 **Roads Development Management Team** - following the revisions to the proposal (as described in paragraph 2.4 above) they have advised that they have no objection to the development, subject to the imposition of conditions. These conditions include the resurfacing of existing footways, the provision of a minimum visibility splay and the construction of dropped kerb vehicular footway crossings.

**Response:** Noted. It is advised that these requirements can be addressed through the use of planning conditions, where appropriate.

- 4.3 **Environmental Services** - have offered no objection to the proposal.

**Response:** Noted.

- 4.4 **Scottish Water** - have offered no objection to the proposal.

**Response:** Noted.

- 4.5 **Housing Planning Consultations** - have offered no objection to the proposal and confirmed that the site is proposed to be developed as part of the affordable housing programme being undertaken by South Lanarkshire Council.

**Response:** Noted.

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

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local press and subsequently no third-party representations have been received. Whilst this itself does not automatically mean that consent should be issued, it does suggest that those most likely to be affected by the proposal do not have any serious reservations regarding the development.

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

- 6.1 The applicant seeks detailed planning consent for the erection of 20 dwellinghouses with associated landscaping and sustainable drainage area at land to the north of Craigbank Primary School, Glengonnar Street, Larkhall.

- 6.2 The determining issues in the consideration of this application are its compliance with the adopted and proposed Local Development Plan policies and its impact on residential amenity, traffic safety and infrastructure issues.

- 6.3 With regards to Government guidance and advice, as detailed in section 3.2, the site relates to vacant land which is situated within an established urban area and, therefore, it is considered that there are no significant issues raised by the proposal in this regard.

- 6.4 In terms of Local Plan policy, the site is affected by Policies 1 and 2 of the adopted and emerging Local Development Plans. These policies promote sustainable economic growth and regeneration, a move towards a low carbon economy, the protection of the natural and historic environment and mitigation against the

impacts of climate change. The proposal involves the reuse of an area of vacant land at a sustainable location in Larkhall. The development also includes a sustainable urban drainage system within the north eastern part of the site and a high quality landscaping scheme. In addition, the development is accessible by public transport and includes key footpath links. Therefore, it is considered that the proposal raises no issues within the context of Policies 1 and 2 of the adopted and emerging Local Development Plans.

- 6.5 The site is affected by Policy 6 of the adopted Local Development Plan and Policy 3 of the emerging Local Development Plan. These policies establish that residential developments, and those of an ancillary nature, may be considered acceptable provided that they do not have a significant adverse impact on the amenity and character of the area. Subsequently, it is considered that the proposed development will not result in an adverse impact on residential amenity and, therefore, raises no issues within the context of Policy 6 of the adopted Local Development Plan and Policy 3 of the emerging Local Development Plan.
- 6.6 Policy 4 of the adopted Local Development Plan and Policy 5 of the emerging Local Development Plan identify that all development proposals will require to take account of and be integrated with the local context and built form. It is considered that the design, location and scale of the proposed development is such that it will not result in a significant material impact on the streetscape or any nearby properties. Therefore, the proposal raises no issues within the context of Policy 4 of the adopted Local Development Plan and Policy 5 of the emerging Local Development Plan.
- 6.7 Policy DM1 of both the adopted and emerging Local Development Plan relates to the design and layout of all new developments. Given the physical characteristics of the site, it is considered that the development will not result in an adverse impact on the neighbouring properties in terms of privacy, overlooking, overshadowing or the character of the area in general. In addition, the external finishes of the proposed dwellings are considered acceptable within the context of the established area. Subsequently, the proposed development accords with the provisions of Policies DM1 of both the adopted and emerging Local Development Plan. In addition, it is considered that the proposed layout for the development meets the standards set out in the Council's Residential Design Guide.
- 6.8 Policy 16 of the adopted Local Development Plan and Policy 15 of the emerging Local Development Plan seek to ensure that development considers and, where appropriate, mitigates the resulting impacts of traffic growth and encourages sustainable transport options that take account of the need to provide proper provision for walking, cycling and public transport. The site is accessible by public transport and the development would be well integrated into existing walking networks. In addition, Roads and Transportation Services consider that the proposal is acceptable in terms of access, parking and road safety issues. Subsequently, it is considered that the proposal accords with the provisions of Policy 16 of the adopted Local Development Plan and Policy 15 of the emerging Local Development Plan.
- 6.9 With regards to infrastructure considerations, Scottish Water has not raised any concerns in relation to the proposal and it is considered that any detailed requirements can be dealt with by the use of planning conditions.

- 6.10 In conclusion, the proposal relates to a high quality housing development, situated within an established urban area, which will provide affordable accommodation for the social rented sector. In view of the above, it is recommended that planning consent be granted.

## **7 Reasons for Decision**

- 7.1 The proposal will have no adverse impact on either residential, visual amenity, environmental matters or infrastructure issues and raises no issues within the policy context of 1, 2, 4, 6 and 16 of the adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance DM1. In addition, the proposal complies with Policies 1, 2, 3, 5, 15 and DM1 of the proposed South Lanarkshire Local Development Plan 2. There are no other material considerations which would justify the refusal of planning permission.

**Michael McGlynn**

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

8 October 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 3 March 2020
- ▶ Design Statement, submitted by Agent, received 21 February 2020
- ▶ Site Investigation Report, prepared by G3 Consulting Engineers, received 21 February 2020
- ▶ Press Advert, Hamilton Advertiser, dated 13 March 2020
  
- ▶ Consultations
  - Roads Flood Risk Management 15.09.2020
  - Roads Development Management Team 15.05.2020
  - Environmental Services 09.06.2020
  - Scottish Water 06.03.2020
  - Housing Planning Consultations 05.10.2020

**Contact for further information**

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

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

Phone: 01698 455932

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

### **Conditions and reasons**

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

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

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

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

03. That prior to the occupation of the approved dwellings, the fences and walls approved under the terms of Condition 2 above, shall be erected, thereafter maintained and remain in perpetuity to the satisfaction of 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 no dwellinghouse shall be occupied until the site is served by a sewerage scheme which shall be constructed in accordance with Scottish Water standards and approved in writing by the Council as Planning Authority.

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

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

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

06. That no dwellinghouse shall be occupied until the access roads and footpaths leading thereto from the existing public road have been constructed in accordance with the specification of the Council as Roads and Planning Authority.

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

07. That the first 2 metres length of the private vehicular access to Block 6 and Block 7 and each car parking bay within the development shall be surfaced across the full width to the satisfaction of the Council as Planning and Roads Authority.

Reason: To prevent deleterious material being carried onto the highway

08. That the gradient of the shared parking area and the car parking bays with the development shall not exceed 10%.

Reason: In the interests of road safety.

09. That before the development hereby approved is brought into use, a visibility splay of 2.5 metres by 43 metres measured from the road channel shall be provided at the junction of the shared access to block 6 and block 7 on Robert Smillie Crescent 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.

10. That before the development hereby approved is brought into use, a visibility splay of 2.4 metres by 2.4 metres, measured from rear of the footways, shall be provided for each of the car parking bays and everything exceeding 0.6 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.6 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of public safety.

11. That before the development hereby approved is brought into use, a dropped kerb vehicular footway crossing shall be provided for each of the car parking bays to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

12. That before the development hereby approved is brought into use, a 6 metre wide dropped kerb vehicular footway crossing shall be provided for the shared access to block 6 and block 7 to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.



13. That before the development hereby approved is brought into use, the existing footways on the development frontages with Robert Smillie Crescent, Glengonnar Street and Riverside Road shall be resurfaced to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of public safety.

14. That before the development hereby approved is brought into use, the existing slabbed footpath adjacent to block 1 (to the rear of 1 to 7 Don Path) shall be resurfaced, with an asphalt construction, to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of public safety.

15. Prior to commencement of the development hereby approved, details of measures to facilitate the provision of full fibre broadband to serve the development, including details of appropriate digital infrastructure and a timescale for implementation, shall be submitted to and approved in writing by the Council as Planning Authority, unless otherwise agreed in writing with the applicant. The approved measures shall thereafter be carried out in accordance with the agreed implementation timescale.

Reason: To ensure the provision of digital infrastructure to serve the development.

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

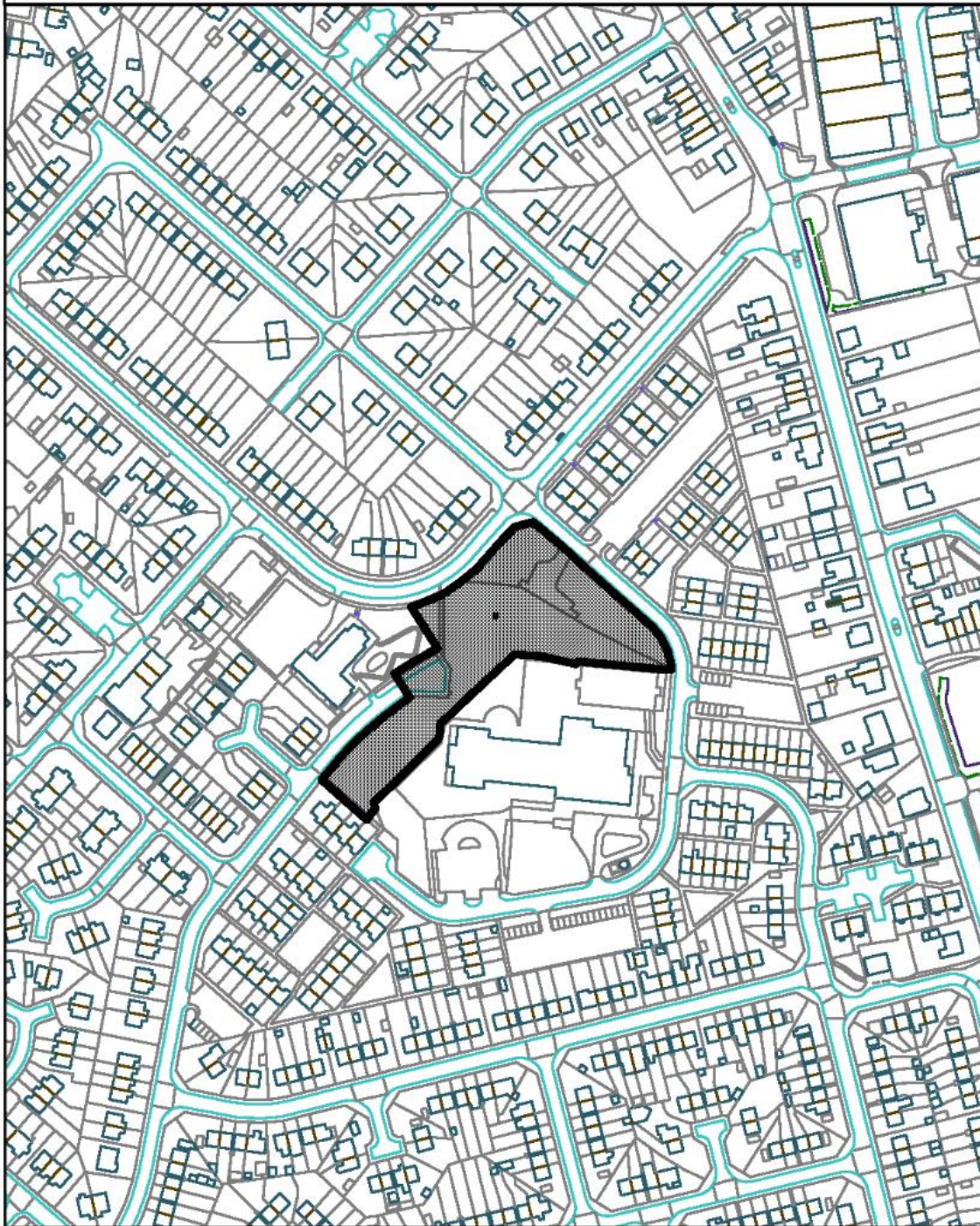
Reason: In the interests of the visual amenity of the area.

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

Reason: In the interests of amenity.

P/20/0240

Land 77M NNW of Craighbank Primary School Glengonnar Street Larkhall



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Date:  
05/10/2020



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

# Report

5

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>3 November 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/0772
Planning proposal:	Mixed use development comprising of 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)(Section 42 application to amend condition 1 to allow a further 5 year period to submit matters specified by conditions attached to planning permission CL/17/0157)

## 1 Summary application information

Application type:	Further application
Applicant:	3R Energy Solutions Ltd
Location:	M74 Heat and Power Park Former Dalquhandy Opencast Coal Site West of Junction 11 of M74 Coalburn Lanark

## 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: Daniel Owen
- ♦ Council Area/Ward: 04 Clydesdale South
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan**  
Policy 1 - Spatial Strategy  
Policy 2 - Climate Change  
Policy 3 - Green Belt and Rural Area  
Policy 4 - Development management and placemaking  
Policy 7 - Employment

Policy 11 - Economic Development and Regeneration  
 Policy 16 - Travel and Transport  
 Policy 15 - Natural and Historic Environment  
 Policy 17 - Water Environment and Flooding

**Proposed South Lanarkshire Local Development Plan 2**

Policy 1 Spatial Strategy  
 Policy 2 Climate Change  
 Policy 4 Green Belt and Rural Area  
 Policy 5 Development Management and Placemaking  
 Policy 8 Employment  
 Policy 15 Travel and Transport  
 Policy 16 Water Environment and Flooding

◆ **Representation(s):**

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

◆ **Consultation(s):**

Environmental Services

Roads Development Management Team

Douglas Community Council

Transport Scotland

West of Scotland Archaeology Service

Coal Authority Planning Local Authority Liaison Department

SEPA West Region

Roads Flood Risk Management

Scottish Water

## Planning Application Report

### 1 Application Site

- 1.1 The application site consists of some 48 hectares of land at Dalquhandy, south east of Coalburn and 1.5km north of Douglas, close to the M74 motorway. Previously the surrounding land formed part of the Dalquhandy opencast mine, now restored to agricultural grazing ground; while the application site itself was not subject to coal extraction, it was used for the stockpiling of coal and was the location of operational buildings and, as a result, largely comprises of concrete hard-standing. The irregular shaped site is separated from mature coniferous plantations on the south and east by a former railway, while to the north and west lies grazing land with the applicant's consented 15 turbine Douglas West windfarm on the rising land beyond. A designated Core Path follows the route of the former railway along the eastern boundary then turns westward to follow a burn to join the public road in the vicinity of the properties Craigend and Westoun. Within the application site there is also the applicant's 1MW wood gas combined heat and power (CHP) plant which is now fully operational.
- 1.2 The site is served by a private road which connects it to the public road at junction 10 (Poniel) of the M74. The private road also serves the extensive warehousing facility operated by Dewars.

### 2 Proposal(s)

- 2.1 This 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 1 of planning permission in principle Ref: CL/17/0157 (hereon referred to as the original permission) granted on 20 June 2017 for a mixed use development of Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and Distribution) uses with associated landscaping and infrastructure such as sustainable drainage systems (SuDS), parking and internal roadways.
- 2.3 Condition 1 of the original permission states:-

*Prior to the commencement of development on site, a further application(s) for the approval of any of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).*

*These matters are as follows:-*

- (a) the layout of the site, including all roads, footways, parking areas and open spaces;*
- (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;*



- (c) *detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum;*
- (d) *the design and location of all boundary treatments including walls and fences;*
- (e) *the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs, including, where appropriate, the planting of fruit/apple trees;*
- (f) *the means of drainage and sewage disposal; and*
- (g) *details of the phasing of development (covering all relevant aspects of development detailed in (a) above).*

2.4 The applicant has requested that the first part of the condition be varied to read:-

*Prior to the commencement of development on site, a further application(s) for the approval of any of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority, no later than 5 years from the date of this permission and in accordance with the limitations prescribed in 1(b) of section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).*

2.5 The original condition makes reference to Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) which provides for a default 3 year time frame for the submission of the matters specified by conditions attached to a Planning Permission in Principle (PPP). None of the matters specified by the conditions in the PPP have been submitted for approval and the 3 year timescale for their submission has now lapsed. In addition, the legislation also permits Planning Authorities to set different timescales for the submission of these matters. The applicant is, therefore, seeking both to renew the original consent and to allow a 5 year time frame for submission of the matters specified by conditions.

2.6 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. 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.

### **3 Background**

#### **3.1 National Policy**

3.1.1 The Scottish Planning Policy (SPP) document, published in 2014, states that development plans should align with relevant local economic strategies, to help planning authorities to meet the needs and opportunities of indigenous firms and inward investors. Further, Strategic Development Plans should identify an appropriate range of locations for significant business clusters. This could include sites identified in the National Renewables Infrastructure Plan, Enterprise Areas, business parks, science parks, large and medium-sized industrial sites and high amenity sites.

- 3.1.2 Also in SPP there is a presumption in favour of development that contributes to sustainable development, with the planning system supporting economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. Policies and decisions should give due weight to net economic benefit, respond to economic issues and make efficient use of existing capacities of land, buildings and infrastructure, and also have due regard to the principles of sustainable land use.
- 3.1.3 The application site, by nature of the original permission granting Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage or Distribution) is considered to align with SPP. It is also noted that SPP has not changed since the original permission was assessed and, therefore, there is no need for further assessment of the proposals against national policy.

### **3.2 Development Plan**

- 3.2.1 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 2017 (GVCSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance.
- 3.2.2 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP). This high level document sets out the future development priorities at a strategic level including the designation of Strategic Economic Investment Location (SEIL) at Poniel, the extent of which are to be defined at a local level. The GCVSDP states that the designated SEILs are the plan's strategic response to delivering long-term sustainable economic growth and that to support the Vision and Spatial Development Strategy, Local Authorities should safeguard and promote investment in SEILs and that this may include, inter alia, providing opportunities for the expansion of these locations where appropriate. As the original permission and, therefore, these current proposals are considered compatible to the SEIL and allow its further expansion, it is considered that they accord with the high level strategy of the GCVSDP and, as such, no further assessment is required in relation to this document.
- 3.2.3 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 1: Spatial Strategy
  - ◆ Policy 2: Climate Change
  - ◆ Policy 3: Green belt and rural areas
  - ◆ Policy 4: Development management and placemaking
  - ◆ Policy 7: Employment
  - ◆ Policy 11 Economic Development and Regeneration
  - ◆ Policy 15: Natural and historic environment
  - ◆ Policy 16: Travel and Transport

- 3.2.4 It should be noted that, at the time of determining the original application, the application site was not included within the extent of the SEIL at Poniel that was identified in the adopted SLLDP but rather as being within the wider rural area where Policy 3 applies.
- 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). 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 (SLLDP2) alongside the Reporters recommendations. A separate report on the outcome of the Examination of the proposed SLLDP2 which recommends that the modifications suggested by the Reporter are accepted is included elsewhere on the agenda for this committee meeting. They are, therefore, a material consideration in determining planning applications.

In this instance, the following policies are relevant:-

Volume 1

- ◆ Policy 1 Spatial Strategy
- ◆ Policy 2 Climate Change
- ◆ Policy 4 Green Belt and Rural Area
- ◆ Policy 5 Development Management and Placemaking
- ◆ Policy 8 Employment
- ◆ Policy 15 Travel and Transport

- 3.2.6 It should be noted that SLLDP2 includes an extension to the Poniel SEIL to incorporate the application site.

### **3.3 Planning Background**

- 3.3.1 Dalquhandy opencast coal site operated between 1988 and 2004 and, other than the application site, has been restored to agricultural use. Planning permission (CL/15/0273) was granted for a wood fuel drying facility (WFDF) and 15 wind turbines to power the plant. A further application, CL/16/0157 was granted permission in 2016 for the WFDF as a standalone facility and it is now operational.
- 3.3.2 The original permission was granted in June 2017 for a mixed use development of Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and Distribution) uses with associated landscaping and infrastructure such as SuDS, parking and internal roadways. Indicative layouts show the site could be developed on a phased basis, and with a flexible development layout to reflect the end user's needs in terms of building size and configuration with floor space ranging from 10,000 sq feet up to 400,000 sq feet. It is intended that the end users will be able to benefit from the supply of green energy from the adjacent WFDF/ CHP plant.

## **4 Consultation(s)**

- 4.1 **Roads and Transportation Services (Development Management)** – note that the application is made under Section 42 to amend condition 1 to allow a further 5 year period to submit matters specified by condition and, therefore, have no objections to the application.



**Response:** Noted and, if successful, all previous conditions from the original permission would be replicated on any new permission. The conditions are set out within the paper apart at the end of this report.

- 4.2 **Transport Scotland** – have no objections subject to a condition requiring the further approval of a Travel Plan be attached to any permission, if issued.

**Response:-** Transport Scotland requested this as part of the original permission and this requirement was condition 5 of the original permission. As noted in 4.1 above, all previous conditions from the original permission, including condition 5, would be replicated on any new permission issued.

- 4.3 **SEPA** – have no objection to the amendment of condition 1 as requested.

**Response:-** Noted.

- 4.4 **The Coal Authority** – noted that they had no objection to the original permission and can confirm that they have no objection to the current proposed amendment to condition 1 of said permission.

**Response:-** Noted.

- 4.5 **Scottish Water** – have no objection to the proposal but note that there is currently no Scottish Water infrastructure (water and sewerage) to serve the site and the applicant would have to provide their own alternatives.

**Response:-** This reflects the comments made on the original permission and these matters are to be addressed in part (f) of condition 1.

- 4.6 The following consultees had no comments to make:-

Environmental Services  
WOSAS  
Roads and Transportation (Flood Risk)  
Douglas Community Council

## **5 Representation(s)**

- 5.1 The application was advertised for the non-notification of neighbours in the Lanark Gazette on 1 July 2020.

- 5.2 No representations have been made in relation to this application.

## **6 Assessment and Conclusions**

- 6.1 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.'

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, a Section 42 is an application to vary condition(s) on an existing permission, the process requires a new, stand-alone 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). 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.

- 6.2 In assessing whether any condition is still relevant, there is a requirement to consider certain aspects of the development. In this instance, the applicant has requested that condition 1 of the original permission is amended. However, it is noted that the nature of the legislation requires all conditions to be revisited as they may be linked or connected to these specific conditions. The main matters for consideration are, therefore, whether the proposed amendment to the condition proposed would undermine the reasons for the original condition(s) 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.
- 6.3 At the time of the original application, the development plan comprised the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) and the adopted South Lanarkshire Local Development Plan. Since then, the proposed replacement South Lanarkshire Local Development Plan 2 has been approved by the Council. Among other things, the proposed plan includes an extension to the Strategic Economic Investment Location at Poniel to reflect the original permission.
- 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, which recommends that the modifications suggested by the Reporter are accepted, is included elsewhere on the agenda. They are, therefore, a material consideration in determining planning applications.
- 6.5 It should be noted that the proposals to extend the SEIL at Poniel are not subject to any of the modifications recommended in the Examination Report and will, therefore, be included in the SLLDP2 when it is adopted. As a result, the renewal of the original permission and the extension of the timescale to submit details to allow the discharge of matters specified in the conditions on the original permission accords with the emerging development plan in land use terms.
- 6.6 In terms of other relevant policies in the adopted SLLDP, Policy 2 'Climate Change', seeks to minimise and mitigate against the effects of climate change by meeting a number of criteria, including being sustainably located, maximising the reuse of vacant and derelict land, avoiding areas of medium to high flood risk and having no significant adverse impacts on the water and soils environment, air quality and biodiversity. As with the original permission, the proposals are still considered to be a scheme capable of being developed in accordance with the general requirements of the aforementioned policies and guidance and one that will not have a significant adverse impact on the water and soil environments, or biodiversity. The proposals still raise no issues in relation to flood risk and a sustainable urban drainage system will be incorporated into the layout. In addition, the proposals represent the appropriate re-use of previously developed land. It is considered that an increase in submission time from 3 to 5 years will not have any

impact on these criteria and it is therefore considered that the proposals accord with the policy criteria, in this instance.

- 6.7 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. The site is strongly self-contained by existing woodland and the topography of the surrounding area and, as a result, visual impact and the effect on landscape character would be negligible. The application site is some distance from nearby settlements and isolated housing and, therefore, the impact on residential amenity would be minimal. The original permission was considered acceptable in principle and, as the proposed amendments relate to the submission of documents rather than any amendments to use or design, are not considered to have any additional impact upon the amenity or context of the area. It is, therefore, considered that an extension to the time period of submission of the matters specified by condition would still accord with the relevant criteria of the development plan in this regard.
- 6.8 Policy 7 'Employment' states that the Council support sustainable economic growth and regeneration by encouraging the development of business through the identification of employment land uses. As referenced elsewhere, the original permission establishes an employment use on the site. Policy 11 'Economic Development and Regeneration' builds on this and states that the Council will support activities that maximise economic development and regeneration, with priority given to proposals that deliver physical regeneration and positively contribute to the local economy. Whilst not currently designated for employment use in the SLLDP, as noted above, the SLLDP2 does designate the site as part of the SEIL at Poniel. It is, therefore, considered that the proposals are acceptable under these policy criteria.
- 6.9 Policy 15 'Natural and Historic Environment' provides the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment. It seeks to protect important natural and historic sites and features, as listed in Table 6.1 of the SLLDP, from adverse impacts resulting from development, including cumulative impacts. It was considered that the original permission would have no adverse effect on built heritage or protected species and extensive landscaping would be provided as part of any development. It is, therefore, considered that the extension to the submission time would not result in any detrimental impact on the criteria set out within this Policy. In addition, Policy 16 'Travel and Transport' states that all development should adhere to the Council's transportation guidelines. It is considered that, subject to the replication of the original permission's transport conditions, any extension to the timescales for submitting details to discharge conditions would accord with this Policy.
- 6.10 Under the terms of Section 42 of the Town and Country Planning (Scotland) Act 1997, if a Planning Authority is content that the proposed changes to condition(s) are acceptable, a new planning permission with amended conditions could be issued. The paper apart sets out the full suite of conditions that would be replicated should a new permission be granted. It should be noted that time periods for submission of matters specified in conditions are themselves not normally the

subject of a condition but that a default 3 year period is established by legislation. Nevertheless, the Council can set a different timescale at its discretion.

- 6.11 In conclusion it is, therefore, considered that, subject to the replication of all the conditions attached to the original permission, its renewal and allowing the submission of details to deal with matters specified in conditions to be extended from the default position of 3 years to the 5 year period proposed by the applicant would be acceptable and would allow the landowner a reasonable time period to bring forward proposals for the site. In turn, if implemented, the type and scale of development proposed would support the Councils wider sustainable economic development objectives. It is, therefore, recommended that the application be granted.

## **7 Reasons for Decision**

- 7.1 The request to extend the submission period for matters specified by permission on an extant planning permission in principle from 3 to 5 years is considered to have no additional planning implications subject to the imposition of the previous suite of planning conditions. The proposals, therefore, comply with Policies 1, 2, 3, 4, 7, 11, 15 and 16 of the adopted South Lanarkshire Local Development Plan 2015 and associated Supplementary Planning Guidance and the Proposed South Lanarkshire Local Development Plan 2 (2020).

**Michael McGlynn**

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

Date: 12 October 2020

### **Previous references**

- ◆ Planning Committee of 20 June 2017 (CL/17/0157)

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification advert dated 1 July 2020
  
- ▶ Consultations

Roads Development Management Team	13.08.2020
Transport Scotland	02.07.2020
Coal Authority Planning Local Authority Liaison Dept	30.06.2020
SEPA West Region	01.07.2020
Scottish Water	02.07.2020

**Contact for further information**

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

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

Phone: 01698 455903

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

### Conditions and reasons

01. Prior to the commencement of development on site, a further application(s) for the approval of any of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority, no later than 5 years from the date of this permission and in accordance with the limitations prescribed in 1(b) of section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). These matters are as follows:-

- (a) the layout of the site, including all roads, footways, parking areas and open spaces;
- (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
- (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum.
- (d) the design and location of all boundary treatments including walls and fences;
- (e) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs, including, where appropriate, the planting of fruit/apple trees;
- (f) the means of drainage and sewage disposal.
- (g) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);

Reason:- To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.

02. That no consent is hereby granted for any of the buildings or internal access roads shown on the application plan.

Reason:- Planning Permission is granted in principle only and no approval is given for these details.

03. That the further application(s) required under Condition 1 above shall include:(a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

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

04. That the further application(s) required under Condition 1 above shall include an Environmental Management Plan (EMP) based on the matters identified in the Preliminary Ecological Appraisal prepared by MacArthur Green, dated March 2017 and shall include matters such as:-

- mitigation measures in accordance with Section 7 of the report
- measures to maintain water quality throughout all construction works
- measures to enhance water quality

Reason:- To ensure that provision is made to safeguard the ecological interest on the site.

05. No part of the development shall be occupied until a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the planning authority, after consultation with Transport Scotland, as the Trunk Roads Authority. In particular this Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.

Reason:- In the interests of Transportation Planning

06. That unless otherwise agreed in writing by the Council as Planning Authority (in consultation with Transport Scotland and following the submission and consideration of an addendum to the Transport Assessment, dated March 2017 by Transport Planning Ltd), the gross floorspace for each use hereby approved shall not exceed the following :

Business (Class 4) - 14,000 square metres  
General Industrial (Class 5) - 63,000 square metres  
Storage and Distribution (Class 6) - 63,000 square metres

Reason:- In the interests of road safety and to retain effective planning control

07. That the existing core path and right of way CL/5735/3 as far as it lies within the application site shall remain in place and be available for use by the general public until the replacement route, as shown on Figure 6: Indicative Layout of the Planning Statement by 3R Energy, dated April 2017 has been constructed to a specification of the Council as Planning Authority. Thereafter the Core Paths Plan shall be amended under the Land Reform (Scotland) Act 2003 to formalise the diversion of the path. The developer shall be responsible for meeting the full cost of promoting the amendment.

Reason:- To ensure the ongoing provision of a walking and cycling route across the application site.

08. That the further application(s) required under condition 1 above shall include:-

- (a) details of parking provision which shall be in accordance with SCOTS National Roads Development Guide;

- (b) details of proposals to connect the development with cycling and walking routes in the area including the existing NCN74 cycle route at Junction 11 of the M74 (namely advisory carriageway lane markings and associated signage along the private road to its junction with Junction 11 of the M74) and the route to Coalburn via Middlemuir Road
- (c) details of cycle storage and related facilities, in accordance with Transport Scotland: Cycling by Design 2010;
- (d) details of construction traffic routing, parking for construction vehicles/staff;
- (e) arrangements for wheel cleaning and keeping public roads free from debris and mud;
- (f) details of soil management.

Reason:- Planning Permission is granted in principle only and no approval is given for these details.

09. That the further application required under the terms of Condition 1 above, shall include a detailed scheme for the treatment of surface water drainage. Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland and with the Council's Sustainable Drainage Design Criteria and requirements and shall be agreed in writing with the Council as Planning Authority in consultation with SEPA.

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

10. That the further application required under the terms of Condition 1 above shall include a Flood Risk/Drainage Assessment and Independent Checks in accordance with the latest guidance listed within Section 4.0 of the Council's Design Criteria Guidance Note.

Reason:- To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows, increased surface water run off and/or reduction of flood storage capacity.

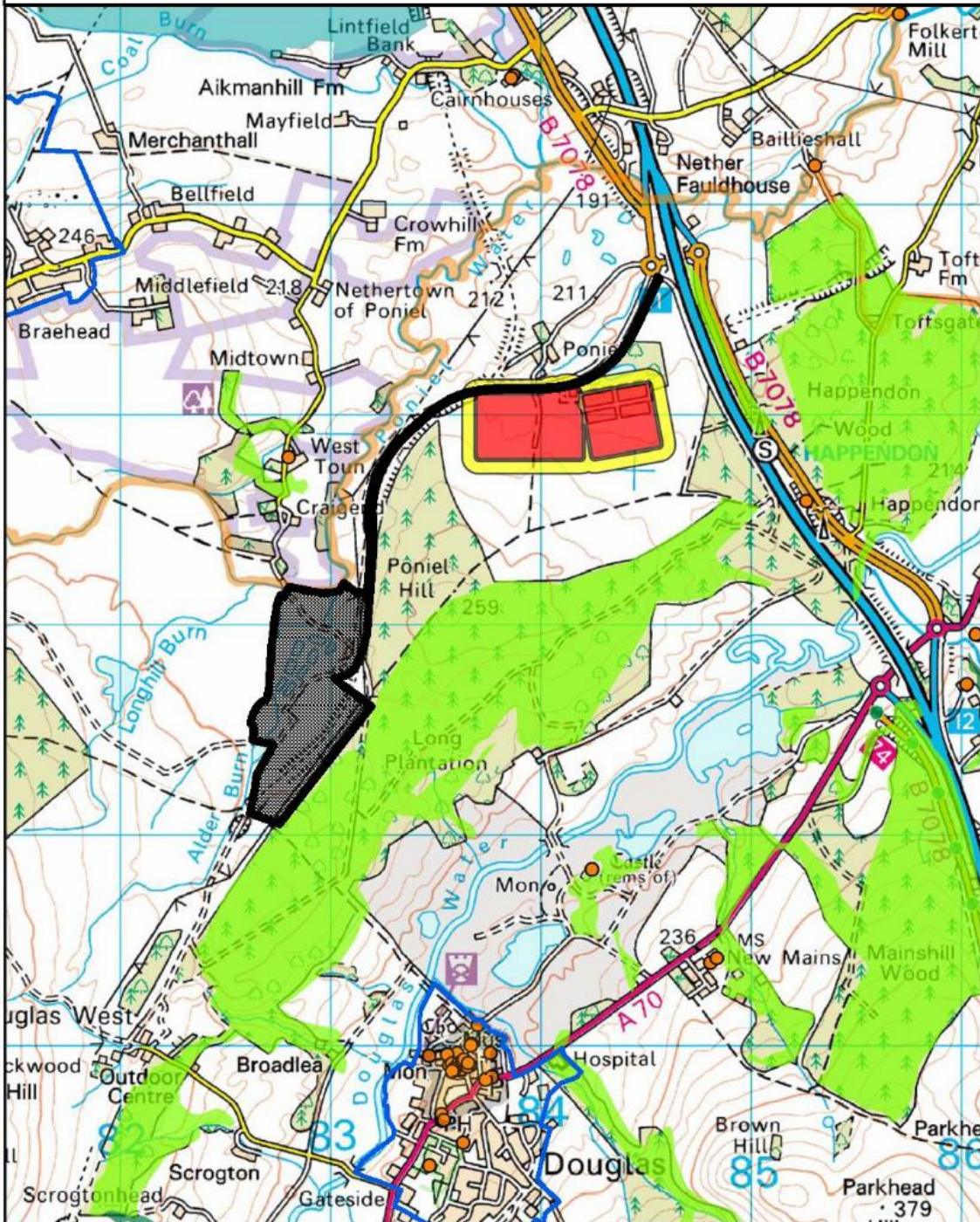
11. That the further application required under the terms of Condition 1 above shall include a Noise Assessment to determine the impact of noise on nearby dwellings and noise sensitive premises, using the principles set out in British Standards BS 4142:2014- Method for Rating Industrial Noise affecting Mixed Residential and Industrial Areas, or by a method agreed by the Council as Planning Authority.

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



P/20/0772

M74 Heat and POWER PARK



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Scale:  
1:25,000  
Date:  
06/10/2020



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



# Report

6

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>3 November 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/0924
Planning proposal:	Erection of 20 cottage flats with associated parking court, vehicular access and landscaping

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Glenesk Homes
Location:	Land 36M North of 8 Church Street Church Street Blantyre

## 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: Cooper Cromar
- ♦ Council Area/Ward: 15 Blantyre
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan**  
Policy 1 – Spatial Strategy  
Policy 2 – Climate Change  
Policy 4 – Development Management and Place Making  
Policy 6 – General Urban Area/Settlements  
Policy 13 – Affordable Housing and Housing Choice  
Policy 16 – Travel and Transport

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

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

Policy DM1 – Design

Policy DM 13 – Development within General Urban  
Area/Settlements

**Sustainable Development and Climate Change  
SG**

Policy SDCC3 – Sustainable Drainage System

Policy SDCC4 – Water Supply

Policy SDCC5 – Foul Drainage and Sewerage

Policy SDCC10 – Sustainable Transport

**Residential Design Guide**

**South Lanarkshire Local Development Plan 2  
(proposed)**

Policy 1 – Spatial Strategy

Policy 2 – Climate Change

Policy 3 – General Urban Areas/Settlements

Policy 5 – Development Management and Place  
Making

Policy 15 – Travel and Transport

Policy DM1 – New Development Design

Policy DM15 – Water Supply

Policy DM16 – Foul Drainage and Sewerage

Policy SDCC3 – Sustainable Drainage Systems

Policy SDCC4 – Sustainable Transport

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Scottish Water

Education Resources – School Modernisation Team

Community and Enterprise Resources - Play Provision

Blantyre Community Council

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site relates to an area of land which lies adjacent to the west of Church Street, Blantyre, which is a cul-de-sac. The site is bound to the north by Glasgow Road and to the south by a community centre and residential properties. The western boundary is formed by the access road to the Blantyre Shopping Centre, incorporating an ASDA Store.
- 1.2 The site sits within an area which is predominately residential in character containing terraced and semi-detached properties and a sheltered housing complex, however, it is noted that a retail centre, church and a sports centre are found in close proximity to the site.
- 1.3 The site is currently undeveloped which has been left to re-vegetate naturally. Buildings last occupied the site in the 1960's.

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

- 2.1 The applicants propose the redevelopment of the site for residential purposes, in the form of a flatted development comprising 20 units, on behalf of Clyde Valley Housing Association.
- 2.2 The proposed building, which would be 2 storey in height, has been designed as a u-shape structure which fronts onto Church Street, Glasgow Road and the access to the shopping centre. A parking court, accommodating 20 vehicles, would be located in the south east corner of the site and accessed directly from Church Street. Bin store and bicycle storage facilities would be located adjacent to the car park, close to Church Street.
- 2.3 The proposed building design is fairly typical for a modern flatted development, with a proposed dry dash render finish, dark grey tile and dark grey door and window frames. The perimeter of the site would be formed by a soft landscaped edge, with selected tree planting to surrounding streets.
- 2.4 The applicant has submitted a number of documents in support of their application, namely:-
  - ◆ Design and Access Statement
  - ◆ Flood Risk and Drainage Strategy
  - ◆ Ecology Assessment
  - ◆ Bat Survey
  - ◆ Landscape Design Statement

### **3 Background**

#### **3.1 Local Plan Policy**

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

- 3.1.2 Given the nature of the application, it is considered that Policies 1 – Spatial Strategy, 2 – Climate Change, 4 – Development Management and Place Making, 6 – General Urban Area/Settlements, 13 – Affordable Housing and Housing Choice and 16 – Travel and Transport are appropriate to the determination of this application. In addition, the Policies and Guidance within the Council's adopted Supplementary Guidance are of relevance; namely Development Management, Place Making and Design SG (Policies DM1 – Design and DM 13 – Development within General Urban Area/Settlements), Sustainable Development and Climate Change SG (Policies SDCC3 – Sustainable Drainage System, SDCC4 – Water Supply, SDCC5 – Foul Drainage and Sewerage, SDCC4 – Sustainable Transport and SDCC10 – Sustainable Transport) and the Council's approved Residential Design Guide.
- 3.1.3 In addition, on 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) (SLLDP2) and Supporting Planning Guidance on Renewable Energy. The new Plan builds on the policies and proposals contained in the adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is a material consideration. In this instance, Policies 1 – Spatial Strategy, 2 – Climate Change, 3 – General Urban Areas/Settlements, 5 – Development Management and Place Making, 15 – Travel and Transport, DM1 – New Development Design, DM15 – Water Supply, DM16 – Foul Drainage and Sewerage, SDCC3 – Sustainable Drainage Systems and SDCC4 – Sustainable Transport are relevant.
- 3.1.4 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. 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.
- 3.1.5 The aim of the above policies and guidance is to seek a development that is appropriately designed, located, serviced and results in no adverse impact on the surrounding area. The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

## **3.2 Planning Background**

- 3.2.1 In terms of planning history, it is noted that planning permission was granted in April 2013 for the "Erection of detached two storey building for ice-cream production including ancillary retail element and associated parking" for part of the current application site (application no.: HM/12/0407).
- 3.2.2 It is noted that the applicant held pre-application discussions with the Planning Service in January 2020. The submitted scheme reflects the outcome of these discussions.

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

- 4.1 **Roads (Development Management Team)** – have offered no objections to the proposed development, subject to the inclusion of standard conditions relative to traffic management, access arrangements, surface water treatment, visibility, parking and cycle storage provision.

**Response:-** These requirements can be conditioned as part of any consent issued.

- 4.2 **Environmental Services** – have confirmed that they have no objection to the proposal subject to the inclusion of conditions and informatives relative to noise, contamination and formal action.

**Response:-** Appropriately worded conditions and/or informatives can be attached to any consent to address these matters.

- 4.3 **Scottish Water** – have offered no objections to the proposed development.

**Response:-** Noted.

- 4.4 **Education Resources (School Modernisation)** – have offered no response to date.

**Response:-** Whilst noting the above, it is noted that Education Resource would assess each proposal in terms of its impact on existing educational facilities within the area and seek a financial contribution to address any adverse impact. It is, however, confirmed that on the basis that the proposed development is on behalf of a social housing provider, no contributions would be sought in this instance.

- 4.5 **Community and Enterprise Resources (Play Provision)** – have advised, following an assessment of the proposal, that a financial contribution to address any potential impact of the development on existing facilities within the area should be sought.

**Response:-** Again, whilst noting these comments it is advised that, as stated above, on the basis that the proposed development is on behalf of a social housing provider, no contributions would be sought in this instance.

- 4.6 **Blantyre Community Council** – no response to date.

**Response:-** None

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

- 5.1 Neighbour notification procedures were undertaken in respect of the application proposal. 26 letters of objection and 1 support letter were received in response.

- 5.2 Whilst noting that a number of the submitted letters of representation indicate that they have no objection to the principle of the redevelopment of the site for housing, they do however, offer objections to the submitted scheme. The grounds of objection are summarised as follows:-

**a) Road safety concerns – increased traffic/insufficient parking/servicing**

**Response:** These concerns relate to the fact that Church Street is a cul-de-sac characterised by on-street parking, restricted turning facilities, excessive use due to proximity to a church, sports centre and Council run facilities (David Dale House and sports centre) and access/exit difficulties from Glasgow Road.



It is accepted that there will be an increase in the volume of traffic associated with the site. However, it is noted that Road and Transportation Services have offered no objection to the proposal on these grounds and it is, therefore, considered that there will be no significant impact in terms of road safety as a result of the development. In particular, the following points should be noted:-

#### Servicing

Whilst the number of residential dwellings on Church Street would increase the impact on servicing and deliveries, any increase would likely be minimal. Refuse collection would likely be undertaken at the same time as other residents on the street so this would be unchanged. It is also likely that there will be an overlap in deliveries with the same delivery vehicles delivering to the new proposed properties as those making deliveries to the existing properties

In terms of the lack of turning facilities within the street for service vehicles, there is potential that servicing vehicles may utilise the access to the proposed development in order to exit Church Street in forward gear.

#### Parking Provision

Road and Transportation Services are satisfied that sufficient parking has been provided to serve the development. In terms of the current guidelines, the proposed development requires the provision of 16 spaces which is exceeded by the proposed development. As the proposed development meets the required parking provision, it is considered that the parking on Church Street should not be further strained by the proposed development.

#### Access

The proposed access is capable of being designed in a manner which meets the current requirements of the Society for Chief Officers of Transport in Scotland (SCOTS) National Roads and Development Guide (NRDG) and is, therefore, acceptable.

In terms of the alternative access arrangements suggested within the submitted objections, i.e. from a dedicated arm provided from an upgraded A724/John Street Roundabout or directly from the ASDA access road, Roads Development Management Team (DMT) have advised that, whilst these are technically feasible, they are of the opinion that neither would be preferred to the access from Church Street. Access from Church Street allows for the form of access to be a footway crossing which is the appropriate form as per the NRDG. Church Street is also primarily a residential street which matches with the use of the proposed development.

#### Traffic Generation Impact

In terms of concerns raised in relation to access/egress at Glasgow Road, Roads (DMT) have advised that for a development of this scale, the applicant would not typically be required to undertake an assessment of their traffic impact as it would be expected to be minimal. However, it is considered, using TRICS Database for private flats, that the proposed development would be expected to generate 3 departing vehicle trips in an hour which equates to 1 trip every 20 minutes (AM peak) and 4 arriving



vehicle trips in the PM peak which equates to 1 arrival every 15 minutes. Neither of these scenarios are expected to have a noticeable impact on vehicles arriving or departing from Church Street.

**b) Public Safety – Child safety quiet cul-de-sac**

**Response:** As noted above, it is considered that the proposed development will have low trip movements and the fact that the proposed development will be located at the entrance of Church Street, it is unlikely to raise any concerns in terms of public safety to existing residents within Church Street.

**c) Location of proposed bin store – nuisance such as smell and vermin, fire risk**

**Response:** It is considered that there will be no significant issues with regards to the concerns raised. The proposed refuse arrangements for the site have been assessed and considered acceptable by the Council's Environmental Services, in consultation with the Waste Services Officer.

**d) Noise and disturbance – car park, bin store, cycle store, light pollution**

**Response:** The proposed layout and its relationship with neighbouring properties is not an uncommon arrangement, particular within redevelopment sites. It is considered that, through the use of appropriate enclosures, screen fencing and lighting columns; the requirements for which can be conditioned as part of any consent given, such concerns can be minimised.

**e) Concerns in terms of the loss of daylight/overshadowing, overlooking and privacy**

**Response:** It is considered, given the proposed layout and its relationship with neighbouring properties, that there is unlikely to be any significant impact in terms of the concerns raised. The proposed building has been located around the frontage of the site onto Glasgow Road and the access to the Asda store, at the farthest point from existing residential properties.

**f) Incorrect identification of “bin store” area on adjacent property.**

**Response:** It is confirmed that this annotation has been removed from the “Proposed Site Plan”.

**g) Omission of property from 3D drawing in submitted Design and Access Statement**

**Response:** It is advised that the information contained within the 3D representations is of indicative purposes only. It is noted that the objector's property is clearly shown on the submitted application plans.

**h) Access to site for maintenance of property**

**Response:** Access to the application site for the maintenance of the neighbouring property would be a private legal matter between the parties over which the Council has no remit.

**i) Loss of Trees – impact on wildlife and Ecology Assessment Report not publicly available.**

**Response:** It is noted that the trees within the site are not protected and, as such, can be removed without the approval of the Council. It would appear that the trees are largely self-seeded and the site has been poorly

maintained. The submitted Ecology Assessment concludes that the site's habitat quality is not significant in terms of vegetation or extent. It highlights that the site's main value is in providing nesting habitats and good conditions for a range of birds and small mammals. It is noted that there was no potential for bat roosts identified within the site. With regard to the non-publication of any ecological reports or assessments, it is advised that, due to the sensitive nature of the information contained within such documents, their publication can be withheld.

**j) Flood risk concerns**

**Response:** It is noted that the site is located within an established urban area where the applicant proposes to utilise existing infrastructure to address flood risk and drainage requirements. In this regard, it is noted that a Flood Risk Assessment and Drainage Strategy has been submitted in support of the application.

**k) Absence of Construction Method Statement**

**Response:** It is advised that the submission of these details will be the subject of a condition attached to the planning approval, should consent be granted.

5.3 In addition to the above objections, one letter of support was received which merely stated that they wished one of the flats.

5.4 It is further advised that one objector also requested, under Freedom of Information legislation, details of any "option appraisal" undertaken in respect of the proposed development and the "minutes of the planning committee meetings where this planning proposal was discussed".

**Response:** A response was issued in accordance with current FOI legislation.

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

**6 Assessment and Conclusions**

6.1 This application proposes the erection of a flatted residential development (20 units), with associated parking and amenity space within an established urban area in Blantyre. The proposed development is being developed in association with Clyde Valley Housing Association.

6.2 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all planning applications are determined in accordance with the development plan, unless material considerations indicate otherwise. The main determining issues, therefore, in the assessment of this application are whether the proposed development is in compliance with local plan policy and its impact on the amenity of adjacent properties and on the local road network.

6.3 The adopted South Lanarkshire Local Development Plan (SLLDP) seeks to ensure that future development takes place in a sustainable way whilst recognising the need for economic growth and regeneration (Policies 1 – Spatial Strategy and 2 – Climate Change). The proposal accords with these aims as it relates to the redevelopment of a site within an established urban area with good links to public transport and facilities for bicycle storage. Within the adopted plan the site is designated as within a general residential zoning (Policy 6), the principle

of use of the site for residential purposes is, therefore, acceptable subject to compliance with normal development management criteria.

- 6.4 The matters considered appropriate in the determination of this application are set out within Section 3.1 above. Principally, the stated policies and guidance seek to ensure that any development does not adversely impact on the amenity of such areas, can be adequately serviced and has been designed in a manner which takes cognisance of appropriate guidance and the area within which it is located. Having considered the design and layout of the proposal, it is considered that the scheme is capable of being developed, subject to conditions, without conflict with the general requirements of the applicable policies and guidance.
- 6.5 With regard to the detailed design of the proposed development, it is considered that the proposals are acceptable and will be in keeping with the existing development in the surrounding area, which contains a mix of building styles. Given the design and layout of the proposed development and its relationship with existing properties adjoining the site, it is also considered that there would be no significant detrimental impact to the amenity or overlooking issues, as a result of the introduction of this development. The proposed external finishing materials are acceptable and raise no issues given the current mix of materials within the area. No concerns have been raised by Roads and Transportation Services and the proposal is, therefore, considered acceptable in road safety terms. No specific concerns, subject to the inclusion of conditions and/or informatives, have been raised by the remaining consultees. The proposal, therefore, accords with the aims of Policies 4, 16, DM1, and DM13 of the SLLDP and supporting supplementary guidance.
- 6.6 The development is being undertaken on behalf of Clyde Valley Housing Association and, as such, will assist the Council's aim of ensuring the availability of a range of housing types to cater for the increasing number and variety of households.
- 6.7 The application site is within an urban location where sewerage and water infrastructure connections can be easily accessed. In addition, the site will incorporate a suitably designed urban drainage system, to be conditioned should consent be given, to serve the development. On this basis, it is considered that the proposal raises no issues in terms of Policies SDCC3, SDCC 4 and SDCC 5 within the adopted SLLDP's supplementary guidance on Sustainable Development and Climate.
- 6.8 In terms of Policies 16 and SDCC10, which relate to the promotion of sustainable travel, the Council requires that new development schemes recognise the needs of cyclists and incorporate facilities for electric vehicle charging points within the development. In this regard, it is noted that a storage facility for bicycles has been provided within the revised scheme. The incorporation of facilities for vehicle charging points can be addressed through the use of an appropriately worded condition.
- 6.9 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. 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 1, 2, 3, 5, 15, DM1, DM7, DM15, DM16, SDCC3 and SDCC4 contained in the proposed plan.

- 6.10 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.
- 6.11 Whilst third party representations have been received, it is considered that the issues raised are not of sufficient weight or merit, either individually or collectively, to justify the refusal of the application in this instance.
- 6.12 In conclusion, following assessment of the proposal, it is considered that it is acceptable and that the proposal accords with the policies contained in both the adopted South Lanarkshire Local Development Plan, its supplementary guidance and the emerging South Lanarkshire Local Development Plan 2.
- 6.13 On the basis of the above, it is recommended that planning permission be granted, subject to the conditions listed.

## **7 Reasons for Decision**

- 7.1 The proposal accords with the policies of the South Lanarkshire Local Development Plan and Supplementary Guidance (namely Policies 1 – Spatial Strategy, 2 – Climate Change, 4 - Development Management and Placemaking, 6 – General Urban Area/Settlements, Land13 – Affordable Housing and Housing Choice, 16 - Travel and Transport, DM1 – Design, DM13 – Development within General Urban Area/Settlements, SDCC3 – Sustainable Drainage System, SDCC4 – Water Supply, SDCC5 – Foul Drainage and Sewerage, SDCC10 – Sustainable Transport and Residential Design Guide).

Furthermore, the proposal accords with the requirements of the policies and guidance within the proposed South Lanarkshire Local Development Plan 2 (namely Policies 1 – Spatial Strategy, 2 – Climate Change, 3 - General Urban Areas, 5 - Development Management and Place Making, 15 – Travel and Transport, DM1 – Design, DM15 – Water Supply, DM16 – Foul Drainage and Sewerage, SDCC3 – Sustainable Drainage Systems and SDCC4 – Sustainable Transport).

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

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

9 October 2020

## Previous References

- ◆ Application HM/12/0407

## 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 07.08.2020	
▶	Consultations	
	Roads Development Management Team	26.08.2020 16.03.2020 07.04.2020 05.10.2020
	Environmental Services	07.08.2020
	Scottish Water	28.08.2020
	Community and Enterprise Resources – Play Provision	
▶	Representations	Dated:
	A Williamson, St Andrew's Parish Church, Church Street, Blantyre, G72 0NY	28.08.2020
	Ms Jo Fox, 8A Church Street, Blantyre, Glasgow, South Lanarkshire, G72 0NY	21.08.2020
	Mr Terry Donnelly, 10 Church Street, Blantyre, South Lanarkshire, G72 0NY	17.08.2020
	Mr Geoffrey Krawczyk, Stanmore, 26 Church Street, Blantyre, G72 0NY	20.08.2020
	John McLachlan & Pauline Osborne, 17 Church Street, Blantyre, G72 0NY	19.08.2020
	Miss Michelle McGowan, 21 Church Street, Blantyre, G72 0NY	12.08.2020
	Kirk Session / Trustees St Andrew's Parish Church, 1 Church Street, Blantyre, G72 0NY	23.08.2020
	Mrs Margaret Easton, 14 Church Street, Blantyre, G72 0NY	24.08.2020
	Mr Jim Mckay, 15 church street, Blantyre, Glasgow, G720ny	20.08.2020
	Mr Paul Ford, 14c Glenlee Street, Burnbank, Hamilton, M13 0QJ	23.08.2020

Mr Gordon Frew, 38 Berriedale Crescent, West Craigs, Blantyre, G720GB	21.08.2020
Mrs Laura Meek, 23 Woodview Terrace, Hamilton, ML3 9DP	21.08.2020
Mrs Maureen Chalmers, 9 Church Street, Blantyre, G720NY	23.08.2020
Mrs Elspeth Annan, 121 George Street, Edinburgh, EH2 4YN	25.08.2020
Miss Elizabeth Reilly, 24 Church Street, Blantyre, Glasgow, South Lanarkshire, G72 0NY	18.08.2020
Mr Terence Donnelly, 8 Church Street, Blantyre, Glasgow, G72 0NY	20.08.2020
Mrs Lesley Stein, 105 Swisshot Avenue, Hamilton, ML3 8EG	23.08.2020
Miss Hazel Krawczyk, 26 Church Street, Blantyre, Glasgow, G72 0NY	23.08.2020
Claire Stevenson, Received Via Email	25.08.2020
Ms Keli Donnelly, 18-20 Church Street, Blantyre, G720NY	16.08.2020
Miss Angela Mckay, 6 Fenwick Drive, Hamilton, Hamilton, ML3 7YG	20.08.2020
Mr Martin Jaap, 8a Church Street, Blantyre, Glasgow, G72 0NY	18.08.2020
Miss Linda Brown, 3 Church Street, Blantyre, G72 0NY	01.09.2020
Mr Jacob Paton, 5, Church street, Blantyre - Glasgow, G72 0NY	23.08.2020
Mr Ronald Frew, 22 Church Street, Blantyre, G72 0NY	18.08.2020
Mr Chris Ferguson, 7 Church Street, Blantyre, G72 0NY	25.08.2020

### **Contact for further information**

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

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

### **Conditions and reasons**

01. That before development starts, unless otherwise agreed by the Council as Planning Authority, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.

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

02. That before the development hereby approved is completed or brought into use, a private vehicular access shall be provided as per Figure 9 of the SCOTS National Roads Development Guide and the first 2 metres of this access from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.

Reason: To prevent deleterious material being carried onto the road

03. That before the development hereby approved is completed or brought into use the development shall be constructed and thereafter maintained such that no surface water discharges on to the surrounding footway.

Reason: To prevent any surface water run-off.

04. That before the development hereby approved is completed or brought into use, a visibility splay of 2 metres by 35 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

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

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

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

required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner.

07. Prior to commencement of the development hereby approved, details of measures to facilitate the provision of full fibre broadband to serve the development, including details of appropriate digital infrastructure and a timescale for implementation, shall be submitted to and approved in writing by the Council as Planning Authority, unless otherwise agreed in writing with the applicant. The approved measures shall thereafter be carried out in accordance with the agreed implementation timescale.

Reason: To ensure the provision of digital infrastructure to serve the development.

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

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

09. That before any of the flatted units hereby approved are occupied, unless otherwise agreed in writing with the Council as Planning Authority, details of the proposed refuse bin storage structure within the development shall be submitted to, agreed by and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason: To ensure that adequate refuse arrangements are and operational.

10. That before any of the flatted properties hereby approved are occupied, unless otherwise agreed in writing with the Council as Planning Authority, 20 covered cycle parking spaces shall be constructed. Details of the cycle storage structure within the development shall be submitted to and approved by the Council as Planning Authority. Thereafter, the approved scheme shall be implemented and thereafter maintained to the satisfaction of the Council as Planning and Roads Authority

Reason: To ensure the provision of adequate parking facilities within the site and in the interests of amenity and to ensure that a satisfactory external appearance is achieved.

11. 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.

12. That prior to any works associated with the construction of the development commence a Construction Traffic Management Plan shall be submitted to the Council as Roads and Planning Authority for approval. This should provide details of access and parking provision for staff and visitors, intended working hours, how deliveries of materials will be managed and stored and what wheel washing facilities will be provided to prevent mud being carried on to the adopted road. The plan should also detail how any of these measures may change as the site is developed.

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

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

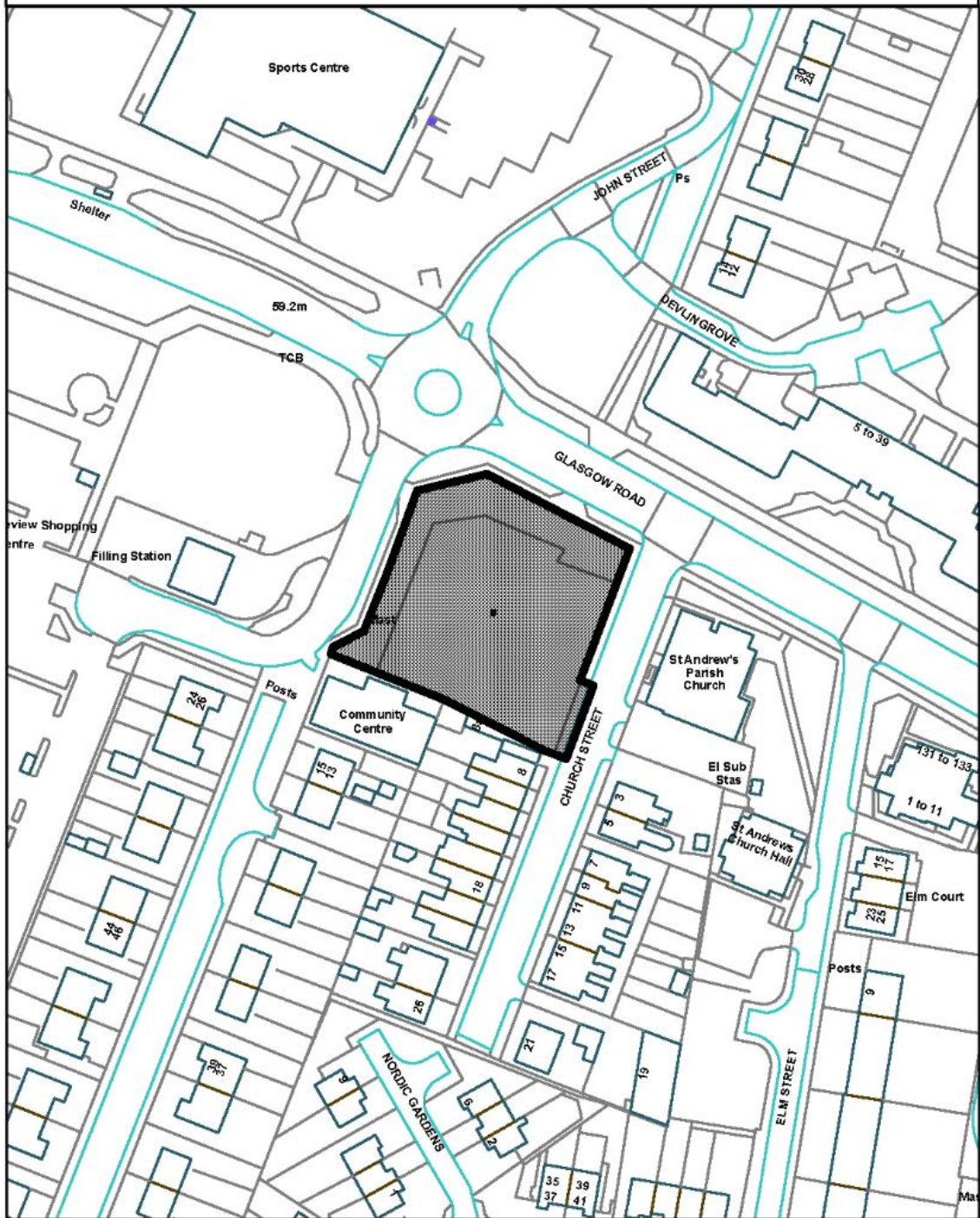
Reason: In the interests of the visual amenity of the area.

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

Reason: In the interests of amenity.

P/20/00924

Land 36M North of 8 Chruch Street, Church St Blantyre



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Scale:  
1:1,250  
Date:  
05/10/2020



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

# Report

7

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>3 November 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/0751
Planning proposal:	Erection of 4 wind turbines (126.5m maximum height to tip) and ancillary development including access tracks, hardstanding areas, substation/control building, transformers, cabling and temporary construction compound) (Section 42 application to amend condition 2 (extension of lifetime of windfarm from 25 to 30 years) of planning permission Ref CL/13/0206)

## 1 Summary application information

Application type:	Further application
Applicant:	Crookedstane Windfarm Limited
Location:	Crookedstane Wind Farm Development Access From B7076 To Crookedstane Farm Elvanfoot Biggar 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
- (2) The Committee should note that the decision notice should not be issued until the following matters are concluded:-

A Legal Agreement securing:-

- ◆ Community benefit contributions
- ◆ The funding of an independent Planning Monitoring Officer
- ◆ Control Over turbine transportation and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements

The applicant will be responsible for meeting the Council'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: Laura Fleming
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan**  
Policy 1 Spatial Strategy  
Policy 2 Climate Change  
Policy 3 Green belt and rural area  
Policy 4 Development management and placemaking  
Policy 15 Natural Environment  
Policy 16: Travel and Transport  
Policy 19 Renewable Energy

#### **Supplementary Guidance**

Development Management, Place Making and Design

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

Policy 1 Spatial Strategy  
Policy 2 Climate Change  
Policy 4 Green Belt and Rural Area  
Policy 5 Development Management and Placemaking  
Policy 14 Natural and Historic Environment  
Policy 15 Travel and Transport  
Policy 18 Renewable Energy

#### ◆ Representation(s):

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

## Planning Application Report

### 1 Application Site

- 1.1 The application site is located approximately 3km south of Elvanfoot, 7.5km east of Leadhills and 3km west of the M74 motorway. The development area extends to approximately 43 hectares (ha) of which the land take of the development will be around 2.17ha. The application site is located within the Southern Upland Wind Farm Landscape Character Type. To the east and north of the application site is located the operational Clyde Wind Farm. Land cover on the application site consists of coarse grassland mainly used for rough grazing with the highest point lying at 383m Above Ordnance Datum (AOD). To the east of the site lies forestry, and 3 watercourses (Daer Water, Blakehouse Burn and Crookedstane) lie adjacent to and cross the site.

### 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 2 of planning permission Ref: CL/13/0206 (hereon referred to as the original permission) which granted planning permission for 4 turbines at a maximum tip height of 126.5m.
- 2.3 Condition 2 of the original permission states:-

*That consent is granted for a period from the date of this consent until 25 years from the date of final commissioning of the development. No later than 12 months prior to the end of said 25 year period, the decommissioning scheme referred to in condition 28 of this consent shall be submitted to and approved in writing by the planning authority. Written confirmation of the date of the commencement of the development shall be supplied in writing to the Planning Authority and the date of commencement of the development shall be no later than 5 years from the date of this consent.*

- 2.4 The applicant has requested that condition 2 be varied to read:-

*That consent is granted for a period from the date of this consent until 30 years from the date of final commissioning of the development. No later than 12 months prior to the end of said 30 year period, the decommissioning scheme referred to in condition 28 of this consent shall be submitted to and approved in writing by the planning authority. Written confirmation of the date of the commencement of the development shall be supplied in writing to the Planning Authority and the date of commencement of the development shall be no later than 5 years from the date of this consent.*

- 2.5 In essence, this application requests an extension to the operating period of the wind farm from 25 years to 30 years. The application does not request any other variation to the original permission. It should be noted that a separate report (ref no P/20/0752) is included on the agenda for this Committee which seeks similarly to extend the operating period for a 4 turbine windfarm at a site known as Lion Hill which is adjacent to the proposals subject of this application.

- 2.6 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 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. 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.

### **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.
- 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). SPP (paragraph 170) also notes that areas “identified for wind farms should be suitable for use in perpetuity”.
- 3.1.3 The application site, by nature of the original permission granting wind development, is considered to be “identified” as noted within paragraph 170 of SPP. It is considered that, as the proposals would result in allowing an already permitted wind farm an additional 5 years of renewable energy generation, it would comply with national policy. No further assessment of the proposals against national policy is, therefore, required.

#### **3.2 Development Plan**

- 3.2.1 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 2017 (GVCSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance.

- 3.2.2 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions. Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. Policy 10 Onshore Energy requires proposals to accord with local development plans. With regard to this proposal, it is noted that the site currently benefits from an extant permission for 4 wind turbines and, therefore, there is no further requirement for the proposals to be assessed against this strategic plan.
- 3.2.3 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 1: Spatial Strategy
  - ◆ Policy 2: Climate Change
  - ◆ Policy 3: Green belt and rural areas
  - ◆ Policy 4: Development management and placemaking
  - ◆ Policy 15: Natural and historic environment
  - ◆ Policy 16: Travel and Transport
  - ◆ Policy 19: Renewable Energy
- 3.2.4 The following approved Supplementary Guidance support the policies in the SLLDP and also requires assessment:-
- ◆ Supplementary Guidance – Renewable Energy
- 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). 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 which recommends that the modifications suggested by the Reporter are accepted, is included elsewhere on the agenda for this committee meeting. They are, therefore, a material consideration in determining planning applications. The following policies are relevant:-

#### Volume 1

- ◆ Policy 1 Spatial Strategy
- ◆ Policy 2 Climate Change
- ◆ Policy 4 Green Belt and Rural Area
- ◆ Policy 5 Development Management and Placemaking
- ◆ Policy 14 Natural and Historic Environment
- ◆ Policy 15 Travel and Transport
- ◆ Policy 18 Renewable Energy

- 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 Planning permission was granted in 2016 for the erection of 4 wind turbines with a maximum height to tip of 126.5m and associated infrastructure, such as access tracks, hardstanding areas, substation/control building, cabling as well as a temporary construction compound (CL/13/0206).

## **4 Consultation(s)**

- 4.1 The proposals are made under Section 42 of the Town and Country Planning Act and are in effect to allow a permitted wind farm to have an additional 5-year life span of 30 years rather than 25.
- 4.2 No consultation was, therefore, required as part of the application.

## **5 Representation(s)**

- 5.1 Statutory Neighbour notification was carried out by the Council on 13 July 2020. The proposal was also publicised as an application requiring advertisement for the non-notification of neighbours and constituting an environmental impact assessment (EIA) development in the Lanark Gazette on 22 July 2020. The application was also advertised in the Edinburgh Gazette for EIA purposes on 24 July 2020.
- 5.2 No representations have been made in relation to this application.

## **6 Assessment and Conclusions**

- 6.1 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.'

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, a Section 42 is an application to vary condition(s) on an existing permission, the process requires a new, stand-alone 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). 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.

- 6.2 In assessing whether any condition is still relevant, there would be the requirement to consider certain aspects of the development. In this instance, the applicant has requested that condition 2 of the original permission is amended to extend the operational lifetime of the consented farm. No changes to the scale, design or layout of the approved scheme are proposed. However, it is noted that the nature of the legislation requires all conditions to be revisited as they may be linked or connected to these specific conditions. The main matters for consideration are, therefore, whether the proposed amendment to the condition proposed would undermine the reasons for the original condition(s) 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.

- 6.3 As referenced elsewhere, the principle of the erection of a windfarm at the application site has been established by the original permission. This current application seeks to extend the operational lifetime of the windfarm to 30 years; no changes to the approved scheme are proposed. In addition, the scheme has been subject to an updated Environmental Assessment to determine if the effects of the windfarm on environmental criteria have changed. Overall, it concludes that the impact remains the same.
- 6.4 At the time of the original application, the development plan comprised the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) and the adopted South Lanarkshire Local Development Plan. Since then, the proposed replacement South Lanarkshire Local Development Plan 2 has been approved by the Council and undergone examination (see below). In addition, Supplementary Guidance (SG) on Renewable Energy has been approved. Nevertheless, the intent of the policies that were taken into consideration in determining the original application are broadly similar to those now included in the SLLDP2 and the SG.
- 6.5 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). 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 which recommends that the modifications suggested by the Reporter are accepted is included elsewhere on the agenda. They are, therefore, a material consideration in determining planning applications.
- 6.6 In determining whether the proposed 5 year extension to the operation of the wind farm is acceptable, it should be noted that, the 25 year time limit imposed on the original permission was not related to mitigating any effects on the wind turbines on the surrounding area but rather reflected the 'industry standard' at the time that the operational capacity of turbines was limited by the technology then in place. However, as technology has advanced and windfarms become an established feature in certain landscape areas, developers have sought to extend their operational limits. Overall, there is a general presumption in favour of granting permission in such cases, unless exceptional circumstances suggest otherwise. In this instance, the policy direction on wind farm development is broadly identical to when the original permission was granted and the environmental impact of the proposals are unchanged. In addition, the application, if successful, would result in an additional 5 years of renewable electricity generation for an already consented wind farm which accords with policy direction at a national and local level.

- 6.7 The original permission had planning obligations in relation to community benefit contributions, funding of an independent Planning Monitoring Officer, control over turbine transport and required repair to any roads and bridges in relation to said turbine transportation. As noted above, the recommendation requires a legal agreement for these obligations to be secured through any new permission, if granted.
- 6.8 In conclusion it is, therefore, considered that subject to the replication of all the conditions attached to the original permission and a legal agreement to secure the required planning obligations, the extension of the operational life span of the wind farm by a further 5 years is considered acceptable. It is, therefore, recommended that the application be granted. Under the terms of Section 42 of the Town and Country Planning (Scotland) Act 1997, if a Planning Authority is content that the proposed changes to condition(s) are acceptable, as in this instance, a new planning permission with amended conditions could be issued. The paper apart sets out the full suite of conditions that would be replicated, should a new permission be accepted.
- 7 Reasons for Decision**
- 7.1 The request to extend the lifespan of a development that already benefits from planning permission by an additional 5 years is considered to have no additional planning implications subject to the imposition of the previous suite of environmental conditions. The amended condition would allow an additional 5 years of renewable energy to be generated. The proposals, therefore, comply with Policies 1, 2, 3, 4, 15, 16 and 19 of the adopted South Lanarkshire Local Development Plan 2015 and associated Supplementary Planning Guidance and the Proposed South Lanarkshire Local Development Plan 2 (2020).

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

12 October 2020

**Previous references**

- ◆ Planning Committee of 24 February 2015 (CL/13/0206)

**List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification advert dated 22 July 2020

**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. That the development is carried out strictly in accordance with the terms of the application and the accompanying ES and SEI, 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 compliance with all commitments made in the Environmental Statement, in the interests of amenity and in order to retain effective planning control.

02. That consent is granted for a period from the date of this consent until 30 years from the date of final commissioning of the development. No later than 12 months prior to the end of said 30 year period, the decommissioning scheme referred to in condition 28 of this consent shall be submitted to and approved in writing by the planning authority. Written confirmation of the date of the commencement of the development shall be supplied in writing to the Planning Authority and the date of commencement of the development shall be no later than 5 years from the date of this consent.

Reason: To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.

03. 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 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.

04. Noise Emission - in Accordance with ETSU- R- 97

Noise from the wind turbines shall not exceed 40dB LA90 (10 min) or the background noise level measured as LA90 (10 min) +5dB, whichever is the greater, at any noise sensitive premises at all times at wind speeds of up to 12 metres per second as measured within the site.

Reason: To safeguard the noise amenity of local residents in accordance with ETSU-R-97.

05. Tonal Contribution

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 4 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: To safeguard the noise amenity of local residents in accordance with ETSU-R-97.

06. Construction Works

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

Monday to Friday 8.00am to 7.00pm,  
Saturday 8.00am to 1.00pm;

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

Reason: To minimise disturbance to residents in the vicinity of the wind farm.

07. Noise Complaint Investigation

That in the event of a complaint of noise emissions relating to the operation of the wind farm, the wind farm operator shall appoint an independent noise consultant, whose appointment shall require the approval of the planning authority, to measure the level of noise emissions from the wind farm at the property to which the complaint relates. A noise report shall be prepared in a timescale agreed with the Planning Authority. The measurement and calculation of noise levels for the report shall be undertaken in accordance with ETSU-R-97. The report including the

proposed mitigation measures and timescales for implementation shall be submitted to the Planning Authority for approval, and thereafter implemented.

Reason: In order to retain effective planning control.

08. Prior to commencement of development the applicant shall submit details on the following items for the approval by the Planning Authority in consultation with the Roads Authority and thereafter implement the approved drawings in the agreed timescales. The following items require to be approved in writing and implemented to the Council's satisfaction:-

- a) Details that the corridor width required for the transportation of loads can be accommodated on the existing public road. Therefore the applicant should submit proposals, together with any oversail areas, along the proposed route including details of local improvements in the public road geometry and strengthening in order to provide the required transport corridor for these loads.
- b) Provide a 4.5m x 210m visibility splay in both directions. The visibility splay shall be maintained free of all obstructions greater than 1.05m in height above the adjacent road channel level for the duration of the wind farm construction, operation and decommissioning phases.
- c) Swept Path Analysis detailing over run areas for specialists loads and clarification of lands agreements where improvements are required to third party land to facilitate road infrastructure and/or junction visibility splays. All such works shall be undertaken to the satisfaction of the Council as Roads Authority.
- d) Details of any alternations to existing signs/street furniture or any proposed advanced warning signage, on proposed haul route to the construction site access
- e) Site compound should provide sufficient parking and a turning area to ensure all vehicle exit in a forward gear.
- f) The proposed site access and alterations to the public road to facilitate construction of the access shall be designed in accordance with the Design Manual for Roads and Bridges.
- g) All public road works must be implemented and completed prior to the construction of the wind farm on site.
- h) The developer shall enter into a Section 96 Legal agreement

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

09. Prior to commencement of development the developer shall submit a detailed Traffic Management Plan (TMP) for the written approval of the Council as Roads Authority, and thereafter adhere to and implemented. The TMP shall be produced in consultation with Roads & Transportation Services and Police Scotland and include a programme indicating phasing of construction of the project. Details of the proposed road traffic signage directing all construction traffic to the proposed site access shall be included.

No works shall commence on site until such times as the TMP has been approved in writing by the Council as Roads Authority.

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

10. The developer shall notify the Council in writing, as soon as reasonably practical, of any changes in construction and decommissioning related activities where these will have an impact on the approved TMP. The developer will consult with the Council and Police Scotland to agree in writing any changes to the TMP, and thereafter adhere to and implement the agreed changes.

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

11. The developer shall undertake all work associated with the approved planning consent and any subsequent amendments in accordance with the approved TMP. All specialist wind turbine components shall be delivered to site in accordance with the approved TMP and Abnormal Load Route Assessment.

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

12. At least 3 months prior to the delivery of abnormal loads the developer will undertake an Abnormal Load Route Assessment and submit details of their report together with any recommendations for the written approval of the Council as Roads Authority. 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.

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

13. No development work shall commence until a Construction Environmental Management Plan (CEMP) including Construction Method Statement, Waste Management Plan, Pollution Prevention Plan and Peat Management Plan has been submitted to and approved by the Planning Authority in consultation with SEPA and SNH. The method statement, which shall incorporate "good practice" methods from the Scottish UK wind farm industry to ensure that environmental impacts are reduced and incorporate all the mitigation measures identified in the ES and SEI supporting the application, shall be submitted no less than 2 months prior to the proposed commencement of the development unless the Planning Authority agrees otherwise. Thereafter, all the measures described in the approved method statement shall be implemented. The method statement shall include the following:-

- a) A plan of the construction operations at an appropriate scale;
- b) A plan to an appropriate scale showing the location of any contractor's site compound and laydown areas required temporarily in connection with the construction of the development.
- c) Method of defining track route and location (track corridors should be pegged out 500 - 1000m in advance of operations);
- d) Track design approach
- e) Maps of tracks indicating double and single tracks and position of passing places.

- f) The full extent of anticipated track 'footprint(s)' including extent of supporting 'geogrid' below roadstone and cabling at the edges of the track
- g) Track construction: Floating track construction over peat >1m deep and gradients of 1:10 or less. Track construction for peat <1m deep, or on gradients of >1:10, cross slopes or other ground unsuitable for floating roads.
- h) Procedures to be followed when, during track construction, it becomes apparent that the chosen route is more unstable or sensitive than was previously concluded, including ceasing work until a solution is identified, informed with reference to advice from ECoW.
- i) Details of peat/soil stripping, storage and re-use. All soils stored on site shall be in accordance with BS3882 and SNH and SEPA guidance.
- j) A management plan setting out the steps that shall be taken to monitor the environmental effects of the development, including the effects on ground water, surface water, noise and dust, during the construction phase and the operational phase. Including a description of and measures to mitigate impact on surface water courses and the hydrology. The methodology of such monitoring including locations frequency, gathering of information on background levels, etc shall be submitted to the planning authority for approval prior to the commencement of works on site. Thereafter, the plan shall be implemented to the satisfaction of the Planning Authority and the results of such monitoring shall be submitted to the planning authority on a 6 monthly basis, or on request.
- k) Specifying the means by which material to be used for the development is brought on site unless it has certification from a suitably UKAS accredited laboratory to confirm that the material is not contaminated.
- l) Compliance with the Council's Sustainable Drainage Systems (SuDs) design criteria guidance and inclusive sign off by the relevant parties carrying out the elements of work associated with the design criteria appendices 1 to 4.
- m) A coloured plan showing the sustainable drainage apparatus serving the application site together with the contact name and emergency telephone number of the party responsible for its future maintenance. Details of the future maintenance regime in accordance with the latest Construction Design and Management (CDM) Regulations is to be provided on this drawing.

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

14. Construction Environmental Management Plan (CEMP) continued from condition 13 above:-

- n) Peat Management Plan - shall be submitted to and approved by the Planning Authority in consultation with SEPA and SNH and thereafter all work will be carried out in accordance with the plan.
- o) Watercourse crossing should be kept to a minimum to ensure they do not adversely impact on natural flow pathways. These crossings shall be appropriately sized and overland flow routes shall be provided in the event of culvert blockage.
- p) Measures to be taken to ensure that the work does not cause mud, silt, or concrete to be washed away either during the construction stage or as a result of subsequent erosion. Where possible construction works shall avoid road construction during high periods of high rainfall.

- q) Timing and extent of any necessary re-instatement.
- r) Details of the site security gate, wheel wash facility and site entrance hard standing for the written approval of the Planning Authority. All work associated with construction of the access gate, access bell mouth (with associated abnormal load over run area) and wheel wash facility shall be implemented on site prior to commencement of any internal site works. Details for wheel wash facility to maintain the public road network clear of any mineral/soils throughout the construction period.
- s) Waste Management Plan shall be submitted to and approved by the Planning Authority in consultation with SEPA and thereafter all work will be carried out in accordance with the plan.
- t) Best practice mitigation for pollution prevention. Pollution Prevent Plan shall be submitted to and approved by the Planning Authority in consultation with SEPA and thereafter all work will be carried out in accordance with the plan.

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

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 grid building within the development.

Reason: In order to retain effective planning control.

16. Each turbine shall be erected in the position indicated. At least 1 month prior to the construction of turbine foundations a variation of the indicated position of any turbine on the approved drawing shall be notified on the following basis: (a) if the variation is less than 25 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 25 metres and 50 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 within 1000m of a non-involved residential property
- bring a turbine outwith the planning application boundary
- breach the 50m water buffer zones

Reason: In order to retain effective planning control.

17. That during the construction of the development:-

- a) All works shall be carried out in a manner consistent with The Water Environment (Controlled Activities) (Scotland) Regulations 2005
- b) No work shall be undertaken within a 20 m buffer zone surrounding all watercourses and known functioning drains, with the exception of access route crossings, unless otherwise agreed in writing with the Planning Authority.
- c) Track layout shall minimise disruption to water courses



- d) Existing drainage routes shall be maintained through sensitive placement of soil heaps and where necessary temporary drains.
- e) Silt traps shall be provided on all existing drainage routes affected by site works.
- f) Watercourses shall not be culverted. Bridge crossings shall be used instead of culverts and a suitable design shall be put forward and agreed in writing with the planning authority in consultation with SEPA.
- g) Any disturbance of watercourses shall be minimised utilising cofferdam temporary works.
- h) Cable trenches shall only be constructed in limited sections to reduce drainage of groundwater and prevent additional drainage routes being created.
- i) Cable trenches shall be plugged to prevent the creation of new drainage paths.
- j) The scheduling of works shall minimise disruption and working during wet weather
- k) Temporary works interception drains shall be constructed to prevent potential contamination of runoff and groundwater
- l) Stockpiling of materials on wet ground and near drainage channels shall not take place, unless agreed in writing with the Planning Authority
- m) Backfilled trenches shall be re-vegetated
- n) Temporary silt traps shall be constructed to treat runoff
- o) Sulphate resistant concrete shall be used to prevent leaching of chemical.

Reason: To minimise environmental impact on watercourses and in order to retain effective planning control.

18. No part of any turbine shall be erected above ground until a Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and approved in writing by the Council 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.

Reason: In the interests of public safety.

19. No part of any turbine shall be erected above ground until the approved Primary Radar Mitigation Scheme has been implemented and the development shall thereafter be operated fully in accordance with such approved Scheme as referred to in condition 18.

For the purpose of Conditions 18 and 19 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 section 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 public safety.

20. In the event of any turbine, or group of turbines, failing or being no longer required for electricity generation, or any other reason, for a continuous period of 12 months, unless otherwise agreed with the Planning Authority, the turbine(s) shall be replaced (in the case of failures), or dismantled and removed. In the case of removal, that part of the site accommodating the turbine, the turbine pad and access roads shall be reinstated within three months of the end of the twelve month period of non-generation in accordance with a scheme agreed with the Council as Planning Authority, all to the satisfaction of the Council.

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

21. Prior to development commencing on-site details of the confirmed turbine layout height and manufacture, including illustrations as well as details of size, shall be submitted to, and approved in writing by, the Planning Authority. The turbines:-
- i) Shall have a light grey colour with a semi matt finish as stated in the ES.
  - ii) Shall have blades that rotate in the same direction.
  - iii) Shall have no large 'logos' or other symbols or writing unless for reasons of health and safety or as agreed in writing by the Planning Authority.

Only the approved type shall be installed.

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

22. The development site shall not be illuminated by lighting unless:-
- a) the Planning Authority has given prior written approval
  - b) lighting is required during working hours which has been approved by the Planning Authority; or
  - c) an emergency requires the provision of lighting

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

23. 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.

24. Three months prior to the commencement of the development, an Ecological Clerk of Works (ECoW) shall be in place. The Planning Authority shall approve the ECoW for the period from prior to commencement of development to final commissioning of the development. The scope of work of the ECoW shall include:-

- Monitoring compliance with the ecological mitigation works that have been approved in this consent, including the mitigation measures identified in the ES and SEI;
- Advising the developer on adequate protection of nature conservation interests on the site;
- Directing the micro-siting and placement of the turbines, grid building, bridges compounds and tracks and,

- Monitoring compliance with the CEMP required by condition 13 and 14.

Reason: To safeguard environmental impacts, ecology, species and habitats, to ensure development conforms to Environmental Statement and maintain effective planning control.

25. Three months prior to the commencement of decommissioning an Ecological Clerk of Works (ECoW) shall be appointed by the Company 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 24 with the exception of the third bullet point of that condition.

Reason: To safeguard environmental impacts, ecology, species and habitats, to ensure development conforms to Environmental Statement and maintain effective planning control.

26. Not more than 3 months prior to commencement of development a bird protection plan shall be submitted to and approved by the Planning Authority in consultation with SNH and shall include:-

- a pre-construction lek survey for black grouse
- monitoring of construction works undertaken during the breeding bird season to ensure that disturbance to breeding birds is minimised by the implementation of specific mitigation measures such as 'no-go' buffer areas to protect ground nesting birds within the construction site. A 500m buffer will be implemented around any breeding curlew site.
- a timetable for construction activities that takes into account the results of the black grouse lek surveys
- post construction monitoring to record any collisions

Thereafter any required works will be carried out in accordance with the approved mitigation measures and timescales set out.

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

27. Not more than 3 months prior to commencement of development a pre-construction survey for otter, badger and water vole shall be submitted to and approved by the Planning Authority in consultation with SNH. Thereafter any required works will be carried out in accordance with the approved mitigation measures and timescales set out. Should any otter, badger and/or water vole be recorded a licence shall be obtained from SNH prior to works commencing.

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

28. No later than 12 months prior to the end of the period of this planning permission, or by such date later as may be agreed by the Planning Authority, the applicant shall submit a method statement for the decommissioning of the wind farm and the restoration of the application site for the approval of the Planning Authority. Decommissioning in accordance with the approved method statement shall be

completed within 24 months of the end of the period of this planning permission or any alternative timescale agreed with the Planning Authority in writing and shall include the dismantling and removal from the site of all turbines, buildings and ancillary development. The approved plan and Decommissioning Method Statement shall be implemented and overseen by an ECoW.

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

29. 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 Council as 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 amenity

30. At least 1 month prior to commencement on site the applicant shall have secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the applicant shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: To minimise adverse impacts on archaeology on site and to ensure development conforms to Environmental Statement.

31. Prior to development commencing on-site, details of materials, external finishes and colours for all ancillary elements (including access tracks, transformers, switchgear/ metering building, compound, and fencing) shall be submitted to and approved in writing by the Planning Authority. If required by the Planning Authority, samples of materials shall be provided and only materials approved by the Planning Authority shall be used.

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

32. Within 24 months of the end of the period of this consent (unless a further consent is granted) all wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site and the land shall be restored and subject to aftercare, in accordance with the Restoration Plan and Aftercare Scheme referred to in Condition 28. Notwithstanding this requirement, no later than one year prior to the commencement of the restoration and aftercare scheme, the Planning Authority, in consultation with SNH, shall review the retention of pads, foundations, cable/ducts and access tracks within the context of the restoration strategy to identify any elements to be retained on site or requiring alternative reinstatement.

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

33. Prior to the commencement of the development Bridge Assessments require to be submitted to and approved by South Lanarkshire Council for the bridges on the approved route and any remedial works implemented in accordance with a programme, to be approved by the Planning Authority prior to work commencing on site.

These assessments shall be in accordance with the Design Manual for Roads and Bridges and shall include the full Technical Approval process, the assessment, the assessment check appropriate to the category of structure, assessment certificate, assessment check certificate appropriate to the category of structure and preparation of the assessment report. Preliminary results shall be submitted to South Lanarkshire Council for approval before finalising the report.

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

34. Prior to commencement on site, if a bridge has been assessed as not capable of carrying the proposed loads then these loads shall not cross the bridge until remedial measures have been approved by the Council and implemented in full to the satisfaction of the Council.

All remedial measures will be carried out in accordance with the Design Manual for Roads and Bridges and the relevant Eurocodes. This will include the full Technical Approval process, the design, the design check appropriate to the category of structure, design certificate, the design check certificate appropriate to the category of structure and the procurement of the physical works through to completion on site. South Lanarkshire Council will be the Technical Approval Authority.

These loads must cross the bridge at a maximum speed of 5mph. No braking, gear changing or manual steering of the rear trailer is permitted on the bridge. Only one load will be permitted on the bridge at any one time. No other vehicle will be permitted on the bridge at the same time as the load.

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

35. Prior to the erection of any turbines, the requirement to meet Ministry of Defence (MoD) aviation lighting shall be submitted to, and approved in writing by the Planning Authority, in consultation with MoD, thereafter implemented and maintained over the life of the wind farm. Turbines are to be fitted with 25 candela omni-directional red lighting or infrared aviation lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration, and cardinal turbines should be fitted with 25 candela red and IR combination lighting at the highest practicable point or as agreed in writing with MoD. The developer shall provide the MoD with the 'as built' turbine locations within 1 month of installation of turbine erected.

Reason: In the interests of public safety.

36. Prior to the erection of turbines or cranes on site the company shall provide to the Planning Authority, Ministry of Defence, Defence Geographic Centre, Civil Aviation Authority, and NATS with the following information, and has provided evidence to the Planning Authority of having done so:-

- date of the expected commencement of turbine or crane erection
- height above ground level of the tallest structure forming part of the Development;
- the maximum extension height of any construction equipment; and
- grid co-ordinates of the turbines and masts positions in latitude and longitude.

Reason: In the interests of public safety.

37. Where a complaint of deterioration in television signal is received by the Local Authority or applicant the wind farm operator shall undertake appropriate investigations as agreed in writing with the Planning Authority to confirm the deterioration and occurrence within 1 month of the complaint or otherwise agreed in writing with the Planning Authority. If the applicant's wind turbines are deemed to be the cause of the deterioration of television signal the applicant will implement within 2 months of the complaint or otherwise agreed with the Planning Authority, an agreed technical mitigation measure with the Planning Authority to prevent any re-occurrence.

Reason: In the interests of amenity

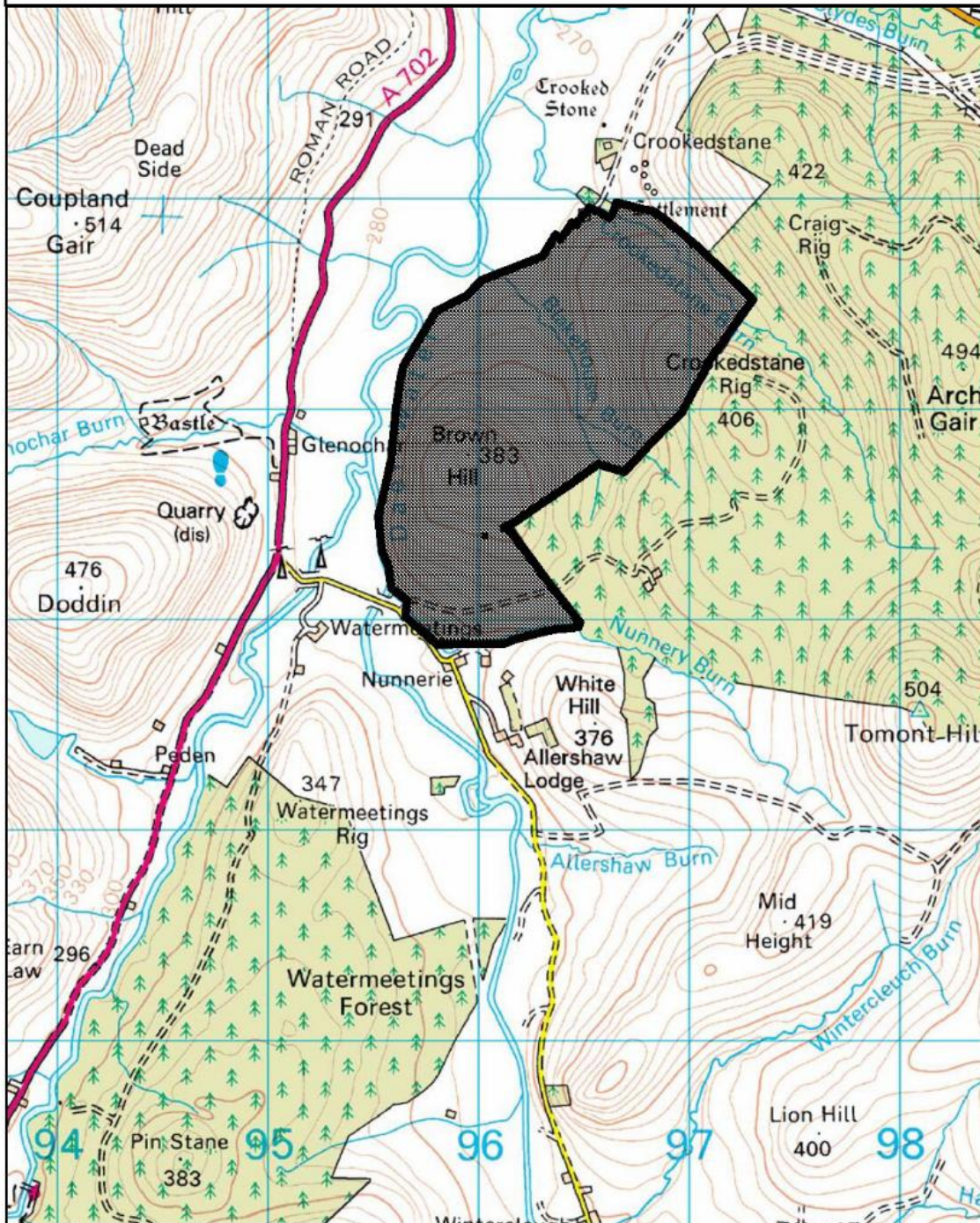
38. There shall be no commencement of development until a scheme for the avoidance or mitigation of any shadow flicker experienced by residential and commercial properties situated within 10 rotor diameters of any turbine forming part of the development and which lawfully exist or for which planning 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: In the interests of amenity



P/20/0751

Crookedstane Wind Farm



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Scale:  
1:25,000  
Date:  
06/10/2020



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





# Report

8

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>3 November 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/0752
Planning proposal:	Erection of 4 wind turbines (126.5m maximum height to tip), ancillary development including access tracks, hard standing areas, substation/control building, transformers, cabling and temporary construction compound) (Section 42 application to amend condition 2 (extension of lifetime of windfarm from 25 to 30 years) of planning permission Ref CL/13/0205)

## 1 Summary application information

Application type:	Further application
Applicant:	Crookedstane Windfarm Limited
Location:	Lion Hill Wind Farm Land At Crookedstane Farm North-west of Daer Reservoir 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
- (2) The Committee should note that the decision notice should not be issued until the following matters are concluded:-

A Legal Agreement securing:-

- ◆ Community benefit contributions
- ◆ The funding of an independent Planning Monitoring Officer
- ◆ Control over turbine transportation and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements

The applicant will be responsible for meeting the Council'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: Laura Fleming
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan**  
Policy 1 Spatial Strategy  
Policy 2 Climate Change  
Policy 3 Green belt and rural area  
Policy 4 Development management and placemaking  
Policy 15 Natural Environment  
Policy 16 Travel and Transport  
Policy 19 Renewable Energy

#### **Supplementary Guidance** Renewable Energy

#### **Proposed South Lanarkshire Local Development Plan 2** Policy 1 Spatial Strategy Policy 2 Climate Change Policy 4 Green Belt and Rural Area Policy 5 Development Management and Placemaking Policy 14 Natural and Historic Environment Policy 15 Travel and Transport Policy 18 Renewable Energy

#### **Representation(s):**

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

## Planning Application Report

### 1 Application Site

- 1.1 The application site is located approximately 7km south-east of Elvanfoot, 7.5km east of Leadhills and 3km west of the M74 motorway. The development area extends to approximately 35.4 hectares (ha) of which the land take of the development will be around 1.68ha. The application site is located within the Southern Upland Wind Farm Landscape Character Type. The operational Clyde Wind Farm site is located to the north of the application site. Land cover on the application site consists of coarse grassland mainly used for rough grazing with the highest point lying at 400m Above Ordnance Datum (AOD). Two watercourses run to the west and east of the application site.

### 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 2 of planning permission Ref: CL/13/0205 (hereon referred to as the original permission) which granted planning permission for 4 turbines at a maximum tip height of 126.5m.

- 2.3 Condition 2 of the original permission states:-

*That consent is granted for a period from the date of this consent until 25 years from the date of final commissioning of the development. No later than 12 months prior to the end of said 25 year period, the decommissioning scheme referred to in condition 28 of this consent shall be submitted to and approved in writing by the planning authority. Written confirmation of the date of the commencement of the development shall be supplied in writing to the Planning Authority and the date of commencement of the development shall be no later than 5 years from the date of this consent.*

- 2.4 The applicant has requested that condition 2 be varied to read:-

*That consent is granted for a period from the date of this consent until 30 years from the date of final commissioning of the development. No later than 12 months prior to the end of said 30 year period, the decommissioning scheme referred to in condition 28 of this consent shall be submitted to and approved in writing by the planning authority. Written confirmation of the date of the commencement of the development shall be supplied in writing to the Planning Authority and the date of commencement of the development shall be no later than 5 years from the date of this consent.*

- 2.5 In essence, this application requests an extension to the operating period of the wind farm from 25 years to 30 years. The application does not request any other variation to the original permission. It should be noted that a separate report (ref no P/20/0751) is included on the agenda for this committee which seeks similarly to extend the operating period for a 4 turbine windfarm at a site known as Crookedstane Farm which is adjacent to the proposals subject of this application.

- 2.6 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. 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.

### **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.
- 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). SPP (paragraph 170) also notes that areas “identified for wind farms should be suitable for use in perpetuity”.
- 3.1.3 The application site, by nature of the original permission granting wind development, is considered to be “identified” as noted within paragraph 170 of SPP. It is considered that as the proposals would result in allowing an already permitted wind farm an additional 5 years of renewable energy generation, it would comply with national policy. No further assessment of the proposals against national policy is, therefore, required.

#### **3.2 Development Plan**

- 3.2.1 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 2017 (GVCSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance.
- 3.2.2 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial

Framework is aligned to increasing energy efficiency and reducing carbon emissions. Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. Policy 10 Onshore Energy requires proposals to accord with local development plans. With regard to this proposal, it is noted that the site currently benefits from an extant permission for 4 wind turbines and, therefore, there is no further requirement for the proposals to be assessed against this strategic plan.

3.2.3 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 1: Spatial Strategy
- ◆ Policy 2: Climate Change
- ◆ Policy 3: Green belt and rural areas
- ◆ Policy 4: Development management and placemaking
- ◆ Policy 15: Natural and historic environment
- ◆ Policy 16: Travel and Transport
- ◆ Policy 19: Renewable Energy

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

- ◆ Supplementary Guidance – Renewable Energy

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). 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, which recommends that the modifications suggested by the Reporter are accepted, is included elsewhere on the agenda for this committee meeting. They are, therefore, a material consideration in determining planning applications.

In this instance the following policies are relevant:-

#### Volume 1

- ◆ Policy 1 Spatial Strategy
- ◆ Policy 2 Climate Change
- ◆ Policy 4 Green Belt and Rural Area
- ◆ Policy 5 Development Management and Placemaking
- ◆ Policy 14 Natural and Historic Environment
- ◆ Policy 15 Travel and Transport
- ◆ Policy 18 Renewable Energy

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 Planning permission was granted in 2016 for the erection of 4 wind turbines with a maximum height to tip of 126.5m and associated infrastructure, such as access tracks, hardstanding areas, substation/control building, cabling as well as a temporary construction compound (CL/13/0205).

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

- 4.1 The proposals are made under Section 42 of the Town and Country Planning Act and, in effect, seek to allow the extension of the operation of the permitted wind farm by an additional 5 years to 30 years.
- 4.2 No consultation was, therefore, required as part of the application.

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

- 5.1 The proposal was also publicised as an application requiring advertisement for the non-notification of neighbours and constituting an Environmental Impact Assessment (EIA) development in the Lanark Gazette on 22 July 2020. The application was also advertised in the Edinburgh Gazette for EIA purposes on 24 July 2020.
- 5.2 Following this publicity, 1 letter of objection has been received with the following concerns:-

**a) Proximity of turbines in relation to residential property, especially in relation to noise.**

**Response:** The impact of the windfarm on the property in question was taken account of as part of the previous planning assessment. This application does not propose relocating any turbine and, therefore, would not affect the previous planning assessment. To ensure the turbines did not have a significant, adverse impact upon the amenity of the surrounding area, noise limits were placed on the original permission through planning condition. If this current application is successful, these noise limits would again be replicated through imposition of the same conditions.

### **6 Assessment and Conclusions**

- 6.1 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.'

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, a Section 42 is an application to vary condition(s) on an existing permission, the process requires a new, stand-alone 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). 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.

- 6.2 In assessing whether any condition is still relevant, there would be the requirement to consider certain aspects of the development. In this instance, the applicant has requested that condition 2 of the original permission is amended to extend the operational lifetime of the consented farm. No changes to the scale, design or layout of the approved scheme are proposed. However, it is noted that the nature of the legislation requires all conditions to be revisited as they may be linked or connected to these specific conditions. The main matters for consideration are, therefore, whether the proposed amendment to the condition proposed would undermine the reasons for the original condition(s) 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.
- 6.3 As referenced elsewhere, the principle of the erection of a windfarm at the application site has been established by the original permission. This current application seeks to extend the operational lifetime of the windfarm to 30 years; no changes to the approved scheme are proposed. In addition, the scheme has been subject to an updated Environmental Assessment to determine if the effects of the windfarm on environmental criteria have changed. Overall, it concludes that the impact remains the same.
- 6.4 At the time of the original application the development plan comprised the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) and the adopted South Lanarkshire Local Development Plan. Since then, the proposed replacement South Lanarkshire Local Development Plan 2 has been approved by the Council and undergone examination (see below). In addition, Supplementary Guidance on Renewable Energy has been approved. Nevertheless, the intent of the policies that were taken into consideration in determining the original application are broadly similar to those now included in the SLLDP2 and the SG.
- 6.5 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). 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, which recommends that the modifications suggested by the Reporter are accepted, is included elsewhere on the agenda. They are, therefore, a material consideration in determining planning applications.
- 6.6 In determining whether the proposed 5 year extension to the operation of the windfarm is acceptable, it should be noted that the 25 year time limit imposed on the original permission was not related to mitigating any effects on the wind turbines on the surrounding area but rather reflected the position at the time that the operational capacity of turbines was limited by the technology then in place. However, as technology has advanced and windfarms become an established feature in certain landscape areas, developers have sought to extend their operational limits. Overall, there is generally not an issue with this type of proposal and there is a presumption in favour of granting permission in such cases unless exceptional circumstances suggest otherwise. In this instance the policy direction on windfarm development is broadly identical to when the original permission was

granted and the environmental impact of the proposals are unchanged. In addition, the application, if successful, would result in an additional 5 years of renewable electricity generation for an already consented wind farm which accords with policy direction at a national and local level.

- 6.7 The original permission had planning obligations in relation to community benefit contributions, funding of an independent Planning Monitoring Officer, control over turbine transport and required repair to any roads and bridges in relation to said turbine transportation. As noted above, the recommendation requires a legal agreement for these obligations to be secured through any new permission if granted.
- 6.8 In conclusion it is, therefore, considered that, subject to the replication of all the conditions attached to the original permission and a legal agreement to secure the required planning obligations, the extension of the operational life span of the wind farm by a further 5 years is considered acceptable. It is, therefore, recommended that the application be granted. Under the terms of Section 42 of the Town and Country Planning (Scotland) Act 1997, if a Planning Authority is content that the proposed changes to condition(s) are acceptable, as in this instance, a new planning permission with amended conditions could be issued. The paper apart sets out the full suite of conditions that would be replicated should a new permission be accepted.

## **7 Reasons for Decision**

- 7.1 The request to extend the lifespan of a development that already benefits from planning permission by an additional 5 years is considered to have no additional planning implications subject to the imposition of the previous suite of environmental conditions. The amended condition would allow an additional 5 years of renewable energy to be generated. The proposals, therefore, comply with Policies 1, 2, 3, 4, 15, 16 and 19 of the adopted South Lanarkshire Local Development Plan 2015 and associated Supplementary Planning Guidance and the Proposed South Lanarkshire Local Development Plan 2 (2020).

**Michael McGlynn**

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

12 October 2020

## **Previous References**

- ◆ Planning Committee, 8 September 2015 (CL/13/0205)

## **List of Background Papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification advert dated 22 July 2020

- ▶ Representations

Dated:

Lorna Bias

31.07.2020



**Contact for further information**

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

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

Phone: 01698 455903

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

### Conditions and reasons

01. That the development is carried out strictly in accordance with the terms of the application and the accompanying Environmental Statement and Supplementary Environmental Information, 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 compliance with all commitments made in the Environmental Statement, in the interests of amenity and in order to retain effective planning control.

02. That consent is granted for a period from the date of this consent until 30 years from the date of final commissioning of the development. No later than 12 months prior to the end of said 30 year period, the decommissioning scheme referred to in condition 30 of this consent shall be submitted to and approved in writing by the planning authority. Written confirmation of the date of the commencement of the development shall be supplied in writing to the Planning Authority and the date of commencement of the development shall be no later than 5 years from the date of this consent.

Reason: To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.

03. No works shall be carried out on site during the period mid March to mid May or as otherwise as agreed in writing with the Planning Authority in consultation with Scottish Natural Heritage (SNH).

Reason: To avoid disturbance of Black Grouse leks.

04. 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 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.

- 05. Noise emission - in Accordance with ETSU- R- 97  
Noise from the wind turbines shall not exceed 40dB LA90 (10 min) or the background noise level measured as LA90 (10 min) +5dB, whichever is the greater, at any lawfully existing noise sensitive premises at all times at wind speeds of up to 12 metres per second as measured within the site.

Reason: To safeguard the noise amenity of local residents in accordance with ETSU-R-97.

- 06. Tonal Contribution

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: To safeguard the noise amenity of local residents in accordance with ETSU-R-97.

- 07. Construction Works

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

Monday to Friday 8.00am to 7.00pm,

Saturday 8.00am to 1.00pm;

With no audible activity taking place on Sunday, local and national bank holiday.

Outwith these periods, works at the site shall be limited to emergency works and dust suppression, unless otherwise approved in writing by the local planning authority. The local planning authority shall be informed in writing of emergency works within three working days of occurrence.

Reason: To minimise disturbance to residents in the vicinity of the wind farm.

08. Noise Complaint Investigation

That in the event of a complaint of noise emissions relating to the operation of the wind farm, the wind farm operator shall appoint an independent noise consultant, whose appointment shall require the approval of the planning authority, to measure the level of noise emissions from the wind farm at the property to which the complaint relates. A noise report shall be prepared in a timescale agreed with the Planning Authority. The measurement and calculation of noise levels for the report shall be undertaken in accordance with ETSU-R-97. The report including the proposed mitigation measures and timescales for implementation shall be submitted to the Planning Authority for approval, and thereafter implemented.

Reason: In order to retain effective planning control.

09. Prior to commencement of development the applicant shall submit details on the following items for the approval by the Planning Authority in consultation with the Roads Authority and thereafter implement the approved drawings in the agreed timescales. The following items require to be approved in writing and implemented to the Council's satisfaction:-

- a) Details that the corridor width required for the transportation of loads can be accommodated on the existing public road. Therefore the applicant should submit proposals, together with any oversail areas, along the proposed route including details of local improvements in the public road geometry and strengthening in order to provide the required transport corridor for these loads.
- b) Provide a 4.5m x 210m visibility splay in both directions. The visibility splay shall be maintained free of all obstructions greater than 1.05m in height above the adjacent road channel level for the duration of the wind farm construction, operation and decommissioning phases.
- c) Swept Path Analysis detailing over run areas for specialists loads and clarification of lands agreements where improvements are required to third party land to facilitate road infrastructure and/or junction visibility splays. All such works shall be undertaken to the satisfaction of the Council as Roads Authority.
- d) Details of any alternations to existing signs/street furniture or any proposed advanced warning signage, on proposed haul route to the construction site access
- e) Site compound should provide sufficient parking and a turning area to ensure all vehicle exit in a forward gear.
- f) The proposed site access and alterations to the public road to facilitate construction of the access shall be designed in accordance with the Design Manual for Roads and Bridges.
- g) All public road works must be implemented and completed prior to the construction of the wind farm on site.

h) The developer shall enter into a Section 96 Legal agreement

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

10. Prior to commencement of development the developer shall submit a detailed Traffic Management Plan (TMP) for the written approval of the Council as Roads Authority, and thereafter adhere to and implement it. The TMP shall be produced in consultation with Roads & Transportation Services and Police Scotland and include a programme indicating phasing of construction of the project. Details of the proposed road traffic signage directing all construction traffic to the proposed site access shall be included.  
No works shall commence on site until such times as the TMP has been approved in writing by the Council as Roads Authority.

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

11. The developer shall notify the Council in writing, as soon as reasonably practical, of any changes in construction and decommissioning related activities where these will have an impact on the approved TMP. The developer will consult with the Council and Police Scotland to agree in writing any changes to the TMP, and thereafter adhere to and implement the agreed changes.

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

12. The developer shall undertake all work associated with the approved planning consent and any subsequent amendments in accordance with the approved TMP. All specialist wind turbine components shall be delivered to site in accordance with the approved TMP and Abnormal Load Route Assessment.

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

13. At least 3 months prior to the delivery of abnormal loads the developer will undertake an Abnormal Load Route Assessment and submit details of their report together with any recommendations for the written approval of the Council as Roads Authority. 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.

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

14. No development work shall commence until a Construction Environmental Management Plan (CEMP) including Construction Method Statement, Waste Management Plan, Pollution Prevention Plan and Peat Management Plan has been submitted to and approved by the Planning Authority in consultation with SEPA and SNH. The method statement, which shall incorporate "good practice" methods from the Scottish UK wind farm industry to ensure that environmental

impacts are reduced and incorporate all the mitigation measures identified in the ES and SEI supporting the application, shall be submitted no less than 2 months prior to the proposed commencement of the development unless the Planning Authority agrees otherwise. Thereafter, all the measures described in the approved method statement shall be implemented. The method statement shall include the following:-

- a) A plan of the construction operations at an appropriate scale;
- b) A plan to an appropriate scale showing the location of any contractor's site compound and laydown areas required temporarily in connection with the construction of the development.
- c) Method of defining track route and location (track corridors should be pegged out 500 - 1000m in advance of operations);
- d) Track design approach
- e) Maps of tracks indicating double and single tracks and position of passing places.
- f) The full extent of anticipated track 'footprint(s)' including extent of supporting 'geogrid' below roadstone and cabling at the edges of the track
- g) Track construction: Floating track construction over peat >1m deep and gradients of 1:10 or less. Track construction for peat <1m deep, or on gradients of >1:10, cross slopes or other ground unsuitable for floating roads.
- h) On-site access tracks will be constructed with a porous, non alkaline base layer to prevent any barrier to ground water movement.
- i) Procedures to be followed when, during track construction, it becomes apparent that the chosen route is more unstable or sensitive than was previously concluded, including ceasing work until a solution is identified, informed with reference to advice from ECoW.
- j) Details of peat/soil stripping, storage and re-use. All soils stored on site shall be in accordance with BS3882 and SNH and SEPA guidance.
- k) A management plan setting out the steps that shall be taken to monitor the environmental effects of the development, including the effects on ground water, surface water, noise and dust, during the construction phase and the operational phase. Including a description of and measures to mitigate impact on surface water courses and the hydrology. The methodology of such monitoring including locations frequency, gathering of information on background levels, etc shall be submitted to the Planning Authority for approval prior to the commencement of works on site. Thereafter, the plan shall be implemented to the satisfaction of the Planning Authority and the results of such monitoring shall be submitted to the Planning Authority on a 6 monthly basis, or on request.
- l) Specifying the means by which material to be used for the development is brought on site unless it has certification from a suitably UKAS accredited laboratory to confirm that the material is not contaminated.
- m) Compliance with the Council's Sustainable Drainage Systems (SuDs) design criteria guidance and inclusive sign off by the relevant parties carrying out the elements of work associated with the design criteria appendices 1 to 4.
- n) A coloured plan showing the sustainable drainage apparatus serving the application site together with the contact name and emergency telephone number of the party responsible for its future maintenance. Details of the future maintenance regime in accordance with the latest Construction Design and Management (CDM) Regulations is to be provided on this drawing.

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

15. Construction Environmental Management Plan (CEMP) continued from condition 14 above:-
- o) Peat Management Plan - shall be submitted to and approved by the Planning Authority in consultation with SEPA and SNH and thereafter all work will be carried out in accordance with the plan.
  - p) Watercourse crossing should be kept to a minimum to ensure they do not adversely impact on natural flow pathways. These crossings shall be appropriately sized and overland flow routes shall be provided in the event of culvert blockage.
  - q) Measures to be taken to ensure that the work does not cause mud, silt, or concrete to be washed away either during the construction stage or as a result of subsequent erosion. Where possible construction works shall avoid road construction during high periods of high rainfall.
  - r) Timing and extent of any necessary re-instatement.
  - s) Details of the site security gate, wheel wash facility and site entrance hard standing for the written approval of the Planning Authority. All work associated with construction of the access gate, access bell mouth (with associated abnormal load over run area) and wheel wash facility shall be implemented on site prior to commencement of any internal site works. Details for wheel wash facility to maintain the public road network clear of any mineral/soils throughout the construction period.
  - t) Waste Management Plan shall be submitted to and approved by the Planning Authority in consultation with SEPA and thereafter all work will be carried out in accordance with the plan.
  - u) Best practice mitigation for pollution prevention. Pollution Prevent Plan shall be submitted to and approved by the Planning Authority in consultation with SEPA and thereafter all work will be carried out in accordance with the plan.

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

16. 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 grid building within the development.

Reason: In order to retain effective planning control.

17. Each turbine shall be erected in the position indicated. At least 1 month prior to the construction of turbine foundations a variation of the indicated position of any turbine on the approved drawing shall be notified on the following basis: (a) if the variation is less than 25 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 25 metres and

50 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 within 1000m of a non-involved residential property
- bring a turbine outwith the planning application boundary
- breach the 50m water buffer zones.

Reason: In order to retain effective planning control.

18. That during the construction of the development:-

- a) All works shall be carried out in a manner consistent with The Water Environment (Controlled Activities) (Scotland) Regulations 2005
- b) No work shall be undertaken within a 20 m buffer zone surrounding all watercourses and known functioning drains, with the exception of access route crossings, unless otherwise agreed in writing with the Planning Authority.
- c) Track layout shall minimise disruption to water courses
- d) Existing drainage routes shall be maintained through sensitive placement of soil heaps and where necessary temporary drains.
- e) Silt traps shall be provided on all existing drainage routes affected by site works.
- f) Watercourses shall not be culverted. Bridge crossings shall be used instead of culverts and a suitable design shall be put forward and agreed in writing with the planning authority in consultation with SEPA.
- g) Any disturbance of watercourses shall be minimised utilising cofferdam temporary works.
- h) Cable trenches shall only be constructed in limited sections to reduce drainage of groundwater and prevent additional drainage routes being created.
- i) Cable trenches shall be plugged to prevent the creation of new drainage paths.
- j) The scheduling of works shall minimise disruption and working during wet weather
- k) Temporary works interception drains shall be constructed to prevent potential contamination of runoff and groundwater
- l) Stockpiling of materials on wet ground and near drainage channels shall not take place, unless agreed in writing with the Planning Authority
- m) Backfilled trenches shall be re-vegetated
- n) Temporary silt traps shall be constructed to treat runoff
- o) Sulphate resistant concrete shall be used to prevent leaching of chemical.

Reason: To minimise environmental impact on watercourses and in order to retain effective planning control.

19. No part of any turbine shall be erected above ground until a Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and approved in writing by the Council 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.



Reason: In the interests of public safety.

20. No part of any turbine shall be erected above ground until the approved Primary Radar Mitigation Scheme has been implemented and the development shall thereafter be operated fully in accordance with such approved Scheme as referred to in condition 19.

For the purpose of Conditions 19 and 20 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 section 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 public safety.

21. In the event of any turbine, or group of turbines, failing or being no longer required for electricity generation, or any other reason, for a continuous period of 12 months, unless otherwise agreed with the Planning Authority, the turbine(s) shall be replaced (in the case of failures), or dismantled and removed. In the case of removal, that part of the site accommodating the turbine, the turbine pad and access roads shall be reinstated within three months of the end of the twelve month period of non-generation in accordance with a scheme agreed with the Council as Planning Authority, all to the satisfaction of the Council.

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

22. Prior to development commencing on-site details of the confirmed turbine layout height and manufacture, including illustrations as well as details of size, shall be submitted to, and approved in writing by, the Planning Authority. The turbines:-

- i) Shall have a light grey colour with a semi matt finish as stated in the ES.
- ii) Shall have blades that rotate in the same direction.
- iii) Shall have no large 'logos' or other symbols or writing unless for reasons of health and safety or as agreed in writing by the Planning Authority.

Only the approved type shall be installed.

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

23. The development site shall not be illuminated by lighting unless:-

- a) the Planning Authority has given prior written approval
- b) lighting is required during working hours which has been approved by the

- Planning Authority; or  
c) an emergency requires the provision of lighting

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

24. 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.

25. Three months prior to the commencement of the development, an Ecological Clerk of Works (ECoW) shall be in place. The Planning Authority shall approve the ECoW for the period from prior to commencement of development to final commissioning of the development. The scope of work of the ECoW shall include:-

- Monitoring compliance with the ecological mitigation works that have been approved in this consent, including the mitigation measures identified in the ES and SEI;
- Advising the developer on adequate protection of nature conservation interests on the site;
- Directing the micro-siting and placement of the turbines, grid building, bridges compounds and tracks and,
- Monitoring compliance with the CEMP required by condition 14 and 15.

Reason: To safeguard environmental impacts, ecology, species and habitats, to ensure development conforms to Environmental Statement and maintain effective planning control.

26. Three months prior to the commencement of decommissioning an Ecological Clerk of Works (ECoW) shall be appointed by the Company 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 25 with the exception of the third bullet point of that condition.

Reason: To safeguard environmental impacts, ecology, species and habitats, to ensure development conforms to Environmental Statement and maintain effective planning control.

27. Not more than 3 months prior to commencement of development a bird protection plan shall be submitted to and approved by the Planning Authority in consultation with SNH and shall include:-

- monitoring of construction works undertaken during the breeding bird season to ensure that disturbance to breeding birds is minimised by the implementation of specific mitigation measures such as 'no-go' buffer areas to protect ground nesting birds within the construction site. A 500m buffer will be implemented around any breeding curlew site.
- post construction monitoring to record any collisions

Thereafter, any required works will be carried out in accordance with the approved mitigation measures and timescales set out.

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

28. Not more than 3 months prior to commencement of development a pre-construction survey for otter, badger and water vole shall be submitted to and approved by the Planning Authority in consultation with SNH. Thereafter any required works will be carried out in accordance with the approved mitigation measures and timescales set out. Should any otter, badger and/or water vole be recorded a licence shall be obtained from SNH prior to works commencing.

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

29. Not less than 3 months prior to commencement of development a Black Grouse Management Plan will be submitted to and approved by the Planning Authority in consultation with SNH and RSPB. The Black Grouse Management Plan will:-

- i. operate for the full lifespan of the windfarm.
- ii. identify an area of land proposed for black grouse habitat management and secure this land under Section 75 of the Town and Country Planning (Scotland) Act 1997.
- iii. include details of a pre-construction lek survey.
- iv. detail the proposed methods to be employed to monitor the black grouse leks on site, including the search frequency and duration.
- v. detail the proposed methods to be employed to carry out systematic carcass searches around each turbine, including the search frequency and duration.
- vi. set out arrangement for the Plan to be overseen by a Black Grouse Management Plan Forum (BGMPF). Representatives of South Lanarkshire Council and RSPB will be invited to participate in the BGMPF.
- vii. set out arrangements for an annual review of the Plan by the BGMPF during the first five years following final commissioning of the development.
- viii. detail the arrangements for submitting Annual reports to the BGMPF on the monitoring/ surveillance results. Information on Schedule 1 species should remain confidential, supplied only to the local raptor study group, South Lanarkshire Council and RSPB Scotland.

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

30. No later than 12 months prior to the end of the period of this planning permission, or by such date later as may be agreed by the Planning Authority, the applicant shall submit a method statement for the decommissioning of the wind farm and the restoration of the application site for the approval of the Planning Authority. Decommissioning in accordance with the approved method statement shall be completed within 24 months of the end of the period of this planning permission or

any alternative timescale agreed with the Planning Authority in writing and shall include the dismantling and removal from the site of all turbines, buildings and ancillary development. The approved plan and Decommissioning Method Statement shall be implemented and overseen by an ECoW.

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

31. 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 Council as 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 amenity

32. At least 1 month prior to commencement on site the applicant shall have secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the applicant shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: To minimise adverse impacts on archaeology on site and to ensure development conforms to Environmental Statement

33. Prior to development commencing on-site, details of materials, external finishes and colours for all ancillary elements (including access tracks, transformers, switchgear/metering building, compound, and fencing) shall be submitted to and approved in writing by the Planning Authority. If required by the Planning Authority, samples of materials shall be provided and only materials approved by the Planning Authority shall be used.

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

34. Within 24 months of the end of the period of this consent (unless a further consent is granted) all wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site and the land shall be restored and subject to aftercare, in accordance with the Restoration Plan and Aftercare Scheme referred to in Condition 30. Notwithstanding this requirement, no later than one year prior to the commencement of the restoration and aftercare scheme, the Planning Authority, in consultation with SNH, shall review the retention of pads, foundations, cable/ducts and access tracks within the context of the restoration strategy to identify any elements to be retained on site or requiring alternative reinstatement.

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

35. Prior to the commencement of the development Bridge Assessments require to be submitted to and approved by South Lanarkshire Council for the bridges on the approved route and any remedial works implemented in accordance with a programme, to be approved by the Planning Authority prior to work commencing on site.

These assessments shall be in accordance with the Design Manual for Roads and Bridges and shall include the full Technical Approval process, the assessment, the assessment check appropriate to the category of structure, assessment certificate, assessment check certificate appropriate to the category of structure and preparation of the assessment report. Preliminary results shall be submitted to South Lanarkshire Council for approval before finalising the report.

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

36. Prior to commencement on site, if a bridge has been assessed as not capable of carrying the proposed loads then these loads shall not cross the bridge until remedial measures have been approved by the Council and implemented in full to the satisfaction of the Council.

All remedial measures will be carried out in accordance with the Design Manual for Roads and Bridges and the relevant Eurocodes. This will include the full Technical Approval process, the design, the design check appropriate to the category of structure, design certificate, the design check certificate appropriate to the category of structure and the procurement of the physical works through to completion on site. South Lanarkshire Council will be the Technical Approval Authority.

These loads must cross the bridge at a maximum speed of 5mph. No braking, gear changing or manual steering of the rear trailer is permitted on the bridge. Only one load will be permitted on the bridge at any one time. No other vehicle will be permitted on the bridge at the same time as the load.

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

37. Prior to the commencement of the development, the Company shall submit to the Planning Authority, following consultation with National Grid, for a scheme to ensure that their plant and pipelines are not disturbed by the construction operations and that National Grid personnel are able to gain access to this plant at all times. No work shall commence on site until the scheme has been approved by the Planning Authority. The scheme as approved shall then be implemented in full.

Reason: To protect National Grid plant.

38. Prior to the erection of any turbines, the requirement to meet MoD aviation lighting shall be submitted to, and approved in writing by the Planning Authority, in consultation with MoD, thereafter implemented and maintained over the life of the

wind farm. Turbines are to be fitted with 25 candela omni-directional red lighting or infrared aviation lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration, and cardinal turbines should be fitted with 25 candela red and IR combination lighting at the highest practicable point or as agreed in writing with MoD. The developer shall provide the MoD with the 'as built' turbine locations within 1 month of installation of turbine erected.

Reason: In the interests of public safety.

39. Prior to the erection of turbines or cranes on site the company shall provide to the Planning Authority, Ministry of Defence, Defence Geographic Centre, Civil Aviation Authority, and NATS with the following information, and has provided evidence to the Planning Authority of having done so:-

- date of the expected commencement of turbine or crane erection
- height above ground level of the tallest structure forming part of the Development;
- the maximum extension height of any construction equipment; and
- grid co-ordinates of the turbines and masts positions in latitude and longitude.

Reason: In the interests of public safety.

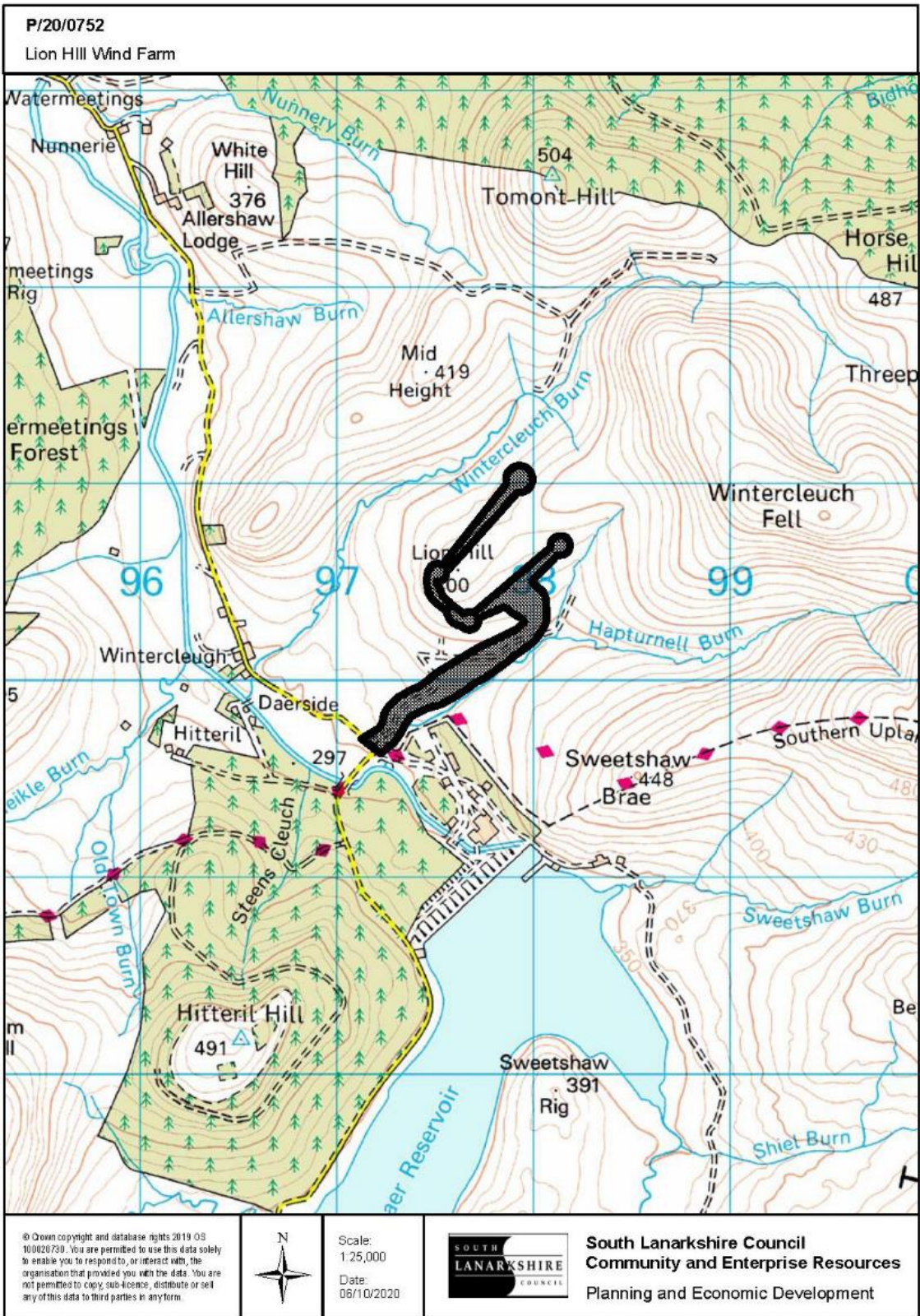
40. Where a complaint of deterioration in television signal is received by the Local Authority or applicant the wind farm operator shall undertake appropriate investigations as agreed in writing with the Planning Authority to confirm the deterioration and occurrence within 1 month of the complaint or otherwise agreed in writing with the Planning Authority. If the applicant's wind turbines are deemed to be the cause of the deterioration of television signal the applicant will implement within 2 months of the complaint or otherwise agreed with the Planning Authority, an agreed technical mitigation measure with the Planning Authority to prevent any re-occurrence.

Reason: In the interests of amenity

41. 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: In the interests of amenity









# Report

9

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>3 November 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/0434
Planning proposal:	Installation of 2 no. jet wash machines with 3.25m screens, installation of 5m lighting pole, relocation of air/water and vacuum machines and associated alterations

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Motor Fuel Group Ltd
Location:	Northway Service Station 87 Stewart Street Carluke ML8 5BY

## 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: MBH Design Studio Ltd
- ♦ Council Area/Ward: 01 Clydesdale West
- ♦ Policy Reference(s): South Lanarkshire Local Development Plan (Adopted):  
Policy 6 General urban area/settlements  
Policy 4 Development management and placemaking  
Policy 2 Climate change  
Supplementary Guidance 3: Development Management, Placemaking and Design:  
Policy DM13 Development within general urban area/settlement

Proposed South Lanarkshire Local Development  
Plan 2 (SLLDP2):  
Policy 3 General Urban Areas  
Policy 5 Development Management and  
Placemaking  
Policy 2 Climate change  
Policy DM1 New Development Design

◆ **Representation(s):**

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

◆ **Consultation(s):**

Environmental Services

## **Planning Application Report**

### **1 Application Site**

- 1.1 The site consists of an existing petrol station situated on the western side of Stewart Street (A73) in Carluke. The site comprises of a retail shop, an automated carwash, a compressor for inflating tyres, 8 fuel pumps under a canopy and a car vacuum. The site is bound on all sides by residential properties. There is an established planting strip along the boundary of the site with properties in Douglas Street and to the rear of the neighbouring dwellings on Stewart Street located to the south of the petrol Station.
- 1.2 The hours of operation of the petrol filling station and shop are 06:00 to 23:00 Monday to Friday and 07:00 to 23:00 Saturday and Sunday. In addition, only 4 pumps are operational between 06:00 and 07:00 and the car wash, air compressor and car vacuum facilities are not operational until after 07:00 (Monday to Friday).

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

- 2.1 The applicant seeks detailed planning consent for the installation of 2 no. jet wash machines and associated screens, installation of 5m lighting pole, the relocation of air/water and vacuum machines and associated alterations. Through the assessment of the application, the applicant has submitted amended plans to increase the maximum height of the wash bay screens from 2.6m to 3.25m to the rear sections and a roof panel has been incorporated. The applicant has also agreed to the wash bay hours of operation being Monday to Friday 07:00 to 22:00, and Saturday and Sunday 08:00 to 21:00.

### **3 Background**

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

- 3.1.1 The adopted South Lanarkshire Local development Plan (SLLDP) identifies the application site as being located within a residential area where Policy 6: General urban area/settlements and Policy 4: Development Management and Place Making and the associated Supplementary Guidance apply. Policy 6: General urban area/settlements advises that, within urban areas, developments of an ancillary nature such as small scale retail uses may be acceptable provided they do not have a significant adverse impact on the amenity and character of the area. Developments considered a 'bad neighbour' by virtue of noise, disturbance or traffic or public safety will not be permitted if they are detrimental to the amenity of residents. Policy 4: Development Management and Place Making sets out criteria to be used to assess proposals and includes ensuring there is no significant adverse impact on adjacent buildings in terms of amenity and in terms of noise and light pollution. Supplementary Guidance DM13 - Development within General Urban Area/Settlement states that the character and amenity of an area should not be impaired by reason of traffic generation, parking, noise or emission of gasses or particulates. Policy 2 - Climate Change aims to ensure that proposals do not cause unacceptable detriment to the environment through such factors as emissions and pollutants.
- 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. 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 (SLLDP2) alongside the Reporters amendments. Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council they are, nevertheless, a material consideration.

- 3.1.3 The relevant policies within the SLLDP2 are: Policy 3 General Urban Areas, Policy 5 Development Management and Placemaking, Policy 2 Climate change and Policy DM1 New Development Design.

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

- 3.2.1 The National Planning Framework (NPF) 3 supports the many and varied opportunities for planning to support business and employment. The Scottish Planning Policy (SPP) 2014 advises that the planning system should take this into account and give due weight to the net economic benefit of such proposals.

### 3.3 **Planning Background**

- 3.3.1 In August 1987, planning permission was granted by the former Clydesdale District Council for the refurbishment and extension of the petrol station without any restriction on operating hours. On 9 October 1988, planning permission P/LK/01/88/0401W was granted for further redevelopment of the petrol station. Condition 3 of this planning permission restricted the hours of operation to be between the hours of 08:00 and 20:00. The applicant appealed condition 3 to the Scottish Office. The Reporter appointed to determine the appeal (P/PPA/SR/135) amended the condition to state that the shop and building could operate between the hours of 07:00 and 23:00. The carwash and car vacuum was to operate between the hours of 08:00 and 22:00.
- 3.3.2 On 21 June 1991, an application P/LK/01910423 P was submitted to vary condition 3 set by the Reporter above, to allow 24 hour opening. On 21 August 1991, this planning application was refused by the former Clydesdale District Council.
- 3.3.3 Planning application (P/18/0656) was submitted in 2018 to vary condition 3 to extend the hours of operation by two hours, from 05:00 to 23:00. After discussions between the Planning Service and applicant's agent, the application was amended to extend the hours of operation by one hour, from 06:00 to 23:00 Monday to Sunday. The Planning Committee, at its meeting on 6 November 2018, approved the opening hours of the premises to be from 06:00 to 23:00 except on Saturdays and Sundays when the opening hours would be from 07:00 to 23:00. A further condition of the consent allows only 4 pumps to be operational between 06:00 and 07:00 and the car wash, air compressor and car vacuum not to be operational until after 07:00 (Monday to Friday).

## 4 **Consultation(s)**

- 4.1 **Environmental Services** – The applicant has submitted a noise impact assessment and lighting information to demonstrate that mitigation measures can reduce the potential disturbance to neighbouring dwellinghouses to within an acceptable level. The applicant has further improved the mitigation measures by increasing the height of the screens around the wash bays and adding a roofed panel over the bays. It is considered that overspray will be controlled through the increased height in screens and inclusion of a roof section over the bay. The lighting

details are acceptable. In consideration of the information submitted, there is no objection subject to conditions.

**Response:** Should consent be granted, suitable conditions will be attached as per the advice of Environmental Services. In addition, it is considered appropriate that the hours of operation should be limited to reduce the impact on nearby residential dwellings and their rear gardens. Should consent be granted, a condition will be attached to restrict the hours of use of the wash bays as follows: Monday to Friday 07:00 to 22:00 and Saturday to Sunday 08:00 to 21:00.

## **5 Representation(s)**

5.1 Following the carrying out of statutory neighbour notification, 5 letters of representations were received. Further notification was carried out on receipt of amended plans and, as a result, a further 3 letters of objections were received. The grounds of objection are summarised as follows:-

- a) **The proposal will cause unacceptable noise disturbance to neighbouring residents. The increase of noise creating equipment at the site is unacceptable and, if all equipment is used at the same time, the noise creation will be detrimental to residential amenity. The existing automated car wash causes noise disruption.**

**Response:** The Council's Environmental Services has assessed the noise impact assessment submitted by the applicant and is satisfied that no unacceptable noise nuisance will occur to neighbouring properties. The report submitted shows that the potential noise generated will be within acceptable limits, and that the proposed screens will aid noise reduction. Should the existing automated car wash cause noise disruption, the Council's Environmental Services should be contacted to investigate and take action as necessary.

- b) **The applicant has not submitted sufficient information to enable a full assessment of the issues, such as noise impact assessment, specification of the glazing, specification of the jet washer and intended opening hours.**

**Response:** Through the assessment of the application the applicant has submitted a noise impact assessment and lighting information which has been considered by the Council's Environmental Services. Environmental Services has also considered the potential overspray when determining the height of the screens and requested a roof section. It is considered that satisfactory information has been submitted to enable a full assessment to be carried out. The appropriate opening hours have been considered as part of the assessment.

- c) **The proposal will adversely impact on amenity and health through overspray. There is also no details of how the polluted overspray and polluted water run-off will be addressed. Overspray cannot be adequately controlled as the weather will simply spread it. The additional mitigation measures will not be effective.**

**Response:** The Council's Environmental Service is satisfied that no unacceptable overspray will occur subject to the installation of the proposed screens to catch the spray which will then be discharged via a drainage system. Should consent be granted, a condition would be attached to ensure a suitable drainage system was installed.

**d) The proposal will cause an increase in road traffic generation.**

**Response:** The proposals involve minor additions to the overall range of services which will not generate significant amounts of additional traffic.

**e) The proposal does not comply with SEPA's guidance on wash bays, in particular, not roofing the wash bays and the proposed screen is an inadequate barrier to prevent overspray especially given the close proximity to rear gardens and dwellings.**

**Response:** The Council's Environmental Service has requested a partial roof screen which they consider adequate to prevent overspray and is satisfied with the height of the side screens proposed. Should consent be granted and an issue with overspray occurs, the Council as Planning Authority and Environmental Services can be contacted to investigate and take action as necessary.

**f) The proposal would increase the intensity of use of a commercial facility which exists within a residential area.**

**Response:** The proposals involve the introduction of two wash bays at an established service station. The general amenity and character of the area will not be adversely affected.

**g) The earlier planning approval for extended opening hours has led the way for applications such as this. Residents have had to live with the adverse noise and disturbance of the increased hours.**

**Response:** The Planning Service is not aware of any complaints being received as a result of the extended opening hours. In any event, they are not the subject of this application. Nevertheless, restrictions on the use of the wash bays are proposed.

**h) There is no requirement for another wash bay facility in Carluke.**

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

**i) The wash bays should not be allowed to be used without restricted hours of use.**

**Response:** A condition is proposed to be attached to any consent granted to limit the operating hours of the wash bays.

**j) The 5m pole mounted lighting will cause light intrusion to neighbouring properties. The existing lighting pole on site causes issues.**

**Response:** The applicant has submitted details of the proposed lighting, including indicative light overspill and how that would be mitigated. The Council's Environmental Services is satisfied that no unacceptable light nuisance will occur, as the light radiance will be focused into the application site. Conditions would be attached to any consent granted to ensure the approved scheme was implemented and maintained and require the lighting pole be switched off when the jet wash bays are not in use. In terms of the existing lighting, there are no restrictions on the previous planning consents on the hours it can be in use and it would not be appropriate to impose a condition under this application. Nevertheless, Environmental Services has been advised of the concerns and asked to investigate whether it constitutes a nuisance.

- k) **Submitting the application during COVID-19 lockdown restrictions is inappropriate and will not allow members of the public to assess and comment on the application.**

**Response:** The application was available to view on the Council's online Planning Portal, and the Planning Officer was available via telephone to answer enquiries. It is considered that ample opportunity was provided for reviewing the application and submitting comments as necessary.

- l) **The proposal is unsightly and will exacerbate the rundown appearance of the premise.**

**Response:** The proposed wash bays are sited back from the entrance into the site and would visually integrate with the commercial premise and equipment which exists on site. It is not considered that the proposal would cause a proliferation of equipment to the detriment of visual amenity.

- m) **There is concern that this application could set precedent for further developments on site in the future.**

**Response:** Each application is considered on its individual merits and determined on their own right. Should approval be given, this would have no impact on the outcome of any future applications.

- n) **The amended proposal does not address the potential overspray and noise concerns in relation to the jet wash machines raised previously.**

**Response:** As noted earlier, a noise impact assessment has been provided that shows that, with mitigation, the proposals would not result in adverse noise impact for neighbouring properties. In addition, the design of the screens has been agreed in discussion between the applicants and Environmental Services who are satisfied that overspray will be controlled.

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 installation of 2 no. jet wash machines with 3.25m screens, installation of 5m lighting pole, relocation of air/water and vacuum machines and associated alterations at Northway Service Station, Carluke. The main considerations in determining this application is its compliance with planning policy and the impact on residential amenity.

6.2 The site is identified in the adopted South Lanarkshire Local Development Plan as being within a residential area and is affected by Policy 4 - Development Management and Placemaking, Policy 6 General Urban Area/Settlements and Policy DM13 - Development within general urban area/settlement of Supplementary Guidance 3: Development Management, Placemaking and Design. These policies aim to protect residential amenity and, in particular, prevent uses which may by virtue of visual impact, noise and disturbance be detrimental to the amenity of a residential area.

6.3 The applicant has submitted a noise impact assessment (NIA) and lighting information which has been assessed by Environmental Services. The proposed 5m pole mounted lighting is considered acceptable as minimal overspill to neighbouring properties would occur. With regards the potential for noise nuisance, the NIA submitted has satisfactorily demonstrated that the proposal can be

accommodated without an unacceptable level of noise to the neighbouring residents over existing background noise levels. The Council's Environmental Services considered the issue of potential overspray and requested that the applicant amend the proposal to include higher screens (3.25m maximum) with a partial roof screen to prevent unacceptable overspray to the neighbouring residential property. The improvement of the screens with partial roof will also aid noise reduction. In conclusion, the Council's Environmental Services has not objected to the proposal. On this basis, it has been satisfactorily shown that no unacceptable noise, light nuisance or overspray would occur to neighbouring properties. However, should there be issues relating to noise, light or overspray impacting on residential amenity should the proposal come into use, complaints can be raised with the Council as Planning Authority and Environmental Services to investigate and take action as necessary to remedy the disturbance.

- 6.4 Policy 2 - Climate Change aims to ensure that proposals do not cause unacceptable detriment to the environment through such factors as emissions and pollutants. It is considered that the proposal is small in scale and would not have notable adverse impacts on the wider environment. The proposed wash bay screens should contain overspray which will then be trapped and discharged. Should approval be given, a condition will be attached to ensure that a suitable drainage arrangement is installed.
- 6.5 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. 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 (SLLDP2) alongside the Reporters amendments. Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council they are, nevertheless, a material consideration.
- 6.6 Through the assessment of the application, 8 letters of objection were received. The grounds of objection are summarised and responded to in section 5 of this report. As a result of the thorough assessment carried out and in consideration of the objections received, the proposed mitigation measures have been amended through the increased maximum screen height and the installation of a roof section over the wash bays. It is also proposed that the hours of operation are also reduced to Monday to Friday 07:00 to 22:00 and Saturday and Sunday 08:00 to 21:00. It is considered that the applicant has sufficiently demonstrated that the proposed development would not cause unacceptable disturbance to residential amenity through noise, light and overspray. It is not considered that the proposal will have unacceptable impact upon road safety on an existing commercial facility where the entry and exit arrangement will be as existing. In conclusion, it is considered that the proposal complies with the development plan, and it is recommended that planning approval be granted.



## **7 Reasons for Decision**

- 7.1 The proposal in terms of noise, lighting and overspray will not have an unacceptable adverse impact on the amenity of neighbouring residential properties and will have no adverse detriment to road safety. The proposal complies with Policies 2, 4, 6 and associated supplementary guidance of the adopted South Lanarkshire Local Development Plan and Policies 2, 3, 5 and DM1 of the proposed SLLDP 2.

**Michael McGlynn**

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

22 October 2020

## **Previous References**

- ◆ Planning Committee, 6 November 2018 (P/18/0656)

## **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 09.04.2020 and 25.09.2020
  
- ▶ Consultations

Environmental Services

23.09.2020

## **▶ Representations**

Mr Chris Waltho, 73 Stewart Street, Carluke, ML8 5BY

Dated:

29.04.2020  
& 15.10.20

Miss Jeanette Wright, 86, Stewart Street, Carluke, ML85BY

28.04.2020  
& 16.10.20

Mrs Moira Elliott, 99 Stewart Street, Carluke, ML8 5BY

27.04.2020

Mr Tom Forrest, 72 Douglas Street, Carluke, ML8 5BX

14.04.2020

Mr Thomas Robertson, 86, Stewart Street, Carluke, ML85BY

28.04.2020

Mr Thomas Forrest, 72 Douglas Street, CARLUKE, ML8 5BX

28.09.2020

## **Contact for further information**

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

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

Phone: 01698 455170

Email: [pamela.mcmorran@southlanarkshire.gov.uk](mailto:pamela.mcmorran@southlanarkshire.gov.uk)

### Conditions and reasons

01. The use of the jet wash hereby approved shall be restricted to the following hours of operation:  
Monday to Friday 07:00 to 22:00, and  
Saturday and Sunday 08:00 to 21:00

The applicant shall ensure that outwith these hours access to the jet wash is prevented.

Reason: To minimise noise disturbance to adjacent occupants.

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

The internal noise levels at any noise sensitive receptor and resultant from the development shall comply with BS 8233:2014 Guidance on sound insulation and noise reduction for buildings as follows-

- a) The internal levels with windows open do not exceed an L<sub>Aeq</sub>,16hr of 40dB daytime (07:00 - 23:00)
- b) The internal levels with windows open) do not exceed an L<sub>Aeq</sub>,8hr of 30dB night-time (23:00 - 07:00).
- c) The internal levels with windows open do not exceed an L<sub>Amax</sub> of 45dB night-time (23:00 - 07:00).

The Internal Noise Rating Values, within any residential property and resultant from the development shall not exceed-

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

Reason: To minimise noise disturbance to neighbouring dwellings.

03. The lighting scheme as provided by GW Lighting Consultancy (drawing ref: DM113) shall be implemented prior to the development being brought into use and shall thereafter be operated in accordance with the approved scheme to the satisfaction of the Council as Planning Authority. The scheme shall ensure that the Impact on any neighbouring property by the new scheme is controlled and restricted to prevent the boundary spillage of light that may cause nuisance.

Reason: To minimise light pollution and disturbance to neighbouring dwellinghouses.

04. At the reasonable request of the Council as Planning Authority and following a complaint to it relating to noise, lighting or overspray arising from the operation of the development, the person in control of the development shall appoint an independent consultant, whose appointment shall require to be approved by the Planning Authority in consultation with Environmental Services, to measure the level of noise, lighting parameter or the presence of overspray at any neighbouring property arising from the development at the property to which the complaint related. The measurement shall be undertaken in accordance with the most appropriate standard subject to agreement with the Planning Authority in consultation with Environmental Services.

Where an assessment of the noise, lighting or overspray impact is, in the opinion of the Planning Authority in consultation with Environmental Services, acting reasonably, found to be in breach of the limits or causing nuisance the person in control of the development 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 in consultation with Environmental Services for prior approval. Thereafter the approved mitigation measures require to be implemented within the timescales agreed.

Reason: To enable monitoring of the development to prevent unacceptable disturbance to neighbouring dwellings.

05. Prior to the jet wash coming into use, a suitable drainage system shall be installed to drain and prevent the pooling of water (and any other materials associated with the activity). This shall prevent such materials from entering any adjacent property or public space or highway.

Reason: To ensure a suitable drainage system is provided on site to serve the development.

06. That the relocated air compressor and car vacuum hereby approved shall be restricted to use between the hours of 07:00 and 23:00.

Reason: To minimise disturbance to neighbouring dwellings.

07. That the enclosure as shown within the submitted Drawing No 13689-204 shall be constructed to the noted specification prior to either of the jet wash machines coming into use to the satisfaction of the Council as Planning Authority and Environmental Services.

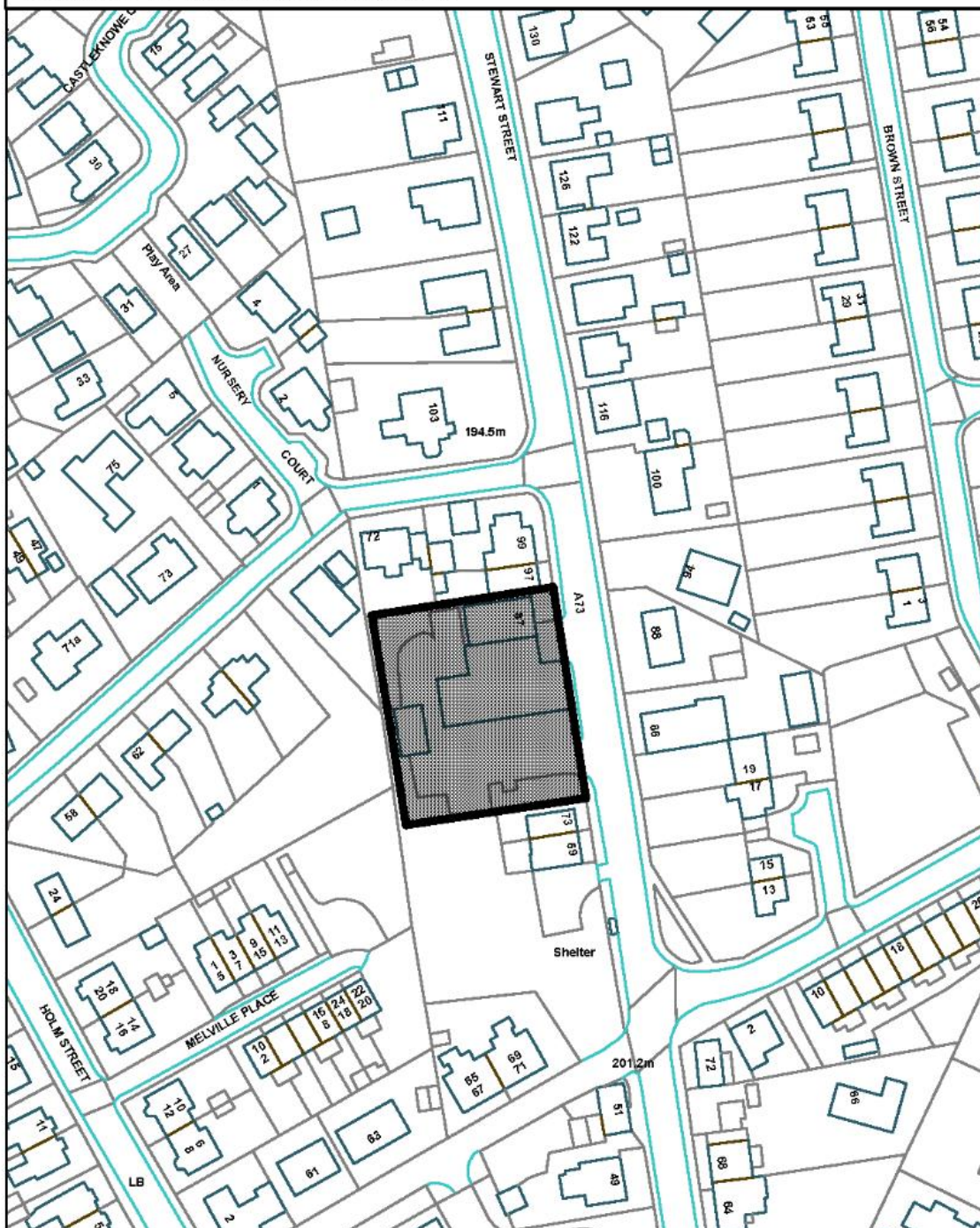
Reason: To ensure that the potential for over spray disturbance to neighbouring properties is minimised.

08. That the use of the lighting pole hereby approved shall be limited to between the hours specified in condition 1 above and will be switched off at all other times.

Reason: To protect the residential amenity of the area.

P/20/0434

Northway Service Station 87 Stewart Street Carlisle



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Scale:  
1:1,250  
Date:  
05/10/2020



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

# Report

10

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>3 November 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/0311
Planning proposal:	Raising of rear garden levels (in retrospect) and erection of 1.8 m high fence on platform

## 1 Summary application information

Application type:	Householder
Applicant:	Mr David Fallis
Location:	3 Wentworth Gardens East Kilbride G74 5PY

## 2 Recommendation(s)

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

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

## 2.2 Other actions/notes

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

## 3 Other information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (2015)**  
Policy 4: Development Management and Placemaking  
Policy 6: General Urban Area/Settlements  
  
**Development Management, Placemaking and Design Supplementary Guidance (2015)**  
Policy DM13: Development within General Urban Area/Settlement

**Proposed South Lanarkshire Local  
Development Plan 2**  
Policy 3: General Urban Areas  
Policy 5: Development Management and  
Placemaking

◆ **Representation(s):**

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

◆ **Consultation(s):**

Flood Risk Management Team

Building Standards

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site relates to the rear garden area of a modern detached house at 3 Wentworth Gardens, East Kilbride. The garden area lies to the rear of the building and has a downhill gradient which runs from the rear elevation of the dwellinghouse, downwards towards the rear boundary fence. The rear garden is separated from neighbouring gardens by a 1.8m high, double slatted, timber boundary fence. The application site lies within an established residential area. The property is bounded to the north, south and west by neighbouring residential properties.

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

- 2.1 The applicant seeks retrospective planning permission for the raising of ground levels by up to 680mm within the rear garden of the dwellinghouse. The raising of ground levels in the rear garden has resulted in the gradient in the garden being levelled.
- 2.2 Planning permission is also sought to increase the height of the boundary fence on three sides of the rear garden to 1.8m above the raised ground level. This would increase the height of the rear boundary fence to 2.5m at its highest point reducing to 2.2m at its lowest point. The existing boundary fence is double slatted. The proposal would increase the height of the slats on both sides of the side boundary fences. Furthermore, the proposal would also increase the height of the slats within 3 Wentworth Gardens on the rear boundary fence. The slats on the opposite side of the rear boundary fence at 18 and 20 Callaghan Crescent would remain at their current height.

### **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 a general residential area. Policy 6 (General Urban Area/Settlements) is applicable and states that residential developments and those of an ancillary nature may be acceptable within urban areas and settlements, provided they do not have a significant adverse effect on the amenity and character of the area. Developments that will be detrimental to residential amenity will not be permitted.
- 3.1.3 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.
- 3.1.4 Policy DM13 (Development within General Urban Area/Settlement) is contained within the Development Management, Place Making and Design Supplementary Guidance, and is also relevant to this proposal. This policy states that proposals for the urban area will be considered favourably where they comply with set criteria. This includes the requirement for the siting, form, scale, massing and materials to respect the character of the adjacent surrounding development.

3.1.5 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). 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 which recommends that the modifications suggested by the Reporter are accepted is included elsewhere on the agenda for this committee meeting. They are, therefore, a material consideration in determining planning applications.

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

3.2.1 Given the nature of the proposal, there is no specific government guidance relative to the determination of this application.

### 3.3 **Planning Background**

3.3.1 Erection of single storey rear extension (EK/16/0241) – approved.

## 4 **Consultation(s)**

4.1 **Building Standards** No issues were raised with regards to the works to level the gradient within the rear garden

**Response:** Noted

**Flood Risk Management Team** Have considered the claim that the raising of the garden ground has increased the run-off from the application site into the adjoining properties in Callaghan Crescent. The original ground levels of the garden area drainage and the difference in levels between the application site and adjoining properties would have already resulted in water naturally flowing down from the higher garden into the properties of Callaghan Crescent. They have noted evidence of the presence of water flowing into the lower gardens since the groundworks were carried out. However, it is not unreasonable to assume that excavating in this area prior to the completion of these garden works would present a similar situation.

Taking account of the specifications and methodology of the work that has been carried out, they conclude that the garden reprofiling carried out within No.3 Wentworth Gardens has not increased the flood risk to Callaghan Crescent.

**Response:** Noted. It is likely that water within the infilled area will percolate through the ground and will follow its original natural fall. In addition, the volume of water will be unchanged.

## 5 **Representation(s)**

5.1 Statutory neighbour notification was undertaken. Seven letters of objection were received, the points of which are summarised below:-

a) **The boundary fence will increase in height from 1.8m to over 2m, which is above the maximum recommended fence height.**



**Response:** In this location, permitted development rights afford the property owner the right to erect a fence of up to 2m in height without seeking planning permission from the Council. As the proposed fence is over 2m in height, planning permission is required. The impact of the fence is assessed in the Assessment and Conclusions Section below.

- b) **The higher fence will affect the appearance of the fence at the back of the property – as only a partial part of the fence will be raised.**

**Response:** Noted. The appearance of the fence will be considered in the Assessment and Conclusions section below.

- c) **We do not know what materials have been used to increase the height of the garden and whether these materials are in fact suitable to be placed next to the fence.**

**Response:** Noted. In response to this representation, the applicant submitted technical information regarding the design of the earthworks, which were subsequently published on the Planning Portal. Building Standards have assessed the technical drawings and have raised no issues with the design.

- d) **At this time, we have a fence which at our own cost we placed small gap fillers to increase privacy. The proposal will only have single fence slats which will result in us losing privacy.**

**Response:** Noted. The issue of loss of privacy is assessed in the Assessment and Conclusions section below.

- e) **Raising the height of the fence will have an impact on the light in our garden.**

**Response:** Noted. An overshadowing assessment has been carried out. The results are considered in the Assessments and Conclusions section below.

- f) **The proposal has increased surface water runoff into my garden. This has resulted in the objector having to install drainage to support the existing drainage system.**

**Response:** The Flood Risk Management Team has been consulted on this application. As noted in the summary of their response above, they have concluded that, based on the specification of the work carried out and observations of the original and new ground levels, there is not an additional flood risk associated with the proposals.

- g) **The proposal may damage the fence.**

**Response:** Damage to the fence is a separate legal matter. Site visits provided no evidence that the fence has been damaged or will be damaged because of the proposal. The submitted technical drawings show that the low-level retaining wall is not attached to the boundary fence.

- h) **I built the boundary fence at 18 Callaghan Crescent and do not give consent for alterations to the fence.**

**Response:** Planning permission is one requirement of the development process. The issue of legal ownership of the fence and the rights to alter the fence are a separate legal matter. This application will determine whether the proposal is acceptable within the context of planning policy and guidance on

this type of development. Legal disputes regarding the alteration of the fence are a not a planning matter.

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

## **6 Assessment and Conclusions**

6.1 The applicant seeks retrospective planning consent for the raising of ground levels to the rear of the dwellinghouse at 3 Wentworth Gardens, East Kilbride and an associated increase in the height of the boundary fence at the property. The main planning considerations in determining the application are whether the proposal complies with the development and the impact on the residential amenity and character of the area.

6.2 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. Policies 4 and 6 of the Local Development Plan and Policy DM13 of the Development Management, Placemaking and Design Supplementary Guidance require all development proposals to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the amenity of the area. The proposal involves increasing ground levels by a maximum of 680mm and increasing the height of the boundary fence adjacent to the groundworks by a maximum of 680mm. The proposal will result in the height of the boundary fence measuring 2.5m at its highest point. The alterations to the boundary fence will retain the same style of vertical timber slats that currently exist on the fence.

6.3 The increase in the height of the rear boundary fence at 3 Wentworth Gardens will reduce the uniformity of the fence, however, it is not considered that this will have a significant adverse impact upon the character or the amenity of the area. The fence will be of a similar timber design and due to its location at the rear of the properties, the fence will have no impact upon the local streetscape. The increase in the height of the slats on only one side of the rear boundary fence will alter the appearance of the fence, however, given that the proposal is to retain the same design of slats, the overall appearance of the fence along the rear boundary will be of a similar design. The fact that the slats on one side of the fence will be up to 680mm higher than the other is not considered to have a significant adverse impact upon the character or the amenity of the area. Furthermore, in considering the above, the proposal is not considered to have a significant adverse effect on adjacent buildings or streetscape in terms of layout, scale, massing, design or external materials.

6.4 In assessing the impact of the proposal upon residential amenity, consideration must be given to the potential for overlooking and loss of privacy. The groundworks have resulted in the raising of ground levels at the rear boundary by between 400mm to 680mm, which will in effect reduce the screening capability of the existing boundary fence. The proposed increase in the height of the boundary fence will, however, restore its screening capability, effectively restoring the height of the fence to 1.8m when measured from the raised ground level within 3 Wentworth Gardens. One of the objectors states that the top 400mm of fence will be single slatted and, as such, this would result in a loss of privacy compared to the current design which is double slatted. Single slatted fences are a standard form of fence design for rear gardens within residential estates. It is therefore considered that the upper section

of the fence being constructed with a single slat design will not result in an unacceptable reduction in privacy. In these circumstances, it is considered that the proposal does not have a significant adverse impact on overlooking or privacy. It is noted that a representation was made regarding legal ownership of the boundary fence and raising the possibility that adjacent properties would not agree to raise the height of the fence, however, this is a separate legal matter.

- 6.5 A detailed assessment of the impacts that the proposal will have on overshadowing has been carried out. The assessment established that the existing fence already overshadows the rear gardens of two properties on Callaghan Crescent (No.18 and No.20) and the rear garden of 5 Wentworth Crescent. As the gardens of No.18 and No.20 Callaghan Crescent are east facing, overshadowing associated with the existing boundary fence occurs every morning until midday. At those times where overshadowing occurs as the result of the fence, the overshadowing effect of the proposed increase in fence height will be negligible. In these circumstances, the proposal will not result in unacceptable levels of overshadowing.
- 6.6 Representations were received which raise concerns that the change in ground levels at 3 Wentworth Gardens has increased the volume of surface water entering the rear gardens of 18 and 20 Callaghan Crescent. The Flood Risk Management Team has been consulted on the application. Having reviewed the representations made on the application and the information provided by the applicant, the Flood Risk Management Team has determined that it is not conclusive that the garden reprofiling carried out within No.3 Wentworth Gardens has increased the flood risk to Callaghan Crescent, especially given that the rear garden of the application site previously sloped down towards the properties in Callaghan Crescent.
- 6.7 In conclusion, it is not considered that any of the neighbouring properties would be adversely affected in terms of overshadowing/loss of daylight or that the proposals have significantly increased surface water run-off into adjoining gardens. In addition, the general amenity of these properties and that of the surrounding area would not be significantly adversely affected by the proposed development. The proposed development is, therefore, considered to be in accordance with Policies 4 and 6 of the adopted South Lanarkshire Local Development Plan, Policy DM13 of the Development Management, Placemaking and Design Supplementary Guidance and Policies 3 and 5 of the proposed South Lanarkshire Local Development Plan 2. It is recommended that planning permission be granted.

## **7 Reasons for Decision**

- 7.1 The proposal does not have an adverse impact on residential or visual amenity. It complies with Policies 4 and 6 of the adopted South Lanarkshire Local Development Plan and Policy 13 of the associated Supplementary Guidance.3: Development Management, Placemaking and Design and Policies 3 and 5 of the proposed South Lanarkshire Council 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)**

22 October 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
  - Flood Risk Management Team 25/09/20
  - Building Standards 22/06/20
  
- ▶ Representations Dated:
  - Mr And Mrs A Melrose, 20 Callaghan Crescent, East Kilbride, G74 5PS 30.03.2020
  - Mr Arthur Melrose, 20 Callaghan Crescent, East Kilbride, Glasgow, South Lanarkshire, G74 5PS 24.03.2020
  - Mark Campbell, Received Via E-mail 06.04.2020
  - Mr Arthur Melrose, 20 Callaghan Crescent, East Kilbride, Glasgow, South Lanarkshire, G74 5PS 15.07.2020
  - Mr Mark Campbell, No Address Provided 17.07.2020
  - Mr Arthur Melrose, 20 Callaghan Crescent, Jackton, East Kilbride, G74 5PS 04.09.2020
  - Arthur Melrose, 20 Callaghan Crescent, East Kilbride, Glasgow, South Lanarkshire, G74 5PS 05.10.2020

## Contact for further information

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

Byron Sharp, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455273

Email: [byron.sharp@southlanarkshire.gov.uk](mailto:byron.sharp@southlanarkshire.gov.uk)

Detailed planning application

Paper apart – Application number: P/20/0311

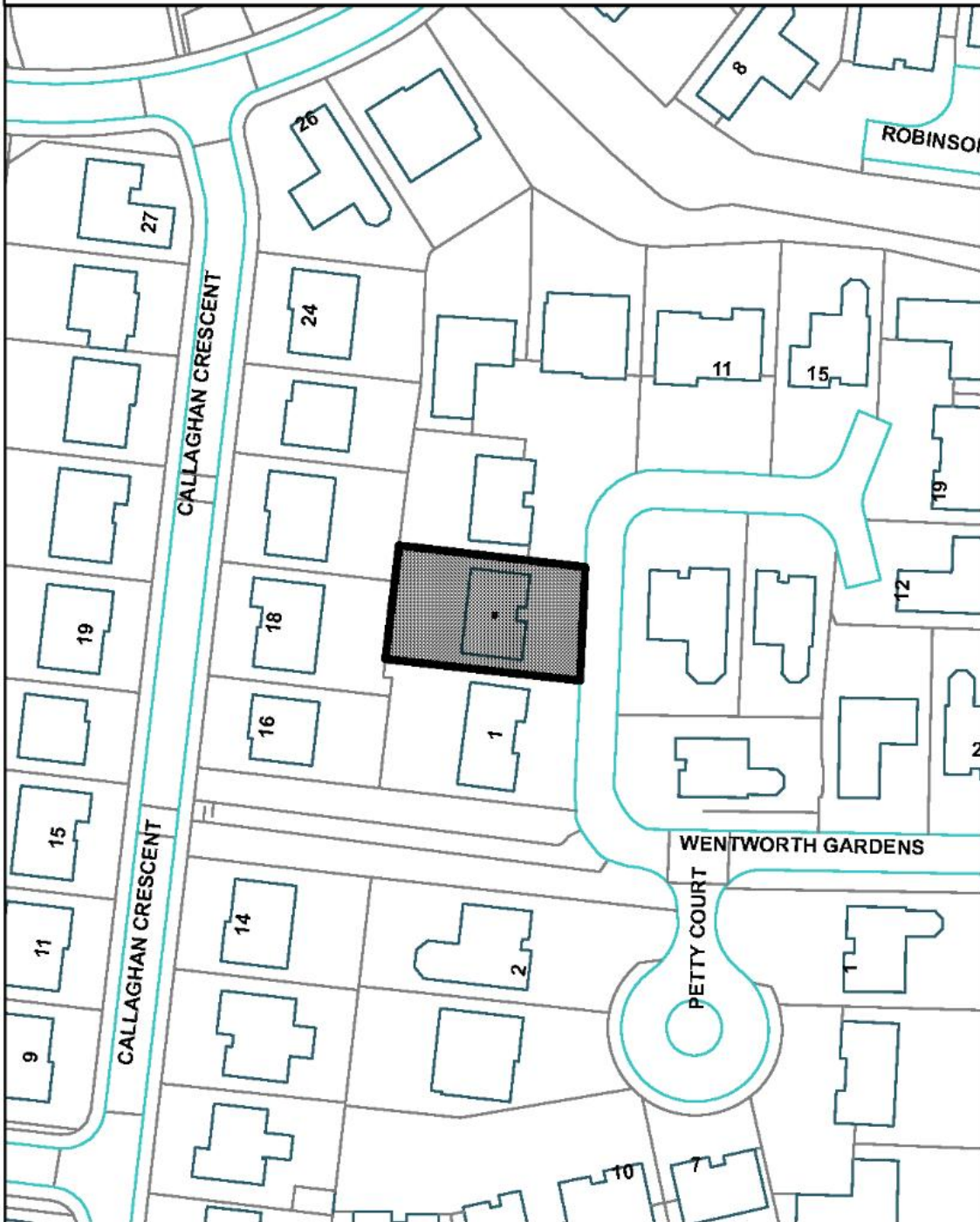
**Conditions and reasons**

1. That the height of the boundary fence shall be increased to the specification shown in the approved plans within two months of the decision notice being issued

**Reason:** To protect privacy standards

P/20/0311

3 Wentworth Gardens East Kilbride



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Date:  
06/10/2020



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

# Report

11

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>3 November 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/0832
Planning proposal:	Erection of single storey building to house reverse vending machines to recycle drinks containers and associated works

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Aldi Stores Ltd
Location:	60 Kirkton Street Carluke ML8 4AD

## 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: Avison Young (UK) Ltd
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan**  
Policy 4 Development management and placemaking  
Policy 6 General urban area/settlements  
**Supplementary Guidance 3: Development Management, Placemaking and Design**  
Policy DM13 Development within general urban area/settlement  
**SLLDP2**  
Policy 3 General Urban Areas  
Policy 5 Development Management and Placemaking  
Policy DM13 Development within general urban area/settlement

◆ **Representation(s):**

▶ 2  
▶ 0  
▶ 1  
▶ 1

Objection Letters  
Support Letters  
Comment Letters  
Petition Letter (11 signatures)

◆ **Consultation(s):**

Environmental Services



## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site comprises the existing Aldi supermarket premises and an associated car park area, located on the south side of Kirkton Street, Carluke. The supermarket unit was formerly occupied by Somerfield Stores and is close to the town centre, set within a predominantly residential area, with dwellings directly adjoining the supermarket site to the north and west. Kirkton Street bounds the site to the north-east and Orchard Street bounds the site to the south.

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

- 2.1 Aldi Stores Ltd, in response to the Scottish Government's introduction of its deposit return scheme, has decided to install self-service reverse vending machines in its stores for customers to return their used drinks containers. The deposit return scheme, which is due to go live in July 2022, requires all retailers that sell drinks in plastic drinks bottles, aluminum and steel cans and glass bottles to allow their customers to return the used containers and recover the 20p deposit they paid when purchasing the drink. All retailers from large supermarkets to small independent retailers will have to put in place a drinks container collection system either manually collecting at the shop counter or till or using automated machines, such as the proposed arrangement at Aldi.
- 2.2 In its supporting planning statement, Aldi has advised that, as they have a high volume of footfall, it would not be viable to accept returns manually. As such, automated reverse vending machines will be installed on all of their premises to allow for automatic self-service returns to take place. They believe this will provide an efficient and user-friendly return point, drive an increased uptake in the scheme from consumers and support the overall success of the deposit return scheme.
- 2.3 The recycling model Aldi have adopted will involve installing stand-alone buildings within each site, placed to the front of their stores within the car parking area for ease of access of their customers. These machines will only operate during the existing store opening hours and the buildings will be closed to the public out with these times. The size of the recycling unit will depend on the size of the store, in this case, they are installing 4 reverse vending machines and these will be housed in a single storey building with a footprint of only 50m<sup>2</sup> with a 1m deep covered canopy and, at only 3m high, the proposed flat roofed structure is about the size of a domestic triple car garage.

### **3 Background**

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

- 3.1.1 In terms of local plan policy, the application site is an existing supermarket located within the general urban area close to the town centre of Carluke. The relevant policies for the assessment of the application are Policy 4 Development management and placemaking and Policy 6 General urban area/settlements. The Development Management, Place Making and Design Supplementary Guidance Policy DM13 Development within general urban area/settlement is also relevant to the assessment of the application. The content of the above policies and guidance, how they relate to the proposal and an assessment of the proposal against the above policies is contained in Section 6 of this report.

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. 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, Policy 3 General Urban Areas, Policy 5 Development Management and Placemaking and Policy DM13 Development within general urban area/settlement are relevant.

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

3.2.1 There is no specific relevant advice or policy on this type or scale of development.

### 3.3 **Planning Background**

3.3.1 The site is a long-standing supermarket site that was acquired by Aldi from Somerfield in 2005, who had operated the store from this site since 1998. There have been numerous planning applications relating to store alterations, signage, opening hours and installation of plant over the past 21 years but none are relevant to the assessment of the current application.

## 4 **Consultation(s)**

4.1 **Environmental Services** – have no objections to the proposed development subject to noise conditions and informatives on nuisance being imposed to control noise levels at nearby residential units.

**Response:** Noted. Any consent granted would incorporate appropriately worded conditions and informatives to address the matters raised.

## 5 **Representation(s)**

5.1 Statutory neighbour notification procedures were undertaken. Two letters of representation and 1 petition objecting to the development have been received in relation to the application. The petition has 11 signatures from the residents of 5 houses located on Orchard Street and 2 of the signatures have also sent in the 2 letters referred to above. The grounds of objection are summarised below:-

a) **Noise and Disturbance from the operation of the units, especially if open outside store opening hours.**

**Response:-** Environmental Health have studied the plans and noise information provided and have no objections to the proposed development. The noise assessment provided demonstrates that the noise levels at the nearby residential units should be at levels deemed acceptable during its operating hours. Noise conditions will be added to ensure acceptable levels are set and observed by the site operator to ensure amenity is not adversely affected by this development.

b) **Operating hours and collection times of recycled materials could impact on amenity.**

**Response:-** The reverse vending machines will only be open during the normal opening hours of the store and the collection of the recyclable materials will be from the main store as per the existing servicing times

controlled by previous conditions. Conditions will be added to the decision to set these times for this approval to avoid any doubt on what these agreed times are.

**c) Smell and possible vermin due to the operation of the proposed units.**

**Response:-** Environmental Health is the Council Service that would control this issue under existing legislation. In its consultation response, they did not raise any issues in the operation of these reverse vending machines in terms of smell or attracting vermin. The applicant has stated that any liquids will be directed to the existing drainage infrastructure for the store while the vast majority of the containers will be empty at the point of collection so there shouldn't be vast amounts of liquid to process. The Council does not envisage any issues relating to the operation of this unit.

**d) The proposed building will be visually and aesthetically unattractive when viewed from outside the site.**

**Response:-** The proposed building is only 50m<sup>2</sup> in footprint and at 3m high does not have a significant visual presence when viewed from outside the site. Car parks for supermarkets can typically have similar scaled structures, from covered trolley bays, recycling containers and plant infrastructure buildings. It is considered that the scale and location of the proposed building is both practical and reasonable in this context to serve the store and its customers.

**e) Additional traffic generated by the recycling units.**

**Response:-** Aldi is installing these units primarily to service the needs of its customers, however, they envisage that the simplicity of their self-service automated installation could attract non customers to deposit their empty drinks containers to claim their deposits they paid when the drink was purchased. They predict they will take in between 10% and 20% more drinks containers than they sell, however, this won't translate to an equivalent increase in traffic as most of the additional numbers will be by existing customers bringing containers purchased elsewhere. Whilst volume will be more in terms of containers, trips to deposit them would be infrequent. Based on existing shop floor space, the parking requirement for the site is 83 spaces and, even following the installation of the new building, the parking capacity of the site is 86 spaces which, for the reasons outlined above, is deemed sufficient to service the store and the recycling unit. In addition, it is not considered that there will be a significant increase in traffic volume to and from the site that would impact on the amenity of the surrounding area.

**f) Other recycling facilities are available elsewhere in Carlisle, why should this facility be placed in a residential area, why not have it located at the civic amenity site or at the train station where it is not likely to impact homeowners.**

**Response:-** Aldi is providing this facility at its store in line with Scottish and British Government policy. The responsibility under the new Deposit Return Scheme is on retailers who sell disposable drinks in plastic and glass bottles or in cans to accept those empty drinks containers returned to them and refund the mandatory deposit of 20p that was paid at the point of purchase. Other existing recycling facilities are not part of the scheme i.e. not retailers or will require their existing collection facilities currently in place replaced with

new arrangements to allow for the return of deposits. It is expected that these machines will be provided in other supermarket sites throughout the country, either inside the store or in the carpark, depending on availability of space and store location.

- g) Aldi do not have a good track record in maintaining the property. Lights not repaired, areas that should be weeded are not, walls in poor disrepair.**

**Response:-** The poor maintenance record of the site owners is not a consideration of the Planning Service in its assessment of this application.

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

## **6 Assessment and Conclusions**

- 6.1 Aldi Stores Ltd has applied to install a modestly sized structure within its existing car park to fulfil its role as retailers in the Governments Deposit Return Scheme which is due to commence in July 2022. It is expected that to deal with the volume of containers that will be collected by larger retailers, the use of reverse vending machines will be a common solution utilised by supermarkets to save time and resources in store at tills or customer service counters if they were to try and accept returns manually and process the deposit refunds.
- 6.2 The Aldi store is located just outside of Carlisle town centre on the A73 which runs through the centre of Carlisle. It is located in a general urban area where Policy 6 General urban area/settlements applies, the policy states that each proposal will be judged on its own merits with particular consideration given to the impact on the amenity of the area. Developments, particularly 'bad neighbour' uses which, by virtue of visual impact, noise, smell, air pollution, disturbance, traffic or public safety, will not be permitted if they are detrimental to the amenity of residents. The site is already occupied by a bad neighbour development in the form of a medium sized supermarket. They have applied to introduce additional infrastructure to help run their onsite activities and, therefore, the assessment in this case is on the additional impact the proposal will have on residential amenity. The proposed building being relatively small in scale in a commercial setting and located in the car park close to the main store is not considered to have any significant visual effect on the amenity of the area. Having reviewed the information provided, Environmental Health Services raised no objections due to expected noise levels and no issues are envisaged with smell. It is, therefore, considered that the development is compliant with this Policy.
- 6.3 Policies 4 Development management and placemaking and DM13 Development within general urban area/settlement are also relevant to the assessment of the proposed structure. These policies require 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 or streetscape and relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use, in addition, the character and amenity of the area must not be impaired by reason of traffic generation, parking, visual intrusion, noise or emission of gases or particulates. The development must be adequately serviced in terms of cycle, pedestrian and vehicular access, parking, accessibility and infrastructure for public transport along with no adverse effect on public safety. As stated above, the development proposed

is to supplement the existing use of the site as a supermarket, the proposed structure is relatively small and sits adjacent to the main building within the existing carpark. The design and scale of the building is considered appropriate and the use acceptable for its location. There is not expected to be any significant increase in noise, traffic movements or general activity within the site as a result of the development that would adversely affect amenity, character or public safety. It is considered that the proposal to install the reverse vending machines on this site meets the aims of the above policies.

- 6.4 Following a detailed assessment of this proposal, it is considered that it will have no significant adverse impact upon residential or visual amenity. In this respect, the proposed equipment will be located within a purpose-built building within the existing carpark for easy access to the customers of Aldi. The proposed structure is not of a size, scale or design that would significantly impact upon the amenity of neighbouring residents. The proposed development is required to fulfil an obligation under the Deposit Return Scheme and, in their supporting statement, the applicant has adequately outlined the reasons for their nationwide approach to complying with Government policy that will best serve their customers and the efficient running of their stores. As such, it is considered that the proposal complies with the relevant policies of the adopted South Lanarkshire Local Development Plan.
- 6.5 The proposed development has also been considered against the relevant policies in the proposed South Lanarkshire Local Development Plan 2 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 DM13 in the proposed plan.
- 6.6 Environmental Services were consulted on this application and have offered no objections, subject to the inclusion of a condition related to noise levels. Given the above, it is considered that the proposal will have no significant adverse impact upon amenity and that it complies with the relevant local development plan policies and guidance. The granting of planning consent is, therefore, considered justified.

## **7 Reasons for Decision**

- 7.1 The proposal will have no significant adverse impact on amenity and it complies with the relevant policies of the adopted South Lanarkshire Local Development Plan and Supplementary Guidance (Policies 4, 6 and DM13) and the proposed South Lanarkshire Local Development Plan 2 (Policies 3, 5 and DM1).

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

Date: 21 September 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 July 2020	
▶	Consultations	
	Environmental Services	20.08.2020
▶	Representations	Dated:
	Miss Louise McKay, 11 Orchard Street, Carluke, ML8 5AJ	31.07.2020
	Louise McGowan, By Email	31.07.2020
	Petition Letter	03.08.2020

## Contact for further information

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

Steven Boertien, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455116

Email: [steven.boertien@southlanarkshire.gov.uk](mailto:steven.boertien@southlanarkshire.gov.uk)

**Conditions and reasons**

01. That the noise levels resulting from the installation of the Reverse Vending Machines hereby approved shall not exceed the following levels to the satisfaction of the Council as Planning Authority.
- (1) Between the hours of 08:00 and 20:00 the measured noise rating level emitted from the premises (LAeq,1hr) shall not exceed the pre-existing background noise level (LA90,30 min) by more than 4dB when measured in accordance with British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound at the proposed development. Between the hours of 20:00 and 08:00 the noise rating level emitted from the premises (LAeq,15 min) shall not exceed the pre-existing background noise level (LA90,30min) by more than 4dB when measured in accordance with BS4142:2014 at the proposed development.
  - (2) The internal noise levels at any residential property shall comply with BS 8233:2014 Guidance on sound insulation and noise reduction for buildings as follows:
    - a) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an LAeq,16hr of 40dB daytime (07:00 - 23:00)
    - b) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an LAeq,8hr of 30dB night-time (23:00 - 07:00).
    - c) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an LA,max of 45dB night-time (23:00 - 07:00).
    - d) The external levels shall not exceed an LAeq,16hr of 50dB daytime in any garden areas, when measured free-field
  - (3) The Internal Noise Rating Values, within any residential property, when assessed with the windows open, and resultant from the development, shall not exceed - NR25 between 23.00hrs and 08.00hrs and NR35 between 08.00hrs and 23.00hrs

Reason:- To minimise noise disturbance to adjacent occupants.

02. That the Reverse Vending Machines hereby approved shall only be open during store opening hours: 8.00 am to 10.00 pm on Mondays to Saturdays, and 9.00 am 8.00 pm on Sundays.

Reason:- To protect local residents from noise disturbance arising from the operation of the store.

03. That the collection of the recyclable material collected and stored in the main building shall be restricted to between 8.00 am and 8.00 pm on Mondays to Saturdays and between 10.00 am and 5.00 pm on Sundays in line with the store operating times for commercial activities and deliveries.

Reason:- To protect local residents from noise disturbance arising from the operation of the store.

04. That prior to the new Reverse Vending Machines becoming operational the alterations to the carpark layout and all new road markings and signage shall be completed and installed as per the approved proposed site plan 0341-24-AL(90)100 REV A.

Reason:- in the interest of public safety



P/20/0832

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1:1,250  
Date:  
05/10/2020



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



# Report

12

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>3 November 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/0514
Planning proposal:	Extraction and processing of hard rock aggregates by quarrying methods (Section 42 application to vary condition 4 of planning permission CL/07/0070 to amend the extraction area)

## 1 Summary application information

Application type:	Further application
Applicant:	Hodge Plant Ltd
Location:	Duneaton Quarry Dod Wood West of Abington Services Abington

## 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: William Booth
- ♦ Council Area/Ward: 03 Clydesdale East
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan**  
Policy 1 - Spatial Strategy  
Policy 2 - Climate Change  
Policy 3 - Green Belt and Rural Area  
Policy 4 - Development Management and Placemaking  
Policy 15 - Natural and Historic Environment  
Policy 16 - Travel and Transport  
Policy 17 - Water Environment and Flooding

### Supplementary Guidance

Development Management, Place Making and Design

### **Non-Statutory Planning Guidance for Minerals**

MIN 1- Spatial framework  
MIN 2 - Environmental protection hierarchy -  
Category 1, 2 and 3 sites  
MIN 4 - Restoration  
MIN 5 - Water environment  
MIN 7 - Controlling impacts from extraction sites  
MIN 8 – Community benefit  
MIN 11 - Supporting information  
MIN 12 - Transport  
MIN 13 - Legal agreements  
MIN 15 - Site monitoring and enforcement

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

Policy 1 Spatial Strategy  
Policy 2 Climate Change  
Policy 4 Green Belt and Rural Area  
Policy 5 Development Management and Placemaking  
Policy 14 Natural and Historic Environment  
Policy 15 Travel and Transport  
Policy 16 Water Environment and Flooding  
Policy 19 Minerals Development

#### **◆ Representation(s):**

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

#### **◆ Consultation(s):**

Roads Development Management Team  
Health and Safety Executive  
Environmental Services  
TRANSCO  
Roads Flood Risk Management  
SEPA West Region  
Scottish Natural Heritage  
Historic Environment Scotland  
Countryside and Greenspace  
Transport Scotland  
Scottish Water  
Duneaton Community Council

## Planning Application Report

### 1 Application Site

- 1.1 The application site consists of an existing hard rock quarry (Duneaton Quarry) which is located to the north of the B7078, approximately 800m west of the Abington Services at Junction 13 of the M74 motorway, some 1.9km to the south east of the settlement of Abington. The quarry is approximately 12.8 hectares in area. Access is taken directly from the quarry onto the B7078.
- 1.2 Quarrying commenced in 2009 and extraction is permitted until June 2029 following which the site will be restored. The restoration plan is to dress the quarry benches to allow scrub planting, softening the faces to allow a more natural profile with grassland and wetland habitats in the quarry bowl. The quarry produces Greywacke (a variety of sandstone) that is used for a range of products in the construction industry including road surfacing and concrete.
- 1.3 An ethylene pipeline (North West Ethylene Pipeline) runs underground through the south of the application site in the area that does not currently have planning permission for mineral extraction in the quarry. Shell UK are the pipeline operators and it is a high-pressure gas line that forms part of the UK ethylene pipeline network. In this instance, the pipeline provides a direct link between the refineries, storage and exporting facilities of Grangemouth in Scotland's Central Belt and Stanlow Refinery in Ellesmere Port in the North West of England and has been operating since the 1990s.

### 2 Proposal(s)

- 2.1 This 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 4 of planning permission Ref: CL/07/0070 (hereon referred to as the original permission) which granted planning permission for the quarry.
- 2.3 Condition 4 of the original permission states:-

*That the site shall at all times be worked in accordance with the operational programme of works as set out in the Planning and Environmental Statement dated February 2007 accompanying the application, unless otherwise directed by these conditions or by the prior written approval of the Council as Planning Authority.*

- 2.4 The applicant has requested that condition 4 be varied to read:-

*That the site shall at all times be worked in accordance with the operational programme of works as set out in the Environmental Impact Assessment Report dated March 2020 accompanying the application, unless otherwise directed by these conditions or by the prior written approval of the Council as Planning Authority.*

- 2.5 The applicant wishes to amend condition 4 to allow mineral extraction within an area of the quarry that, whilst fully within the red line boundary of the original permission, does not currently form part of the quarry extraction plan. The application is,

therefore, in essence to allow the alteration to the currently approved extraction plan to include this portion of the quarry. Currently, the quality of mineral within some of the approved extraction areas has not been as high as previously expected and, therefore, the intention would be to reduce mineral extraction in these areas and, if approved, use the new extraction area to make up the short fall of material experienced within the original quarry area. This current application does not propose any other change to the operation of the quarry or the variation of any other condition attached to the original permission.

- 2.6 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. 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.

### **3 Background**

#### **3.1 National Policy**

- 3.1.1 Scotland's Third National Planning Framework (NPF3) states that minerals make an important contribution to the economy, provide construction materials and energy supply as well as supporting employment. NPF3 recognises that the rural landscape is not just a recreational resource but also has a vital role to play in providing minerals as construction materials.
- 3.1.2 Scottish Planning Policy 2014 (SPP), Planning Advice Note 64 (PAN 64) 'Reclamation of Surface Mineral Workings' and PAN 50 'Controlling the Environmental Effects of Surface Mineral Workings' are of particular relevance to the determination of this application. PAN 1/2011 'Planning and Noise' also provides additional advice on best practice for developments that may generate noise but should be read in tandem with PAN 50 for mineral developments.
- 3.1.3 Scottish Planning Policy (SPP) states that when assessing mineral proposals, the planning authority should consider aspects such as landscape and visual impacts, transportation impacts, the effect on communities, cumulative impact, environmental issues such as noise and vibration, and potential pollution of land, air and water.
- 3.1.4 PAN 50 (Controlling the Environmental Effects of Surface Mineral Workings) with Annex A (Noise), B (Dust), C (Traffic) and D (Blasting) provides advice on all these issues and how they should be addressed when assessing mineral applications.
- 3.1.5 PAN 64 (Reclamation of Surface Mineral Workings) provides planning advice on ensuring that satisfactory reclamation procedures are in place before, during and after extraction to bring land back to an acceptable condition.
- 3.1.6 PAN 1/2011 also establishes best practice and the planning considerations that should be taken into account with regard to developments that may generate noise or developments that may be subject to noise.

3.1.7 All national policy and advice has been considered in the assessment section of this report.

### **3.2 Development Plan**

3.2.1 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 2017 (GVCSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance as well as the Council's Non-statutory Planning Guidance – Minerals (2017).

3.2.2 The Glasgow and the Clyde Valley Strategic Development Plan 2017 (Clydeplan) is the strategic development plan and has a strong focus on future growth and a broad spatial framework. Policy 15 Natural Resource Planning: Mineral Resources Spatial Framework states that an adequate and steady supply of minerals will be maintained, including a 10 year landbank of construction aggregates. In addition, minerals development will be supported where they are in accordance with Clydeplan's Vision and Spatial Development Strategy and individual proposals balance economic benefit against the protection of the environment and local communities from potential impacts.

3.2.3 The adopted South Lanarkshire Local Development Plan 2015 (SLLDP) contains the following policies against which the proposal should be assessed:-

- ◆ Policy 1 Spatial Strategy
- ◆ Policy 2 Climate Change
- ◆ Policy 3 Greenbelt and Rural Area
- ◆ Policy 4 Development Management and Placemaking
- ◆ Policy 15 Natural and Historic Environment
- ◆ Policy 16 Travel and Transport
- ◆ Policy 17 Water Environment and Flooding

3.2.4 The following approved Supplementary Guidance document supports the policies in the SLLDP and also requires assessment:-

- ◆ Supplementary Guidance 3: Development Management, Placemaking and Design

3.2.5 The approved Non-statutory Planning Guidance – Minerals (2017) contains the following policies against which the proposal should be assessed:-

- ◆ Policy MIN1 – Spatial framework
- ◆ Policy MIN2 – Environmental protection hierarchy
- ◆ Policy MIN4 – Restoration
- ◆ Policy MIN5 – Water environment
- ◆ Policy MIN7 – Controlling impacts from extraction sites
- ◆ Policy MIN 8 – Community benefit
- ◆ Policy MIN11 – Supporting Information
- ◆ Policy MIN12 – Transport
- ◆ Policy MIN13 – Legal agreements
- ◆ Policy MIN15 – Site monitoring and enforcement

- 3.2.6 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). 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 4 Green Belt and Rural Area
- ◆ Policy 5 Development Management and Placemaking
- ◆ Policy 14 Natural and Historic Environment
- ◆ Policy 15 Travel and Transport
- ◆ Policy 16 Water Environment and Flooding
- ◆ Policy 19 Minerals

- 3.2.7 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 An application for planning permission (CL/07/0070) was granted on 4 December 2007 for the extraction and processing of hard rock aggregates by quarrying methods subject to a legal agreement. Following completion of the legal agreement, planning permission was issued on 2 March 2009. The permission was granted with an extraction period of 20 years and 3 months from the date of commencement resulting in an extraction lifespan until 2 June 2029, with a further year allowed for restoration of the site. The legal agreement required the following planning obligations to be made:-

- ◆ Contributions to the South Lanarkshire Rural Communities Trust
- ◆ A restoration guarantee bond to cover the full costs of restoring the site
- ◆ Contribution to the ongoing employment of a Mineral Planning Monitoring and Enforcement Officer by South Lanarkshire Council
- ◆ Site restoration including habitat creation
- ◆ A habitat management agreement for the restored site
- ◆ The formation of a Technical Working Group to advise on restoration
- ◆ Vehicle routing
- ◆ A Section 48/96 Agreement to ensure that the B7078 is maintained to the appropriate standard for the duration of the site operations

Whilst attached to the original permission, the legal agreement is drafted in such a way that it applies to any subsequent permission on the site and, therefore, if this current planning application is approved, the obligations will still be required to continue to be met by the applicant. There would, therefore, be no requirement for a further legal agreement.



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

- 4.1 **Roads and Transportation Services (Development Management)** – note that the proposals would not change traffic movements and, therefore, have no objection subject to the continued maintenance of the access and Section 96 Agreement.  
**Response:** Noted and, if successful, all previous conditions from the original permission would be replicated on any new permission including in relation to road safety and the road access. All planning obligations, including the Section 96 Agreement, will remain in place through the original Section 75 Legal Agreement.
- 4.2 **Transport Scotland** – no comments to make.  
**Response:** Noted and, as set out in 4.1 above, there are no changes proposed that would impact upon existing traffic movements.
- 4.3 **SEPA** – have no objection to the application and, whilst providing detailed advice in relation to the water environment, have no further recommendations to make.  
**Response:** Noted and all conditions attached to the original permission would be replicated if approval was granted.
- 4.4 **Historic Environment Scotland** – have no objections to the proposals.  
**Response:** Noted.
- 4.5 **Scottish Water** – have no objection to the proposals but that the applicant must contact them in relation to any Scottish Water assets that may be affected by the proposals.  
**Response:** Noted and the applicant is aware of this requirement should planning permission be granted.
- 4.6 **Roads and Transportation Services (Flood Risk Management)** – no objection subject to conditions to comply with the Council's Design Criteria and to complete the necessary forms and provide required information prior to commencement on site.  
**Response:** Noted. If planning permission is granted, a condition to address this matter shall be attached.
- 4.7 **Environmental Services** – have no objections subject to the replication of conditions 18 to 29 of the original permission.  
**Response:** Noted and these conditions will be replicated. The conditions relate to dust management, blasting practices and levels and noise limits. It should be noted that all these measures are currently in place on site and the Council has not had any complaints regarding the operation of the quarry and are, therefore, considered to be effective.
- 4.8 **Countryside and Greenspace** – have no objections to the proposals and give advice on what planting would be expected as part of any restoration plan. Also advise that on-going planting on the screen bunds should continue as per the requirements of the original permission.  
**Response:** Noted and, if planning permission is granted, a new restoration plan will require to be approved due to the changes in phasing and a condition requiring this forms part of the recommendation. The planting requirements of the original permission on the screen bunds will be replicated as part of any new permission if issued.

4.9 **Health and Safety Executive (HSE)** – provided standard advice in relation to proximity to pipelines and directed the Council to their online enquiry web app for determining whether they would advise against or not advise against certain developments in relation to their proximity to a pipeline. Following completion of the web app in relation to the proposals, the HSE advice was ‘Do not advise against’.

**Response:** Noted. Whilst the HSE web app did not advise against the proposals in relation to the site’s proximity to underground pipelines, the Shell UK pipeline would require the pipeline to be relocated before any work could commence on the new extraction area. Whilst noting that the HSE do not advise against the proposals, it is considered that the relocation of the pipeline would be a matter for the applicant and Shell UK to consider outwith the regulatory role of the planning regime and would be done in conjunction with the HSE, if planning permission were to be granted.

4.10 The following consultees had no comments to make:-

- ◆ Transco
- ◆ Nature Scot / Scottish Natural Heritage
- ◆ Scottish Ministers (copy of Environmental Impact Assessment (EIA))
- ◆ Duneaton Community Council

## **5 Representation(s)**

5.1 The application was advertised being both a schedule 3 and EIA development in the Lanark Gazette on 7 May 2020 and for constituting EIA development within the Edinburgh Gazette on 5 of May 2020. A minerals site notice was posted on 21 May 2020. No representations have been made following this advertisement.

5.2 Whilst not strictly a neighbour under the current legislation, it was considered appropriate to notify Shell UK of the application, given the pipeline that runs through the site. Following this notification an objection was received from Shell UK with the following concerns:-

**(a) National Planning Policy 3 confirms the national importance and significance of the oil and gas sector to the Scottish Economy and the Government’s commitment to support and maintain the oil and gas industry including the safeguarding of existing pipeline infrastructure and works. SPP further confirms the national benefit of oil and gas production and the need to maintain and improve energy security. Circular 3/2015 (Planning Controls for Hazardous Substances) further advises that planning decisions must maintain appropriate safety distances between major hazards and other development. The impact of the proposed quarry extension on the pipeline is, therefore, a significant material planning consideration.**

**Response:** It is not argued that the pipeline is an important part of Scotland’s infrastructure and the continued maintenance of the UK ethylene pipeline is part of the Scottish Economy and should be protected. The quarry proposals, however, only require the relocation of a small portion of the pipeline network. As noted in 6.3 below, NPF3 and SPP also put a high value on maintaining an indigenous supply of minerals within a Local Authority area. A condition requiring the safe relocation of the pipeline prior to any extraction being carried out in the ‘new’ extraction area forms part of the recommendation.

**(b) Lack of supporting information regarding the safety of the pipeline within a quarry extraction area.**

**Response:** The proposals to extend the extraction area of the quarry are predicated on the pipeline being relocated and, therefore, it is considered appropriate that the planning submission (and EIA Report) focus on this aspect as there is no intention to work the quarry with pipeline in situ. As noted in (a) above, a condition requiring the safe relocation of the pipeline prior to any extraction being carried out in the extraction area forms part of the recommendation to ensure this.

**(c) The development is contrary to the SLLDP and LDP2.**

**Response:** A full assessment of the proposals in relation to the development plan is carried out from sections 6.4 to 6.6 below.

**(d) The applicant has not undertaken any discussions with Shell UK regarding the pipeline and the pipeline could not be relocated without the agreement of Shell UK.**

**Response:** The applicant has submitted correspondence that they consider are attempts to enter negotiations with Shell UK in regard the pipeline relocation. A deed of servitude requires the pipeline to be relocated if requested. It is not for the Council to adjudicate in this civil matter or agree with either party in any legal matter of this nature.

**(e) The proposed development would give rise to significant adverse impacts on the existing pipeline.**

**Response:** Again, it is noted that the proposals being implemented are solely predicated on the pipeline having been relocated prior to the quarry extraction area being extended within the pipeline area. It is reiterated that a condition is recommended to ensure that no work can start until the pipeline has been relocated.

## **6 Assessment and Conclusions**

6.1 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.'

6.2 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, a Section 42 is an application to vary condition(s) on an existing permission, the process requires a new, stand-alone 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). 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. In assessing whether any condition is still relevant, there would be the requirement to consider certain aspects of the development. In this instance, the applicant has requested that condition 4 is amended. However, it is noted that the nature of the legislation requires all conditions to be revisited as they may be linked or connected to these specific conditions. 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.

### **6.3 National Planning Policy**

- 6.3.1 Scotland's Third National Planning Framework (NPF3) states that Scotland's rural environment is more than a recreational resource and has a role to play in fulfilling the need for construction materials as well as supporting Scotland's ambition for diversification of the energy mix. The Scottish Planning Policy (SPP) promotes the use of the plan-led system to provide a practical framework for decision making on planning applications, thus reinforcing the provisions of Section 25 of the Act.
- 6.3.2 SPP also states the need for an adequate and steady supply on minerals to be available to meet the needs of the construction, energy and other sectors. It also states that Local Development Plans should maintain a landbank of permitted reserves for construction aggregates of at least 10 years at all times in all market areas. SPP continues that extraction should only be permitted where impacts on local communities and other isolated receptors, local landscape character and the natural and water environment can be adequately controlled or mitigated. SPP does not prescribe a set separation distance between settlements and quarries. It states that the specific circumstances of individual proposals, including size, duration, location, method of working, topography and the characteristics of the various environmental effects likely to arise should be taken account of. When assessing mineral proposals, the planning authority should consider aspects such as landscape and visual impacts, transportation impacts, the effect on communities, cumulative impact, environmental issues such as noise and vibration and potential pollution of land, air and water as well as securing the sustainable restoration of sites to beneficial after-use following extraction.
- 6.3.3 PAN 50 'Controlling the environmental effects of surface mineral workings' provides detailed advice relevant to this application. PAN 50 takes a prescriptive approach in suggesting best practice for controlling such environmental effects. Accordingly, PAN 50 sets out an agenda for the most important issues that need to be satisfactorily addressed. These are: road traffic; blasting; noise; dust; visual impact and water contamination. It sets out quantitative and methodological requirements in terms of: noise, dust, road traffic impact and blasting within its respective Appendices.
- 6.3.4 PAN50 (Annex A) provides advice and guidance on the control of noise at minerals sites. PAN 50 Annex B advises on the control of dust at such sites and Annex C advises on the control of traffic at surface mineral sites. Annex D advises on the control of blasting at surface mineral sites which is not relevant to the assessment of this proposal as blasting is not required as part of the proposals.
- 6.3.5 PAN 1/2011 'Planning and Noise' also establishes the best practice and the planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise. It provides further detailed guidance, to be read in tandem with PAN 50, on noise assessments and noise mitigation measures.

- 6.3.6 PAN64 advises that Planning Authorities ensure that mineral operators treat reclamation of sites as an integral part of the overall planning process to be addressed comprehensively through a planning application submission.
- 6.3.7 In this case, the development would provide a supply of construction aggregates to the local construction market which would contribute to the SPP's aim of supporting the maintenance of a 10 year landbank of permitted reserves. The SPP defers to the Development Plan in terms of being the appropriate mechanism for assessment of a minimum ten year landbank and this is found in section 6.5 and 6.6 below. The Quarry has been in operation since 2009 with noise, dust and blasting controls in place since operations commenced as well as suitable traffic management since mineral exportation began. No complaints have been received in regard to amenity or transportation and it is, therefore, considered that they are effective and should be continued. A restoration plan has been agreed in principle and has been designed as bespoke to the land form that will remain following cessation of quarrying as well as being sympathetic to the surrounding landscape. It is, therefore, considered that the proposals are in line with National Planning Policy and advice. The overall acceptability of such a development must, however, also meet the other detailed policy and advice within the Development Plan as well as other Development Management criteria. These issues are considered in further detail in the report below.

#### **6.4 Strategic Development Plan**

- 6.4.1 The Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) is a strategic plan and has a strong focus on future growth with a broad spatial framework and a lesser focus on detailed area/site specific policy criteria. Nonetheless, the GCVSDP recognises its position within the Development Plan process relative to development management. As such, Policy 15 Natural Resource Planning: Mineral Resources Spatial Framework states that an adequate and steady supply of minerals will be maintained and minerals development will be supported where they are in accordance with, inter alia, Local Development Plans. The GCVSDP is a strategic document and, apart from supporting delivery of sustainable mineral extraction, it does not provide a level of detail for the assessment of a specific site of this nature and location but instead defers to the Local Development Plan in this respect.
- 6.4.2 Policy 15 also states that a landbank for construction aggregates equivalent to at least 10 years extraction shall form part of the required adequate and steady supply of minerals. Policy 15 states that Supplementary Guidance shall be published to set out how this landbank is to be achieved. Currently, there is no available Supplementary Guidance prepared by the GCVSDP.
- 6.4.3 It is, therefore, considered that the proposals would gain support from the strategic plan subject to meeting the relevant, detailed criteria of the Local Development Plan. This assessment is set out below.

#### **6.5 South Lanarkshire Local Development Plan**

- 6.5.1 At a local level the application requires to be assessed against the policy aims of both the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance as well as the Council's Non-statutory Planning Guidance – Minerals, 2017 (NSPG). Several of the SLLDP Policies

overlap with the NSPG and are, therefore, taken in turn together as part of the following assessment.

- 6.5.2 SLLDP Policy 1 'Spatial Strategy' states that developments that accord with the policies and proposals of the development plan will be supported. The application is for development within the Green Belt as designated within the SLLDP and is, therefore, required to be assessed against Policy 3 below.
- 6.5.3 SLLDP Policy 3 'Green Belt and Rural Area' states that support will not be given for development proposals within the Green Belt, unless they relate to uses which must have a countryside location. As noted in 6.2 above, this application is not an assessment of the principle of a hard rock quarry but whether changes to the extraction area within the original application site are acceptable. The proposals, therefore, have no implications on the Countryside Strategy set out within the Development Plan through policies 1 and 3.
- 6.5.4 SLLDP Policy 2 'Climate Change' states that new developments should minimise and mitigate against the effects of climate change by being sustainably located, having no significant adverse impacts on the water and soils environments, air quality and Biodiversity (including Natura 2000 sites and protected species). The proposals would stop extraction in an area where the mineral is not of a high grade and, therefore, is in less supply and needs either blended with other materials or intensive grading and allow extraction within another area that has higher quality mineral which are in greater supply and need less processing which is good sustainable practice. It also involves the continuation of an existing quarry rather than the setting up of a new quarry. The site itself, whilst in a rural area has very good connectivity to the motorway and, therefore, is sustainably located to market.
- 6.5.5 SLLDP Policy 4 'Development Management and Placemaking' states that development proposals should have no significant adverse impacts on the local community, landscape character, habitats or species including Natura 2000 sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates. Policy 4 also states that development should be integrated with the local context and landscape. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design.
- 6.5.6 The quarry face that would remain post extraction would be read as part of the remaining quarry and, therefore, there would be no additional visual impact when the site is restored. The proposals would also result in a depth of 9m which is lower than the figure that would result if no changes to the scheme were carried out. It is considered that this would further reduce the visual impact of the restoration of the quarry as it results in a more natural topography on the outer side of these faces. During extraction, the quarrying would be further screen bundled from view while the existing quarrying operations are hidden from view within the quarry bowl. It is considered that this would be effective in ensuring it had no adverse impact upon the landscape. The new proposed extraction area would not be closer to any residential property so that the existing noise limits would be met while, as noted previously, the quarry's dust, noise, blasting and traffic mitigation has been proven effective and it is considered that, subject to these continuing, there will be no additional impact upon the amenity of the area.

- 6.5.7 As noted throughout the report, the proposals require the relocation of an existing portion of a Shell UK's North West Ethylene Pipeline. Planning permission is sought for mineral extraction once the pipeline has been relocated, not whether it is acceptable to relocate the pipeline or to extract minerals whilst the pipeline is in situ. In this instance, Shell UK is the operator and owner of the pipeline but the applicant is the landowner and there is a legal agreement (deed of servitude) between both parties regarding the pipeline. As noted in section 5 above, Shell UK has objected to the proposals.
- 6.5.8 The applicant considers that the deed of servitude with Shell allows them to insist on the relocation of the pipeline to allow extraction. This is a separate legal matter and does not relate to the Council's function which is to decide whether or not a proposed development is acceptable and/ or desirable in the public interest. It is not for the Council to review ownership agreements, such as deeds of servitude, to consider their competency or come to a view as to their enforceability when determining a planning application. Nevertheless, condition 41 within the paper apart requires the safe relocation of the pipeline prior to any mineral extraction being allowed.
- 6.5.9 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. The proposed new extraction area is within the existing quarry boundary and on already cultivated farmland. There are no known archaeological sites within the development area. The original permission required a programme of archaeological works to be carried out in accordance with a written scheme of investigation to be agreed by WOSAS. Whilst there were no known archaeological features within the redline boundary when the original permission was assessed, the archaeological condition was used as quarrying, through the stripping of soils etc, always provides a good opportunity for ad hoc archaeological investigation. This proposal provides a positive opportunity for further archaeological investigation and, therefore, this requirement has been replicated as part of the recommended conditions. It is, therefore, considered that the proposals would not have any adverse impact upon the historic environment.
- 6.5.10 SLLDP Policy 16 Travel and Transport states that all new development must conform to the Council's current transportation guidelines. The mineral exportation rate would be unchanged and, therefore, subject to replication of the original permission's road conditions, the proposals accord with this policy criteria.
- 6.5.11 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 current excavations have not resulted in any adverse impacts upon the water environment and there are no additional water courses or springs located within the proposed extraction area that would require additional water management practices to be put in place.

## **6.6 Non-Statutory Planning Guidance – Minerals 2017**

- 6.6.1 SPP directs Local Authorities to identify "Areas of Search" for minerals. However, due to the extensive range and geographical location of potentially economically viable mineral resources within South Lanarkshire, the Council considered that within the Non-Statutory Planning Guidance – Minerals 2017 (NSPG), the whole

Local Authority area should be treated as an "Area of Search". However, within this area of search there are areas which are either unsuitable for minerals development, or suitable for only limited minerals development, because of their environmental sensitivity. All minerals development must be environmentally acceptable and must also accord with the provisions of Policy MIN 2 "protecting the environment" in relation to historical and environmental assets, protected species, flood risk and communities. It is considered that for the reasons detailed above, the proposed development would not affect any natural or historical assets, including protected species and, therefore, accords with MIN2. In relation to protecting settlements and communities, it is considered that this assessment on amenity has been carried out through SLLDP Policy 4 above. Again, in relation to flood risk, it is considered that this assessment has been carried out above through SLLDP Policy 17. It is, therefore, considered that the proposals accord with MIN2.

- 6.6.2 SPP states "minerals make an important contribution to the economy, providing materials for construction, energy supply and other uses, and supporting employment" (paragraph 234). In addition, SPP states: "Plans should support the maintenance of a land bank of permitted reserves for construction aggregates of at least 10 years at all times in all market areas through the identification of areas of search" (paragraph 238). The Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) Policy 15 also states the need for a construction aggregate landbank equivalent to at least 10 years of extraction. The need to maintain a minimum 10 year landbank of construction aggregate is, therefore, national and strategic policy.
- 6.6.3 In response to this, South Lanarkshire Council seeks, through NSPG Policy MIN 1- 'Spatial Strategy', to ensure that a supply of minerals continues to be available to serve local, national and international markets and so contribute to delivering sustainable economic development. In this context, the Council will take into account the need to maintain a land bank at all times within South Lanarkshire equivalent to at least 10 years extraction. At the same time, this objective has to be balanced against consideration of environmental issues and the potential effect of mineral extraction on communities.
- 6.6.4 In 2017, South Lanarkshire Council estimated the landbank to be at 10 years. Since 2017, there have not been any significant new aggregate reserves granted planning permission and, therefore, the landbank has dropped below 10 years. It is, therefore, considered that this application would result in a net addition to the landbank with no additional impact upon any communities. NSPG states that applications for new minerals development which will result in an unacceptable cumulative impact with other minerals development and landfill in the area will not be supported. It is considered that, in this instance, the proposals are not located in proximity to any other minerals or landfill development that would result in cumulative development.
- 6.6.5 NSPG Policy MIN4 'Restoration' states that planning permission will only be granted for mineral extraction where proper provision has been made for the restoration and aftercare of the site, including financial guarantees being put in place to secure restoration. Restoration proposals should not be generic and should relate to the specific characteristics of the site and the locale. Restoration proposals should consider providing opportunities for enhancing biodiversity, community recreation and access where at all possible. As noted above, suitable restoration is proposed



as part of this application. The legal agreement on site contains financial provision should the restoration obligations not be fulfilled and this would be in place should any new permission be issued.

- 6.6.6 NSPG Policy MIN 5 'Water Environment' states that mineral proposals which will have a significant adverse impact on the water environment will not be permitted. Consideration should be given to water levels, flows, quality, features, flood risk and biodiversity within the water environment. Flood Risk and the Water Environment have been addressed under SLLDP Policy 17 above.
- 6.6.7 NSPG Policy MIN 7 'Controlling Impacts from Extraction Sites' seeks to ensure all mineral development will not create an unacceptable impact through the generation of noise, dust and vibration. Mineral Operators are to ensure that appropriate monitoring regimes are proposed and, if permitted, shall be in place for the lifetime of the mineral operations. As noted above, the quarry has been in operation since 2009 with effect controls relating to noise, dust and vibration and, subject to the replication of these controls, it is considered that the proposals accord with this policy criteria.
- 6.6.8 NSPG Policy MIN 8 'Community Benefit' states that South Lanarkshire Council will encourage operators to contribute to the South Lanarkshire Rural Communities Trust (SLRCT), Quarry Fund or the Council's Renewable Energy Fund or similar mechanism. The quarry currently pays into the SLRCT which has been secured by the legal agreement and would continue to do so under any new planning permission. The rate is set at 5 pence per tonne of aggregate sold. Contributions or lack of contributions are not taken into account when assessing the acceptability or otherwise of proposals in relation to planning terms. This matter is for noting only and is not a material consideration to the assessment of this, or any other application.
- 6.6.9 NSPG Policy MIN 11 'Supporting Information' states that planning application submissions shall be accompanied by sufficient information and supporting documents to enable an application to be assessed and determined. This information should include, but not be limited to, a statement of intent, a method of working, measures to protect local amenity, landscape and visual impact assessment, details of restoration and aftercare and any ecological surveys necessary. The application submission included an Environmental Impact Assessment (EIA) Report and phasing plans as part of the suite of documents forming the application submission.
- 6.6.10 NSPG Policy MIN 12 'Transport' requires an assessment of potential traffic and transportation impacts of any new proposal to accompany the application for planning permission, including any cumulative impact. Proposals will not be supported if they are considered to create significant adverse traffic and transportation impacts. This assessment has been carried out under Policy 16 of the SLLDP and it is considered that the proposals comply with this policy criteria.
- 6.6.11 NSPG Policy MIN 13 'Legal Agreements' seeks the use of legal agreements, where appropriate, to control aspects of the development which cannot be adequately controlled through the use of planning conditions. As noted, any new planning permission for the site would also be subject to the provisions of the existing legal agreement.

- 6.7 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 which recommends that the modifications suggested by the Reporter are accepted is included elsewhere on the agenda. They are, therefore, a material consideration in determining planning applications.
- 6.8 In view of the above assessment, it is considered that the proposals to alter the extraction area at this established quarry accords with the development plan and would not have an adverse impact on the environment, residential amenity and road safety. The recommendation is, therefore, to approve the application which in turn will result in a new standalone planning permission being granted. The extant legal agreement will remain in place.
- 7 Reasons for Decision**
- 7.1 The request to extend the extraction area of an existing quarry is considered to have no additional planning implications subject to the replication of the previous suite of planning conditions and a condition relating to the underground pipeline within the proposed extraction area. The proposals, therefore, comply with National Policy, Policy 15 of the Glasgow and Clyde Valley Strategic Development Plan, Policies 1, 2, 3, 4, 15, 16 and 17 of the adopted South Lanarkshire Local Development Plan 2015 and associated Supplementary Planning Guidance, the Non-statutory Planning Guidance – Minerals (2017) and the Proposed South Lanarkshire Local Development Plan 2 (2020).

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

12 October 2020

**Previous References**

- ◆ Planning Committee of 4 December 2007 (CL/07/0070)

**List of Background Papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification advert dated 7 May 2020

► Consultations	
Roads Development Management Team	18.05.2020
Health and Safety Executive	07.05.2020
Environmental Services	09.10.2020
Roads Flood Risk Management	08.06.2020
SEPA West Region	10.06.2020
Historic Environment Scotland	13.05.2020
Countryside and Greenspace	28.04.2020
Transport Scotland	19.05.2020
Scottish Water	28.04.2020
► Representations	Dated:
Mr Penspen Ltd, Kirkby Lonsdale Business Park, Kirkby Lonsdale, Kirkby Lonsdale, LA6 2HH	07.05.2020
Shell UK Ltd, Penspen Lands Office, Kirkby Lonsdale Business Park, Kirkby Lonsdale, Cumbria, LA6 2HH,	27.05.2020

### **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. That all extraction operations on the site shall be discontinued no later than 2 June 2029 and that, within a period of 12 months from this discontinuance date, the entire site shall be restored in accordance with the approved restoration scheme (as required by condition 2) to the satisfaction of the Council as Planning Authority.

Reason: To ensure that the site is satisfactorily restored within an acceptable timeframe.

02. That no details of the restoration scheme are hereby approved. Within 12 months of the date of this permission, or unless otherwise agreed in writing by the Planning Authority, a detailed restoration, habitat management and aftercare scheme for the entire site shall be submitted for the written approval of the Council as Planning Authority and the restoration, habitat management and aftercare of the site shall be carried out to the satisfaction of the Council as Planning Authority in accordance with the approved scheme and timescale.

Reason: Further details are required on the restoration, habitat management and aftercare proposals to ensure suitable restoration of the site.

03. That if, due to unforeseen circumstances, it becomes necessary or expedient following commencement of works to materially amend the provisions contained within the approved documents or conditions, the developer shall submit for the consideration of the Council as Planning Authority, an amended application and statement of intent: the developer shall adhere to the approved plans until such time as an amended application may be approved by the Council as Planning Authority.

Reason: In order that the terms of consent may be considered should a change in operation become necessary.

04. That the site shall at all times be worked in accordance with the operational programme of works as set out in the Environmental Impact Assessment Report dated March 2020 accompanying the application, unless otherwise directed by these conditions or by the prior written approval of the Council as Planning Authority.

Reason: To ensure that the Planning Authority retains effective control of the development.

05. That before this planning permission is implemented on site, compliance with the Council's Sustainable Drainage Systems (SuDs) design criteria guidance and inclusive sign off by the relevant parties carrying out the elements of work associated with the design criteria appendices 1 to 5 shall be submitted for the written approval of the Council, as Planning Authority and thereafter be carried out as approved for the lifetime of the development, hereby approved.

Reason: In the interests of flood risk and water management.

06. Notwithstanding the details shown on the stamped approved plans, that before this planning permission is implemented on site (including enabling works), the following details shall be submitted to and approved in writing by the Council as Planning Authority, and such details as may be approved, shall be implemented to the satisfaction of the Council as Planning Authority prior to the implementation of the permission hereby approved:-

- (a) detailed plans and elevations of all buildings, structures and fixed plant to be erected on the site, including the colours and type of external materials to be used;
- (b) details of the location, design and height of all new fences, walls and gates to be erected within or around the boundaries of the site;
- (c) a noise monitoring programme (to include provisions relating to equipment used, competence of monitoring personnel, frequency of measurement, programme of implementation, action to be taken when non-compliance is detected, parameters to be recorded, monitoring locations and submission of results to the Council as Planning Authority);
- (d) a vibration monitoring programme (to include provisions relating to equipment used, competence of monitoring personnel, frequency of measurement, programme of implementation, action to be taken when non-compliance is detected, parameters to be recorded, monitoring locations and submission of results to the Council as Planning Authority);
- (e) a detailed planting and management plan for the existing Dod Wood and screen bunding, detailing species to be planted, planting densities, tree protection measures, grass seed mixes and long term management proposals to ensure successful establishment.
- (f) a programme of archaeological works in accordance with a written scheme of investigation detailing methods of recording and recovery of any archaeological resources found.
- (g) details of the location, type and orientation of any external lighting to be erected.

Reason: In order to define the terms of the consent.

07. That in the first available planting season following implementation of this permission, the proposed area of coniferous planting to the south of the compound area and the existing Dod Wood shall be planted, and thereafter managed in accordance with the approved planting and management plan submitted in terms of condition 6(e).

Reason: To ensure that screen planting is carried out on site.

08. That before implementation of this permission, details of all soil screening mounds shall be submitted for the written approval of the Planning Authority. Once approved the mounds shall be implemented as such and maintained for the lifetime of the development, hereby approved.

Reason: In the interests of visual amenity.

09. That in the first available planting season following the construction of the soil screening mounds as required by condition 8 shall be planted and thereafter managed in accordance with the approved planting and management plan submitted in terms of condition 6(e).

Reason: In the interests of visual amenity.

10. The site shall not operate outwith the hours stated below without the prior written approval of the Council as Planning Authority, and during these hours the site shall be adequately manned and supervised.

	Weekdays	Saturdays
Time of Opening	7.00 am	7.00 am
Time of Closing	7.00 pm	1.00 pm

There shall be no working on Sundays or local bank holidays (with the exception of essential maintenance work), unless otherwise agreed in writing by the Council as Planning Authority.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

11. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development)(Scotland) Order 1992 (or of any order revoking, amending or re-enacting that Order), no buildings, structures or fixed plant, including that required for lighting the site, other than those approved under conditions 6a and 6k, shall be erected or installed within the site, without the prior written approval of the Council as Planning Authority.

Reason: In the interests of maintaining planning control of the site

12. The applicant or subsequent operator(s) shall at all times be responsible for the removal of mud or other materials deposited on the public highway by vehicles entering or leaving the site.

Reason: In the interests of road safety.

13. That all laden lorries leaving the site shall be sheeted before entering the public highway.

Reason: In the interests of road safety.

14. That for the duration of operations, all road-going mineral carrying vehicles (or other vehicles entering the processing area), shall pass through the operational wheel washing facility prior to entering the public highway.

Reason: In the interests of road safety.

15. The section of the access road between the wheel washing equipment and the B7078 shall be maintained in such condition as to prevent ruts, potholes and ponding of water and shall be kept clear of mud and dirt at all times, to the satisfaction of the Council as Planning Authority.

Reason: To minimise the chance of any debris from the site being carried onto the public highway; in the interests of road safety.

16. That with respect to the control of noise resulting from the operations at this site the developer shall comply with the following:-
- (a) that during the operational hours, as defined by Condition 10, the nominal noise limit from site operations at all noise sensitive properties, in the vicinity of the site, shall not exceed 55 dB(A) LAeq, over any one hour period;
  - (b) that, during the non-operational hours, the nominal noise limit from site operations at all noise sensitive properties in the vicinity of the site shall not exceed 42 dB(A) LAeq, over any one hour period;
  - (c) that, for soil stripping and construction of permanent landforms, during operational hours and for no more than 8 weeks in any 12 month period, the nominal noise limit from site operations at all noise sensitive properties in the vicinity of the site shall not exceed 70 dB(A) LAeq, over any one hour period.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

17. That the operator shall at all times abide by the terms of all noise management contained within the Environmental Impact Assessment Report dated March 2020, including Appendix 1. For the avoidance of doubt, all references within this report to the noise management programme contained within section 10 of the Planning and Environmental Statement dated February 2007 of Planning Permission Ref: CL/07/0070 are considered to require compliance with this document and form part of the noise management programme approved by this condition.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

18. Efficient silencers shall be fitted to and used and maintained in accordance with manufacturer's instructions on all vehicles, plant and machinery used on the site. With the exception of maintenance, no machinery shall be operated with the covers open or removed.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

19. That reversing alarms used on plant and vehicles shall be either non-audible, ambient related, or low tone devices.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

20. That the operator shall minimise dust emissions from the site by every practicable means, and shall at all times operate the site in full accordance with the dust monitoring and management plan contained within Environmental Impact Assessment Report dated March 2020. For the avoidance of doubt, all references within this report to the dust monitoring and management programme contained within section 11 of the Planning and Environmental Statement dated February 2007 of Planning Permission Ref: CL/07/0070 are considered to require compliance with this document and form part of the noise management programme approved by this condition.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

21. That, in the event of dust nuisance problems being created by operations on site, the operator shall take all reasonable remedial measures to minimise the transmissions of dust, to the satisfaction of the Council as Planning Authority.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

22. That at all times during operations, water bowsters and sprayers, whether fixed or mobile, shall be used to minimise the emission of dust from the site. If the prevention of dust nuisance by these means is not possible, then the movement of soils, vehicles, etc. shall temporarily cease until such time as the weather conditions improve.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

23. That the developer shall ensure that sufficient water is maintained at all times on site, to address the requirements for dust suppression.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

24. That no blasting shall take place on site outwith the hours of 10.00 hours to 16.00 hours Monday to Friday.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

25. That from the date of this permission until the cessation of operations, each blast shall be numbered consecutively. Ground vibration, as a result of blasting operations, shall not exceed a peak particle velocity of 6mm per second in 95% of each block of 20 consecutively numbered blasts, and no individual blast shall exceed a peak particle velocity of 10mm per second, all as measured at any vibration sensitive property. The measurement to be the maximum of 3 mutually perpendicular directions taken at the ground surface of any vibration sensitive property.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

26. That the developer shall at all times, adopt good blasting practice and so far as is reasonably practical, shall not carry out blasting operations in adverse weather conditions.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.



27. That any stripping, stacking and replacement of topsoil shall be carried out when conditions are dry enough to avoid unnecessary compaction of the soils at any stage. The applicant shall give at least 7 days notice to the Council as Planning Authority prior to the commencement of any period of soil movements and the Council as Planning Authority reserves the right to suspend operations during adverse weather conditions or to impose such conditions as it sees fit for the safekeeping of the topsoil.

Reason: To preserve the quality of soils.

28. That the movement of plant, vehicles and machinery on the site shall be carried out in such a manner as to avoid, as far as possible, the crossing of undisturbed, reclaimed or restored land.

Reason: To avoid any unnecessary incursion onto parts of the site which are undisturbed or have been restored; in the interests of the general amenity of the site.

29. No operations involving soil lifting/replacement shall take place between the months of October to March inclusive except with the prior written approval of the Council as Planning Authority.

Reason: To preserve the quality of soils.

30. That soils shall only be stripped when they are in a suitably dry and friable condition (suitably dry means that the top soil can be separated from the sub soil without difficulty so that it is not damaged by machinery passage over it).

Reason: To preserve the quality of soils.

31. That no soil shall be removed from the site.

Reason: To ensure sufficient soils are retained on site for restoration purposes.

32. That all soil storage mounds (temporary and permanent) shall be constructed with only the minimum amount of compaction necessary to ensure stability and shall not be traversed by heavy vehicles or machinery except during stacking and removal for re-spreading during site restoration. They shall be graded and seeded with a suitable low maintenance grass seed mixture immediately following their formation. The sward shall be managed in accordance with the appropriate agricultural management techniques throughout the period of storage.

Reason: To preserve the quality of soils, and in the interests of the visual appearance of the site.

33. That without the prior written approval of the Council as Planning Authority, no trees within the application site shall be lopped, topped or felled, and the operator shall protect the same from damage.

Reason: To safeguard the ancient woodland to the site boundary.

34. That where the outer operational boundary does not coincide with an existing suitable stockproof fence the operator shall provide and erect a stockproof fence, to the satisfaction of the Council as Planning Authority, prior to the implementation of this permission. The fencing shall thereafter be maintained in good condition until final restoration is completed.

Reason: To ensure site safety and maintenance of boundary security.

35. All containers being used to store liquids (which have the potential to cause pollution) within the application site shall be labelled clearly to show their contents and located in a bund which shall be at least 110% of the capacity of the largest container stored within it.

Bunds shall conform to the following standards:-

- The walls and base of the bund shall be impermeable
- The base shall drain to a sump
- All valves, taps, pipes and every part of each container shall be located within the area served by the bund when not in use;
- Vent pipes shall be directed down into the bund;
- No part of the bund shall be within 10 metres of a watercourse;
- Any accumulation of any matter within the bund shall be removed as necessary to maintain its effectiveness.

Reason: To ensure the safekeeping of such liquids.

36. That unless otherwise approved in writing by the Council as Planning Authority, at the completion of final restoration, all remaining access roads and hardstandings are to be removed and the ground restored in accordance with the approved scheme (submitted in terms of condition 2).

Reason: To ensure suitable restoration of the site.

37. That unless otherwise approved in writing by the Council as Planning Authority, no material shall be imported to or deposited at the site.

Reason: For the avoidance of any doubt over what is approved.

38. That, in the event of extraction operations on any phase of the site ceasing for a period of 12 months or more, the Council as Planning Authority shall deem operations on site to have permanently ceased, and shall require immediate implementation of the approved restoration scheme (submitted in terms of condition 2), unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure that the Planning Authority retains effective control of the development.

39. That from the date of commencement of works on the site until completion of the final restoration, a copy of this permission and all approved documents and subsequently approved documents, shall be available for inspection in the site offices during approved working hours.

Reason: To ensure the site operator and visiting officials are aware of the approved details.

40. That within one year of the date of commencement of this permission (and on that date each year thereafter), the operator shall submit to the Council as Planning Authority, an annual progress plan detailing:-

- The extent of extraction operations undertaken that year;
- Areas prepared for extraction;
- The extent of backfilling or restoration operations carried out;
- The extent of landscaping, nature conservation and agricultural works that have been implemented;
- Recent site survey;
- Current and anticipated production figures;
- Remaining reserves;
- Compliance with statutory permissions;
- Site complaint logs and actions taken.

Reason: To ensure that the Planning Authority is informed at regular intervals of the progress of the site; to assist with site monitoring; and to help inform development plan production.

41. That before this planning permission is implemented on site, the ethylene pipeline (North West Ethylene Pipeline) shall be relocated fully outwith the site boundary. Details demonstrating the safe relocation of the pipeline, including all required authorisations from the Health and Safety Executive shall be submitted for the written confirmation of the Planning Authority. .

Reason: In the interests of public safety.

42. That before this planning permission is implemented on site the operator shall obtain, and provide to the Planning Authority, written confirmation from Scottish Water and the National Grid that the predicted vibration levels at their respective apparatus within the vicinity of the site are within parameters acceptable to them.

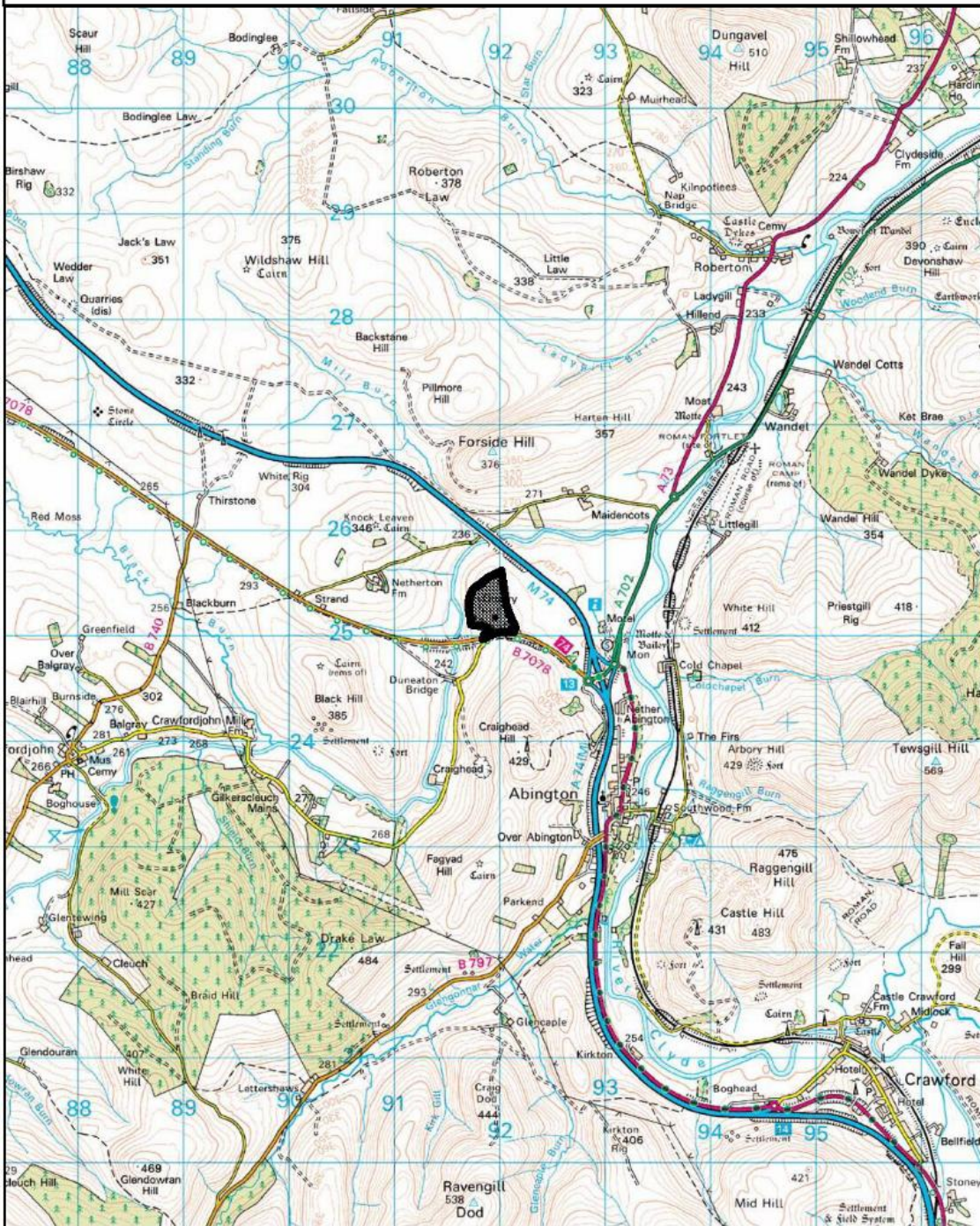
Reason: In the interests of public safety.

43. That before this planning permission is implemented on site but following the relocation of the pipeline required by condition 41, the operator shall obtain, and provide to the Planning Authority, written confirmation from Shell UK that the predicted vibration levels at their apparatus within the vicinity of the site are within parameters acceptable to them.

Reason: In the interests of public safety.

P/20/0514

Duneaton Quarry



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06/10/2020



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

# Report

13

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>3 November 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/0436
Planning proposal:	Demolition of existing dwellinghouse and erection of 11 flats with associated landscaping, parking, access road and refuse collection area

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Carnbroe Estates Limited
Location:	5 Old Bothwell Road Bothwell G71 8AW

## 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 the conditions attached.

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) If planning consent is granted, the decision notice should be withheld until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council and the applicant. This planning obligation should ensure that appropriate financial contributions are made at appropriate times during the development towards the following:-
  - the improvement/upgrading of community facilities in the area

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Planning Obligation 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 Planning Obligation, 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 Planning Obligation.

All reasonable legal costs incurred by the Council in association with the above section 75 Obligation shall be borne by the developers.

### 3 Other information

- ◆ Applicant's Agent: EMA Architecture and Design
- ◆ Council Area/Ward: 16 Bothwell and Uddingston
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan**  
 Policy 1 - Spatial strategy  
 Policy 2 - Climate change  
 Policy 4 - Development Management and Place Making  
 Policy 5 - Community Infrastructure Assessment  
 Policy 6 – Urban Area/Settlements  
 Policy 16 - Travel and Transport  
 Policy 17 - Water Environment and Flooding

**Development Management, Place Making and Design Supplementary Guidance (2013)**

**Residential Design Guide (2011)**

**Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2)**

- Policy 1 - Spatial Strategy
- Policy 2 – Climate Change
- Policy 3 – Urban Area and Settlements
- Policy 5 - Development Management and Place Making
- Policy 7 - Community Infrastructure Assessment
- Policy 15 - Travel and Transport
- Policy 16 - Water Environment and Flooding
- Policy DM1 - New Development Design
- Policy SDCC2 – Flood Risk
- Policy SDCC3 - Sustainable Drainage Systems
- Policy DM15 - Water Supply

#### ◆ Representation(s):

- |   |   |                   |
|---|---|-------------------|
| ▶ | 5 | Objection Letters |
| ▶ | 0 | Support Letters   |
| ▶ | 0 | Comment Letters   |

◆ **Consultation(s):**

Historic Environment Scotland

Countryside and Greenspace

Arboricultural Services

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

Scottish Water

SEPA West Region

West of Scotland Archaeology Service

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site is located on Old Bothwell Road within the southern area of Bothwell. The site currently comprises a large fairly modern detached two storey dwellinghouse set within extensive garden grounds with structure planting including a number of mature trees located along most of its boundaries. The site is covered by a tree preservation order (TPO) and extends to approximately 0.42 hectares. The site is essentially rectangular in shape with ground levels sloping downward from north to south. The site is bounded to the north by Woodside Drive and an adjacent four storey block of flats, to the south by the River Clyde and to the east and west by detached dwellinghouses. Access to the site is via Old Bothwell Road.

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

- 2.1 The applicant seeks detailed planning permission for the demolition of the existing dwellinghouse on the site and the erection of eleven flats with associated landscaping, parking, access road and refuse collection area. The proposed redevelopment specifically involves the demolition of the existing house, realignment of the access driveway away from the northern boundary and the construction of a flatted block aligned east to west across the site. The proposed layout generally retains the same footprint as the existing dwelling and respects the existing trees around the perimeter of the site. The vehicular access to the site would be taken via the existing access road off Old Bothwell Road which would be widened and re-aligned to allow for two passing cars and enable access for maintenance. The access would lead to under-croft parking located at ground floor level.
- 2.2 The proposed layout includes an enclosed refuse storage area located to the front of the flats which would be accessed via a new path which would connect to the entrance, allowing easy access for bin collection. The open space to the south of the site would be retained as a communal area for the new residents and would offer a private, enclosed garden for recreational use. The lower ground floor flats would also include enclosed, private decking areas which front onto the open space. The existing mature trees within the site are to be retained as part of the development. There is an existing sewer which passes underneath the site. The footprint of the flats would sit to the north of this to allow for maintenance access and to preserve the position of existing manholes.
- 2.3 The proposed flatted block would be two storeys when viewed from the front of the block and four storeys when viewed from the rear with the upper floor set back to allow for the formation of a roof terrace with a glass balustrade balcony. The proposed finish materials for the building are facing brick for the exterior walls, dark grey aluminium windows and a dark grey zinc parapet roof. A contextual elevation viewed from the adjacent River Clyde was submitted with the application which shows the flatted block sitting at a similar height to adjacent dwellings and below the existing four storey block of flats to the north of the site.
- 2.4 A Tree Survey and a Design and Access Statement were submitted with the application as supporting documents.



### **3 Background**

#### **3.1 Local Plan Policy**

3.1.1 In terms of local plan policy, the site is located within the settlement boundary of Bothwell where Policy 6 - General Urban Area/Settlements of the adopted South Lanarkshire Local Development Plan is applicable. The application also requires to be assessed against Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 4 - Development Management and Place Making, Policy 5 - Community Infrastructure Assessment, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding, in addition to the supplementary guidance of the Proposed Development Management, Place Making and Design Supplementary Guidance relating to 'Design'. The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

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. 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, Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 3 - Urban Area and Settlements, Policy 5 - Development Management and Place Making Policy, Policy 7 - Community Infrastructure Assessment, Policy 15 - Travel and Transport and Policy 16 - Water Environment and Flooding are relevant. Volume 2 of the Proposed Plan contains further policy guidance that will be used when assessing planning applications. In this instance, Policies DM1 - New Development Design, SDCC2 - Flood Risk, SDCC3 - Sustainable Drainage Systems and DM15 - Water Supply are relevant.

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

3.2.1 In terms of residential development, Scottish 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.

#### **3.3 Planning Background**

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

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

4.1 **Environmental Services** – have no objections to the application subject to the inclusion of an informative advising the applicant of the appropriate hours for audible construction activities at the site.

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

4.2 **Roads Development Management Team** – have no objections to the proposal subject to conditions relating to the proposed access, car parking, traffic management and wheel washing facilities.

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

- 4.3 **Roads and Transportation Services (Flood Risk Management Section)** – have no objections to the application subject to conditions requiring the submission of a flood risk/drainage assessment for the Council's approval and the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied through the completion of a self-certification document.

**Response:-** Noted. Appropriately worded conditions would be attached to any consent granted to address the above matters.

- 4.4 **Arboricultural Services** – have no objections to the application subject to the inclusion of conditions requiring the submission of a revised tree survey, details of tree planting, tree protection measures and a pre-commencement site meeting.

**Response:** Noted. Appropriately worded conditions would be attached to any consent granted to address the above matters.

- 4.5 **West of Scotland Archaeology Service (WOSAS)** – have no objections to the application. In this instance, no archaeological work would be required. The proposed flats would sit on ground that will already have been heavily disturbed by construction of the building that is proposed for demolition meaning that the potential for earlier archaeological material to be affected would be low.

**Response:** Noted.

- 4.6 **SEPA West Region** – have no objections to the application.

**Response:** Noted.

- 4.7 **Scottish Water** – have no objections to the application and have advised that Bothwellbank Waste Water Treatment Works has capacity to service the proposed development.

**Response:-** Noted.

- 4.8 **Countryside and Greenspace** – have no objections to the application subject to a landscape plan being conditioned as part of any consent granted.

**Response:-** Noted. Appropriately worded conditions would be attached to any consent granted requiring the submission of a scheme of landscaping for the Council's approval and for the implementation of the approved scheme.

- 4.9 **Historic Environment Scotland** – have no objections to the application.

**Response:-** Noted.

## **5 Representation(s)**

- 5.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the Hamilton Advertiser under the heading Non Notification of Neighbours. Five letters of representation have been received in relation to the application. The grounds of objection are summarised below:-

- a) **We have substantial concerns relating to traffic volumes as the proposal has potential to generate excess traffic with a narrow road and no turning points. Traffic generation on Old Bothwell Road has recently been saturated by the major development of 20 houses and 16 flats built by Cala Homes. With 11 new dwellings it would not be unreasonable to expect an additional 15 vehicles using a road which is already worryingly busy for its size. The access point to and from the site is on a blind corner with no pavements to offer pedestrian safety. The pavement which ends at the corner of Old Bothwell Road and Woodhead Drive could be extended down Old Bothwell Road across the entrance to the site which would allow pedestrians to go up and down Old Bothwell Road in safety.**  
**Response:** Subject to conditions, Roads and Transportation Services are satisfied that the proposal is acceptable and that it raises no access, parking or road safety issues.
- b) **Removing the trees, bushes and fence from the corner of the north eastern boundary would improve visibility for traffic and pedestrians. At the moment the light from the lamp post is obscured by the trees in this corner.**  
**Response:** The site is covered by a Tree Preservation Order and a tree survey was submitted with the application. Detailed discussions have taken place between the applicant and the Council's Arboricultural Officer regarding works to particular trees within the site and the associated tree protection measures required and conditions would be incorporated into any consent granted to reflect what was agreed in these discussions. As highlighted above, subject to conditions, Roads and Transportation Services are satisfied that the proposal is acceptable and that it raises no access or road safety issues.
- c) **There will be a loss of light and overshadowing at Flat No 10 Woodhead Drive when these flats are constructed.**  
**Response:** Due to a distance of approximately 45 metres between the above property and the proposed flat block, it is considered that the proposal will not have any significant adverse impact on the amenity of the residents of those flats in terms of loss of light and overshadowing.
- d) **There are concerns regarding over-development within this conservation area.**  
**Response:** The application site is located outwith the Bothwell Conservation Area.
- e) **The impact of heavy haulage traffic has already destroyed the integrity of Old Bothwell Road which will require significant restructuring.**  
**Response:** Any road safety defects in the public road as a result of the proposed development would be addressed appropriately by Roads and Transportation Services.

- f) **The proposed development site has a one way in-one way out access, thus prohibiting the ability of any heavy haulage to turn without blocking the traffic on Old Bothwell Road. This was evident during the CALA Homes Construction at Woodhead Drive and presented CALA Homes with endless problems during the construction of Flats and individual houses.**

**Response:** Roads and Transportation Services are satisfied that the proposal is acceptable and that it raises no access or road safety issues. In relation to construction traffic in general, a condition would be attached to any consent granted to ensure that sufficient parking is provided within the site boundary to accommodate all site staff/operatives' parking requirements and to ensure that there would be no obstruction on the public road network.

- g) **Building on the proposed site will without doubt, present unforeseen construction challenges such as piling etc which, if consent is granted, will delay the conclusion considerably.**

**Response:** The nature of a construction site is such that there may be a degree of disturbance to neighbouring properties while works are undertaken. However, any disturbance should be minimal and would be for a temporary period until the development is completed. Excessive disturbance resulting from any piling required could be investigated by Environmental Services if, and when, necessary.

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 demolition of the existing dwellinghouse on the site and the erection of eleven flats with associated landscaping, parking, access road and refuse collection area. The determining issues in consideration of this application are its compliance with national and local plan policy and its impact on the amenity of adjacent properties and on the local road and footpath network.

6.2 In terms of residential development, Scottish 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. In this instance, the proposal involves the re-use of a previously developed site through the demolition of the existing house and promotes development in a sustainable location within the settlement boundary of Bothwell which would be reasonably accessible by public transport with a bus route running along Hamilton Road and well integrated into existing walking and cycling networks. It is, therefore, considered that the principle of the proposal is acceptable and in accordance with national planning policy.

6.3 In terms of local plan policy, the site is located within the settlement boundary of Bothwell where Policy 6 - General Urban Area/Settlements of the adopted South Lanarkshire Local Development Plan (2015) is applicable. The application also requires to be assessed against Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 4 - Development Management and Place Making, Policy 5 -

Community Infrastructure Assessment, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding, in addition to the supplementary guidance of the Proposed Development Management, Place Making and Design Supplementary Guidance relating to 'Design'.

- 6.4 Policies 1 and 2 encourage sustainable economic growth and regeneration, a move towards a low carbon economy, the protection of the natural and historic environment and mitigation against the impacts of climate change. In line with these policies, the proposal involves the re-use of a previously developed site located within a sustainable location close to Bothwell town centre and includes opportunities for active travel routes and trips by public transport, with a bus route running along the nearby Hamilton Road. The proposal is, therefore, considered to be in accordance with the terms of Policies 1 and 2. The application site is located in a residential area within the settlement boundary of Bothwell and under the terms of Policy 6, the proposal raises no policy issues and, therefore, conforms with this policy.
- 6.5 In terms of the detailed design of the development, Policy 4 requires new development to have due regard to the layout, form, design and local context of the area and to promote quality and sustainability in its design. In this instance, it is considered that the proposed layout for the development is acceptable and that it meets the standards set out in the Council's Residential Design Guide, particularly in relation to window to window distances, amenity open space and car parking. The proposed flatted block, which is of contemporary design, is considered to be appropriate for its location with a suitably high standard of finish materials which will be in keeping with recently constructed residential development in the immediate area and will not be out of keeping with the more traditional form of development in the wider area. A contextual elevation viewed from the adjacent River Clyde was submitted with the application which shows the flatted block sitting at a similar height to adjacent dwellings and below the existing four storey block of flats to the north of the site. The density of the proposal is similar to neighbouring residential development in the locality and the proposed access arrangements have been assessed and are considered to be acceptable by the Council's Roads and Transportation Services. In view of the above, it is considered that the proposal would relate satisfactorily to adjacent development and that the character and amenity of the area would not be impaired by reason of traffic generation, parking or visual intrusion.
- 6.6 As discussed, the site is covered by a tree preservation order (TPO) and currently comprises extensive garden grounds with structure planting, including a number of mature trees, located along most of its boundaries. The submitted Tree Survey advises that the realignment of the driveway ensures that the trees along the northern boundary are unaffected by the proposed development. Similarly, the group of mature trees in the north-west corner of the site can be safely retained. The proposed redevelopment would not impinge on the main group of mature trees located to the south on the banks of the river. Whilst a fairly small number of trees within the site would be lost as a result of the development, due to the small size of trees to be removed and the general seclusion of the site, any loss of amenity is considered to be negligible. On the whole, the proposed layout would ensure the provision of an appropriate area of amenity open space without impacting on the existing structured landscaping within the site. However, any consent granted would be conditioned to ensure the submission of a landscaping

scheme for the Council's further approval which would seek to incorporate native species or those with known benefits to biodiversity to ensure continued opportunities for biodiversity within the site and the surrounding area. As highlighted above, detailed discussions have taken place between the applicant and the Council's Arboricultural Officer regarding the proposed works to particular trees within the site and the associated tree protection measures that are required. Consequently, conditions would be incorporated into any consent granted to reflect what was agreed in these discussions. Given the above, it is considered that the re-development of the site would have a positive impact on the environment. The proposal is, therefore, considered to be in accordance with the terms of Policy 4.

- 6.7 In terms of Policy 5 - Community Infrastructure Assessment, the applicant has agreed in principle to the provision of a financial contribution towards community facilities which would be addressed appropriately through the conclusion of a Section 75 Obligation. It is, therefore, considered that the proposal is in accordance with Policy 5.
- 6.8 Policy 16 - Travel and Transport seeks to ensure that development considers and, where appropriate, mitigates the resulting impacts of traffic growth and encourages sustainable transport options that take account of the need to provide proper provision for walking, cycling and public transport. In this regard, the site is reasonably accessible by public transport with local bus routes on the nearby Hamilton Road and the development would be well integrated into existing walking and cycling networks. Furthermore, Roads and Transportation Services are satisfied that the proposal raises no access, parking or road safety issues. It is, therefore, considered that the proposal complies with Policy 16.
- 6.9 The proposal has been assessed by the relevant consultees in terms of Policy 17. With regard to flooding and surface water drainage, no adverse comments were raised by SEPA or Roads and Transportation Services, subject to the inclusion of conditions requiring the submission of a flood risk/drainage assessment and the provision of a sustainable urban drainage system (SUDS) within the site. Scottish Water have also confirmed that they have no objections to the application and any consent granted would include a condition to ensure that none of the flatted dwellings are occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards. It is, therefore, considered that the proposal is in accordance with the terms of Policy 17.
- 6.10 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. It is considered that the proposal accords with Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 3 - Urban Area and Settlements, Policy 5 - Development Management and Place Making Policy, Policy 7 - Community Infrastructure Assessment, Policy 15 - Travel and Transport and

Policy 16 - Water Environment and Flooding of the South Lanarkshire Local Development Plan 2, in addition to Policies DM1 - New Development Design, SDCC2 - Flood Risk, SDCC3 - Sustainable Drainage Systems and DM15 - Water Supply of the of the South Lanarkshire Local Development Plan 2 Volume 2.

- 6.11 In summary, it is considered that the application conforms with both national and local plan policy and that the proposal raises no significant environmental or infrastructure issues. It is, therefore, recommended that planning permission be granted subject to the conditions listed and subject to the conclusion of the required Section 75 Obligation and/or other appropriate agreement.

## **7 Reasons for Decision**

- 7.1 The proposal has no adverse impact on residential or visual amenity nor raises any environmental or infrastructure issues and complies with Policies 1, 2, 4, 5, 6, 16 and 17 of the adopted South Lanarkshire Local Development Plan and the supplementary guidance of the Development Management, Place Making and Design Supplementary Guidance relating to 'Design'. The proposal also complies with Policies 1, 2, 3, 5, 7, 15 and 16 and Policies DM1, SDCC2, SDCC3 and DM15 of the Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2).

**Michael McGlynn**

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

9 October 2020

### **Previous references**

- ◆ None

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Development Management, Place Making and Design Supplementary Guidance (2013)
- ▶ Residential Design Guide (2011)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letters dated 09.04.2020 & 16.09.2020
- ▶ Press advert, Hamilton advertiser dated 07.05.2020
  
- ▶ Consultations
  - Historic Environment Scotland 17.04.2020
  - Countryside and Greenspace 15.04.2020
  - Arboricultural Services 03.08.2020 & 06.10.2020
  - Roads Development Management Team 03.09.2020
  - Environmental Services 22.07.2020
  - Roads Flood Risk Management 10.06.2020

Scottish Water	14.04.2020
SEPA West Region	14.04.2020
West of Scotland Archaeology Service	15.07.2020

► Representations	Dated:
Miss Zarah McCaig, 2 Woodhead Drive, Bothwell, Glasgow, G71 8AF	30.04.2020
Mr George Walker, 22 Woodhead Drive, Bothwell, G71 8AW	06.05.2020
	06.05.2020
Mrs Ann Doyle, 4 Woodhead Drive, Bothwell, G71 8AF	21.04.2020
	21.04.2020
Mrs Kathleen Hood, 10 Woodhead Drive, Bothwell, Glasgow, South Lanarkshire, G71 8AF	30.04.2020
Mr Thomas McKee, 3 Old Bothwell Road, Bothwell, Glasgow, G71 8AW	30.04.2020

### **Contact for further information**

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

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



### **Conditions and reasons**

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

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

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

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

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

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

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

04. 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.

05. That before any of the dwellings situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 4, shall be erected and thereafter maintained to the satisfaction of the Council.

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

06. That no dwelling shall be occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.

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

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

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

08. That prior to any work starting on site, a Flood Risk/Drainage Assessment and Independent Check shall be carried out, submitted to, and approved in writing by the Council as Planning Authority. This Assessment shall include confirmation that a suitable FFL is provided and procedures are considered to ensure access/egress can be obtained should flooding occur. The Assessment and Independent Check shall be carried out in accordance with the latest industry guidance listed within Section 4.0 of the Council's SuDS Design Criteria Guidance Note. Consideration should also be given to surface water management during the construction period to reduce any risk of flooding to and from the site.

Reason: In order to establish the flood risk to both the proposed development and adjacent properties.

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

Reason: In the interests of traffic and public safety.

10. 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.

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

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

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

12. That the first 6 metres (minimum) length of the private access shall have an effective minimum width of 5.5 metres, and shall be fully surfaced to the satisfaction of the Council as Planning and Roads Authority.

Reason: In the interests of road and public safety.

13. That at the proposed access on Old Bothwell Road a 4.5 metre carriageway kerbline radius shall be provided in association with the proposed 2 metre wide footway to the satisfaction of the Council as Planning and Roads Authority.

Reason: In the interests of road and public safety.

14. That the applicant shall ensure that any vehicle transporting excavated material on or off site shall be treated by means of adequate wheel washing facilities. This facility shall be in operation at all times during any earth moving operations. The wheel washing facility shall be fully operational prior to any works commencing on site. A "clean zone" shall be maintained between the end of the wheel wash facility and the public road.

Reason: In the interests of road and public safety.

15. That sufficient parking shall be provided within the site boundary to accommodate all site staff/operatives parking requirements, and under no circumstance should vehicles associated with the site cause an obstruction on the public road network.

Reason: In the interests of road and public safety.

16. That no trees within the application site shall be lopped, topped, pollarded or felled, and no shrubs or hedges shall be removed from the application site without the prior written consent of the Council as Planning Authority.

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

17. Prior to the commencement of the development hereby approved (including any demolition and all preparatory work), a revised (Tree Survey and Arboricultural Constraints undertaken by Alan Motion Tree Consulting Ltd dated 24 September 2020) scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a revised tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Council as Planning Authority. Specific issues to be dealt with in the TPP and AMS:-

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition (including soil retaining wall) within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA (including retaining walls) or that may impact on the retained trees. Details shall include relevant sections through soil retaining wall within RPA of Trees tagged 6437 and 6438.
- d) A full specification for the installation of boundary treatment works.
- e) A full specification for the construction of any parking areas and driveways and paths, including details of the no-dig specification and extent of the areas of the parking areas and driveways and paths to be constructed using a no-dig specification. Details shall include relevant sections through them.
- f) A revised specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- g) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- h) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well as concrete mixing and use of fires.
- i) Methodology and detailed assessment of root pruning for driveway realignment around trees (tags 6437, 6438).
- j) Arboricultural supervision and inspection by a suitably qualified tree specialist.
- k) Reporting of Arboricultural inspection and supervision.
- l) Any methods to improve the rooting environment for retained (trees tags 6437 and 6438).

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.

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

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

19. The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in Condition 17 above, shall be submitted for approval in writing by the Council as Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

Reason: To ensure compliance with the approved tree protection and arboricultural supervision details.

20. That notwithstanding the terms of Condition 2 above, prior to completion or first occupation of the development hereby approved, whichever is the sooner; full details of all proposed tree planting shall be submitted to and approved in writing by the Council as Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times. Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

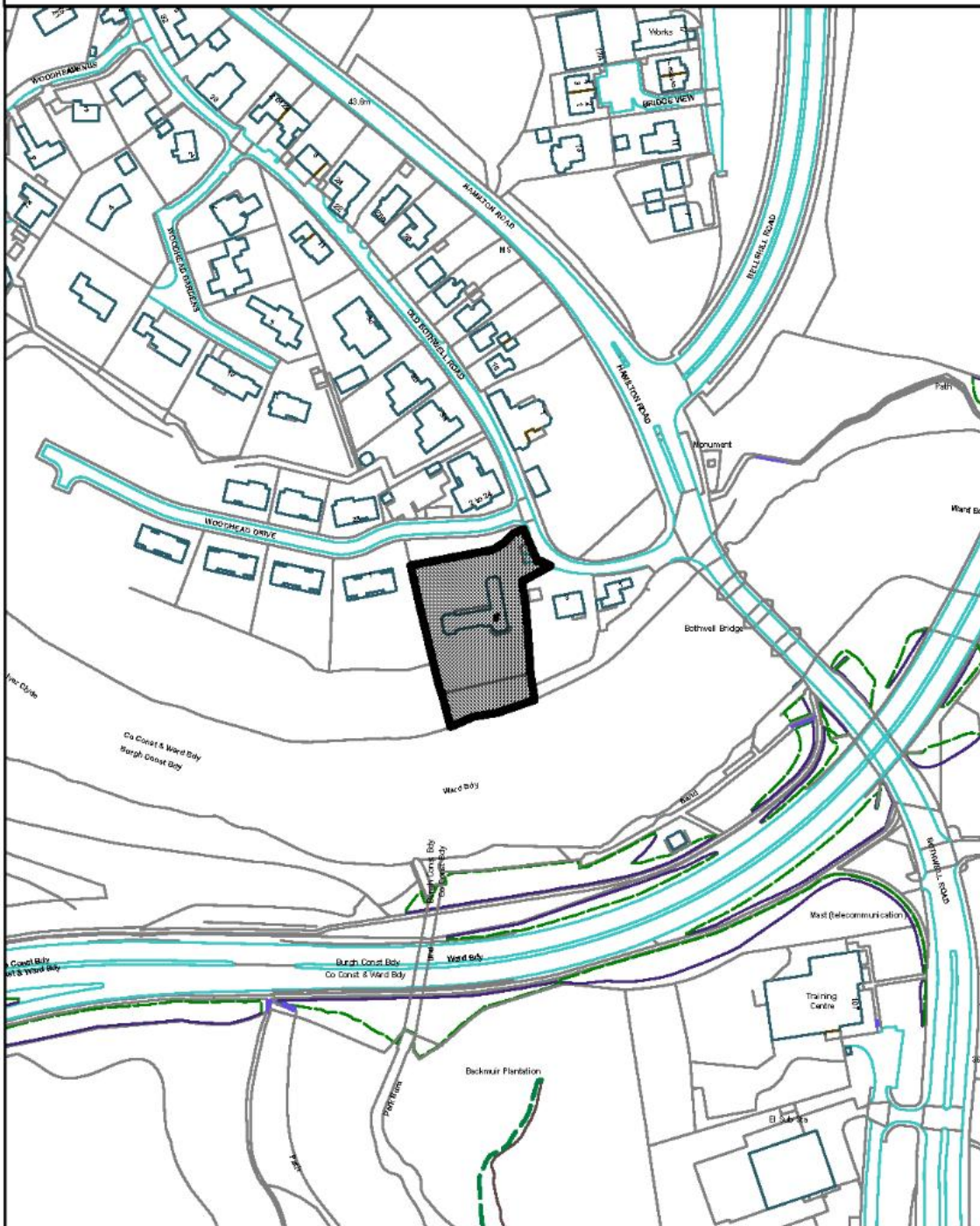
Reason: To safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

21. That prior to commencement of the development hereby approved, details of measures to facilitate the provision of full fibre broadband to serve the development, including details of appropriate digital infrastructure and a timescale for implementation, shall be submitted to and approved in writing by the Council as Planning Authority, unless otherwise agreed in writing with the applicant. The approved measures shall thereafter be carried out in accordance with the agreed implementation timescale.

Reason: To ensure the provision of digital infrastructure to serve the development.

P/20/0436

5 Old Bothwell Road, Bothwell



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Scale:  
1:2,500  
Date:  
28/08/2020



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