



Council Offices, Almada Street  
Hamilton, ML3 0AA

Monday, 08 August 2022

Dear Councillor

## **Planning Committee**

The Members listed below are requested to attend a meeting of the above Committee to be held as follows:-

**Date: Tuesday, 16 August 2022**

**Time: 10:00**

**Venue: Hybrid - Council Chamber, Council Offices, Almada Street, Hamilton, ML3 0AA**

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

Yours sincerely

**Cleland Sneddon**  
**Chief Executive**

### **Members**

Richard Nelson (Chair), Gerry Convery (Depute Chair), Joe Fagan (ex officio), Alex Allison, Ralph Barker, Archie Buchanan, Ross Clark, Margaret Cowie, Maureen Devlin, Mary Donnelly, Gladys Ferguson-Miller, Elise Frame, Alistair Fulton, Celine Handibode, Mark Horsham, Ross Lambie, Monique McAdams, Lesley McDonald, Davie McLachlan, Norman Rae, John Ross, Dr Ali Salamati, Graham Scott, David Shearer, Helen Toner, David Watson

### **Substitutes**

Walter Brogan, Robert Brown, Mathew Buchanan, Margaret Cooper, Poppy Corbett, Allan Falconer, Grant Ferguson, Graeme Horne, Martin Hose, Julia Marrs, Ian McAllan, Kenny McCreary, Bert Thomson

## BUSINESS

### 1 Declaration of Interests

- 2 Minutes of the Previous Meeting** 5 - 12  
Minutes of the Planning Committee held on 21 June 2022 submitted for approval as a correct record. (Copy attached)

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### Item(s) for Decision

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- 3 Application P/22/0526 for Change of Use From House to Short-Term Residential Let at 72 Whistleberry Wynd, Hamilton** 13 - 20  
Report dated 26 July 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 4 Application P/22/0511 for Erection of Detached Residential House, Formation of Access and Associated Works (Planning Permission in Principle) at Land 50 Metres Southeast of The Latches, Blackwood Estate, Blackwood, Lesmahagow** 21 - 36  
Report dated 26 July 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 5 Application P/21/1982 for Removal and Restoration of Railway Sidings and Reuse of Material as Fill for Land Grading at Land 90 Metres Northnorthwest of 289 Carlisle Road, Kirkmuirhill** 37 - 54  
Report dated 26 July 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 6 Application P/21/2132 for Erection of House with Extended Family Accommodation and Detached Double Garage at Land 41 Metres North of The Warren, Millrig Road, Wiston, Biggar** 55 - 64  
Report dated 26 June 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 7 Application P/22/0387 for Amendment to Planning Permission CL/03/0257 Involving Substitution of House Types on Plots 131-161 at Land 92 Metres North of Bourtree Crescent, Law, Carlisle** 65 - 82  
Report dated 26 July 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 8 Application P/21/1975 for Change of Use of Retail Unit (Class 1) to Hot Food Takeaway (Sui Generis) with Associated Alterations Including the Installation of a Flue at 78 Main Street, Cambuslang** 83 - 90  
Report dated 26 July 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 9 Application P/21/1999 for Demolition of Rear Conservatory and Garage and the Erection of (a) A One and a Half Storey Rear/Side Extension and (b) Extension to the Rear and Above Vestibule (c) Associated Alterations (Replacement of Soffits, Facias, Rainwater Good, Windows and Doors and the Installation of an Air Source Heat Pump) and (d) Alterations to Front Boundary Wall to Provide Wider Vehicular Access, Electric Gates and Garden Alterations, Including Boundary Fencing at 6 Brooklands Avenue, Ud** 91 - 102  
Report dated 26 July 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached)

- 10 Application P/19/1802 for Erection of 26 Houses, Associated Access Road, Noise Bund With Fence, Suds Pond, Open Space and Landscaping at Land 85 Metres South of 51 Brocketsbrae Road, Lesmahagow** 103 - 124  
Report dated 27 July 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 11 Application P/22/0472 for Installation of 49.9mw Battery Storage Facility with Associated Infrastructure at Land 125 Metres Northwest of East Kilbride 275kV Grid Substation, East Kilbride** 125 - 136  
Report dated 26 July 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 12 Application P/22/0039 for Erection of 61 Houses and Amendment to House Types (Part Amendment to consent HM/16/0486 which relates to approval of Matters Specified in Conditions Attached to Application HM/10/0052) at Community Growth Area Development, Northwest Plot, Highstonehall Road, Hamilton** 137 - 146  
Report dated 27 July 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 13 Preparation of Electric Vehicle Charge Points - Supplementary Planning Guidance** 147 - 172  
Report dated 26 July 2022 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:	07385 370 117
Clerk Email:	stuart.mcleod@southlanarkshire.gov.uk



## PLANNING COMMITTEE

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Minutes of meeting held via Microsoft Teams and in the Banqueting Hall, Council Offices, Almada Street, Hamilton on 21 June 2022

### **Chair:**

Councillor Richard Nelson

### **Councillors Present:**

Councillor Alex Allison, Councillor Ralph Barker, Councillor Robert Brown (*substitute for Councillor Norman Rae*), Councillor Archie Buchanan, Councillor Ross Clark, Councillor Gerry Convery (Depute), Councillor Margaret Cowie, Councillor Maureen Devlin, Councillor Mary Donnelly, Councillor Gladys Ferguson-Miller, Councillor Elise Frame, Councillor Alistair Fulton, Councillor Celine Handibode, Councillor Mark Horsham, Councillor Ross Lambie, Councillor Lesley McDonald, Councillor Davie McLachlan, Councillor John Ross, Councillor Dr Ali Salamati, Councillor Graham Scott, Councillor Bert Thomson (*substitute for Councillor Monique McAdams*), Councillor Helen Toner, Councillor David Watson

### **Councillors' Apologies:**

Councillor Joe Fagan, Councillor Monique McAdams, Councillor Norman Rae, Councillor David Shearer

### **Councillor Also Attending:**

Councillor Ian McAllan

### **Attending:**

#### **Community and Enterprise Resources**

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

#### **Finance and Corporate Resources**

M Cannon, Solicitor; J Davitt, Public Relations Officer; S Jessup, Administration Assistant; G McCann, Head of Administration and Legal Services; S McLeod, Administration Officer

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### **Opening Remarks**

At the request of the Chair, the Administration Officer provided an update on the Councillor's Code of Conduct and Guidance in relation to the attendance of non-committee members at this Committee.

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### **1 Declaration of Interests**

No interests were declared.

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**2 Application P/21/2044 for Residential Development (Houses and Flats) Together with Access, Landscaping, Open Space and Associated Works (Planning Permission in Principle) at Land 90 Metres Northeast of 38 Laighlands Road, Laighlands Road, Bothwell**

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A report dated 10 June 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/21/2044 by Bothwell Land and Development Limited for the erection of a residential development (houses and flats) together with access, landscaping, open space and associated works (planning permission in principle) at land 90 metres northeast of 38 Laighlands Road, Laighlands Road, Bothwell.

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

**The Committee decided:** that planning application P/21/2044 by Bothwell Land and Development Limited for the erection of a residential development (houses and flats) together with access, landscaping, open space and associated works (planning permission in principle) at land 90 metres northeast of 38 Laighlands Road, Laighlands Road, Bothwell be refused for the reasons detailed in the Executive Director's report.

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**3 Application P/22/0135 for Demolition of House and Outbuildings and Erection of 49 Residential Houses, Formation of Access Road, Pumping Station, Landscaping, Open Space and Associated Infrastructure at Land off Barbana Road, East Kilbride**

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The Chair advised that this application had been withdrawn at the request of the applicant.

**The Committee decided:** to note the position.

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**4 Application P/19/0776 for Formation of 36 House Plots at Land 130 Metres North of Greenacres, Access for Kersewell College from A70 to Kersewell Avenue, Carnwath**

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A report dated 10 June 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0776 by A Early for the formation of 36 house plots at land 130 metres north of Greenacres, access for Kersewell College from A70 to Kersewell Avenue, Carnwath.

At its meeting on 29 March 2022, the Committee deferred the application on the grounds that further information was required to provide clarity in relation to concerns regarding access to the proposed development via Kersewell Avenue.

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

Since the previous meeting, one further letter of representation had been received, the points of which were addressed by an officer.

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 heard Councillor McAllan, a local member, on concerns raised by local residents in relation to the application.

There followed a discussion on the application during which officers responded to members' questions on various aspects of the report and Councillor Allison highlighted the following concerns that he had in relation to road and public safety:-

- ◆ there was approximately a 1 kilometre stretch of Kersewell Avenue that people walked on with no pavement, lighting or refuge areas and very few passing places
- ◆ Kersewell Avenue was in darkness at peak travel times during the winter months
- ◆ it was not just during peak times that pedestrians would meet traffic on Kersewell Avenue
- ◆ he did not consider that the proposed conditions fully addressed the safety issues on Kersewell Avenue

Councillor Nelson, seconded by Councillor Convery, moved that the application be granted subject to the conditions specified in the Executive Director's report. Councillor Donnelly, seconded by Councillor Ross, moved as an amendment that the application be deferred on the grounds that further information was required to address members' concerns. Councillor Allison, seconded by Councillor Lambie, having moved as a further amendment that the application be refused on the grounds of road safety for the reasons stated in the bullet points above, Councillors Donnelly and Ross formally withdrew their original amendment.

On a vote being taken by roll call, members voted as follows:-

#### **Motion**

Ross Clark, Gerry Convery, Margaret Cowie, Maureen Devlin, Alistair Fulton, Celine Handibode, Davie McLachlan, Richard Nelson, Graham Scott, Bert Thomson

#### **Amendment**

Alex Allison, Ralph Barker, Robert Brown, Archie Buchanan, Mary Donnelly, Gladys Ferguson-Miller, Elise Frame, Mark Horsham, Ross Lambie, Lesley McDonald, John Ross, Dr Ali Salamati, Helen Toner, David Watson

10 members voted for the motion and 14 for the amendment. The amendment was declared carried.

**The Committee decided:** that planning application P/19/0776 by A Early for the erection of 36 house plots at land 130 metres north of Greenacres, access for Kersewell College from A70 to Kersewell Avenue, Carnwath be refused on the grounds of road safety for the reasons stated in the bullet points above.

*[Reference: Minutes of 29 March 2022 (Paragraph 14)]*

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## **5 Application P/22/0148 for Erection of 15 Houses with Associated Access, Parking and Landscaping at Site of Former Laburnum House, Laburnum Avenue, East Kilbride**

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A report dated 9 June 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0148 by Scott Homes (Builders) Limited for the erection of 15 houses with associated access, parking and landscaping at the site of the former Laburnum House, Laburnum Avenue, East Kilbride.

**The Committee decided:** that planning application P/22/0148 by Scott Homes (Builders) Limited for the erection of 15 houses with associated access, parking and landscaping at the site of the former Laburnum House, Laburnum Avenue, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 29 January 2008 (Paragraph 10)]*

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## **6 Application P/22/0089 for Erection of 2 Storey Side Extension to Existing Attached Garage to Form Enlarged Garage with Habitable Rooms Above at 57 Royal Gardens, Bothwell**

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A report dated 1 June 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0089 by G Balmer for the erection of a 2 storey side extension to an existing attached garage to form an enlarged garage with habitable rooms above at 57 Royal Gardens, Bothwell.

Points raised in 2 further representations were referred to at the meeting and addressed by an officer. A request for the application to be deferred had also been received, however, the officer advised that no new issues requiring deferral of the application had been raised.

Councillor Nelson, seconded by Councillor Convery, moved that the application be granted, subject to the conditions specified in the Executive Director's report. Councillor Devlin, seconded by Councillor Scott, moved as an amendment that the application be deferred for consideration at a future meeting on the grounds that it would allow objectors further opportunity to liaise with planning officers.

On a vote being taken by roll call, members voted as follows:-

### **Motion**

Alex Allison, Ralph Barker, Robert Brown, Ross Clark, Gerry Convery, Alistair Fulton, Celine Handibode, Mark Horsham, Ross Lambie, Lesley McDonald, Davie McLachlan, Richard Nelson, John Ross, Dr Ali Salamati, Bert Thomson, Helen Toner, David Watson

### **Amendment**

Archie Buchanan, Margaret Cowie, Maureen Devlin, Mary Donnelly, Gladys Ferguson-Miller, Elise Frame, Graham Scott

17 members voted for the motion and 7 for the amendment. The motion was declared carried.

**The Committee decided:** that planning application P/22/0089 by G Balmer for the erection of a 2 storey side extension to an existing attached garage to form an enlarged garage with habitable rooms above at 57 Royal Gardens, Bothwell be granted subject to the conditions specified in the Executive Director's report.

*In terms of Standing Order No 14, the Chair adjourned the meeting at 11.35am for a 10 minute period. The meeting recommenced at 11.45am*

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## **7 Application P/22/0108 for Erection of First Floor Extension to Detached Garage at 7 Manse Avenue, Bothwell**

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A report dated 10 June 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0108 by W Hyslop for the erection of a first floor extension to a detached garage at 7 Manse Avenue, Bothwell.

**The Committee decided:** that planning application P/22/0108 by W Hyslop for the erection of a first floor extension to a detached garage at 7 Manse Avenue, Bothwell be granted subject to the conditions specified in the Executive Director's report.

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## **8 Application P/22/0246 for Demolition of Rear Conservatory, Garage and Chimney and Erection of Side and Rear Extensions with Associated Raised Decking at the Rear at 19 Fergus Gardens, Hamilton**

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A report dated 26 May 2022 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/22/0246 by K Fairfull for the demolition of a rear conservatory, garage and chimney and the erection of side and rear extensions with associated raised decking at the rear at 19 Fergus Gardens, Hamilton.

**The Committee decided:** that planning application P/22/0246 by K Fairfull for the demolition of a rear conservatory, garage and chimney and the erection of side and rear extensions with associated raised decking at the rear at 19 Fergus Gardens, Hamilton be granted subject to the conditions specified in the Executive Director's report.

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## **9 South Lanarkshire Development Plan Scheme 2022**

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A report dated 30 May 2022 by the Executive Director (Community and Enterprise Resources) was submitted on the South Lanarkshire Development Plan Scheme 2022 which set out the Council's programme for preparing its Development Plan. In terms of the Town and Country Planning (Scotland) Act 1997, the Scheme had to be kept up to date by at least carrying out an annual review.

The South Lanarkshire Development Plan Scheme 2022 dealt with:-

- ◆ the current coverage of development plans (strategic and local development plans) in South Lanarkshire
- ◆ proposals for the preparation of the next South Lanarkshire Local Development Plan (SLLDP3)
- ◆ the anticipated timescale for preparation of SLLDP3
- ◆ details, as appropriate and where known, of the key components of each stage of preparation
- ◆ a participation statement, giving an account of when consultation would take place, with whom and in what form, during the preparation of SLLDP3
- ◆ details of the preparation of other supporting planning guidance associated with SLLDP3
- ◆ details on how to access information and how to get in touch with the Council

The Scheme also reflected that the development plan process was in a period of transition due to changes brought about by the Planning (Scotland) Act 2019 including:-

- ◆ the repeal of Strategic Development Plans and their replacement by non-statutory Regional Spatial Strategies (RSS)
- ◆ combining the existing National Planning Framework and Scottish Planning Policy into a single document to be called National Planning Framework 4 (NPF4) which, in turn, would form part of SLLDP3
- ◆ the need to replace Local Development Plans at least every 10 years as opposed to 5 years at present

- ◆ the repeal of the ability to prepare Supplementary Guidance (SG)
- ◆ enabling greater public involvement by allowing local communities to prepare Local Place Plans (LPPs) which would require to accord with the Local Development Plan

It was anticipated that the approved NPF4 would be published following the summer in 2022 and the regulations and guidance for local development plan preparation would be finalised later in 2022. Thereafter, the relevant parts of the Planning (Scotland) Act 2019 and the approved secondary legislation would take effect, following which, the Council would begin formal preparation of SLLDP3. The Development Plan Scheme included an initial programme for each stage of the process, however, this could not be prepared in detail until NPF4 and the secondary legislation for local development plans were approved. An updated programme and a participation statement, which would outline wider and more intensive engagement and consultation with local communities and stakeholders, would be included in the Development Plan Scheme for 2023. Transitional arrangements published by the Scottish Government had included the expectation that the new form of local development plans would be adopted by all councils by 2027.

The report also provided details on the following which would be the subject of future reports to this Committee:-

- ◆ non-statutory Supporting Planning Guidance previously approved by this Committee which had since been the subject of public consultation
- ◆ further non-statutory Supporting Planning Guidance which would be produced on a range of topics

If approved, the Development Plan Scheme would be submitted to the Scottish Ministers, published on the Council's website and made available in public libraries.

There followed a discussion during which an officer responded to members' questions on aspects of the report.

**The Committee decided:** that the South Lanarkshire Development Plan Scheme 2022, attached as Appendix 1 to the report, be approved, published and submitted to the Scottish Ministers.

*[Reference: Minutes of 11 May 2021 (Paragraph 9)]*

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## **10 South Lanarkshire Local Development Plan 2 Supporting Planning Guidance - Local Nature Reserves**

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A report dated 30 May 2022 by the Executive Director (Community and Enterprise Resources) was submitted on the preparation of Supporting Planning Guidance (SPG) in relation to the South Lanarkshire Local Development Plan 2 (SLLDP2) on Local Nature Reserves.

The purpose of Supporting Planning Guidance was to support the policy approach contained within the adopted SLLDP2 by providing more detailed information, guidance and advice.

During the preparation of SLLDP2, the provision of 16 new Local Nature Reserves, as detailed in the report, and an extension to the Local Nature Reserve at Langlands Moss, East Kilbride had been proposed and this Committee, at its meeting held on 5 October 2021, had approved the designation of the 16 new Local Nature Reserves and the extension to the Local Nature Reserve at Langlands Moss, as indicated in the associated boundary maps, in terms of Section 21 of the National Parks and Access to the Countryside Act 1949 (as amended).

The proposed SPG on Local Nature Reserves consolidated the approved boundary maps into one easy to use document which would sit alongside the adopted SLLDP2. The Local Nature Reserves had previously been subject to consultation through the local development plan process and were the subject of draft Management Statements and maps which were available on the Council website. On that basis, and in view of the fact that the SPG did not introduce any new policy or set out any detailed requirements for developers, it was proposed that the SPG on Local Nature Reserves, attached as an appendix to the report, be approved without the requirement for further consultation.

There followed a discussion during which an officer responded to a member's question on an aspect of the report.

**The Committee decided:**

- (1) that the Supporting Planning Guidance on Local Nature Reserves, attached as an appendix to the report, be approved; and
- (2) that the Head of Planning and Economic Development be authorised to make drafting and technical changes to the Supporting Planning Guidance prior to its publication.

*[Reference: Minutes of 5 October 2021 (Paragraph 10)]*

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**11 Urgent Business**

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There were no items of urgent business.

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**Chair's Closing Remarks**

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The Chair advised that this would be the last meeting that Pauline Elliott, Head of Planning and Economic Development would be attending prior to her forthcoming retirement. The Chair, on behalf of the members of the Committee, thanked Pauline Elliott for her valuable contribution, assistance and advice to the Committee over the years and wished her well on her retirement.



# Report

3

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>16 August 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/22/0526
Planning proposal:	Change of use from house to short-term residential let.

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Rossleigh Developments Ltd
Location:	72 Whistleberry Wynd Hamilton ML3 0SE

## 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: N/A
- ◆ Council Area/Ward: 17 Hamilton North and East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (adopted 2021)**  
Policy 2 Climate change  
Policy 3 General Urban Areas  
Policy 5 Development Management and Placemaking  
Policy 6 Visitor Economy and Tourism  
Policy VET2 Visitor Accommodation

### ◆ Representation(s):

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

### ◆ Consultation(s): None

## **Planning Application Report**

### **1 Application Site**

- 1.1 The site relates to an end-terrace two-storey dwellinghouse at 72 Whistleberry Wynd, Hamilton. The 3-bedroom house has front and rear gardens and 2 off-street parking spaces.
- 1.2 Whistleberry Wynd is a dead-end residential street composed of semi-detached and rows of 3 terraced houses of near identical scale and design. One side near the end of the street has a buffer of landscaping which faces no. 72 and provides a separation from a neighbouring industrial unit.

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

- 2.1 The proposal relates to a change of use of the property from Class 9 – Houses to Sui Generis – Short-Term Let and no external changes are proposed.
- 2.2 The applicant has provided detail of the operation of the proposed short-term let. The property is to be let in its entirety and not for housing multiple occupants (HMO) and shall be managed by a professional letting agent who specialise in letting to professionals and businesses as well as insurance companies to accommodate people displaced from their own home due to repair work.

### **3 Background**

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

- 3.1.1 With regard to the South Lanarkshire Local Development Plan 2: all applications are assessed against Policy 2 – Climate Change and Policy 5 – Development Management and Placemaking; as the site falls within the general urban area where Policy 3 – General Urban Areas applies, and while the short-term let is not proposed for uses as tourist accommodation, the Use Class would permit use as tourist accommodation hence Policies 6 - Visitor Economy and Tourism and VET2 – Visitor Accommodation are also a consideration.
- 3.1.2 Policy 2 – Climate Change identifies that all development should seek to minimise and mitigate the effects of climate change however a change of use from house to short-term let is not considered to have a significant impact on the climate.
- 3.1.3 Policy 3 – General Urban Areas and Settlements states that proposals that are ancillary to residential areas will be assessed on their individual merits regarding their effect on the amenity and character of the area.
- 3.1.4 Policy 5 – Development Management and Placemaking states that the Council should ensure that the proposal will not result in any significant adverse impact on nearby buildings or the streetscape by way of layout, scale, massing, design, or external materials. Development should also have no unacceptable adverse impacts by way of overshadowing, overlooking or any other loss of residential amenity.
- 3.1.5 Policy 6 – Visitor Economy and Tourism states that proposal for new visitor accommodation will be supported where they contribute to the visitor economy and demonstrate their viability. Development should respect the area's character and have suitable parking provision.
- 3.1.6 Policy VET2 – Visitor Accommodation states that all proposals should be accompanied by a business plan demonstrating financial viability and that proposals within settlement boundaries should respect and integrate with the establish character and streetscape.

3.1.7 Section 7.0 Short-term lets/Self-catering of the Carrying out development at a dwellinghouse Support Planning Guidance sets out that in deciding if a material change of use has occurred the following factors will be considered:

- ◆ How guests arrive and depart.
- ◆ Likely frequency and intensity of noise or other antisocial behaviour.
- ◆ Impact on public services and resident's amenity.
- ◆ The ability of provide in-curtilage car parking.
- ◆ Cumulative impact on the character and amenity of a neighbourhood.
- ◆ Number or people staying.

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

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

### **3.3 Planning Background**

3.3.1 There are no records of any previous planning applications submitted for 72 Whistleberry Wynd, however the house was part of the original consent ref. HM/06/0028 for the erection of 69 houses granted 13 October 2006.

## **4 Consultation(s)**

4.1 Given the nature and scale of the proposed change of use, no consultations were undertaken.

## **5 Representation(s)**

5.1 Statutory neighbour notification was undertaken, and a petition of objection was received and signed by fourteen neighbouring proprietors. The grounds of the objections are summarised as follows:

a) **No information as to whether any extensions, alterations, and/or subdivision is proposed to the property.**

**Response:** No extensions, alterations, and/or subdivisions are proposed. The application is solely for change of use, and this was reflected in the application description.

b) **Vetting of tenants is a concern to residents and potential disruption from tenants who are not vetted with a Discloser Scotland PVG and/or are offenders. Public services may be put under professional and/or financial strain as a result of unvetted tenants or tenants in emergency situations.**

**Response:** While the point raised is recognised, this is not a material planning consideration and cannot be considered in the assessment of this application. However, the applicant has stated that the property would be managed by a letting company who vet tenants and the property would be let to professionals, businesses for their employees, or insurance companies for people displaced due to home repairs. Furthermore, the Planning Service does not bear responsibility towards the vetting of any potential occupants for any property granted consent for residential purposes whether for short- or long-term occupation. Criminal or social issues arising from the occupation of any property are the remit of other services such as Police Scotland and Social Services.

- c) **The property will require frequent maintenance in order to safeguard tenants and neighbours alike. Poor cleanliness and the accumulation of waste risks attracting vermin. Vacant properties are at high risk of break-ins and fire which could spread to neighbours.**

**Response:** While the point raised is recognised, this is not a material planning consideration and cannot be considered in the assessment of this application. However, the applicant has stated that the property is to be cleaned and maintained weekly with a contract in place for maintenance of the grounds, and while tenants would be responsible for placing the bin out for collection, missed bins will be actioned by the maintenance company. Furthermore, theft and fire are a risk of any property and permanently occupied properties are often left vacant during the day and during holidays.

- d) **The street may be subject to parking congestion and pavement parking impacting on the safety of the public road and road users including children and the elderly.**

**Response:** Minimum parking standards require 2 off-street parking spaces for a 3-bedroom house which are provided in the front curtilage, and a change of use to short-term let will not alter the maximum potential occupancy of the house for which these standards are set.

- e) **The Whitehall area is lacking in local amenities which have not been improved by South Lanarkshire Council since regeneration and the development of further housing. What impact will the proposal have on the limited amenities available to permanent residents?**

**Response:** A change of use to short-term let for a single dwellinghouse is not a type of development which would require contributions to be made toward the provision of local services, therefore while the point raised is recognised, this is not a material planning consideration and cannot be considered in the assessment of this application. Furthermore, a short-term let is likely to have a lower demand for local services such as community centres and libraries than a permanent residence.

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

## **6 Assessment and Conclusions**

6.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan 2 and its impact on the amenity of the adjacent area.

6.2 It is considered that the proposed change of use raises no unacceptable issues from a development management perspective. In relation to Policies 2, 3, 5, 6, and VET2 of the South Lanarkshire Local Development Plan 2, it is noted that:

- ◆ As the application is for a change of use to an existing dwellinghouse, the development will not result in a significant material impact on the climate.
- ◆ No external changes are proposed to the house therefore the change of use will not have a significant material impact on the physical character of the house or its surroundings.
- ◆ Due to the proposed short-term let being within a traditional dwellinghouse, the number of residents at any one time will be limited by the nature of the building as a 3-bedroom house. Guest would arrive and depart at varying times of day and the



house may be left unoccupied just as permanent residents would. The house has sufficient off-street parking, private amenity space, and public service provision such as waste collection. Consequently, as a short-term let the property will have similar amenity impacts as its current use as a permanently occupied dwellinghouse therefore it is not considered that change of use would cause significant adverse impacts on neighbouring amenity.

- ◆ While Policies 6 and VET2 seek evidence of financial viability, this has not been sought for the establishment of the change of use to short-term let as the applicant has provided a supporting statement detailing that the accommodation is not intended for tourist purposes but for letting to professionals, businesses, and home insurance companies.

6.3 The main consideration in the assessment of this application is the impact of the proposed use on the existing level of amenity, however, it is considered that use as a short-term let will have a comparable impact on amenity as a permanently occupied dwellinghouse. Consequently, the proposal accords with the considerations of Policies 2, 3, 5, 6 and VET2 of the South Lanarkshire Local Development Plan 2.

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

## **7 Reasons for Decision**

7.1 The proposal will not result in a significant adverse impact on residential amenity and complies with the provisions of Policies 2, 3, 5, 6 and VET2 of the adopted Local Development Plan 2. There are no other material considerations which would justify the refusal of planning permission

**David Booth**

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

26 July 2022

## **Previous references**

- ◆ None

## **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 13 April 2022
- ▶ Consultations: None
- ▶ Representations:

Dated:

Petition

S. Ingles

83 Whistleberry Drive, Hamilton, South Lanarkshire, ML3 0PZ

05.05.2022

## **Contact for further information**

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

Mark Ripley

Planning Officer

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

Phone: 07385516141

Email: [mark.ripley@southlanarkshire.gov.uk](mailto:mark.ripley@southlanarkshire.gov.uk)

Detailed planning application

Paper apart – Application number: P/22/0526

### **Conditions and reasons**

01. That the permission hereby granted is for a temporary period only and shall expire on 16 August 2032. For the avoidance of doubt, at the expiry of this permission the property will revert to Use Class 9 – House, unless an application is submitted to and approved by the Council as Planning Authority.

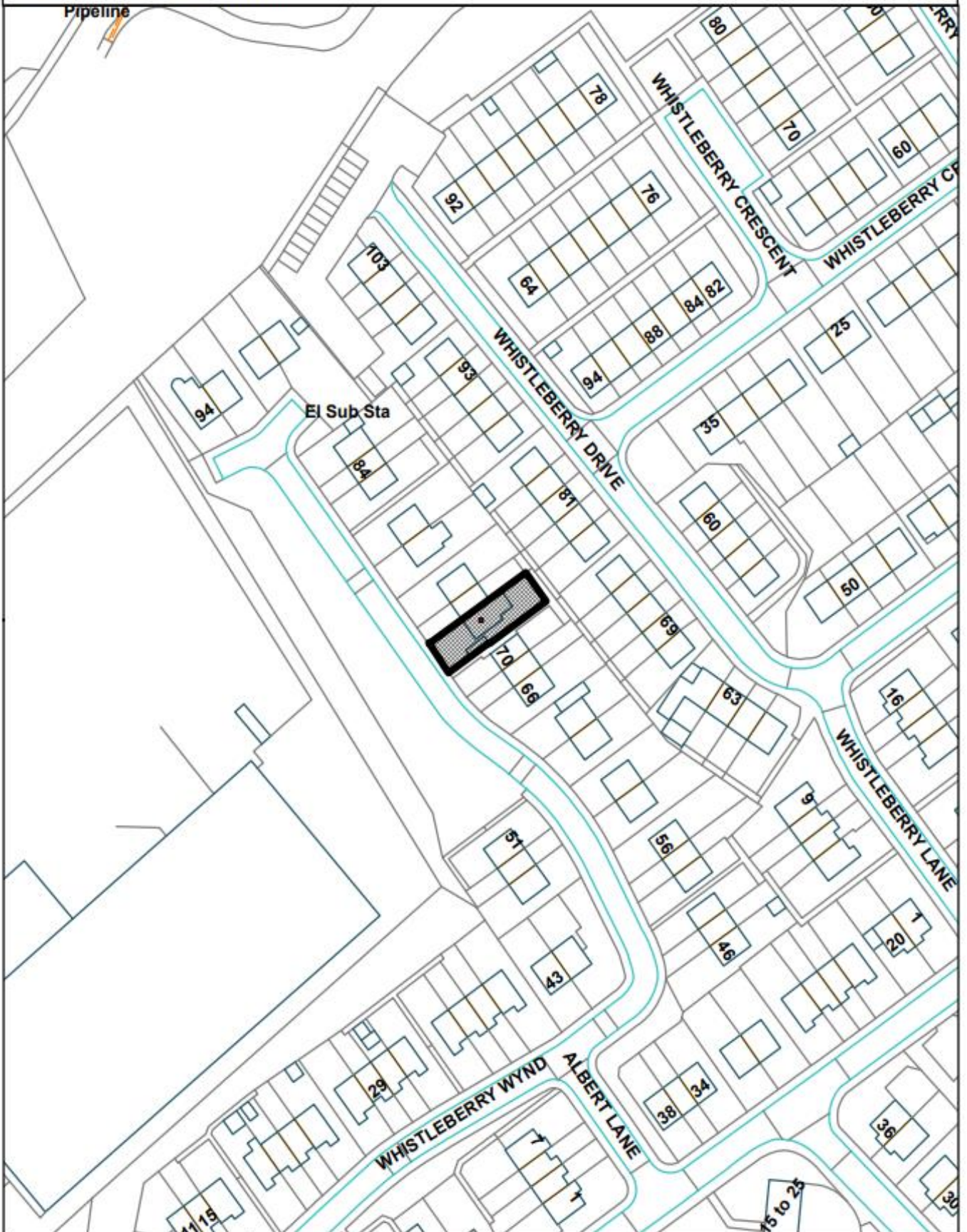
Reason: To safeguard the amenity of the area.

02. That within the 10-year period set-out in Condition 1, the use of the short-term let hereby approved shall be restricted to short-term occupation only and shall not be let or used as the sole residence of any one person, family, or group. No individual, family, company, group, or any other type of occupant shall occupy the accommodation for more than 12 weeks in any calendar year. To facilitate monitoring, a record system of all lettings, to include names, addresses and duration of stay, shall be in place at all times for Council inspection and shall be submitted to the Council as Planning Authority 12 months from the date of initial occupation or completion, whichever is the earlier, and every 12 months thereafter.

Reason: To ensure that the accommodation does not become occupied by long term or permanent residents without the express grant of planning permission and to ensure compliance with local plan policy.

P/22/0526

72 Whistleberry Wynd, Hamilton



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Scale:  
1:1,250  
Date:  
21/07/2022



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



# Report

4

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>16 August 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/22/0511
Planning proposal:	Erection of detached residential dwellinghouse, formation of access and associated works (Planning Permission in Principle)

## 1 Summary application information

Application type:	Permission in Principle
Applicant:	Mr and Mrs P & M OBrien
Location:	Land 50M Southeast Of The Latches Blackwood Estate Blackwood Lesmahagow South Lanarkshire

## 2 Recommendation(s)

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

[recs]

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

[1recs]

### 2.2 Other actions/notes

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

## 3 Other information

- ◆ Applicant's Agent: Ferguson Planning
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted 2021)**  
Policy 2 Climate change  
Policy 4 Green Belt and Rural Area  
Policy 5 Development Management and Placemaking  
Policy 14 Natural and Historic Environment  
Policy DM1 New Development Design  
Policy GBRA1 Rural Design and Development  
Policy GBRA8 Development of Gap Sites  
Policy NHE14 Tree Preservation Orders  
Policy NHE18 Walking, Cycling and Riding Routes

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

Arboricultural Services

Estates Services - Housing And Technical Resources

## **Planning Application Report**

### **1. Application Site**

- 1.1. The application site relates to an area of land 50M southeast of The Latches within in Blackwood Estate, to the west of Blackwood. The site is located within an area designated as Rural Area in the adopted South Lanarkshire Local Development Plan 2 (2021). The site extends to approximately 0.2 of a hectare and is bound to the east by agricultural land; across the access road to the west by landscaped grounds; and by existing residential properties to the north across the access road. The site is bounded to the south by further residential development, the immediately adjacent plot having planning consent though not yet under construction. The site is generally level although it gently slopes toward the east at the eastern end of the site.
- 1.2 The site was formally a tennis court for the Blackwood Estate a number of years ago. There are a number of individual trees and groups of trees mostly located towards the edges of the site. One of the trees, a large oak tree located in the north eastern area of the site, is covered by a tree Preservation Order, SLC SL48 (T1). Access to the site is from the existing access road to the east, which is a private road accessing Blackwood Estate from the Carlisle Road B7078 to the north east. This private access road currently serves 10 properties in the immediate vicinity of the site and a total number of 21 in the wider Blackwood Estate. This access road is also the route of a Core Path (Reference CL/3256 & 3257) which runs through Blackwood Estate. Across the access road to the north of the site, is a Category B Listed Building, The Dovecot (Reference LB7678), which is a 17<sup>th</sup> Century building. The grounds of this listed property contains a Covenanter's grave and close by the Hope Vere Martyrs Tomb.

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

- 2.1. The applicant seeks planning permission in principle for erection of a detached residential dwellinghouse, formation of access and associated works. Indicative plans have been provided showing the potential location of the detached dwellinghouse approximately in the centre of the site and orientated to face east. The potential location of the access driveway is approximately in the centre of the eastern boundary of the site onto the existing estate access road. The indicative location of the dwellinghouse and access driveway would be outwith the root protection areas of all existing mature trees and therefore will not require the removal of any mature trees.
- 2.2. The applicant has submitted the following documents and information in support of the proposal:-
  - ◆ Planning Statement
  - ◆ Arboricultural Method Statement
  - ◆ Arboricultural Plans
  - ◆ Illustrative Elevations
  - ◆ Site Photographs

### **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 within the adopted South Lanarkshire Local Development Plan 2 (2021). The site is located within the Rural Area and outside the settlement boundary. The following policies are applicable:-

- ◆ Policy 2 - Climate Change



- ◆ Policy 4 - Green Belt and Rural Area
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 14 - Natural and Historic Environment
- ◆ Policy DM1 - New Development Design
- ◆ Policy GBRA1 - Rural Design and Development
- ◆ Policy GBRA8 Development of Gap Sites
- ◆ Policy NHE14 Tree Preservation Orders
- ◆ Policy NHE18 Walking, Cycling and Riding Routes

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

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

### **3.3. Planning Background**

- 3.3.1. There have been no recent planning applications on this specific site. In 2008 planning consent was granted for three house plots (Plots 1,2 and 3) immediately to the south of this site and this was followed by planning consent (CL/09/0099) in 2009 (renewed in 2012 CL/12/0352) for a further two house plots (Plots 4 and 5) to the west. Plots 2,3,4 and 5 have been constructed or are under construction at the present time. An amended planning consent (P/21/2217) has recently been approved for Plot 1 which is immediately adjacent to the current application site. Vehicular passing places were required to be installed under previous Planning Consents, along the full length of the private access road. Following a site inspection in respect of the current application it is now evident that these vehicular passing places have been installed along the full length of the private road to the Carlisle Road B7078 to the north east.

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

- 4.1. **Roads and Transportation Services** – no objections to the proposed development subject to conditions in respect of parking spaces and construction traffic management. This service raises no issues of road safety as a result of the proposed development.

**Response:** Noted. Should the Planning Committee be minded to grant planning consent, relevant planning conditions in respect of formation of parking spaces and construction traffic management can be attached.

- 4.2. **Environmental Services** – no objections to the proposal subject to the attachment of advisory notes.

**Response:** Noted. Should the Planning Committee be minded to grant planning consent, relevant advisory notes can be attached.

- 4.3. **Roads Flood Risk Management** – no objections to the proposed development subject to conditions in respect of the provision of further drainage arrangement information.

**Response:** Noted. Should the Planning Committee be minded to grant planning consent, relevant planning conditions can be attached.



- 4.4. **Arboricultural Services** – the applicants have submitted an Arboricultural Method Statement and associated plans which demonstrate how the site could be developed out with the root protection areas of the existing trees and the potential measures which could be taken in respect of the protection of tree during the development of the site.

**Response:** Should the Planning Committee be minded to grant planning consent, relevant planning conditions would be attached requiring the submission and approval of a Landscape Scheme, Tree Protection Plans and an updated Arboricultural Method Statement in relation to a future detailed proposal.

- 4.5. **Estates Services - Housing And Technical Resources** – no objections to the proposed development

**Response:** Noted.

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

- 5.1. Statutory neighbour notification was undertaken, and the proposal was advertised in the local press as development contrary to the development plan and in respect of non-notification of neighbours. Following this, 14 letters of objection were received, the points of which are summarised below:-

- a) **The application site is located on a single track private road with no pavements or lighting which is not suitable to accommodate further development. Further development would result in road safety issues for pedestrians using the road which being a private road does not have a 30mph speed limit. The passing places previously installed are not serving their purpose as they are regularly blocked by parked cars.**

**Response:** It is noted that the access road is a private road. Roads and Transportation Services raised no objections to the proposed development subject to conditions in respect of parking spaces and construction traffic management. Vehicular passing places were required to be installed under previous Planning Consents, along the full length of the private access road. Following a site inspection in respect of the current application it is now evident that these vehicular passing places have been installed along the full length of the private road to the Carlisle Road B7078 to the north east. As the road is a private road the Council has no control over the use of these passing places, rather this is a private legal matter.

- b) **The Blackwood Estate private road forms part of the Core Path network and is regularly used by walkers and cyclists. The proposed development would result in further road safety issues and potential accidents. The road is regularly used by people, including school children, accessing the community woodland Loch Wood.**

**Response:** Roads and Transportation Services raised no objections to the proposed development in terms of accessibility or road safety concerns. It is not considered that the addition of one dwellinghouse would significantly increase the potential for road safety issues and there will be no adverse impacts on the Core Path network.

- c) **The private estate road has not been adopted by the Council due to issues such as an existing bridge over a watercourse. However developments of 6 or more houses normally require the road to be adopted.**

**Response:** This application is for planning permission in principle for one dwellinghouse. Other recent development in the area comprise groups of 2 and 3 dwellinghouses that were granted planning consent under separate applications, as set out in paragraph 3.3.1 above. Roads and Transportation

Services have raised no objections to the proposed development, subject to conditions in respect of parking spaces and construction traffic management, and do not require the road to be adopted by the Council. Roads and Transportations Services have advised that, in general, a new development of 6 houses or more would require a road construction consent which would ultimately result in the road being adopted by the Council. In this instance, the road is existing and maintained privately.

- d) **The private estate road has already been damaged by construction vehicles and the proposed development would lead to further damage to the road which will result in costs for the existing property owners with no guarantee that the owners of the proposed dwellinghouse will cover the costs.**

**Response:** The private access road has had vehicular passing places installed under these previous Planning Consents, along the full length of the road to the Carlisle Road to the north east. The impact on the condition of a private road is a separate legal matter and not something on which the Council can impose planning conditions. Any potential increase in liability in respect of maintenance for the existing road owners would be a civil matter. It is not considered that the single dwellinghouse would result in a significant deterioration of the road, as such Roads and Transportation Services raise no objections in respect of the proposed development.

- e) **The Blackwood estate originally comprised 8 properties and it now contains 21. The quality of this historically and environmentally significant estate has already been severely compromised and will only suffer further if creeping development is allowed. It will set a precedent for further development and is not identified in the development plan for residential development. References previous consents being for a limited number of dwellinghouses and previous local plans policies and reporters recommendations for a maximum of 5 house.**

**Response:** Following assessment of the proposal, the proposal for Planning Permission in Principle is considered to be acceptable and consistent with Policies 4, GBRA1, GBRA8 and GBRA9 of the adopted South Lanarkshire Local Development Plan 2, as set out below. Each proposal is considered on its own merits at the time of application.

- f) **The proposed development would be contrary to Policy GBRA8 Development of Gap Sites in that it would further damage the character of the group or wider countryside, would be detrimental to the adjacent Listed Building, is not comparable in size or have comparable amenity space provision to the current new development.**

**Response:** Following assessment of the proposal, the proposal for Planning Permission in Principle is considered to be acceptable and consistent with Policies 4, GBRA1 and GBRA8 of the adopted South Lanarkshire Local Development Plan 2, as set out below.

- g) **The proposed development would be contrary to Policy GBRA9 Consolidation of Existing Building Groups in that it would not reflect and respect the scale, character, cohesiveness, spacing and amenity of the existing group and the individual houses in that group. It would result in coalescence of the housing group with the existing nearby housing group. It would not have comparable amenity space provision to existing properties. It would not be consistent with the material and design of the existing development. References previous consents being acceptable**

**as they rounded off the building group and the proposed dwelling house would therefore be excessive.**

**Response:** Following assessment of the proposal, the proposal for Planning Permission in Principle is considered to be acceptable and consistent with the adopted South Lanarkshire Local Development Plan 2, as set out below.

**h) Questions why the Blackwood Estate has not been identified as a Priority Greenspace in the current Local Development Plan.**

**Response:** The South Lanarkshire Local Development Plan 2 was adopted in 2021 and does not designate the Blackwood Estate as a Priority Greenspace. Any request for a change in designation should be made through the consultation process for the next Local Development Plan, South Lanarkshire Local Development Plan 3.

**i) Surveys should be undertaken in respect of protected species.**

**Response:** Should the Planning Committee be minded to grant planning consent, relevant planning conditions can be attached including a requirement for an Ecological Survey of the site including protected species surveys and Bat Preliminary Roost Assessment.

**j) No vehicle access exists to the site.**

**Response:** Roads and Transportation Services raised no objections to the proposed development. It is considered that a suitable vehicular access to serve the house could be formed from the estate road.

**k) The applicant proposes to connect to the public water supply however the estate is served by a private water pipe which is in poor repair.**

**Response:** Should the Planning Committee be minded to grant planning consent, relevant planning conditions can be attached to require further details of the proposed water supply connection.

**l) The trees on site are not shown on the site plan and the proposed development would have a negative impact on the ancient oak tree.**

**Response:** Should the Planning Committee be minded to grant planning consent, relevant planning conditions can be attached to require the submission and approval of a Landscape Scheme, Tree Protection Plans and an updated Arboricultural Method Statement in relation to a future detailed proposal. The applicants have submitted an Arboricultural Method Statement and associated plans which demonstrate how the site could be developed out with the root protection areas of the existing trees and the potential measures which could be taken in respect of the protection of tree during the development of the site.

**m) The proposed development would have an adverse impact on the adjacent Listed Building, the Dovecot and Covenanter's grave.**

**Response:** It is not considered that the proposed development would have an unacceptable impact on the setting of the Grade B Listed Building, the Dovecot, and Covenanter's grave, as the proposed dwellinghouse is set back in the site, across the access road and not directly opposite the Listed Building and the proposal to retain the trees on site would continue to provide natural separation from the Listed Building.

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

## **6. Assessment and Conclusions**

- 6.1. The applicant seeks planning permission in principle for erection of a detached residential dwellinghouse, formation of access and associated works on an area of land in Blackwood Estate, to the west of Blackwood. The determining issues in the assessment of this application are compliance with local plan policy, its impact on the character of the Rural Area, amenity of adjacent properties and road safety matters.
- 6.2. The application site is identified as being within the Rural Area in the adopted South Lanarkshire Local Development Plan 2. Policy 4 Green Belt and Rural Area aims to protect the countryside from development which does not require to locate there. A number of circumstances where development may be acceptable in the countryside are set out in volume 2 of SLLDP2. In particular Policy GBRA8 Development of Gap Sites sets out a number of criteria which require to be met in respect of proposals for new houses within clearly identifiable gap sites. In this regard it is considered that the proposed site is located in a gap in the wider building group in this area of Blackwood Estate.
- 6.3. On completion of the adjacent dwellinghouse (Reference P/21/2217) the site will be bounded on at least two sides by habitable houses and will infill a gap between the adjacent site, the access road and the existing properties on the northern side of the access road. The proposed house size to plot ratio is considered to be comparable to existing properties within the building group, both the older properties and the more recently constructed properties. The proposed dwellinghouse will not result in ribbon development or coalescence with a separate building group as it is considered to form part of the wider building group in this area of Blackwood Estate. As a result the proposed house will contribute to its existing strong visual cohesion. Sufficient garden ground/amenity space can be provided which is comparable scale to existing properties. Although an indicative design for the property has been provided which is complementary to the character of the existing building group and consistent with the rural design policy and guidance set out in Policy GBRA1, the current application is for Planning Permission in Principle and the detailed design will be determined through a further application. The proposals therefore accords with Policy 4.
- 6.4. In terms of the adopted South Lanarkshire Local Development Plan 2, Policy 2 Climate Change aims to ensure that new developments minimise and mitigate against climate change and the generation of greenhouse gases. The site is located within walking distance of Blackwood where there are a number of facilities including a local shop and access to a regular bus service. The site is not on peatland or carbon rich soil or in a flood risk area and subject to further application providing specific site layout details will not result in the loss of mature trees. It is therefore considered that the proposal is consistent with Policy 2 of the adopted local development plan.
- 6.5. Policy 5 - Development Management and Policy DM1 New Development Design state that all planning applications should take fully into account the local context and built form. Furthermore, any proposal should not result in significant adverse environmental or amenity impacts and sets out a number of requirements including footways, cycle routes, access and parking. Roads and Transportation raised no objections to the proposed dwellinghouse and access subject to conditions in respect of parking spaces and construction traffic management and there will be no adverse impacts on the Core Path network. Relevant conditions have been attached. As set out above, the current application is for Planning Permission in Principle and the detailed design will be determined through a further application. The development complies with all the relevant criteria and is therefore considered to be consistent with Policy 5 - Development Management.

- 6.6. In respect of Policy DM1 Development Management and Policy GBRA1 Rural Design and Development proposals are required to ensure the provision of an appropriate road layout and parking by complying with all required parking and access standards and have no adverse impact in terms of road or public safety. The site has the capacity to provide sufficient parking spaces to meet the required standards being three spaces measuring 3.0m x 6.0m. As set out above, Roads and Transportation raised no objections to the proposed dwellinghouse and access subject to conditions in respect of parking spaces and construction traffic management. Should the Planning Committee be minded to grant planning consent, relevant planning conditions, based on the conditions set out below, in respect of formation of parking spaces and construction traffic management can be attached. It is therefore considered that the proposed development is considered to be consistent with Policy DM1 Development Management and Policy GBRA1 Rural Design and Development.
- 6.7 In terms of the access arrangements, this is proposed via an existing private road which currently serves a grouping of properties. The proposed development of a single residential dwellinghouse is not considered to result in significant intensification of the road in terms of usage or increased traffic and does not pose any significant road safety concerns to warrant refusal in this instance due to the small scale of this development and the existing passing places. The maintenance of the private road is not a material planning consideration and would be treated as a civil matter between shared owners and cannot be controlled via planning conditions. Overall, the proposal is capable of being suitably accessed with sufficient parking space, in compliance with the aforementioned policies.
- 6.8. Policy 14 Natural and Historic Environment and Policy NHE14 Tree Preservation Orders aim to protect trees which make a significant contribution to the landscape or locality in which they are situated. The development will not result in the removal of any mature trees or impact on the protected oak tree. Relevant planning conditions can be attached based on the conditions set out below which included the submission and approval of a Landscape Scheme, Tree Protection Plans and an updated Arboricultural Method Statement in relation to a future detailed proposal. The applicants have submitted an Arboricultural Method Statement and associated plans which demonstrate how the site could be developed out with the root protection areas of the existing trees and the potential measures which could be taken in respect of the protection of tree during the development of the site. The proposal is consistent with Policy 14 and Policy NHE14.
- 6.9. Policy NHE3 Listed Buildings aims to preserve Listed Buildings and their settings. It is not considered that the proposed development would have an unacceptable impact on the setting of the Grade B Listed Building, the Dovecot, as the proposed dwellinghouse is set back in the site, across the access road and not directly opposite the Listed Building and the proposal to retain the trees on site including the large oak tree which would continue to provide natural separation from the Listed Building. The proposal is consistent with Policy NHE3.
- 6.10. Policy NHE18 Walking, Cycling and Riding Routes aims to safeguard existing and proposed walking, cycling and riding routes. The access road which runs along the eastern boundary of the site is the route of a Core Path (Reference CL/3256 & 3257) which runs through Blackwood Estate. The proposed development is not located such that it would have an adverse impact on this Core Path or the wider Core Path network. The proposal is consistent with Policy NHE18.

- 6.11. In conclusion, following a detailed assessment of the development, it is considered the proposals comply with the adopted South Lanarkshire Local Development Plan 2. As such, it is recommended that planning permission in principle is granted subject to the attached conditions.

## **7. Reason for Decision**

- 7.1. The proposal would have no significant adverse impact on amenity, public safety or the character of the Rural Area and complies with the provisions of Policies 2, 4, 5, 14, DM1, GBRA1, GBRA8, NHE3 and NHE14 of the South Lanarkshire Local Development Plan 2 (Adopted 2021).

**David Booth**

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

26 July 2022

### **Previous references**

- ◆ None

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 04.05.2022
  
- ▶ Consultations
  - Roads Development Management Team 29.06.2022
  - Environmental Services 28.04.2022
  - Roads Flood Risk Management 15.07.2022
  - Arboricultural Services 04.08.2022
  - Estates Services - Housing And Technical Resources 22.04.2022
  
- ▶ Representations Dated:
  - Mr Ray Jones, Westlands, Lesmahagow, Lanark, ML11 0JG 01.05.2022
  - Mr James Buckley, The Bothy, Blackwood Estate, Lesmahagow, ML11 0JG 04.05.2022
  - Dr Barry Harrison, Woodhead Farm, Blackwood Estate 01.05.2022
  - Mrs Lynsey Cosgrove, Cairnburn Cottage, Blackwood Estate, Lesmahagow, ML11 0JG 02.05.2022
  - Ms Sarah Lowe, Calvados House, Blackwood Estate, Lesmahagow, ML11 0JG 02.05.2022
  - Mr Terry Wise, The Dovecot Blackwood Estate, Lesmahagow, LANARK, ML11 0JG 02.05.2022

Mrs Victoria Connick, Blackwood Mains, Blackwood Estate, Lesmahagow, ML11 0JG	21.04.2022
Mrs Dawn Carlin, The Latches, Blackwood Estate, Lesmahagow, ML11 0JG	04.05.2022
Mr Ross Carlin, The Latches, Blackwood Estate, Lesmahagow, ML11 0JG	04.05.2022
Dr Jonathan Connick, Blackwood Mains, Blackwood Estate, Lesmahagow, ML11 0JG	19.04.2022
Mr Stephen Cosgrove, Cairnburn Cottage, Blackwood Estate, Lesmahagow, ML11 0JG	02.05.2022
Ms Victoria Yates, The Coach House, Blackwood Estate, Lesmahagow, ML11 0JG	30.04.2022
Mr John Marshall, Cosy Glen Cottage, Blackwood Estate, Lesmahagow, Lanark, ML11 0JG	30.04.2022
Mrs Heather Wise, The Dovecot, Blackwood Estate, Lesmahagow, Lanark, ML11 0JG	02.05.2022

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

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

Morag Neill, Planning Officer,  
Phone: 01698 455053  
Email: [morag.neill@southlanarkshire.gov.uk](mailto:morag.neill@southlanarkshire.gov.uk)  
Detailed planning application

## 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, 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 details of the proposed water supply connection;
- (g) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);
- (h) Details of facilities for the storage of refuse within the proposed development, including the design, location and access for uplift;
- (i) Ecological Survey of the site including protected species surveys and Bat Preliminary Roost Assessment carried out by an appropriately qualified ecologist and following current Nature Scot guidance;
- (j) A Construction Traffic Management Plan (TMP) for the construction phase including, but not limited to, access and parking provision, working hours, management of deliveries and storage of materials and wheel washing facilities. For the avoidance of doubt, all construction traffic shall be restricted to accessing and leaving the site via the private access road to the Carlisle Road B7078 to the north east.

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

02. That notwithstanding the terms of Condition 1 above, the design and siting of any dwellinghouse and garage on the site shall take due cognisance of the rural location, with particular regard being paid to scale, massing, roof pitch, fenestration and materials; and shall be in accordance with the Council's approved policy on new dwellings in the Greenbelt/Countryside.

Reason: These details have not been submitted or approved.



03. That for the avoidance of doubt, no consent is hereby granted for the location or footprint of the dwelling and garage indicated on the approved plans.

Reason: Permission in principle is granted only.

04. That no building to be erected on the site shall exceed 1.5 storey(s) in height.

Reason: To safeguard residential amenity and to ensure satisfactory integration with the surrounding area.

05. That notwithstanding the terms of Condition 1 above, the further application will require the submission and approval in writing by the Council as Planning Authority, of a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS). Specific issues to be dealt with in the TPP and AMS:
- a) Location and installation of services/ utilities/ drainage.
  - b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
  - c) Details of construction within the RPA or that may impact on the retained trees.
  - d) A full specification for the installation of boundary treatment works.
  - e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
  - f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
  - g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
  - h) A specification for scaffolding and ground protection within tree protection zones.
  - i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
  - j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
  - k) Boundary treatments within the RPA
  - l) Methodology and detailed assessment of root pruning
  - m) Arboricultural supervision and inspection by a suitably qualified tree specialist
  - n) Reporting of inspection and supervision
  - o) Methods to improve the rooting environment for retained and proposed trees and landscaping
  - p) Veteran and ancient tree protection and management.

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

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

06. That notwithstanding the terms of Conditions 1 and 5 above, the Arboricultural Method Statement and supporting details to be submitted in support of any further application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, by a suitably qualified tree specialist.

Reason: To safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees.

07. That the further application(s) required under the terms of Condition 1 above shall be subject to the following:

- (a) A three bedroom dwelling will require two parking spaces and a dwelling with four or more bedrooms will require three parking spaces.
- (b) All parking spaces shown with dimensions of 3m x 6m and a garage may count towards parking provision if the internal dimensions are a minimum 3m x 7m.

Reason: In the interests of road safety.

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.

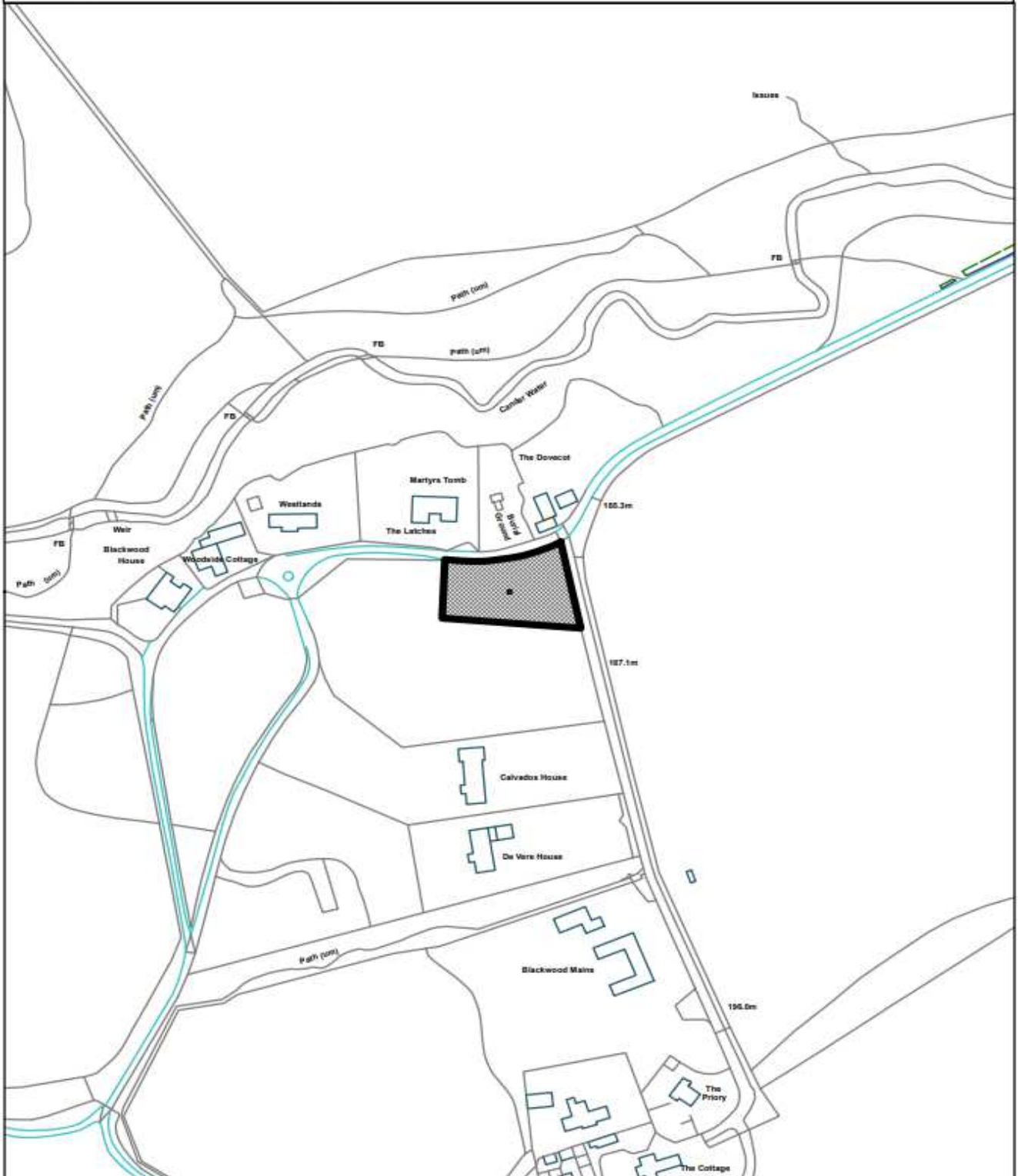
Reason: To ensure the provision of appropriate facilities on site.

09. 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/22/0511

Land 50M Southeast of the Latches, Blackwood Estate



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Scale:  
1:2,500  
Date:  
22/07/2022



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



# Report

5

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>16 August 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/21/1982
Planning proposal:	Removal and restoration of railway sidings and reuse of material as fill for land grading

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr Andrew Stewart
Location:	Land 90M NNW Of 289 Carlisle Road Carlisle Road Kirkmuirhill Lanark South Lanarkshire

## 2 Recommendation(s)

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

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

### 2.2 Other actions/notes

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

## 3 Other information

- ◆ Applicant's Agent: Robert Ramage
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted 2021)**  
Policy 1 Spatial Strategy  
Policy 2 Climate Change  
Policy 3 General Urban Areas and Settlements  
Policy 5 Development Management and Placemaking  
Policy 14 Natural and Historic Environment  
Policy 15 Travel and Transport  
Policy 16 Water Environment and Flooding  
Policy 17 Waste  
Policy DM1 New Development Design  
SDCC2 Flood Risk  
SDCC3 Sustainable Drainage Systems

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

SEPA West Region

West Of Scotland Archaeology Service

Roads Geotechnical

SP Energy Network

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site is an area of rough grazing land, approximately 6.28 hectares in size located at Carlisle Road within the settlement boundary of Kirkmuirhill as designated within the South Lanarkshire Local Development Plan 2 (SLLDP2) which was adopted in 2021.
- 1.2 The site is relatively open and runs west to southeast, forming the northern settlement boundary of Kirkmuirhill. The site is split into two parts where it is transected by Lanark Road (B7086). As noted this splits the site into 2 parts, namely the larger portion of the site to the west of Lanark Road (hereon referred to as Site 1) and the smaller part of the site to the east of Lanark Road (hereon referred to as Site 2).
- 1.3 Old railway sidings run along the northeastern edge of both Site 1 and Site 2, forming the boundary in this part of Kirkmuirhill which bounds further agricultural land. The west and southern boundaries of the full site mainly comprises existing residential properties with Kirkmuirhill Church and Manse (a C Listed Building) also bounding part of the western boundary of Site 2. The railway sidings are overgrown and comprise scrubland.
- 1.4 Site 2 currently benefits from planning permission for the erection of 25 detached dwellinghouses (Planning Ref: P/19/0614 as set out in 3.3 below). There are currently no extant planning permissions for developing Site 1.

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

- 2.1 Detailed planning permission is sought for the removal of the railway sidings on both Site 1 and Site 2. The material from the railway embankment will be used as fill material for regrading and land levelling works on Site 1. Following regrading of Site 1, the land will be returned to rough grazing. Following the removal of the sidings on Site 2, the topography of this site will allow construction of the 25 houses as noted in 1.4 above and 3.3 below.
- 2.2 The proposed works have been split into 3 phases. Phase 1 involves the soil stripping and removal of the sidings in Site 2 with the material stored on Site 2. Phase 2 includes the soil stripping and sidings on Site 1 and contouring of the site. Phase 3 would then transport the soil and fill material from Site 2 for final grading of Site 1. The applicants have estimated that duration of the works is expected to be 6 weeks in total.
- 2.3 Material from the sidings will be utilised on site to create internal access roads on both sites to allow transportation of the material from Site 2 onto Site 1.

### **3 Background**

#### **3.1 National Policy**

- 3.1.1 National Planning Framework 3 (NPF3) June 2014 sets out the long term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3 recognizes that waste can be considered a resource rather than a burden. NPF3 states that it expects Planning Authorities to work with the market to identify viable solutions to create a decentralized

network of waste processing facilities and, through effective waste management, create a sustainable legacy for future generations.

- 3.1.2 Scottish Planning Policy sets out a series of policy principles for achieving the zero waste policy Scotland has adopted through the National Zero Waste Plan 2010 (ZWP). SPP promotes the delivery of waste infrastructure at appropriate locations and waste management should be prioritised through the Scottish Government's waste hierarchy. The hierarchy is: waste prevention, reuse, recycling, energy recovery and waste disposal.
- 3.1.3 The proposals are for the management of inert waste in the form of existing railway sidings and involve the re-use of the material for infill and land grading works as well as the preparation of land with extant permission for housing. By utilising the inert waste from the railway sidings on the same application site rather than its removal to be treated off site, it is considered that the proposals meet the waste strategy set at a national level through SPP and NPF3. It is, therefore, considered that, at a national level, the proposals comply with waste policy and, therefore, do not require to be further assessed within this high-level context.

### **3.2 Development Plan Status**

- 3.2.1 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP). The GCVSDP is a high level, strategic document and it is considered that proposals of this scale would not have any strategic implications within the Strategic Development Plan Area. As such there is no detailed assessment of the proposals against this strategic Plan.
- 3.2.2 Following formal adoption on 9 April 2021, the proposals are required to be assessed against the South Lanarkshire Local Development Plan 2 (SLLDP2).

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

- ◆ Policy 1 Spatial Strategy
- ◆ Policy 2 Climate Change
- ◆ Policy 3 General Urban Areas and Settlements
- ◆ Policy 5 Development Management and Placemaking
- ◆ Policy 14 Natural and Historic Environment
- ◆ Policy 15 Travel and Transport
- ◆ Policy 16 Water Environment and Flooding
- ◆ Policy 17 Waste
- ◆ Policy DM1 New Development Design
- ◆ SDCC2 Flood Risk
- ◆ SDCC3 Sustainable Drainage Systems
- ◆ Policy MIN8 Aggregate Recycling

### **3.3 Planning Background**

- 3.3.1 As noted in 1.4 above, Site 1 does not have any extant planning history. It did previously receive planning permission for 53 dwellinghouses in 1997 (CL/97/0338) which was subsequently renewed in 2002 (CL/02/0601). These permissions lapsed in 2006 and no subsequent planning applications have been granted for Site 1. In February 2008, Planning Committee granted planning permission (CL/06/0208) for proposals similar to the current ones, but only on Site 1. Permission was granted for the removal of the rail sidings as well as to import material from bings located north of the current application site to level the topography of Site 1. This permission's commencement date was extended through a further application (CL/12/0531) until



February 2016. These permissions have now lapsed. The works to the bings north of the application site do not form any part of these proposals.

- 3.3.2 In relation to Site 2, Planning Permission in Principle (CL/12/0007) was granted for the residential development of the site and the formation of an alternative access road from Carlisle Road. This was approved by the Planning Committee on 27 March 2012.
- 3.3.3 Detailed Planning Permission (CL/17/0343) was granted for the erection of 19 detached dwellings and associated access road, landscaping and drainage works by the Planning Committee on 1 May 2018.
- 3.3.4 Detailed planning permission (P/19/0614) was then granted for the erection of 25 detached dwellings and associated access road, drainage and ground works (including the sidings the subject of this application) by the Planning Committee on 25 August 2020 subject to the completion of a legal agreement relating to financial contributions towards the provision of affordable housing, education provision and leisure facilities. This legal agreement was concluded and the permission issued on 10 May 2021. The permission is currently extant.
- 3.3.5 The proposals involve the management of inert waste but are under the 25,000 tonne, annual threshold that would constitute a Major Planning Application.
- 3.3.6 The application was screened as a Schedule 2 Environmental Impact Assessment (EIA) Development. Due to the relatively low scale of the proposals, they were considered not to constitute EIA development.

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

- 4.1 **Roads Development Management** –offer no objections to the proposals subject to conditions relating to the further approval of a Traffic Management Plan (TMP) with the TMP to include details of the management of removing the parts of the sidings that bound Lanark Road, proposals for traffic management for vehicles crossing Lanark Road, wheel and road cleaning, staff and welfare facilities, vehicle routing, the construction and design of the internal haul road and a baseline, dilapidation survey.  
**Response:** Noted. Appropriate conditions can be attached to any consent issued.
- 4.2 **Roads (Geotechnical Engineer)** – no objections to the proposals. Requests an advisory note to be placed on any permission, if issued, for the applicant to consult with Roads prior to any design work being carried out on any future Roads Construction Consent.  
**Response:** Noted. An appropriate advisory note can be attached to any consent if issued.
- 4.3 **Environmental Services** – no objections to the proposals subject to controlling the hours of operation to 8am to 7pm Monday to Friday and 8am to 1pm on a Saturday only, noise limits, noise monitoring and mitigation, dust mitigation and air quality management and a comprehensive site investigation in relation to contaminated land.  
**Response:** Noted. Appropriate conditions can be attached to any consent issued.
- 4.4 **Roads (Flood Risk Management)** – no objections subject to the imposition of conditions to comply with the Council's Flood Risk and Drainage Design Criteria, complete the necessary forms and provide the required information prior to commencement on site.  
**Response:** Noted. An appropriate condition can be attached to any consent issued.

- 4.5 **West of Scotland Archaeology Service (WoSAS)** – note the site’s potential for archaeological interest and that archaeological works. Note that archaeological investigations were carried out in relation to the extant planning permission for housing on Site 2, but this did not cover Site 1. Therefore request that a condition requiring a programme of archaeological works to be agreed before any work starts on site for Site 1.

**Response:** Noted. An appropriate condition can be attached to any consent issued.

- 4.6 **Scottish Power Energy Networks** – no objections to the proposals. Note that they have transmission equipment within the vicinity of the proposals and if required to be relocated it would be at the applicant’s expense.

**Response:** Noted and this is a private civil matter outwith the remit of the Planning System.

- 4.7 The application is not of a scale or nature that would meet the threshold for SEPA to provide comments.

## **5 Representation(s)**

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local press for non-notification of neighbours and, as a schedule 3 development.

- 5.2 Following this publicity 14 letters of objection were received from 13 separate third parties with the following concerns:-

### **(a) Impact on wildlife including protected species and loss of habitat**

**Response:** An Ecological Appraisal was submitted as part of the planning application and it is assessed in detail in 6.9 below.

### **(b) Impact on Environment, creation of pollution, air quality, dust and not being sustainable**

**Response:** The impact of the proposals in relation to air quality, including dust, are assessed throughout Section 6 below. As noted in 6.3, the nature of the proposals involving the re-use of existing material and minimising any haulage distance of the material are considered to be more sustainable than the material required to be removed on Site 2 being taken off site to a remote waste facility. A dust management scheme would be required to be approved and implemented for the lifetime of the operations proposed and a condition requiring this is attached to the recommendation below.

### **(c) Impact on road safety and increase in traffic**

**Response:** As noted in 4.1 above, Roads (Development Management have no objections to the proposals subject to appropriate conditions. It is noted that apart from crossing Lanark Road, all haulage will be on internal access roads within the full application site.

### **(d) Noise Impact and inaccuracy of Noise Impact Assessment**

**Response:** As noted in 4.3, Environmental Services have no objections to the proposals subject to achievable noise limits and hours of operation being imposed on any permission, if issued. Environmental Services are also content with the Noise Impact Assessment submitted. Further assessment of the proposals impact in relation to noise is considered throughout Section 6 below.

**(e) The field is used for recreation throughout the year**

**Response:** The application site is not formal open space and is private land. The proposals are temporary in nature and once complete it would revert back to being informal open space.

**(f) Overshadowing and loss of daylight**

**Response:** The proposals are not considered to involve any development of a scale that would impact upon daylight to surrounding properties or create overshadowing.

**(g) Loss of Green Belt**

**Response:** The application site is on land within a designated settlement boundary and is not Green Belt land.

**(h) Will result in further housing and loss of field**

**Response:** Part of the application site (Site 2) has an extant planning permission for housing. There is no planning permission for any development on the remainder of the site (Site 1). Any future development of this part of the site (Site 1) would require an application for planning permission and full assessment which does not form any part of these development proposals.

**(i) Flooding**

**Response:** Roads (Flood Risk Management) have no objections to the proposals subject to conditions relating to Flood Risk and Drainage.

**(j) Impact on privacy**

**Response:** The proposals do not include any permanent structures that would create any impact upon residential privacy while it is proposed to limit operations to day time hours to restrict activity on site during the works.

**(k) Impact on property prices**

**Response:** This is not a material consideration to the assessment of any planning application.

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

**6 Assessment and Conclusions**

6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) and the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). As noted in 3.2.1 above, it is considered that the GCVSDP is a strategic, high-level document and an application of this scale and nature does not raise any strategic implications. Therefore, no further assessment against this document is required.

6.2 SLLDP2 Policy 1 'Spatial Strategy' states that developments that accord with the policies and proposals of the development plan will be supported. The full application site is on land designated with the settlement boundary of Kirkmuirhill as set out within SLLDP2. Site 1 does not have any specific designation other than being within the settlement boundary, whereas Site 2 is also a designated housing site which marries with the extant planning permission detailed in 3.3.4 above. As both sites are within the settlement boundary, Policy 3 'General Urban Areas and Settlements' is of

relevance. Policy 3 states that proposals for uses that are ancillary to residential uses will be assessed on their individual merits, with particular regard to their affect on the amenity and character of the area. In this instance, it is considered that the proposals relate to the management of inert waste in relation to an extant housing permission (Site 2) and the regrading of open land within a settlement boundary (Site 1). The operations are temporary in nature and are considered to result in a betterment of Site 1 through the land regrading whilst preparing the site to be developed through the separate, extant planning permission. It is therefore considered that the principle is acceptable at this location subject to further, detailed assessment of other development management criteria in relation to the affect of the proposals on the amenity of the area. It is therefore considered that the proposals accord with the relevant criteria and provisions of SLLDP2 in this regard.

- 6.3 Policy 2 'Climate Change' of the SLLDP2 states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. The proposals involve the removal of inert waste to allow the construction of a development with an extant planning permission. The works required to remove railway sidings on Site 2 have been approved by the extant permission but rather than having to transport the material off site to be dealt with at an existing waste facility, they are to be utilised in the immediate locale for the land regrading works on Site 1. This minimises any transportation and handling of the material which is intrinsically more sustainable than it being taken off site as well as the immediate reuse of the material as well. Therefore, the proposals are considered to be in accordance with the aims of this Policy.
- 6.4 Policy 17 'Waste' states that, in general, waste management facilities and transfer stations will be directed to employment land unless other material considerations indicate otherwise. As noted, the proposals relate to dealing with inert waste relating to a specific site (Site 2) with an extant planning permission and therefore it is considered that the proposals are location dependent rather than being able to be located elsewhere. Policy 17 goes on to state that waste proposals will only be acceptable should they meet certain criteria relating to impact on amenity, the natural and historic environment, hours of operation and length of time of the proposed operation, impact on the road network and suitable restoration. It is considered that a short operational lifespan of 6 weeks is acceptable and will minimise any impact the proposals would have over the long term. Site 2 is to be developed into housing following the implementation of an extant planning permission and Site 1 is to be regraded and returned to open, grazing land. It is therefore considered that the restoration of the site is acceptable. Further assessment of the proposals in relation to amenity, including hours of operation, impact on the natural and historic environment, as well as the road network are further considered below in relation to other more detailed policy criteria.
- 6.5 Policy 5 'Development Management and Placemaking' states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. This advice is supported within SLLDP2 Policy DM1 'New Development Design as well as complimenting the aforementioned criteria relating to amenity within Policy 17.
- 6.6 A Noise Impact Assessment (NIA) has been submitted as part of the application. Background monitoring was carried out as part of the NIA at the nearest residential receptors to ensure that it could be demonstrated that standard, acceptable noise levels could be met. Environmental Services are content with the findings of the NIA subject to controlling the hours of operation to ensure they do not involve any late

night/ early morning activity as well as ensuring there is no working on Saturday afternoons and at any time on a Sunday. Environmental Services are content with the levels set out within the NIA and that they are achievable and should therefore be conditioned to ensure compliance throughout the duration of the works. In relation to dust, Environmental Services are content that this can be controlled through a dust management plan with suitable mitigation and continued dust monitoring to ensure compliance is met. It is therefore considered that, subject to these environmental controls, conditioned if permission were to be granted, that the impact on the surrounding amenity in terms of noise and dust would not have a significantly detrimental impact. It is also noted that the proposals are temporary, taking approximately 6 weeks to complete and would therefore not have any permanent impact within the area.

- 6.7 In terms of the impact the proposals would have in relation to the local context and built form of the area, it is considered again that as they are temporary, they will not have any significant adverse impact within the area in this regard. The works in Site 2 are to make way for an extant planning permission for housing which has previously been assessed as being acceptable within the locale. The works in Site 1 involve the regrading of the land and returning it to informal grazing which is considered acceptable within the local context. It is, therefore, considered that the proposals accord with the relevant criteria of this policy.
- 6.8 Policy 14: Natural and Historic Environment provides the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment. There are no listed buildings, Conservation areas or other historical asset within the application site. There is however, one C Listed Building (Kirkmuirhill Parish Church and Manse) located on the western side of Site 2's northwest boundary. It is considered that the proposals would not have an impact, either directly or indirectly, on this listed building given they do not involve any physical built development that could impinge on its character. As noted in 4.5 above, WoSAS have no objections to the proposals subject to a programme of archaeological works being carried out prior to the commencement of the works.
- 6.9 In relation to the natural environment, an Ecological Appraisal (EA) formed part of the planning submission. This report included a site survey which found no sign of any protected species. The EA noted that the habitat within the site was not of a high quality for wildlife or loss of quality habitat within the site area and is considered poor from an ecology viewpoint. It is considered that this is expected given the site is an area of grazing grassland with limited groundcover. Whilst the EA survey did not find any signs of protected species, it does note that it is still prudent for mitigation measures in relation to badgers, breeding birds and bats should be carried out prior to commencement. These include further surveys of all trees to be removed and for any open trenches to have ramps constructed to ensure any mammal would be able to exit one if entered. An appropriate condition requiring the proposed mitigation forms part of the recommended conditions. It is, therefore, considered that the proposals accord with the relevant criteria of this policy.
- 6.10 SLLDP2 Policy 15 'Travel and Transport' requires that new development does not impact upon any existing walking or cycle route and promotes sustainable travel, where at all possible. In this instance there are no formal walking or cycling routes affected by the proposals. A core path (CL/3264/1) is located to the eastern boundary of the application site but would be unaffected by the proposals. The application site is located within the settlement of Kirkmuirhill and can therefore be reached via public transport. Roads (Development Management) have no objection to the proposals subject to the conditions outlined in 4.1 above.

- 6.11 SLLDP2 Policy 16 'Water Environment and Flooding' states that development proposals within areas of flood risk or that are detrimental to the water environment will not be supported. Policies SDCC2 Flood Risk and SDCC3 Sustainable Drainage Systems provide further detailed advice in support of Policy 16. The application site is not located within any area at risk from river or coastal flooding. The application site is, however, located within an area that is at risk of surface water flooding given the sloping topography of the site. The regrading on the land will minimise this in the future by removing the sloping topography of the site. Roads (Flood Risk Management) have no objections to the proposals subject to their Flood Risk and Drainage design criteria being met. It is therefore considered that the proposals accord with the relevant provisions of the development plan subject to the aforementioned condition.
- 6.12 SLLDP Policy MIN8 Aggregate Recycling states that the Council will support proposals of the recycling of mineral, demolition and construction material providing the proposals do not have a significant adverse effect on local communities. It is considered that, as per the above assessment and subject to conditions, the proposals can be supported and accord with this Policy criteria.
- 6.13 In conclusion, it is considered that the proposed development complies with the adopted South Lanarkshire Local Development Plan 2 and there would be no adverse effect in terms of road safety, residential amenity or environmental impact and, therefore, it is recommended that planning permission should be granted.

## **7 Reasons for Decision**

- 7.1 The proposed development complies with Policies 1,2, 3, 5, 14, 15, 16, 17, SDCC2, SDCC3, DM1 and MIN8 of the Adopted South Lanarkshire Local Development Plan 2 (2021).

**David Booth**

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

26 July 2022

### **Previous references**

- ◆ CL/97/0338
- ◆ CL/02/0601
- ◆ CL/06/0208
- ◆ CL/12/0007
- ◆ CL/12/0531
- ◆ CL/17/0343
- ◆ P/19/0614

### **List of background papers**

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

Roads Development Management Team

22.12.2021

Environmental Services

26.07.2022

Roads Flood Risk Management	22.06.2022
West Of Scotland Archaeology Service	23.11.2021
Roads Geotechnical	26.07.2022
SP Energy Network	26.11.2021

► Representations	Dated:
Anne Laird, 5 Lanark Road, Kirkmuirhill, Lanark, ML11 9RB	09.12.2021
Mr & Mrs Cowan, 41 Lochanbank Drive, Kirkmuirhill, Lanark, ML11 9RD	13.12.2021
Mr Frank Aitken, 3 Lanark Rd, Kirkmuirhill, ML11 9RB	11.12.2021
Mr Frank Aitken, 3 Lanark Rd, Kirkmuirhill, ML11 9RB	11.12.2021
Donna Laird, Received Via Email	15.12.2021
Graeme Willis, Via Email	14.12.2021
Mr And Mrs Aitken, Via Email	06.12.2021
Mrs Lynn Coltart, 286 Carlisle Rd, Kirkmuirhill, Lanark, ML11 9RA	08.12.2021
Mr Sean Kelly, 11 Lanark Road, Kirkmuirhill, ML11 9RB	09.12.2021
Mr William Cowan, 289 Carlisle Road, Kirkmuirhill, ML11 9RB	09.12.2021
Gemma Laird, Sent Via Email	11.12.2021
Mrs Linda Cowan, 289 Carlisle Road, Kirkmuirhill, ML11 9NT	13.12.2021
Mrs Christina Seagrave, 13 Lanark Road, Kirkmuirhill, ML11 9RB	13.12.2021
Mr William McCutcheon, 1 Hope Road, Kirkmuirhill, ML11 9QY	10.12.2021

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

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

James Wright, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3  
6LB  
Phone: 01698 455903  
Email: [james.wright@southlanarkshire.gov.uk](mailto:james.wright@southlanarkshire.gov.uk)  
Detailed planning application



### **Conditions and reasons**

01. That, unless otherwise approved in writing by the Council, as Planning Authority, the operations hereby approved, shall continue no longer than 8 weeks following the commencement of development, which shall be submitted for the written notification of the Council, as Planning Authority.

Reason: In order to define the terms of the consent.

02. That all ecological mitigation measures contained within the document titled Preliminary Ecological Appraisal dated July 2021 shall be implemented fully as narrated and maintained for the lifetime of the development, hereby approved.

Reason: In the interests of ecology.

03. That before any work starts on site, details of the restoration of the portion of the application site referenced as Site 1 on approved drawing titled: Location Plan shall be submitted for the written approval of the Council, as Planning Authority. Once approved the restoration shall be implemented as such.

Reason: In order to define the terms of the consent.

04. That no development shall take place within the portion of the application site referenced as Site 1 on approved drawing titled: Location Plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In the interests of the historical environment.

05. That no development shall commence until details of a flood risk assessment and 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 the submission of signed appendices A-E of the Council's Developer Design Guidance on Flood Risk Assessments and Sustainable Drainage Systems, May 2020. The development shall not be commenced until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority and Roads 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 before any work starts on site a Traffic Management Plan shall be submitted to the Council as Roads and Planning Authority for approval. This should include, but not be limited to the following:
- Phase of works with the railway abutments removed first to increase visibility splays
  - Details of the removal of the abutments
  - Formal traffic control proposals for vehicles crossing the B7086
  - Wheel washing and Road cleaning facilities
  - Details of staff and welfare facilities
  - Details of the haul road, including a 7.3m wide access for a minimum of 15m and measures to ensure no surface water flows onto the public road.
  - Details ensuring all vehicles enter and leave the site in forward gear
  - Details of the haulage route for delivery to the site

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

07. That, before any works commence on site, a dilapidation survey shall be undertaken by the applicants, in accordance with the requirements of the Council's Roads and Transportation Services, along the length of the construction traffic route to be agreed in writing with the Council as Roads and Planning Authority. Thereafter, any subsequent repair works to the road in question shall be undertaken by the applicants, to the satisfaction of the Council's Roads and Transportation Services, before the development is brought in to use, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: In the interests of road safety.

08. That the applicant shall ensure that audible construction activities shall be limited to, Monday to Friday 8.00am to 7.00pm, Saturday 8.00am to 1.00pm and Sunday - No audible activity. No audible activity shall take place during local and national bank holidays - without the prior written approval of the planning authority.

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

Reason: In the interests of residential amenity.

09. Noise from construction activity shall not exceed an LAeq,1hr of 65dB as measured free field at the façade of any noise sensitive property.

For soil handling and other temporary operations for the creation of bunds and other works in connection with landscaping noise levels at all noise sensitive properties shall not exceed a free field façade measurement of 70dB as an LAeq,1hr. Temporary operations shall be agreed in writing with the Planning Authority prior to their commencement.

Reason: In the interests of residential amenity.

10. That before any work starts on site, a detailed scheme of site noise monitoring and mitigation shall be submitted to and be approved in writing by the Council as Planning Authority and thereafter the site operator shall abide by the terms of the approved monitoring and mitigation scheme unless otherwise agreed in writing with the Council as Planning Authority.

This monitoring and mitigation scheme shall provide details of:

- Location of noise monitoring equipment;
- Mitigation measures to include bunds and barriers including insertion loss.
- Monitoring frequency;
- Details of equipment to be used and experience of monitoring staff;
- The process and steps to be taken in the event of a complaint regarding noise

Reason: In the interests of Residential Amenity

11. That before any work starts on site, details of mitigation shall be submitted to and be approved in writing by the Council as Planning Authority for dust and air quality (including haul roads). and thereafter the site operator shall abide by the terms of the approved monitoring and mitigation scheme unless otherwise agreed in writing with the Council as Planning Authority.

The dust and air quality monitoring and mitigation scheme shall provide details of:

- ◆ A dust management plan;
- ◆ Mitigation measures;
- ◆ Location of monitoring points;
- ◆ Monitoring frequency;
- ◆ Details of equipment to be used and experience of monitoring staff;
- ◆ The process and steps to be taken in the event of a complaint regarding dust.

That the operator shall minimise dust emissions from the site by every practicable means and shall at all times operate in full accordance with current best practice.

In the event of dust nuisance problems being created by operations on site, the operator shall take all reasonable remedial measures to minimise the transmission of dust, to the satisfaction of the Council as Planning Authority.

If the prevention of dust nuisance by these means is not possible, then the operations which are, in the opinion of the Council as Planning Authority, creating the dust nuisance shall cease temporarily until such times as the weather/ ground conditions allow.

Reason: In the interests of residential amenity.

12. At all times during the operation water bowsers and sprayers, whether fixed or mobile, shall be available 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, overburden, etc. shall cease temporarily until such times as the weather/ ground conditions allow.

The developer shall ensure that sufficient water is maintained on site, at all times, to address the requirements for dust suppression.

Reason: In the interests of residential amenity

13. That before any work starts on site, the following shall be carried out:

(a) The applicant should be required to undertake a comprehensive site investigation, carried out to the appropriate Phase level, to be submitted to and approved in writing by, the Council as Planning Authority. The investigation shall be completed in accordance with advice given in the following:

- Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995)
- Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11)' - issued by DEFRA and the Environment Agency
- BS 10175:2011 - British Standards Institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.

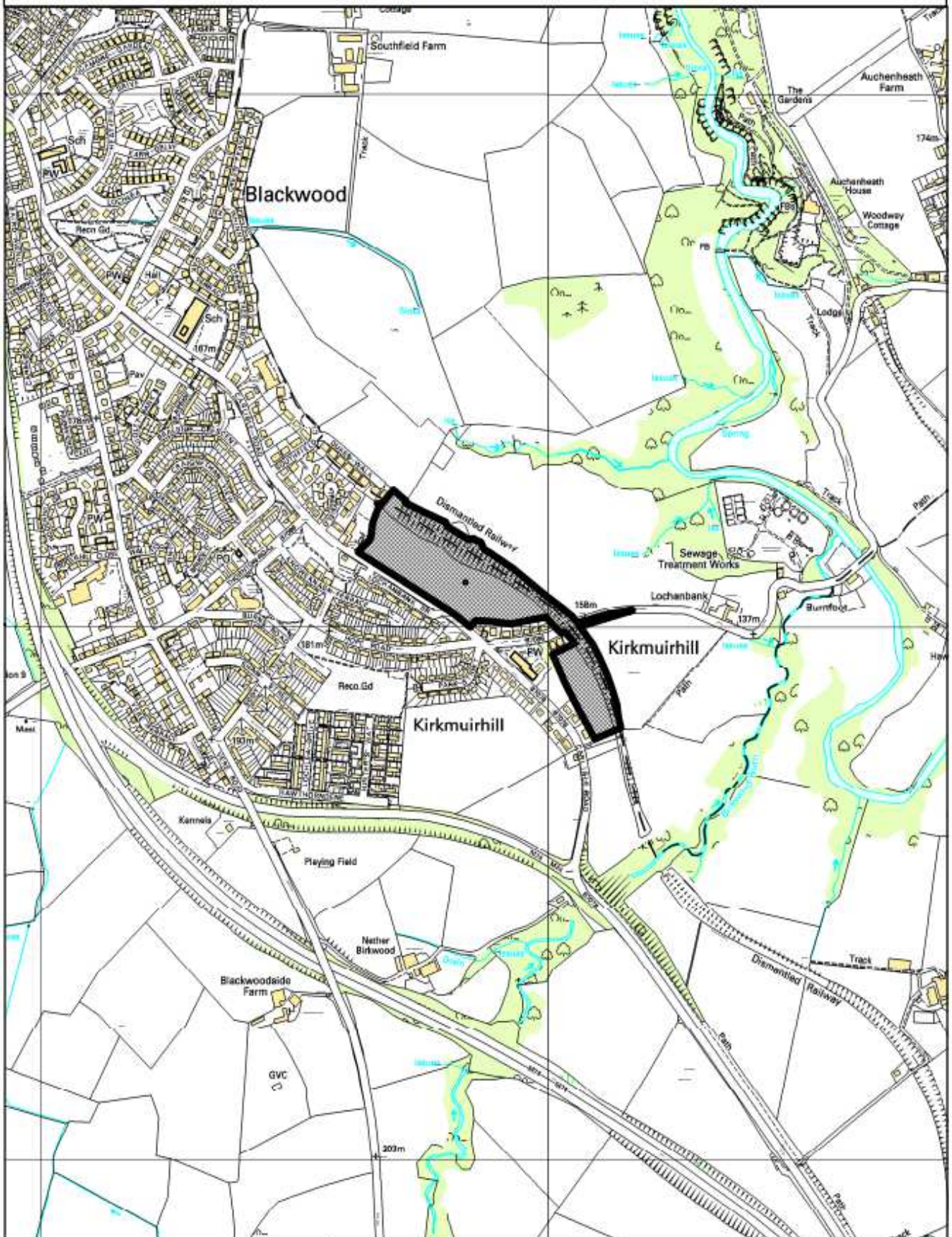
(b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.

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

Reason: In the interests of potential contaminants

P/21/1982

Land 90M NNW of 289 Carlisle Road, Carlisle Road, Kirkmuirhill



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21/07/2022



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





# Report

6

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>16 August 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/21/2132
Planning proposal:	Erection of dwellinghouse with extended family accommodation and detached double garage

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr David Service
Location:	Land 41M North of The Warren Millrig Road Wiston 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: Heidi- Louise Kelly
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2**  
Policy 2 Sustainable Development  
Policy 3 General Urban Areas  
Policy 5 Development Management & Placemaking  
Policy DM1 New Development Design  
Policy DM5 Extended Family Accommodation  
Policy DM15 Water Supply  
Policy DM16 Foul Drainage/Sewerage Provision  
Policy SDCC3 Sustainable Drainage Systems

### ◆ Representation(s):



7

Objection Letters

▶	0	Support Letters
▶	0	Comment Letters

♦ **Consultation(s):**

Environmental Services

Roads Development Management Team

West of Scotland Archaeological Service



## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site relates to an area of land located within the settlement boundary of Wiston. The site is currently open farmland and is bound by residential property to the South and to the West across the public road, the site is bound with more open farmland to the North and East with the northern area approximately only 8m wide, with a private access and then woodland beyond. The private access road signifies the edge of the settlement. The front of the site and the side boundary to the neighbouring dwelling is defined by hedging.

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

- 2.1 The applicant seeks detailed planning permission for the erection of a single storey dwellinghouse with extended family accommodation, the formation of a new vehicle access, erection of a single storey double garage and parking and associated works within the site. The proposed dwelling would be single storey in height with attic accommodation incorporating dormer windows, the footprint comprising of an 'L' shape with the single storey rear extension has a floor area of approximately 210 square metres on the ground floor and 110 square metres at first floor in the attic area. This would include a kitchen/dining area, lounge, public room, office, utility, pantry a bedroom with associated ensuite and a one bed family accommodation annex on the ground floor, and 4no. bedrooms with associated ensuite facilities on the upper floor. There would be a minimum of three parking spaces provided within the site and a detached double garage. The materials proposed would be a mix of render, stone cladding, grey UPVC windows and doors and concrete roof tiles.
- 2.2 It is noted that there are two previous approvals for residential development for this site CL/16/0461 and P/20/1089. The first in 2016 was for planning in principle for a single dwelling and the second in 2020 for the formation of two house plots.

### **3 Background**

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

- 3.1.1 In terms of the South Lanarkshire Local Development Plan 2 (Adopted 2021), the site is located within a general urban area therefore Policy 3: General Urban Areas, Policy 5: Development Management and Placemaking and DM1: New Development Design are relevant.

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

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

#### **3.3 Planning Background**

- 3.3.1 Planning permission in Principle for a single dwelling was approved by the Council under application number CL/16/0461. This required an application to be submitted to agree details of the proposed dwelling, driveway, materials etc as this detail had not been agreed under the application. However, the application expired without any details having been submitted. The site currently benefits from a live consent for the formation of two house plots approved under P/20/1089. The current application is for a single dwelling on the same application site and therefore represents an alternative development proposal on a site previously established as suitable for residential development.

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

- 4.1 **Roads and Transportation Services** – No objection as the applicant has shown adequate visibility, parking and turning space within the plot.

**Response:** Noted. Appropriate conditions will be added to the decision notice to cover these points should consent be granted.

- 4.2 **West of Scotland Archaeological Service** – No objections subject to a condition requiring the implementation of a programme of archaeological works prior to development starting on site.

**Response:** Noted. A condition will be added to the decision notice to cover this issue should consent be granted.

- 4.3 **Environmental Services** – No objection subject to informatives on a noise, contamination, pest control and septic tanks being added to the decision notice.

**Response:** Noted. Appropriate informatives will be added to the decision notice to cover these points should consent be granted.

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

- 5.1 In response to the carrying out of neighbour notification and the advertisement of the application in the local press due to the non-notification of neighbours, 7 letters of objection have been received from 5 people within 4 households. The issues raised are summarised below:

- a) **The proposed dwelling is very large, in comparison with the surrounding properties and will result in the loss of privacy.**

**Response:** Whilst the proposed dwelling is larger than adjacent properties, it is not significantly so and it is considered to be in proportion to the size of the plot and is not of such a scale that it will have an adverse impact on adjacent properties. The dormer windows to the front elevation will overlook the dwellings on the opposite side of the road however at a distance of over 28m window to window this is considered more than adequate to respect a reasonable level of privacy and this level of overlooking is similar to that experienced within the surrounding area in general. Furthermore, as the proposal complies with the requirements of the Council's Residential Development Guide, the proposal is considered to be acceptable.

- b) **The proposed dwelling and garage will cause a loss of light and create overshadowing to the surrounding properties due to its scale, location and the difference in ground levels of the site compared to the neighbours.**

**Response:** Due to the scale of development, the size of the plot and distance from the neighbouring properties both the dwelling and garage have no significant effect on daylight, nor will it create any significant overshadowing that is detrimental to residential amenity.

- c) **Concerns have been raised over the drainage of the site both in terms of foul and surface water drainage to serve the development and how this will be installed and managed to ensure neighbours are not affected when the site is developed.**

**Response:** The site was previously reviewed by the Council's Roads Flooding Team and no concerns were raised in terms of flooding. As the site is for a single dwelling there is no requirement to go through the detailed stages of drainage design at this point, but it is recognised that due to its rural location and site constraints that these elements will need careful consideration before

development starts. As such, appropriate conditions are proposed to be attached should consent be granted in order to ensure suitable drainage systems for both foul and surface water, designed and approved by the council prior to development starting on site, are installed to serve this development. Any foul water drainage discharge to a watercourse or land will require the appropriate approval from SEPA.

- d) **The location of the driveway and the narrow width of the existing road will make it difficult to enter and exit the site without interfering with the access of neighbouring properties. In addition, the previous approval for the site required the addition of a footpath.**

**Response:** Following a review of the proposed plans the Roads and Transportation Services have not raised concerns about the location or nature of the proposed access. In the plans submitted the applicant has shown the formation of a grass verge with a new hedge planted along the front of the site. Roads have advised that they have no objections to the proposal, raised no concerns in terms of road safety and have made no request for a footpath. The provision of a verge and hedge is considered to be more in keeping with the layout of the village and does still allow people to step off the carriageway if required.

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

## **6 Assessment and Conclusions**

- 6.1 For the purposes of determining planning applications the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2. The relevant planning policies of the adopted SLLDP2 are listed above.
- 6.2 Policy 3 refers to predominately residential areas within settlements and provides advice on the types of uses which could be compatible. Policy 3 notes that residential development is considered acceptable subject to there being no significant adverse effect on the amenity and character of the area. Therefore, the principle of residential development at this location within the settlement boundary is already established. In addition, the location of the dwelling within the site would appear as a continuation of the form of the existing development on Millrigg Road and as such is considered to be in character with the surrounding area.
- 6.3 Policy 5 seeks to ensure proposals integrate well with their surrounding area and adverse impacts upon residential amenity, road safety, natural and historic heritage are avoided. The plot measures 35m in depth by 45m in width. The submitted plans show a suitable access and 3 parking spaces, there is considered sufficient depth and width to accommodate the dwelling proposed. A hedge bounds the front of the site which would require re-siting to accommodate visibility splays; a condition shall be imposed to replant the hedge to retain the character of the area. On that basis the proposal is considered acceptable under Policy 3, 5 and DM1 of the adopted SLLDP2.
- 6.4 Policy 2 seeks to minimise and mitigate against climate change. The proposal provides an additional dwellinghouses within an existing rural settlement, avoiding areas of high to medium flood and adverse impact on water, soils and air. On this basis the proposal has where possible sought to meet Policy 2 of the adopted SLLDP2.
- 6.5 Policy DM5 Extended Family Accommodation seeks to ensure there is an established need for this type of accommodation and ensure it can be accommodated without significant adverse impact upon residential amenity. A supporting statement has been

submitted by the applicant to demonstrate the social need for the additional accommodation; the reasoning within the statement is found to be acceptable for the requirements of Policy DM5. There is sufficient access, parking and turning facilities for the main dwellinghouse and the proposed family accommodation. There are no neighbouring properties that would be adversely affected by the additional rear extension and as such there is no increased loss of privacy or overlooking. On this basis the proposed development meets the requirements of Policy DM5 of the adopted SLLDP2

6.6 Policies SDCC3, DM15 and DM16 seek to ensure that development has been designed using a sustainable drainage system and that there is sufficient water supply, foul drainage, and sewerage. The application form details the plots would be connected to the public water supply network and due to the rural nature, a private sewerage system. Conditions can be imposed on any permission to ensure this is fully considered prior to development starting on site. The proposal is therefore in accordance with policies SDCC 3, DM15 and DM16 of the adopted SLLDP2.

6.7 On the basis of the above it is considered that the proposed dwelling with extended family accommodation is of a suitable scale and design for the site and complies with all relevant policies. It is therefore recommended that planning permission is granted.

## **7 Reasons for Decision**

7.1 The proposed dwelling is considered to be an acceptable development for the site and will not be detrimental to the amenity of the area. Development proposed is therefore consistent with Policies 2, 3, 5, DM1, DM5, DM15, DM16 and SDCC3 of the adopted South Lanarkshire Local Development Local Plan2 (2021).

**David Booth**

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

26 June 2022

### **Previous references**

♦ None

### **List of background papers**

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

Environmental Services	12.01.2022
Roads Development Management Team	20.01.2022
West of Scotland Archaeological Service	22.12.2021
- ▶ Representations
 

Mr Neil Macfarlane, The Warren, Millrigg Road, Wiston, ML12 6HT	Dated: 20.12.2021 & 29.03.2022
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Miss Lorraine Cameron, Nia'roo, Millrigg Road,, Wiston, Biggar, ML12 6HT	21.12.2021 & 27.03.2022
Mr Peter Strachan, Wiston Place Farm, Millrig Road, Wiston, ML12 6HT	29.03.2022
Mrs Kirsty Strachan, Wiston Place Farm, Millrigg Road, Wiston, ML12 6HT	28.03.2022
Mr Carina Newton, Lavender Cottage, Millrigg Road, Wiston, Biggar, ML12 6HT	28.03.2022

**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)

## Detailed planning application

Paper apart – Application number: P/21/2132

### Conditions and reasons

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

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

02. That before the dwelling hereby approved is completed or brought into use, a visibility splay of 2m by 43m to the north of the site and 2m by 30m to the south of the site measured from the road edge 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.

03. That before the dwelling hereby approved is completed or brought into use, a 2m wide grass verge shall be installed along the whole frontage of the site to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of public safety.

04. That before the dwelling hereby approved is completed or brought into use, 3no. parking spaces (2.9m x 5.8m modules) and a turning area to allow vehicles to enter and exit the site in forward gear shall be laid out, constructed and thereafter maintained to the satisfaction of the Council as Roads and Planning Authority.

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

05. That no gates or other obstructions shall be erected within the first 5m of the driveway as measured from the edge of the road

Reason: In the interests of traffic and public safety.

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

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. Thereafter

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 before any work commences on the site, a scheme of hedge planting to the perimeter of the application site shall be submitted for approval. The hedge along the front of the application site should be set back a minimum of 2.5m from the road edge and maintained to ensure it does not affect vehicle visibility from the site. The submitted information should include future maintenance and minimum and maximum heights to be set for the hedging.

Reason: To ensure the appropriate provision of boundary treatments for the site.

09. That the approved hedge planting 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.

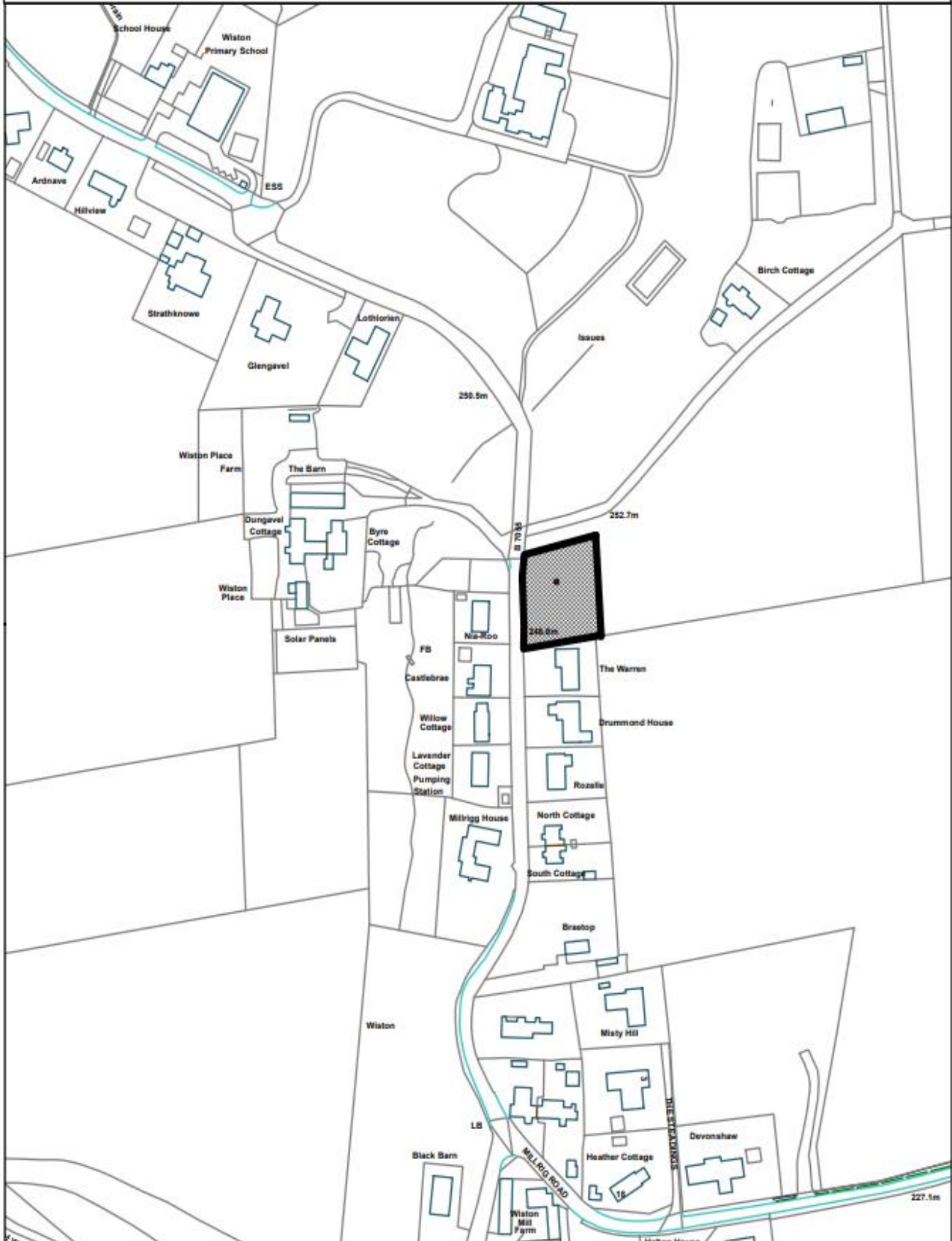
Reason: In the interests of the visual amenity of the area.

10. 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.

P/21/2132

Land 41M North of the Warren



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



# Report

7

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>16th August 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/22/0387
Planning proposal:	Amendment to Planning Permission CL/03/0257 involving substitution of house types on plots 131-161

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Persimmon Homes
Location:	Land 92M North Of 1 Bourtree Crescent Bourtree Crescent Law Carluke 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: N/A
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s): SLDP2: Policy 2 Climate change  
SLDP2: Policy 3 General Urban Areas  
SLDP2: Policy 5 Development Management and Placemaking  
Placemaking  
SLDP2: Policy DM1 New Development Design

### ◆ Representation(s):



7

Objection Letters

▶	2	Support Letters
▶	1	Comment Letters

♦ **Consultation(s):**

Roads Development Management Team

Scottish Water

Roads Flood Risk Management

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site, extending to 1.3 hectares, is located between Bourtree Crescent and St Andrews Drive, on vacant land comprising an area of scrub, weeds and wasteland. Topographically the site rises gradually in a north/south direction. There are groups of scrub trees scattered throughout the site and along some of the perimeter boundaries.
- 1.2 The site is located within the settlement boundary of Law and is bounded on all sides by existing two storey dwellings, a mixture of detached, semi-detached and four in a block dwellings along Bourtree Crescent, St Andrews Drive and Patterson Drive. There is an existing access link from Bourtree Crescent into the southern section of the site and to the north from St Andrews Drive is an existing 8m wide sewer wayleave into the site.

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

- 2.1 The applicant seeks planning permission to substitute house types on plots 131 – 161 approved under Planning Permission CL/03/0257. This site represents the last undeveloped area covered by Planning Permission CL/03/0257 which has largely been completed and relates to finished dwellings to the north and south of Bourtree Crescent. The road/footpath layout, amenity space and play area is the same as the plans for the original approval.
- 2.2 The proposed house types are different in style and design however they are on approximately the same footprint as the originally approved plots with some minor variations. The proposal comprises 31 two storey dwellings ranging from 3 to 4 bedrooms. A variety of conventional and contemporary designs are proposed, appropriate to an urban setting. Parking provision has been allocated for each plot based on number of bedrooms. For one to 3 bedroom dwellings two spaces have been allocated and for 4 bedrooms and above it is three spaces in accordance with current standards.

### **3 Background**

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

- 3.1.1 In the adopted South Lanarkshire Local Development Plan2 the following Policies 2 - Climate Change, 3 - General Urban Areas and Settlements, 5 - Development Management and Place Making and DM1 - New Development Design are of relevance to the determination of this application.

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

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

### **3.3 Planning Background**

- 3.3.1 Planning Permission CL/03/0257 for 164 dwellinghouses and associated infrastructure was granted by Planning Committee on 11 May 2004 subject to financial contributions of £41,000 towards upgrading open space and recreational provision in the surrounding area and £37,500 towards junction improvements at the Brownlee Road/Horsely Brae junction in North Lanarkshire and the submission of a Landscaping Bond prior to the issue of consent. The necessary contributions and Bond were submitted, and Consent was issued in February 2005.

## **4 Consultation(s)**

- 4.1 **Roads & Transportation Services** – No objection subject to a 3m wide pedestrian access onto St Andrews Drive and confirmation of approval from Scottish Water for connection into their system. Also, a wheel washing facility and traffic management scheme are required. In addition to these comments, there are six roads related conditions which are proposed to be used which would cover the following matters:

- ◆ Ensuring that the access roads and footways are completed to base course level at the appropriate time;
- ◆ Ensuring that the access roads and footways are completed to their final wearing course level at the appropriate time;
- ◆ Provision of electric vehicle charging points;
- ◆ Provision of wheel wash facilities;
- ◆ Roads sweeping where necessary;
- ◆ Submission of a traffic management plan;
- ◆ Provision of phasing details;
- ◆ Provision of a turning area and staff parking within the development site; and
- ◆ Details of the access route for all delivery and construction vehicles.

**Response:** The applicant does not have control over the land connecting onto St Andrews Drive, also the requirement for a pedestrian link was not a condition of the original approval, otherwise the other matters can be covered by appropriately worded conditions.

- 4.2 **Scottish Water** – There is sufficient capacity in Camps Water Treatment Works and Maudslie Waste Water Treatment works. Scottish Water indicate that there is live infrastructure in the proximity of the development area that may impact on existing Scottish Water assets. The applicant must identify potential conflicts with Scottish Water and contact their Asset Impact Team for an appraisal of the proposals.

**Response:** The infrastructure referred to is the drainage for the substitute houses and others within the wider development. The applicant is retaining the previously approved road layout and will connect to the existing infrastructure.

- 4.3 **Flood Unit** - No response has been received to date.

**Response:** If consent is granted previous conditions relating to drainage will be attached to the Decision.

## **5 Representation(s)**

- 5.1 In response to the neighbour notification process, 7 letters of objection, 2 in support and 1 comment letter have been received. The issues raised are summarised below:

- a) **A path should be provided between plots 15-16 to link the new homes with the existing area and provide a more direct walking route to the bus stop etc**

**Response:** The applicant has no control over the land required to form this link.

- b) **Only having one way into the estate will increase the volume of traffic entering the estate from Bourtree Crescent making the area dangerous for children who play in the street.**

**Response:** Roads & Transportation Services in their consultation response have not raised any public or traffic safety concerns. The proposed road layout will reflect what has previously been approved and the number of houses to be constructed within the development will not be increased. There are a total of six roads related conditions are proposed to be attached to any planning consent in order to maintain effective planning control and minimise any impact on the surrounding area, particularly during the construction phase of the development.

- c) **Construction traffic in this area will make it a much more dangerous place for local children.**

**Response:** A condition will be attached, if consent is granted, requiring a traffic management scheme which will ensure that the following matters are suitably addressed and agreed with the council:

- ◆ Operating hours;
- ◆ Wheel wash facilities and road sweeping;
- ◆ Parking for construction workers;
- ◆ Route for delivery/construction vehicles; and
- ◆ Provision of a turning facility for delivery/construction vehicles.

- d) **There is an abundance of wildlife in the proposed development area including hedgehogs – concerned about the destruction of local habitats.**

**Response:** The development of this area is already authorised by the original Planning Permission CL/03/0257 for 164 dwellinghouses which started before the expiry of the consent and is largely complete other than the area in question, therefore planning permission to build on the current application site remains live, the only difference relates to house substitution. Notwithstanding the area has limited value for wildlife and no protected species or habitats will be affected.

- e) **Supportive of the planning application.**

**Response:** Noted.

- f) **Given that the level of the proposed development is below the level of the house and, garden, the proposed property and outdoor area, at the back of their fence will have direct view into the kitchen and dining room. Could consideration be given to this and potentially review the fence which maybe be increased to safeguard privacy.**

**Response:** The objectors house looks onto the side elevation of the proposed dwelling where there are no habitable windows other than a door to a utility room. A condition will be attached requiring a 1.8 metre screen fence along the rear boundaries.

- g) **Noise and disturbance alongwith road safety especially when the proposed construction works are undertaken. The unsociable working hours of building work and disturbance is a large worry as it will significantly disrupt child's sleep pattern.**

**Response:** If consent is granted an informative will be attached to the Decision advising that Noise from construction will be controlled under BS 5228 Parts 1-4 1997, 'Noise control on construction and open sites' and audible construction activities will be limited to: Monday to Friday 8.00am to 7.00pm, Saturday 8.00am to 1.00pm. There will be no audible activity on a Sunday. Construction traffic will have to abide by safety standards for travelling through residential areas. A condition will be attached, if consent is granted, requiring a traffic management scheme.

- h) **Privacy and peace will be lost as gardens now overlook onto their garden.**

**Response:** The objector's house is already bounded on all sides by existing dwellings.

- i) **Impact on privacy.**

**Response:** The proposed dwellings reflect the footprint of the earlier house types approved under Planning Permission CL/03/0257, therefore there is no change in the distance between the proposed and earlier approved dwellings and the existing dwellings. Also, if consent is granted a condition will be attached requiring the installation of a 1.8 metre screen fence along the rear boundaries.

- j) **Loss of view.**

**Response:** Right to a view is not a valid planning consideration.

- k) **Mice and rats appearing.**

**Response:** If consent is granted, an informative will be attached advising that adequate pest control measures should be employed to ensure that associated ground works occurring as part of this development do not give rise to increased pest activities.

- l) **Proximity of play park and noise generated from it.**

**Response:** This application purely relates to house substitutions - there are no plans to alter the location of the play area, which has been approved by the previous consent. Therefore, the nature of this objection is not relevant to the assessment of this application. Notwithstanding, play areas are common features within the urban environment. Environmental Health have separate legislative powers to deal with noise disturbance in the event of any future complaint being received.

- m) **Loss of natural light and overshadowing.**

**Response:** In considering the position and orientation of proposed dwellings relative to surroundings it is considered that there will be no significant loss of light or overshadowing.

- n) **Noise from traffic and more pollution caused that's needed.**

**Response:** The traffic noise will be similar to that generated within an average urban residential area. The site is not located in an Air Quality Management Area therefore there is no evidence of pollution being an issue in this area.

- o) There were no plans for building on that area again another reason for buying house.**

**Response:** The applicant has stated that the Title Deeds for the properties built under the original approval detailed housing on the site, attached a copy of the relevant plan which forms part of each Title for the neighbouring Persimmon properties detailing this. Of the 44 properties that share a boundary with the site, 25 of the neighbouring homeowners were aware that the site would be developed for housing and none of the objections have come from properties on Patterson Drive which are older properties, not forming part of the original Persimmon scheme. Many of the neighbours will be glad to see the waste ground developed.

- p) A significant amount of wildlife now lives in this area including foxes, field mice and butterflies.**

**Response:** This area has been earmarked for a residential development since Planning Permission CL/03/0257 was granted for a residential development in February 2005. The applicant is entitled to proceed with the development – the present proposal is for house substitutions and does not invalidate the original consent. The species referred to are not rare or protected and particularly relating to foxes can adapt to changing environments.

- q) Funding should be acquired as part of the development to reopen the train station.**

**Response:** This is a plot substitution, and it has been confirmed previously by Planning to the landowner that there will be no developer contributions associated with these proposals given that these were made as part of the original consent.

- r) Overlooking by multiple houses and not just one, as their plots are significantly larger than the proposed development.**

**Response:** Privacy will not be compromised, and the level of overlooking is commensurate with a residential urban area of average density.

- s) Cramming as many houses as possible into a small space is shocking.**

**Response:** The proposed density and numbers of dwelling reflects the original consent which remains live.

- t) Play area could be a gathering point for older children/teenagers to gather and cause a lot of noise and damage to the play park or neighbouring properties.**

**Response:** This is not a relevant planning concern -this is a matter for the Police to deal with if a disturbance or anti-social behaviour arises.

- u) Play area could be a gathering point for older children/teenagers to gather and cause a lot of noise and damage to the play park or neighbouring properties.**

**Response:** This is not a relevant planning concern -this is a matter for the Police to deal with if a disturbance or anti-social behaviour arises.

- v) The houses will cause a significant strain on the local school.**

**Response:** Education plan for future capacity taking account of population and future housing supply – they would have been aware of this development when Planning Permission CL/03/0257 was granted for 164 units in February 2005.

- w) **Severe lack of public transport in the village is diabolical and is not sufficient for a village of this size that continues to have more and more development popping up.**

**Response:** Law has several shops and services which negate the need to travel out with. Most households will be car owners.

- x) **Increase in cars in the village with very limited traffic control.**

**Response:** Roads & Transportation Services in their consultation response have not highlighted the need for additional traffic control and therefore it is assumed the existing road network can cope with the additional traffic generation.

- y) **Would like to see how the developers plan on separating the play park with the existing fence line of objector as this could be an opportunity for children to throw rubbish into gardens or hop through property as a shortcut.**

**Response:** The play park boundary does not directly adjoin onto the objector's garden boundary. To prevent easy access from the play area into neighbouring gardens a 1.8 metre fence will be established to the rear and part of the side boundaries of neighbouring dwellings.

- z) **Dirt, dust, and odours.**

**Response:** If consent is granted a dust mitigation control condition will be attached to the Decision. There is no evidence to substantiate that the development will cause odour. Environmental Services have separate legislative powers to deal with complaints arising from smell/odours.

- aa) **Law has no amenities (i.e Doctors, Dentist, Banks, Restaurants, cinema).**

**Response:** This is no different from any other village or small town where access to such services is in the nearest larger settlement which in this case is Carluke, Lanark or Hamilton.

- bb) **Daughter is awaiting heart surgery – worried that the back garden will be unsafe for her – debris and dust in the air could affect her lungs and her condition relies on strong lungs as she only has half a working heart. Plus all the wildlife that would come out of the overgrown area could result in multiple infections for her if bitten.**

**Response:** Unsure of the timescale for daughter's operation however it is unlikely there will be a site start until early in the new year during winter months when dust and insects are unlikely to be a problem. The timescale for building the proposed dwellings behind the objector's would only be for 3 months, a relatively short period. If consent is granted a dust mitigation control condition and an informative on pest control will be attached to the Decision Notice.

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

## **6 Assessment and Conclusions**

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

6.2 Policy 2 Climate Change seeks to minimise and mitigate against the effects of climate change by considering various criteria including: being sustainably located; reuse of vacant and derelict land; avoidance of flood risk areas; incorporating low



and zero carbon generating technologies; opportunities for active travel routes and trips by public transport; electrical vehicle recharging infrastructure and where appropriate connection to heat networks. The site is located within the settlement boundary of Law where there is access to public bus routes and a number of services and facilities in the village which are within easy walking distance. The proposal will redevelop a significant area of vacant land. The site is not at risk of flooding and conditions have been attached requiring the submission and approval of details for low carbon technology, electrical vehicle charging and landscaping. In consideration, the proposals would not undermine the objectives of policy 2.

- 6.3 The application site falls within the settlement boundary of Law where Policy 3 – General Urban Areas and Settlements advises that residential developments on appropriate sites will generally be acceptable. Particular consideration will be given to likely impacts on the amenity of the area. This will include important greenspace, local services and facilities, proposed servicing, parking arrangements and access. The residential development of the site positively contributes towards the Council's requirement to maintain a five year effective supply of housing land provision. Furthermore, effective housing land within the settlement of Law meets the aims of Scottish Planning Policy by providing a sufficient and sustainable supply of housing within an existing residential area with access to services nearby. Sufficient parking can be provided, there will be no adverse impact upon local services/facilities and greenspace and the proposal includes a reasonable range of styles and housing types. The proposal satisfactorily complies with the aims of Policies 3 – General Urban Areas and settlements therefore the principle of the proposed development is acceptable.
- 6.4 Policy 5 - Development Management and Place Making, together with the Development Management and Placemaking Supplementary Guidance supports residential developments where they do not have a significant adverse effect on the amenity of the area. In addition, any new development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials, and intensity of use. The character and amenity of the area must not be impaired by reason of traffic generation, parking, overshadowing, overlooking or visual intrusion.
- 6.5 Policy DM1- New Development Design reiterates these points and adds that modern innovative design can reflect local tradition through scale, massing, siting and colour rather than replicating existing building form. New houses should be designed in such a way as to incorporate high speed broadband connection.
- 6.6 The road layout, landscaping, amenity, drainage infrastructure etc and street scene character remains largely unchanged from the original approval CL/03/0257. House replacements are similar to the footprint, curtilage, driveway, and parking provision as the originally approved dwellinghouses which are being substituted. The size, scale and design of the dwellings are in keeping with the established character of the area, will not adversely affect residential amenity and are largely compliant with guidance in the Residential Design Guides. The proposal will not have a significant impact upon landscape features, protected habitats or species. There are no infrastructure constraints. Roads & Transportation Services have not raised any traffic or public safety issues in their consultation response and conditions are proposed which will ensure that the proposed roads and footways are completed at the appropriate time and that disruption during construction is minimised and effectively managed. Adequate parking, turning areas and access can be provided. A condition has been attached requiring approval of measures to facilitate the provision of full fibre broadband. In view of the above, it is considered that the proposal would relate satisfactorily to adjacent development, and the character and

amenity of the residential area would not be impaired by reason of traffic generation, parking, visual intrusion or physical impact. The proposal is therefore satisfactory in terms of Policies 5 and DM1 of the adopted Local Plan.

- 6.7 In view of the above and taking into account the current local development plan context, the previous Planning Permission CL/03/0257 for 164 dwellinghouses is largely complete other than the remaining area covered by the house substitution application which remains live, and the supporting information submitted with the application for the proposed house substitutions, an amendment to CL/03/0257, are deemed to be acceptable. The proposals represent an appropriate form of residential development for the site, and it is therefore recommended that detailed planning consent be granted subject to the conditions listed.

## **7 Reasons for Decision**

- 7.1 The proposal will have no adverse impact on residential or visual amenity and raises no road safety concerns. The development complies with Policies 2, 3, 5, and DM1 of the adopted South Lanarkshire Local Development Plan 2.

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

Date: 26 July 2022

### **Previous references**

- ◆ CL/03/0257

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated
  
- ▶ Consultations
  - Roads Development Management Team 07.06.2022
  - Scottish Water 29.03.2022
  - Roads Development Management Team 26.04.2022
  - Roads Flood Risk Management
  
- ▶ Representations
  - Ms Lynn Reid, 82 Glen Tennet, East Kilbride, G74 3UY Dated: 21.03.2022  
21.03.2022
  
  - Samantha Gray, 1 Bourtree Crescent, Law, Carluke, South Lanarkshire, ML8 5GH 01.04.2022

Mrs Samantha Gray, 1 Bourtree Crescent, Law, ML8 5GH	29.03.2022
Mr Barry Main, 5 Bourtree Crescent, Law, CARLUKE, ML8 5GH	12.04.2022
Mr William Hamilton, 23 Bourtree Crescent, Law, Carluke, ML8 5GH	07.04.2022
Mr David Leonard, 48 Bourtree Crescent, Law, Carluke, ML8 5GH	27.03.2022
Mrs Fiona Lamont, 3 Bourtree Crescent, Carluke, Law, ML8 5GH	25.03.2022
Mr Douglas Scott, 33 Bourtree Crescent, Lanark, ML8 5GH	07.04.2022
Mrs Roxanne Kilmurray, 43, Bourtree crescent, Law, ML8 5gh	31.03.2022
Mrs Susan McKenzie, 7 Bourtree Crescent, Law, Carluke, ML8 5GH	01.04.2022

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

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

Ian Hamilton, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455174

Email: [ian.hamilton@southlanarkshire.gov.uk](mailto:ian.hamilton@southlanarkshire.gov.uk)

### **Conditions and reasons**

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

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

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

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

03. That before any of the dwellinghouses on the approved plans are occupied, a 1.8 metre high close boarded screen fence shall be erected along the boundaries adjoining existing dwellings unless agreed in writing by the Council as Planning Authority.

Reason: To protect the privacy of the adjacent property and to prevent overlooking.

04. That before any of the dwellinghouses on the approved plans are occupied, a 1.8 metre high screen fence shall be erected along the side boundaries on the play area adjoining plots 10 & 11 marked yellow on the approved plans.

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

05. That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 02, shall be erected and thereafter maintained to the satisfaction of the Council.

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

06. That before 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.

07. 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.

08. That the surface water drainage system, incorporating a SUDS scheme, shall be implemented simultaneously with the development hereby approved, to the satisfaction of the Council as Planning Authority and shall be completed prior to the last dwellinghouse hereby permitted being occupied.

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

09. That no dwellinghouse shall be occupied until the access roads and footways leading thereto from the existing public road have been constructed to base course level.

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

10. That before the last dwellinghouse hereby permitted is occupied, all roads and footways within the development shall be completed to a final wearing course level.

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

11. That no dwellinghouse shall be occupied until the developer provides a written agreement from Scottish Water that the site can be served by a sewerage and water scheme constructed to the specification and satisfaction of Scottish Water as the Water and Sewerage Authority.

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

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

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

13. Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

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

14. The developer shall ensure that any vehicle transporting excavated material on or off the site must be treated by means of adequate wheel washing facilities. The facility will require to be in operation at all times during earth moving operations. The wheel washing facility shall be fully operational prior to 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 safety.

15. That prior to any work starting on site, a programme indicating the phasing of construction of development, together with a Traffic Management Plan indicating the circulation of vehicles and pedestrians, shall be submitted to the Council as Planning Authority for written approval. The Traffic Management Plan shall also provide details of the hours of operation on site (detailing any particularly noisy aspects of the development), wheel washing arrangements and road sweeping details, on site parking for construction workers and the route to be taken to access the site for all delivery/construction vehicles. Thereafter the development shall be undertaken at all times in accordance with the approved details contained in the Traffic Management Plan unless otherwise agreed in writing with the Planning Authority.

Reasons: In the interests of road safety.

16. All vehicles shall be able to access and exit the site in forward gears, therefore a turning area must be provided, in addition 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. Prior to the commencement of work on site a plan showing the turning area and location and number of spaces for site staff/operatives shall be submitted for approval of the Council as Planning and Roads Authority.

Reasons: In the interests of road safety.

17. Prior to the commencement of development on site, an energy statement covering the new build element of the approved development which demonstrates that on-site zero and low carbon energy technologies contribute at least an extra 10% reduction in CO2 emissions beyond the 2007 building regulations carbon dioxide emissions standard, shall be submitted to and approved in writing by the Council as Planning Authority. The statement shall include:

- a) the total predicted energy requirements and CO2 emissions of the development, clearly illustrating the additional 10% reduction beyond the 2007 building regulations CO2 standard;
- b) a schedule of proposed on-site zero and low carbon energy technologies to be included in the development and their respective energy contributions and carbon savings;
- c) an indication of the location and design of the on-site energy technologies; and
- d) a maintenance programme for the on-site zero and low carbon energy technologies to be incorporated.

Reason: To secure a reduction in carbon dioxide emissions.

18. The approved on-site zero and low carbon energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and shall remain fully operational in accordance with the

approved maintenance programme, unless otherwise agreed in writing by the Council as Planning Authority.

Reason: To secure the timeous implementation of on-site zero and low carbon energy technologies.

19. 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.

20. That prior to the commencement of works, details and locations of charging points for electrical cars, at a rate of one charging point per house plot, shall be submitted for the written approval of the Council as Planning Authority. Prior to the completion of the development the approved charging points shall be installed, available for use and thereafter maintained and replaced where necessary to the satisfaction of the Council.

Reason: To ensure facilities for recharging electrical cars are available for the use of the residents.

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

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

22. That prior to the completion or occupation of the last dwellinghouses within the development, all of the works required for the provision of equipped play area(s) included in the scheme approved under the terms of Condition 21, shall be completed, and thereafter, that area shall not be used for any purpose other than as an equipped play area.

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

23. Prior to the commencement of works on site, the applicant will require to provide confirmation from Scottish Water that they are willing to accept the drainage discharge and design.

Reason: To ensure that the site will be effectively drained.

24. That prior to the commencement of development, the applicant shall provide written confirmation from Scottish Water that the development does not affect their assets and if it does the applicant shall submit details for a diversion/relocation scheme

approved by Scottish Water and that development shall not commence until the approved diversion/relocation scheme has been satisfactorily implemented.

Reason: To ensure that the development does not impact upon Scottish Water assets.



P/22/0387

Land 92M North of 1 Bourtree Crescent



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Scale:  
1:5,000  
Date:  
21/07/2022



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



# Report

8

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>16 August 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/21/1975
Planning proposal:	Change of use of retail unit (Class 1) to hot food takeaway (Sui Generis) with associated alterations including the installation of a flue

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr Frank McCabe
Location:	78 Main Street Cambuslang G72 7EP

## 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: Frank McCabe
- ◆ Council Area/Ward: 13 Cambuslang West
- ◆ Policy Reference(s): Policy 5 Development Management and Placemaking  
Policy 9 Network of Centres and Retailing  
Policy DM9 Hot Food Shops

### ◆ Representation(s):

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

♦ **Consultation(s):**

Environmental Services

Roads Development Management Team

## Planning Application Report

### 1 Application Site

- 1.1 The application site is located at 78 Main Street in Cambuslang. The site is a former retail unit (Class 1) located within the town centre, 35 metres south-east of Cambuslang Gate which is on the opposite side of the Main Street. The unit has most recently been used as a florist and it appears to have been vacant for more than a year.
- 1.2 The majority of the surrounding units are in commercial use, with an existing hot food takeaway and convenience store to one side and a restaurant and public house to the other, with some residential properties on upper floors. To the rear of the unit is a communal courtyard which backs onto the Glasgow to Newton railway line. The site is also located adjacent to an existing loading bay on Main Street.

### 2 Proposal(s)

- 2.1 The applicant seeks permission for a change of use from Class 1 (retail unit) to a hot food takeaway. No external alterations are proposed to the front of the unit, save for the installation of new signage. A new door is intended to be formed to the rear of the unit to provide access to the rear courtyard area and a new flue is proposed to the rear elevation of the property which would extract fumes from the kitchen. The proposed ventilation system would terminate one metre above the roof eaves to the rear of the unit. Internally, the space would be divided to form a large kitchen space with a small customer area and counter to the front of the unit. The applicant has not indicated the proposed opening hours.

### 3 Background

#### 3.1 Local Plan Status

- 3.1.1 The application site is identified as being within Cambuslang town centre in South Lanarkshire Local Development Plan 2 where Policy 9 Network of Centres and Retailing is applicable. In addition Policy 5 Development Management and Placemaking and Policy DM9 Hot Food Shops are relevant.
- 3.1.2 An assessment of the proposal against these specific policies is contained in Section 6 of this report.

#### 3.2 Relevant Government Advice/Policy

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

#### 3.3 Planning Background

- 3.3.1 There is no recent planning history for the site as it appears to have been used as a Class 1 retail unit for some time, latterly as a florist and before that as a hairdressers and barbers.

### 4 Consultation(s)

- 4.1 **Environmental Services** – No objections to the proposal subject to the inclusion of conditions relating to the ventilation system and waste collection, as well as the inclusion of relevant advisory notes.

**Response:** Noted. These conditions and advisory notes have been attached to this recommendation.

- 4.2 **Roads Development Management Team** – No objections to the proposal as there are no roads or transportation issues associated with this proposal.

**Response:** Noted

## **5 Representation(s)**

- 5.1 Statutory neighbour notification was undertaken, and the proposal was further advertised in the Rutherglen Reformer. Following this publicity, 6 letters of objection have been received. The matters raised are summarised as follows:-

- a) **Concerns that there are too many hot food takeaway shops on Cambuslang Main Street and that no further takeaways are required. More retail shops are required to bring people back to the street.**

**Response:** The relevant policies of the adopted Local Development Plan support a mixture of uses compatible with town centres' role as commercial and community focal points and this includes restaurants and hot food takeaways. With the increase in online retailing there has been reduced demand for retail units, even in town centres, and it is noted that this unit appears to have been vacant for more than a year without a replacement Class 1 retail occupant being identified. This proposal will bring the unit back into use and it is considered that an appropriate mixture of uses will remain in the town centre to meet the needs of residents.

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

## **6 Assessment and Conclusions**

- 6.1 The applicants propose to change the use of this unit from retail (Class 1) to a hot food takeaway (Sui Generis) at 78 Main Street in Cambuslang. In terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended), planning applications require to be determined in accordance with the development plan unless other material considerations indicate otherwise. The main determining issues in assessing this proposal are whether it accords with adopted local development plan policy and its impact on amenity and road safety matters.

- 6.2 The application site is identified as being within Cambuslang town centre in the adopted South Lanarkshire Local Development Plan 2 where Policy 9 Network of Centres and Retailing is applicable. It supports a mixture of uses compatible with town centres' role as commercial and community focal points and this includes restaurants and hot food takeaways. Furthermore, Policy DM9 (Hot food shops) has a general presumption in favour of granting planning permission in town centre locations, for hot food shops, subject to compliance with a number of criteria. Policy 5 (Development Management and Placemaking) of the adopted South Lanarkshire Local Development Plan and associated supplementary guidance seek to ensure that development takes account of and is integrated within, the local context and built form. Proposals should have no significant adverse impacts on the local community and include, where appropriate, measures to enhance the environment.

- 6.3 Hot food takeaways are considered to be an appropriate use in town centres. In this case the proposal would be located in a mixed use/commercial area where there are similar uses in the surrounding area. If consent is granted an adequate mix of retail and non-retail units will be retained to enable the town centre to function effectively for residents. The proposal is not considered to have any significant adverse impact on residential amenity given that there are similar existing hot food takeaways in the area and that suitable ventilation is proposed to serve the property. The ventilation and storage of waste can be controlled by suitably worded conditions to protect residential



amenity and the applicant has advised that they have the consent of the owners of the upper floor properties to install the proposed flue to the rear of the property. The flue itself would be similar to that of other hot food shops in the area and it would not be visually prominent in the wider area. In addition, hours of operation can be controlled through the licensing process.

- 6.4 The location benefits from the provision of a loading bay to the front of the shop which will allow deliveries to be made near the unit, whilst the town centre is served by existing parking and public transport. Roads and Transportation Services have raised no objections to the proposed change of use. Environmental Services raised no objections to the proposed hot food takeaway subject to the provision of appropriate ventilation and commercial waste collection services – both of which have been conditioned. These details will require to be agreed and in situ prior to the premises opening. The proposal will bring this vacant unit back into productive use to serve the residents of the town.
- 6.5 Six letters of objection have been received that focus on concerns about the number of hot food takeaways within the town centre and the need to encourage more retail use. The function of town centres has shifted over recent years and traditional retailing is becoming less prominent for a number of reasons. In terms of current policy at a national and local level over-proliferation of a particular use is not a planning matter.
- 6.6 In summary, following a full and detailed assessment of the proposed development the proposal is considered to be in accordance with Policies 5, 9 and DM9 of the adopted South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and there would not be an adverse impact on amenity or road safety in the area. It is therefore recommended that planning permission is granted.

## **7 Reasons for Decision**

- 7.1 The proposal will have no significant adverse impact upon amenity or upon the character or function of the town centre and it complies with the relevant policies of the adopted South Lanarkshire Local Development Plan 2 (2021) (Policies 5, 9 and DM9).

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

26 July 2022

### **Previous references**

- ◆ None

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 11 February 2022
- ▶ Newspaper Advert, Rutherglen Reformer dated 23 February 2022
- ▶ Supporting information from agent, various dates
- ▶ Consultations
  - Environmental Services 25.04.2022
  - Roads Development Management Team 21.02.2022

► Representations	Dated
:	
Mrs Stephanie Russell, 22 Westburn Road, Cambuslang, G72 7LG	22.02.2022 22.02.2022
Miss Amanda Kyle, 23 Westfarm Court, Cambuslang, G72 7TU	22.02.2022
Miss MargaretAnne McElwee, 87a, Croft Road Cambuslang, Glasgow, G72 8LG	22.02.2022
Mr Alexander Thomson, 41 Overton Road, Cambuslang, G72 7QR	22.02.2022
Mr Steven Russell, 2/2 22 Westburn Road, 22 Westburn Road, Cambuslang, Glasgow, G72 7LG	21.02.2022
Miss Tami McKinnon, 31 Queen's Avenue, Cambuslang, G72 7IN	21.02.2022

### **Contact for further information**

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

Andrew Muir, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455058

Email: [andrew.muir2@southlanarkshire.gov.uk](mailto:andrew.muir2@southlanarkshire.gov.uk)



### **Conditions and reasons**

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

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

The ventilation system shall:

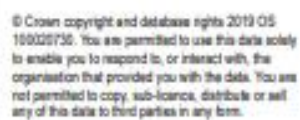
- a) Incorporate systems to reduce the emission of odours and pollutants and shall thereafter be maintained as necessary.
- b) Be constructed, designed, installed and operated employing the principles of best practical means, to minimise noise and vibration transmission via plant and the building structure.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

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

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

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

78 Main Street, Cambuslang



Scale:  
1:2,500

Date:  
22/07/2022



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

# Report

9

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>16 August 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/21/1999
Planning proposal:	Demolition of rear conservatory and garage and the erection of (a) a one and a half storey rear/side extension and (b) extension to the rear and above vestibule (c) associated alterations (replacement of soffits, fascia's, rainwater good, windows and doors and the installation of an air source heat pump) and (d) alteration to front boundary wall to provide wider vehicular access, electric gates and garden alterations, including boundary fencing.

## 1 Summary application information

Application type:	Householder
Applicant:	Ms Stephanie Higgins
Location:	6 Brooklands Avenue Uddingston G71 7AT

## 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: Anderson Anderson Architect
- ♦ Council Area/Ward: 16 Bothwell and Uddingston
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan 2**
  - Policy 2 - Climate change
  - Policy - 3 General Urban Areas
  - Policy 5 - Development Management and Placemaking
  - Policy DM2 - House Extensions and Alterations
  - Policy NHE6 -Conservation Areas
  - SLDP2: Policy 14 Natural and Historic Environment

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site contains a substantial two storey detached sandstone villa with a relatively large rear garden area. The site is surrounded by other dwellinghouses with those at the rear (Rosefield Gardens) being of more modern construction.
- 1.2 The property along with the neighbouring houses in Brooklands Avenue is within the Glasgow Road, Uddingston, Conservation Area. As the proposal involves demolition operations an application for Conservation Area Consent has also been lodged (P/21/200).
- 1.3 The site is relatively level. The rear garden is enclosed by mature landscaping along mutual boundaries. The M74 motorway exists in close proximity to the north of the site.
- 1.4 The house and some others on the east side of Brooklands Avenue appear to have a relatively unusual relationship with the street in that the 'rear' of the houses generally 'face' the road, this being evidenced by a number of garage positions forward of the established building line. Accordingly the properties and area in general have a distinct character and amenity.

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

- 2.1 The proposed works relate to the demolition of an existing conservatory and attached garage (already undertaken), the erection of a side and rear extension, the partial demolition of the existing vestibule which will be rebuilt with an upper floor extension at first floor level along with an alteration to the boundary wall to allow the driveway to be widened by one metre and an electric gate installed. In addition several ancillary alterations including replacement soffits, fascia's, rainwater good, windows and doors and the installation of an air source heat pump are also proposed. Collectively these developments, along with internal alterations will result in the significant modernisation of the property.
- 2.2 The two storey rear and single side extension will project 5.3 metres from the rear elevation and 2.8 metres from the side elevation providing an 'L' shaped extension that will be 9 metres deep by 7.8 metres wide overall. The extension will have a pitched roof and has been designed such that the roof plane nearest 7 Brooklands Avenue is essentially single storey. The extension walls will be finished in burnt cedar cladding to the rear of the house, the elevation facing the boundary with 7 Brooklands Avenue being finished in grey render whilst the elevation to the front, facing Brooklands Avenue, will be finished in sandstone to match the original house with the roof finished in slate.
- 2.3 On the side of the house next to 5 Brooklands Avenue, the existing vestibule will be partially demolished, rebuilt with an extension to the rear and an upper storey provided. The side extension will therefore measure a total of 7.1 metres in depth and 1.7 metres in width. It will also have a slate roof and sandstone to the front but the side and rear elevations will be finished in burnt cedar cladding.
- 2.4 All new windows and doors will be anthracite conservation style Upvc, the fascia's and soffits will be black painted timber and the gutter and rainwater pipes will be black Upvc.



- 2.5 The removal of seven trees is also proposed as part of the work. These include two mature deciduous trees to the rear to accommodate the extension along with one tree and 4 leylandii trees along Brooklands Avenue.

### **3 Background**

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

- 3.1.1 The adopted Local Development Plan 2 identifies the site as being within a general urban area and the Glasgow Road Uddingston Conservation Area. Accordingly policies 2 - Climate change; 3 - General Urban Areas; 5 - Development Management and Placemaking; DM2 - House Extensions and Alterations and NHE6 - Conservation Areas are primarily applicable to the determination of this application

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

- 3.2.1 None directly relevant given the nature and scale (Householder development) of the proposal.

#### **3.3 Planning Background**

- 3.3.1 There are three related applications associated with this application namely:

P/21/1036 - Demolition of rear conservatory, garage and chimneys. Erection of two storey side extensions to both gables with replacement soffits, fascia's, rainwater goods, windows and doors and installation of flue. Works to front garden to provide a widened driveway, off street parking space, electric gates, 1200 high mm fencing and patio. Withdrawn August 2021.

P/21/1038 - Demolition of rear conservatory, attached garage and chimneys (Conservation area consent). Withdrawn August 2021.

P/21/2000 - Demolition of garage (in retrospect,) rear conservatory, vestibule and section of front garden wall (Conservation Area Consent). Awaiting to be determined.

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

- 4.1 **Consult** – SLC Roads and Transportation Services

**Response:** No adverse comments

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

- 5.1 Statutory neighbour notification was undertaken and the proposal was also advertised in the Hamilton Advertiser and a site notice produced. Following this publicity, seven letters of representation have been received two of which are identical and from the same individual.

- 5.2 The issues raised can be summarised as:

**(a) The neighbours are concerned that the proposed external materials are not appropriate for the conservation area and that traditional materials should be used on all elevations, not just the front public elevation to retain the integrity and character of the group of Victorian red sandstone villas which are all of a similar age and design.**

**Response:** In most circumstances extensions are built to match the existing property and this is relatively common practice. It is however not mandatory, and scope is available to use more modern materials, sometimes contrasting materials, even in conservation areas. In this regard it must be acknowledged that properties within conservation areas are not museum pieces and must evolve in terms of modern-day standards and expectations.

The proposal will re-use sandstone for the front 'public road' elevation. Contrasting different materials are however proposed for other elevations. In design terms such an approach is modernistic/contemporary in style, the use of modern contrasting materials being purposely proposed as a design technique that is used to highlight the difference between the original building and new additions.

The use of modern external finishes, including render and timber cladding can be accommodated when there is no significant impact on the character or amenity of a conservation area. Indeed, modern design and materials have been approved in other conservation areas. The principle therefore of modern design/finishes has been accepted previously by the Council.

Other properties within the conservation area have been extended and/or altered. The agent has submitted a Supporting Statement highlighting a number of these. Individually and/or collectively such developments do have an impact on the character of the conservation area but not to a significant, material or detrimental extent. There is therefore scope to use modern contrasting finishes.

The contrasting materials will be used at the sides and rear of the house which in relation to the public road are not so prominent. The impact therefore of such materials will be proportional to their location. On balance therefore and acknowledging the scale of the extensions and related materials, the use of modern external materials will be to such an extent and degree that they would not be unacceptable and detrimental to the character of the conservation area. Indeed, many listed buildings or other properties have been extended/altered using contrasting materials in a very satisfactory, sometimes architecturally award-winning manner.

**(b) The proposed grey colour and Upvc material of the windows and doors is inappropriate for the conservation area.**

**Response:** The proposed windows will be of a conservation sash and case design and appearance and, given advances in window technology which have made window frames less bulky, it is considered that they will look (colour excluded) almost identical to traditional timber windows. In terms of the colour, the applicant could paint the existing timber windows grey and, although the house is in the conservation area, it is unlikely that planning would deem this a material change that needed consent - there are already other properties within local conservation areas where windows have been replaced in anthracite Upvc and these have had no detrimental impact on the overall character of the areas. It is therefore considered that proposed windows and doors are acceptable.

**(c) No information has been provided on the drainage capacity to enable the number of bathrooms in the house to be increased from two to four.**

**Response:** Drainage for the property is not something that is assessed as part of the planning application but will be fully addressed as part of the building warrant submission. That said just because the number of toilets and similar are being increased within a house does not automatically mean that they will all be used at once or will result in greater demand on water or significantly increase the discharge of effluent. Further technical solutions can also be adopted to address such matters should issues ever arise in the future.

**(d) A neighbour has asked the significance of the two cars shown parked in the street in the proposed block plan.**

**Response:** There is no significance to these cars, the agent has used their architectural license and shown that cars could be parked in the street.

**(e) The two-storey extension to the rear of the property will run parallel with the boundary of 7 Brooklands Avenue and block sunlight to the garden and a window in the gable wall.**

**Response:** The side wall of the rear extension will be single storey beside the mutual boundary and is approximately 5.5 metres from the neighbour's gable at the nearest point. While the extension is two-storey overall, the two storey ridge is approximately another 5 metres off the boundary and as such it is considered that as the sun comes round some direct light will still reach the garden and window, particularly in the summer when the sun is highest in the sky. Additionally, it should be noted that a degree of overshadowing is considered to be commonplace in residential areas. Indeed, the existing house will generate a shadow and as the extension is of lesser height it is likely that the shadow impact of the extension will be predominantly included within the shadow cast by the existing house. Accordingly, it is not considered that the extension will significantly increase overshadowing, given the orientation of the properties.

**(f) A number of drawings are incorrect as they show existing parts of the building and downtakings that have already been demolished. This work was presumably carried out without consent and shows a lack of openness and attention to detail.**

**Response:** Some demolition work has already been carried out. The Planning Service is aware of this and consent should have been received before such work took place notwithstanding that most demolition activity (including limited operations in conservation areas) does not require planning consent. All such unauthorised work is at the applicant's risk and given the scale of such work and the present application, the Council has to respond proportionally. That said the impact of the proposed downtakings will still be assessed retrospectively as part of application P/21/2000.

**(g) No reason or justification has been provided for the removal of the existing chimneys. This removal destroys the roof line of the building and is inappropriate within the Conservation Area where all the villas have chimneys. Chimneys are a consistent and very recognisable feature throughout the immediate neighbourhood and should not be removed.**

**Response:** The plans have been amended by the agent since the receipt of these comments and the chimneys will remain.

**(h) There are inappropriate large plate-glass windows proposed for the elevation facing Brooklands Avenue. This will be antagonistic to the Victorian-style sash windows prevailing throughout the Conservation Area.**

**Response:** The proposed patio doors will be a more modern addition to the front elevation, however they will not detract significantly from the overall appearance of the property. The openings will be finished with sandstone and they will be the same colour as the upper traditional style windows to be installed so there will be a degree of consistency. In addition, even with the increased openings, sandstone will still dominate the front elevation.

**(i) Brooklands Avenue is also designated as a tree conservation area. It is proposed to remove 7 trees, the majority for no obvious purpose. This is inappropriate since they give character to the neighbourhood, consistent with adjacent properties, and also serve to reduce noise and air pollution from the nearby motorway. Additionally, in light of COP26 we should be protecting all trees and greenery for the sake of the planet.**

**Response:** Two trees require to be removed to the rear of the property to accommodate the extension. However, it is not considered that the trees are of any particular merit, the rear garden being surrounded by trees and the loss of these two



will not have a significant detrimental impact on either the garden or the conservation area and replacement planting will be conditioned as part of consent should this be issued. To the front of the property, a sycamore and four smaller Leylandii are marked for removal. The sycamore has been significantly pollarded in the past and doesn't look overly attractive when not in leaf. It is also starting to cause damage to the boundary wall and will be replaced with an ornamental cherry tree or other native tree. Leylandii cypress is a hybrid and not a British native species. It is fast growing and therefore can be difficult to maintain and it has limited habitat and aesthetic value. It is considered that these trees give limited character to the residential amenity of the area in general or the conservation area in particular and can be replaced with one or more appropriate native trees. In total 4 trees will be replanted and it is considered that this addresses the sustainability issues raised.

**(j) The applicant also proposes to remove the bay window from the "true" front of the property and to incorporate it within the proposed new extension. However a bay window is one of the most attractive features of these "old" Victorian properties and should therefore be retained.**

**Response:** The bay window is an attractive feature to the building, but it is not located on the main public elevation. If the property were listed the Planning Service would look to retain the traditional features, but in a conservation area the main area of focus is the public elevation in terms of the character and amenity of the area. Within a conservation area it is considered that a wider degree of design preference and freedom can be accommodated at the rear of a property where the proposals will have less impact on the overall appearance of the conservation area. In this case, while the bay is on the original front elevation of the property, it is not the public elevation and therefore the removal of the bay to allow the new extension to be built is acceptable from a planning point of view.

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

## **6 Assessment and Conclusions**

- 6.1 Within the adopted 2021 South Lanarkshire Local Development Plan 2, the application site lies within the settlement boundary of Uddingston. Policies 2 – Climate Change, 3 – General Urban Areas, 5 - Development Management and Place Making, DM2 – House Extensions and Alterations, 14 - Natural and Historic Environment and NHE6 - Conservation Areas therefore apply. Collectively these policies seek to minimise and mitigate against the effects of climate change, seek to promote the principles of sustainability in development and aim to make a positive contribution to the character and appearance of the environment in which they are located, taking account of, and being integrated with the local context and built form.
- 6.2 The determining issues in assessing this proposal are compliance with local plan policies and in particular the impact of the proposal on the character, amenity and appearance of the conservation area.
- 6.3 Overall it is considered that the impact of the proposal will be within acceptable limits all aspects considered and it will not be to a significant or adverse extent. The proposed works to the property are relatively extensive, however they have been designed to be sympathetic to the conservation area with the majority of modern features and materials to the sides and rear to maintain the original integrity of the sandstone villa from the streetscape. From the public elevation, the property will retain its traditional appearance with the sandstone from doughtings being reused to face all new elevations and all new roofs being finished in slate. While the materials to the sides and rear of the extension will be more modern, these are set back from the front elevation and as such will be relatively unseen from the street and in turn will have no

significant impact on the appearance of the conservation area. The anthracite grey Upvc windows and doors will alter the appearance of the property, mainly by virtue of their colour, but it is not considered that this will be detrimental to the streetscape. Accordingly, it is considered that the extensions are not of a size, scale or design that would be out of keeping within the street or conservation area or would significantly adversely impact upon existing levels of privacy or overshadowing in the local area. Furthermore sufficient garden ground and off street parking will remain.

- 6.4 In light of the above, it is considered that the proposal would have no significant adverse impact upon amenity or the character and appearance of the conservation area and that it reflects the spirit and thrust of the relevant local development plan policies and guidance. The granting of planning consent is therefore considered justified.
- 6.5 Five neighbours submitted letters of objection to the application which have been summarised in Section 2 above. The concerns raised either individually or collectively would not justify the refusal of consent and the normal presumption in favour of issuing consent for proposals that comply with Local Development Plan policy should prevail.

## **7 Reasons for Decision**

- 7.1 The proposed demolition of the existing conservatory and garage and erection of a one and a half storey rear and side extension, a rear and upper extension to the existing vestibule, associated works to replace soffits, rainwater goods, windows, doors etc and alterations to the boundary wall to widen the drive and enable the installation of electric gates will have no significant adverse impact on either residential or visual amenity and complies with Policies 2, 3, 5, 14, NHE6 and DM2 of the Local Development Plan 2. There are no additional material considerations which would justify refusing planning permission.

**David Booth**

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

26 July 2022

### **Previous references**

- ◆ None

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (Adopted 2021)
- ▶ Neighbour notification letter dated 24 November 2021
- ▶ Press advert, Hamilton Advertiser dated 9 December 2021
- ▶ Site Notice dated 23 November 2021
- ▶ Supporting Statement, Anderson Anderson Architects (Undated).
- ▶ Consultations
 

Roads Development Management Team	02.12.2021
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- ▶ Representations
 

	Dated:
Margaret Miller, 7 Brooklands Avenue, Uddingston, Glasgow, South Lanarkshire, G71 7AT	02.12.2021 and 19.02.22

Mr John F Waterson, 8 Brooklands Avenue, Uddingston, Glasgow, G71 7AT	13.12.2021
Mrs Artemis Curran, 15, Brooklands Avenue, Uddingston, Glasgow, G71 7AT	18.12.2021
Mrs Mary M Waterson, 8 Brooklands Avenue, Uddingston, Glasgow, G71 7AT	13.12.2021
Dr James Curran, 15, Brooklands Avenue, Uddingston, Glasgow, G71 7AT	17.12.2021

**Contact for further information**

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

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

Phone: 01698 453648

Email: [mariona.doig@southlanarkshire.gov.uk](mailto:mariona.doig@southlanarkshire.gov.uk)

Detailed planning application

Paper apart – Application number: P/21/1999

### **Conditions and reasons**

01. That the type and distribution of external finishes shall be as shown on the approved plan and any changes shall be submitted to and approved by the Council as Planning Authority prior to ordering.

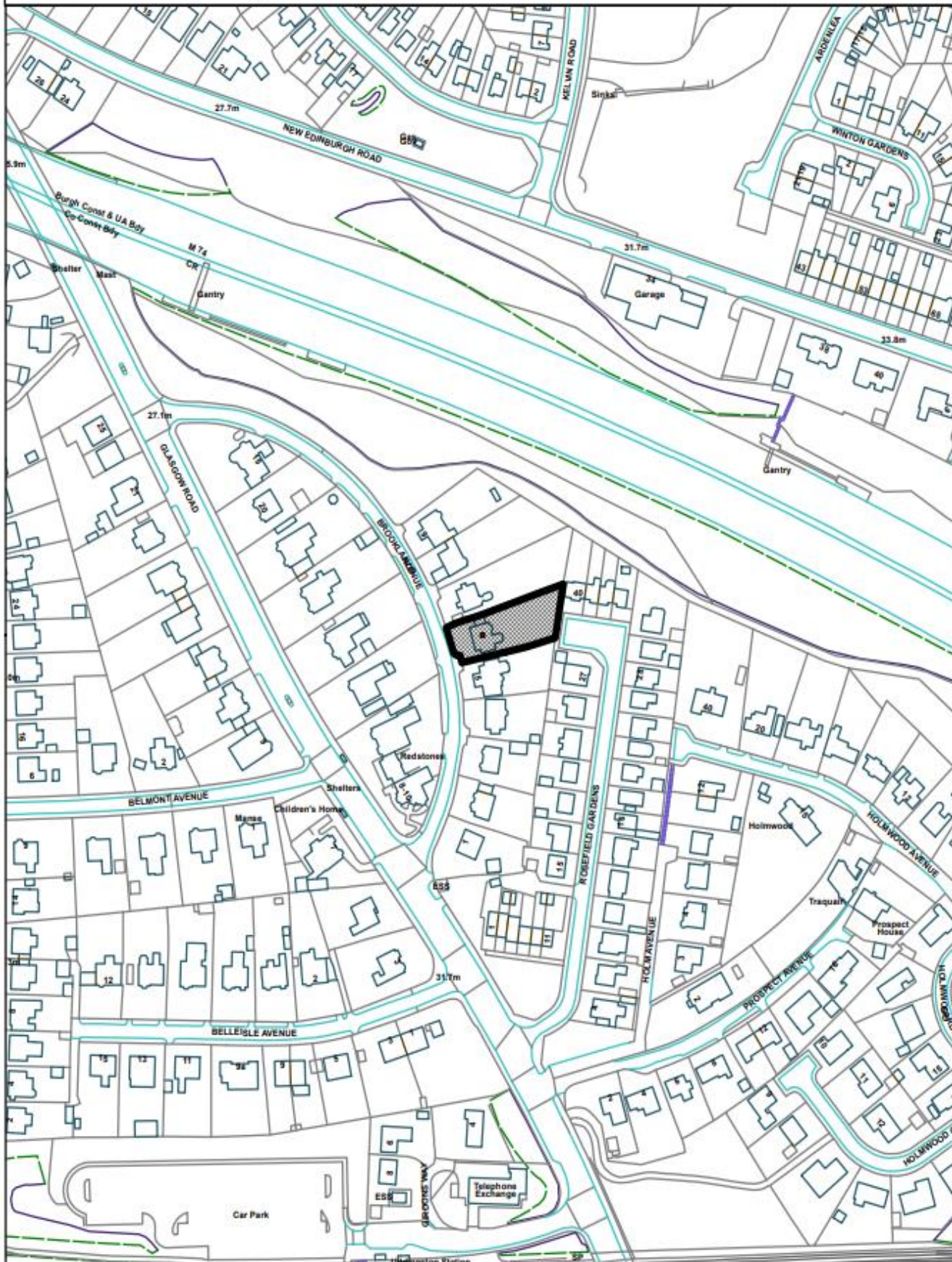
Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

02. That only the 7 trees shown in drawing no EB-01 shall be felled and these must be replaced by 4 trees (2 in the rear garden and 2 in the front garden) of a native species and semi-mature size to the satisfaction of the Council as Planning Authority.

Reason: To safeguard the amenity of the conservation area.

P/21/1999

6 Brooklands Avenue, Uddingston



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Scale:  
1:2,500  
Date:  
21/07/2022



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



# Report

10

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>16 August 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/19/1802
Planning proposal:	Erection of 26 dwellinghouses, associated access road, noise bund with fence, suds pond, open space and landscaping

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Modern Housing Limited
Location:	Land 85M South of 51 Brocketsbrae Road Brocketsbrae Road Lesmahagow Lanark South Lanarkshire

## 2 Recommendation(s)

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

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

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) Detailed planning permission should not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council, the applicants and the site owner(s). This planning obligation should ensure that appropriate financial contributions are made at appropriate times during the development towards the following:-
  - Financial contribution towards the provision of affordable housing
  - Financial contribution towards educational facilities
  - Financial contribution towards the upgrade of community facilities



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 applicant

### 3 Other information

- ◆ Applicant's Agent: N/A
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2**  
 Policy 1 Spatial Strategy  
 Policy 2 Climate change  
 Policy 3 General Urban Areas  
 Policy 5 Development Management and Placemaking  
 Policy 7 Community Infrastructure Assessment  
 Policy 11 Housing  
 Policy 12 Affordable Housing  
 Policy 15 Travel and Transport  
 Policy 16: Water Environment and Flooding  
 Policy DM1 New Development Design  
 Policy DM21 Legal Agreements

#### ◆ Representation(s):

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

#### ◆ Consultation(s):

Education Resources School Modernisation Team

Housing Planning Consultations

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

Scottish Water

SEPA West Region

Transport Scotland



CER Play Provision Community Contributions

West Of Scotland Archaeology Service

## Planning Application Report

### 1. Application Site

- 1.1 The site extending to 1.98 hectares lies within the settlement of Brocketsbrae at the junction of Eastwood Road and Brocketsbrae Road. Brocketsbrae is a small hamlet of 34 dwellings, with the older properties being primarily positioned on one side of the public road. Historically, these dwellings were single storey, but some have been extended to utilise attic accommodation, and later development also shows variations of the cottage style and building mass. Most of the dwellings are set back from the road and have extensive rear garden ground. Currently there is a playground on the south side of Brocketsbrae which is bordered on two sides by the application site.
- 1.2 The application site itself is part of a larger landholding owned by the applicant extending to 5.94 acres. The whole site was previously identified as a housing site and later included in the settlement boundary following previous planning approvals most recently in 2014, when approval at planning committee was given, in principle, for the whole site. The site was previously used for grazing but has lain empty and unused since 2015 when CL/14/0371 was approved at committee. The application site represents a third of the whole site and is phase one of the applicants plans to develop the site, with phase two currently being assessed independently to this application. The whole site is level in its northern portion but rises steeply to a high point in the south-east corner adjacent to the property known as Highbanks. This site represents the lower, level section and takes its access off Brocketsbrae Road. Other than a bordering line of mature trees along the south-eastern portion of the larger site, there is little vegetation and views into the site are readily achieved from Brocketsbrae and when travelling along Eastwood Road. The M74 defines the south-western boundary of the application site, where the motorway sits lower in a cutting. There are some trees and shrubs on the slopes of the cutting that provide a visual screen of the south-west corner of the site. Long views into the site are obtainable from the fringes of Lesmahagow where the roofscape of Brocketsbrae is visible. The formation of a bund to reduce noise from the motorway will in effect reduce the views of the development from Lesmahagow.

### 2. Proposal(s)

- 2.1. Detailed planning permission is sought for the erection of 26 dwellinghouses, and associated access road, noise bund with fence, suds pond, open space and landscaping on land off Brocketsbrae Road on an open field opposite the existing dwellings on this section of the road. The proposal would comprise 26 detached and semidetached houses. 11 of these will be laid out in a linear arrangement along Brocketsbrae Road opposite the existing housing, the remainder of the site will be laid off the new access road into the site in two sections one ending in a small cul-de-sac and the other being the internal ring road providing the access to phases 2 and 3 of the overall development site subject to other approvals. The houses would be of a modern design, comprising 6 house types, 4 single storey with two designs being 1½ storeys with dormer windows. The house types proposed are as follows: -
- ◆ **House Type 1 The Arran:** 4-bed, single storey, detached units featuring front bay window, hipped roof with roof projection over front entrance. Located at Plots 24 and 25, plans show 3 parking spaces will be provided.
  - ◆ **House Type 2 The Bute:** 3-bed, single storey, detached units featuring front bay window, hipped roof. Located at Plots 1, 2, 15, 19 and 20, plans show 3 parking spaces will be provided.

- ◆ **House Type 3 The Cumbrae:** 3-bed, single storey, detached units featuring front bay window, hipped roof. Located at Plots 3, 4, 7, 13, 18, 21, 22, 23 and 26, plans show 3 parking spaces will be provided.
- ◆ **House Type 4 The Jura:** 2-bed, single storey, semi-detached units featuring front projection with gable with main roof hipped. Located at Plots 5, 6, 9, 10, 16 and 17, plans show 2 parking spaces will be provided.
- ◆ **House Type 5 The Skye:** 3-bed, 1½ storey, detached units featuring front entrance porch, gabled roof with three dormer windows. Located at Plots 8 and 11, plans show 3 parking spaces will be provided.
- ◆ **House Type 6 The Mull:** 3-bed, 1½ storey, detached units featuring front entrance porch, gabled roof with five dormer windows. Located at Plots 12 and 14, plans show 3 parking spaces will be provided.

- 2.2. Finishing materials across all house types are to include grey concrete roof tiles, buff coloured render and stone effect feature panels and base course, grey UPVC windows and doors, with UPVC rainwater goods.
- 2.3. Access would be obtained from Brocketsbrae Road and branch west and east, with a turning head located at both ends to serve this section of the development. The eastern branch will also allow access to the remainder of the development site to serve phases 2 and 3. Footpaths are provided throughout the site along the access road, and off-street parking provided in each plot. Each property would be served by its own driveway and rear garden separated by 2m high boundary fences. In terms of servicing, the site is proposed to connect to the public water supply and sewerage systems and install a suds system with a suds pond as shown on the plans. The site is bound on the southern boundary by the M74 motorway and a 4m high landscaped soil bund with 2m high timber fence is proposed along this section of the site, this forms part of the overall landscaping of the site along with a small village green, suds pond area and area around proposed pumping station. Final material choices and landscaping details will be controlled by planning conditions.

### **3. Background**

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

- 3.1.1. In terms of local plan policy, the site is located within the Brocketsbrae settlement in the adopted South Lanarkshire Local Development Plan 2. The application site and associated proposal is affected by Policy 1: Spatial Strategy, Policy 2: Climate Change, Policy 3: General Urban Areas and Settlements, Policy 5: Development Management and Placemaking, Policy 7 Community Infrastructure Assessment, Policy 11: Housing, Policy 12: Affordable Housing, Policy 15: Travel and Transport, and Policy 16: Water Environment and Flooding as well as associated detailed development management and sustainable development policies. The content and aims of these policies is discussed in section 6 of this report.

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

- 3.2.1. In terms of government guidance, Section 25 of the Town and Country Planning (Scotland) Act 1997 states that the determination of a planning application shall be in accordance with the development plan unless material considerations indicate otherwise.
- 3.2.2. Scottish Planning Policy (SPP) advises that a generous supply of land should be provided to meet identified housing needs. SPP also introduces a presumption in favour of development that contributes to sustainable development. However, it advises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in

principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and the presumption in favour of development that contributes to sustainable development will be a material consideration.

**3. Planning Background**

- 3.3.1. In terms of planning history, the site previously benefitted from planning approval for Residential development (planning permission in principle) granted at planning committee subject to a Section 75 agreement in 2015, under reference number CL/14/0371. However, the applicant went into receivership and the Section 75 was never progressed and the application stayed in limbo for 4 years until it was withdrawn in agreement with the new land owner and administrator for the previous owner in February 2020. This application seeks detailed consent on approximately one third of the previously approved site with two further phases to follow.

**4. Consultation(s)**

- 4.1. **Roads Development Management Team** – raise no objection to the proposal subject to standard conditions relating to visibility, access, connectivity, parking, traffic management and traffic calming being attached to any permission granted.

**Response:** Noted. These matters can be covered by conditions if consent is granted.

- 4.2. **Community - play provision/community contributions** - no objections subject to the developer providing a financial contribution for community/play provision facilities in the local area.

**Response:** Noted. Planning permission would not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council and the applicants. This planning obligation would ensure that appropriate financial contributions are made at appropriate times during the development towards community provision in the area.

- 4.3. **Roads Flood Risk Management** - raise no objection to the proposal subject to standard conditions relating to flood risk and sustainable drainage being attached to any permission granted.

**Response:** Noted. These matters can be covered by conditions if consent is granted.

- 4.4. **Scottish Water** – Raise no objection to the proposed development and note that there is sufficient capacity within the Camps Water Treatment Works to service the development in terms of public water supply. They further advised that they are unable to confirm capacity at Lesmahagow Waste Water Treatment Works for foul drainage. Scottish Water has advised the applicant completes a Pre-Development Enquiry (PDE) to assess the situation further. This is a separate regulatory service controlled by Scottish Water.

**Response:** Noted. This matter can be covered by condition if consent is granted.

- 4.5. **Housing Services** – Have no objections to the development and have advised that a commuted sum to support social rented provision elsewhere in the local housing market area is appropriate and that an appropriate contribution should be sought from the developer.

**Response:** Noted. Planning permission would not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council and the applicants. This planning obligation would ensure that appropriate financial contributions are made at appropriate times during the development towards social rented housing provision.

- 4.6. **Education Resources - School Modernisation Team** – no objections subject to the developer providing a financial contribution to address the impact of the development on education accommodation within the catchment's areas for the site.  
**Response:** Noted. Planning permission would not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council and the applicants. This planning obligation would ensure that appropriate financial contributions are made at appropriate times during the development towards education accommodation.
- 4.7. **SEPA** – have no objection to the proposed development providing that the foul drainage is taken by Scottish Water infrastructure. In terms of flooding, they have made no objection to the proposed development on flood risk grounds given no fluvial flood hazard to the site is apparent but advise that a flood risk assessment is carried out providing the applicant the required information to design the surface water drainage for the site.  
**Response:** Noted. The applicant has stated that the development will connect to the Scottish Water infrastructure. These matters can be covered by conditions if consent is granted.
- 4.8. **Environmental Services** – no objections subject to the use of appropriate conditions in respect of noise limits for the dwellings and private amenity space and residential waste control and informatives on construction noises and contamination action plans.  
**Response:** Noted. These matters can be covered by conditions and advice notes if consent is granted.
- 4.9. **Transport Scotland** - raise no objection to the proposal subject to a condition being imposed to allow access to maintain existing motorway boundary fencing.  
**Response:** Noted. This matter can be covered by condition if consent is granted
- 4.10. **WOSAS** – have no objection to the proposal subject to a condition being imposed on the developer to carry out a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved the by the Planning Authority in agreement with the West of Scotland Archaeology Service  
**Response:** Noted. This matter can be covered by condition if consent is granted
5. **Representation(s)**
- 5.1 Statutory neighbour notification was undertaken, and the proposal was also advertised in the local press as a bad neighbour development. Five letters of objection and two letters of comment were received, the points of which are summarised below: -
- a) **Brockets Brae is a small hamlet, and the proposed development is considered an overdevelopment of the area and would adversely change its character. It is clear from the plans that there is an intention to develop the remainder of the field which would exacerbate the issue of overdevelopment to the detriment of the hamlets character. Any development of Brocketsbrae should follow the existing pattern of development of roads side dwelling and not a large housing development.**  
**Response:** The proposed development layout and housing mix is considered to be acceptable in the context of the settlement of Brocketsbrae and shall not have any significant impact on the character of the area or residential amenity of existing residents. The remainder of the housing site would be subject to other applications and would be assessed against planning policy on their merits.

- b) **Access to the site would be better served from Eastwood Road and this would allow the dwellings along Brocketsbrae Road to be reversed so their rear gardens backed on to the road which would alleviate any parking issues on the existing road network.**

**Response:** The Council's Roads Service has carefully assessed the proposed road layout in detail in discussion with the developer's traffic consultant. It is considered that the proposed layout is acceptable in terms of traffic and pedestrian safety and that the proposed access into the site is acceptable subject to alterations to the width of Brocketsbrae Road and conditions on traffic calming measures. The new road layout has been designed to national roads standards and the Roads Service have made no objections.

- c) **It is perceived that the proposal will bring traffic congestion, access & parking issues and road safety problems due to the width of the road the position of the site entrance, the lack of a pavement, the addition of additional driveways onto Brocketsbrae Road, the volume and types of vehicles that use the road like milk tankers and other agricultural vehicles.**

**Response:** The Council's Roads Service has carefully assessed the proposed road layout in detail and in discussion with the developer the layout was altered to widen the main carriageway along the length of the development. It is considered that the proposed layout, showing the widening of Brocketsbrae Road with the addition of road calming measures is acceptable in terms of traffic and pedestrian safety. In addition, the proposed development road layout and plot access points have been assessed by the Council's Roads Engineers and are found to be satisfactory in terms of traffic and pedestrian safety. In addition, each new dwelling with access onto Brocketsbrae Road will have dedicated off street parking.

- d) **Due to the nature of the road and limited parking all vehicles, machinery and materials associated with the development should be located within the site and not impinge on the public road.**

**Response:** The Roads Service in their assessment of the application site have advised that a traffic management plan should be submitted for approval before development of the site, this will ensure that adequate parking and compound space is made available on site to avoid unnecessary disturbance on Brocketsbrae Road. If development is approved a condition will be added to address this issue.

- e) **The design materials proposed do not fit in with the current housing designs of cottages and sandstone materials. The appearance of the housing suggested is more modern. Concern that adjacent new houses will not fit in with the existing houses in terms of finishing materials.**

**Response:** Each individual developer generally has its own pallet of finishing materials. It is considered that although some of the materials and styles may be contrasting with existing development in the settlement there is already a wide variance in house styles and materials within the existing housing stock. The proposed housing styles and materials is considered acceptable and will add interest and variety.

- f) **Loss of light, overshadowing and parking on the other side of Brocketsbrae road will create noise and light / shadowing issues to existing residents.**

**Response:** The proposed layout and its relationship with neighbouring properties is not an uncommon arrangement. The scale of the new dwellings and the distances from the existing housing on Brocketsbrae road will not result in any unacceptable overshadowing or loss of light. The creation of private driveways on the opposite side of the road to existing residents along Brocketsbrae Road is not

considered to be significant in terms of noise or light nuisance and any disturbance would be minimal and infrequent.

- g) **Overlooking and loss of privacy, the plans indicate new dwellings on the opposite side of the road from the existing houses on Brocketsbrae Road. This will result in these houses being overlooked and result in a loss of privacy.**

**Response:** In terms of the Council's Residential Design Guide, due to the design and location of the proposed dwellings there is acceptable window to window distances achieved between the new houses the existing dwellings on Brocketsbrae Road.

- h) **Existing infrastructure, I currently receive my electricity supply and telephone lines from overhead cables I would like confirmation if there are any planned changes to the current supply arrangement to my address.**

**Response:** The developer is responsible to ensure that any existing utility infrastructure affected by or altered by the development of the site is approved and coordinated by the utility providers i.e., Scottish Power and BT Openreach, this is not a matter controlled by the Council or by the Planning System.

- i) **On a personal note, I moved here from Livingston to get the country atmosphere and experience and enjoy my upcoming retirement within the next 18 months. I have a high-pressured Job and enjoy nothing more than walking my dogs in the surrounding areas and the peace makes it all worthwhile. I only moved here in September 2018 and have spent a fortune on a house that had been empty for 3 years and the main reason for the move was looking out of my window and seeing a hedgerow full of sparrows and blackbirds and as stated earlier the darkness and quietness at night.**

**Response:** The site is identified as suitable for housing and there is no right to a view. As with any type of development, there will be a degree of disruption during construction on site.

- j) **The local schools won't be able to cope if their pupil numbers increase exponentially.**

**Response:** The Education Resources - School Modernisation Team were consulted on the proposed development and have raised no concerns subject to contributions being provided to improve school facilities to account for the increase in pupils.

- k) **A section of the field and the children's play park is of historical importance, as the Caledonian Railway came through Brocketsbrae, the station yard is where the play park stands and the station next to it. This is of local historical value.**

**Response:** There is no physical evidence of any railway station, buildings or even embankments for the old railway that ran through Brocketsbrae within the application site and therefore no physical historical elements to be safeguarded from development. In terms of the historic use of the site WOSAS have asked that based on the density of sites and finds of prehistoric and medieval date in the surrounding landscape that the developer secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation for the site. This site investigation has the potential to uncover other periods of activity on the site which will be recorded.

- l) The build process, with heavy machinery will cause untold stress, frustration, concern, among local residents, as the work will be going on for months on end. Dust will be evident everywhere on cars, properties, clothes being washed, gardens etc.**

**Response:** Roads and Transportation Services were consulted in relation to the proposal and have advised that a condition should be attached to any consent which requires the submission and approval of a Construction Traffic Management Plan. This document would provide details regarding the proposed access, parking and storage arrangements for deliveries, construction and staff vehicles, site buildings etc which should mitigate any potential access and parking issues. However as with any development, there will be a degree of disruption during the construction phase. In addition, the Council's Environmental Services were consulted and have raised no objection to the proposal however require all works to be carried out in accordance with the appropriate standards. It is noted that the acceptable working hours stipulated by ES for audible construction activities are Monday to Friday 8am to 7pm, Saturday 8am to 1pm and Sunday no audible activities. An advisory note has been attached to the consent to advise the applicant of this requirement

- m) The development will damage the natural environment with the removal of trees and hedging, there are trees and hedgerows on Brocketsbrae Road and also adjacent/parallel to M74, which provide roosting and nesting for birds of prey Kestrels and others have been seen and other bird and animal species Rabbits, Hedgehogs, Foxes, Badgers etc**

**Response:** The site contains only a few trees which are part of the hedging along Brocketsbrae Road within the site boundary which have been left to grow the remainder of the hedge is in sporadic groups along the length of the site frontage. The trees along the Motorway are out with the development site and will not be affected by the proposal. There are also a small group of young self-seeded trees in the southwest corner of the site. The hedging and trees on the site are not considered to be vital to the natural environment in the area. The existing trees and hedging on Brocketsbrae Road will require to be removed to provide the road widening and footpath and accesses for the development in the interests of road safety. The remainder of the site is rough grazing land with little ecological value with no evidence on site of badger sets within the application site or any other protected species habitat that would raise any ecological concern. In addition, proposed landscaping for the site including the large, landscaped bund, SUDS area and village green will provide the opportunity for significant planting including native tree planting which will be advantageous to wildlife. The SUDS area once established, is likely to encourage amphibians etc given the wet nature of this low section of the site.

- n) The development will lead to an increase in vehicular traffic, activity and noise as new housing attracts younger families. Vehicle numbers will increase also affecting the darkness and quietness at night to the detriment of the existing quality of life of residents in this street.**

**Response:** The application site lies within the residential area and was identified for residential development in the previous adopted local plan and had received in principle consent for housing development in 2015. It is considered that any resultant noise and lighting levels would be typical of those encountered within such areas and will not give rise to any form of nuisance. Roads and Transportation Services have not raised any concerns about traffic generation and the proposed development represent a relatively light housing density mainly



consisting of detached bungalows and 1½ storey dwellings with good building separation along the street frontage.

- o) The application site regularly floods and there are existing surface water issues in the area that overspill and make its way onto this field. Building on this site would exacerbate the issue and would put other residential properties at greater risk of flooding.**

**Response:** There is an overarching flood risk assessment relating to the whole site and both SEPA and the Roads Flood Risk Management Team have reviewed the submitted information and the proposed development and advised they have no objections subject the developer carrying out a further flood risk assessment to inform the design and submission of a surface water drainage system that will meet their design standards. The developer will be required to ensure the flood risk information is comprehensive and up to date and appropriate drainage would be designed to ensure that the area does not flood nor that there is run-off affecting existing properties or other adjacent land.

- p) The pollution levels will increase from exhaust fumes.**

**Response:** The site is identified as being in the settlement boundary and had previously benefited from planning consent in principle for residential development. The relatively small increase in traffic associated with the proposed housing development is not of a scale that would significantly affect air pollution in this area.

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

## **6. Assessment and Conclusions**

- 6.1. Full planning permission is sought for the erection of 26 dwellinghouses on land within the Brocketsbrae settlement boundary as defined by the adopted South Lanarkshire Local Plan 2. The main issue for consideration in the assessment of this application is how the proposal relates to the relevant policies contained within that document, the impact on road safety, residential amenity and the provision of infrastructure or services.
- 6.2. In terms of a spatial strategy, Policy 1 of the SLLDP2 directs larger developments to sustainable urban locations, and together with Policy 11 seeks to ensure that there is an effective and mixed housing land supply. Policy 3 states that residential developments within urban areas and settlements will generally be acceptable, and Policy 5 sets out design criteria required to deliver successful places.
- 6.3. As the site is located within the Brocketsbrae settlement, sitting opposite the established residential properties and with easy access to public utilities, it is considered to satisfy the sustainable development requirements for residential developments outlined in these policies. It is well located in terms of access, connectivity, and amenity provisions in terms of local network and retail centres which are within relatively close proximity, contributing to an accessible and sustainable site. Furthermore, as the site had been previously identified as a housing site and included in the settlement boundary it is considered that the development represents a suitable extension to the settlement and a welcome addition of a mixed housing development to the local housing market in this rural location.
- 6.4. Therefore, overall, the principle of development is considered to be in compliance with the aforementioned policies. The housing mix of 2, 3 and 4-bedroom semi and detached units, as outlined in section 2.1 above, is suitable for this location and the

scale of the site, without resulting in overdevelopment or unmanageable increased pressures on infrastructure in accordance with Policies 1, 2, 3, 5 and 11.

- 6.5. Housing Services have advised that due to the scale of the site and the housing numbers involved that on site provision of affordable housing is not desirable and have advised that a commuted sum to support social rented provision elsewhere in the local housing market area is appropriate for this application and that a contribution should be sought from the developer. The developer has agreed to make a contribution for affordable housing in line with Council policy and agreed to enter an appropriate obligation with the Council under Section 75 of the Planning Act prior to consent being issued.
- 6.6. Together the policies above set out criteria which must be met to ensure that the proposal contributes, in a positive manner, to the quality of the surrounding built and natural environment, its character and appearance. This includes that the development is appropriate in its siting, layout and density, and responds to this in terms of design and scale. Patterns of development and surrounding amenity should be respected. In particular, Policy DM1 seeks to promote quality and sustainability and ensure that all new developments meet the six qualities of a successful place, including being distinctive whilst respecting the local identity and creating a sense of place; being safe and pleasant; welcoming; adaptable; efficient and well connected. In terms of the development of the site, this site has been identified as a housing site, therefore under Policy DM1 the main considerations are that the proposal does not result in overdevelopment of the site, has no detrimental amenity impacts, and reflects the surrounding area with no negative affect on neighbouring properties.
- 6.7. Overall, the development is relatively small scale, and can be adequately accommodated within the site area and the existing site levels, creating a pleasant open development. It would infill this section of Brocketsbrae Road between Eastwood Road and the children's play park and form a street frontage as a continuation of the settlement to mirror existing development. The proposed layout responds to the topography and shape of the site. The house design, site layout and gable to gable distances helps reduce the overall massing and reduces visual impact. The traditional linear layout of development along Brocketsbrae Road is reflective of the properties on the opposite side of the road and achieves suitable access arrangements due to the widening of the road and the formation of a new footpath.
- 6.8. The individual house types and mix utilise material finishes which reflect the design and material mix of the nearby residential units. The use of bay windows, front facing gable projections and a material mix on the elevations further reduces any massing on individual or semi-detached units and this design approach is considered appropriate as it offers quality appearance and mitigates any adverse visual impact. As the site is currently an open field, a degree of visual impact is inevitable, however, through the carefully considered house types, existing site levels and development scale this is not considered to be significant enough to warrant refusal in this instance. The breakup of the street elevation and overall plot layout comprising detached units and semi-detached units offers a suitable mix of smaller units with sufficient garden ground provision.
- 6.9. There would be no significant negative impact on neighbouring amenity arising from this proposal. The proposed units are adequately separated from the adjacent properties by Brocketsbrae Road, and therefore any overlooking or loss of privacy would be within acceptable standards. Furthermore, the proposal would not affect sunlight/daylight afforded to such properties due to the separation distance, and as it would be built to the site levels that are generally level or lower than the existing

dwelling it would therefore not appear overbearing. As such, the proposal is considered to respect the character and amenity of the area.

- 6.10. In terms of landscaping, the site will provide a larger area of landscaping than that normally provided in a typical development due to the large, landscaped bund along the boundary with the motorway, this along with the proposed village green, SUDS pond and the open front gardens will provide a more than adequate landscaping scheme for the development, which is deemed acceptable, landscaping details will be requested via a condition attached to any permission granted.
- 6.11. In summary, the layout, siting and design of the proposed development is considered acceptable in compliance with the relevant policies in particular Policy 3, 5 and associated guidance.
- 6.12. Turning to technical matters, the proposed site can be adequately accessed and serviced in accordance with Policy 15 and SDCC4. The site is highly accessible and within proximity to active travel links as well as making provision for footpaths and connectivity throughout in line with DM1. Conditions relating to roads matters will be attached to any permission granted to ensure adequate servicing provision in the interests of sustainability and active travel.
- 6.13. Together Policies DM1, 16 and SDCC2 promote the use of sustainable urban drainage solutions. The development would appropriately connect to the public water supply and drainage network. Details of surface water discharge will be sought via condition to ensure this is delivered to a high quality and eco-friendly standard.
- 6.14. In terms of flood risk, the site lies out with any risk areas as identified on SEPA Ground water Flood Risk maps however parts of the site are identified to lie within the medium risk probability extent of the surface water hazard map. Notwithstanding this both SEPA and the Roads Flood Risk Management Team have raised no objections subject to a flood risk assessment being carried out and a sustainable drainage system (SUDS) being designed and installed to manage the surface water on the site. SEPA have advised that the drainage risk identified could be from foul drainage and that any new foul drainage should be connected to Scottish Water infrastructure. Any surface water drainage systems shall be designed to meet Council Flooding Guidance. If planning permission is granted, planning conditions to address both foul and surface water drainage will be added to the decision notice.
- 6.15. Overall, it is considered that the site satisfies all technical matters, and further details can be controlled via conditions. Technical consultees raise no objections to the proposal and no direct concerns are considered to result from this development. The proposal satisfies Policies DM15, DM16, Policy 16 and SDCC2. Additionally, for the reasons outlined above, the site is considered to be sustainably located within the established settlement, thus complying with Policy 2 in terms of Climate Change.
- 6.16. In conclusion, it is considered that the application is acceptable for this portion of the identified housing site. The proposed layout, siting and design is appropriate and addresses all relevant planning policies of visual impact and amenity and it is considered that there will be no significant effect on surrounding amenity. All technical matters have been addressed through detailed consultation. The Planning Service therefore supports the application as it is compliant with the relevant policies contained within the South Lanarkshire Local Development Plan 2, and there are no material planning considerations which would warrant refusal in this instance. As such, the application is recommended for approval, subject to conditions.

## **7. Reasons for Decision**

- 7.1. The proposal has no adverse impact on residential or visual amenity and raises no road safety concerns. The development complies with the provisions of policies 1, 2, 3, 5, 7, 11, 12, 15, 16, DM1, DM21 of the adopted South Lanarkshire Local Development Plan 2 (adopted 2021)

**David Booth**

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

27 July 2022

### **Previous references**

- ◆ None

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated
  
- ▶ Consultations
  - Education Resources School Modernisation Team 16.03.2020
  - Housing Planning Consultations 30.03.2020
  - Roads Development Management Team 23.09.2021
  - Environmental Services 25.04.2022
  - Roads Flood Risk Management 07.02.2020
  - Scottish Water 12.03.2020
  - SEPA West Region 17.02.2020
  - Transport Scotland 20.12.2019
  - CER Play Provision Community Contribs Judith Gibb 12.06.2020
  - West Of Scotland Archaeology Service 20.12.2019
  - Roads Development Management Team 25.05.2022
  
- ▶ Representations Dated:
  - John Adkin, 63 Brocketsbrae Road, Lesmahagow, Lanark, ML11 9PT 06.01.2020
  - Stephen & Theresa Roarty, Midhurst, Brocketsbrae Road, Lesmahagow, Lanark, South Lanarkshire, ML11 9PT 03.01.2020
  - Mairi Adkin, 63 Brocketsbrae Road, Lesmahagow, Lanark, South Lanarkshire, ML11 9PT 03.01.2020
  - Mr James Callan, Braedale, 39 Brocketsbrae Road, Lesmahagow, Lanark, South Lanarkshire, ML11 9PT 30.12.2019

Mr Pete Carroll, 47 Brocketsbrae Road, Lesmahagow, Lanark, South Lanarkshire, ML11 9PT	20.12.2019
John Milne, Woodend, 41 Brocketsbrae Road, Lesmahagow, Lanark, South Lanarkshire, ML11 9PT	30.12.2019
Mr Peter Carroll, 45 Brocketsbrae Road, Lesmahagow, Lanark, ML11 9PT	30.06.2020

**Contact for further information**

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

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### Conditions and reasons

01. 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. Thereafter 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.

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

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

03. That prior to any work starting on site, a Drainage Assessment in accordance with 'Drainage Assessment - A Guide for Scotland', shall be submitted to and approved in writing by the Council as Planning and Roads Authority.

Reason: To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.

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

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

05. That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:
- (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development;
  - (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees;
  - (c) details of any top-soiling or other treatment to the ground;
  - (d) sections and other necessary details of any mounding, earthworks and hard landscaping;
  - (e) proposals for the initial and future maintenance of the landscaped areas;

(f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

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

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

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

07. The proposed bund along the south western boundary of the site shall be so constructed to leave a minimum of 1m level access between the bund and the existing boundary fence with the M74.

Reason: To keep the existing access provision to both sides of the fence to allow the Roads Authority to maintain the existing fencing along the motorway.

08. That before any work commences on the site, a scheme for the provision of toddler/pre school play area within the village green area as identified on the approved plans shall be submitted to the Council as Planning Authority for written approval and shall include:

- (a) details of the type and location of play equipment, seating and litter bins to be situated within the play area(s);
- (b) details of the surface treatment of the play area, including the location and type of safety surface to be installed;
- (c) details of the fences to be erected around the play area(s); and
- (d) details of the phasing of these works.

Reason: To ensure the provision of adequate play facilities within the site in line with the Residential Design Guide

09. That prior to the completion or occupation of the last 2 dwellinghouses within the development, all of the works required for the provision of equipped play area included in the scheme approved under the terms of Condition 8, shall be completed, and thereafter, that area shall not be used for any purpose other than as an equipped play area.

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

10. 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.

11. That before each dwelling is completed or brought into use, all of the parking spaces shown on the approved plans for that dwelling 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 for each dwelling within the site.

12. That before the development hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 90 metres measured from the road channel shall be provided on both sides of new vehicular access into the site 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.

13. The localised road widening as shown on the approved plans and traffic calming measures shall be implemented to a suitable standard prior to occupation of the first dwelling on site and shall be fully completed and surfaces finished to the satisfaction of the Council as Planning and Roads Authority prior to the last dwelling hereby approved is occupied. Details of the proposed traffic calming shall be submitted prior to development starting on site.

Reason: In the interests of traffic and public safety.

14. That prior to development starting on site the developer shall submit a site development traffic management plan this will provide details on, construction vehicles & staff parking, compound facilities, construction/delivery routes, wheel wash facilities and road sweeping plans etc

Reason: To ensure adequate traffic management and road cleaning arrangements are put in place to minimise disturbance to neighbouring properties and in the interest of traffic and public safety.

15. The housing developer shall ensure that (prior to the development becoming occupied) the neighbourhood noise levels primarily from road traffic comply with the following-

Part 1

The internal noise levels 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 LMax of 45dB night-time (23:00 - 07:00).
- d) The external levels shall not exceed an LAeq,16hr of 55dB daytime in any garden amenity areas, when measured free-field

Part 2

The Internal Noise Rating Values, within the residential property shall not exceed-

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

Reason: to ensure the noise levels with the new dwellings are at an acceptable level to protect residential amenity

16. A bund/barrier consistent with that shown on approved plan MH-H-02-SL-01J site plan as proposed within the context of document R21.10917/1/Let3 as it amends Assessment (NIA) report (Reference: R21.10917-1-IK) shall be constructed and thereafter maintained. The details of the construction, surface density of materials and final positioning shall be submitted and approved by the Planning Authority. In addition, the submitted details shall include the planned maintenance of the bund and fencing for the lifetime of the development.



Reason: To ensure the noise bund and fence are constructed to and maintained to an acceptable level for the lifetime of the dwellings hereby approved by this consent.

17. That within each dwelling hereby approved, a dedicated external area shall be provided capable of meeting the WHO community noise guidance level of an LAeq,16hr of 55dB daytime in the garden amenity areas. This may include the inclusion of localised screening such as a garden structure etc. providing an acoustic shadow capable of providing the additional insertion loss as required. The final details shall be submitted to and approved by the Planning Authority. This shall include the provisions within R21.10917/1/Let3 as it amends Assessment (NIA) report (Reference: R21.10917-1-IK)

Reason: to ensure each dwelling has some private garden area with acceptable levels of amenity in relation to background noise.

18. For those more exposed facades within the development requiring a closed window scheme to meet BS 8233:2014 Guidance on sound insulation and noise reduction, the final glazing and ventilation specification and proposed combined sound reduction shall be submitted to and approved by the Planning Authority. It shall also be demonstrated that the optimal reduction with windows partially open has been installed with cognisance to NANR116: 'Open/Closed Window Research' Sound insulation through ventilated domestic Windows as prepared by Napier University. This may require modified windows and openable areas on exposed facades. This shall include the provisions within R21.10917/1/Let 3 as it amends Assessment (NIA) report (Reference: R21.10917-1-IK)

Reason: to ensure adequate levels of amenity are achieved for each dwelling on the site.

19. Details of facilities for the storage of refuse within the proposed development, including the design, location and access for uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwellings shall be occupied until the facilities for the storage of waste have been provided within the proposed development, in accordance with the approved scheme.

Reason: To ensure adequate provision is made within the development for the storage and collection of residential waste

20. Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

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

21. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Amendment Order 2011 (or any such order revoking or re-enacting that order), no fencing or walls shall be erected within the front garden areas of the dwellings fronting onto Brocketsbrae Road (plots 1 to 11); without the submission of a further planning application to the Council as Planning Authority.

Reason: To ensure that the Council retains effective control over future development of boundary treatments onto the public road to retain the character of the streetscape.

22. 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.

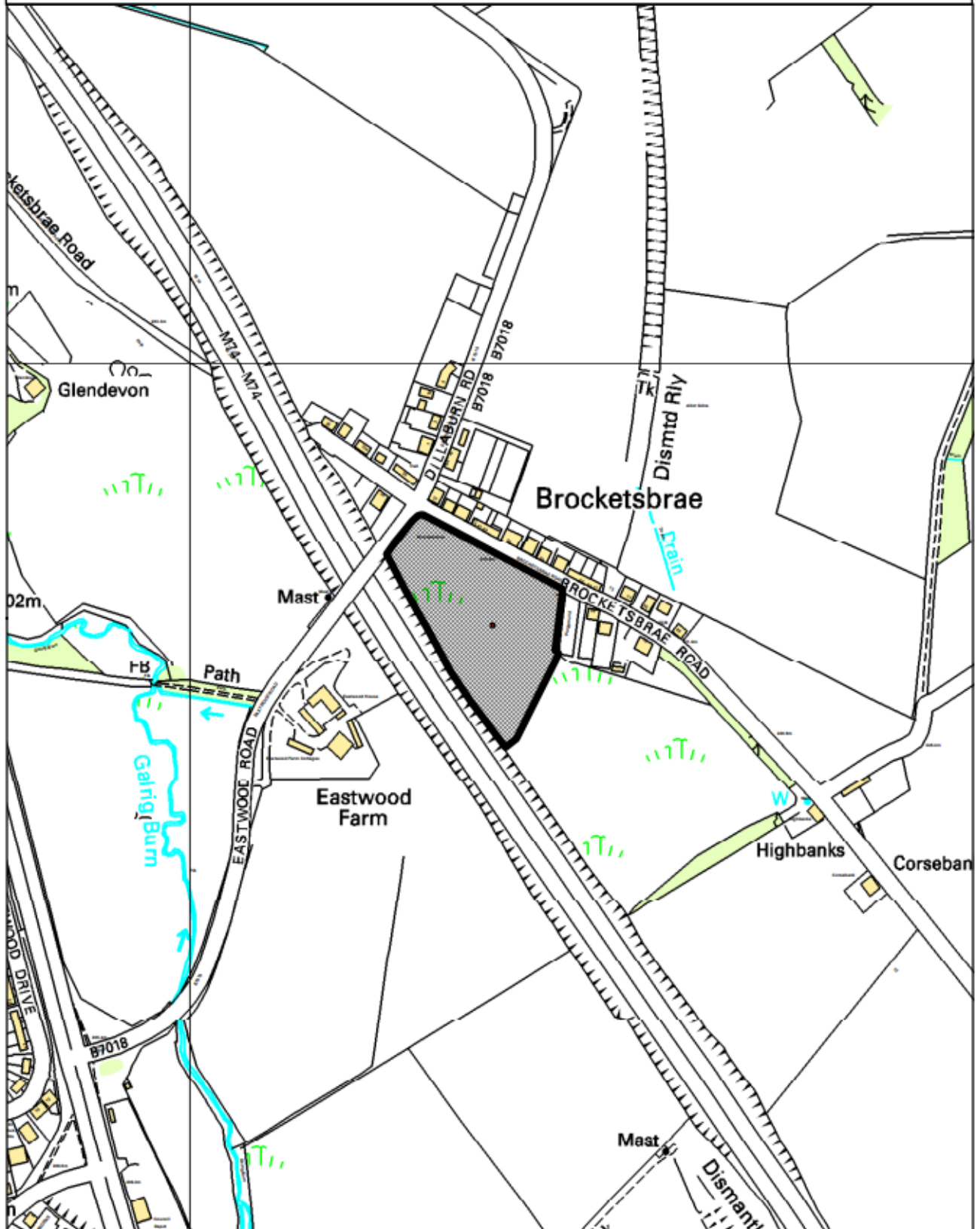
Reason: To ensure the provision of digital infrastructure to serve the development.

23. That, unless otherwise agreed in writing and prior to works commencing on site, the applicant shall submit details to demonstrate each dwelling has access to their own electric vehicle charging (EVC) point. Where parking is provided within a shared courtyard, details shall also include arrangements for siting of charging posts taking account of parking bays/boundary features/pedestrian movement along with maintenance arrangements all for the written approval of the Council as Roads Authority. Thereafter, the agreed EVC provision shall be installed, commissioned, and maintained in accordance with the approved plans and specifications prior to that property which it serves being occupied.

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

P/19/1802

Land 85M South of 51 Brocketbrae Road



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Scale:  
1:5,000  
Date:  
21/07/2022



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



# Report

11

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>16 August 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/22/0472
Planning proposal:	Installation of 49.9MW battery storage facility with associated infrastructure

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Cathkin Energy Storage Limited
Location:	Land 125M Northwest Of East Kilbride 275kV Grid Substation East Kilbride 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: N/A
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted 2021)**  
Policy 1 Spatial Strategy  
Policy 2 Climate Change  
Policy 4 Green Belt and Rural Area  
Policy 5 Development Management and Placemaking  
Policy 14 Natural and Historic Environment  
Policy 15 Travel and Transport  
Policy 16 Water Environment and Flooding  
Policy 18 Renewable Energy  
Policy RE1 Renewable Energy  
Policy DM1 New Development Design  
Policy SDCC2 Flood Risk

◆ **Representation(s):**

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

◆ **Consultation(s):**

Environmental Services

Roads Development Management Team

Roads Flood Risk Management

SP Energy Network

Countryside And Greenspace

West Of Scotland Archaeology Service

Health & Safety Executive

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site is a one hectare area of agricultural land located directly to the northwest of an existing electricity substation at Highflat Farm near East Kilbride. The site sits immediately adjacent to an existing sub station. To the west of the site is the former Cathkin Landfill which has now been restored and is undergoing its aftercare period of the restoration. The unclassified Highflatt Road runs along the south of the site. Apart from Cathkin Landfill and the substation the site is bounded by agricultural land.
- 1.2 The site is open agricultural land with an approximate 2 metre slope running north to south. Whilst not the whole site, part of the site to the north is located within the consultation buffer zone of a high pressure pipeline which runs east to west to the north of the site.

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

- 2.1 Detailed planning permission is sought for the construction and operation of a Battery Energy Storage System for the storage of electricity, comprising up to 27 battery storage containers, ancillary infrastructure, substation, access road, 3 m high security fencing, CCTV and security lighting. Access is to be taken directly off Highflatt Road. The proposed battery is to have a storage capacity of approximately 49 Mega Watts (MW). The site would be secure and includes equipment to allow 24hour monitoring of the batteries remotely with no full-time staff on site. The proposals also include fire safety measures, including an early warning system for monitoring potential gas build up, automatic power disconnection and alarm system, an inert gas system to displace oxygen if required and an internal sprinkler system.
- 2.2 The applicant has advised that the proposed batteries are to allow for the storage of energy at times when generating stations are working at full capacity which can then be released when additional power is needed within the grid during peak times or when energy generation has dropped. As more energy sources are now renewable, such as wind and solar, balancing generation versus demand is a critical issue for grid stability. Battery storage allows energy to be stored during peak renewable generation periods and released when demand outstrips generation. In short, the proposed battery takes in generated electricity when there is a surplus and stores it until there is a demand for electricity which can be released to meet this demand. The proposed batteries would be fed from and transmit back to the adjacent substation via underground cabling.
- 2.3 It should be noted that the energy stored within the batteries will be from all available sources. However renewable energy production has the most variable rates of output and therefore whilst the electricity transmitted to the batteries may not solely be renewable it's storage and subsequent release when needed is considered to meet the need for grid stability due to the further reliance on renewable energy. It is therefore considered that in essence the battery storage can be classed as renewable electricity infrastructure given the increased need for grid stability as renewable energy generation increases. As more traditional energy sources such as coal and gas are being decommissioned and renewable energy sources are replacing them, balancing generation versus demand is becoming more critical due to the more sporadic nature of renewable energy development. Grid stability is therefore essential as the transition to renewable energy continues and battery storage is therefore considered an essential part of this need for ongoing grid stability.

### **3 Background**

#### **3.1 National Policy**

- 3.1.1 National Planning Framework 3 (NPF3) June 2014 sets out the long-term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3 also notes in paragraph 3.8 "We want to meet at least 30% of overall energy demand from renewables by 2020".
- 3.1.2 Scottish Planning Policy (SPP) June 2014 aligns itself with NPF3 and one of its policy principles states that "this SPP introduces a presumption in favour of development that contributes to sustainable development". At paragraph 28, SPP states that "the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost." The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).
- 3.1.3 As noted in 2.3 above, the proposals would aid grid stability as renewable energy generation increases. It is therefore considered that, subject to the detailed assessment against the Development Plan criteria as set out in Section 6 below, the principle of the development accords with National Policy.

#### **3.2 Development Plan Status**

- 3.2.1 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP). The GCVSDP is a high level, strategic document and it is considered that proposals of this scale would not have any strategic implications within the Strategic Development Plan Area. As such there is no detailed assessment of the proposals against this strategic Plan.
- 3.2.2 Following formal adoption on 9 April 2021, the proposals are required to be assessed against the South Lanarkshire Local Development Plan 2 (SLLDP2).

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

##### **Volume 1**

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

##### **Volume 2**

1. Policy SDCC2 Flood Risk
2. Policy SDCC3 Sustainable Drainage Systems
3. Policy DM1 New Development Design



#### 4. Policy RE1 Renewable Energy

### 3.3 Planning Background

- 3.3.1 On 27 August 2020, the Scottish Government's Chief Planner issued a letter in relation to electricity storage and the consenting regime. In this letter the Chief Planner stated that the Scottish Government considers that a battery installation generates electricity and is therefore to be treated as a generating station.
- 3.3.2 In light of this statement and due to the fact the proposals have a capacity of over 20MW, they are considered to be classed as a Major application within the Electricity Generation category of the Hierarchy of Development. As such the applicant carried out the statutory Pre-Application Consultation (Planning Ref: P/21/0005/PAN) required for Major applications. The current application submission includes the required Pre-application Consultation Report following this consultation procedure.
- 3.3.3 A previous application for a proposal of this nature on the site was submitted in 2018 (P/18/0528) but at the time grid connection could not be guaranteed and the application was therefore withdrawn. The current application submission notes that grid connection has now been secured.

### 4 Consultation(s)

- 4.1 **Roads Development Management** – originally requested additional details regarding swept path analysis for construction vehicles, a speed survey in relation to defining the visibility splays required, passing places and an updated construction management plan. Following receipt of these details, Roads offer no objections to the proposals subject to conditions relating to the construction of the access road, visibility splays, passing places, a dilapidation survey and the further agreement of a Construction Traffic Management Plan (CTMP), including details of access and parking for staff and visitors, working hours, management of deliveries and wheelwashing facilities.  
**Response:** Noted. Appropriate conditions can be attached to any consent issued.
- 4.2 **Environmental Services** – content with the noise impact assessment (NIA) submitted as part of the application and have no objections subject to the mitigation proposed within the NIA, namely that compliance and validation measurements shall be carried out by an appropriately qualified, independent consultant.  
**Response:** Noted. An appropriate condition can be attached to any consent issued.
- 4.3 **Countryside and Greenspace** – no objections to the proposals.  
**Response:** Noted.
- 4.4 **West of Scotland Archaeological Service (WoSAS)** – note that there is potential for the site to contain archaeological interest and therefore a programme of archaeological works should be carried out before any construction commences.  
**Response:** Noted. An appropriate condition can be attached to any consent issued.
- 4.5 **Health and Safety Executive** – given part of the site is located within the consultation buffer zone of a high-pressure pipeline, a Health and Safety Executive consultation via their planning advice web app was carried out. The response was that the HSE does not advise against the granting of planning permission in this case.  
**Response:** Noted. Whilst separate to the planning process, it should also be noted that the applicant has discussed the proposals with the pipeline operator to ensure they are updated of the project. The application site is not within the easement of the pipeline, so no formal legal permission is required from the operator but, in the interests of good practice have kept them updated.

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

- ◆ Roads Flood Risk Management
- ◆ Scottish Power Energy Networks

## **5 Representation(s)**

5.1 Statutory neighbour notification was undertaken and the proposal advertised in the local press for non-notification of neighbours. Following this publicity no letters of representation were received.

## **6 Assessment and Conclusions**

6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) and the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). As noted in 3.2.1 above, it is considered that the GCVSDP is a strategic, high-level document and an application of this scale and nature does not raise any strategic implications. Therefore, no further assessment against this document is required.

6.2 SLLDP2 Policy 1 'Spatial Strategy' states that developments that accord with the policies and proposals of the development plan will be supported. The application site is on land designated as Green Belt within the SLLDP2 therefore Policy 4: Green Belt and Rural Area is of relevance. This policy states that the Green Belt functions primarily for agriculture and other uses appropriate to the countryside. Isolated and sporadic development will not be appropriate. Policy GBRA2 provides a list of uses that are suitable in the Green Belt including renewable energy proposals. In addition the site is adjacent to the existing sub station and is not therefore isolated. The proposals therefore comply with Policy 4.

6.3 It is considered that the location of the proposals adjacent to an existing substation allows the minimum amount of transmission infrastructure to be required to connect the battery proposals to the national grid. This is considered an adequate justification for the location within the Green Belt. It is therefore considered that the proposals accord with the relevant criteria and provisions of SLLDP2 in this regard.

6.4 Policy 2 'Climate Change' of the SLLDP2 states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. As noted in 2.3 above, whilst the electricity transmitted for storage within the proposed batteries will have come from a mixture of renewable and non-renewable sources the purpose of the batteries is to ensure there is always grid stability. As renewable energy becomes more prevalent, grid stability becomes a significant issue due to the intermittent nature of renewable energy generation. As such it is considered that the batteries purpose is intrinsically linked to renewable energy generation and therefore can be viewed as renewable infrastructure to support increased renewable energy generation. Therefore, the proposals are considered to be in accordance with the aims of this Policy.

6.5 Policy 5 'Development Management and Placemaking' states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. This advice is supported within SLLDP2 Policy DM1 'New Development

Design. In this instance, and given the nature of the proposals, the design proposed is functional in form and involves the siting of up to 27 containers to house the batteries. The containers are approximately 2.4 metres in height with the substation control building being the tallest structure at 3.9 metres. A 3 metre high, security fence would surround the whole site. It is considered that the scale of the proposals is similar to the existing substation located adjacent to the site. This results in the proposals being in keeping with the character of the immediate area and would not dominate the surrounding landscape. A functional battery building would not detract from the amenity of the area and would be read as essential electricity infrastructure and an extension of the substation complex. Screen planting is also proposed to further soften the proposals visual impact. It is therefore considered that the design of the proposals would not be detrimental to the surrounding area and any visual impact is minimised by the site's location being clustered next to the substation.

- 6.6 In terms of the impact the proposals would have on the amenity of the area, including air quality, it is noted that the proposals would not emit any gases as part of the process and are in essence similar in nature to electricity substations. Environmental Services have reviewed the Noise Impact Assessment (NIA) submitted as part of the planning application and are satisfied with the conclusions of the NIA. The site is located in a rural area and there are no immediate neighbouring, residential properties. It is, therefore, considered that the proposals accord with the relevant criteria of this policy.
- 6.7 Policy 14: Natural and Historic Environment provides the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment. The site is not located in proximity to any listed building, Conservation area or other historical asset that would be impacted upon by the proposals. An extended Phase 1 Report on Ecology formed part of the planning submission. This report included a site survey and that there was no sign of any protected species or loss of quality habitat within the site area. It is considered that this is expected given the site is cultivated agricultural land. A small pond located some 90 metres to the northeast of the site was identified as having potential to provide habitat for Great Crested Newts (GCN) and a specific survey was carried out for these protected species. The survey found no evidence of GCN. The Phase 1 Report on Ecology also found 2 suitable, potential roost sites for bats but at over 30 metres from the site boundary it is considered that these would be unaffected by the proposals, including their construction. It is, therefore, considered that the proposals accord with the relevant criteria of this policy.
- 6.8 SLLDP2 Policy 15 'Travel and Transport' requires that new development does not impact upon any existing walking or cycle route and promotes sustainable travel, where at all possible. In this instance there are no walking or cycling routes affected by the proposals. Due to the site's location within the countryside it is not accessible via public transport but as noted in 6.2 and 6.3 above, the location of the proposals adjacent to an existing substation minimise the electricity transmission infrastructure needed to connect to the grid which, given the low level of traffic to the site due to remote monitoring, is considered more sustainable than access to public transport in this instance. Roads (Development Management) have no objection to the proposals subject to the conditions outlined in 4.1 above.
- 6.9 SLLDP2 Policy 16 'Water Environment and Flooding' states that development proposals within areas of flood risk or that are detrimental to the water environment will not be supported. Policies SDCC2 Flood Risk and SDCC3 Sustainable Drainage Systems provide further detailed advice in support of Policy 16. The application site is not located within any area at risk from river or coastal flooding. A portion of the application site is, however, located within an area that is at risk of surface water

flooding. A Flood Risk Assessment (FRA) has been submitted as part of the application. The FRA notes that the topography of the site has the potential for water to run down and pool at the bottom of the slope which creates the potential flood risk area. The FRA recommends that in order to mitigate this, as part of the development proposals, the low point will be removed and the site built on a level platform. The FRA notes that pre-application advice was sought from the Council's Flood Risk Management Team who stated that they were not aware of the site flooding but that they were aware of surface water issues to the east of the site. It is considered that given the unmanned nature of the site and the classification of the proposals as essential infrastructure (as set out within Scottish Planning Policy paragraph 263), they are not considered to fall within the definition of a development that would be at risk any potential flooding. It is also considered that the mitigation outlined within the FRA is suitable in alleviating any potential flood risk. A Sustainable Drainage System is proposed for the site and it is considered that a condition requiring their design and the FRA mitigation to be further reapproved by the Council is prudent in this instance. It is therefore considered that the proposals accord with the relevant provisions of the development plan subject to the FRA mitigation and aforementioned condition.

- 6.10 SLLDP2 Policy 18 'Renewable Energy' is an overarching renewable energy policy and, therefore, defers the detailed, development management consideration to the Assessment Checklist for Renewable Energy Proposals contained within LDP2 Volume 2. Volume 2 Policy RE1 Renewable Energy outlines the considerations, criteria and guidance that must be taken into account for all renewable energy proposals. These are the Assessment Checklist contained with Appendix 1 of LDP 2, Volume 2, the Supporting Planning Guidance on Renewable Energy, the South Lanarkshire Landscape Capacity for Wind Energy 2016 (as amended by the Tall Wind Turbines Guidance 2019) and other relevant LDP2 Policies. It is noted that the majority of this guidance relates to wind turbines and it is considered that the relevant, remaining development management criteria have already been assessed throughout the above policy criteria assessment.
- 6.11 In conclusion, it is considered that the proposed development complies with adopted South Lanarkshire Local Development Plan 2 and, therefore, it is recommended that planning permission should be granted.

## **7 Reasons for Decision**

- 7.1 The proposed development complies with Policies 1,2 , 4, 5, 14, 15, 16, 18, SDCC2, SDCC3, RE1 and DM1 of the Adopted South Lanarkshire Local Development Plan 2 (2021).

**David Booth**

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

26 July 2022

### **Previous references**

- ◆ P/18/0528
- ◆ P/21/0005/PAN

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 8 April 2022

21.07.2021

► Consultations	
Health & Safety Executive	22.07.2022
Environmental Services	05.05.2022
Roads Development Management Team	20.05.2022
Countryside And Greenspace	12.04.2022
West Of Scotland Archaeology Service	25.04.2022

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

Reason: In the interests of cultural heritage

02. That before the development hereby approved is completed or brought into use, a visibility splay of 4.5 metres by 120 metres measured from the road channel shall be provided on both sides of the vehicular access as indicated in Drawing 003 Visibility Splays on the approved plans 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.

03. That before the development hereby approved is completed or brought into use, the access road 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.

04. That before the development hereby approved is completed or brought into use, passing places as shown on Drawing 004 Passing Places 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.

05. 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.

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

06. That, before any works commence on site, a dilapidation survey shall be undertaken by the applicants, in accordance with the requirements of the Council's Roads and

Transportation Services, along the length of the construction traffic route to be agreed in writing with the Council as Roads and Planning Authority. Thereafter, any subsequent repair works to the road in question shall be undertaken by the applicants, to the satisfaction of the Council's Roads and Transportation Services, before the development is brought in to use, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: In the interests of road safety.

07. That within 12 weeks of the date of consent the applicant shall submit to the Council as Planning Authority a proposed independent consultant who shall undertake compliance and validation measurements to demonstrate compliance with the recommended mitigation for potential noise disturbance, documented at 3.5 on page 6 of the Noise Impact Assessment Technical Report 50756R3v1, prepared by Fraser Thomson of Atmos Consulting. The report is entitled Cathkin Energy Development Noise Impact Assessment which has been prepared on behalf of Cathkin Energy Storage Ltd.

The measurements shall be carried out in accordance with BS4142:2014- Methods of rating and assessing industrial and commercial sound (with respect to current best practice). This shall demonstrate that the projections as detailed within the report are reliable and meet with the conclusions of the report.

Reason: In the interests of amenity

08. That before the development, hereby approved, is brought into use details of landscaping and screen planting, including on going maintenance, shall be submitted for the written approval of the Council, as Planning Authority. Once approved the landscaping and planting will be implemented as approved and maintained as such for the lifetime of the development hereby approved.

Reason: In the interest of visual amenity.

09. That all flood mitigation measures contained within the document titled Cathkin Energy Storage, East Kilbride Risk Assessment dated February 2022 shall be implemented fully as narrated and maintained for the lifetime of the development, hereby approved.

Reason: In the interests of flood risk.

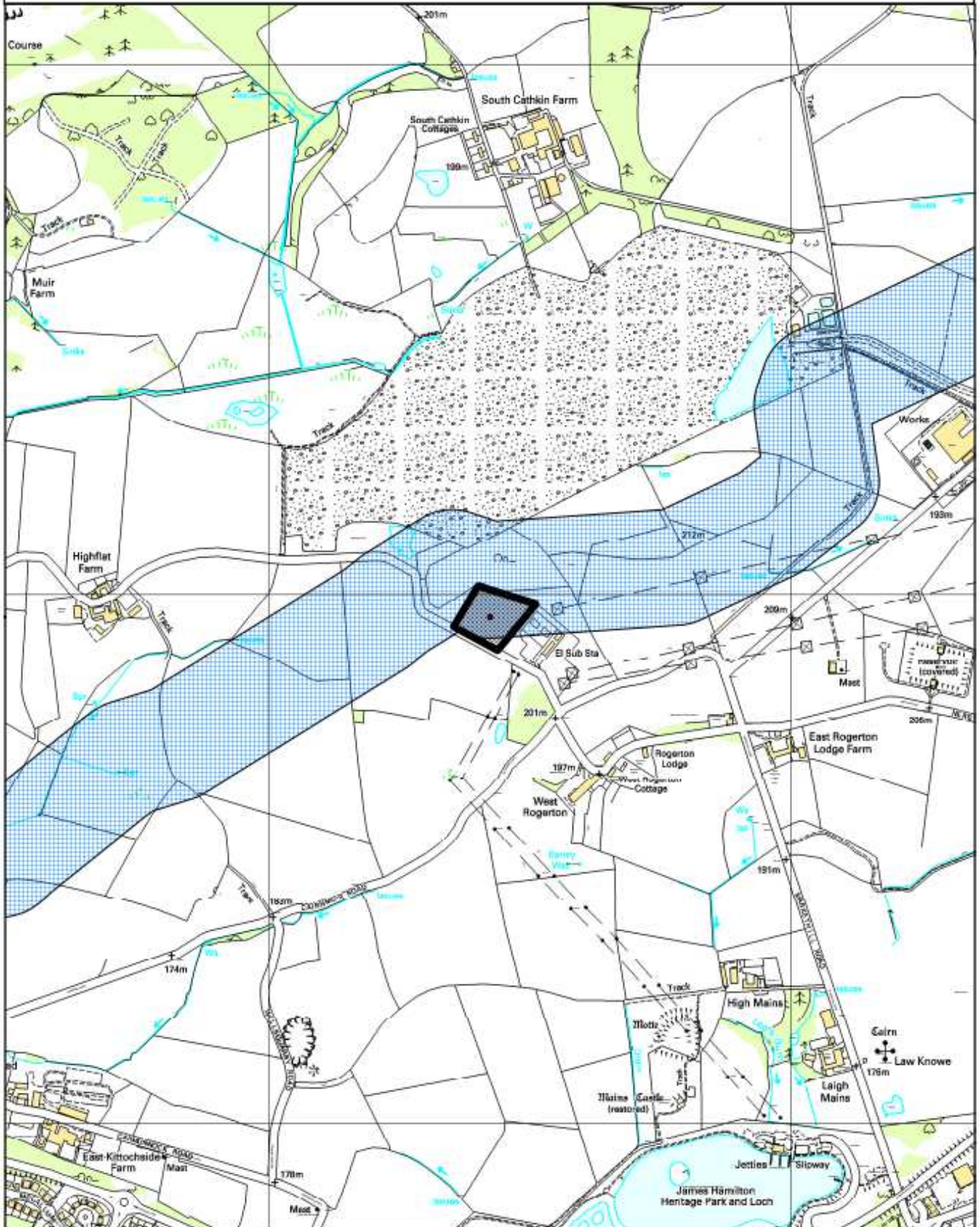
10. That all works on site should comply with appendices 1, 3 and 5 from the Council's drainage design guidance.

Reason: In the interests of drainage and flooding



P/22/0472

Land 125M Northwest of East Kilbride 275kV Grid Substation



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Scale:  
1:10,000  
Date:  
21/07/2022



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



# Report

12

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>16 August 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/22/0039
Planning proposal:	Erection of 61 dwellings and amendment to house types (part amendment to consent HM/16/0486 which relates to approval of Matters Specified in conditions attached to HM/10/0052)

## 1 Summary application information

Application type:	Further application
Applicant:	Miller Homes Ltd
Location:	Community Growth Area Development - Northwest Plot Highstonehall Road Hamilton 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:
- ◆ Council Area/Ward: 18 Hamilton West and Oarlock
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted April 2021)**  
Policy 1 - Spatial Strategy  
Policy 2 - Climate Change  
Policy 5 - Development Management and Placemaking  
Policy 11 - Housing  
Policy 15 - Travel and Transport  
Policy DM1 - New Development Design

**Residential Design Guide**

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team

## **Planning Application Report**

### **1 Application Site**

- 1.1 The planning application site extends to approximately 2.9ha and comprises an area of vacant land. The site is located to the north of Highstonehall Road to the west of Hamilton and is identified as being part of the Hamilton Community Growth Area (CGA) within the adopted South Lanarkshire Local Development Plan 2.
- 1.2 The site is enclosed to the north by woodland and to the east by vacant land and further east by a former railway line which now forms part of a core path network. In addition, the site is enclosed to the south and west by vacant land which forms part of the Hamilton Community Growth Area and will also be the subject of future residential development. Construction work has commenced at the Hamilton Community Growth Area.

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

- 2.1 The applicant seeks detailed planning consent for the erection of 61 dwellings and amendment to house types (part amendment to consent HM/16/0486) at the Community Growth Area Development, Northwest Plot, Highstonehall Road, Hamilton.
- 2.2 The proposal relates to the erection of 61 detached dwellings, access roads, landscaping, footpath links and a children's play area. The dwellings include a mix of three, four and five bedroom accommodation which are two storeys in height. A number of the dwelling types have integrated garages and some dwellings have associated detached garages. Externally the dwellings are proposed to be finished in a combination of render, split face stone walling, glazing panels and concrete roof tiles. In addition, some of the dwellings are proposed to have photovoltaic panels integrated within the roof structure.

### **3 Background**

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

- 3.1.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan 2 and its impact on residential amenity, traffic safety and infrastructure issues.
- 3.1.2 The planning application site is designated as being part of a Community Growth Area for Hamilton and as forming part of the Council's housing land supply. Residential uses are supported within such sites, subject to compliance with normal development management criteria. The site is affected by Policy 1 'Spatial Strategy,' Policy 2 'Climate Change,' Policy 5 'Development Management and Place Making,' Policy 11 'Housing,' Policy 15 'Travel and Transport' and Policy DM1 'New Development Design' of the adopted Local Development Plan.

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

- 3.2.1 In terms of residential development, Scottish Planning Policy 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 An application for the 'Development of Community Growth Area, Comprising Housing, Neighbourhood Centre, Community Facilities, Access Roads, Open Space and Landscaping (Planning in Principle application: HM/10/0052)' was granted consent on 11 May 2017. In addition, an application for 'Residential Development and Associated Roads, Footpaths, Open Space, SUDs and Landscaping (Approval of Matters Specified in Conditions Attached to HM/10/0052)' (HM/16/0486) was granted consent on 25 May 2017.

3.3.2 The current planning application relates to an amendment to part of the larger site granted under the terms of consent HM/16/0486. The current proposal relates to a reduction in 4 dwellings to 61 dwellings and an amendment to house types, such as a change from terraced dwellings to detached. It should be noted that these changes are relatively minor and the principle of the overall development layout was agreed under the terms of consent HM/16/0486.

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

4.1 **Roads Development Management Team** - have advised that they have no objection to the development, subject to the imposition of conditions. These conditions include car parking provision, that there should be no retaining structures adjacent to the adoptable roads and that all HGV traffic associated with the development should access, and egress, via the Muttonhole Road route.

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

### **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 61 dwellings and amendment to house types (part amendment to consent HM/16/0486 which relates to approval of Matters Specified in conditions attached to HM/10/0052) at the Community Growth Area Development, Northwest Plot, Highstonehall Road, Hamilton.

6.2 The determining issues in the consideration of this application are its compliance with national policy, local development plan policy and its impact on residential amenity, traffic safety, environmental matters and infrastructure issues.

6.3 With regards to Government guidance and advice, as detailed in section 3.2, Scottish Planning Policy highlights that where a proposal accords with up-to-date development plans, it should be considered acceptable in principle. The site is identified within the adopted Local Plan as being suitable for residential development through its designation as a part of the Community Growth Area for Hamilton. The proposed use

therefore raises no issues from a land use perspective and can be considered to accord with national planning policy.

- 6.4 In terms of Local Plan policy, the site is affected by Policies 1 and 2 of the adopted Local Development Plan. The application site is designated as being a Community Growth Area for Hamilton under the terms of Policy 1 of the adopted Local Development Plan. 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 development of an area of vacant land, at a sustainable location in Hamilton as part of the Community Growth Area. Therefore, it is considered that the proposal raises no issues within the context of Policies 1 and 2 of the adopted Local Development Plan.
- 6.5 In addition, the site is affected by Policy 11 of the adopted Local Development Plan and forms part of the Council's housing land supply. Subsequently, the principle of the site for residential use accords with the provisions of Policy 11 of the adopted Local Development Plan.
- 6.6 Policy 5 of the adopted Local Development Plan identifies that all development proposals will require to take account of and be integrated with the local context and built form. The design, location and scale of the proposed two storey dwellings is such that it is considered that the development will not result in a significant material impact on the future streetscape or any adjacent properties. Therefore, the proposal accords with the provisions of Policy 5 of the adopted Local Development Plan.
- 6.7 Policy DM1 of the adopted 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 and the proposed dwellinghouses are of a similar scale and style to those being developed elsewhere within the Hamilton CGA. Subsequently, the proposed development accords with the provisions of Policies DM1 of the adopted Local Development Plan. In addition, it is considered that the proposed layout for the development generally accords with the standards set out in the Council's Residential Design Guide.
- 6.8 Policy 15 of the adopted Local Development Plan 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. The site is accessible and the development would be integrated into transport 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 15 of the adopted Local Development Plan.
- 6.9 With regards to infrastructure considerations, 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 part amendment to consent HM/16/0486, to reduce the number of units and an amendment to the house types, and forms part of the wider Hamilton Community Growth Area. The design, layout and general impact of the development is considered to be acceptable and the proposals comply with the relevant policies contained in the adopted Local Development Plan. In view of the above, it is recommended that planning consent be granted subject to conditions.

## **7 Reasons for Decision**

- 7.1 The proposal will not significantly adversely impact on residential or visual amenity, environmental matters or infrastructure issues. The proposal raises no issues within the policy context of 1, 2, 5, 11, 15 and DM1 of the adopted Local Development Plan 2 and there are no other material considerations which would justify the refusal of planning permission.

**David Booth**

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

27 July 2022

### **Previous references**

- ◆ HM/10/0052
- ◆ HM/16/0486

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter, dated 4 February 2022
- ▶ Press Advert, Hamilton Advertiser, dated 3 February 2022
  
- ▶ Consultations  
Roads Development Management Team 29.06.2022
  
- ▶ Representations  
None

### **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, unless otherwise agreed with the Council as Planning Authority, the landscaping and open space schemes 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 the completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of amenity.

02. That prior to the completion or occupation of the last dwellinghouses within the development or phase within which it is located, all of the works required for the provision of equipped play area included in the submitted scheme, shall be completed to the satisfaction of the Council as Planning Authority. For the avoidance of doubt, thereafter, that area shall not be used for any purpose other than as an equipped play area.

Reason: In order to retain effective planning control.

03. That prior to works commencing on site a management plan for the maintenance and management of the structural planting within the site shall be submitted to the Council as Planning Authority. Following written approval, the management plan shall be thereafter implemented to the satisfaction of the Council as Planning Authority.

Reason: In order to retain effective planning control.

04. That prior to the occupation of each dwellinghouse the approved fences and walls associated with each plot shall be erected and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason: In order to retain effective planning control.

05. That prior to development commencing on site, unless otherwise agreed with the Council as Planning Authority, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

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

06. That, unless otherwise agreed with the Council as Planning Authority, 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 interest of public safety.

07. That, unless otherwise agreed with the Council as Planning Authority, before the development hereby approved is completed or brought into use, the entire access road and footpath network, including un-adopted remote footpaths, serving the development shall be laid out and constructed in accordance with the specification of the Council as Roads and Planning Authority.

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. Unless otherwise agreed with the Council as Planning and Roads Authority, all footpaths shall be 2.0 metres in width and be of a bound construction.

Reason: In the interest of public safety.

08. That no dwellinghouse 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.

09. For the avoidance of doubt, there should be no retaining structures erected adjacent to the adoptable roads within the site to the satisfaction of the Council as Planning and Roads Authority.

Reason: In the interest of public safety.

10. For the avoidance of doubt, all HGV traffic associated with the development should access and egress the site via the Muttonhole Road route to the satisfaction of the Council as Planning and Roads Authority.

Reason: In the interest of public safety.

11. That, unless otherwise agreed with the Council as Planning and Roads Authority, before the development hereby approved is completed or brought into use, parking shall be provided to the following standards and thereafter maintained to the specification of the Council as Roads and Planning Authority:

Each dwelling should have a minimum number of vehicle parking spaces:

up to 3 bedrooms - 2 spaces

4 or more bedrooms - 3 spaces

Each of these spaces being in units of 6m x 3m

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

12. 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.

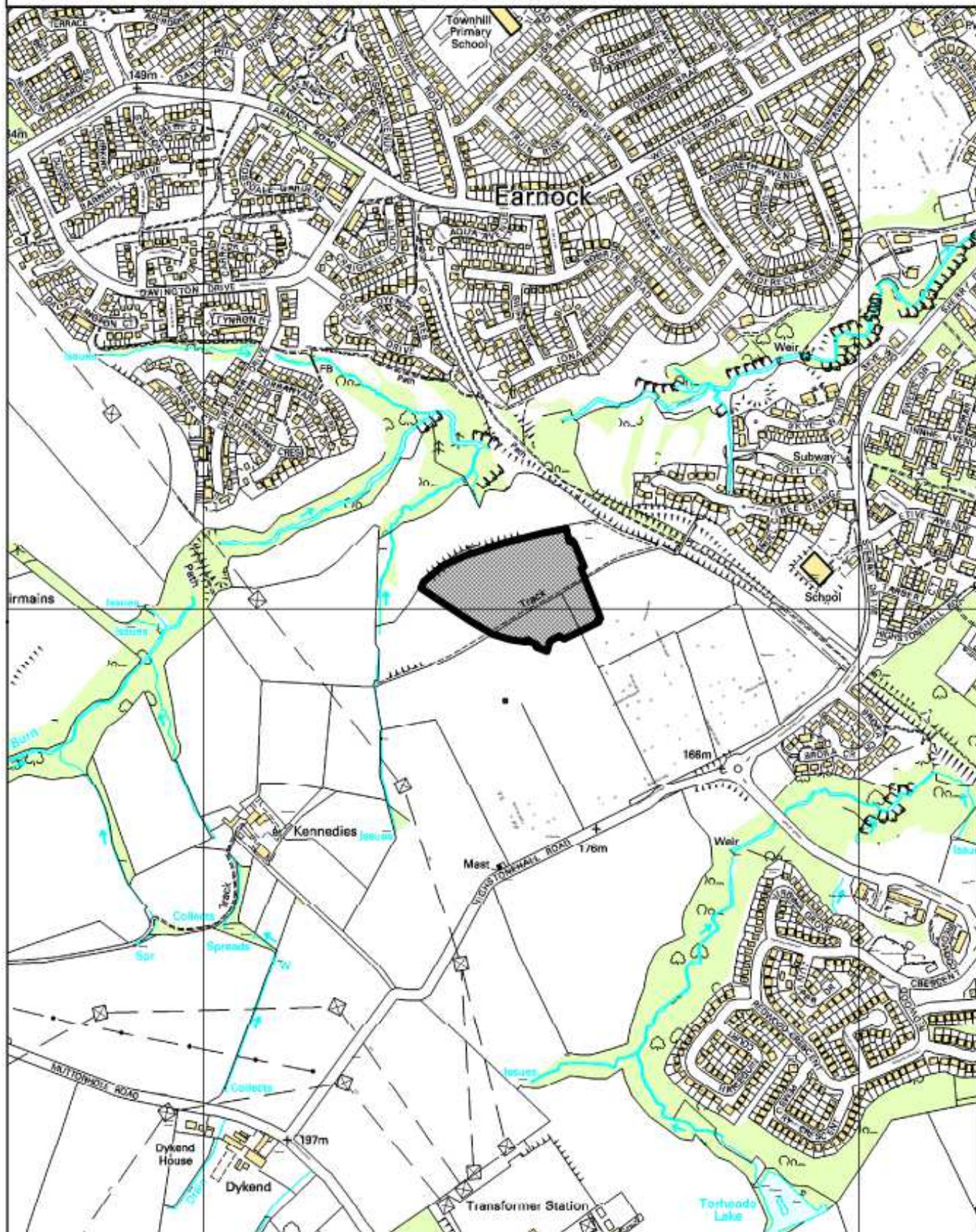


13. That, unless otherwise agreed in writing and prior to works commencing on site, the applicant shall submit details to demonstrate each dwelling has access to their own electric vehicle charging (EVC) point. Where parking is provided within a shared courtyard, details shall also include arrangements for siting of charging posts taking account of parking bays/boundary features/pedestrian movement along with maintenance arrangements all for the written approval of the Council as Roads Authority. Thereafter, the agreed EVC provision shall be installed, commissioned, and maintained in accordance with the approved plans and specifications prior to that property which it serves being occupied.

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

14. Prior to the commencement of development on site, a Traffic Management Plan shall be submitted for the written approval of the Planning Authority. The Traffic Management Plan shall provide details of the hours of operation on site (detailing any particularly noisy aspects of the development), wheel washing arrangements and road sweeping details, on site parking for construction workers and the route to be taken to access the site for all delivery/construction vehicles. Thereafter the development shall be undertaken at all times in accordance with the approved details contained in the Traffic Management Plan unless otherwise agreed in writing with the Planning Authority.

Reason: in the interests of amenity and public safety.





# Report

**13**

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>16 August 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Subject:	<b>Preparation of Electric Vehicle Charge Points Supplementary Planning Guidance</b>
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## **1 Purpose of Report**

1.1. The purpose of the report is to:-

- ◆ advise members of the outcome of public consultation on the Supporting Planning Guidance for Electric Vehicle Charge Points.
- ◆ seek approval for the revised Supporting Planning Guidance for Electric Vehicle Charge Points, as set out in the appendix to the report, and thereafter it be adopted as the Council's agreed planning position.

## **2. Recommendation(s)**

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

- (1) that the Supporting Planning Guidance for Electric Vehicle Charge Points, as set out in the appendix to the report, be approved; and
- (2) that the Head of Planning and Regulatory Services be authorised to make drafting and technical changes to the draft document prior to its publication.

## **3 Background**

- 3.1 Circular 6/2013 – Development Planning states that planning authorities may issue non-statutory Supporting Planning Guidance (SPG) to set out the Council's position on a range of subject matters. Adoption of this guidance by the Council gives it a formal status, meaning that it will be a material consideration in decision making on planning applications. On 16 November 2021, the Planning Committee approved the draft SPG that had been prepared to provide information and assistance to developers regarding the provision of Electric Vehicle Charge Point infrastructure in new developments and, thereafter, carry out consultation on the document.
- 3.2 The SPG on Electric Vehicle Charge Points (EVCPs) is intended to assist developers with requirements in terms of the type and number of EVCP units to be provided and the information that will be required to be submitted with planning applications. The SPG contains advice on both residential and non-residential standards, including disabled space provision and accessible parking bays.
- 3.3 The SPG will support the aims of Policy SDCC4 Sustainable Transport in the adopted South Lanarkshire Local Development Plan 2. This policy advises that to address climate change and support the use of electric vehicles, the Council will seek the

inclusion of electric vehicle charging points (EVCP) within new developments. This aim reflects the vision of the Scottish Government's National Transport Strategy 2 to reduce transport emissions by 75% by 2030 and to net-zero by 2045. The transition to Electric Vehicles (EVs) will contribute significantly to these goals and the aim is to enable access to convenient and reliable EV charging infrastructure at home, at work and when out and about. At the end of March 2022, 5.2% of all vehicles in the UK were electric compared to 2.5% in the same period in 2021. In addition, 10.8% of all new cars registered in April 2022 were electric, an increase of 4.1% since April 2021.

#### **4 Current Position**

4.1 Consultation was carried out on the SPG between 27 January and 11 March 2022. This included placing an advertisement in the local press and publicising the consultation on the Council's website. Consultation with statutory consultees was also undertaken. As a result of the publicity, 7 letters of representation were received. The points raised are summarised as follows:

**a) Care should be taken to avoid underground infrastructure when installing charging pillars.**

**Response:** It is the developer's responsibility to ensure works do not damage underground infrastructure.

**b) Network grid capacity will have limitations on the ability to install EVCP charge units to serve each residential unit. Where the required capacity is not available - network re-enforcement through the provision of additional Sub-Stations and upgraded cabling is required. Consideration should be given to provide only the underground infrastructure at this time.**

**Response:** Network grid capacity issues is best resolved at the development stage, where upgrades can be accommodated within the application site as necessary. Any lack of infrastructure prior to the completion of the development may prevent home occupiers from having an electric vehicle. Notwithstanding the above, the SPG has been amended to advise that where evidence is provided from Scottish Power that the existing network/grid capacity serving the development is insufficient at the time of the application, consideration will be given to installing the infrastructure only at that stage or in a phased approach. In such cases the applicant must demonstrate that the provision of the charging unit has been future proofed.

**c) There will be financial implications to the developer including: installation of the EVCP charge units, secure connection to the network grid, maintenance costs, and additional costs to form larger parking areas.**

**Response:** It is acknowledged that the developer will be responsible for organising connection to the network grid and will be financially responsible for ensuring that the requirements of EVCPs within new residential developments are met. The SPG has been amended to provide flexibility to provide the infrastructure only, or a phased approach, where the network grid has no capacity to serve the new development. However, this does not include financial implications or the cost to connect to the grid. As part of the planning application process, there are often developer requirements to reflect contributions to essential services. It is considered that provision of EVCPs is similar, and developers will require to plan at an early stage to understand the financial implications.

- d) **There will be a range of operational issues including: control of access to EVCP charge units and the parking spaces served by them, unauthorised use, power source and metering/charges, maintenance and factor agreements.**

**Response:** The operational use and enforcement of spaces will be the responsibility of the land owner.

The SPG sets out the approach to maintenance and the charging network, which will differ depending on the installation of EVCPs on public owned land or private/communal land. The developer can find further advice on topics such as installation, equipment and wiring standards within Transport Scotland's document Common Requirements and Good Practice for the Charge Place Scotland Network.

- e) **Developments involving Amenity units are let to older people who are statistically less likely to have access to a car – so the provision requirement for 1 EVCP per dwelling unit would be excessive.**

**Response:** The SPG requires 1 EVCP per 1 dwelling unit, however where the car parking requirement has been reduced (for example to serve amenity housing), then only the maximum number of car parking spaces requested will be required to be served by an EVCP. This could, therefore, result in less than 1 EVCP per dwelling unit.

- f) **EVCP units must be built outwith car parking spaces which reduces the land available for construction and may reduce the number of properties that can be built on a site.**

**Response:** The provision of EVCP is one of several matters that developers will have to consider when designing new development. However, accessibility to EVCPs will be critical as the economy transitions to net zero.

- g) **100% provision seems excessive when considered alongside NPF4 which introduces the concept of the '20 minute neighbourhood' with the aim of reducing car ownership and increasing use of public transport/cycling/walking etc.**

**Response:** Where new car parking spaces are requested, then the installation of EVCPs will support the transition to electrical vehicles in line with the Scottish Governments target to phase out the need for new petrol and diesel cars and vans by 2030.

- h) **EVCP infrastructure is still evolving and may be out of date by 2030.**

**Response:** It is considered that provision of EVCP has to be addressed now to ensure the transition to net zero is managed. The SPG contains advice regarding single phase supported EVCPs for residential units that can supply a maximum of 7kW fast charge. As technology evolves in the longer term, it will be the responsibility of the home owner to upgrade any technology as considered necessary.

- i) **There is an ongoing consultation which includes proposals for the provision of EVCP infrastructure or facilities and that Building Regulations will be subject to further development and implementation in 2022 following the conclusion of the Consultation. It would be important to ensure any requirements within the SPG is aligned with this work.**

**Response:** The recommendations of the review of Building Regulations in respect of EVCP requirements has been delayed. In the meantime, the SPG will provide detailed guidance and will be updated in the future as necessary.

- j) **The problem of site capacity will be exacerbated in future as expectations on charging outputs increase, and as other renewable technologies which require an electrical supply (such as air-source heat pumps) come on-line.**

**Response:** It is important that grid capacity issues are addressed by developers early in the development stage, to ensure that the provision of EVCPs can be accommodated along with other requirements that require an electrical supply.

- k) **No clear guidance is provided on dimensions for a standard EVCP parking bay. Parking spaces of an excessive size should be avoided and there should be a balance struck between good urban design and the need to deliver the physical infrastructure necessary for EV charging.**

**Response:** The car parking space requirements for a development are advised by the Council's Roads and Transportation Service in consultation with the National Roads Development Guide (SCOTS). The aim of this SPG is to set out when spaces require an EVCP. However, it is unlikely spaces with an EVCP will take up significant additional land. It is important to continue to provide car parking spaces that function within current modern standards. Early design development should address concerns of hard surfaced and parking areas.

- l) **100% EVC provision is requested by SLC in new residential developments. This differs from many other local authorities in Scotland where varying ratios are evident. A consistent approach should be agreed and requested throughout Scotland.**

**Response:** The draft National Planning Framework 4 (NPF4) did not set out detailed requirements for EVCP provision, however, it states that development proposal should demonstrate the provision of electric, hydrogen, and other low or zero-emission vehicle and cycle charging points that are provided in safe and convenient locations. Given the need to keep up with demand for electric vehicles and for infrastructure to be in place to encourage transition from petrol and diesel vehicles, it is considered that 1 EVCP per residential unit is a balanced approach.

- m) **Charging points within the social rented sector may not be used extensively in the short to medium term therefore 100% provision could be deemed excessive within such locations.**

**Response:** The SPG has taken the approach that all home occupiers should have equal access to EVCPs regardless of tenure. This approach is considered fair and reasonable and will remove barriers to having the option of an electric car.

- n) **For home owners with allocated parking within parking courts, upkeep of EV charging infrastructure may be expensive and therefore potentially an unreasonable burden on home owners, not all of whom will own electric cars in the short to medium term.**

**Response:** The SPG sets out the approach to maintenance and the charging network, which will differ depending on the installation of EVCPs on public owned land or private/communal land. This will include allocated parking spaces where these are not located in curtilage.

The developer can find further advice on topics such as installation, equipment and wiring standards within Transport Scotland's document Common Requirements and Good Practice for the Charge Place Scotland Network.

- o) **The SPG should be clear as to the charging unit that is to be installed. This should be a Type 2 (Mennekes) charger with a minimum output of 7kw/h. This is the European standard charger which is compatible with every electric vehicle now sold in the UK. A domestic 3-pin point should only be used for emergency or occasional charging.**

**Response:** The SPG has been updated to provide clarification that a fast charge unit is defined as a charge point capable of delivering a minimum power output of 7Kw. Most UK residential properties use a single-phase power supply, which means most home charge points will be capable of charge at 7kw. For commercial premises, communal parking or on street parking, a faster charge involving a 3-phase meter may be required to provide an output of 11kW – 22kW, where a faster charge speed may be preferable.

- p) **Need to consider the height of the EVCP units to make sure they are inclusive.**

**Response:** At present there is no guidance provided on the height requirements for EVCPs. However, A Network fit for the Future: Draft Vision for Scotland's Public Electric Vehicle Charging Network was published on 26 January 2022 and is undergoing a period of consultation and review. This document includes an aim to achieve a public electric vehicle network that is suitable for everyone regardless of age, health, income or other needs. Should this document be progressed and provide detailed advice on EVCPs to ensure inclusivity and access, then the SPG can be updated to reflect this.

## **5. Assessment and Conclusions**

- 5.1 A number of minor updates have been made to the proposed document to reflect responses received as a result of the public consultation, consultation with internal consultees, and national advice since the draft document was published. However, the importance of new development incorporating EVCP to address future net zero ambitions remains paramount. The minor changes carried out to the document has enabled the document to be improved in terms of its readability, clarity and is supported by new indicative diagrams.
- 5.2 The reference to accessible spaces has been removed from non-residential developments, and this has been replaced with the need for all new disabled bays for non-residential development to be served with EVCP infrastructure and charge units. This will improve equal access for disabled users, whilst providing developers with clear advice. A table to advise on non-residential development EVCP requirements has been included within the SPG. This provides an easy to read format for how many EVCPs a new development will require.
- 5.3 The principle of the requirement for EVCPs has remained unchanged since the approval of the draft version in November 2021 in order to support the provision of EVCPs to meet current and future demand. It is therefore recommended that the Supporting Planning Guidance, attached as an appendix to the report, be approved and, thereafter, be published on the Council's website. The SPG will be a material consideration for any planning applications for the site.

## **6. Employee Implications**

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

## **7. Financial Implications**

7.1 None.

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

8.1 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 adopted South Lanarkshire Local Development Plan 2 was the subject of both SEA and a Habitats Regulations Appraisal. An Equality Impact Assessment and Health Impact Assessment were also carried out during the preparation of the Plan. No further assessment is required.

## **9. Other Implications**

9.1 The failure to have planning guidance detailing the requirements for EVCPs would undermine the Council's vision of promoting sustainable transport in line with the Scottish Governments targets.

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

10.1 An Equalities Impact Assessment (combining Child Rights and Wellbeing Impact Assessment) was not specifically required for the documents (see 8.1 above). Consultation was carried out on the draft documents as described in the report.

**David Booth**

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

26 July 2022

### **Link(s) to Council Values/Priorities/Outcomes**

- ◆ Demonstrating governance and accountability
- ◆ The efficient and effective use of resources and managing and improving performance

### **Previous References**

- ◆ Report to Planning Committee 16 November 2021

### **List of Background Papers**

- ◆ Circular 6/2013 – Development Planning
- ◆ South Lanarkshire Local Development Plan 2 adopted April 2021
- ◆ A Network fit for the Future: Draft Vision for Scotland's Public Electric Vehicle Charging Network
- ◆ National Planning Framework 4 (Draft)
- ◆ Report to Planning Committee 16 November 2021 - South Lanarkshire Local Development Plan 2 Supporting Planning Guidance: Carrying out Development at a Dwellinghouse and Electric Vehicle Charge Points

### **Contact for Further Information**

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

Pamela McMorran

E-mail: [Pamela.McMorran@southlanarkshire.gov.uk](mailto:Pamela.McMorran@southlanarkshire.gov.uk)



## **APPENDIX**

### **1.0 Introduction**

The transport sector is the largest emitter of greenhouse gases in Scotland, accounting for 29% of all emissions in 2019 with road transport making up the majority of those emissions at 66%. The Scottish Government's Climate Change Plan update published in December 2020, set out the pathway to meet Scotland's statutory greenhouse gas emission reduction targets by 2032. This includes an aim to phase out the need for new petrol and diesel cars and vans by 2030. The transition to Electric Vehicles (EVs) will contribute significantly to these goals. At the end of March 2022 5.2% of all vehicles on UK roads (approx. 477,000) were electric compared to 2.5% the previous year. In addition, 10.8% of all new car registration in April 2022 were electric vehicles. As demand for EVs is growing rapidly, the aim is to enable people to have access to convenient and reliable EV charging infrastructure at home, at work and when out and about.

It is acknowledged that not every home will be capable of access to Electric Vehicle Charge Points (EVCPs), either within their curtilage or on the public network. To mitigate for this new non-residential premises should offer EVCPs to improve an accessible and wider provision available to members of the public.

#### **National Planning Policy**

A draft NPF4 was published for consultation in late 2021 which sets 'a new spatial plan for Scotland that will look ahead to 2050 to set out where future development can bring benefits for people, the economy and environment'. The impact of climate change is a key theme throughout the document. In order to achieve the Scottish Government target of net-zero emissions by 2045 there will be a need for the planning system to be 'rebalanced' so that climate change will be an overarching priority for the spatial strategy and a guiding principle for all plans and decisions. Ultra-low emission vehicles (ULEV), including electric vehicles and the associated electric vehicle infrastructure will have a role to play.

#### **South Lanarkshire Council**

South Lanarkshire Council seeks to become a leading local authority in the provision of Electrical Vehicle (EV) charging infrastructure and accelerate the area's transition to sustainable net zero travel, stimulating the region's economy and meeting the needs of the diverse local communities.

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

The adopted South Lanarkshire Local Development Plan 2 (SLLDP 2) contains Policy 2 Climate Change. This policy requires any new development proposals to minimise and mitigate the effects of climate change and the reduction of greenhouse gases through a range of measures including the provision of electric vehicle recharging infrastructure to encourage greater use of low carbon vehicles.

Reinforcing this requirement is Policy SDCC4 Sustainable Transport that advises to address climate change and support the use of electric vehicles, the Council will seek the inclusion of electric vehicle charging points (EVCP) within new developments.

This Supporting Planning Guidance (SPG) has been prepared to assist developers with these requirements in terms of the type and number of EVCP to be provided and the information that will be required to be submitted with planning applications. The guidance supports the policies in South Lanarkshire Local Development Plan 2, and the content of this SPG will be used in determining planning applications.

### **3.0 General Requirements**

All EVCP units must be located outwith the car parking space and any footpath requirements for the development (as requested by the Council's Roads and Transportation Services). The EVCP unit will require a minimum 0.5m of additional footpath, or land, where it involves installation on the footpath network or communal/on street parking facilities. For EVCPs located between 2 car parking spaces, 0.5m additional land outwith car parking spaces is required.

Where EVCPs are installed in the curtilage of a new house, the additional space required for the charge units can be reduced to 0.2m and should be outwith both car parking spaces/driveways and accessible paths.

The EVCP infrastructure shall be capable of serving Fast Charging unit installation with connection to an appropriate electricity supply. A fast charge unit is defined as a charge point capable of delivering a minimum power output of 7Kw. Most UK residential properties use a single-phase power supply, which means most home charge points will be capable of charge at 7kW.

For commercial premises, communal parking or on street parking, a faster charge involving a 3-phase meter may be required to provide an output of 11kW – 22kW, where faster charge speed may be preferable.

It is acknowledged that within an on street car parking arrangement (allocated or unallocated) EVCPs can be installed either between 2 parking spaces, or as an extension to the footpath/land adjoining the parking spaces. Within this SPG, any examples of layouts are for indicative purposes only and do not represent all available options. The onus is on the developer to design the layout of car parking and the position of EVCPs in accordance with the guide and to meet the Council's Roads and Transportation Service requirements.

Should you require further information on the car parking requirements raised within this SPG, please contact Roads and Transportation Services to discuss at [roadsandtransportation@southlanarkshire.gov.uk](mailto:roadsandtransportation@southlanarkshire.gov.uk)

The SPG makes various references to policy and guidance from the Scottish Government and other statutory agencies. As this may change during the lifetime of the SPG, developers are advised that they must comply with the version that is current at the time of their application.

#### **New Residential Development**

This advice applies to all residential types, including flatted developments, and across all tenures. The Council aims to ensure equality across new developments so that all residents in new housing developments regardless of whether they are in the private or rented sector are able to access an EVCP.

For new residential development of 1 or more units, the criteria below shall be met where it is applicable to the proposed development:

- a) Where in curtilage parking is provided EVCP infrastructure and a charging unit to serve at least 1 car parking space for each dwellinghouse will be required.
- b) Communal car parking, or allocated on street parking, will be required to have EVCP infrastructure and charging units installed to serve a minimum of 1 car parking space for each residential unit that utilises the parking area.

- c) Where a development involves a reduced car parking requirement of less than 1 space per dwelling unit, the EVCP infrastructure and charge unit requirement will be reduced to the maximum number of communal car parking spaces available.
- d) All new disabled bays to serve a residential development shall be served by EVCP infrastructure and charge unit. The bays will be served by a full width dropped kerb to improve access to the charge unit, and the EVCPs will be sited outwith the bay and associated hatching.
- e) The location of EVCPs should consider the distance from the residential unit it serves. The EVCPs should be located within car parking spaces as close as practical to residential units to ensure equal and reasonable access. This may result in dispersed units through the car parking provision, rather than a cluster.

Where evidence is provided from Scottish Power that the existing network/grid capacity serving the development is insufficient at the time of the application, consideration will be given to installing the infrastructure only or a phased approach. This is not based on financial implications. In such cases the applicant must demonstrate that the provision of the charging unit has been future proofed.

### 3.2 New non-residential developments

These requirements will only apply where the development is required to provide new car parking provision. This advice applies to all new build non-residential types of development, including education facilities, hotels, community buildings, offices, industrial estates and retail.

The exception is for new build premises located within retail parks that will utilise existing parking provision, including drive throughs and food and drink units. New premises within retail parks are required to upgrade existing parking spaces with EVCP infrastructure and charge units. The number of EVCPs required will be based on the number of parking spaces expected to serve the development. Please refer to the table below once this information has been confirmed with the Council's Roads and Transportation Service.

Developers are required to meet the following criteria where applicable:

Number of new spaces requested through the planning application	Number of EVCPs required
1 - 9	1 single charge point
10 - 19	1 dual charge unit or 2 single charge points.
20 - 29	2 dual charge units or 4 single charge points.
30 -49	4 dual charge units or 8 single charge points

50 - 79	6 dual charge units or 12 single charge points
80 - 99	8 dual charge units or 16 single charge points
100 and above	10 dual charge units or 20 single charge points

\* All new disabled bays require to be served by EVCP infrastructure and charge units. Disabled bays are in addition to the formation of standard bays. Please contact the Council's Roads and Transportation Service to confirm the number of disabled bays required.

### 3.3 Installation and maintenance

The EVCP infrastructure and charge units are required to be installed during the construction phase. The developer should ensure that cabling and underground infrastructure is installed as necessary in consultation with Scottish Power Energy Networks. The onus is on the developer to meet the costs of installation and to agree grid capacity with Scottish Power Energy Networks.

The maintenance requirements for installed EVCP charge units serving communal parking, or allocated on street parking, will depend on whether or not the units are installed on the public network, or on private or communal land. Where the EVCP charge unit will be installed on the adopted public network there are a number of things to consider, and the developer should contact the Roads and Transportation Service to discuss. The charge point would need to meet South Lanarkshire Council's specification, it would need to be on the ChargePlace Scotland network, and a warranty and maintenance agreement would need to be provided with any transfer of ownership. The power supply/billing would also need to be transferred to South Lanarkshire Council.

Where the charge point is on private or communal land (outwith the curtilage) then these remain the responsibility of the developer/factor/private company.

The developer can find further advice on topics such as installation, equipment and wiring standards within Transport Scotland's document Common Requirements and Good Practice for the Charge Place Scotland Network.

### 3.4 Exemptions

There will be no requirement for EVCP infrastructure or charge units to be installed for the following developments:

- Extensions to existing dwellinghouses.
- Extensions to existing business premises where no additional car parking is requested.
- Change of use of a building, either residential or non-residential, where no new car parking provision is requested.

## 4.0 Listed Buildings

The installation of an EVCP unit onto the fabric of a listed building will require the submission of a Listed Building Consent (LBC) application. The historic fabric and character is to be taken into account when installing an EVCP unit. The preference is that a pole mounted option is investigated as a first option. This would prevent the need for drilling and fixing damage to the building fabric e.g. stone. Where this is not a viable option, any unit to be

fixed to an external wall should be located within reach of the car parking spaces and should avoid being located on, or visually detract from, any decorative features, such as coin stones or ornate stone work. The fixtures should use materials and methods appropriate for the existing building fabric e.g. lime based mortar. Details of any fixings will form part of the LBC application for approval.

## **5.0 Planning Application Requirements**

The inclusion of EVCPs should be considered as part of the design process for the new development, and details submitted at the validation stage for detailed planning applications. If a proposal requires only the infrastructure to be installed under the guidance of this SPG, then future proofing for the installation of the EVCP charging units is required – this involves identifying space for EVCPs. Not future proofing the installation of EVCP units may prevent installations from taking place in the long term.

The following criteria is to be met for detailed planning applications:

1 - Detailed block plan showing the EVCP unit location within the curtilage of each plot, communal parking area or on street parking where relevant. The car parking spaces and any accessible paths shall also be indicated on the plan to ensure there is no conflict of space requirements.

2 - The charging unit location must be accessible to a minimum of one parking space. This can be external to the building or within a garage (if the garage has minimal internal clear dimensions of greater than three metres by seven metres).

3 - A maximum cable length of 5m shall be used to determine the suitability of parking and charging unit locations.

4 - A suspensive condition will require the developer to submit further details prior to works commencing on site – including: cabling, ducting, and the proposed type of consumer unit capable of supporting a fast-charging unit (minimum 7kW).

5- A suspensive condition will require the developer to submit further details prior to works commencing on site confirming the factor agreement for any EVCP's which serve a communal car parking, or allocated on street arrangement, on land outwith the adopted public network.

6 – The EVCP infrastructure will be required at the construction stage. Where EVCP charge units are required to be installed, these shall be completed prior to the occupation of the dwellings they serve.

## **Appendix**

Following the adoption of the South Lanarkshire Local Development Plan 2 in April 2021 the Council has begun preparation of a series of supporting guidance to support the plan. This includes draft Supporting Planning Guidance (SPG) to provide information and assistance to developers regarding the provision of Electric Vehicle Charging infrastructure. Section 9 of the Planning (Scotland) Act 2019 has removed the ability of Planning Authorities to prepare new Supplementary Guidance. Circular 6/2013 – Development Planning states that planning authorities may issue non-statutory planning guidance to provide detail on a range of subject areas. This form of guidance does not form part of the development plan. However, adoption by the Council gives it formal status, meaning that it will be a material consideration in decision making. Planning guidance can be updated as required and without the need for approval by Scottish Ministers.

### **Supporting assessments**

A series of assessments informed the preparation of the SPG. The technical studies are noted below. Strategic Environmental Assessment 1.6 in accordance with the Environmental Assessment (Scotland) Act, 2005, the Council prepared and submitted a strategic environmental assessment (SEA) screening report to the statutory consultation authorities, summarising its view that this SPG is unlikely to have significant environmental effects. The consultation authorities agreed with the Council's view and the Council made a formal determination that a SEA is not required for this SPG. The Council reached this view because it sits under the hierarchy of the Glasgow and the Clyde Valley Strategic Development Plan and the South Lanarkshire Local Development Plan 2, both of which have undergone SEA. The SG does not seek to change or amend policies in these plans.

### **Habitats Regulations Appraisal**

A Habitats Regulations Appraisal (HRA) screening exercise for this SPG will be undertaken in compliance with the EC Habitats Directive (Council Directive 92/43/EEC), and the Conservation (Natural Habitats, &c.) Regulations 1994 as amended. This will be included in the HRA Record for the SLLDP. Any changes required as a result of the HRA shall be incorporated in the finalised supplementary planning guidance.

### **Equalities Impact Assessment**

An Equalities Impact Assessment of the South Lanarkshire LDP2 community infrastructure assessment policy was carried out and it was concluded that there are no adverse impacts on any of the communities covered by equalities legislation or on community relations. The above technical studies can be viewed on the Council's website and are available on request from the Council.



# South Lanarkshire

Planning and Economic Development

## Local Development Plan 2

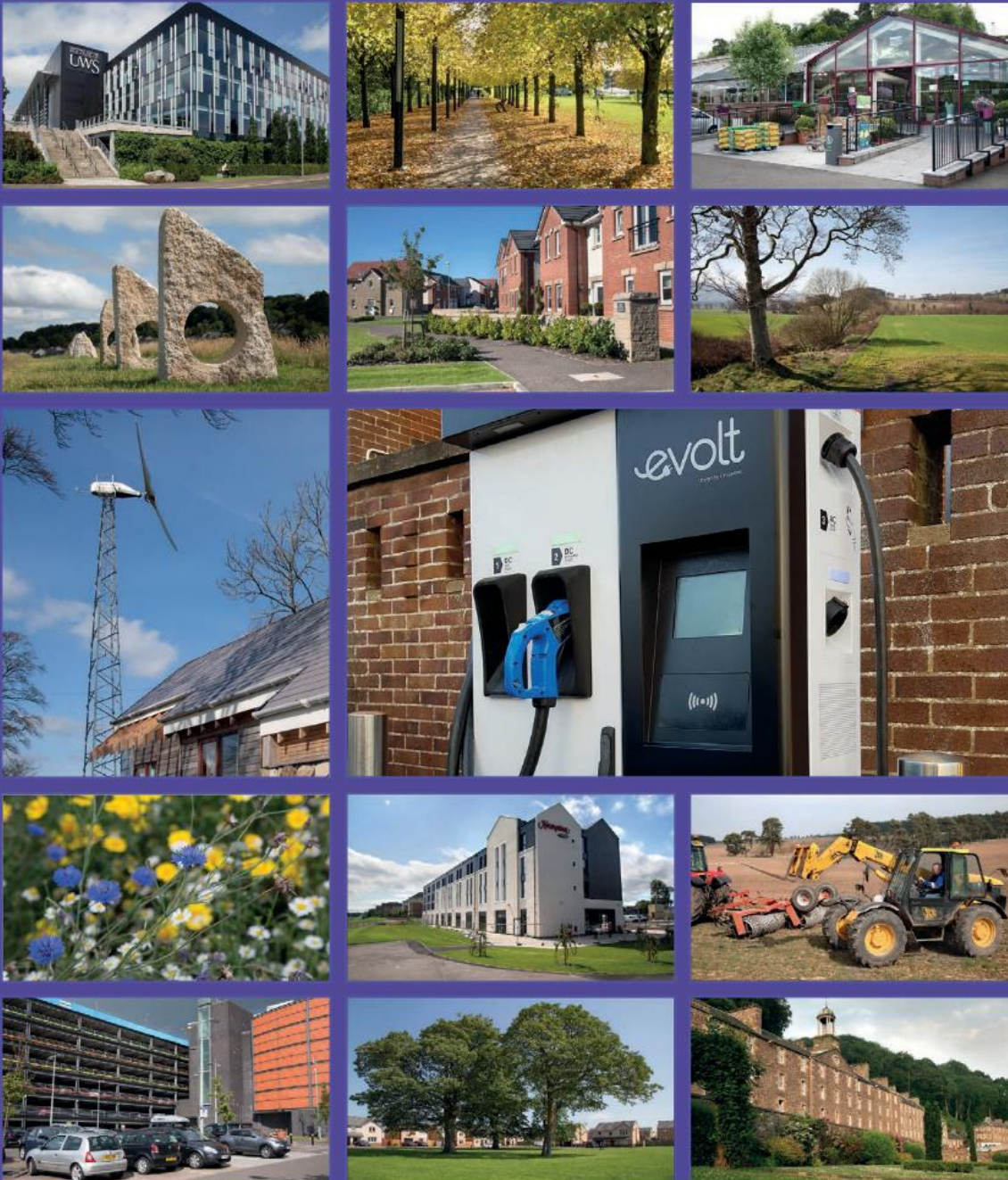
Supporting planning guidance

Electric vehicle charging points

August 2022



Community and Enterprise Resources



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## Introduction

### 1.0 Introduction



- 1.1** The transport sector is the largest emitter of greenhouse gases in Scotland, accounting for 29% of all emissions in 2019 with road transport making up the majority of those emissions at 66%. The Scottish Government's Climate Change Plan update published in December 2020, set out the pathway to meet Scotland's statutory greenhouse gas emission reduction targets by 2032. This includes an aim to phase out the need for new petrol and diesel cars and vans by 2030. The transition to Electric Vehicles (EVs) will contribute significantly to these goals. At the end of March 2022 5.2% of all vehicles on UK roads (approx. 477,000) were electric compared to 2.5% the previous year. In addition 10.8% of all new car registration in April 2022 were electric vehicles. As demand for EVs is growing rapidly, the aim is to enable people to have access to convenient and reliable EV charging infrastructure at home, at work and when out and about.

- 1.2** It is acknowledged that not every home will be capable of access to Electric Vehicle Charge Points (EVCPs), either within their curtilage or on the public network. To mitigate for this new non-residential premises should offer EVCPs to improve an accessible and wider provision available to members of the public.

### National Planning Policy

- 1.3** A draft NPF4 was published for consultation in late 2021 which sets 'a new spatial plan for Scotland that will look ahead to 2050 to set out where future development can bring benefits for people, the economy and environment'. The impact of climate change is a key theme throughout the document. In order to achieve the Scottish Government target of net-zero emissions by 2045 there will be a need for the planning system to be 'rebalanced' so that climate change will be an overarching priority for the spatial strategy and a guiding principle for all plans and decisions. Ultra-low emission vehicles (ULEV), including electric vehicles and the associated electric vehicle infrastructure will have a role to play.

### South Lanarkshire Council

- 1.4** South Lanarkshire Council seeks to become a leading local authority in the provision of Electrical Vehicle (EV) charging infrastructure and accelerate the area's transition to sustainable net zero travel, stimulating the region's economy and meeting the needs of the diverse local communities.

# South Lanarkshire local development plan 2

## 2.0 South Lanarkshire Local Development Plan

- 2.1** The adopted South Lanarkshire Local Development Plan 2 (SLLDP 2) contains Policy 2 Climate Change. This policy requires any new development proposals to minimise and mitigate the effects of climate change and the reduction of greenhouse gases through a range of measures including the provision of electric vehicle recharging infrastructure to encourage greater use of low carbon vehicles.
- 2.2** Reinforcing this requirement is Policy SDCC4 Sustainable Transport that advises to address climate change and support the use of electric vehicles, the Council will seek the inclusion of electric vehicle charging points (EVCP) within new developments.
- 2.3** This Supporting Planning Guidance (SPG) has been prepared to assist developers with these requirements in terms of the type and number of EVCP to be provided and the information that will be required to be submitted with planning applications. The guidance supports the policies in South Lanarkshire Local Development Plan 2, and the content of this SPG will be used in determining planning applications.



## General requirements

### 3.0 General requirements

- 3.1** All EVCP units must be located outwith the car parking space and any footpath requirements for the development (as requested by the Council's Roads and Transportation Services). The EVCP unit will require a minimum 0.5m of additional footpath, or land, where it is involves installation on the footpath network or communal/on street parking facilities. For EVCPs located between 2 car parking spaces, 0.5m additional land outwith car parking spaces is required.
- 3.2** Where EVCPs are installed in the curtilage of a new house, the additional space required for the charge units can be reduced to 0.2m and should be outwith both car parking spaces/driveways and accessible paths.
- 3.3** The EVCP infrastructure shall be capable of serving Fast Charging unit installation with connection to an appropriate electricity supply. A fast charge unit is defined as a charge point capable of delivering a minimum power output of 7Kw. Most UK residential properties use a single-phase power supply, which means most home charge points will be capable of charge at 7kW.
- 3.4** For commercial premises, communal parking or on street parking, a faster charge involving a 3-phase meter may be required to provide an output of 11kW – 22kW, where faster charge speed may be preferable.
- 3.5** It is acknowledged that within an on street car parking arrangement (allocated or unallocated) EVCPs can be installed either between 2 parking spaces, or as an extension to the footpath/land adjoining the parking spaces. Within this SPG, any examples of layouts are for indicative purposes only and do not represent all available options. The onus is on the developer to design the layout of car parking and the position of EVCPs in accordance with the guide and to meet the Council's Roads and Transportation Service requirements.

**3.6** Should you require further information on the car parking requirements raised within this SPG, please contact Roads and Transportation Services to discuss at [roadsandtransportation@southlanarkshire.gov.uk](mailto:roadsandtransportation@southlanarkshire.gov.uk)

**3.7** The SPG makes various references to policy and guidance from the Scottish Government and other statutory agencies. As this may change during the lifetime of the SPG, developers are advised that they must comply with the version that is current at the time of their application.



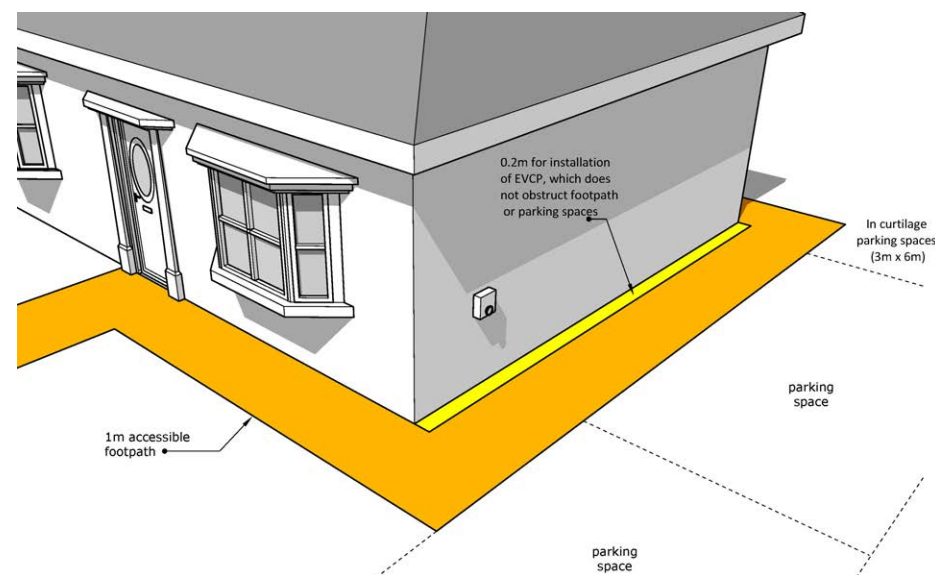
## General requirements

### New Residential Development

- 3.8** This advice applies to all residential types, including flatted developments, and across all tenures. The Council aims to ensure equality across new developments so that all residents in new housing developments regardless of whether they are in the private or rented sector are able to access an EVCP.
- 3.9** For new residential development of 1 or more units, the criteria below shall be met where it is applicable to the proposed development:
- Where in curtilage parking is provided EVCP infrastructure and a charging unit to serve at least 1 car parking space for each dwellinghouse will be required.
  - Communal car parking, or allocated on street parking, will be required to have EVCP infrastructure and charging units installed to serve a minimum of 1 car parking space for each residential unit that utilises the parking area.
  - Where a development involves a reduced car parking requirement of less than 1 space per dwelling unit, the EVCP infrastructure and charge unit requirement will be reduced to the maximum number of communal car parking spaces available.
  - All new disabled bays to serve a residential development shall be served by EVCP infrastructure and charge unit. The bays will be served by a full width dropped kerb to improve access to the charge unit, and the EVCPs will be sited outwith the bay and associated hatching.
  - The location of EVCPs should consider the distance from the residential unit it serves. The EVCPs should be located within car parking spaces as close as practical to residential units to ensure equal and reasonable access. This may result in dispersed units through the car parking provision, rather than a cluster.

- 3.10** Where evidence is provided from Scottish Power that the existing network/grid capacity serving the development is insufficient at the time of the application, consideration will be given to installing the infrastructure only or a phased approach. This is not based on financial implications. In such cases the applicant must demonstrate that the provision of the charging unit has been future proofed.

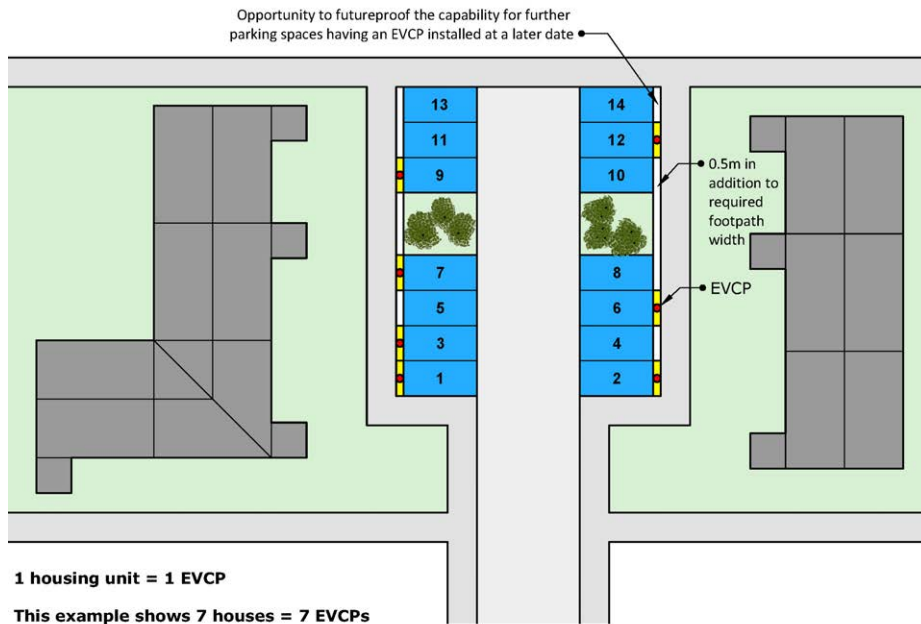
The following illustration demonstrates an EVCP within the curtilage of a dwellinghouse.





## General requirements

The following illustration demonstrates EVCPs within an on street car parking court.



## General requirements

### New non-residential developments

- 3.11** These requirements will only apply where the development is required to provide new car parking provision. This advice applies to all new build non-residential types of development, including education facilities, hotels, community buildings, offices, industrial estates and retail.
- 3.12** The exception is for new build premises located within retail parks that will utilise existing parking provision, including drive throughs and food and drink units. New premises within retail parks are required to upgrade existing parking spaces with EVCP infrastructure and charge units. The number of EVCPs required will be based on the number of parking spaces expected to serve the development. Please refer to the table below once this information has been confirmed with the Council's Roads and Transportation Service.
- 3.13** Developers are required to meet the following criteria where applicable:

New build non-residential EVCP provision	
Number of new spaces requested through the planning application	Number of EVCPs required
1-9	1 single charge point
10-19	1 dual charge unit or 2 single charge points.
20-29	2 dual charge units or 4 single charge points.
30 -49	4 dual charge units or 8 single charge points
50-79	6 dual charge units or 12 single charge points
80-89	8 dual charge units or 16 single charge points
100 and above	10 dual charge units or 20 single charge points

\*All new disabled bays require to be served by EVCP infrastructure and charge units. Disabled bays are in addition to the formation of standard bays. Please contact the Council's Roads and Transportation Service to confirm the number of disabled bays required.



## General requirements

### Installation and maintenance

- 3.14** The EVCP infrastructure and charge units are required to be installed during the construction phase. The developer should ensure that cabling and underground infrastructure is installed as necessary in consultation with Scottish Power Energy Networks. The onus is on the developer to meet the costs of installation and to agree grid capacity with Scottish Power Energy Networks.
- 3.15** The maintenance requirements for installed EVCP charge units serving communal parking, or allocated on street parking, will depend on whether or not the units are installed on the public network, or on private or communal land. Where the EVCP charge unit will be installed on the adopted public network there are a number of things to consider, and the developer should contact the Roads and Transportation Service to discuss. The charge point would need to meet South Lanarkshire Council's specification, it would need to be on the ChargePlace Scotland network, and a warranty and maintenance agreement would need to be provided with any transfer of ownership. The power supply/billing would also need to be transferred to South Lanarkshire Council. Where the charge point is on private land then these remain the responsibility of the developer/factor/private company.
- 3.16** The developer can find further advice on topics such as installation, equipment and wiring standards within Transport Scotland's document Common Requirements and Good Practice for the Charge Place Scotland Network.

### Exemptions

- 3.17** There will be no requirement for EVCP infrastructure or charge units to be installed for the following developments:
- Extensions to existing dwellinghouses.
  - Extensions to existing business premises where no additional car parking is requested.
  - Change of use of a building, either residential or non-residential, where no new car parking provision is requested.





## 4.0 Listed buildings

- 4.1** The installation of an EVCP unit onto the fabric of a listed building will require the submission of a Listed Building Consent (LBC) application. The historic fabric and character is to be taken into account when installing an EVCP unit. The preference is that a pole mounted option is investigated as a first option. This would prevent the need for drilling and fixing damage to the building fabric e.g. stone. Where this is not a viable option, any unit to be fixed to an external wall should be located within reach of the car parking spaces and should avoid being located on, or visually detract from, any decorative features, such as quoin stones or ornate stone work. The fixtures should use materials and methods appropriate for the existing building fabric e.g. lime based mortar. Details of any fixings will form part of the LBC application for approval.





## Planning application requirements

### 5.0 Planning application requirements

**5.1** The inclusion of EVCPs should be considered as part of the design process for the new development, and details submitted at the validation stage for detailed planning applications. If a proposal requires only the infrastructure to be installed under the guidance of this SPG, then future proofing for the installation of the EVCP charging units is required – this involves identifying space for EVCPs. Not future proofing the installation of EVCP units may prevent installations from taking place in the long term.

**5.2** The following criteria is to be met for detailed planning applications:

1. Detailed block plan showing the EVCP unit location within the curtilage of each plot, communal parking area or on street parking where relevant. The car parking spaces and any accessible paths shall also be indicated on the plan to ensure there is no conflict of space requirements.
2. The charging unit location must be accessible to a minimum of one parking space. This can be external to the building or within a garage (if the garage has minimal internal clear dimensions of greater than three metres by seven metres).
3. A maximum cable length of 5m shall be used to determine the suitability of parking and charging unit locations.
4. A suspensive condition will require the developer to submit further details prior to works commencing on site – including: cabling, ducting, and the proposed type of consumer unit capable of supporting a fast-charging unit (minimum 7kW).
5. A suspensive condition will require the developer to submit further details prior to works commencing on site confirming the factor agreement for any EVCP's which serve a communal car parking (or on street arrangement) on land outwith the adopted public network.
6. The EVCP infrastructure will be required at the construction stage. Where EVCP charge units are required to be installed, these shall be completed prior to the occupation of the dwellings they serve.



## Supporting assessments

### Introduction

Following the adoption of the South Lanarkshire Local Development Plan 2 in April 2021 the Council has begun preparation of a series of supporting guidance to support the plan. This includes draft Supporting Planning Guidance (SPG) to provide information and assistance to developers regarding the provision of Electric Vehicle Charging infrastructure. Section 9 of the Planning (Scotland) Act 2019 has removed the ability of Planning Authorities to prepare new Supplementary Guidance. Circular 6/2013 – Development Planning states that planning authorities may issue non-statutory planning guidance to provide detail on a range of subject areas. This form of guidance does not form part of the development plan. However, adoption by the Council gives it formal status, meaning that it will be a material consideration in decision making. Planning guidance can be updated as required and without the need for approval by Scottish Ministers.

### Supporting assessments

A series of assessments informed the preparation of the SPG. The technical studies are noted below. Strategic Environmental Assessment 1.6 In accordance with the Environmental Assessment (Scotland) Act, 2005, the Council prepared and submitted a strategic environmental assessment (SEA) screening report to the statutory consultation authorities, summarising its view that this SPG is unlikely to have significant environmental effects. The consultation authorities agreed with the Council's view and the Council made a formal determination that a SEA is not required for this SPG. The Council reached this view because it sits under the hierarchy of the Glasgow and the Clyde Valley Strategic Development Plan and the South Lanarkshire Local Development Plan 2, both of which have undergone SEA. The SG does not seek to change or amend policies in these plans.

### Habitats Regulations Appraisal

A Habitats Regulations Appraisal (HRA) screening exercise for this SPG will be undertaken in compliance with the EC Habitats Directive (Council Directive 92/43/EEC), and the Conservation (Natural Habitats, &c.) Regulations 1994 as

amended. This will be included in the HRA Record for the SLLDP. Any changes required as a result of the HRA shall be incorporated in the finalised supplementary planning guidance.

### Equalities Impact Assessment

An Equalities Impact Assessment of the South Lanarkshire LDP2 community infrastructure assessment policy was carried out and it was concluded that there are no adverse impacts on any of the communities covered by equalities legislation or on community relations.

The above technical studies can be viewed on the Council's website and are available on request from the Council.

# South Lanarkshire

Planning and Economic Development

## Local Development Plan 2

Supporting planning  
guidance

Electric vehicle  
charging points

South Lanarkshire  
Local Development Plan 2

South Lanarkshire Council  
Community and Enterprise Resources  
Planning and Economic Development  
Montrose House, Montrose Crescent  
Hamilton ML3 6LB  
[www.southlanarkshire.gov.uk](http://www.southlanarkshire.gov.uk)

If you need this information in another  
language or format, please contact us to  
discuss how we can best meet your needs,  
phone 0303 123 1015 or email:  
[equalities@southlanarkshire.gov.uk](mailto:equalities@southlanarkshire.gov.uk)

